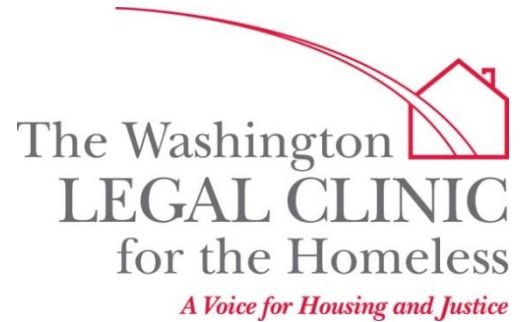


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D.C. Council Committee on Health Oversight Hearing for the Performance of DMHHS-
February 08, 2024

Testimony of Joshua M. Drumming, Law Graduate, Brittany K. Ruffin, Director of Policy and Advocacy, and Ann Marie Staudenmeier, Senior Counsel, The Washington Legal Clinic for the Homeless

Good morning. My name is Joshua Drumming, a law graduate from the Washington Legal Clinic for the Homeless. 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.

Today, I'd like to focus on encampments. Many encampment residents are surrounded by every belonging they own. Their encampments include everything that's important to them-- things of sentimental importance like family keepsakes and documents of legal importance like social security cards. Some leave their encampment (their home) for an hour or two and, upon their return, find that their home and everything inside is lost forever. This, unfortunately, is the experience of too many District residents. It is the order of things, as set by DMHHS.

Over the last seven months, DMHHS has used their immediate disposition protocol thirty-seven times, and more are sure to come. Immediate dispositions differ from normal clearings. For normal encampment clearings and cleanings, there is a mandatory fourteen-day notice period. The immediate disposition protocol allows DMHHS to clear an encampment without notice as long as it presents an immediate risk to health and safety. Specifically, immediate dispositions do not require notice at the encampment site or on the DMHHS website.

The Washington Legal Clinic for the Homeless understands the need to respond to immediate health and safety risks. However, DMHHS abuses the "healthy and safety risk" language and wields it against encampments that are neither unduly obstructive, nor inundated with biological substances or dangerous objects. Often, the immediate disposition is to remove one unhoused person from their site. In addition to the ambiguous immediate disposition standards, DMHHS has, at times, conflated the terms, "encampment clearing" and "encampment cleaning." While the website and encampment signage may say "cleaning," there may, in actuality, be an encampment clearing conducted. This precludes encampment residents from adequately anticipating and preparing for a mislabeled clearing. Ultimately, immediate dispositions, and more generally, encampment clearings, only retraumatize encampment residents.

Furthermore, these seizures of encampment belongings during immediate dispositions without notice (or adequate notice), the requisite risk factor, due process, or post-deprivation proceedings, are likely unconstitutional and will, potentially, lead to unnecessary litigation.

We ask that Council evaluate the current immediate disposition protocol and create legislative policies that standardize requirements and definitions related to encampment evictions (for both general clearings and immediate dispositions), establishing due process for encampment residents and minimizing opportunity for random and/or politicized encampment evictions.

Additionally, the Washington Legal Clinic for the Homeless would like to see a suspension of all full encampment clearings. In lieu of these clearings, D.C. can conduct trash-only cleanings, provide additional trash cans at encampments, and maintain portable bathrooms and hand washing stations. A HUD study found that clearing an encampment costs over \$1,000 per person on the low end. On the high end, it exceeded \$6,000 per person. This high cost will, undoubtedly, increase. Data indicates that homelessness in the District has increased by twelve percent and unsheltered homelessness has increased by 19%. The 2023 PIT count found 821 unsheltered individuals in the District of Columbia. Due to an increase in homelessness, inadequate and/or unsafe shelter space, a bottleneck in the lease-up process, and a variety of other factors, many unsheltered individuals live in what DMHHS would deem an encampment. Using conservative estimates, this will likely constitute a seven-figure investment by the District to evict and displace people--many even during hypothermia season. D.C. Council should know and be concerned with how much D.C. is spending annually to further displace and traumatize unhoused residents. When discussions of tight budgets and program cuts are contemplated, the budget for clearing encampments should be the first on the chopping block—certainly before cuts to important human services programs that provide fundamental needs to D.C. residents.

The current administration seems set on getting rid of all visible signs of homelessness. Unfortunately, unhoused residents in encampments are indicators of a failing system and a lack of affordability that displaces and dispossesses primarily Black and brown people. This Committee and D.C. Council has the ability to do better by establishing actual and codified standards to govern immediate dispositions, improving the shelter system that dissuades far too many people from accessing it, investing in housing resources, and granting encampment residents the dignity that comes with due process of law.