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**Testimony of Molly Catchen
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**Before the Committee on Human Services
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Human Services

March 5, 2025

Legal Aid DC¹ submits the following testimony regarding the Department of Human Services' (DHS) administration of the Emergency Rental Assistance Program (ERAP).

ERAP is one of the most effective tools the District has to keep individuals and families who are faced with ever increasing costs of living in stable housing and to prevent evictions. In our landlord-tenant practice, Legal Aid DC sees firsthand that ERAP funds are frequently the difference between housing stability and homelessness. Demand for ERAP remains high from year to year – so high, in fact, that each year, the need for ERAP far outstrips funding availability. Given the District's housing affordability crisis, this is not surprising.

The DC Office of Planning estimates that over 75,000 renter households are definitionally “cost burdened” in that they pay more than 30% of their income towards rent.² More than 39,000 rental households are “severely cost burdened” and pay more

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.

² Homeward DC 2.0 District of Columbia, https://ich.dc.gov/sites/default/files/dc/sites/ich/page_content/attachments/Homeward-DC-Report_FY2021-2025%5B1%5D.pdf, Accessed on 2/27/2025.

than 50% of their income towards rent.³ The largest share of these severely cost burdened households, or 39,500 individuals and families, earn less than 30% of the area median family income.⁴ These families are at a greater risk of eviction because there is so little financial cushion for unanticipated financial emergencies.

As long as our affordable housing crisis is allowed to continue, there will be a significant demand for assistance for families who are a single emergency away from crisis. ERAP should be available and accessible when families need it. And yet, we have seen that for many families this is unfortunately not the case. ERAP has been closed since November 2024 and, without changes to housing affordability and significant funding for the program, will not open again until October 2025. When the Portal opened in November 2024, tenants had less than a day to submit their applications before it closed for the rest of the fiscal year. Many tenants facing emergency situations were closed out of the process – in some cases because they simply did not have sufficient technology to apply during the short window the Portal was open. This is not the way a program aimed at assisting people in crisis should function.

Unfortunately, the Mayor’s proposed RENTAL Act is only going to make this situation worse. The legislation does not address skyrocketing rent costs across the District (DC tenants pay 48% more in rent than tenants in any other state in the country)⁵. Instead, it strips away crucial tenant protections and will lead to displacement of livelong District residents.

Instead, Council should focus on ways to improve ERAP and keep families housed. In October 2024, Legal Aid DC proposed a number of changes to the Emergency Rental Assistance Amendment Act of 2024.⁶ We encourage this Committee and the entire Council to adopt those recommendations. Today, we are focusing on additional ways to improve ERAP for both housing providers and tenants.

³ *Id.*

⁴ *Id.*

⁵ [https://www.apartments.com/rent-market-trends/washington-dc/- :#:text=Average Rent in Washington, DC,\\$1,949/mo](https://www.apartments.com/rent-market-trends/washington-dc/- :#:text=Average Rent in Washington, DC,$1,949/mo), Accessed on 2/27/2025.

⁶ See Molly Catchen & Mel Zahnd, Legal Aid DC, Public Hearing Regarding B25-0994 the “Emergency Rental Assistance Reform Amendment Act of 2024” available at <https://www.legalaiddc.org/media/4080/download?inline>.

Our suggested improvements include:

- Setting timelines for ERAP application processing and payments and the use of improved technology to streamline the application review process.
- Making the application process more equitable and accessible to all tenants who need assistance.
- Changing ERAP payment standards so all tenants across the District are eligible for the same amount of assistance.
- Fully funding ERAP and investing in affordable and deeply affordable housing (40% AMI and under) across the District.

DHS Must Improve the Processing and Payment of ERAP Applications

Applications Should Be Processed Within a Set Timeline

We have testified multiple times about delays related to the processing and payment of ERAP applications. In our testimony last fall on the Emergency Rental Assistance Reform Amendment Act of 2024 we proposed implementing timelines for the processing and payment of ERAP applications.⁷ Many of these delays, however, can be eliminated if the ERAP process was more efficient. Specifically, we believe that all ERAP applications should be claimed by an ERAP processing agency within 45 days after submission and processed by that agency within 45 days. If approved, payment should be issued to the housing provider within 15 days. This will ensure that tenants receive a timely decision on their application and that money is distributed to the housing provider more quickly. It will also reduce the burden on the courts by reducing the number of cases on a court's docket.

DHS must also release funds to ERAP processing agencies at the start of each fiscal year so that the processing agencies have the cash available to timely pay on approved applications. It is our understanding that there have been multiple periods throughout the year where ERAP processing agencies have processed applications but were unable to

⁷ See Molly Catchen & Mel Zahnd, Legal Aid DC, Public Hearing Regarding B25-0994 the "Emergency Rental Assistance Reform Amendment Act of 2024" available at <https://www.legalaiddc.org/media/4080/download?inline>.

give final approval and issue payments because they were waiting for the release of funds from DHS. There is no reason for delays to occur at this point in the ERAP process.

Technology Improvements

Delays in the ERAP process can also be reduced or eliminated through improved technology. Such technology is available and successfully being used by other jurisdictions, for example in Massachusetts. The Massachusetts Residential Assistance for Families in Transition ("RAFT") program can process rental assistance applications in about thirty days.⁸ One example of the way this system streamlines the process is to run the applicant's SSN/ITIN number concurrently against public benefits such as SNAP, automatically checking income eligibility. Another feature allows landlords to store their information across multiple tenant applications. This reduces the need for landlords to resubmit their documentation for every ERAP application that is submitted (one of the points of bottleneck we often see in the ERAP process). These technological improvements can reduce the burden on ERAP processing agencies and speed up the application process so that housing providers receive money more quickly and tenants are not stuck waiting months and months to find out if they will receive the assistance they need to stay in their homes.

DHS Must Make the Application Process Itself More Equitable

The current ERAP Portal is structurally inaccessible to many tenants. Over the past year the Portal has opened quarterly and remained open only until a set number of applications were submitted. There is no way for a tenant to know in advance how long the Portal would remain open during each cycle. This means that a tenant must have reliable internet and access to a computer or mobile device the moment the Portal opens (and potentially for many hours later as they try to submit their application). We have repeatedly heard from tenants who closed out of the ERAP process because they did not have sufficient technology to access the Portal.

The Portal is also not accessible to people who are Limited English Speakers; people who need assistance from a case manager; people who have learning disabilities, cognitive impairment, or visual impairments; people who cannot read; or people who do not have access to the documentation required during the limited window the Portal is open, including the tenants ID, lease, ledger, and proof of income.

Finally, under the current system, applications are processed on a first come, first served basis. As a result, DHS and providers are not triaging applications and prioritizing

⁸ RAFT, Attachment A, FY25 Administrative Plan, <https://www.mass.gov/doc/raft-admin-plan-effective-july-16-2024/download>, accessed 2/27/2025.

applicants most at risk of eviction. For example, sometimes assistance was provided to people who had not been sued for eviction and therefore were not at imminent risk of losing their homes, while people with open court cases were locked out of the Portal. Other times, the assistance provided only covered a portion of the overall debt. This means that after ERAP made its payment, some tenants still had a rental balance and would not be able to retain their housing. These were wasted funds that did not further ERAP's mission of preventing displacement. Additionally, there is also no way for individuals or providers to apply outside of the Portal, even with a live writ of restitution, so people with imminent evictions are not able to access assistance. This contradicts the purpose of the ERAP program to provide assistance to those facing emergency housing loss.

DHS Must Change ERAP Payment Standards

DHS must change ERAP payment standards so that tenants across the District all receive equal amounts of assistance. Under the current program, the amount a tenant can receive through ERAP depends on their zip codes' fair market rent.⁹ This means a tenant can receive more ERAP dollars if they live in Ward 1 as opposed to Ward 7, regardless of their actual rent. These amounts result in tenants in Wards 7 and 8 being eligible for fewer ERAP dollars to pay their back due rent when compared with tenants in better resourced and wealthier Wards. Moving back to a system with standard payment amounts was proposed by former DHS Director Zeilinger during her testimony in October 2024. However, the amount of assistance she proposed is insufficient to address current rental costs in the District.

Legal Aid DC recommends that DHS set standard payment amount through the District of a maximum \$11,500 eligibility per ERAP application. This amount should be reviewed and adjusted each fiscal year in accordance with average rents across the District. Just as in the current system, additional funds for larger household sizes or households with members with disabilities should continue to be available. This recommended amount is based on the reality that DC tenants pay about \$2,014 per month for a studio, \$2,440 for a one-bedroom apartment, and around \$3,330 for a two-bedroom apartment.¹⁰ Our recommendation accounts for the average cost of a one-bedroom unit in the District over five months. Moving to a standard payment amount will help reduce some inequities within our current ERAP system.

⁹ DC Dep't of Human Services, Monthly Income Limits & Fair Market Rent <https://dhs.dc.gov/page/monthly-income-limits-fair-market-rent>, accessed 2/27/2025.

¹⁰ Rent.com <https://www.rent.com/district-of-columbia/washington-apartments/rent-trends>.

The Council Needs to Fully Fund ERAP and Invest in Long Term Affordable Housing Solutions for DC Residents

The need for ERAP will always depend on the investments the District, and this Council, are willing to make in deeply affordable permanent housing.¹¹ In the District, this means meaningful investments in the approximately 51,512 tenant households, or 28% of all tenant households who live below 30% of the area median income (AMI)¹². As well as targeted investments in the 75,013 tenant households who live below 50% of the AMI, which is 41% of all tenant households in the city that require investment¹³. As long as deeply affordable rents remain out of reach for the majority of residents in the District¹⁴ and as long DC continues to underinvest in deeply affordable housing, many residents will be unable to maintain their tenancies and the District will continue to require considerable investments in emergency support. These investments can be balanced with market rate housing for DC tenants who have the means to pay, but we urge this committee to keep in mind that DC's rent is 48% higher than the rest of the country.¹⁵

A family that spends 60% or more of their income on rent will always be one emergency away from housing instability. Car maintenance issues or medical expenses quickly become emergencies that affect the ability to pay rent. In these situations, ERAP is a crucial tool to keep families housed. Tenants paying market rent, however, are not the only ones who experience emergencies. Tenants living in subsidized housing are just as likely to have an unexpected expense – childcare for a sick child who is unable to attend school, for example – that pushes them to the brink of housing instability. By accessing a

¹¹ Legal Aid DC believes truly affordable housing means significant housing available, developed, and preserved for households with income equal to, or less than, 30% of the area median income, as well as for “very low income” households with income equal to between 31% and 50% of the area median income and for “low-income” residents meaning households with income equal to between 51% and 80% of the area median income.

¹² See National Low Income Housing Coalition, District of Columbia, <https://nlihc.org/oor/state/dc>.

¹³ *Id.*

¹⁴ The District has a majority of tenants, with 54.7% of the population renting compared to 45.3% who own their homes. See National Low Income Housing Coalition, District of Columbia, <https://nlihc.org/oor/state/dc>.

¹⁵ Apartments.com, Rent Market Trends in Washington DC, <https://www.apartments.com/rent-market-trends/washington-dc/>.

resource that they are eligible for, tenants in DC are not abusing the system or applying for ERAP when they do not really need it. The reality is that the housing crisis in DC is dire, and tenants need help year after year because they simply cannot afford the rent as it is currently marketed.

Reforms to ERAP will not address the root cause of the District's housing crisis. We urge the Council to focus on making investments in affordable and deeply affordable housing in the coming budget cycle. Some ways this can be accomplished are leveraging the Housing Production Trust Fund, particularly to preserve existing affordable housing, funding more permanent vouchers, expanding and enforcing inclusionary zoning for new housing developments at 30% AMI, and funding the First Right to Purchase Program (FRPP) so tenant TOPA purchasers can keep their buildings affordable.

As long as rents in the District remain out of reach for so many residents, and as long as the District continues to underinvest in affordable housing, many residents, our neighbors, will be unable to maintain their tenancies and will continue to be displaced from their homes.

Conclusion

Low-income District tenants are in crisis. Everyday expenses including rent are going up faster than their wages. We know the Council cares deeply about preventing evictions, stemming displacement, and keeping the District's communities stable and intact and appreciate the Council working with us to ensure that ERAP works for the growing number of District residents at risk of eviction.