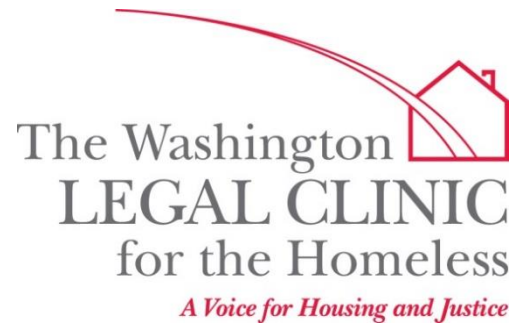


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D.C. Council Committee on Health- DMHHS Budget Oversight Hearing- June 5, 2025  
*Testimony of Joshua M. Drumming, Policy and Advocacy Attorney, and Brittany K. Ruffin, Legal Director, Systemic Advocacy and Litigation, The Washington Legal Clinic for the Homeless*

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 has equal access to the resources that they need to thrive.

Encampment policies have changed since last budget season. Unfortunately, nothing has improved, but several things have worsened. Normal encampment engagements once had a fourteen-day notice period. Recently, notice has been reduced to seven days. Immediate dispositions, on the other hand, allow DMHHS to clear encampments without notice as long as they pose immediate risks to health and safety. Specifically, immediate dispositions do not require notice at the encampment site or DMHHS website. DMHHS continues to weaponize immediate dispositions to displace community members and clear encampments. This year, DMHHS's Encampment Response Team (ERT) has conducted at least sixty-four engagements. Of these, at least three were immediate dispositions. While there were likely substantially more, the opacity of the immediate disposition schedule, in conjunction with a recent decrease in our access to this information, have only allowed us to be sure of three immediate dispositions.

Encampment clearings can too easily qualify as immediate dispositions due to the nebulous nature of the "public health and safety" determination. As a result, encampments that pose no actual health or safety threat to the public are swiftly dismantled and their residents are dispossessed. Often, immediate dispositions are used for single persons. Those encampment

residents often receive little to no outreach before clearings and posted signage may not even be visible. Once clearings begin, all or nearly all belongings are thrown away, despite DMHHS's mandate to store non-trash items. The seizure and destruction of 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 urge Council to evaluate the current immediate disposition protocol and create legislative policies that standardize definitions and requirements for encampment evictions of all types, establishing due process for encampment residents and minimizing opportunity for random and/or politicized encampment evictions.

Recently, President Trump issued an executive order calling for the beautification of D.C. by targeting any encampment found on federal land, but this is concerning for those that encamp anywhere in the District. The average D.C. resident does not know where federal land begins and D.C. land ends. This will lead to calls being made about individuals encamped on D.C. land. The federal task force this executive order creates will coordinate, when necessary, with local officials, such as the Mayor and DMHHS. Thus, this executive order creates a system that puts all encampments in the federal crosshairs; some will directly be destroyed by federal officials, while others will be taken down by DMHHS under the auspices of the federal government.

D.C. Council should suspend all encampment clearings. Instead, D.C. can conduct trash only cleanings, provide additional trash cans at encampments, and maintain portable bathrooms and hand washing stations. Ending full encampment clearings saves D.C. money in a year where over a billion dollars was stripped from the budget. If the decision is made to impose cuts to critical human services in the FY26 budget due to a tight budget, there is certainly no justification for the maintenance of DMHHS funding in the FY26 budget that will only be used to unnecessarily clear encampments and cement D.C. as an arm of the federal government. Additionally, Council should create legislative policies that standardize requirements/criteria and

definitions related to encampment evictions, establishing due process for encampment residents, and minimizing opportunity for random and/or politicized encampment evictions.

Housing and benefits are what preclude homelessness. When DC decides to defund those and allocate all of its resources towards the affluent, they are deciding to prioritize those with abundance over the elimination of homelessness and the mitigation of poverty.