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Testimony Before the District of Columbia Council
Committee of the Whole
June 25, 2021

Budget Oversight Hearing
Committee of the Whole

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Introduction

Good afternoon Chairman Mendelson and Councilmembers. My name is Judith Sandalow. I am the Executive Director of Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a stable family, good health and a quality education. With nearly 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.

Since the release of the Mayor's proposed budget just less than a month ago, my colleagues and I have come before six different Council Committees to testify about the proposed budget of more than 13 agencies urging for a budget that meets the needs of the District and its children as we emerge from the pandemic and plan for a better future.²

The Council debated, discussed and passed several pieces of legislation last year which are not yet funded. In my limited time today, I want to highlight several of these new initiatives and urge you to take them across the finish line. These programs and our other recommendations are described in much greater detail in the written testimony previously submitted to the Council.³

I will also mention several budget items that have an enormous impact on children's health and wellbeing, but which are not adequately funded or, for technical reasons, need to be fixed in the budget.

The first newly passed but unfunded law is the Office of the Ombudsman for Children. The Council recognized the urgency and importance of providing quality oversight and meeting the needs of DC's foster children when it unanimously passed this bill in December and then overrode the Mayor's veto 12 to 1 in February.⁴ Not surprisingly, the Mayor's proposed budget does not fund the creation of this new office. The Council must now take this legislation over the finish line by committing the \$800,000 in local recurring dollars for FY22.⁵

Similarly, the Council passed and then overrode the veto of the Department of Buildings Establishment Act. Despite repeated efforts to reform the agency, the Department of Consumer and Regulatory Affairs' housing inspection program has been lax and unresponsive for years, leading to loss of life and highly critical DC auditor reports.⁶ As you know so well, funding the Act will create the Department of Buildings, an agency that will actually enforce the law, collect fines and promote healthy housing conditions.⁷

The Residential Housing Environmental Safety Amendment Act of 2020 (B23-132, Act 23-607) was also passed last December to strengthen enforcement of DC's mold

and lead laws and protect the health of tenants and families. This bill needs \$3.9 million dollars in FY22 to go into effect.⁸

Lastly, the Council passed the Students' Right to Home or Hospital Instruction Act of 2020, an important but small Act that remedies problems in providing instruction to students confined to home or hospital due to a medical condition. This Act needs just \$162,000 for FY22 to go into effect.⁹

In addition to these new unfunded pieces of legislation there are the underfunded or defunded existing programs. School Based Mental Health (SBMH) expansion is a program this Council has repeatedly recognized as critical. Indeed, last year when the Mayor failed to fund the planned expansion of the program, the Council stepped in and ensured the program was expanded to 60 new schools.¹⁰ The Mayor's proposed budget this year allocated almost enough money to finally finish the expansion to all schools, but fell just \$841,000 short of what is required to place one full-time clinician in each of the remaining 83 DC public schools.¹¹ The Mayor's proposed budget also short-changes the community-based organizations that will, as this Council has repeatedly noted, need to provide extra supports to children coming back to in-person learning this fall. Therefore, we urge the Council to allocate an additional \$1.5 million in one-time federal dollars from the American Rescue Plan to cover increased costs for current SBMH providers to provide non-clinical services and supports for all

students and staff. The Mayor covered these additional costs last year by using one-time federal dollars, and we ask the Council to do so again this year.

The early childhood parallel to SBMH is Healthy Futures. This program follows a nationally recognized model in which mental health professionals work with early care and education providers and family members to promote social-emotional development, prevent the escalation of challenging behaviors, and provide appropriate referrals and services. Over the past year, Healthy Futures expanded to include nearly 135 child development centers, providing services to staff and directors on a weekly basis.¹² We urge the Council to ensure DBH's budget includes sufficient funds to expand Healthy Futures to up to all remaining child development centers in FY22.

Another important program for child and family wellbeing left underfunded is HealthySteps DC, an innovative, and cost-effective program that reaches DC's most vulnerable families. The Birth-to-Three for All Act of 2018 contemplated adding a locally funded site each year, but the Mayor's proposed budget did not add additional funding this year.¹³ The cost is modest, an additional \$300,000 to open an additional site in FY22. The Council has committed to this very successful evidence-based program, and we urge it demonstrate its commitment by adding the funds for an additional site.

Another Council initiative that needs to be protected is Targeted Affordable Housing vouchers (TAH). The Council created TAH "to better match families and

individuals experiencing homelessness with the correct amount of housing and supporting services.”¹⁴ What distinguishes TAH from the only other long-term option, Permanent Supportive Housing (PSH), is that it includes families who have a child with a disability. PSH requires the head of household to have a disability. Unless TAH receives funding, a significant number of families who have previously qualified for TAH will be at risk of homelessness. The Mayor’s FY22 budget does not allocate any funding to the program.¹⁵ The Council should retain this important program it created.

This Council has also importantly recognized the need for reform of the police and established the Police Reform Commission.¹⁶ The Council needs to give serious weight and consideration to the recommendations of the Commission. Given our focus on children, we have repeatedly highlighted our support for the recommendations regarding schools and children. It is important to transition to police-free schools and this budget is an opportunity to make that change.

Lastly, Access to Justice funding has been a key component of racial justice and ensuring that all residents of DC can meaningfully protect their rights. Civil legal services are a particularly important component of the recovery efforts from the pandemic. We urge the Council not to leave funding at FY21 levels but increase funding as an important investment in a just DC.

Thank you for the opportunity to testify today. I welcome any questions the Council may have.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate 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 more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Sharra E. Greer, Testimony before the District of Columbia Council Committee on Housing & Executive Administration, June 22, 2021, *available at*:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/SGreer_Children%27s%20Law%20Center%20Testimony%20for%20June%2022%2C%202021%20City%20Administrator%20Budget%20Oversight%20Hearing_FINAL.pdf.

Elizabeth Oquendo, Testimony before the District of Columbia Council Committee on Human Services, June 14, 2021, *available at*:

<https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/DHS%20Budget%20Testimony%20-%20FY22%20-%20Children%27s%20Law%20Center%20-%20Final.pdf>

Elizabeth Oquendo, Testimony before the District of Columbia Council Committee on Transportation & the Environment, June 14, 2021, *available at*:

<https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/2021%20DOEE%20Budget%20Hearing%20-%20Children%27s%20Law%20Center%20-%20Final.pdf>

Elizabeth Oquendo, Testimony before the District of Columbia Council Committee on Government Operations & Facilities, June 14, 2021, *available at*:

<https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/2021%20OAH%20Budget%20Oversight%20-%20Children%27s%20Law%20Center%20Final.pdf>

Sharra E. Greer, Testimony before the District of Columbia Council Committee on Health, June 11, 2021, *available at*:

<https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/Sharra%20Greer%20DC%20Health%20Testimony%20Before%20the%20District%20of%20Columbia%20Council%20.pdf>

Tami Weerasingha-Cote, Testimony before the District of Columbia Council Committee on Human Services, June 10, 2021, *available at*:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/TWeerasingha-Cote_Children%27s%20Law%20Center%20Testimony%20for%20June%2010%2C%202021%20CFSA%20Budget%20Oversight%20Hearing_FINAL.pdf

Sharra E. Greer, Testimony before the District of Columbia Council Committee on Human Services, June 10, 2021, *available at*:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/SGreer_Children%27s%20Law%20Center%20Testimony%20for%20June%2010%2C%202021%20CFSA%20Budget%20Oversight%20Hearing_FINAL.pdf

Danielle Robinette, Testimony before the District of Columbia Council Committee on the Judiciary and Public Safety, June 10, 2021, *available at*:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/CLC%20Testimony_MPD%20FY22%20Budget%20Oversight%20Testimony.pdf

Elizabeth Oquendo, Testimony before the District of Columbia Council Committee of the Whole, June 10, 2021, *available at*:

<https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/2021%20DCRA%20Budget%20Testimony%20-%20Children%27s%20Law%20Center%20Final.pdf>

Judith Sandalow, Testimony before the District of Columbia Council Committee of the Whole, June 7, 2021, *available at*:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/JSandalow_Children%27s%20Law%20Center%20Testimony%20for%20June%207%2C%202021%20Committee%20of%20the%20Whole%20Budget%20Oversight%20Hearing_FINAL%20%281%29.pdf

Tami Weerasingha-Cote, Testimony before the District of Columbia Council Committee on Health, June 4, 2021, *available at*:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/TWeerasingha-Cote_Children%27s%20Law%20Center%20Testimony%20for%20June%204%2C%202021%20DBH%20Budget%20Oversight%20Hearing_FINAL.pdf

Sharra E. Greer, Testimony before the District of Columbia Council Committee of the Whole, June 3, 2021, *available at*:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/CLC%20Testimony_FY22%20Education%20Agencies%20Budget%20Hearing_FINAL.pdf

Kathy Zeisel, Testimony before the District of Columbia Council Committee on Judiciary and Public Safety, June 3, 2021, *available at*:

<https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/Zeisel%20Children%27s%20Law%20Center%20OAG%20Budget%20Testimony%202021%20FINAL%20%281%29.pdf>

³ *Id.*

⁴ The Office of the Ombudsperson for Children Establishment Amendment Act of 2020 was introduced and referred to the Committee on Human Services in September 2019. A public hearing on the bill was held in October 2019. The bill was marked up in November 2020. The first reading was December 1, 2020, and all Council members voted in favor of the bill with no amendments. Its final reading was held on December 15, 2020 at which, again, all council members voted in favor of the bill. The bill was transmitted to the Mayor on December 29, 2020. The Mayor vetoed the bill on January 13, 2021. On February 2, 2021, all council members but one voted to override the Mayor’s veto, and the bill was enacted as A23-0617. It was transmitted to Congress on February 16, 2021 and became effective on April 23, 2021. *See* DC Legislative Management System (LIMS), B23-0437, *available at*: <https://lims.dccouncil.us/Legislation/B23-0437>.

⁵ The office would cost \$577,000 in FY 2021, \$799,000 in FY 2022, \$801,000 in FY 2023, and \$828,000 in FY 2024. This totals \$3,005,000 through FY 2024. The primary costs include \$1,834,000 to pay salaries for the Ombudsperson and support staff and \$453,000 for their fringe benefits. *See* Government of the District Of Columbia, Office of the Chief financial Officer, *Memorandum: Financial Impact Statement – Office of the Ombudsperson for Children Establishment Act of 2020* (November 23, 2020), p. 4, *available at*: http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20Office%20of%20the%20Ombudsperson%20for%20Children.pdf.

⁶ On the morning of August 18, 2019, a fire in a row house at 708 Kennedy Street N.W. ultimately resulted in the deaths of Fitsum Kebede and Yafety Solomon. A report commissioned by the District in the wake of that fire found, among other things, that DCRA failed to respond to multiple emails over several months from a Metropolitan Police Department Officer who noted severe code violations at the 9property, that the DCRA investigator who was assigned to the case never attempted to enter the property to document violations, and that the case was closed without adequate review. The report noted that a lack of internal communication, limited training, and job requirements for inspectors, and the lack of a clear process to prioritize serious code violations contributed to these failures.” Committee

Report on B23-91 at 5. *See also* Office of D.C. Auditor, “Housing Code Enforcement: A Case Study of Dahlgreen Courts,” September 24, 2018

⁷ According to the CFO’s December 1, 2020 fiscal impact statement the DOB Act will cost \$11.749 million in FY22. Government of the District of Columbia, Office of the Chief Financial Officer, *Memorandum: Financial Impact Statement – Department of Buildings Establishment Act of 2020*, (Dec. 1, 2020) available at: http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%2023-91%20Department%20of%20Buildings.pdf.

⁸ Government of the District of Columbia, Office of the Chief Financial Officer, *Memorandum: Financial Impact Statement – Residential Housing Environmental Safety Amendment Act of 2020*, (Dec. 1, 2020), available at https://lms.dccouncil.us/downloads/LIMS/41819/Other/B23-0132-FIS_Residential_Housing_Environmental.pdf

⁹ Government of the District of Columbia, Office of the Chief Financial Officer, *Memorandum: Financial Impact Statement – Students’ Rights to Home and Hospital Instruction Act of 2020*, (Nov. 16, 2020), available at <https://lms.dccouncil.us/downloads/LIMS/43042/Other/B23-0392-FIS - Student Right to Home and Hospital Instruction.pdf>.

¹⁰ Judith Sandalow, Testimony Before the District of Columbia Council Committee on Education & Committee of the Whole, (June 4, 2020), available at: <https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/CLC%20Testimony%20for%20Education%20Comm%20FY21%20Budget%20Hearing.pdf>

¹¹ FY2022 Department of Behavioral Health Budget, RM0-5, p. E-40. According to administration officials, an additional \$2.2 million of federal relief dollars will be allocated to OSSE to support SBMH. These funds, however, will not be used to fund expansion of SBMH into new schools. These funds will be used to support capacity building in schools, provide additional technical assistance to school leaders, and fund other program infrastructure, such as the Community of Practice. While we applaud this additional investment in SBMH and believe it is important to fund these other aspects of the program, we must note that because none of the funds going to OSSE will be used to fund expansion of SBMH to new schools, additional funding is still required (\$841,000 to expand to all remaining public schools). We previously estimated it would cost approximately \$6.4 million to expand SBMH to 80 additional schools. Since then, three new charter schools have been approved. \$6.4 million - \$5.8 million (in Mayor’s budget) + \$241K (cost for three additional schools) = \$841K. This is the difference we need the Council to fund.

¹² In FY2019, there were 61 reported development centers and home providers. DBH, FY2020 Performance Oversight Responses, response to Q64, *available at*: <https://dccouncil.us/wp-content/uploads/2020/02/dbh.pdf>. In FY2020, the Healthy Futures program expanded by an additional 75 child development centers. DBH, FY2020 Performance Oversight Responses, response to Q54, on file with Children’s Law Center.

¹³ Birth to Three for All Act of 2018, D.C. Law 22-179.

¹⁴ *See* Committee Report on B21-0157, (May 27, 2015), where the Council initially funds TAH vouchers for FY16 *available at*: https://lms.dccouncil.us/downloads/LIMS/33642/Committee_Report/B21-0157-CommitteeReport1.pdf

¹⁵ Previously, PSH eligibility included any household member with a qualifying disability. When those amendments were made in 2018, it was with the assurances that TAH would fill the gap for the families who previously qualified for PSH. To qualify for a PSH vouchers, individuals must have a qualifying disability and either have experienced chronic homelessness for a year or have had four episodes of homelessness in the previous two years. *See* <https://dhs.dc.gov/service/solutions-ending-homelessness>

¹⁶ District of Columbia Police Reform Commission, *Decentering Police to Improve Public Safety*, at 69, (Apr. 1, 2021), *available at*: <https://img1.wsimg.com/blobby/go/dd0059be-3e43-42c6-a3df-ec87ac0ab3b3/DC%20Police%20Reform%20Commission%20-%20Full%20Report.pdf>