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Testimony Before the District of Columbia Council
Committee on Government Operations & Facilities
June 14, 2021

Budget Oversight Hearing:
Office of Administrative Hearings

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Thank you, Chairperson White and members of the Committee for the opportunity to testify regarding the budget for the Office of Administrative Hearings (OAH). My name is Elizabeth Oquendo and I am a senior policy attorney at Children's Law Center, which fights so every DC child can grow up with a loving family, good health, and a quality education.¹ With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

A Budget for a True Community

Establishing the District's annual budget may be the Council's most important, and difficult, job. The budget funds the education of our children, supports our most vulnerable community members, and pays for the myriad services the District provides the public. The budget requires hard choices and tradeoffs in allocating limited dollars to the needs of District residents.

It is easy to get lost in the thousands of pages of spreadsheets and line items and hearing testimony. But come August, when the Council gives its final approval, the budget will define our priorities and who we are as a community. What will it say about us? Will it say, in the words of human rights advocate Pauli Murray, that we are a "true community ... based upon equality, mutuality, and reciprocity" – will it "affir[m] the richness of individual diversity as well as the common human ties that bind us together"?²

How do we build a budget for a “true community”? We start by recognizing that different members of our community have experienced the COVID-19 pandemic very differently. It has fallen hardest on Black and Brown members of our community:³

30,000	5x	4+ months behind
<p>Nearly 30,000 of DC’s Black or Latinx residents have been infected with COVID-19 compared to just 10,000 white residents</p>	<p>Unemployment East of the River skyrocketed to five times the rate in neighborhoods in Wards 2 and 3</p>	<p>During the first six months of virtual school, at-risk students fell five months behind in math and four months behind in reading</p>

The stark disparities in the impact of COVID-19 have only exacerbated the deeply imbedded inequities these members of our community have long faced.⁴

A budget for a “true community” would honestly and aggressively confront these inequities. It would fund programs to allow students, especially at-risk students and students with disabilities, to recover the learning they have lost and ultimately to thrive in school. It would provide the behavioral health supports many students need to manage the stress and trauma they have experienced. It would prioritize the protection and care of children placed in foster care. It would support stable, healthy housing for families threatened by economic insecurity and dangerous housing conditions. And it would fund these pressing needs not by trading off social programs against each other, but by building a budget that creates a “true community” based on equity and justice.

Residential Housing Environmental Safety Amendment Act of 2020

My testimony focuses on funding the implementation of the Residential Housing Environmental Safety Amendment Act of 2020 (B23-132, Act 23-607), particularly funding OAH's important new responsibilities under this new law.

The Council passed Act 23-607 last December to strengthen enforcement of DC's mold law and protect DC families against the serious health hazards caused by household mold contamination.⁵ The Act will require the Department of Consumer and Regulatory Affairs (DCRA) to conduct mold inspections and enforce DC's mold law, something it has failed to do since the Council enacted the mold law in 2014. The Act also requires OAH to hear appeals from the property owner or tenant regarding DCRA decisions concerning the timeline for indoor mold remediation. According to the Act's fiscal impact statement, OAH will need to add a new judge and two legal assistants to handle these appeals. The impact on OAH's budget will be a mere \$329,000 in FY22.⁶

Children's Law Center urges the Committee to fund these minimal additional costs in OAH's budget and thereby implement Act 23-607. A study conducted by Children's Hospital found a significant association between unhealthy housing and poor asthma control; nearly 25% of children with persistent asthma in the study lived in unhealthy housing, including housing with mold contamination and insect and rodent infestation.⁷ Moreover, diseases like asthma do not impact families equally throughout the city; children living in Wards 7 and 8 are 20 times more likely to go to the hospital

for asthma treatment as children living in Ward 3.⁸ Fully funding Act 23-607, including OAH's role in hearing appeals, is essential to addressing the inequitable and serious health hazards caused by indoor mold contamination.

This funding would be money well spent, not only because it will help keep families and children safe but also because it will reduce the enormous societal costs (e.g., increased health care and social assistance spending) arising from harm caused by unhealthy housing conditions. Our research demonstrates home conditions like mold have a serious impact on children's health, and by improving housing conditions, we can keep a child out of the hospital. In our multiyear study, we found that when we improve a family's housing, Medicaid saves over \$10,000 per year for each child with asthma.⁹

In short, fully funding Act 23-607 should be seen as a public investment which will protect DC families and *save* the District health care dollars in the long run.

Conclusion

We appreciate the opportunity to provide this testimony and are available to answer any questions the committee might have.

¹ Judges, pediatricians, and families turn to Children's Law Center to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With nearly 100 staff and hundreds of pro bono lawyers, we reach one out of every nine children in DC's poorest neighborhoods--more than 5,000 children and families each year. We multiply this impact by advocating for city-wide solutions that benefit all children. See <https://www.childrenslawcenter.org/>.

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- ² Pauli Murray: Selected Sermons and Writings, page 210. *See* <https://www.facebook.com/paulimurrayproject/posts/true-community-is-based-upon-equality-mutuality-and-reciprocity-it-affirms-the-r/10153189445686943/> .
- ³ *See* Children’s Law Center Annual Report – 2020 at 4, *available at* https://www.childrenslawcenter.org/sites/default/files/Final.childrenslaw_center.annual.report.2020..pdf . *See also* Letter from Mayor Bowser to Honorable Phil Mendelson, at 1 (May 18, 2020), *available at* <https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC-GOVT-FY-2021-PROPOSED-BUDGET-VOLUME-1.pdf> (page 21) (recognizing the “distressing health disparities that exist across our nation and within our community”); Perry Stein, “Low Attendance and Covid Have Ravaged D.C.’s Poorest Schools – Fall Will Be About Reconnecting,” *Washington Post* (May 10, 2020), *available at* https://www.washingtonpost.com/local/education/in-dc-schools-spring-was-ravaged-by-covid-and-disconnection-fall-will-be-about-catching-up/2020/05/10/60ad1774-8b3f-11ea-8ac1-bfb250876b7a_story.html .
- ⁴ *See* President Obama’s commencement speech historically Black colleges and universities (May 16, 2020) (recognizing “the disproportionate impact of Covid-19 on our communities” and stating that “a disease like this just spotlights the underlying inequities and extra burdens that black communities have historically had to deal with in this country”), *available at* <https://www.nytimes.com/2020/05/16/us/obama-hbcu-speech-transcript.html?action=click&module=RelatedLinks&pgtype=Article> .
- ⁵ Children’s Law Center testified in support of B23-132 at a December 2019 public hearing. *See* Testimony of Evan Cass, Children’s Law Center Before Comm. on Transportation & Environment at 1-2 (Dec. 9, 2019) (CLC 2019 Testimony), *available at* <https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/CLC%20Testimony%20for%20Dec.%209%20Hearing%20on%20Indoor%20Mold%20Bill%20B23-132.pdf> .
- ⁶ Fiscal Impact Statement on B23-132 (Dec. 1, 2020), *available at* https://lims.dccouncil.us/downloads/LIMS/41819/Other/B23-0132-FIS_Residential_Housing_Environmental.pdf .
- ⁷ CLC Pro Bono Attorney Training Presentation at 18 (July 2020), *available at* <https://www.childrenslawcenter.org/file/11036/download?token=p9K9nC4c> .
- ⁸ *See* Morgan Baskin, “Doctors blame D.C.’s high asthma rates in part on poor housing,” *Washington City Paper* (May 22, 2019), *available at* <https://www.washingtoncitypaper.com/news/housingcomplex/article/21069963/doctors-blame-dcs-high-asthma-rates-in-part-on-poor-housing> .
- ⁹ *See* CLC 2019 Testimony at 1-2.