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Testimony Before the District of Columbia Council
Committee on Housing
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Public Hearing:
Shared Housing Agreements and Resolution Effort (SHARE) Pilot Program
Amendment Act of 2026 (B26-0829)

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Introduction

Good morning, Chairperson White and members of the Committee. My name is Makenna Osborn. I am a Senior Policy Attorney at Children's Law Center, a resident of the District, and a tenant in Ward 6. 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 60,000 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 provide feedback on the Shared Housing Agreements and Resolution Effort Pilot Program Amendment Act of 2026 (SHARE Act).[1] Housing security —having a safe, stable place to call home— is foundational to a child's well-being.[2] One of the largest drivers of acute childhood housing insecurity is eviction. Of course, when a child loses their home through an eviction it is a deeply traumatizing experience, but research also shows just the *threat* of an eviction is harmful to children. Having an eviction filed against their family, regardless of the outcome, increases a child's likelihood of poor health, developmental delays, and hospital admissions; as well

as mid-year school transfers and chronic absenteeism.[3] All of which has cascading consequences for a child's future and their community.[4]

Eviction proceedings can also be costly for DC landlords, especially affordable housing providers operating on thin margins. Eviction proceedings also put a strain on the limited resources of the DC Superior Court.[5] Based on our own work with low-income families and conversations with other tenant advocates and affordable housing providers, Children's Law Center believes it is often in the interest of both a family and their landlord —as well as the Court and the District as a whole— to resolve the issue of nonpayment of rent as early as possible, ideally *before* an eviction is filed. However, the District's current tools for doing so are insufficient. Recent changes in the Emergency Rental Assistance Program's (ERAP) eligibility requirements and funding levels have made it an unreliable eviction prevention resource,[6] and the Court's existing diversion options are only available after an eviction case is filed and have few incentives for participation.[7] Recognizing this need, Children's Law Center has been participating in a Housing Unity DC working group with a diverse set of stakeholders convened by the Federal City Council to discuss ways to reduce high rates of economic vacancy in DC rental housing, including a possible new eviction diversion pilot.[8]

Children's Law Center supports the idea of an early mediation program, like that proposed in the SHARE Act, to encourage communication between tenants and landlords and to resolve issues like manageable arrears, recertification errors, ledger

disputes, and repair needs without court involvement. We think it is wise to first test the program as a small, targeted pilot and essential to include comprehensive data collection as the Committee envisions. We are hopeful that with appropriate incentives for participation for both parties and sufficient guardrails to protect tenant's rights, something like the proposed pilot program could both help DC families stay in their homes and mitigate some of the harmful destabilization that comes with eviction proceedings; and relieve some of the financial pressure on housing providers in DC that is threatening their ability to maintain quality, affordable housing.

In my testimony I will first explain why Children's Law Center supports the implementation of an early mediation program, like that proposed in the SHARE Act, in DC. Second, I will detail several small but impactful corrections and clarifications Children's Law Center believes the Committee needs to make to the SHARE Act to set the proposed pilot program up for success. Finally, I will outline why Children's Law Center believes the Committee needs to add guardrails to the pilot mediation program proposed in the SHARE Act to better protect tenants and recommendations for how the Committee should decide which guardrails to adopt.

Children's Law Center Supports the Idea of an Early Eviction Diversion Pilot Program

Children's Law Center supports the idea of the SHARE Act because we believe a new early mediation program for rent nonpayment eviction cases could create a much-needed opportunity for tenants and landlords in DC to communicate about rental arrears

issues while they are still small enough to be resolved with some forgiveness and/or a payment plan, or an updated subsidy recertification. In 2025, almost half of the tenants in nonpayment eviction cases filed in DC Superior Court had an arrears balance of less than $5,000 at the time of filing.[9] For many of these cases, timely negotiation between a tenant and landlord should be able to reach a resolution that either preserves the tenancy or allows a family to transition out of the unit without the stress of an eviction proceeding or the use of Court resources.

A Lack of Engagement Between Landlords, Property Managers, and Tenants is Contributing to Growing Rental Arrears and Eviction Filings in DC

From our conversations with partners in the tenant advocate and affordable housing spaces, and discussions with the Housing Unity DC working group, Children's Law Center believes there is currently a distinct lack of timely and productive communication on all sides of the tenant, property management, and landlord relationship in DC, especially when a tenant has rental arrears. As a result, evictions are being filed and going through court hearings that previously would have been resolved before filing or before the initial hearing with information sharing and good faith engagement between parties.

For example, Children's Law Center staff regularly work with families who have some form of subsidized housing and are required to recertify their eligibility for the program on an annual or biannual basis. District agencies that administer tenant-based subsidies and housing providers that operate project-based subsidy properties are

supposed to work with families to complete their recertification. A delay or administrative error with a family's recertification means their landlord will no longer receive the correct rental subsidy amount from the local or federal government and the difference shows up as rent owed by the family. When these situations arise, quick correction would prevent problems for both landlords and tenants. However, in our recent experience, it often takes months and repeated intervention from our staff to resolve a ledger or recertification error when property management staff are unresponsive or uncooperative. Affordable housing providers have also reported that fewer tenants are proactively communicating with property staff when they are having trouble paying rent to try to resolve the situation outside of an eviction proceeding.

The Mediation Program Proposed in the SHARE Act Could Incentivize Early Communication and Resolutions of Potential Eviction Cases

An early mediation program like the pilot proposed in the SHARE Act could help solve this problem by connecting DC families and landlords with the space, information, and resources needed to discuss possible resolutions to a tenant's rental arrears. Importantly, the SHARE Act recognizes that in the current housing environment in DC, parties are not naturally engaging in productive communication. The pilot would provide meaningful incentives for both tenants and landlords to communicate within a structured mediation program. For tenants, financial assistance could make an otherwise unaffordable repayment agreement feasible or, when remaining in the unit is no longer sustainable, help cover costs associated with an agreed-upon move. For housing

providers, the prospect of government assistance toward rental arrears and a faster resolution could make participation preferable to pursuing a lengthy eviction case in court. Providing tangible resources alongside mediation makes it more likely that the parties have realistic options for resolving the underlying problem, rather than simply negotiating over debt that a tenant cannot afford to repay.

A Targeted Pilot With Comprehensive Data Collection and Evaluation Requirements Can Inform Future Policy Decisions Aimed

Another reason Children's Law Center supports the idea of the SHARE Act is the intentional use of the pilot mediation program to collect and evaluate data.[10] Children's Law Center does not believe that the District government has a full and accurate understanding of *why* rental arrears have increased so significantly in recent years. A targeted pilot offers an opportunity not only to test an early-intervention model, but also to collect information that can help the Council develop more effective policies for both tenants and housing providers. For example, information about the amount and causes of rental arrears could help the District better design rental assistance and other interventions, while geographic and case-level data could help identify where resources are most needed. Eviction filings and completed evictions are important measures of housing security (or lack thereof) in a community, and comprehensive data collection through the pilot could help the Council better understand the realities of DC's current housing landscape and which policies are most effective at keeping families stably housed and affordable housing providers sustainably operating. We urge the Committee

to maintain detailed data collection and reporting requirements in the final version of the SHARE Act and hold the agencies and grantees responsible for implementation accountable to those requirements moving forward.

The Committee Should Make Technical Corrections and Clarifications to Strengthen the SHARE Act

If the SHARE Act is passed, Children's Law Center wants the early mediation pilot program to have a good likelihood of success. To that end, we recommend that the Committee correct or clarify the following details in the bill as written to ensure it is implemented as intended:

Correct a Possible Gap in Data Collection Requirements

In the portion of the bill that discusses the grantee that will administer the program, line 84 indicates that applicants for the grant shall "demonstrate *an ability to collect* [the subsequently enumerated] data" (emphasis added) and lines 99-100 state that any grantees "shall share the data with the Department, the Council, and any third-party evaluator."[11] The existing language assumes but does not explicitly state that the data the selected grantee will collect and share must include all of the metrics listed in lines 85-98. To avoid any possible confusion about the grantee's data collection requirements, the Committee should add language addressing this gap. Additionally, the Committee should consider including a requirement for a minimum of how often the grantee shall share the data with the necessary parties to support effective interim evaluation. For example, line 99 could be amended to: "Grantees shall collect data on each of the metrics

listed under subsection (E) above and share that data with the Department, the Council, and any third-party evaluator at least once a quarter."

Correct an Issue With Tenant Eligibility Limits That Would Exclude Most Families

Children's Law Center supports the Committee's choice to set a maximum arrear threshold for tenants to be eligible for participation in the pilot. This is necessary to target the pilot's resources to tenancies that could be reasonably redeemed through its forgiveness, assistance, and payment plan scheme. It was our understanding that the Committee chose to set the maximum threshold at $6,000 or the equivalent of three months' rent to ensure that families who require units with multiple bedrooms would not be excluded from the program. However, that would not be the effect of the bill as written. Lines 104-105 state that tenants will be eligible for the program if the amount of rent owed "is less than **the lesser of** either $6,000 or three months' of the tenant's monthly rent obligation."[12]

Under this requirement, a family that needs a multi-bedroom unit would be much less likely to be eligible for the pilot than an individual renting a studio or one-bedroom. If an individual renting a studio for fair market rent (FMR), which is just under $2,000 in DC, owed three months' rent, they would be eligible for the pilot while a family renting a two-bedroom unit at FMR ($2,246) would not.[13] Considering the particular and long-lasting harm that evictions cause to children, any eviction diversion pilot should be designed to include families with children, not effectively exclude them. Children's Law

Center urges the Committee to remove the "lesser of" language from this provision and adopt language allowing families whose rent is greater than $2,000/month the same chance to participate in the SHARE pilot.

Clarify the Pilot's Timelines

From our participation in the Housing Unity DC working group, Children's Law Center recognizes that landlords want assurances that participation in a diversion program like that proposed by the SHARE Act will not add further delays or ambiguity to the timeline of eviction proceedings. Therefore, any deadlines for action set within the mediation program must be clear and accurate. There are two such deadlines where Children's Law Center believes the Committee needs to add clarifying language: 1) when the grantee administering the program will first contact an eligible tenant, and 2) the length of time before a Certificate of Completion is issued.

For both, the Committee should clarify whether those are calendar or business days. On the first, the SHARE Act states that "the grantee shall contact the tenant within 7 days [of receiving the Notice of Diversion] to conduct intake."[14] With this language, it is not clear what must happen within 7 days: an attempt to contact, a successful first contact, or completion of the intake. If a tenant is not successfully contacted within 7 days and/or their intake is not completed within 7 days, are they no longer eligible for the program? On the second, the SHARE Act states that the grantee shall issue a Certificate of Completion if the housing provider and tenant "reach an agreement" or "fail[] to reach

an agreement . . . with good faith participation" from both parties "within 21 days."[15] The bill does not state if that 21 days is from when the Notice of Diversion Rights and notice of intent to file an eviction are, when the grantee initiates contact with the tenant, or when the grantee completes an intake with the tenant. To ensure smooth and predictable implementation of the mediation program and adequate landlord participation, the Committee must add greater detail to clarify at exactly which point in the process the 21-day clock starts.

The Mediation Pilot Program Proposed in the SHARE Act Requires Additional Guardrails to Mitigate Risks to Tenants

The structure of the pilot proposed in the SHARE Act does not merely facilitate information sharing and resource connection; it encourages mediated settlement agreements that will be filed with the Court. The pilot must account for the reality that those mediations will occur within a system where 95% of landlords have legal representation and nearly 90% of tenants do not.[16] When an eviction case goes through the Court process, there are formal procedures and due process requirements in place to protect a tenant's rights that mediation does not have. A pre-court mediation program risks reinforcing the inequities between landlords and tenants and hastening, rather than preventing, a family's displacement. For example, data from eviction cases in DC shows that when tenants *do not* have legal counsel, they are more likely to sign an unfavorable settlement agreement —like those without commitments from the landlord to correct housing conditions issues or creating a non-redeemable judgment in the event of a tenant

breach— and less likely to abide by the terms of a settlement agreement moving forward.[17]

The level of legal assistance available to participating tenants will significantly affect the fairness of the pilot and the guardrails necessary to protect tenants' rights. Legal assistance can encompass a broad range of services. At one end of the spectrum, an attorney could provide same-day advice, answer a tenant's questions, or review a proposed settlement agreement before the tenant signs it. Tenants could also receive know-your-rights training and plain-language self-help materials before mediation. More extensive assistance could include representation during the mediation itself or full representation during mediation and any subsequent proceedings arising from an alleged breach of the agreement. The SHARE Act does not make clear where on this spectrum the pilot will fall. As written, the bill provides that, if funding is available, DHCD *may* award grants for either housing counseling services or same-day legal representation.[18] This language neither guarantees that tenants will receive legal assistance nor clearly identifies the services that would be provided if funding becomes available. It also appears to contemplate full same-day representation without addressing whether more limited forms of assistance, such as legal advice or attorney review of settlement agreements, could be funded.

Children's Law Center urges the Committee to establish what, if any, level of legal assistance participating tenants will be guaranteed to receive within the SHARE Act

rather than leaving it an outstanding question. This clarity is necessary to design the rest of the program appropriately. A pilot in which every tenant has meaningful legal representation may be able to accommodate a wider range of cases and rely more heavily on individualized legal advocacy. A pilot offering only housing counseling or limited legal advice will require stronger guardrails. Leaving legal assistance uncertain until after the program has been designed risks adopting either too few protections for participating tenants or restrictions that are unnecessarily rigid for a well-resourced program.

The appropriate guardrails will ultimately depend on the level of legal assistance available to participating tenants and some guardrails will be more appropriately established through regulations than the establishing legislation. If the Committee is not going to ensure participating tenants have access to full legal representation, Children's Law Center strongly recommends the Committee consider the following:

- **Establish qualifications and training for mediators.** Mediators should be required to have appropriate training in relevant DC and federal housing law and be able to recognize when a case raises legal issues that should be referred to an attorney.
- **Require meaningful language access and reasonable accommodations.** The pilot should expressly require language access, reasonable accommodations for tenants with disabilities, and plain-language notices, program materials, and settlement agreements.

- **Place limits on potentially harmful settlement terms.** Children's Law Center strongly recommends that the pilot require the use of a form settlement agreement with a variety of terms parties can choose from to allow flexibility while still ensuring a minimum level of fairness as to what a tenant can agree to. In addition to or instead of such a form, the Committee could prohibit settlement agreements reached through the program from including certain particularly harmful terms, such as a right to a non-redeemable judgment following a tenant breach,[19] the elimination of a tenant's defenses to eviction based on future circumstances or housing conditions, provisions that eliminate meaningful opportunities to cure or seek modification based on hardship, and pay-on-time expectations that exceed the length of the agreed to payment plan.
- **Provide an opportunity for legal review before an agreement is signed.** If tenants will not be represented throughout mediation, they should at least have a meaningful opportunity to obtain independent legal advice about a proposed settlement before signing an agreement that will later be filed with the Court.

While no guardrails will eliminate every risk to tenants associated with mediated settlement agreements, the above suggestions could help ensure that tenants in the SHARE pilot have a meaningful opportunity to understand and protect their rights, and

that the pilot produces agreements that promote sustainable housing stability rather than merely accelerating the eviction process. Children's Law Center welcomes the opportunity to work with the Committee as it weighs these different options and decides which guardrails are most appropriate for the final pilot design.

Conclusion

Thank you again for this opportunity to testify. We greatly appreciate this Committee's commitment to crafting innovative and balanced legislative proposals to increase stability for both low-income families and affordable housing providers facing unprecedented challenges. As the Committee moves forward with the SHARE Act, Children's Law Center is happy to discuss our recommendations in greater detail, and we are available as a resource to the Committee. We are hopeful that the final SHARE Act can establish a successful early mediation pilot; one that will help alleviate pressure from the Court so other proceedings can move through more efficiently and reach satisfactory resolutions for DC families and landlords without a harmful eviction.

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[1] B26-0829, *Shared Housing Agreements and Resolution Effort Pilot Program Amendment Act of 2026*, *available at*: https://lims.dccouncil.gov/Legislation/B26-0829 [hereinafter SHARE Act].

[2] *See* Sonya Acosta, "Stable Housing is Foundational to Children's Well-Being," Center on Budget and Policy Priorities (Feb. 15 2022), *available at*: https://www.cbpp.org/blog/stable-housing-is-foundational-to-childrens-well-being; Megan Sandel et al., "Housing as a Healthcare Investment," Children's Health Watch (Mar. 2016), *available at*: https://childrenshealthwatch.org/wp-content/uploads/Housing-as-a-Health-Care-Investment.pdf.

[3] *See* Kate Brantley et al., Record Costs: Examining the Impact of Eviction Filings for Tenants and Their Families, Housing Studies, Vol. 41 No. 6 (2026), *available at*: https://www.tandfonline.com/doi/full/10.1080/02673037.2025.2543477#abstract; Robert Collinson et al., *The Effects of Eviction on Children*, National Bureau of Economic Research (NBER), Working Paper 33659 (April 2025), available at: https://www.nber.org/papers/w33659; Peter Hepburn et al., Consequences of Eviction-Led Mobility for

School-Age Children in Houston, Sociology of Education, Vol. 98 No. 3 (2025), *available at*: https://journals.sagepub.com/doi/10.1177/00380407251333651; Bruce Ramphal et al., Evictions and Infant and Child Health Outcomes: A Systematic Review, JAMA Network Open, Vol. 6 No. 4 (April 2023), *available at*: https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2803667.

[4] *See Policy Brief: By Disrupting Their Education, Eviction Harms Children Immediately and Over the Long-Term*, Yale Tobin Center for Economic Policy (December 2025), https://tobin.yale.edu/research/disrupting-their-education-eviction-harms-children-immediately-and-over-long-term; E*viction Prevention: Reducing Harm to Households and Society*, University of Wisconsin-Madison Institute for Research on Poverty, Fast Focus Policy Brief No. 61-2003 (February 2023), *available at*: https://www.irp.wisc.edu/resource/eviction-prevention-reducing-harm-to-households-and-society/; *Eviction: A Preventable Cause of Adverse Child and Family Health*, Children's Health Watch and Opportunity Starts at Home (September 2021), *available at*: https://childrenshealthwatch.org/wp-content/uploads/Evictions-and-health-brief-v3.pdf.

[5] On the cost of evictions to landlords, *see The Real Cost of Evicting a Tenant (It's Not $250)*, CalcLandlord, https://calclandlord.com/eviction-cost-calculator-landlord/. On the current pressures on DC Superior Court *see*, John Domen, *DC Courts Are Busier, But Funding Isn't Keeping Up With the Work*, WTOP News (September 28, 2026), https://wtop.com/dc/2026/09/dc-courts-are-busier-but-funding-isnt-keeping-up-with-the-work/; *Attorney General Schwalb Advocates for Pilot Program to Speed Up Resolution of Eviction Cases*, Office of the Attorney General (October 26, 2026), https://oag.dc.gov/release/attorney-general-schwalb-advocates-pilot-program.

[6] In the past several budgets, ERAP funding levels have been much lower than demand, resulting in the Department of Human Services running out of ERAP funding shortly after it becomes available. Tenants have only been able to request ERAP during short windows of time one to four times a year, instead of on a rolling basis. If a household falls behind on rent after ERAP funding has been exhausted for the year, they have to wait months before they could possibly access it to help maintain their tenancy. *See* Alaena Hunt, *DC Rental Assistance Reopens With An Appointment-Based System*, Street Sense Media (November 20, 2025), https://streetsensemedia.org/article/erap-reopens-nov20/; Mark Rose and Annemarie Cuccia, *DC Rental Assistance Applications Close Within Six Hours*, Street Sense Media (November 20, 2024), https://streetsensemedia.org/article/erap-rental-assistance-open-rule-changes/. At the same time, the DC Council passed a law narrowing the scope of eligibility for ERAP to households that have fallen behind on rent due to an *unforeseen or unusual event*. Many low-income families experiencing chronic housing instability do not meet this requirement and can no longer access ERAP to cover rental arrears. L26-00200, Emergency Rental Assistance Reform Amendment Act of 2025, https://lims.dccouncil.gov/Legislation/B26-0046.

[7] After an eviction case is filed, DC Superior Court offers entirely voluntary early mediation to landlords and tenants through its Eviction Diversion Program (EDP). Facing Eviction? Don't Face It Alone, DC Courts Newsroom (October 19, 2023), https://newsroom.dccourts.gov/press-releases/facing-eviciton. The Court also offers mediation before any Landlord & Tenant case goes to trial. Landlord and Tenant Mediation, DC Courts (last updated October 21, 2026), https://www.dccourts.gov/superior-court/superior-court-divisions/multi-door-dispute-resolution-division/mediation/civil-division/landlord-and-tenant-mediation.

[8] In May of 2026, the Federal City Council launched the Housing Unity DC initiative in an effort to bring together all the stakeholders in the housing space to build consensus and create real world solutions to DC's growing housing affordability crisis. In addition to several large group convenings, Federal City Council has hosted regular meetings of issue-specific working groups to facilitate the creation of detailed policy recommendations. Children's Law Center is a member of the Rent Non-Payment & Collection working group.

[9] In calendar year 2025, 10,502 nonpayment evictions cases were filed and 5,162 of them had a balance owed of less than $5,000. Data from the DC Courts shared with the Housing Unity DC Rent Non-Payment & Collection Working Group, on file with Children's Law Center.
[10] SHARE Act, *supra* note 1, lines 84-100.
[11] *Id.*
[12] *Id.* lines 101-107.
[13] *Out of Reach: District of Columbia*, National Low Income Housing Coalition (NLIHC), *available at*: https://nlihc.org/oor/state/dc.
[14] SHARE Act, *supra* note 1, lines 117-118.
[15] *Id.* lines 129-135.
[16] Fact Sheet: Rates of Representation and Self-Help Needs in DC Courts and the DC Office of Administrative Hearings, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia*, The District of Columbia Access to Justice Commission (2023), https://dcaccesstojustice.org/wp-content/uploads/2023/04/Fact-Sheet-on-Pro-Se.pdf (According to data shared by the Access to Justice Commission, in the Landlord Tenant Branch of the DC Superior Court's Civil Division, where eviction cases are filed and heard, 95% of plaintiffs (typically landlords) have legal representation while 88% of respondents (typically tenants) do not).
[17] Delivering Justice: Addressing Civil Legal Needs in the District of Columbia, The District of Columbia Access to Justice Commission (2019), p. 53, https://dcaccesstojustice.org/files/Delivering_Justice_2019.pdf.
[18] SHARE Act, *supra* note 1, lines 177-180.
[19] In most eviction cases, if a landlord prevails the court will issue a redeemable judgment ordering the tenant to cure the lease violation (such as by paying the rent owed) by a certain date. If the tenant does not cure by that date, they will be evicted; but if they do cure, such as by paying rent owed in full, at any point up until that date, the case will be dismissed and the tenant maintains their tenancy. In a non-redeemable judgment, tenants cannot avoid eviction by curing the violation or paying the amount owed. It is not uncommon for landlords to propose settlement agreements that include language entitling them to a non-redeemable judgment for eviction if the tenant violates the settlement agreement.