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Before the Committee on Human Services
Council of the District of Columbia

Public Hearing Regarding:

Bill 24-0992
The "Migrant Services and Supports Act of 2022"

October 20, 2022

Legal Aid[1] and the Washington Legal Clinic for the Homeless[2] submit the following testimony in opposition to Bill 24-0992, the Migrant Services and Supports Act of 2022,

[1] The 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 90 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 justice system. From the experiences 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.

[2] Since 1987, the Legal Clinic has envisioned and worked towards a just and inclusive community for all residents of the District of Columbia – where housing is a human right

as drafted. The bill fails to fulfill the District's responsibility to ensure that all people who seek support from the D.C. Government while going through crisis are served in an appropriate and even-handed way. Worse, it makes a cynical and unacceptable trade-off: taking steps to serve those arriving in the District from southern border states after arduous journeys to this country while, simultaneously, reducing access to traditional homeless services for entire groups of Washingtonians who happen to be immigrants. This is a fundamentally flawed approach that will leave those considered migrants underserved and under-protected, while also pitting the shared needs of different segments of the District's communities against one-another. When homelessness increases – whatever the cause – DC must find a way to serve the need rather than restricting eligibility to artificially reduce demand. Crucially, it cannot use immigration status or country of origin as a way to screen people out of services.

Legal Aid and Legal Clinic support ensuring that all individuals and families in the midst of crisis or at risk of crisis receive timely support via District-funded programming. This specifically includes ensuring that people bussed to the District from southern border states can access an array of supports and services specifically responsive to their needs. If an Office of Migrant Services ("OMS") is the most appropriate way to fund and coordinate these services, then the Council should authorize one. However, this legislation, and its accompanying emergency and temporary versions, take an approach that is fundamentally wrong. If the Committee moves forward with this bill, it should make significant amendments, including:

1. Amending Title I of the bill to state specifically who OMS is intended to serve and create statutory protections to ensure the consistent, safe, and non-discriminatory delivery of services to individuals and families seeking OMS support.

2. Deleting Title II of the bill to eliminate unnecessary changes to eligibility criteria for traditional homeless services. The Homeless Services Reform Act already offers clear eligibility criteria for these services, and this bill's language would make it more difficult for a range of people who are immigrants – including immigrants who have lived in the District for years – to access the homeless services system.

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and where every individual and family has equal access to the resources they need to thrive. More information about the Legal Clinic can be obtained from our website, https://www.legalclinic.org.

The Council should also make similar changes to the emergency and temporary versions of this legislation (Bill 24-0990 and Bill 24-0991, respectively).[3] The emergency bill is already in effect and the temporary one will likely be in effect through hypothermia season – a time when the right to shelter is most critical to saving lives. While the emergency and temporary versions of the bill differ from the permanent bill (and from one another) in key ways, broadly speaking, all three pieces of legislation suffer from the same fundamental flaws that must be corrected.

The District is facing a humanitarian crisis – one which requires a strong response. That response should be fully protective of people seeking support and should **not** exclude anyone from needed services due to factors related to their immigration status.

The Actions of Southern Border State Governors Have Created a Grave Humanitarian Crisis

Starting in April of this year, the Governor of Texas began what has rightfully been described as a "cruel political stunt": bussing people identified as migrants coming to the United States via the southern border from Texas to the District.[4] The Governor of Arizona soon followed suit,[5] and the practice has continued ever since. The individuals and families on these buses have endured arduous journeys, beginning with their journeys to the United States and extended by long bus rides to the District. Reports from the District and other parts of the country to which governors have also bused people indicate that many migrants have been told that they would receive jobs and various forms of assistance at the end of their bus rides.[6] The result of all of this has been as predictable as it has been cruel: significant numbers of people arriving in the District who have experienced hardship and trauma and who need help establishing safety and stability for themselves and their families.

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[3] Available at: https://lims.dccouncil.gov/Legislation/B24-0990, https://lims.dccouncil.gov/Legislation/B24-0991

[4] Petula Dvorak, "The migrant buses sent to D.C. are a cruel, political stunt", The Washington Post, July 15, 2022. Available at: *https://www.washingtonpost.com/dc-md-va/2022/07/14/migrant-buses-dc-bowser-silence/*

[5] *Id.*

[6] *Id*, *see e.g., also*, Deirdra Funcheon, "Migrants sent to Martha's Vineyard promised cash and job help", Axios, September 19, 2022 (discussing migrants who were flown from Texas to Matha's Vineyard, MA by Florida Governor Ron DeSantis). Available at: https://www.axios.com/2022/09/20/marthas-vineyard-migrants-brochure

To date, local mutual aid groups have taken on the responsibility of meeting people as the buses arrive, offering basic necessities and helping connect with the people, services, and resources that migrants need.[7] However, it has been apparent for several months now that investment from the District Government is needed – only the D.C. Government can leverage the kind of resources needed to serve a growing number of people arriving in the District. And in a city that, over the years, has taken key steps to address gaps in its social safety net, allowing recent arrivals to go without needed support would only deepen the trauma that migrants have already faced. The challenge that the District faces is not one of its own making. But in many ways, we will be defined by how we respond to it.

The Mayor's Office of Migrant Services Legislation is Inadequate and Endangers Homeless Services Access for People Struggling with Housing Crises

After several months of bus arrivals, the Mayor circulated the legislation that the Committee is considering today. The legislation, along with its emergency and temporary counterparts, permits the Mayor to establish an Office of Migrant Services "to provide time-limited services and supports to recent immigrants to the United States."[8] The bill contains a list of types of time-limited services that the Mayor may provide via this office, which covers a range of basic needs that would be especially relevant for individuals and families arriving in the District under very difficult circumstances.[9] We believe that the District needs to fund and support the provision of these types of services. However, the remainder of the legislation is deeply flawed in ways that must be addressed before it moves forward.

[7] *See*, *supra*, note 4, *see also*, Amanda Michelle Gomez, "Inside The Local Mutual Aid Effort Supporting The Migrants Texas Bused to D.C.", DCist, May 24, 2022. Available at: https://dcist.com/story/22/05/24/local-mutual-aid-effort-migrants-bused-to-dc/

[8] Bill 24-0992, The Migrant Services and Supports Act of 2022, Title I, Sec. 101. Available at: https://lims.dccouncil.gov/Legislation/B24-0992

[9] *Id.*

By Carving OMS Services Out of the Homeless Services Continuum of Care and Omitting Key Statutory Protections, the Bill Leaves Those Who Access OMS Services Under-Protected

Section 103 of the bill states that services offered under the bill will not be considered part of the homeless services continuum of care, a collection of services for individuals and families experiencing or at risk of experiencing homelessness in the District.[10] The continuum of care spans a range of programs, from Emergency Rental Assistance (ERAP) and prevention programming for people facing the loss of housing; to shelter services for adult individuals, families, and unaccompanied youth; to time-limited housing supports like Rapid Rehousing and flexible rent subsidies; to permanent housing supports in the form of Permanent Supportive Housing (PSH) and Targeted Affordable Housing (TAH). Importantly, continuum of care services is governed by the Homeless Services Reform Act (the "HSRA"), which sets minimum standards for services and legal rights for people who seek or receive these services from the District Government and service providers.

HSRA protections make clear what people at risk of or experiencing homelessness can expect when they ask for help. It defines the populations served by various continuum programs, so that people can know which services they are eligible to access.[11] It describes key elements of eligibility processes for services and identifies situations in which these eligibility processes may (or must) be relaxed for people in particularly dangerous situations (for example: allowing survivors of domestic violence to access family shelter if they arrive without documentation of District residency).[12] It sets certain minimum standards for programs themselves – for example standards for conditions at severe weather shelters,[13] and standards for family shelter placements to offer families some degree of privacy.[14] It provides for notice of adverse agency decisions.[15] And it

[10] *Id.* at Sec 103

[11] *See*, DC Code § 4-753.01 (describes services that may be included in the continuum of care), DC Code § 4–751.01 (defines terms, such as "homeless," "at risk of homelessness," and "chronically homeless")

[12] DC Code § 4-753.02 ("Eligibility for services within the Continuum of Care")

[13] DC Code § 4-754.22

[14] DC Code § 4-753.01(d)(1)

[15] DC Code § 4-754.33

outlines processes the Government must follow for changing or ending people's services.[16] The HSRA plays a crucial role in protecting access to services, preventing (or at least reducing) inconsistent decision-making, and providing people trying to access or maintain services with clear pathways for addressing incorrect or inappropriate denials or terminations of needed services.

The bill carves OMS services out from these HSRA protections and offers no alternative protections in their place. Title I states that OMS services are for "recent immigrants," but does not definite what that means, leaving unclear which categories of immigrants to which its programming will be available.[17] It fails to set minimum standards for the services that OMS may (per the bill's permissive language) provide – notably, permitting OMS-offered temporary shelter to be provided "in a congregate setting."[18] It is silent on specific procedural protections or options for addressing inappropriate denials or terminations of services. It does not even require basic health and safety protections for shelter, such as heat, running water, or electricity. Instead, the bill simply states that the Mayor "*may* establish eligibility criteria, including statutory, regulatory, or programmatic categories of immigration, means of entering the District, and length of time in the United States of the District, for services provided under this act" (emphasis added).[19] The bill's language removes people accessing OMS services from the relatively robust protections of the HSRA, and instead, simply leaves it to the executive branch to decide who will be served and what rights they will have. Those decisions are not even required to be published for public comment and review via regulation.

This problem becomes even worse when language in Title II (discussed below) is taken into consideration. Title II explicitly excludes certain categories of immigrants from HSRA homeless services.[20] Meanwhile, the lack of protective language in Title I means that there is no guarantee that these people will be eligible for OMS services, or that the services OMS offers will align with their needs, or that they will be able to address inappropriate or incorrect decisions when they are made. Title I also specifically states that services are not an entitlement, which means that applicants to shelter can legally be

[16] *See*, *e.g.*, DC Code § 4-745.33 (notice), § 4-745.34 (transfers), § 4-745.35 (suspensions of services), § 4-745.36 (termination), § 4-745.36b (program exits)

[17] Bill 24-0992, The Migrant Services and Supports Act of 2022, Title I, Sec. 101

[18] *Id.*

[19] *Id.* at Sec. 102

[20] Bill 24-0992, The Migrant Services and Supports Act of 2022, Title II, Sec. 201

denied shelter during severe weather if they are eligible for OMS services or are otherwise excluded as not eligible for homeless services under Title II.

The bill's lack of basic protections is unacceptable. Channeling people toward a brand-new collection of services (none of which the bill actually requires the Government to provide) with no accompanying minimum standard for how and to whom services are offered makes it more likely that people will be under-served – or excluded from services altogether. Further, even in well-run safety net systems, the Government sometimes makes mistakes, making the bill's lack of procedural protections deeply problematic. The Committee needs to amend the bill to address this, guaranteeing basic protections for people seeking help via OMS. Without such an amendment, much of the bill's promise will ring hollow.

The Bill Excludes Categories of Immigrants from Traditional Homeless Services

Alarmingly, Title II of the bill goes beyond what is necessary to establish an Office of Migrant Services making a series of "conforming amendments" to the HSRA itself. These amendments make changes to the HSRA's definition of "Resident of the District," rendering certain categories of immigrants no longer District residents for the purposes of the HSRA.[21] Because District residency is an element of eligibility for continuum of care services,[22] changing the definition of District residency affects eligibility for the entire continuum of homeless services – shelter, housing, prevention, etc. (note that, while Title I states that shelter is a possible service provided by OMS, there is no path to housing resources for anyone covered by Title I and/or excluded by Title II). These changes even impact people who *currently* receive homeless services, as the Mayor has authority to redetermine the eligibility of anyone receiving services and terminate them if they are no longer eligible.[23] The Committee should strike Title II in its entirety, as it is not needed, will be difficult to implement, and has the effect of excluding a range of people with immigrant backgrounds – including some who have lived in the District for years – from homeless services.

Before we continue, we note that there has been a not-entirely-precise interpretation of the residency requirement shared with the DC Council. According to the memo circulated prior to the vote on an amendment to the temporary legislation: "Under the

[21] *Id.*

[22] DC Code § 4-753.02

[23] *See* DC Code §§ 4-753.02 (b-1)(1); 4.754.46b (a)(2)

HSRA, District residents may not be prioritized for access to '[l]ow-barrier shelters and severe weather shelters operating as low-barrier shelters,' D.C. Official Code § 4–753.01(c)(3)(A), nor does the Department of Human Services ask for proof of residency at alternate sites like recreation centers acting as hypothermia shelters."[24] First, what that section of the code states is: "Low-barrier shelters and severe weather shelters operating as low-barrier shelters *shall not be required* to receive demonstration of residency or prioritize District residents" (emphasis added).[25] This means that the Mayor cannot require shelters to require proof of residency, but shelter providers may choose to receive demonstration or prioritize DC residents. Second, the Community for Creative Non-Violence (CCNV) and *all* family shelters are temporary shelters under the law, therefore not covered by that exclusion, and all applicants to those shelter *must* prove DC residency even on hypothermic nights.

Excluded Categories of Immigrants

The bill excludes several categories of immigrants from HSRA services by making them non-DC residents under the HSRA. Specifically, "individuals arriving in the District from southern border states" are deemed non-residents who are ineligible for HSRA services if they are: (1) "en route to a family member or sponsor or an intended destination outside the District"; (2) are "waiting to report" to "an immigration interview or other immigration proceeding that is scheduled to be held by an office or court, or other tribunal or fact-finder located outside the District"; (3) "were paroled into the United States after January 1, 2022" with some exceptions; or (4) were "issued, after January 1, 2022, a notice to appear" (i.e., summoned to an immigration proceeding).[26] There are serious problems with each of these exclusions, including that, while they appear intended to exclude only people who have recently arrived in the District, they are drafted in such a way that they apply to immigrants who are not recent migrants. A summary of these problems is below:

1. The HSRA's definition of a "Resident of the District" already excludes people who are in the District for a temporary purpose.[27] Title II's singling out of people who are en route to destinations outside of the District is therefore redundant. In fact, the language's focus on people who are en route to other destinations for immigration-related reasons (i.e., being en

[24] Notice of Intent to Move an Amendment at the October 4, 2022 Legislative Meeting, October 3, 2022. Available at: https://lims.dccouncil.gov/Legislation/B24-0991

[25] DC Code § 4-753.02(c)(3)(A)

[26] Bill 24-0992, *Migrant Services and Support Act of 2022,* Title II, Sec. 201

[27] DC Code § 4-751.01(32)

route to a sponsor) could encourage discriminatory enforcement of what was previously an even-handed residency definition.

2. Language excluding anyone waiting for an "immigration interview or other immigration proceeding . . . located outside the District" in fact excludes anyone waiting for an immigration interview or proceeding (including immigrants living in the District with the intent of remaining in the District), because **there is not a single immigration office or court located within DC**. Worse, people who are immigrants attend interviews and/or proceedings for a variety of different reasons at a range of stages of the immigration process (for example: naturalization interviews). This means that this exclusion could apply to immigrants who have lived here for years and whose contacts with immigration officials have nothing to do with their residency in the District.

3. Language regarding parolees similarly excludes people from District residency for reasons that have nothing to do with their residency status. For example:

   - Person A and Person B both came to the US without immigration status after January 1, 2022, but Person B was granted parole status at border by the U.S. government for "humanitarian reasons" (because they are seeking protection from harm) or "for a significant public benefit" (because they are testifying in a civil or criminal proceeding). Even if both are currently living within the District's borders, only Person B would be automatically excluded from HSRA eligibility under this subsection. The parole language excludes people based on how they entered the country rather than whether they live in the District.

4. Language excluding people who have received a Notice to Appear (i.e. a summons to immigration court) fails to account for both the length and nature of immigration proceedings. The exclusion applies even if an individual or family received the Notice to Appear several years after they entered the US and became a DC resident. For example:

   - A family who entered the country several years ago through a US airport on a valid visa but is now undocumented would suddenly become ineligible for HSRA services if they received a Notice to Appear at any point in the future, even if they had been living in DC for years. This exclusion would last until the conclusion of their

immigration matter, including appeals, meaning that the exclusion could last for several years.

Even more troubling is the fact that the families excluded under this language (particularly the examples above) might **also** be disqualified from OMS services because they would not necessarily be considered "recent migrants". As we noted above, the bill does not specifically define who is eligible for OMS services.[28] Instead, it gives the Mayor broad discretion to define OMS eligibility,[29] and does not provide procedural protections for those who are wrongfully denied OMS services.[30] **Therefore, the DC resident families in the above examples might be disqualified from both OMS and HSRA services without recourse.**

It is important to note that, although this testimony discusses Bill 24-0992 (the permanent version of bill), the emergency and temporary versions of the bill suffer from similar problems, as well as new ones. The emergency and temporary bills were each amended before they were passed.[31] The Council should amend both the emergency and temporary bills to strike their versions of Title II in their entirety. However, we note these specific problems with these pieces of legislation, which are distinct from problems with the permanent bill:

1. The permanent bill's Title II language applies only to categories of immigrants who are "arriving in the District from southern border states."[32]

[28] *See* Bill 24-0992, *Migrant Services and Support Act of 2022,* Title I, Sec. 102

[29] *Id*. ("The Mayor may establish eligibility criteria, including statutory, regulatory, or programmatic categories of immigration, means of entering the District, and length of time in the United States or the District, for services provided under this act.")

[30] *See*, *id.*

[31] The Council passed an amendment in the nature of a substitute on the day it passed the emergency bill. It also passed a conforming amendment of the temporary bill that day so that both bills would say the same thing. However, at the second reading of the temporary bill, the Council further amended the temporary bill. The Council did not pass new emergency legislation to align the emergency bill (which is currently in effect) with the newly amended temporary bill. The legislative record for each bill is available at https://lims.dccouncil.gov/Legislation/B24-0990 and https://lims.dccouncil.gov/Legislation/B24-0991, respectively.

[32] Bill 24-0992, *Migrant Services and Support Act of 2022,* Title II, Sec. 201

This is a confusing standard that would be both discriminatory and difficult to administer. The emergency and temporary bills strike this reference to the southern border.[33] While this change was likely an attempt to respond to the problematic nature of the "southern border" language, it has the effect of making the exclusions discussed above broader (because the exclusions apply to more people).

2. Because the emergency and temporary bills' Title II language reference "an individual or family,"[34] they raise questions around the eligibility of mixed-status households for homeless services.

<u>Changes to How Applicants for Homeless Services Prove Residency Could Lead to Additional Exclusions</u>

In addition to excluding certain categories of immigration from homeless services, the bill makes it harder for some DC residents to access homeless services.

First, the bill doubles the number of documents – from one to two – that a person must present in order to prove that they are DC residents eligible for homeless services.[35] The Mayor previously proposed this change to the HSRA in 2017 as part of the larger package of proposals that would make homeless service access more difficult.[36] The Council ultimately declined to increase the number of documents required to prove residency, omitting this proposal from final legislation.[37] The emergency and temporary

[33] Bill 24-0991, *Migrant Services and Supports Temporary Amendment Act of 2022*

[34] *Id.*

[35] Bill 24-0992, *Migrant Services and Support Act of 2022,* Title II, Sec. 201

[36] *See*, Bill 22-0293, *Homeless Services Reform Amendment Act of 2017*, as introduced, Sec. (line 206). Available at: https://lims.dccouncil.gov/downloads/LIMS/38138/Introduction/B22-0293-Introduction.pdf

[37] *See*, Bill 22-0293, *Homeless Services Reform Amendment Act of 2017*, enrolled version. Available at: https://lims.dccouncil.gov/downloads/LIMS/38138/Meeting2/Enrollment/B22-0293-Enrollment.pdf

versions of the migrant services bill both rightly strike this language,[38] and the Committee should follow suit with respect to the permanent version.

Second, the bill makes it harder for recently-arrived refugees, asylees, and immigrants fleeing domestic violence or human trafficking to access the full range of HSRA services. Prior to the passage of the emergency version of the bill, DC Code § 4-753.01(c)(3)(B) provided an important exemption from the HSRA's residency proof requirement for survivors of domestic violence, sexual assault, and human trafficking; refugees; and asylees.[39] Specifically, people seeking shelter because they fell into one or more of these categories were exempted from having to demonstrate District residency.[40] The exemption was important because people seeking help under these circumstance would be particularly unlikely to have documentation in the midst of crisis and would be in especially acute danger if denied services. The emergency version of the bill changed this, so that anyone who is eligible for shelter under Title I no longer qualifies for this exemption.[41] Today's bill contains similar language,[42] and as we have noted above, because the bill does not define who is eligible for migrant services, it is unclear who is still exempt from residency documentation requirements (this is further complicated by the fact that the temporary version of the bill actually restores the exemption for everyone except asylees).[43]

Another concern about this section is that applicants who are intended to be able to proceed without documentation of residency may have a difficult time proving a negative. As we mention above, DC Code § 4-753.01(c)(3)(B) was promulgated in recognition that these categories of applicants will be unlikely to be carrying proof of residency as they flee harm. If they do not have those documents, they will similarly be unable to prove that they are not "a person who is eligible to receive shelter under Title I of the Migrant Services and 90 Supports Emergency Act of 2022" (emergency) or "except, in regard to

[38] *See* Bill 24-0990, *Migrant Services and Supports Emergency Act of 2022*, Bill 24-0991, *Migrant Services and Supports Temporary Amendment Act of 2022*

[39] *See* DC Code § 4-753.01(c)(3)(B)

[40] *See*, *id.*

[41] Bill 29-0990, *Migrant Services and Supports Emergency Act of 2022*, Title II, Sec 201

[42] Bill 24-0992, *Migrant Services and Support Act of 2022,* Title II, Sec. 201

[43] Bill 24-0991, *Migrant Services and Supports Temporary Amendment Act of 2022*, Title II, Sec. 201

asylum alone, a person who is eligible to receive shelter under Title I of the Migrant Services and Supports Emergency Amendment Act of 2022" (temporary).[44] First, as noted above, the eligibility criteria for OMS are not even in the bill, so it is unclear how an applicant for emergency shelter would know how to prove they are *not* eligible for OMS shelter. Second, the documents that an applicant might use to prove that they are not recent immigrants (a lease, school enrollment, utility bills, etc.) are the very documents that the Council has already decided these categories of applicants are unlikely to have.

The Bill Will Increase Discrimination and Profiling, and Will Deter Immigrants From Seeking Services

The only way to administer Title II of the bill is for homeless services intake personnel to inquire about the immigration status and history of applicants. This is contrary to a two-decade-old policy that DC government shall not ask public benefit applicants about immigration status.[45] First, immigration law is complicated and frontline workers of shelters or other homeless services programs are ill-equipped to determine the immigration status or history of applicants. Second, the bill increases the risk of intake workers using race, ethnicity, language, or other prohibited characteristics to selectively enforce the provisions of the bill. It is highly unlikely that workers will ask every person in line for shelter questions about immigration status – it is far more likely that they will only ask people who look or sound like someone they associate with coming from another country these questions, leading to unlawful and discriminatory actions. Finally, asking shelter or service applicants about country of origin, or immigration status, in order to determine eligibility for homeless services or to refer to the new Office, will deter people from seeking lifesaving public benefits, such as shelter.

The Bill Cuts Off Pathways to Housing to Broad Categories of People in Crisis Based on how They Arrived in the District – Instead of Focusing on What They Need

A fundamental problem underlying many of the bill's changes to the HSRA is that, in an apparent effort to manage District resources, these changes cut off groups of people – including people who are unquestionably at risk of or experiencing homelessness – from timely services just because they fall into certain immigration categories. As noted above, the Continuum of Care includes not only emergency services such as shelter, but a range of services (such as ERAP, time-limited subsidies, and permanent vouchers)

[44] Bill 29-0990, *Migrant Services and Supports Emergency Act of 2022*, Title II, Sec 201, Bill 24-0991, *Migrant Services and Supports Temporary Amendment Act of 2022*, Title II, Sec. 201.

[45] *See,* Mayoral Order 92-49, dated April 29, 1992

intended to help people at risk of or experiencing homelessness move from crisis to being stably housed. So the effect of, for example, declaring that someone who is awaiting an immigration interview or who has been summoned to immigration court is not a District resident is to, for potentially months or years, render that person unable to access crucial housing resources. Under this bill's language, it does not matter that a person clearly demonstrates their intent to live in the District, or even that a timely referral to an appropriate HSRA service might make a fundamental difference in their life or the lives of their family members. Falling into one of the excluded immigration categories simply knocks them out of District residency and closes off key pathways to safe and stable housing.

Once a person has decided to establish their life here in the District, it should not matter how they got here. The fact that one's family originally arrived in the District from North Carolina does not make one more worthy of services than someone arriving from Venezuela. And a person who is homeless after arriving from a foreign country is no less homeless than a person born in the District. A homeless services system that can only function by systematically cutting off pathways to housing for some homeless residents is not a functional system, and it is ultimately policymakers' responsibility to ensure that there are sufficient resources for District safety net programs. It is unacceptable to manage demand for housing resources by simply deciding that certain immigrants won't be able to access them.

Conclusion

We believe that it is crucial that the District ensure that people arriving in the city amidst an on-going humanitarian crisis receive the services and supports they need. However, this legislation takes a fundamentally wrong approach. If the Committee moves forward with this legislation, we urge members to ensure that those seeking services offered via OMS are adequately protected in doing so. Further, the Committee should strike all language that modifies HSRA eligibility. The full Council should also make similar changes to the emergency and temporary versions of this legislation as soon as possible, as hypothermia season begins November 1.