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**Testimony of Vikram Swaruup
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**Before the Committee on the Judiciary & Public Safety
Council of the District of Columbia**

Budget Oversight Hearing Regarding the Office of Victim Services & Justice Grants

April 25, 2024

Chairwoman Pinto, it is an honor to appear before you and members of the Judiciary Committee today. My name is Vikram Swaruup, and I work as the Executive Director of Legal Aid DC.¹ I am before you to testify about the proposed 67% cut to Access to Justice funding in the Mayor's Fiscal Year 2025 budget.

Before I turn to the 2025 budget, I wanted to thank you, Chairwoman Pinto, as well as the Committee, Chairman Mendelson, and Councilmember Allen for your leadership on Access to Justice and victims services funding in the Fiscal Year 2024 budget. A year ago, the Mayor proposed a 60% cut to the Access to Justice Initiative, and the Council undid those cuts and preserved funding for the program. We urge you to do so again.

I want to emphasize three points in my testimony today: (1) the impact that these cuts would have on Legal Aid and our ability to serve our clients; (2) the importance of this funding to filling gaps in the government's ability to discharge its core functions; and (3) the necessity of ensuring a reliable funding source for this program to build momentum and avoid uncertainty.

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. 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 experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

Access to Justice Cuts Will Have Profound Impacts on Legal Aid

I will start with the impact that a 67% cut to Access to Justice funding would have on Legal Aid. Because these funds are distributed as grants by the D.C. Bar Foundation to legal service providers, we cannot put exact numbers on the effect this cut would have. But we know that the impact will be profound. Legal Aid is the largest grantee of the Initiative, and these funds are Legal Aid's single largest source of funding. 43% of our funding comes from Access to Justice grants, and 48 of our 112 staff are paid using these dollars.

A substantial cut to Access to Justice funding will likely impact all of our major practice areas, because the Initiative funds:

- \$2.87 million and 26 members in our housing practice, through which we represent District residents in eviction proceedings, as well as other efforts to preserve affordable housing, like helping tenants fight unlawful rent increases;
- \$920,000 and 8 staff members in our domestic violence and family law practice, through which we represent survivors of domestic violence to get civil protection orders and ensure access to counsel in divorce, custody, and child support proceedings; and
- \$1.55 million and 14 staff in our consumer and public benefits practices, through which we help District residents secure their economic rights by challenging foreclosures and debt collection efforts and by protecting access to benefits like nutritional assistance and health insurance.

Thanks to the funding that the Council protected last year, we anticipate serving nearly 5,000 District residents in 2024. Our clients come to us facing a life-changing crisis – eviction, foreclosure, domestic violence, and the like. And while we have made significant progress, we see every day – at our Northwest and Anacostia offices or at courthouse projects – that the need is far more significant. Cutting funding for the Initiative will mean that thousands of our neighbors who we would otherwise help will face the legal system alone.

Access to Justice Addresses Gaps in Core Government Functions

The Access to Justice funds not only support some of our most vulnerable neighbors through legal services, but they also fill critical gaps in government services.

The D.C. courts remain understaffed due to judicial vacancies. For example, there are 13 vacancies on D.C. Superior Court, and this Committee and this Council have rightly pressured the President and the Senate to fill those vacancies expeditiously. But while these seats remain vacant, ensuring that litigants have a lawyer can help judges resolve more cases more quickly. Many of the judges have recognized this and are increasingly referring unrepresented litigants to us and our colleagues. For example, in Family Court, nearly all of the orders refer unrepresented litigants to the Family Law Assistance Network, and as a direct result, we have seen a 67% increase in intakes on family law issues.

But there are also several problems within the Executive Branch that we help address. To start, there are significant issues with the Department of Human Services' administration of public benefits programs like nutritional assistance and cash assistance. Our advocacy for individual clients is often the key to making sure the agency addresses these issues when their computer systems fail. For example, one of our clients received less in nutritional and cash assistance than the amount to which she was entitled for more than four months because a DHS computer issue prevented the agency from correctly processing a change in her income. The agency also threatened to cut off her benefits completely because its computer system erred in processing her paperwork. After this client retained us, we were able to seek review of the issue in the Office of Administrative Hearings, where DHS conceded the error and issued the corrected benefits to the client. Unfortunately, we continue to litigate regarding the underlying systemic computer issues while we work to help individual clients with their issues.

There are similar issues with accessibility when it comes to rental assistance and the agency's administration of Permanent Supportive Housing and Rapid Rehousing. For example, we recently helped a tenant who was facing eviction because the Department had been paying his subsidy to a different landlord for an apartment where he never lived. Because of our advocacy, DHS admitted the error, corrected the voucher issue, and the landlord dismissed the case, enabling the client to seek safe housing without the threat of eviction hanging over him.

We have also helped clients navigate challenges with the Department of Housing and Community Development's administration of the Homeowners Assistance Fund (HAF), which has suffered serious challenges. For example, a Ward 7 homeowner recently came to us after he was sued for foreclosure. His HAF application had been improperly denied, and as the result of an appeal we helped him file, the agency reversed its decision, brought his mortgage current, and the foreclosure case was dismissed. Now, he is back on track with his mortgage, with a fresh start and his home out of danger of foreclosure.

Perhaps most dramatically, as the Council is aware, the Executive refused to implement a provision in last year's budget to supplement nutritional assistance. We prepared a

lawsuit to challenge this action and worked closely with the Council. While this work was not funded by the Access to Justice Initiative, the expertise and relationships with the clients underlying it were. In response to our threatened lawsuit, the Administration implemented the law, and nearly 1 in 5 District residents can provide more food to their families as a result.

Funding legal services is no substitute for funding and oversight to ensure that the District government functions on behalf of its most vulnerable residents. A lawyer should not be necessary to navigate basic, life-saving programs, but too often, access to counsel makes the difference. As a result, legal services are, unfortunately, critical to ensuring that our neighbors can access programs that the Council has funded and do not face loss of housing, food, or healthcare due to breakdowns in the government's implementation of these programs.

The Access to Justice Initiative Needs Reliable, Stable Funding

Finally, as I discussed at the beginning of my testimony, this is the second year that Access to Justice funding faces deep cuts in the Mayor's budget proposal. This now-annual debate and fight to preserve the status quo is untenable, and I urge the Committee, and the Council more broadly, to work with the Mayor to create a stable, permanent funding stream for the Initiative.

For Legal Aid, the funding we receive through this program is nearly all used to fund personnel expenses – that is salaries to pay our lawyers and program staff. As a result, uncertainty about funding is particularly difficult on a human level. The annual conversation about potential cuts to funding levels necessarily leads to anxiety for my colleagues about their future employment and makes them question whether a career in legal services is tenable. And many of these talented lawyers and professionals can make more money elsewhere – in the private sector or even in the government. My colleagues are deeply committed to our clients and this work, but annual job insecurity creates the possibility of a significant brain drain from critically important work.

Beyond the possibility of losing talent, a permanent funding stream is also critical to plan and grow strategically. For example, in the last couple of years, we have been able to grow our reach and our impact because of consistent investment. We have made our services more accessible, and as a result, our intakes in the first three months of the year have grown from 822 in 2022 to 1,035 in 2023 to 1,590 in 2024. We have seen similar growth in the number of cases we have taken on. In the first three months of 2022, for example, we accepted 248 cases for full representation; in 2023, 275 cases; and in 2024, 484 cases. We have been able to take on more cases by recruiting and training our staff, which requires investment across multiple years. This progress is fragile – and cuts, or

even the possibility of cuts – can set us back, and it could take years to return this level of effectiveness.

Before coming to Legal Aid, I worked at the Office of the Attorney General at a time that agency was growing and building its public-interest mission and affirmative litigation practice. As you know, it took years of sustained commitment from the Council to fund and grow this work, which is now a critical part of how the government can serve its most vulnerable constituents. That would not have been possible in the face of an annual conversation about slashing staffing levels by two thirds. That is equally true for this Initiative. We have the opportunity to invest in building a legal services infrastructure that supports our most vulnerable neighbors. Doing so requires your support.

Conclusion

Thank you for this opportunity to testify. I urge the Committee and the Council to restore this funding and ensure that we are not back in the same posture next year. Thank you, and I look forward to answering your questions.