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Testimony Before the District of Columbia Council  
Committee on Housing  
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Performance Oversight Hearing  
*District of Columbia Housing Authority*

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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.

Thank you for the opportunity to testify regarding the District of Columbia Housing Authority (DCHA). Through our Healthy Together program,<sup>1</sup> Children's Law Center works with hundreds of families each year whose pediatric medical providers have identified non-medical barriers to a child's health, including many housing conditions cases where the landlord has refused to make needed repairs. Often, families are referred to us when medications cannot control a child's asthma because the mold and/or pest infestations in the family's home are so significant that they must bring their children to the emergency room to be treated. Many of these families reside in DCHA properties or receive permanent housing vouchers administered by DCHA.

DCHA's core mission is to provide quality affordable housing for DC's lowest income residents.<sup>2</sup> For years, DCHA has fallen unacceptably short of executing this mission. There are many issues with the way DCHA operates that the Committee should be aware of – in the past month alone, stories broke about DCHA overpaying landlords millions of dollars per year,<sup>3</sup> a DCHA employee-run voucher fraud scheme,<sup>4</sup> and systemic dysfunction in the DCHA Police Department.<sup>5</sup> While Children's Law Center shares the concerns raised by the US Department of Housing and Urban Development (HUD) and the DC Office of the Inspector General (OIG) in their recent reports assessing DCHA<sup>6</sup> and by our advocacy partners here today, our testimony will focus on the issues our attorneys and clients have direct experience with: the horrendous conditions in DCHA public housing and the high number of unutilized local housing vouchers.

## **Public Housing**

### *Abysmal Housing Conditions Due to Years of Neglect*

First, Children's Law Center thanks Chairperson White for announcing a bold vision to give DCHA \$100 million per year over the next five years for public housing maintenance and repairs.<sup>7</sup> DCHA's assertion that it cannot make use of that funding is preposterous.<sup>8</sup> As recently as 2019, DCHA calculated that it would cost over \$2 billion to complete all required repairs across its public housing portfolio.<sup>9</sup> We have no reason to believe that number is inflated, but even if it were, the current administration should easily be able to spend \$100 million per year over the next several years to carry out

timely, workmanlike repairs and renovate its old and deteriorating properties. The conditions our clients in public housing live with starkly illustrate the need for additional funding to ensure that residents in DCHA properties have safe, healthy homes.

One of our clients who lives in public housing was referred to Children's Law Center after her young daughter had been hospitalized multiple times – including in the Intensive Care Unit (ICU) – for severe asthma that her doctors believed was being exacerbated by conditions in their home. The family experienced multiple pipe leaks in their home within the first year and the water damage caused mold and mildew growth throughout. Their home also had infestations of mice and cockroaches. Our client repeatedly contacted DCHA seeking mold remediation and other repairs and notified the agency of her daughter's medical condition. When Children's Law Center started working with the family, we requested a transfer due to the unsafe and unhealthy conditions, stressing that it was urgently needed to protect the daughter's health. DCHA took months to move the family into a new house. Unfortunately, our client and her children are now experiencing the same problems in their new home. After a few years of patchwork and unworkmanlike repairs by DCHA, including painting over suspected mold, our client has noticed moisture problems in the walls and cabinets and an independent mold assessor identified mold in the kitchen, bathrooms, basement and HVAC system. DCHA is failing this family.

Recently, one of our attorneys spoke to another public housing tenant who is dealing with some of the worst housing conditions that attorney has come across in their time at Children's Law Center. Since moving into her unit four years ago, the DCHA tenant has lived with recurring mouse and mold problems, and one of the unit's toilets has been turned off for two years awaiting repairs while the sink in the bathroom with a working toilet is unusable. Recently, excessive water damage throughout the unit's walls caused both her kitchen floor and kitchen ceiling/bedroom floor to start caving in. The tenant put in numerous work order requests through the proper DCHA channels and typically received no response, let alone adequate maintenance and remediation. Eventually, the tenant sought help from the Department of Buildings (DOB) instead. DOB conducted an inspection of her unit, issued a Notice of Infraction against and fined DCHA, but the agency still has not meaningfully addressed the problems. Unfortunately, this tenant's experience is representative of what we see in many of our clients' cases where DCHA fails to conduct needed repairs. While our attorneys are often able to resolve housing conditions cases with private landlords prior to litigation, cases with DCHA frequently require protracted and contentious litigation to get the agency to meet their basic responsibilities as a landlord.

Children's Law Center hopes the Committee will follow through on Chairperson White's proposal to significantly increase funding to DCHA for maintenance and repairs. We also implore the Committee to engage in robust oversight of *how* DCHA spends this

funding to ensure that all repairs are well-executed, aimed at the root of problems, and conducted in a timely manner that prioritizes the health and safety of residents. In 2019, DCHA spent millions in response to a portfolio-wide assessment of lead-based paint in its properties but failed to “quickly [or] competently” remediate identified hazards, “[leaving] its residents exposed to lead-based paint hazards for an unacceptably long time, prolonging their risk of lead poisoning.”<sup>10</sup> We know from clients living in Park Morton, one of the properties where DCHA carried out these lead remediations, that because the agency did not address underlying water intrusion, the lead-based paint in residents’ units deteriorated again shortly after DCHA’s work, reintroducing the lead hazard.<sup>11</sup> We hope the Committee will ask DCHA how it plans to learn from rather than repeat past mistakes as the agency implements its current portfolio-wide inspection and repair initiative and new preventative maintenance plan.<sup>12</sup>

*Concerns Regarding the Practice of Mandatory Transfers*

Children’s Law Center would also like to highlight the issue of DCHA’s use of mandatory transfers as a response to tenant complaints about poor housing conditions. The current DCHA administration regularly initiates mandatory transfers when the agency deems that conditions in a tenant’s unit “represent an emergency or a threat to life, health, or safety” or require “significant repairs” by DCHA.<sup>13</sup> If DCHA subjects a tenant to a mandatory transfer, the agency only has to provide the tenant with one offer of a new unit, which tenants must accept if they do not want to risk losing their public

housing altogether.<sup>14</sup> While some tenants are happy to transfer anywhere other than the appalling conditions they've been living in, others are not. Many of our clients do not want to leave the community and support systems they have established in their building or neighborhood. Such moves can also require a change of school for the children in the home. Forced uprooting of families can be significantly destabilizing. As a result, our attorneys representing clients who want to prioritize staying in their current home or neighborhood, must carefully consider how to raise conditions concerns with DCHA as it could result in a mandatory transfer that leaves clients with the option of losing their community or losing public housing.

Additionally, given that poor housing conditions are pervasive across all DCHA properties, the unit DCHA offers for a mandatory transfer may not be any better for a family's health. In one of Children's Law Center's current cases, DCHA issued a mandatory transfer to our client rather than placing her family, all of whom have severe asthma, in a hotel while necessary mold remediation was conducted in their unit. On multiple occasions, our client and her attorney observed the strong scent of cigarette smoke in the transfer unit offered by DCHA, and a licensed mold inspector found water damage and mold growth in the unit. Considering that our client believes it is in the best interest of her family to remain in their current community, where we believe an appropriate unit is vacant, she does not want to accept DCHA's offer of a unit with similar health-harming conditions in a different public housing property. However, DCHA has

made it clear that if our client does not accept transfer to the proposed unit, her family risks losing their public housing.

We worry the risk of an unwanted and undesirable mandatory transfer discourages public housing tenants from reporting problems to DCHA, which ultimately perpetuates unsafe housing conditions and costly deferred maintenance. Instead of issuing mandatory transfers, DCHA could offer to temporarily relocate tenants while they carry out repairs on their current unit. In our experience, tenants issued mandatory transfers would typically need to be relocated for seven to ten days for DCHA to meaningfully address health-harming housing conditions. This conforms with DCHA's own plan to place tenants in hotels for up to ten days while implementing the agency's current comprehensive repair audit.<sup>15</sup> Public housing tenants who proactively bring their conditions concerns to DCHA should not be subjected to a different, more restrictive policy. We hope the Committee will encourage DCHA to stop issuing mandatory transfers to tenants whose goal is to remain in their unit and instead provide temporary relocation while DCHA conducts the repairs necessary to make it a safe and healthy home.

#### *Waitlist to Get into Public Housing*

Children's Law Center appreciates DCHA's efforts to work through the current public housing waitlist so the agency can finally reopen it to new applicants after ten years.<sup>16</sup> However, we want to ensure that as DCHA clears the waitlist, people who are

still eligible and have been waiting for many years do not permanently miss their opportunity for public housing. To that end, we hope the Committee will discuss two concerns with the agency. First, as DCHA holds large in-person “occupancy events” for individuals on the DCHA waitlist, like the several held at MLK Library already this year, how is the agency ensuring accessibility for people with disabilities and caregivers of young children who cannot stand in line for hours waiting for their appointment?<sup>17</sup> In invitations sent out ahead of events held by DCHA at MLK Library earlier this year, it was not clear how our clients could request reasonable accommodations.

Second, any major changes to DCHA’s waitlist policies, such as the agency’s proposal to permanently remove individuals who do not respond to the agency’s outreach within 15 business days rather than moving them to an inactive status, should include good cause exceptions to safeguard the rights of people on the waitlist.<sup>18</sup> If an individual does not respond to the agency’s outreach in time, because, for example, they were in the hospital or have a disability that impacted their ability to respond, they should be able to demonstrate that to DCHA and be restored to their original place on the waitlist. Before instituting a waitlist policy change, the agency should conduct a large public relations campaign and targeted outreach to make sure individuals on the waitlist understand the new policy and how to update their status and contact information with DCHA and ensure the agency has the staffing and systems in place for people to successfully do so.

## **Permanent Housing Vouchers**

As the HUD Report made clear, a problem across the whole of DCHA is that the agency is using antiquated record-keeping technology and has chronic problems training staff on how to use the systems they do have in place.<sup>19</sup> One specific area where Children's Law Center has observed this hindering DCHA's performance is its ability to track vouchers. In our experience, DCHA has trouble accurately tracking the vouchers they administer and cannot differentiate between types of vouchers in the data they report. Without accessible and accurate data on this vital program, it is difficult for the agency and stakeholders to assess the agency's performance and track whether vouchers are truly getting to the DC residents who need them.

### *Targeted Affordable Housing*

Children's Law Center wants to thank the Council and Chairperson White for their historic investments in locally funded housing vouchers in recent budgets.<sup>20</sup> However, we are deeply concerned about the low utilization level of Targeted Affordable Housing (TAH) vouchers designated for families. While the Department of Human Services (DHS) is responsible for allocating these vouchers to eligible families, DCHA has responsibility for helping a family successfully utilize their voucher. In FY21 and FY22, the District funded 366 new TAH family vouchers but only 30% of those have been utilized.<sup>21</sup> There

are still 255 unutilized vouchers from FY21 and FY22 that are not being used by families who need them.<sup>22</sup>

Both DHS and DCHA play important roles in the TAH voucher utilization process and each agency putting the blame for underutilization on faults of the other has made it difficult to determine where problems are occurring. In the pre-hearing responses DHS submitted to the Committee last week, DHS claimed to have matched a high percent of available vouchers from FY21 and FY22, but it isn't clear if they have provided the application packets for all those matches to DCHA, and most vouchers remain unutilized.<sup>23</sup> To help the new Committee understand this issue, we would like to outline the steps of the voucher process and what each agency is responsible for:

1. DHS matches a tenant as eligible for a voucher.
2. DHS collects documents from the tenant required for their voucher application.
3. DHS submits those documents to DCHA.
4. DCHA processes the tenant's voucher application by reviewing the supplied documents and running a background check.<sup>24</sup>
5. Once a tenant's application is approved, DCHA gives them a briefing and their voucher.
6. A voucher holder has six months to find a unit that passes DCHA inspection and go through the lease up process with DCHA and the landlord.<sup>25</sup>

We need the Committee to probe both agencies to determine where exactly in the process voucher utilization is being held up. Is DHS having a problem collecting application documents from tenants? Is there a delay between when DHS collects

application materials and sends them to DCHA? Is DCHA having a problem quickly processing applications for approval and, if so, why? Are voucher holders unable to find units and get leased up? Voucher underutilization has been a problem in DC for years and Children's Law Center and other advocates have repeatedly sought clarity from the agencies to no avail. We need the Committee to use its oversight power to figure out where the process is falling apart so everyone understands which barriers need to be removed for successful voucher utilization. Additionally, as the Committee works on the FY24 budget, we hope you will consider funding additional DCHA staff to process the increased number of local voucher applications, so agency capacity does not become a barrier.

### **Ombudsman**

To close, Children's Law Center would like to express our appreciation for the DCHA Ombudsman. As the agency continues to experience high personnel turnover, our attorneys and clients have found it difficult to keep track of who oversees which services and programs within DCHA and the contact information available is often out of date. The Ombudsman is a welcome central place for DCHA tenants to reach out for help.

### **Conclusion**

The solutions to the many problems raised today by Children's Law Center, our advocacy partners, and tenants living in DCHA-owned or funded housing must be thoughtful and intentional. While the HUD report put the failures of DCHA into laser

focus, these problems have existed for years, and we are wary that hastily implemented changes could cause further harm to low-income families in DC. Any plan to put DCHA back on course should be centered around the experiences and stated needs of DCHA tenants.

Thank you again for this opportunity to testify and I welcome any questions.

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<sup>1</sup> Healthy Together is Children’s Law Center’s innovative medical-legal partnership which 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 our attorneys can help address a non-medical barrier to a child’s health and well-being and, too often, that is a housing conditions case.

<sup>2</sup> DCHA, FY23 Performance Oversight Responses, response to Q1.

<sup>3</sup> Steven Thompson & Dalton Bennett, *D.C. Overpays Landlords Millions to House the City’s Poorest*, Washington Post (February 16, 2023), available at:

<https://www.washingtonpost.com/investigations/2023/02/15/dc-housing-authority-overpays-landlords/>.

<sup>4</sup> Jeffrey Anderson, *Big Fall at the Rise*, District Dig (February 23, 2023), available at:

<https://districtdig.com/2023/02/23/fall-at-the-rise/>.

<sup>5</sup> Mitch Ryals, *Locker Room Fight Between Cops Raises Questions About Housing Authority Police Accountability*, Washington City Paper (February 17, 2023), available at:

<https://washingtoncitypaper.com/article/590228/locker-room-fight-between-cops-raises-questions-about-housing-authority-police-accountability/>.

<sup>6</sup> U.S. Department of Housing and Urban Development (HUD), *District of Columbia Housing Authority (DC001) Assessment* (2022), available at: [https://oag.dc.gov/sites/default/files/2022-](https://oag.dc.gov/sites/default/files/2022-10/DCReview_Final%209302022%20%281%29.pdf)

[10/DCReview\\_Final%209302022%20%281%29.pdf](https://oag.dc.gov/sites/default/files/2022-10/DCReview_Final%209302022%20%281%29.pdf); District of Columbia Office of the Inspector General (OIG), *DCHA Can Improve Financial and Program Management to Ensure Housing Subsidy Programs are Administered in an Efficient and Effective Manner*, OIG Project No. 22-1-02HY (October 2022), available at: <https://www.dchousing.org/wordpress/wp-content/uploads/2022/10/OIG-Final-Report-No.-22-1-02HY-DCHA-Financial-and-Program-Management-of-District-Housing-Subsidies.pdf>.

<sup>7</sup> Councilmember Robert White (@CMRobertWhiteDC), Twitter (January 10, 2023, 11:01 AM), available at: ; John Henry, *DC Councilmember Wants District to Invest Additional \$500 Million in Public Housing Maintenance*, WUSA9 (January 10, 2023), available at:

<https://www.wusa9.com/article/news/local/dc/district-council-member-wants-district-to-invest-additional-500-million-in-public-housing-maintenance/65-0d9a3fcd-cab8-44b4-8a52-759c540cec41>.

<sup>8</sup> In DCHA’s quarterly meeting with advocates on January 26, 2023, when asked about Chairperson White’s funding proposal, Director Donald stated that she feels comfortable with DCHA’s ability to spend its current level of \$50 million per year for maintenance and repairs but is not sure that the agency has the capacity to spend \$500 million over five years.

<sup>9</sup> DCHA, *Our, People, Our Portfolio, Our Plan: DCHA 20-Year Transformation Plan*, p. 14, 19 (August 28, 2019), available at:

[https://dcha.us/img/guest\\_uploads/temp\\_rimehhGVtC15670083132z6ZwtkqRDhoZKdydLeU.pdf](https://dcha.us/img/guest_uploads/temp_rimehhGVtC15670083132z6ZwtkqRDhoZKdydLeU.pdf). See also Andrew Giambrone, *D.C.’s Public Housing Will Be Overhauled Under New 20-Year Plan*, Curbed

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(September 4, 2019), available at: <https://dc.curbed.com/2019/9/4/20849254/dc-public-housing-redevelopment-plan-affordable-dcha>.

<sup>10</sup> Office of the District of Columbia Auditor (ODCA), *More Urgency Needed to Fix Lead-Based Paint Hazards*, p. 7 (November 18, 2020), available at: <https://dcauditor.wpenginepowered.com/wp-content/uploads/2020/11/Lead.Based.Paint.Final.Report.11.18.20-1.pdf>. See also Morgan Baskin, *D.C. Housing Authority Failed to Fix Lead Paint Issues in Public Housing on Time, Audit Says*, DCist (November 18, 2020), available at: <https://dcist.com/story/20/11/18/public-housing-authority-lead-paint-issues-auditor/>.

<sup>11</sup> Morgan Baskin, *DCHA Says Thousands of Units Are Nearly Uninhabitable. Tenants Want to Know: What's Next?* Washington City Paper (February 14, 2019), available at:

<https://washingtoncitypaper.com/article/181681/dcs-public-housing-authority-says-thousands-of-units-are-nearly-uninhabitable-whats-next/>.

<sup>12</sup> DCHA, FY2022 Performance Oversight Pre-Hearing Responses, responses to Q6 and Q8..

<sup>13</sup> D.C. Mun. Regs. § 14-6401.1(a), (d), Mandatory Transfer Initiated by DCHA.

<sup>14</sup> *Id.* at 6401.3, 6401.6.

<sup>15</sup> Director Donald described this plan during DCHA's quarterly meeting with advocates on January 26, 2023.

<sup>16</sup> Zachary Parker (@ZacharyforWard5), Twitter (February 23, 2023, 8:10 PM), available at: <https://twitter.com/ZacharyforWard5/status/1628925369083392000>; DHCA, FY2023 Performance Oversight Pre-Hearing Responses, responses to Q6 and Q47.

<sup>17</sup> DCHA, FY2023 Performance Oversight Pre-Hearing Responses, response to Q8; DCHA (@DC\_Housing), Twitter (February 3, 2023, 11:05 AM), available at: ; DCHA, Public Housing Waiting List Eligibility Event, available at: <https://www.dchousing.org/wordpress/customers/public-housing-waiting-list-event/>.

<sup>18</sup> DCHA, FY2023 Performance Oversight Pre-Hearing Responses, response to Q57.; DCHA, *Summary of Substantial Updates to the Admission and Continued Occupancy Plan, the Administrative Plan and the 2023 Moving to Work Annual Plan* (February 10, 2023), available at: [https://www.dchousing.org/wordpress/wp-content/uploads/2023/02/Updates-to-Admin-ACOP-Plans\\_FINAL.pdf](https://www.dchousing.org/wordpress/wp-content/uploads/2023/02/Updates-to-Admin-ACOP-Plans_FINAL.pdf).

<sup>19</sup> HUD, *District of Columbia Housing Authority (DC001) Assessment*, p. 17, 19, 45 and 51 (2022), available at: [https://oag.dc.gov/sites/default/files/2022-10/DCReview\\_Final%209302022%20%281%29.pdf](https://oag.dc.gov/sites/default/files/2022-10/DCReview_Final%209302022%20%281%29.pdf) (regarding public housing occupancy, the public housing waiting list, and the Housing Choice Voucher (HCV) program respectively).

<sup>20</sup> *Historic Housing Investments Present Opportunity to Make Real Progress in Ending Homelessness*, Washington Legal Clinic for the Homeless (August 13, 2021), available at:

<https://www.legalclinic.org/historic-housing-investments-present-opportunity-to-make-real-progress-in-ending-homelessness/>; Annemarie Cuccia, *Council's Initial Budget Vote Adds 400 Housing Vouchers, Expands EITC Program*, The DC Line (Published: May 20, 2022; Last updated: June 2, 2022), available at: <https://thedcline.org/2022/05/20/councils-initial-budget-vote-adds-400-housing-vouchers-expands-eitc-program/>.

<sup>21</sup> DHS, FY2023 Performance Oversight Responses, response to Q76.

<sup>22</sup> *Id.* And DHS has not even begun to match clients to the 395 new TAH family vouchers allocated in FY 23. *Id.*

<sup>23</sup> DHS, FY2023 Performance Oversight Responses, response to Q76.

<sup>24</sup> This step should be a rubber stamp approval process unless a previously unknown issue comes up in the background check.

<sup>25</sup> For more information about the permanent housing voucher process in DC and how DHS, DCHA and other stakeholders partner to provide vouchers to DC residents, see District of Columbia Department of Human Services (DHS), *A Path to Ending Chronic Homelessness in DC*, <https://storymaps.arcgis.com/stories/993e532a43bd4af3a2bf1b69d54dc704>.