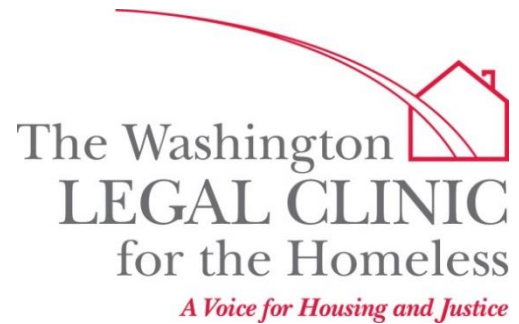


True Reformer Building
1200 U Street NW, Washington, DC 20009
(202) 328-5500 | www.legalclinic.org
Amber W. Harding, Executive Director



D.C. Council Committee on Health Oversight Hearing for the Performance of DMHHS-February 12, 2025

Testimony of Joshua M. Drumming, Policy and Advocacy Attorney and Brittany K. Ruffin, Director of Policy and Advocacy

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.

A subsection of this city that has not been allowed to thrive is the unhoused community. This is most visible amongst those that are also unsheltered and living in encampments. These are people who, likely because of deficits in D.C.'s housing infrastructure, have chosen to live on the street rather than in a shelter. Instead of reducing factors that make shelters unappealing or increasing permanent housing resources, the Bowser administration has chosen to incessantly target D.C.'s unsheltered community members.

Just last year, there were approximately 100 encampment clearings conducted by DMHHS—efforts to displace, not house, people experiencing homelessness. Mayor Bowser previously campaigned on a promise to end D.C. homelessness. Unfortunately, homelessness in D.C. has only increased. Per the 2024 PIT count, homelessness in the District has increased by fourteen (14%) percent and unsheltered homelessness has increased by more than eight (8%) percent. The 2024 PIT count found almost 900 unsheltered adults in the District of Columbia. Due to an increase in homelessness, inadequate and/or unsafe shelter space, mass terminations in FRSP, a weakening of eviction protections, and a harmful change to ERAP, the unsheltered population will likely grow.

DMHHS has been weaponized to erase the proof of homelessness, targeting encampments and throwing away what is, oftentimes, every item an individual owns. Sometimes, items hold sentimental value. Sometimes they are documents of legal importance. Unfortunately, at the end of many DMHHS engagements, most items are discarded—often in direct violation of the requirement to store non-trash items.

Under the Bowser Administration, encampment evictions have become commonplace. In 2022, approximately seventy people were evicted from the McPherson encampment. In May 2024, DMHHS and NPS evicted over sixty individuals from the Foggy Bottom encampment. Now, DMHHS plans to clear the Whitehurst encampment site next month. Whitehurst was home to approximately twenty people and, despite postponements, the threat of

the looming eviction has already led some to flee the space. Ultimately, no matter how many people remain when DMHHS finally arrives, mass displacement will still have occurred.

Encampment evictions, generally, must be accompanied by fourteen (14) days notice, but there is an exception to this mandate: immediate dispositions. The immediate disposition protocol allows DMHHS to clear an encampment without notice as long as it presents an immediate risk to public health and safety. Specifically, immediate dispositions do not require notice at the encampment site or on the DMHHS website. Unsurprisingly, these immediate dispositions have increasingly been used as the preferred method of encampment clearings. Last year, over a third of the encampment evictions were immediate dispositions. Due to the lack of required notice, DMHHS can avoid coordination with outreach workers and observation by legal service providers that are present to ensure encamped residents' rights.

Responding to immediate public health and safety risks is important. However, DMHHS misuses the "public health and safety risk" language, using it against encampments that do not present such risks. Often, the immediate disposition qualification is used to remove a single unhoused person from their location. It serves only as a tool to retraumatize vulnerable residents through uncertainty and dispossession. And, due to its procedural holes, those victimized by this protocol cannot avail themselves of due process proceedings. Eliminating the visibility of homelessness does not eliminate homelessness. The solution to street homelessness is housing, not further displacement.

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, DMHHS should suspend 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—things that actually keep people safe and healthy.

This Committee and D.C. Council must provide greater oversight over encampment evictions within DMHHS. D.C. Council should require regular reporting from DMHHS that includes data on the number of evictions and immediate dispositions, the location and ward in which the evictions occurred, the number of community members evicted from each site, and the financial cost of each encampment eviction. D.C. Council must establish codified standards to govern immediate dispositions, implement greater guardrails for encampment eviction-related involuntary hospitalizations, improve the shelter system so that encampments do not appear to be better alternatives, invest in housing resources, and endow the encampment space with the quiet dignity of due process of law.