



**Testimony for Public Oversight Hearing on the Performance of the Economic Security  
Administration of the Department of Human Services**

**District of Columbia Council Committee on Health and Human Services  
February 25, 2016**

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On behalf of the Legal Aid Society of the District of Columbia,<sup>1</sup> I submit this testimony to reiterate Legal Aid’s concerns about the impending TANF Cliff; voice our support for the DC Public Assistance Act of 2015; and discuss some of the service delivery breakdowns we are seeing at DHS Service Centers.

**DC TANF Reform Has Hurt Vulnerable Families, and the Imminent TANF Cliff Will Do Even More Harm**

In November 2015, at public hearing held by Councilmember Alexander in Ward 7, ten mothers testified about the many hurdles to employment that plague our client community. A single mother of two spoke about how she has cycled on and off TANF after several failed attempts at sustained employment. That mother is currently subject to the 60-month time limit sanctions, and left trying to work towards self sufficiency on \$154 of cash assistance a month – roughly \$5 a day.

Thousands of District parents and caretakers are in the same boat as this mother, and their predicament will only get worse if the Council does not act before October 1, 2016 – when TANF families over the 60-month cap will see their benefits go from dramatically cut to completely cut off, including access to sorely needed employment and childcare supports.

Many TANF recipients are trying to obtain full-time, sustained, employment but have been unsuccessful despite their best efforts. Legal Aid fears that such efforts will be even less fruitful with fewer resources.

Many TANF recipients also face significant barriers to employment including: disability, domestic violence, limited levels of education, limited English proficiency, and lack of child care. One mother testified at the last hearing about getting her benefits terminated because she did not have time both to care for her gravely ill child and to comply with her Individual Responsibility Plan. Another mother spoke about the TANF program as a safety net during periods when a serious blood condition prevented her from working.

There are exemptions from time limits through the POWER program for some families who face serious employment barriers. However, according to DHS’s own data, this program is under-utilized. We believe that the under-utilization stems from DHS’s failure to provide

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<sup>1</sup> The Legal Aid Society 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.” Over the last 80 plus years, tens of thousands of the District’s neediest residents have been served by Legal Aid staff and volunteers. Legal Aid has been practicing in the area of public benefits for a number of years, representing clients with TANF, SNAP, and Medicaid cases.

transparent, detailed standards for obtaining an exemption from the time limits or the ability to request one. Parents who could qualify for such exemptions are often unaware of their rights. Spelling out clear policies for those unable to work (and ensuring that they are appropriately exempted from work and time limit requirements) can free up employment support and training services for those who can.

### **The DC Public Assistance Act of 2015 Would Protect Vulnerable Families**

The DC Public Assistance Act creates exemptions from and extensions to the 60-month time limit for the District's most vulnerable populations and provides a clear structure for DHS to match these parents and caretakers to the appropriate supports so that no one falls through the cracks.

The Act also creates exemptions to the 60-month time limit for those families who are following program requirements but are still unable to find a job – to reward folks who are playing by the rules of their individual responsibility plans by allowing them to take advantage of DHS's recent investments and improvements in its employment services programs. And most importantly, the Act allows eligible children to remain on TANF – the roughly 13,000 at risk of being cut from the program according to agency estimates – even if their parents no longer qualify, offering some basic level of support to kids who are in an extremely tough situation due to not fault of their own.

Legal Aid urges the Council to pass the DC Public Assistance Act of 2015 – to give families the support they need to achieve greater independence.

### **DHS Must Improve Its Service Delivery for TANF Recipients and All Low-Income Families Who Depend on Its Services**

Last year, Legal Aid and the DCFPI testified before this committee about widespread problems with ESA's service centers – ranging from long lines at service centers (forcing families to start lining up at 4:00 or 5:00 in the morning) to frequent lost documents that result in families' termination from benefits.

Unfortunately, we cannot report much improvement. Although we are grateful that DHS staff have generally been responsive and helpful when our attorneys raise concerns, we see countless examples of agency errors, lost documents, untimely determinations and failures of technology that have led to wrongful terminations from TANF, Food Stamps, Medicaid and Alliance benefits. While these problems are not new to the agency, they have been greatly exacerbated by the additional burden of administering the changes to Medicaid imposed by the Affordable Care Act.

As a result, countless numbers of families have lost access to essential food, cash and medical assistance through no fault of their own. We have worked with families who have gone without Food Stamps for months due to lost forms; we have worked with families who have had to put off needed medical procedures due to lack of insurance; and we have seen families go back and forth to service centers with the same document only to still lose their benefits.

We are pleased that the District is retaining a business process consultant who can advise DHS on ways to improve their service delivery. We also know that the Department of Health Care Finance is working on technological fixes as well. In the meantime, though, the agency

must do more to make sure that they are helping all families (not just those with advocates) make it through the application and renewal processes with minimal disruptions in their receipt of benefits. We hope that this committee will provide any necessary resources needed to make these improvements and provides needed continuing oversight to make sure that progress continues to be made.

### **Conclusion**

We thank the Committee for its support of the essential safety net benefits that help low-income families survive in the District of Columbia. Through passage of the DC Public Assistance Act and through ensuring that DHS makes systemic improvements in the way food, cash and medical benefits are delivered, this Committee will protect our city's most vulnerable families from devastation.