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Committee on Housing
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Introduction

Good morning, Chairperson White, and members of the Committee. My name is Makenna Osborn. I am a Policy Attorney at Children's Law Center and a resident of the District. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

My testimony today will focus on DHS's Family Re-Housing Stabilization Program (FRSP, commonly referred to as Rapid Re-Housing) and permanent housing programs available to families. Because Children's Law Center represents many families participating in these DHS programs, our case-handlers and clients directly experience the issues we will be highlighting through our testimony.¹

Children's Law Center wants to begin by thanking DHS for returning to annual recertifications for DC Alliance members.² Biannual recertifications were overly burdensome and needlessly caused gaps in healthcare coverage for low-income DC residents. We also want to thank DHS for their regular Economic Security Administration

(ESA)³ meetings with advocates. We find these meetings productive thanks to ESA's transparency and willingness to troubleshoot specific barriers to consumers' ability to access DHS services. We similarly appreciate the information DHS shares through the FRSP Advisory Group, although this group is rarely used for consultation and feedback about major changes to the FRSP program as originally contemplated. It has been some time since the last meeting, so we were pleased to learn yesterday that it will be convening again in March. There is a seat in the FRSP Advisory Group for a representative of this Committee and we believe a member of Chairperson White's staff should fill that position to keep the Chairperson closely inform about the operation of FRSP.

Rapid Re-Housing Concerns

Appalling Housing Conditions in Rapid Re-Housing

Children's Law Center handles hundreds of housing conditions matters each year.⁴ Some of the worst conditions we see are for families living in units paid for using Rapid Re-Housing (RRH) subsidies. I want to share two recent conditions cases from clients in Rapid Re-Housing units to better illustrate the problem and then propose solutions.

In one case we recently started working on, our clients live in a 2-bedroom apartment with two children under two years old, the youngest of whom has been wheezing and is being treated with an albuterol pump and nebulizer. The parents and the child's medical provider are concerned that poor housing conditions are contributing

to these health problems.⁵ In addition to mold and leaks, the family's apartment has a significant mouse infestation – they see mice daily, including in the children's beds. The family has been waiting months for their case manager to approve a transfer and has not received help from DHS to address their housing condition concerns in the meantime.

In another case, our client had been in their unit for two years and pervasive mold was an issue nearly the entire time – as well as mice, insufficient heat, electrical hazards, and more. When Children's Law Center got involved, the mold was so bad it had permanently damaged the client's furniture, was eating through the walls, and had made both bedrooms in the unit uninhabitable. As a result, the whole family had been sleeping in the living room and our client was understandably concerned that these housing conditions were contributing to her young children's frequent illnesses, which included trips to the emergency room.

Unfortunately, when our client complained about the mold and other illegal conditions to property management, they either ignored her request or simply painted over the mold without addressing the source of the severe water intrusion causing the mold to proliferate. This client only reached out to Children's Law Center after receiving little help from their DHS case manager to address these urgent concerns through an emergency transfer. While the client tried to navigate DHS's failed inspection requirements and get documentation explicitly stating that the mold made the apartment uninhabitable, which her case manager insisted our client source and provide, the mold

continued to spread. Thankfully, after almost a month of our representation, this client was able to secure a unit in another building and transfer there but in the meantime her landlord repeatedly failed to provide appropriate temporary relocation and our client and her children were forced to spend far too long in an unsafe environment. The barriers this mother experienced to get her children out of a dangerous and unhealthy unit are completely unacceptable.

These cases are representative of the sorts of conditions we consistently see in housing rented using Rapid Re-Housing subsidies, and often the poor conditions are present from the time the family moves into the home. Unfortunately, these examples are also representative of our on-the-ground experience with how DHS responds to our clients' housing conditions concerns.

We understand that DHS has changed their vendor for Rapid Re-Housing inspections to Greater Washington Urban League, but we have seen no improvement since this transition took place in October.⁶ In fact, both examples shared above occurred after October 2022. Furthermore, from our conversations with the agency and review of their oversight responses, it seems DHS still has no real, systemic plan for addressing these issues. We ask that this Committee push DHS to develop and implement an actionable plan to address the longstanding issue of appalling conditions in Rapid Re-Housing subsidized homes. At a minimum, DHS should not authorize new Rapid Re-Housing leases with landlords who have a track record of poor housing conditions until

that track record improves. We should not give city money to landlords who do not provide safe and healthy housing to DC residents.

In addition, the agency's oversight answers confirm problems we see on the ground regarding Rapid Re-Housing transfers due to housing conditions. It can be an arduous process to get a case manager to put in a transfer request, sometimes taking many communications from a participant and even the intervention of a lawyer, as illustrated by the client stories we shared above. Once a request is granted, relatively few participants are actually able to utilize the transfer.⁷ In our experience, and as DHS pointed out in their oversight responses, participants face significant source-of-income discrimination trying to rent with a Rapid Re-Housing subsidy and it is nearly impossible to secure a unit when landlords are not guaranteed a year or more of subsidy because a prospective tenant is already part-way through their allotted time in the program.⁸ To fix this problem, and because families are unable to take advantage of what is offered by the Rapid Re-Housing program if they are fighting for their family's health due to poor housing conditions, families who are approved for a transfer should have their Rapid Re-Housing "clock" – measuring their 12 or 18 months in the time-limited program – restarted. With any changes made, we hope that DHS will continue their current policy of not starting a participant's clock until they are assigned a case manager, if they opt in to case management services, because we know there can be delays between when a participant joins Rapid Re-Housing and is assigned a case manager.

Case Management Must Happen More Quickly and Should be Voluntary

In January 2022, the Office of the Inspector General (OIG) issued a report evaluating DC's Rapid Re-Housing program.⁹ That report validated many participants' and advocates' long-held concerns. With respect to case management, OIG highlighted significant delays in DHS's assignment of case management service providers once participants move into a home with a Rapid Re-Housing subsidy, which serves as a participant's program entry or "lease-up" date.¹⁰ Without a case manager, a participant has nobody to go to if they need an emergency transfer to a new unit or wish to apply for a permanent housing voucher—a process that currently must be initiated by a program case manager. DHS accepted¹¹ OIG's recommendation¹² of creating a policy to expand the case management program's capacity and require assignment of case managers. We ask that the Committee ensure this policy has been developed, obtain a copy of it and make the policy publicly available. We also ask that the Committee confirm, through data, that DHS is reducing the amount of time it takes to assign case managers.

While case management is an important resource to provide for participants who want to use it, we continue to believe that mandatory case management in Rapid Re-Housing is inconsistent with national best practices and represents biased ideas about what people in the program need.¹³ It would be far better to offer a housing first model with a variety of services with which participants may voluntarily engage. This approach respects participants' expertise about what is best for themselves and their families. We

were encouraged to see that DHS is in the process of developing an option for FRSP families to opt out of case management services, and we hope the Committee will determine the agency's timeline for rolling out that option.¹⁴

Permanent Housing Vouchers

Allocation Remains an Area of Concern

DHS's administration of Targeted Affordable Housing (TAH) and Permanent Supportive Housing (PSH) vouchers remains an area of concern. These permanent housing voucher programs are an essential resource for ensuring that our low-income neighbors struggling through the endless cycle of evictions and homelessness can afford to live in DC's costly housing market. DHS has significant gaps in their administration of these vital programs. Our attorneys regularly need to intervene to get voucher applications moving. This occurs where case managers have not started an application; where case managers have started but not completed applications for eligible clients; where applications were submitted but pending for an unreasonably extended period; and where vouchers have been approved but were never issued to the client. If it takes an attorney's investigation and intervention to make a process work as it's meant to, you can imagine how Sisyphean it might feel for a client to navigate the process and advocate on their own. Many qualifying individuals may simply not even know how to navigate the process as they get no written information about it, no written denials when they are

found ineligible, and are not provided with the legally required opportunity to appeal. These process-related failings must be eliminated.

In their Oversight answers, DHS indicates that all vouchers for FY21 and 22 were matched.¹⁵ We have questions about *when* families were matched with these vouchers. More importantly, though, a staggeringly large majority of those matched permanent housing vouchers remain unutilized. Of the new vouchers allotted in FY21 and FY22, 69.7% of new TAH family vouchers are unutilized and 59.9% of family PSH¹⁶ vouchers are unutilized.¹⁷ We are also concerned that we are well into the second quarter of FY23 with no families matched to the 965 TAH and PSH family vouchers made newly available in FY23.¹⁸ We ask that the Committee try to gain a detailed understanding of the barriers preventing families from being moved into permanent housing using these vouchers.

One barrier DHS mentions at multiple points through its Oversight Responses is landlord discrimination against voucher holders. Though we know this is not the only barrier, this is an important issue, and it is an issue DHS raises year after year. As DHS knows, source-of-income discrimination is illegal under DC's Human Rights Act, making it unlawful for landlords to turn away tenants attempting to use vouchers to fund their rent. We encourage DHS to work with OAG to begin systematically addressing voucher discrimination issues as this is work OAG is invested in doing.

TAH Regulations' Non-Compliance with the Law

Children's Law Center wants to highlight for the Committee that the TAH regulations submitted to the Council on December 5, 2022 and pending before this Committee do not comply with the law.¹⁹ The Budget Support Act that went into effect October 1, 2022 requires DHS to prioritize people with the longest stays in Rapid Re-Housing for TAH vouchers.²⁰ The proposed regulations do not do that.²¹ While we have long wanted TAH regulations, we also want those regulations to that comply with existing law and to go to families who have had the hardest time obtaining long term permanent housing; the proposed regulations do not. As such, we ask that the Committee move a disapproval resolution.

The Rapid Re-Housing Reform Amendment Act

The primary goal of the Rapid Re-Housing program is to increase a family's income so they can independently afford stable housing at the end of their participation. The program is clearly not achieving that goal. In its oversight responses, DHS reported that in FY22 the average monthly income of adults in families at exit from Rapid Re-Housing was \$1,022, nowhere near sufficient to afford rent in DC where the average monthly rent for a two-bedroom apartment is over \$2,000.²² Quite simply, the Rapid Re-Housing program must be reformed. This past October, we testified in support of the Rapid Re-Housing Reform Amendment Act of 2022.²³ First, we want to remind the Committee that while this legislation would address many important issues with the way

FRSP is administered, it will not address the housing conditions and case management deficiencies we discussed above. We urge the Committee to work with DHS to ensure the agency immediately and meaningfully addresses those concerns.

The Council needs to legislatively act to reform Rapid Re-Housing because DHS has never operated the program openly and consistently and, despite having more than five years to do so, has never published regulations. To that end, we were grateful to see this legislation re-introduced so early in the new Council Period and thank Committee members McDuffie and Pinto for partnering with their colleagues on that introduction and making Rapid Re-Housing reform a Council priority.²⁴

We ask that the Committee incorporate the minor changes we propose below, and that the bill be passed and funded in the upcoming budget cycle. This timeline is important because, in addition to the other important provisions we outline below, the bill's safeguards would also protect the approximately 3,100 families facing termination from Rapid Re-Housing on April 1, 2024.²⁵

Our testimony from the 2022 bill's hearing goes into greater detail than we will offer here today and we encourage the Committee to review our testimony and the testimony offered by partner organizations and affected community members.²⁶ In brief, we support the following provisions of the legislation because they address some of our longstanding concerns with DHS's administration of DC's Rapid Re-Housing program:

1. *Capping Rapid Re-Housing rent at 30% of income*, because a cap (as opposed to the variable range that is currently applied) provides predictability in Rapid Re-Housing, because 30% is consistent with other housing programs, and because asking tenants to pay more than 30% of their income is unrealistic.²⁷
2. *Legislatively establishing clear criteria for Targeted Affordable Housing*.²⁸
3. *Legislatively establishing due process* for all permanent housing applicants.²⁹ In our experience, DHS has never issued a formal denial determining a participant's ineligibility for a housing subsidy program. Instead, families are screened and denied in a process they do not even know is happening. This is problematic because, in our experience, case workers are unaware of key criteria that qualify families for Permanent Supportive Housing subsidies, resulting in improper denials. If families are unaware that they have been screened and denied, they cannot challenge the decision.
4. *Extended eligibility for Rapid Re-Housing* in two circumstances: a) extending Rapid Re-Housing eligibility until a family is able to complete the lease-up process, and b) extending eligibility until a family can maintain housing on their own.³⁰
5. *Voluntary case management for Rapid Re-Housing participants*. We continue to believe that mandatory case management in rapid rehousing is inconsistent with national best practices and represents biased ideas about what people in the

program need. The National Alliance to End Homeless, in discussing the Housing First model, states that studies show that services work better when participants voluntarily engage in them.³¹

We also ask that the bill be strengthened in two key ways. First—one significant problem many of our clients encounter is even if they are approved for a transfer, they cannot move because the new property is not assured of at least 12 months of subsidy. Landlords refuse to accept the subsidy because they know they will be unable to pay the rent after the subsidy lapses and the lease term is still active. To that end, we ask that the legislation add a provision requiring a participant's subsidy to be extended by at least 12 months when a client is authorized to move due to poor housing conditions.

We urge the Committee to move forward with this legislation. DHS may come forward and make promises that necessary regulations are imminent or that they will voluntarily make changes in the program, but these promises have proven hollow in the past.³² The Council must step in and make needed changes to Rapid Re-Housing to provide stability, due process, and direction to the program. Without these changes, we will continue simply cycling families through homelessness and the illusion of permanent housing, rather than actually putting them on a path toward truly permanent housing.

Career MAP

This past summer, DHS launched its innovative Career Mobility Action Plan (Career MAP) pilot program.³³ As envisioned, Career MAP addresses many of the high-level concerns we have with Rapid Re-Housing, and we believe it is more likely to set families up for sustainable, independent permanent housing. In particular, we appreciate that families are in the program for five years because developing economic stability takes time; that the program should offer participants individually tailored and specialized career development support; and that the program will include financial incentives that do not count as income (which would count against participants' eligibility for benefits like SNAP and TANF). We also appreciate Career MAP's holistic, two-generational approach that will include dedicated support for children in the program. We are optimistic about this pilot program and ask that the Committee monitor it to determine whether it fulfills its promise of moving people into significantly higher-paying employment capable of sustaining DC's market rate rent costs.

MOUs with Sister Agencies

Lastly, Children's Law Center strongly supports the development of Memoranda of Understanding (MOUs) to enable data-sharing and coordination between sister agencies that deal with similar and overlapping issues, like DHS (which receives housing conditions complaints from its participants), DOEE (which enforces DC's mold and lead hazard laws), and DOB (the agency responsible for enforcing DC's Housing Code). The

current system of referrals and communications between these agencies regarding enforcement around illegal housing conditions is ad-hoc and informal, allowing for many missed opportunities to support families living in health-harming and illegal housing conditions. These relationships should be formalized and expanded through appropriate MOUs.

Conclusion

We look forward to continuing to work with DHS and with this Committee to improve how we serve homeless and housing insecure families in DC. Thank you for the opportunity to testify today.

¹ Children’s Law Center would like to note that it was quite challenging to prepare our testimony for today’s hearing because DHS released their responses to the Committee’s Pre-Hearing Questions just two days before the hearing. We hope that the Committee will consider bringing DHS back before the Committee if further follow up is required after Councilmembers and the public have had a chance to review the agency’s answers more thoroughly.

² Department of Health Care Finance (DHCF), Health Care Alliance, available at: <https://dhcf.dc.gov/service/health-care-alliance>; For more information about DHS’s switch back to annual recertifications, see Department of Health Care Finance (DHCF), Alliance and Immigrant Children’s Program Renewal Restart Frequently Asked Questions (FAQ), available at: https://dhcf.dc.gov/sites/default/files/dc/sites/dhcf/service_content/attachments/Alliance_and_ICP_Renewal_Restart_FAQ.pdf.

³ The Economic Security Administration (ESA, formerly known as the Income Maintenance Administration (IMA)) is responsible for the delivery of SNAP, TANF, Medical Assistance, and other local public assistance services to residents in the District. For more information, see Dept. of Hum. Services’ Econ. Sec. Admin. (ESA): Policy Manual (2020), available at: <https://dhs.dc.gov/publication/esa-policy-manual>.

⁴ Through our Healthy Together medical-legal partnership, Children’s Law Center places attorneys at pediatric primary care health centers in collaboration with Children’s National, Unity Health Center, and Mary’s Center. We receive referrals from medical staff where we can help address a non-medical barrier to a child’s health and too often that is a housing conditions case.

⁵ Housing conditions such as mold, pest infestations, and poor ventilation can exacerbate asthma, especially in children. See Eduardo R. Fox, MD et al., *Promoting Healthy Housing for Children With Asthma Through a Virtual Home Visit Program*, Fannie Mae, (June 2021), p. 6, available at: <https://www.fanniemae.com/media/41796/display>; see also Morgan Baskin, *Doctors Blame D.C.’s High*

Asthma Rates in Part on Poor Housing, Washington City Paper, (May 22, 2019), available at:

<https://washingtoncitypaper.com/article/180182/doctors-blame-dcs-high-asthma-rates-in-part-on-poor-housing/>.

⁶ Dept. of Human Services, 2023 Performance Oversight Pre-Hearing Responses, p.68; Dept. of Human Services, New Developments to the DC Family Rehousing and Stabilization Program (FRSP), available at: https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page_content/attachments/FRSP%20Changes%20Website.pdf.

⁷ Note that in FY22, only 87 of the 222 families who were granted RRH transfers due to housing conditions in their units successfully moved. Dept. of Human Services, 2023 Performance Oversight Pre-Hearing Responses, p. 67.

⁸ DHS highlighted income-based discrimination by landlords and property managers as one of the key barriers that slows the lease up process and impairs the agency’s ability to utilize all available funding more quickly. *Id.* at 58.

⁹DC Office of the Inspector General, *Department of Human Services: Evaluation of the District of Columbia Family Re-Housing and Stabilization Program*, OIG Project No. 22 -I-01JA, (January 2022), available at: <https://oig.dc.gov/sites/default/files/Reports/OIG%20Final%20Report%20No.%2022-I-01JA%20-%20-%20Evaluation%20of%20DHS%20Family%20Re-Housing%20and%20Stabilization%20Program.pdf>.

¹⁰ *Id.* at 3-5.

¹¹ *Id.* at 6-11.

¹² *Id.*

¹³ “Emphasizing choice is more effective. It also respects an individual’s right to run their own lives without bureaucratic intervention.” *Housing First: Q & A*, National Low Income Housing Coalition, p. 2, available at: <https://nlihc.org/sites/default/files/Housing-First-QA.pdf>.

¹⁴ Dept. of Human Services, 2023 Performance Oversight Pre-Hearing Responses, p. 75.

¹⁵ *See id.* at 53.

¹⁶ While DHS oversees eligibility and assignment of TAH vouchers DCHA takes over from DHS for those vouchers’ utilization. For PSH, DHS-contracted case workers are responsible for seeing participants through the process until they are housed utilizing their voucher.

¹⁷ *See id.* at 54. For PSH-F, there were a total of 491 new vouchers in FY21 and FY22. 294 of those remain unused. For TAH-F, there were a total of 366 new vouchers in FY21 and FY22. 255 of those remain unused.

¹⁸ *Id.* There are 570 new PSH-F vouchers and 395 new TAH-F vouchers available for FY23.

¹⁹ Targeted Affordable Housing Program Rules Approval Resolution of 2022, 70/7 D.C. Reg. 2261 (proposed Dec. 5, 2022) (pending before the Committee).

²⁰ DC Law 24-167 § 5802(b). Fiscal Year 2023 Budget Support Act of 2022.

https://lims.dccouncil.gov/downloads/LIMS/49079/Signed_Act/B24-0714-Signed_Act.pdf.

²¹ “In accordance with the applicable CAHP protocol, clients shall be referred to TAH subject to priority factors, including: . . . [l]ength of time the client has received rapid re-housing services.” Targeted Affordable Housing Program Rules Approval Resolution of 2022, 70/7 D.C. Reg. 2261, 2263 (proposed Dec. 5, 2022) (pending before the Committee).

²² *See* Dept. of Human Services, 2023 Performance Oversight Pre-Hearing Responses, p. 64. For estimated average rental rates in DC, one of many websites reporting this data can be found at <https://www.rent.com/district-of-columbia/washington-apartments/rent-trends>.

²³ Kathy Zeisel, Children’s Law Center, Testimony Before the District of Columbia Council Committee of Human Services, (October 20, 2022), available at: <https://childrenslawcenter.org/wp->

content/uploads/2022/10/Zeisel-CLC-Rapid-Re-Housing-Reform-Amendment-Act-and-Migrant-Services-Support-Act-Testimony-updated.pdf

²⁴ B25-0047, Rapid Re-Housing Reform Amendment Act of 2023.

²⁵ In the fall of 2022, DHS communicated to housing advocates that all Rapid Re-Housing participants would receive a final 18-month RRH extension from October 2022 (most RRH participants had already received at least one extension due to the pandemic), meaning most families would be scheduled for exit from the program in April 2024.

²⁶ See *Rapid Re-Housing Reform Amendment Act of 2022: Hearing on B24-0893 Before the Comm. of Hum. Services, Council Period 24* (October 20, 2022). Hearing record available at: https://lms.dccouncil.gov/downloads/LIMS/49917/Hearing_Record/B24-0893-Hearing_Record1.pdf.

²⁷ B25-0047, *Rapid Re-Housing Reform Amendment Act of 2023*, Sec. 2, Sec. 32(d), lines 54-57.

²⁸ *Id.* Sec. 2, Sec. 33(b)(2), lines 38-41.

²⁹ *Id.* Sec. 3, Sec. 33(d), lines 114-115.

³⁰ This is consistent with the long-stated aim of Rapid Rehousing, namely: “Rapid Re-Housing programs for the purpose of providing housing relocation and stabilization services and time-limited rental assistance to help a homeless individual or family *move as quickly as possible into permanent housing and achieve stability in that housing.*” D.C. Code § 4-753.01(b)(4)(B), Continuum of Care for Individuals and Families who are Homeless. (emphasis added).

³¹ *What is Housing First?*, National Alliance to End Homelessness, (March 20, 2022), available at: <https://endhomelessness.org/resource/housing-first/>; For more information, see *Data Visualization: The Evidence on Housing First*, National Alliance to End Homelessness, (May 25, 2021), available at: <https://endhomelessness.org/resource/data-visualization-the-evidence-on-housing-first/>.

³² Dept. of Human Services, FY 2021 Performance Oversight Responses, response to Q 136, available at: <https://dccouncil.gov/wp-content/uploads/2022/02/DHS-FY21-22-Performance-Pre-Hearing-Responses.pdf>; DC Office of the Inspector General, *Department of Human Services: Evaluation of the District of Columbia Family Re-Housing and Stabilization Program*, OIG Project No. 22 -I-01JA, (January 2022), available at: <https://oig.dc.gov/sites/default/files/Reports/OIG%20Final%20Report%20No.%2022-I-01JA%20-%20-%20Evaluation%20of%20DHS%20Family%20Re-Housing%20and%20Stabilization%20Program.pdf>.

³³ Department of Human Services (DHS), Career Map Homepage, available at: <https://dhs.dc.gov/page/career-map>.