

Testimony of Shirley Horng
Legal Aid Society of the District of Columbia

Committee on Housing and Community Development
Council of the District of Columbia

Repairs on Public Housing Roundtable

November 30, 2015

The Legal Aid Society of the District of Columbia¹ supports District funding for much-needed repairs to public housing units.² The repairs will:

- Bring units that are currently offline back online, thereby increasing the number of subsidized housing units;
- Prevent online units from falling into disrepair, thereby preserving the existing public housing units for current and future residents;
- Improve living conditions for tens of thousands of families living in public housing; and
- Free up funds that the D.C. Housing Authority is currently having to spend on litigating Housing Conditions Cases.

Public housing, like all housing, requires regular maintenance, occasional improvements, and sometimes, substantial rehabilitation. Congress funds public housing through two sources: operating funds for routine maintenance and repairs, and capital funds for substantial rehabilitation and renovation projects. Both are severely underfunded and have been for a long time. For

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.

² Public housing is crucial to making the District affordable to everyone, including to no income and low income individuals and families who cannot afford market rent in DC. Affordable housing is increasingly more difficult for District residents to find due to a variety of factors, including expiring HUD contracts, expiring tax credits, increasing vacation rentals, fewer rent controlled units, and market pressures driving up rents. Investing in public housing serves the dual objectives of increasing the affordable housing stock in DC and decreasing the number of people and families that are homeless.

several years, the aging public housing stock in DC has received 15% less than the amount needed in operating funds to properly maintain and repair conditions.³ That translates into \$8 million less each year in funding from the federal government for routine maintenance and repairs.⁴ The capital fund for rehabilitations and renovations is currently funded at \$10 million less than it was years ago, and each year, Congress further cuts the capital funds for public housing.⁵

Legal Aid is concerned about three detrimental effects from the decrease in funding. First, many public housing units are currently offline because the D.C. Housing Authority has had inadequate capital funds to substantially rehabilitate units that need more than just routine maintenance or repairs. Rehabbing offline public housing units so that they can be brought back online is an expedient and financially responsible way to increase the number of subsidized housing units in DC. Some of these offline units suffer from severe fire damage or require extensive mold remediation. Some may require complete gut jobs of the entire interior. By making \$3.4 million available in capital funds to the D.C. Housing Authority, the DC Council can bring 50 public housing units back online.⁶ That is an additional 50 families that could come out of homelessness and off the long waiting list.^{7 8} New construction, on the other hand, is far more time-consuming and costly.

Second, public housing units that are currently online suffer from deferred maintenance, which can over time give rise to more serious problems and force those units to go offline too. Current public housing units must be preserved for future residents through proper maintenance and repairs.

Third, deferred maintenance leads to unsafe and unsanitary living conditions for current public housing residents. Many public housing clients that Legal Aid represents report mice and roach infestations, broken locks to the building, inadequate lighting in the common areas, broken

³ *D.C. Housing Authority Agency Performance Oversight Hearing before the Council of the District of Columbia Committee on Housing and Community Development*, at 2, (February 26, 2015)(written testimony of Adrienne Todman, Executive Director).

⁴ *Id.* at 2.

⁵ *Id.* at 2-3.

⁶ *D.C. Housing Authority FY2016 Budget Oversight Pre-hearing Response*.

⁷ There are currently 40,951 households on the D.C. Housing Authority waiting list; 27,520 households are on the public housing waiting list, and 38,806 are on the voucher program waiting list. Applicants may apply for one or both programs. *D.C. Housing Authority Agency Performance Oversight Hearing before the Council of the District of Columbia Committee on Housing and Community Development*, at 9, (February 26, 2015)(written testimony of Adrienne Todman, Executive Director).

⁸ On April 12, 2013, the D.C. Housing Authority closed its waiting list and stopped accepting new applications for public housing and the voucher program. Accordingly, the waiting list figures do not accurately reflect the current need for subsidized housing.

windows, missing window screens, cracks in the walls and ceilings, peeling paint, mold and mildew, and defective appliances. While Legal Aid is able to get the D.C. Housing Authority to make repairs for the limited number of tenants that we represent in housing conditions cases and Landlord Tenant cases, many more are living in unsafe or unsanitary conditions and choose not to file a suit against their landlord or raise defenses of housing code violations. Money that the D.C. Housing Authority spends to defend these housing conditions cases or counterclaims is money better spent on actually making the repairs at the properties.

Everyone agrees—and the law expressly provides—that all tenants are entitled to safe and sanitary housing conditions, including tenants that live in subsidized housing.⁹ Accordingly, public housing units must be fit for its residents to meet their basic necessities, such as shelter from the elements, sleeping, bathing, and preparing and eating food.

However, beyond meeting just basic needs, public housing is also a home for its residents. Home is a place that should help people to keep or restore their dignity, not to slowly chip away at it. If public housing is to truly help individuals and families break the cycle of poverty, then these homes must also be conducive to homework, studying, and play for its young residents. Proper maintenance and repairs of public housing units are necessary for residents to feel like members of our community and society-at-large. Regular maintenance and repairs prevent residents from feeling stigmatized and being marginalized. Making much-needed repairs to the distressed and aging public housing stock not only has concrete benefits to its occupants, it also improves the surrounding the neighborhoods and the perception of public housing and its residents.

We urge the D.C. Council to allocate funds toward both types of repairs for public housing: substantial rehabilitation of currently off line units so that they can become homes again for families in need, and necessary regular maintenance and repair to the current public housing units ensuring that they remain viable and continue to house future families in need.

⁹ *Javins v. First National Realty Corp.*, 428 F.2d 1071, 1082-83 (D.C. Cir. 1970); 14 D.C.M.R. § 301 (2015).