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

Budget Oversight Hearing Regarding the Department of Human Services

April 30, 2026

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

Legal Aid urges the Council to provide robust funding for ERAP in FY 2027. Legal Aid has been testifying for years that ERAP is underfunded and that its administration further limits program accessibility. These issues continue to exist today. However, in a time of unprecedented need, rising rents, and a continued affordability crisis, ERAP remains one of the only locally-funded programs standing between many families facing an emergency and homelessness. Legal Aid, as part of the Fair Budget Coalition, recognizes the funding need of ERAP to be \$100 million dollars for the fiscal year 2027. However, g²ERAP.³

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.

³ See DC Dep't of Human Services, Performance Oversight Responses FY25, Question 135, <https://dccouncil.gov/wp-content/uploads/2026/03/DHS-Responses-to-Pre-FY25-POH-Questions-FINAL.pdf>.

In addition to providing adequate ERAP funding, Legal Aid has suggestions to improve to the program's administration that we believe will benefit both landlords and tenants. Our suggested improvements include:

- Improving the ERAP application process and ensuring it is accessible to all tenants when they need it.
- Issuing updated regulations to address inconsistencies in the processing of ERAP applications and setting timelines for ERAP application processing and payment.
- Funding housing vouchers for singles and families.
- Investing in affordable and deeply affordable housing (40% AMI and under) across the District.

The Mayor's Proposed FY 2027 ERAP Budget Fails to Meet the Need for Rental Assistance

The funding proposed for ERAP in the FY 2027 budget is woefully insufficient and does not keep pace with rising housing costs. 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 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 D.C. 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.⁴ More than 56,700 rental households are "severely cost burdened" and pay more than 50% of their income towards rent.⁵ The largest share of these severely cost burdened households, or 39,500 individuals and families, earn less than 30% of the area

⁴ 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 4/28/2026.

⁵ *Id.*

median family income.⁶ These families are at a greater risk of eviction because there is so little financial cushion for unanticipated financial emergencies.

Evictions in the District are increasing with 2025 reaching record high levels.⁷ Households who need ERAP on average require \$7⁸. This number is likely even lower when factoring in the program administrative costs. This is painfully inadequate when thousands of DC households are struggling. In 2023, over 8⁹000 households received ERAP. In just the first quarter of FY24, ¹⁰ households received ERAP. Using a new process with increased barriers due to the Rental Act, DHS received 2,727 ERAP applications in ¹¹25, with just 1,183 approved. ¹²FY26 so far, 1,100 ERAP appointments have been scheduled. It is clear from these numbers that \$7 million will not come close to meeting the District's need. Council must dedicate more funding to ERAP to protect low-income tenants from eviction and displacement during emergencies.

In the long term, the District must invest in affordable and deeply affordable housing. Until that time, there will be a significant demand for assistance for tenants who are a single emergency away from crisis. ERAP should be available and accessible when tenants need it. And yet, we have seen that for many tenants this is unfortunately not the case. ERAP was closed for a year and when it did reopen in November 2025, the demand was overwhelming. Due to changes in the application process, many tenants who had been waiting months were unable to get assistance. These tenants were simply closed out of the process and left without a foreseeable timeline for when assistance will be available in the future. Until there are other solutions to address the District's affordable housing crisis, ERAP must be funded at the level necessary to meet the demand.

⁶ *Id.*

⁷ United Planning Organization, <https://www.upo.org/wp-content/uploads/2026/03/UPO-Evictions-white-paper-March-2026.pdf>.

⁸ See DC Dep't of Human Services, Performance Oversight Responses FY25, Question 135, <https://dccouncil.gov/wp-content/uploads/2026/03/DHS-Responses-to-Pre-FY25-POH-Questions-FINAL.pdf>.

⁹ See Dep't of Human Services, Performance Oversight Responses 2024, Question 44, <https://dccouncil.gov/wp-content/uploads/2024/08/Pre-Hearing-Responses-DHS-02.28.2024.pdf>.

¹⁰ *Id.*

¹¹ See DC Dep't of Human Services, Performance Oversight Responses FY25, Question 135(a)-(b), <https://dccouncil.gov/wp-content/uploads/2026/03/DHS-Responses-to-Pre-FY25-POH-Questions-FINAL.pdf>.

¹² Based on our experience, this steep drop from FY23-24 to FY25-26 is not due to reduced need, but rather due to reductions in ERAP funding and new restrictions on access and the impacts of the RENTAL Act.

DHS Must Improve the ERAP Application Process and Ensure it is Accessible to All Tenants When They Need It

The current ERAP system is structurally inaccessible to many tenants. This has been true for years but was unquestionably apparent during the November 2025 ERAP cycle. In 2025, instead of opening the Portal and allowing tenants to submit applications directly, DHS moved to a two-step process: tenants had to go in-person or call the ERAP hotline to get an appointment to then submit an application. As should have been expected, hundreds of District tenants showed up at the Virginia Williams Family Resource Center on the day ERAP opened. Many arrived very early in the morning to secure their spot in line – some with children in tow – and spent hours waiting outside in the cold.

Tenants who used the phone line fared much worse. The ERAP phone lines went down, and few tenants were able to get appointments due to the high call volume. Many of the tenants who used the phone line did so because they were unable to go in person due to physical disabilities or other limitations that prevented them from standing in line for hours. There were also tenants who called, instead of going in-person, because of confusion about whether there would be language interpreters on site. This is not the way a program aimed at assisting people in crisis should function. DHS must find a more equitable and efficient way to administer this crucial program and must be more transparent about its plans for opening ERAP in the future.

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 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 others with open court cases were unable to secure an appointment. Additionally, if ERAP only opens once a year, tenants with live writs of restitution and imminent evictions cannot access assistance when they need it. This contradicts the purpose of the ERAP program, which is to provide assistance to those facing *emergency* housing loss. Council must ensure that ERAP has sufficient funds so that the program can run all year long, and a tenant's ability to seek assistance does not depend on the time of year their eviction is scheduled.

DHS Must Issue Updated ERAP Regulations

Updated Regulations Must Address Changes in the Law and Ensure Consistency Across ERAP Providers

The Emergency Rental Assistance Reform Amendment Act of 2025 made two significant changes to the ERAP application process. First, it changed the definition of emergency, limiting the number of people who are eligible for ERAP. Second, it imposed a documentation requirement for all aspects of the application with one exception. As expected, these changes have made it more difficult for tenants to submit their applications because there is confusion about what is required. Tenants have received different information from processing agencies about what documents are sufficient to demonstrate a qualifying emergency or to prove a disability.

DHS must ensure that the processing agencies treat all applications the same, and there are no differences in the documentation requirements between agencies. Further, DHS must ensure that the law is being followed and that tenants are permitted to use the documentation requirement exception when appropriate. The failure to do so results in tenants who are otherwise eligible being closed out of the process and cut off from emergency assistance.

Applications Should Be Processed Within a Set Timeline

Legal Aid has testified multiple times about the need for speedy processing for ERAP applications. In the past, we have proposed implementing timelines for the processing and payment of ERAP applications.¹³ We continue to believe that implementing timeframes is necessary to reduce delays in the ERAP systems. Specifically, we propose that all ERAP applications be claimed by an ERAP processing agency within 45 days after submission and processed by that agency within 45 days after being claimed. 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 landlords more quickly. It will also reduce the burden on the courts by reducing the number of cases on a court's docket.

The Council Must Invest in Long Term Affordable Housing Solutions for DC Residents

¹³ See Molly Catchen & Mel Zahnd, Legal Aid DC, Public Hearing Regarding B25-0994 the "Emergency Rental Assistance Reform Amendment Act of 2024" <https://www.legalaiddc.org/media/4080/download?inline>. See also, Molly Catchen, Legal Aid DC, Performance Oversight Hearing Regarding Department of Human Services, March 5, 2025 <https://www.legalaiddc.org/media/4228/download?inline>

The need for ERAP will always depend on the investments the District, and this Council, are willing to make in deeply affordable permanent housing.¹⁴ In the District, this means meaningful investments in the approximately 54,788 tenant households, or 27% of all tenant households, who live below 30% of the area median income (AMI).¹⁵ This also requires targeted investments in the 78,661 tenant households who live below 50% of the AMI, which is 39% of all tenant households in the District.¹⁶ As long as deeply affordable rents remain out of reach for the majority of residents in the District,¹⁷ 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 like ERAP. 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 37% higher than the average rent across the country.¹⁸

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 one's 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. When District tenants apply for a resource they are eligible for, they are neither abusing the system nor applying for ERAP when they do not really need it. The reality is that the housing crisis in

¹⁴ 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.

¹⁵ See National Low Income Housing Coalition, District of Columbia, <https://nlihc.org/oor/state/dc> , accessed on 4/28/2026.

¹⁶ *Id.*

¹⁷ The District has a majority of tenants, with 59% of the population renting compared to 41% who own their homes. See National Low Income Housing Coalition, District of Columbia, <https://nlihc.org/oor/state/dc>.

¹⁸ Apartments.com, Rent Market Trends in Washington DC, <https://www.apartments.com/rent-market-trends/washington-dc/>, accessed on 4/28/2026.

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 causes of the District's housing crisis. We urge Council to focus on making investments in affordable and deeply affordable housing in the coming budget cycle. This can be accomplished by preserving existing affordable housing and funding housing vouchers for individuals and families.

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 is sufficiently funded and accessible to those who need it.