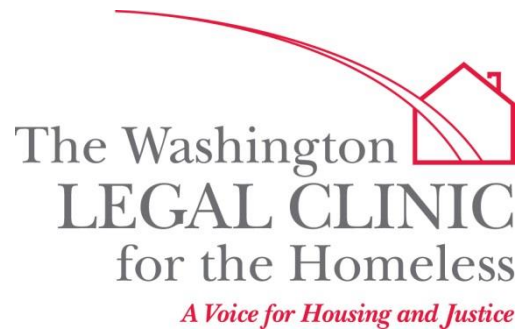


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D.C. Council Committee on Housing- DHS Budget Oversight Hearing- March 31, 2023

**Testimony of Joshua Drumming, Law Graduate; Wes Heppler, Counsel; Brittany K. Ruffin,
Director of Policy and Advocacy**

Good morning. Since 1987, the Legal Clinic has envisioned and worked towards a just and inclusive community for all D.C. residents, where housing is a human right and where every individual and family has equal access to the resources they need to thrive. We are members of the Fair Budget Coalition and the Way Home Campaign, and we strongly support the FY23 budget and policy recommendations of both coalitions.

Ending Homelessness

While D.C. has made strides in curbing its homelessness rate over the past few years, it is far from where it needs to be. Mayor Bowser campaigned on a promise of ending homelessness in the District, but as of 2022, D.C. still has 65.8 homeless people for every 10,000 people. This rate exceeds the rates of the states with the highest unhoused populations, such as California (43.7), Vermont (43.1), and New York (37.4). D.C. must act now to end homelessness in the District.

The Mayor's FY24 budget fails to invest budget resources towards DC residents' basic needs. Housing saves lives, but new voucher funding is absent in her budget. We and our coalition partners requested the FY24 budget meet the housing needs of D.C. residents by funding enough vouchers to permanently house roughly 4,500 households. Specifically, we are asking for the following:

Program	Households	Cost
Permanent Supportive Housing-families	480	\$18.87M
Targeted Affordable Housing	1920	\$58.4M
LRSP Tenant Vouchers	800	\$17.33M
PSH-individuals	1260	\$36.6M
LRSP vouchers for returning citizens	60	\$1.3M
Total	4520	\$132.5M

A \$132.5 million investment out of a \$19.7 billion budget is a small price to ensure everyone has a roof over their head. Vouchers are the most effective means of ending homelessness in D.C. but the lack of funding for FY24 indicates that ending homelessness is not a mayoral priority. However, funding vouchers and other programs that keep D.C. residents housed should be a priority for Council.

The inefficient distribution of existing vouchers has been cited by Mayor Bowser as the justification for the lack of investment in the budget, but that should not be a reason to defund new vouchers in FY24. Despite DHS or DCHA agency inefficiencies, the resident need for permanent housing still exists and will continue to be a need in FY24. D.C. residents in need of permanent housing should not be punished for current agency failures in the FY24 budget. Relatedly, we ask for better Council oversight of DHS and DCHA to reduce bureaucracy that induces voucher delays. Funding vouchers is extremely important, but only part of the solution. People need access to existing vouchers whether DHS can staff case managers or not.

Rental Assistance

D.C. must help residents maintain their housing. Considering that Mayor Bowser only allocated \$8.2 million to ERAP in her FY24 budget, it is paramount that this Council allocates additional funds to ERAP. ERAP typically runs out of funds halfway through the year. This year, DHS abruptly announced the closure of the application portal due to a projection that funds would be exhausted by May. The FY23 ERAP funding of \$43 million was more than it has been in previous years, yet still ran out prematurely. Despite that, the mayor's FY24 budget returns the ERAP funding to pre-pandemic levels (a decline of \$34.8 million).

Despite political narrative, D.C. residents are still hurting from the effects of the pandemic. Council must ensure residents can access sufficient funds to prevent displacement and increase oversight and legislative efforts to require reporting on ERAP administration and distribution, including timelines, staffing, and delays of administering organizations.

This ask should require a minimum of \$50 million in the FY23 supplemental budget and a minimum of \$117 million in the FY24 budget.

Rapid Re-housing Reform

While sustaining an unaffordable housing market is cruel, cutting D.C. residents from rental assistance for hitting an arbitrary time limit when they cannot afford market rent on their own is even crueler. Specifically, DHS will begin exiting families in August, with 500 families set to receive termination notices in the next six months (August is eight months earlier than the date promised). Going forward, DHS will also disallow people from requesting extensions. Based on the current budget, the remainder of current Rapid Rehousing families will be terminated in FY24.

In response to the looming exits, DHS has mentioned that families will be assessed for PSH and TAH eligibility. Though potentially ideal, this plan is failed by the complete absence of new PSH or TAH funding in the FY24 budget and “capacity issues” DHS cites as a preclusive factor towards housing individuals. DHS proposed DC Flex as an alternative. While helpful for some, DC Flex is not a solution for most in Rapid Rehousing. DC Flex provides people with \$8,400 annually, regardless of family size or rent amount, for five years. Transitioning Rapid Rehousing families to DC Flex will lead to families quickly running out of money and being evicted.

Council must pass the *Rapid Rehousing Reform Amendment Act*, ensuring no one pays more than 30% of their income towards rent, making case management optional, and requiring the Bowser Administration to determine Rapid Rehousing participants’ eligibility for permanent housing programs within the first six months of enrollment. As aforementioned, Council must actually fund new permanent vouchers, as well.

While the legislation does not yet have a clear fiscal impact statement, it is interconnected with our ask to end family homelessness. Every housing subsidy funded in that ask will decrease the fiscal impact of this ask. While the funding requests of permanent housing subsidies and rental assistance are not inexpensive, the moral price of continuing to choose homelessness despite D.C.’s ample resources is much more costly.

PEP-V and Non-Congregate Shelter Expansion

The PEP-V program was established in 2020 to protect the most vulnerable amongst the unhoused community. D.C. used hotels to house individuals experiencing homelessness whose medical conditions made them more susceptible to serious illness or death if they contracted Covid. DHS now plans to terminate PEP-V sites and, as a result, over 500 people will lose their housing. Between the premature clearing at McPherson and the sudden announcement of the expedited exit of Rapid Rehousing families, the unhoused community and those relying on DHS

subsidies have little reason to trust D.C. agencies. Unhoused persons must not only contend with displacement, but also with the natural trauma and repercussions of premature displacement without better options.

DHS has admitted that its current housing apparatus is not prepared to deliver the level and degree of care offered by PEP-V. Council must extend PEP-V or replace it with something with the same function of safe and private spaces. Medical respite programs and home health aides have been mentioned as remedies for those specialized needs, but the overall PEP-V need exceeds those limited and higher barrier resources.

Many congregate shelters are in poor condition and in need of substantial repair. Beyond that, many people have safety concerns with staying in shelters, often do not feel protected or respected by staff, are cautious of their ability to contract Covid in shelters, and are weary of shelters' tendency to separate families and limit how many belongings can be brought into shelters.

We ask Council to utilize existing funds to redevelop hotels and other spaces into decent, safe, and private shelter for individuals, and to fund secure storage options to safeguard the belongings of those experiencing homelessness. We are pleased that DHS has stated that, among other things, its \$138.2 million Capital Fund for Shelters will be used to open two non-congregate spaces in FY24. Two is a good start, but D.C. certainly needs to continue to plan for more. We ask for greater Council oversight to ensure that both non-congregate spaces are opened in a timely manner. The unhoused community cannot afford to detrimentally rely on another unfulfilled promise.

Shelter System Reform

When looking for emergency shelter, families often go to Virginia Williams in hopes of securing a place to stay for the night and are turned away. Scared for their family's safety and security, they turn to places such as the Washington Legal Clinic for the Homeless for assistance. To be granted access to emergency shelter, families must endure a burdensome process in which they are asked a series of invasive questions and to provide complex documents, while being forced to have different family members and friends prove their homelessness. DHS has stated that there are currently 102-unit vacancies in short term family shelters. These vacancies should be more easily utilized.

We ask that the Council amend the HSRA to require low-barrier eligibility shelter access and that DHS implement additional staff training so that families are not routinely and unlawfully denied.

Encampments

Under the Bowser Administration, there has been a proliferation of encampment clearings. Encampment clearings run counter to Biden Administration, USICH, and CDC guidance to suspend all encampment clearings that occur before providing people with housing first. The CARE pilot and subsequent evictions, which increased clearings and established “no tent” zones, is inhumane and dangerous.

Over the last year, several encampments have been cleared, resulting in a drastic decline in the number of places available for unhoused individuals. Due to the many issues present in shelters, some unhoused individuals decide that they would be better off elsewhere—oftentimes in an encampment. Their collective ability to live in an encampment has been continually diminished, with the last year resulting in the closings of encampments at 14th and U, Columbus Circle, Gompers and Burke Park, Scott Circle, and Logan Circle. Many of these clearings, undoubtedly, led to the ballooning of the largest encampment in the District, McPherson Square, before it, too, was cleared in a joint operation between NPS and DMHHS. This all occurred in the middle of hypothermia season. D.C. can care about those experiencing homelessness or D.C. can continue with encampment clearings. It cannot do both.

We ask that the D.C. Council immediately suspend all full encampment clearings now and after the pandemic. In lieu of these clearings, D.C. can conduct trash-only clearings, provide additional trash cans at encampments, and maintain portable bathrooms and hand washing stations. Furthermore, we ask that Council create legislative policies that standardize requirements and definitions related to encampment evictions, establishing due process for encampment residents and minimizing opportunity for random and/or politicized encampment evictions.

While there is no clearly defined fiscal impact for this request at this time, the fiscal impact is surely less than the current fiscal impact of encampment clearings.

Office of Migrant Services (OMS)

To help mitigate the harms created by the segregated and unequal system of services OMS provides to recent migrants residing in the District, the Legal Clinic joined the Migrant Solidarity Mutual Aid Network and the D.C. Immigrant Justice Platform in supporting amendments to the *Migrant Services and Supports Temporary Amendment Act*, which:

1. Either eliminates entirely the Title II changes to the HSRA’s definition of a, “resident of the District,” or narrowly revises that definition so that it does not broadly exclude various categories of immigrants from the HSRA continuum of care.

2. Establishes a legal right to OMS services and shelter for all migrants who are excluded from the DHS continuum of care by the Title II revisions to the definition of a D.C. “resident.”
3. Establishes reasonable due process rights and procedures to protect migrants who are denied OMS services or shelter.
4. Establishes reasonable quality of service standards for the services and facilities provided to migrants by OMS.

Further, it is critical that OMS funding is adequate to establish a pathway to housing for the nearly three hundred migrant families now staying in three designated motels. Many of those families have been in the motels for months without any options or opportunities for housing being presented by OMS. Furthermore, these 296 families, comprised of over 1,000 individuals, constitute less than half of the 2,206 migrants that DHS has processed since October 2022. There needs to be concerted effort to expedite the housing and services for all individuals being serviced through OMS.

While we are pleased to see recent and unanimous Council action to make amendments to the *Migrant Services and Supports Temporary Amendment Act*, there are still some amendments that need to be made to fully recognize the rights of migrant families, particularly a right to appeal.

Conclusion

D.C.’s potential will only be realized through concerted effort and consideration for the most vulnerable of its residents. D.C. can no longer afford to rest on its laurels. D.C. cannot afford to prioritize subsidizing additional traffic cameras or pickleball courts while making decisions to cut resources that ensure its residents are safely housed. The mayor promised to end homelessness, but the FY24 budget does not indicate an intention to do so. We ask Council to make necessary investments to meet the needs of DC residents and hold the mayor to her promise.