



D.C. Council Committee on Housing-DCHA Oversight Hearing- February 22, 2024

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Good afternoon, Committee Chair and Committee members. Since 1987 the Legal Clinic has worked towards a just and inclusive community for all residents of the District of Columbia-- where housing is a human right and where every individual and family have equal access to the resources that they need to thrive. The Legal Clinic strongly recommends that this Committee use its oversight authority to ensure DCHA adheres to local and federal laws and establishes policies for better accessibility and preservation of affordable housing. This testimony will highlight a few of our primary areas of concern.

For decades, D.C. public housing residents have had to endure deplorable and dangerous conditions despite their longstanding advocacy for change. D.C. Housing Authority is executing a large-scale public housing demolition and renovation for several public housing properties. However, the constant agency turnover and the agency's failure to engage in a transparent redevelopment process has left residents, community members, and even DCHA staff unaware of the current agency plan. We hope to see positive changes through the new administration at DCHA. However, D.C. Council should ensure that DCHA and this Committee center the needs of displaced residents and codify DCHA's promise of residents' right to return once the renovations are complete by reintroducing and passing the *Public Housing Preservation and*

*Tenant Protection Amendment Act of 2020* and include its language in the Budget Support Act (BSA).

In response to HUD's scathing 2022 audit, DCHA decided to completely overhaul the existing regulations that govern the administration of public housing and the HCVP program. Since 2023, the agency has published three proposed *Admin Plans* and *Admissions and Continued Occupancy Plans* (ACOP). DCHA erroneously proposed these rules as emergency measures and discarded their long-standing practice of transparency and community feedback *before* publication. After each publication, legal service providers and tenants' rights organizations submitted joint comments to DCHA concerning the agency's extremely problematic and harmful revisions. However, even after two working group sessions with DCHA to detail our group's concerns, each iteration of regulations has failed to demonstrate meaningful consideration of the feedback provided and continues to create barriers for current and prospective tenants and bypass local and federal law. This Committee should be aware that DCHA has made significant substantive changes to long-standing and accepted rules within the new *ACOP* and *Admin Plan* regulations, which will likely result in an overall increase in the program terminations/denials while minimizing due process protections. For instance, under the new ACOP regulations (public housing), DCHA has taken unilateral action to reduce applicants' and current residents' right to request an informal hearing within one-year of an adverse action to a mere 15 days. This effectively denies their right to due process and will likely result in the unjustifiable termination of hundreds of extremely-low income families. DCHA has also reduced its obligation to produce requested documents and files before hearings, further diminishing agency accountability and violating due process rights. The agency's new policy to deny applicants based on their pre-DCHA rental history and use arrests records that have not resulted in convictions is counterproductive to accessibility, ignores the realities of the low and extremely-low-income populations it is tasked to serve, violates local laws, and rejects federal

HUD guidance. Unfortunately, these are only a few examples of the harm caused by the new regulations. Undoubtedly, these changes will have a deeply negative impact on accessibility and housing retention. The Committee should use its oversight authority to ensure that DCHA follows all federal and local laws, particularly laws intended to increase accessibility and the preservation of affordable housing. Now that DCHA has a new Executive Director and General Counsel, DCHA residents and advocates look forward to returning to a more collaborative and transparent rulemaking process.

Relatedly, while we are supportive of the federal rent-reasonableness policy and have long advocated for DCHA's proper administration of it, there is a lack of transparency and guidance that is causing confusion with its implementation. This confusion is causing barriers for voucher holders and is negatively impacting an already disadvantaged population. Currently, voucher-holders are having to pay multiple application fees due to DCHA's lack of guidance and poor implementation of its rent reasonableness tool. DCHA's efforts should be focused on better understanding and administering rent reasonableness so that D.C. residents seeking to use their vouchers are not unfairly burdened.

D.C. Council should also implore DCHA to increase transparency and create open and direct communication channels from residents to DCHA. The agency should improve its technology to streamline the voucher process to ensure that D.C. residents are quickly and efficiently notified of their status and are housed. The agency should implement a coordinated voucher utilization process that allows for greater agency accountability, better collaboration with DHS, and a much shorter lease-up timeframe.

Finally, in order for DCHA to fulfill its mission to provide safe, healthy and affordable housing to D.C. residents, the agency must have an independent Board of Commissioners and voting resident members. D.C. Council must create a thoughtful framework to appoint an effective and independent Board of Commissioners once the current Stabilization and Reform

Board expires. We are hopeful that through Council's oversight along with DCHA's new leadership the agency will comply with local and federal regulations and adopt policies that reflect a commitment to ensuring D.C. residents have access to safe and affordable housing.