

**Written Testimony of Shirley Horng
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**Committee of the Whole
Committee on Health and Human Services
Council of the District of Columbia**

Joint Public Oversight Roundtable on Homelessness in the District of Columbia

January 28, 2015, 12:00 p.m.

The Legal Aid Society of the District of Columbia¹ submits this testimony to express its continuing concerns specifically about the Rapid Rehousing program², which we fear disserves the very people that it is meant to assist. Despite the best intentions, Rapid Rehousing, in its current form, works for only a very small subset of families experiencing homelessness.³ For all too many, not only does the program not work, but it affirmatively causes harm. Over the past several years, Legal Aid has met with, represented, and counseled numerous Rapid Rehousing tenants and families who are facing imminent eviction because their limited assistance has inevitably been terminated before they can afford sky-high DC market rents on their own.

As described in greater detail below, we strongly urge the Council to reconsider its support for the Rapid Rehousing program for several reasons: (1) it sets up most families who participate in it to fail; (2) it provides a disincentive for landlords to maintain safe, habitable housing; and (3) it leaves many families worse off than they were before they participated in the program. We submit this testimony in the earnest hope that the funds currently allocated to Rapid Rehousing can be used more effectively to achieve our shared goal: the secure, safe, and stable housing of low-income D.C. residents.

¹ The Legal Aid Society 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.” For more than 80 years, Legal Aid attorneys and volunteers have served tens of thousands of the District’s neediest residents. Legal Aid currently works in the areas of housing, family law, public benefits, consumer, and appellate law. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

Legal Aid provides civil legal services free of charge to persons living in poverty in the District of Columbia. Each year, our attorneys represent hundreds of individuals and families in a wide range of matters, including representing low income tenants in eviction cases. By trying to keep low income families housed, Legal Aid endeavors to prevent homelessness at the outset.

² The Rapid Rehousing program in the District of Columbia provides homeless families temporary rental assistance for four months, with the possibility that the assistance may be extended for up to one year.

³ That population may include individuals and families who have experienced only temporary decreases in income and who already possess the necessary job skills and resources to quickly transition back to economic stability. However, in our experience, those individuals are the exception, not the rule.

Setting Families Up to Fail

The current design of Rapid Rehousing is fundamentally flawed and, in fact, sets families up to fail by setting a goal that is simply unattainable within the short time period allotted. First, the goal of being able to afford market rent is out of reach for many low-income families because market rents in DC are extremely high. To afford the average two-bedroom apartment in DC, which rents for \$1,469 per month, a person earning minimum wage would need to work *137 hours* a week, 52 weeks a year.⁴ Put another way, a person would need to earn \$28.25 per hour from full-time employment, approximately \$59,000 per year, to afford the average two-bedroom apartment here. The Rapid Rehousing program is based on the unrealistic expectation that families can go from homelessness to earning almost \$60,000 annually in a period of four to twelve months.⁵ This is a recipe for failure for the vast majority of families entering the program.

Second, the families that are in shelter and that are striving to reach this goal already face a myriad of challenges. Among the shelter population, a disproportionate number of young, single parents with very young children are selected to participate in Rapid Rehousing. These families in particular need more time to be able to afford market rent on their own. Often, the single parents are between the ages of 18 to 26 years old; have newborns, infants, or toddlers that require constant care and are too young to be in school; and, the sole source of income for the family is TANF and Food Stamps. These individuals face enormous challenges to economic stability: caring for young children as a single parent, struggling to gain the job skills needed to enter a competitive workforce, and --if they are lucky enough to be hired-- trying to arrange and afford childcare so that they can work. For families confronting these additional barriers, the expectation that they will transition to be able to pay market rent in DC in four to twelve months is simply unrealistic.

Third, families are generally required to sign one-year leases, but Rapid Rehousing guarantees rental assistance for four months only. Even those families who make the best efforts at securing full-time employment will almost certainly fail to earn income adequate to afford market rent at the conclusion of the Rapid Rehousing assistance. As a result, at the end of the subsidy period, families are left facing a cliff. Rather than having secured permanent affordable housing, Legal Aid regularly encounters these families facing eviction at the conclusion of the Rapid Rehousing assistance period and cycling right back into homelessness. As one shelter resident put it, Rapid Rehousing leads only to “a revolving door of homelessness.”

⁴ Out of Reach 2014: Twenty-Five Years Later, the Affordable Housing Crisis Continues, NATIONAL LOW INCOME HOUSING COALITION (March 2014), <http://nlihc.org/sites/default/files/oor/2014OOR.pdf> (last visited January 29, 2015).

⁵ The proposed regulations provide for limited extensions of the subsidy beyond twelve months only in “extraordinary circumstances.” See 29 D.C.M.R. § 7806.1 (2014). However, it is often the very ordinary circumstances that prevent a family from obtaining independent in only twelve months: the inability to secure high-paying employment, the need to pay for child care or the care of elderly relatives, unforeseeable medical expenses, and so on.

Unsafe and Unsanitary Apartments

To add insult to injury, many Rapid Rehousing tenants live in unsafe or unsanitary conditions because landlords have little incentive to repair housing code violations. The proposed regulations governing Rapid Rehousing prohibit tenants from withholding their rent, regardless of the conditions in the apartment, thereby stripping participants of their basic rights as tenants in DC and undermining the warranty of habitability implied in all leases and made express in the DC regulations.⁶⁷ When a problem in the apartment requires repair and a Rapid Rehousing tenant reports it, the landlord suffers little to no consequences if he or she chooses not to repair the problem or makes shoddy repairs.

Legal Aid is currently aware of a young mother with three young children, including a 17 month old baby. Rapid Rehousing offered her assistance, and she accepted. However, the family moved in to an apartment that has mold. The baby suffers from asthma and has already visited the hospital over a dozen times thus far in his short life. In addition, sewage waste from other apartments backs up into their bathtub, making the family reluctant to bathe using the bathtub. The mother has reported these problems both to the landlord and to her Rapid Rehousing program provider. The Rapid Rehousing program provider has done nothing to help this family get the mold remediated and the plumbing repaired. Nor has it done anything to help the family move to safe and sanitary housing. The mother does not want to withhold rent for fear of the consequences to her and her children.

Worse Off Than Before

The effect of Rapid Rehousing is that many families who participate in the program end up worse off than they were before they entered the program. After the limited assistance ends, if the tenant cannot pay the market-level rent, then the tenant is automatically in breach of his or her lease. That opens the family up to five likely consequences which, either alone or in combination, could significantly impede future attempts to secure permanent housing.

First, the landlord will try to evict the tenant, which means that the tenant will now have a record of an eviction case against him or her, even if the landlord is loses the case or if the tenant moves out before a judgment is entered. Eviction cases and records are easily and freely available on the internet to the public and to future prospective landlords.⁸

Second, if the landlord gets a money judgment against the tenant, either through the eviction case or through a separate case, then that money judgment will significantly impact the

⁶ See 14 D.C.M.R. § 301.

⁷ While the provider does an initial inspection, many problems may arise that are not apparent at the time of leasing. For example, an inspection in October may not reveal that the furnace is broken, or an inspection in the February may not reveal that the air conditioner is inoperable.

⁸ Rapid Rehousing Programs are currently administered so poorly that even tenants who are currently receiving Rapid Rehousing assistance and have paid every cent of their portion of the rent are facing eviction cases because the Rapid Rehousing Program Provider has failed to pay its assistance portion.

tenant's credit. With poor credit, a tenant will struggle to get a job, move in to another apartment, establish utilities, get a cell phone, get insurance, and even open a bank account. Additionally, the landlord may seek to collect the money judgment by garnishing the tenant's wages when the tenant begins working.

Third, in some situations, even if the tenant vacates the apartment before the end of the lease because she cannot pay market rent, the tenant could still be held responsible for the *entirety* of the rent due under the remainder of the lease. For example, if a Rapid Rehousing tenant moves out in the fifth month of her twelve month lease because her assistance is not renewed and she cannot pay the market rent on her own, then a landlord may still hold that tenant liable for the market rent for the all twelve months.

Fourth, if prospective landlords contact the current landlord, then the current landlord will likely give the tenant a negative reference, making it difficult to rent another apartment in the future.

Lastly, the family will probably suffer, once again, the trauma of being evicted and returning to shelter, this time with the additional blow to morale that the family somehow failed, under a program that effectively set them up to do so. The destabilizing effect of eviction on families reverberates for years, causing "depression and subsequent job loss, material hardship, and future residential instability."⁹ "Eviction is a *cause*, not just a *condition*, of poverty."¹⁰

For the reasons given, Legal Aid urges the Committee of the Whole and the Committee on Health and Human Services to give serious thought to whether Rapid Rehousing is the best program to address the needs of families transitioning out of shelter. Funds may be better allocated elsewhere, to permanent subsidy programs such as Permanent Support Housing, Local Rent Supplement Program, or to other assistance programs such as Emergency Rental Assistance Program. As is, the Rapid Rehousing program will continue to undercut its own purpose by cycling people back into homelessness while actually *creating* barriers to securing stable long-term housing.

⁹ Disrupted Lives, HARVARD MAGAZINE (January-February 2014), <http://harvardmagazine.com/2014/01/disrupted-lives> (last visited January 29, 2015). *See also* Desmond, Matthew. 2012. "Eviction and the Reproduction of Urban Poverty." *American Journal of Sociology* 118: 88 -133. <http://scholar.harvard.edu/files/mdesmond/files/desmond.evictionpoverty.ajs2012.pdf>

¹⁰ *See id.*