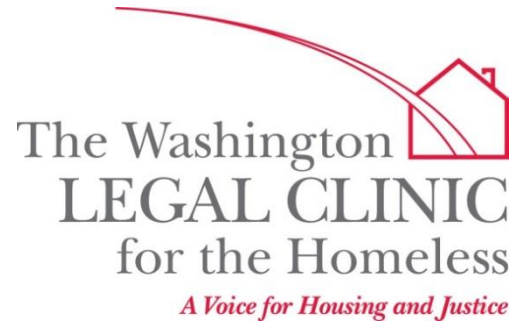


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**Committee on Housing Hearing-Emergency Rental Assistance Reform Amendment Act of
2024-November 15, 2024**

*Testimony of Joshua M. Drumming, Law Graduate; Brittany K. Ruffin, Director of Policy and
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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.

D.C. continues to be one of the most unaffordable cities in the nation. On average, it costs \$2,300/month for a one-bedroom and \$3,091/month for a two-bedroom apartment. Wages in the District, like wages elsewhere in the nation, have failed to keep pace with the cost of living. The fact that D.C.’s expenses eclipse most other cities makes this reality even more troubling. Housing instability and homelessness has increased by 14% this year and family homelessness has increased by 39% since 2023. Naturally, given these facts, it becomes considerably more difficult to put food on the table, purchase other necessities, or keep a roof over your head. ERAP’s very existence evidences the fact that, sometimes, no matter how hard one tries, people need assistance to bridge the gap between their income and rent.

In the fall of 2020, Council unanimously passed emergency legislation that removed barriers to the ERAP process and helped tenants remain housed. The *Emergency Rental Assistance Reform Emergency Amendment Act of 2024* reversed improvements and reduced access to much needed rental assistance – all with zero input from tenants, advocates, or legal service providers. Permanent legislation should not be passed this way. D.C. Council must

engage with those most impacted to produce legislation that reduces harm and increases the success of ERAP.

ERAP suffers from inefficient program administration that leads to delayed application processing and payments. Before October's ERAP changes, ERAP applicants could self-attest to various things, such as identity and income. This simplified and streamlined the process, allowing tenants to pay rent and for landlords to receive payments faster. The current legislation removes self-attestation in all but one scenario. Applicants can only self-attest to the nature of an emergency, a barrier that did not even exist prior to this legislation. Previously, ERAP applicants did not need to actually establish that an emergency occurred. Now, they must document or otherwise establish that they had an emergency, as well as the nature of the emergency. Self-attestation is only permissible for this limited use.

The mayor and several councilmembers expressed concern that ERAP applicants were somehow, "gaming the system," a sentiment based only on the word of landlords and housing providers. There are many reports of how the previous legislation eased access and more effectively assisted tenants in maintaining their housing. There are no documented reports of widescale fraud or indicia that the recent change to remove self-attestation was necessary. Unsubstantiated anecdotes from landlords are neither an effective, nor equitable foundation for legislation. It is, however, an incubator for the proliferation of racist and classist myths. There isn't a high incentive to defraud ERAP. Payments are paid to landlords, not tenants. This bill hurts tenants and landlords, making it easier for tenants to be evicted and harder for landlords to get paid for tenants' arrearages.

Beyond the aforementioned issue, this bill alters the calculus surrounding eviction stays. Previously, tenants with a pending ERAP application could receive an eviction stay —no matter how many stays were necessary. This was in response to an acknowledged administrative delay. Under this current law, tenants only have one eviction stay as a matter of right. Beyond that, it is

up to judicial discretion as to whether additional stays will be granted. This opens the door for similarly-situated applicants to receive disparate and inequitable results.

We understand that D.C. Council feels compelled to fix the rent collection issue for landlords, but this law does nothing to fix the matter. This law also fails to hold landlords accountable for when they fail to provide needed documentation for ERAP application processing or DHS when they do little to expedite their administrative delays. This is one more symptom of a bill crafted with limited input and unilateral vision.

This law makes it harder for struggling low-income tenants to pay their rent, avoid eviction, and stay in their homes. We implore Council to reconsider the ultimate purpose of ERAP, stand with low-income renters, and revive previous tenant protections in new permanent legislation.