



Testimony Before the District of Columbia Council

Committee on Human Services

November 10, 2021

THE DEPARTMENT OF HUMAN SERVICES' IMPLEMENTATION OF HISTORIC
HOUSING INVESTMENTS AND PANDEMIC RECOVERY EFFORTS

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Good morning Chairperson Nadeau and members of the Committee on Human Services. My name is Kathy Zeisel. I am a resident of the District and I am a Senior Supervising Attorney at Children's Law Center.ⁱ I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. 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.

I am an attorney in Healthy Together, our medical legal partnership, where we place attorneys throughout the city at primary care pediatric clinics with Children's National, Unity Health Care, and Mary's Center. Through these partnerships, we are referred many families where the medical staff see health harming legal needs and ask us to help. In addition, I served on the Family Rehousing and Stabilization Program (FRSP) Task Force and am now on the FRSP Advisory Group. Today I will address our concerns about the failure of DHS to utilize permanent housing resources and the problems with the rollout of the cessation notices for hundreds of families.

We are once again at a crossroads with Rapid Rehousing with possibly hundreds of families being terminated at the same time in spite of available permanent housing resources. From the limited information we have, we believe that hundreds of families who have been in Rapid Rehousing for eighteen months or longer are being evaluated for either permanent housing assistanceⁱⁱ or termination from the program. We believe

that several hundred families are facing a cessation notice on December 1 because it has been determined that they are not eligible for permanent housing resources.ⁱⁱⁱ It is our understanding that the notice will indicate that the family will lose case management in thirty days and payment for their Rapid Rehousing housing in six months.^{iv}

Yet, the Council, and specifically you, Chairperson Nadeau as the champion, created sufficient new housing resources to ensure that the hundreds of families about to be terminated from Rapid Rehousing who will face homelessness do not have to do so. Between the Permanent Supportive Housing (PSH) vouchers, Targeted Affordable Housing (TAH), emergency housing vouchers for homeless families available at DCHA, and DC Flex spots, it is our understanding that over 1000 housing resources^v are available for homeless families this year, and fewer than 1000 families are being targeted for termination by DHS. DHS has stated that the reason they exit families from Rapid Rehousing is budgetary, but this year the Council relieved that budgetary pressure.^{vi} There is no reason to exit families who cannot afford to pay their rent if we have the resources to provide permanent housing or continue them in Rapid Rehousing. We ask this Committee to ask DHS why we must exit any family who cannot pay their rent at this time.

There is no good policy reason to end Rapid Rehousing benefits for any family who cannot afford their rent without providing further assistance. We know from pre-pandemic data that nearly 50% of people who received shelter at Virginia Williams

came from Rapid Rehousing, and that only 7% of their families increased their income while in Rapid Rehousing.^{vii} It seems incredibly unlikely that with rising unemployment and the shortage of childcare that these numbers have improved or will improve in the near future. Yet, even though we have sufficient permanent housing resources for all of the long staying families, we are apparently choosing to exit hundreds of families. When these families do exit in six months, there likely will be no federal rental assistance or ERAP available and there will no eviction moratorium in place.^{viii}

I cannot confidently tell you what the plan is or provide testimony about our concerns about the details of the plan because in spite of being a member of the FRSP Task Force and now the FRSP Advisory Board, it is not clear what the plans are or even if there is a clear plan. This in and of itself is a problem because it creates instability and uncertainty for participants in Rapid Rehousing and all the service providers trying to work with them. The repeated process of issuing notices only to rescind them or change the plans makes it impossible for participants to plan their next steps, and has even caused clients to give 30-day notices wrongfully.

In fact, Director Zeilinger provided yet another new version of a plan in her written testimony today, stating that the six month extension will provide DHS staff additional time to assess these families.^{ix} This is contrary to all the plans previously shared by DHS in that they have said that the families who will receive the cessation

notices have already been determined ineligible for permanent housing resources. In practice, the new plan seems impossible to execute since case management will have ceased and there will not be staff available to continue with these assessments.

One of the most valuable things that this committee can do at this time is to perform detailed oversight to get DHS to make a consistent, detailed, public plan so that participants, providers, and advocates can have a full understanding of what to expect. We are already aware that conflicting directions were given by DHS and The Community Partnership (TCP) in October, leading to cessation notices being issued in November by some providers. This was incredibly confusing and stressful for participants, and led to these notices having to be rescinded. Participants in the program plan their lives around these notices, and to repeatedly issue incorrect cessation notices is inexcusable, and could be prevented by having a transparent plan and process.^x

We currently have a client who is two years into her second round of Rapid Rehousing with her children. She was working earlier in her time in Rapid Rehousing, but lost her job during the pandemic and has not worked in quite some time. She was told by her case manager that she would be terminated on November 1 and then on December 1. She cannot afford to pay her rent if she is terminated, and her plan is to go back to shelter and Rapid Rehousing again if she is not offered a permanent housing

resource. This is an incredibly traumatic solution for the family. It is also an expensive solution for the city because TAH is cheaper than Rapid Rehousing or shelter.

Another client of ours received a blank notice of cessation this month from her case manager, notably not in her native language, and was directed to sign. She has been in Rapid Rehousing for several years with her four children, and faces numerous barriers to employment. She is unable to afford to pay rent on her own, yet she is set to be terminated in spite of available permanent housing resources. She too has no place to go if she is terminated.

Let's turn to the Targeted Supportive Housing vouchers. Since the creation of the vouchers, there have been no regulations or even public written guidance on what the eligibility requirements for the program are, in spite of the law being clear that all programs must operate with regulations. In this year's Budget Support Act (BSA), the Council required that DHS give priority for TAH vouchers to the families who have the longest stays in Rapid Rehousing.^{xi} The BSA also required DHS to write regulations for TAH vouchers by November 1.^{xii} DHS has not done that.

This means that there are hundreds of families possibly being assessed for TAH, but without transparent standards. Families are not being issued denial notices as required by law. Families do not know if they are being properly or improperly denied TAH resources that are actually currently available.^{xiii, xiv}

This lack of transparency is also problematic because there is a real risk that we once again do not utilize all of the available permanent housing resources for families.^{xv} We cannot end this year with another hearing in which DHS has failed to provide DCHA with the names of eligible families for the vouchers or in which DCHA fails to process them.^{xvi} Given that we have more vouchers available than ever this year, we must prioritize a transparent process with prioritizes long stayer families, a priority the Council already established in the law.

We ask this Committee to exercise its oversight powers to ensure that the resources the Council created are used for the families who the Council described in the Budget Support Act, the long stayers in Rapid Rehousing who cannot afford their rent. We ask that the Committee ask for detailed, transparent plans from DHS to ensure that the process and the standards utilized are clear.

Thank you for the opportunity to testify today.

ⁱ 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 almost 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.

ⁱⁱ Permanent housing assistance for homeless families is currently available in the forms of Targeted Affordable Housing Vouchers, Permanent Supportive Housing vouchers, and emergency housing vouchers.

ⁱⁱⁱ This is based on information provided to the FRSP Advisory Board.

^{iv} There is no meaningful plan for how to manage the needs of the families without case management in the last six months. They will not be permitted to contact their prior case management organization. Thus far, we have been told an email address will be provided to those families. But, families may need

emergency transfers due to domestic violence or housing conditions or they may have other urgent or non-urgent needs, and they may or may not be sufficiently literate or computer literate for an email address to be a sufficient substitute for case management. It is also not clear who will be at the other end of the email address and what kind of staffing will be available to these several hundred families.

^v 307 TAH vouchers, 395 family PSH, 500 DC Flex, at least 175 emergency family vouchers were allocated in FY22 per DHS reports to the FRSP Advisory Board in September of 2021. In the same meeting, DHS announced a plan DHS said that they plan to issue 307 TAH and 299 family PSH vouchers in the first three quarters of the year. However, this is not the same plan that was discussed at the October ICH meeting, so it is unclear what the plan is.

^{vi} At the September 2021 FRSP Advisory Board meeting, DHS stated that there 1000 families who have been in Rapid Rehousing for over 18 months, and 500 who entered during the pandemic who lack case management. They lack sufficient resources to provide those families with case management. When asked, DHS stated that budgetary constraints limited their ability to serve all the families.

^{vii} FY19 Hypothermia Debrief - Families. The Community Partnership at 3. *Available at:* https://ich.dc.gov/sites/default/files/dc/sites/ich/event_content/attachments/Hypothermia%20FY19%20-%20Families%20%28VWFRC%20%26%20ES%29.pdf.

^{viii} Additionally, DHS used STAY DC money for Rapid Rehousing participants without their knowledge or consent, meaning that even if it were available for them, they would likely be unable to use it. DHS is only now retroactively informing participants that are unable to apply for STAY DC.

^{ix} Testimony of Laura Zeilinger, Nov. 10 Roundtable, p6.

^x It is also not clear what will happen once case management is terminated, but participants remain in Rapid Rehousing with an email address to contact should they need to reach anyone. This is clearly an insufficient resource.

^{xi} 2021 Budget Support Act, page 24 reads:

“(c)(1) The Authority shall promulgate rules, subject to Council approval, for sponsor-based voucher assistance as required by section 26b and capital-based assistance as required by section 26d, which shall govern the administration of funds for these types of assistance.

“(2) The Authority shall promulgate emergency and final rules for tenant-based voucher assistance. Rules issued pursuant to this paragraph shall establish a process to allow applicants to self-certify eligibility factors when an applicant cannot easily obtain verification documentation. Emergency rules shall be issued by November 1, 2021. Final rules shall be subject to Council approval.

“(3) The Department of Human Services shall promulgate emergency and final rules governing the referral of applicants to the Authority for tenant-based voucher assistance, including eligibility criteria for Targeted Affordable Housing. In Fiscal Year 2022, such eligibility criteria for Targeted Affordable Housing shall include a prioritization for families that have been in rapid re-housing the longest but are not eligible for Permanent Supportive Housing. Emergency rules shall be issued by November 1, 2021. Final rules shall be subject to Council approval.

^{xii} *Id.*

^{xiii} As a result, families that long staying families who are terminated in this wave may appeal because they should have been considered for TAH under the BSA, which is the only written guidance we have.

^{xiv} In a recent presentation to the Interagency Council on Homelessness, DHS indicated there may be a plan to spread vouchers out between long stayers and other participants in the family homelessness system. This is contrary to the BSA. If DHS released a clear plan with criterion of how to determine which families would be eligible, it might not be a problem if it then also did not terminate the other families.

However, termination seems to be the foregone conclusion even though providing housing resources to any families within the system should relieve the budgetary pressures that DHS is under.

^{xv} In FY19, 77% of the Family Targeted Affordable Housing (TAH) vouchers, 67% of Family Permanent Supportive Housing (PSH) vouchers were not used, 10% of Individual TAH vouchers and 44% of Individual PSH vouchers went unused in FY18. In mid-year FY20, no vouchers had been distributed to families and we don't have the final count for the end of the prior year. DHS 2021 Oversight Answers, p77-78.

^{xvi} In FY20, there was dispute over what happened. However, it seemed that in the family system, DHS failed to identify sufficient families to receive the vouchers as opposed to the individual system where DCHA processing delays accounted for many of the problems in deploying the vouchers.