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**Before the Committee on Housing  
Council of the District of Columbia**

**“Public Hearing on Bill 25-0049, the Local Rent Supplement Program Eligibility  
Amendment Act of 2023”**

**June 29, 2023**

Legal Aid of the District of Columbia<sup>1</sup> submits the following testimony regarding Bill 25-0049, the Local Rent Supplement Program Eligibility Amendment Act of 2023. Legal Aid strongly supports this bill, which would permanently enact emergency and temporary legislation that has facilitated the provision of housing to families excluded from federally funded housing programs.

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<sup>1</sup> Legal Aid of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 91 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal legal system. From the experience of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

Legal Aid recommends one revision to the Bill as currently drafted. The current phrasing around self-certification could be interpreted or implemented to require an applicant or participant to *first* make substantial efforts to obtain verification documentation before being permitted to self-certify their eligibility. To avoid this potentially significant pitfall, Legal Aid recommends either striking the phrase “when an applicant cannot easily obtain verification” or re-wording the language to say, “when an applicant self-certifies that they cannot easily obtain verification documentation.”

### **Inquiries into Citizenship, Immigration Status, Prior Criminal Arrests, Convictions or Pending Criminal Matters.**

Legal Aid supports the Bill’s prohibition on inquiries into citizenship, immigration status, and prior criminal arrests, convictions or pending criminal matters as part of Local Rent Supplement Program (LRSP) eligibility and continued participation determinations.

The LRSP initial and continued eligibility determination process is administered by the D.C. Housing Authority (DCHA), which also manages a greater number of federally funded housing subsidies. These federally funded subsidies impose restrictions on eligibility that the LRSP simply does not. This Bill will ensure that DCHA administers the LRSP according to LRSP rules by prohibiting inquiries into eligibility criteria that are not applicable to LRSP and whose consideration would only serve to improperly exclude or discourage eligible applicants for local rent subsidies.

Our client community includes immigrants of all citizenship statuses and District residents who have had interactions with the criminal legal system. Our experience confirms that these groups will benefit from any reduction in barriers to affordable housing.

Immigrants are more likely than Americans born in-country to have problems accessing affordable housing.<sup>2</sup> These households spend a disproportionately high percentage of their income on rent, so it follows that rental subsidies would be incredibly helpful in improving their quality of life.<sup>3</sup> Inquiries into citizenship and immigration status can have a chilling effect on applicants, sending the message that they are not welcome to apply for housing subsidies. Moreover, most of the immigrants in the District are from Latin America and the Caribbean, and are members of racial and ethnic groups that have

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<sup>2</sup> Lipman B. *New Century Housing*. Washington DC: Center for Housing Policy; 2003. America’s newest working families: Cost, crowding, and conditions for immigrants; pp. 1–44. [[Google Scholar](#)]

<sup>3</sup> *Id.*

historically experienced discrimination. Eliminating these inquiries is an equitable solution in housing subsidy eligibility determinations.

As to criminal history, Legal Aid’s experience with our client community is consistent with the findings of housing studies, relied on by HUD: there is no causality between criminal history and housing success.<sup>4</sup> Inquiries into criminal background do more harm than good. They simply do not aid or inform the determination process but enforce the biased belief that there are people deserving and undeserving of housing. Furthermore, criminal histories are as diverse as each individual applicant. They can contain inaccuracies, irrelevant information, and a lack of context.<sup>5</sup> Criminal background checks in housing eligibility disproportionately affect applicants from low income communities and communities of color – just as the criminal legal system disproportionately affects these communities. Disallowing inquiries into the criminal background of applicants and participants removes an unnecessary barrier to acutely needed affordable housing.

### **Self-Certification**

Legal Aid generally supports the provision of the Bill that allows applicants and participants to self-certify any required eligibility, admission, or continued occupancy factors when an applicant cannot easily obtain verification. As just one example, many of Legal Aid’s clients change jobs frequently, have seasonal or sporadic employment, or work in the gig economy where there is no clear employer point of contact. The difficulty of getting third-party verification of eligibility factors creates a barrier to accessing housing. Removal of the third-party verification requirement works towards removing that barrier. It also enforces the message that the verifications of applicants/participants of rent supplement programs can be trusted.

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<sup>4</sup> “Tenant Screening With Criminal Background Checks: Predictions and Perceptions Are Not Causality”, by Calvin Johnson, Deputy Assistant Secretary for the Office of Research, Evaluation and Monitoring, Housing and Urban Development. May 17, 2022. <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-051722.html>. citing Alex Chohlas-Woods. 2018. “Understanding Risk Assessment Instruments in Criminal Justice,” Brookings Institution; Julia Angwin, Jeff Larson, Surya Mattu, and Lauren Kirchner. 2016. “Machine Bias,” *ProPublica*.

<sup>5</sup> “How Automated Background Checks Freeze out Renters” by Lauren Kirchner and Matthew Goldstein, published May 28, 2020, *The New York Times*. <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>

To maximize the effectiveness of this provision, Legal Aid recommends striking the phrase “when an applicant cannot easily obtain verification” or re-wording it to say, “when an applicant self-certifies that they cannot easily obtain verification documentation.” As currently written, this provision could be interpreted to require an applicant/participant to first undertake significant efforts to obtain that verification and/or to prove they are unable to easily obtain verification. Failing to clarify that an applicant or participant need not undertake such extraordinary efforts, and need to make such a showing, would potentially undermine the whole purpose of this provision. For this reason, Legal Aid recommends either striking or amending the phrase in the three places it appears in the Bill.

### **Conclusion**

Legal Aid appreciates the Council’s commitment to reducing barriers to housing for Legal Aid’s client community. The Local Rent Supplement Program is a lifeline to low-income families who need stable housing but who might be ineligible for federal rent subsidies due to their immigration status, history with the criminal legal system, or who encounter other obstacles to obtaining official records. Eliminating these unnecessary barriers and clarifying the scope of DCHA’s inquiry will help District residents who are among the most excluded from the rental housing market and from federal housing programs to find stable housing.