

**Testimony of Damon King
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**Before the Committee on Human Services
Council of the District of Columbia:
Public Oversight Roundtable on the Department of Human Services' Rapid Re-Housing
Program**

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The Legal Aid Society of the District of Columbia¹ submits the following testimony to the Committee on Human Services regarding the Department of Human Services' Rapid Re-Housing Program. Legal Aid has deep familiarity with this program and, based on clients' experiences with it, we have long advocated for substantial changes to, or the elimination of, Rapid Re-Housing. Legal Aid believes that the program is doing a disservice to District families who are struggling to move from homelessness to housing stability. Rapid Re-Housing is an ineffective if not harmful approach to achieving the policymaking and advocacy communities' shared goal of helping homeless families reach stability.

As D.C.'s largest general civil legal services provider, our attorneys represent thousands of District residents living in poverty each year, an overwhelming number of whom are or at risk of eviction or struggling with housing instability. In the course of our work over the last several years, we have frequently encountered and worked with former Rapid Re-Housing participants. These families signed up for the program because they believed it to be their best chance to get out of shelter, but quickly found that they could not afford rent after termination from the program. Termination only set them up for eviction and left them vulnerable to a return to homelessness.

This testimony focuses on the serious disconnect between the theory underlying the use of Rapid Re-Housing across the country and the reality of the District's housing market. My colleague, Amanda Korber, submits separate testimony to describe how the failure to successfully transition to stable housing can be deeply damaging for families, who are destabilized by post-termination evictions and face increased difficulty finding landlords who will rent to them with recent evictions on their record.

We understand that, in reforming the homeless services system, the Bowser Administration wants to build a system that moves families out of shelter and back into stable housing in the community as quickly as possible. We share and applaud this goal. However, the Rapid Re-Housing program simply is not the right means to achieve it. The program pulls families out of

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." Over the last 85 years, tens of thousands of the District's neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, and consumer protection. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

shelter (at least for a time), but does not position them to maintain stable housing when they are inevitably terminated from the program – effectively dumping families into the gap between the homeless services system and stable affordable housing. After termination from the program, families experience significant housing instability, with challenges that are no different than those they faced immediately prior to becoming homeless.

In evaluating the Administration’s progress in responding to the homeless crisis, we must remember that our ultimate goal is to help families who are struggling achieve the stability that will allow them to re-build their lives following crisis. Our metrics must be consistent with that goal and we must be willing to adjust our approach in response to the realities that families have been experiencing for many years as they navigate the system. In order to promote greater stability for families struggling against homelessness, we urge the Council to take three steps in the coming months:

1. Use the upcoming budget process to begin the phasing out the Administration’s use of Rapid Re-Housing, replacing funding for the program with greater investments in long-term subsidies that more effectively protect families’ housing stability;
2. While the program is still in use, use this Committee’s oversight power to ensure that the Administration implements greater front-end protections that curb the use of Rapid Re-Housing for families who are unlikely to make the significant income gains required to transition to stable permanent housing arrangements within the program’s time limits; and
3. Immediately enact an exit standard to prevent Rapid Re-Housing families from being exited into housing arrangements that they are unable to maintain.

We believe that these changes are consistent with the goals of homeless services reform and will better position families to achieve lasting and meaningful stability.

THE THEORY OF RAPID HOUSING

When we talk about how Rapid Re-Housing fits into our continuum of homeless services, it is important to look at the reasons why those who study and advocate for this approach believe that it can be effective for families struggling with homelessness. Proponents of the Rapid Re-Housing approach recognize that families who are stuck in shelter for long periods of time experience a range of difficulties and that negative outcomes only become more likely the longer families remain there. Communities, not shelter – the thinking goes – are where long-term housing, as well as a wider array of social services, exist, meaning that it is best for families if the homeless services system can quickly move them back into the communities rather than letting them languish in shelter.² The underlying theory of the Rapid Re-Housing approach is

² See, e.g., U.S. Department of Housing and Urban Development, *Family Options Study, Short-Term Impacts of Housing Services Interventions for Homeless Families*, July, 2015, p. 22 (“Proponents of [Community-Based Rapid Re-Housing] emphasize restoring families to conventional housing as swiftly as possible (the “rapid” in rapid re-housing), thereby reducing time in shelter and on the street, which they see as harmful”).

that, by moving families from shelter into housing in the community, we can better position families to settle into stable housing (with any non-homeless services supports that they might need) at the end of the intervention.³

To the extent, then, that Rapid Re-Housing has the potential to be effective in any jurisdiction, that potential lies in its ability to serve as a bridge between homelessness at one end of the intervention and housing stability and community-based supports at the other.⁴ This means, of course, that while they are in a program, it is important that families receive case management that adequately links them to the supports they'll need during or after their time in the program. But there is a much more fundamental reality: that Rapid Re-Housing cannot work if there is not affordable housing in the community for families at the other end of the bridge.

Here in the District, it is common for policymakers and advocates alike to treat our homelessness crisis and affordable housing crisis as distinct phenomena. Talking about these twin problems separately makes policy discussions more manageable and reflects the fact that the most robust responses to them are often housed in different parts of the District Government. However, with Rapid Re-Housing we cannot do this. The intervention's potential for success is directly dependent on how well we address our affordable housing crisis, and the availability of affordable housing for families has to inform our use of Rapid Re-Housing to address homelessness. With ample affordable housing, Rapid Re-Housing can be a bridge to housing. In its absence, it is a bridge to nowhere.

INTO THE GAP: RAPID RE-HOUSING AND AFFORDABLE HOUSING IN THE DISTRICT

It will come as no surprise to anyone on this Committee that the District's stock of affordable housing – especially for our lowest-income families – is greatly diminished, leaving families at the greatest risk of homelessness with few options on the private market. Given the theory of Rapid Re-Housing described above, our affordable housing crisis has very real implications for District families who often have no real choice but to accept this intervention.

No Affordable Housing Means Nowhere to Go

We have testified in detail before the Committee on Housing and Neighborhood Revitalization about the extent of the affordable housing crisis for low-income District families, and our discussions before that committee inform what we have to say here today. As we have noted as

³ See, e.g., Cunningham, Mary, Gillespie, Sarah & Anderson, Jacqueline, *Rapid Re-Housing, What Research Says*. Urban Institute, June, 2015, p. 9. Available at: <https://www.urban.org/sites/default/files/publication/54201/2000265-Rapid-Re-housing-What-the-Research-Says.pdf>

⁴ See, e.g., *Id.* at p. 7 (citing U.S. Interagency Council on Homelessness illustration of a “Coordinated Crisis Response System for Families”), p. 9 (expressing a similar sentiment: “Unlike most Housing First supportive housing programs, however, rapid re-housing is time limited, creating a bridge that is intended to allow households to move quickly out of homelessness and back into the community, where broader mainstream resources are available”) Available at: <https://www.urban.org/sites/default/files/publication/54201/2000265-Rapid-Re-housing-What-the-Research-Says.pdf>

recently as this past June, analysis from the DC Fiscal Policy Institute suggests that rising rents have eliminated all private market, low-cost housing options in the District over the past decade, and moderate-cost options are also shrinking.⁵ Further, 26,000 extremely low-income households (below 30% AMI) spend more than 50% of their income on housing costs, meaning that even among low-income families who are able to find housing, many are maintaining it only under a severe rent burden.⁶

The District's larger homeless services policymaking community recognizes this problem as well. In its 2015 Strategic Plan to end homelessness, the District's Interagency Council on Homelessness (ICH), citing analysis from the Urban Institute, noted that our shortage of affordable housing "disproportionately affects lower income households because extremely low-income renters face enormous competition for affordable units."⁷ Urban Institute analysis suggested that, "higher-income households occupied 40 percent of the units that would have been affordable to the poorest tenants," leaving our lowest-income community members with limited rental options.

These conditions create a number of potential complications for families attempting to move from homelessness to housing via the Rapid Re-Housing:

- With very little truly affordable housing available, families participating in Rapid Re-Housing will have difficulty finding units at the outset of the intervention that won't leave them severely rent burdened when they are inevitably terminated from the program.⁸
- Families in the program have very low incomes (an average of \$483 per month in FY16) and last fiscal year, only 10% of Rapid Re-Housing households saw their monthly

⁵ Per DCFPI, in 2002, there were approximately 58,000 units with rent and utility costs of less than \$800 per month (in 2012 dollars). By 2013, only 33,000 of such units existed. This number is nearly identical to the number of units with housing subsidies, suggesting that nearly all affordable housing was eliminated from the private market. The number of moderate-cost units—with rent and utility costs between \$800 and \$1,000 per month—decreased from 28,000 in 2002 to 20,000 in 2013. *See*, Testimony of Evan Henley, Staff Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Housing and Neighborhood Revitalization, June 28, 2017, pp 1-2, citing Rivers, Wes, *Going, Going Gone: D.C.'s Vanishing Affordable Housing*, DC Fiscal Policy Institute, Mar. 12, 2015. Available at: <http://www.dcfpi.org/wp-content/uploads/2015/03/Going-Going-Gone-Rent-Burden-Final-3-6-15format-v2-3-10-15.pdf>

⁶ *Id.*, citing Zippel, Claire, *A Broken Foundation: Affordable Housing Crisis Threatens D.C.'s Lowest-Income Residents*, DC Fiscal Policy Institute, Dec. 8, 2016. Available at: <http://www.dcfpi.org/wp-content/uploads/2016/12/DCFPI-Broken-Foundation-Housing-Report-12-8-16.pdf>

⁷ *DC Interagency Council on Homelessness, Homeward DC 2015-2020*, p. 13. Available at: https://ich.dc.gov/sites/default/files/dc/sites/ich/page_content/attachments/ICH-StratPlan2.11%20web.pdf

⁸ In fact, as our colleagues at Washington Legal Clinic for the Homeless have noted, landlords sometimes charge Rapid Re-Housing families *more* in rent, making this problem worse. Tipping, Max, *Set Up to Fail, Rapid Re-Housing in the District of Columbia*, Washington Legal Clinic for the Homeless, May, 2017, pp. 11-12. Available at: <http://www.legalclinic.org/wp-content/uploads/2013/06/Set-up-to-fail-FINAL.pdf>

incomes grow.⁹ Stagnant incomes make it difficult for families to catch up with already-unaffordable rents.

- If families reach the end of their time in the program living in units they cannot pay for, the combination of their stagnant incomes and a limited supply of low- and moderate-cost housing would make moving into a housing arrangement that is more sustainable extremely difficult.

In the end, these realities mean that many families who are terminated from the program will likely be faced with a set of difficult options, including waiting to be evicted, moving into other housing arrangements that are difficult to maintain (e.g., “doubling up” with another household), or leaving the District entirely in search of lower rents. It is the risks to these families on the back-end of the homeless services system that Legal Aid and our legal services partners have raised a number of times during testimony at oversight, budget, and legislative hearings in recent years.¹⁰

Our affordable housing crisis means that, for many families, the bridge to housing stability that Rapid Re-Housing promises likely does not reach the other bank. Finding it impossible to make it to the other side, families fall into the void between shelter and housing stability.

How Do We Define “Success”?

The Administration has invested a great deal of time, energy, and resources into a long-term effort to overhaul the homeless services system and, for a number of reasons, it has relied heavily on Rapid Re-Housing. In response to stakeholders’ concerns about the program, the Administration has, at times, claimed that it has an 85% success rate. This claim is based on data showing that historically, 15.8% of former participants returned to the Virginia Williams Family Resource Center following termination.

As our colleagues at the Washington Legal Clinic for the Homeless have pointed out, there are some problems with this 15.8% figure. The time that it takes to cycle through eviction and back

⁹ DHS FY16 Oversight Responses, Q63

¹⁰ Including today, Legal Aid alone has testified as to the risks families face following termination from Rapid Re-Housing on three separate occasions this year, including DHS’s performance oversight hearing in March and the public hearing on Bill 22-0293, the Homeless Services Reform Amendment Act, in June. We first shared them with the Council at a joint Committee of the Whole/Committee on Health and Human Services roundtable in January, 2015. Testimony of Amanda Korber, Staff Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Human Services, March 15, 2017. Available at: <http://www.legalaiddc.org/wp-content/uploads/2017/03/AKorber3-15-2017.pdf> Housing and Neighborhood Revitalization, June 28, 2017

Testimony of Rachel Rintelmann, Supervising Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Human Services, June 14, 2017. Available at: <http://www.legalaiddc.org/wp-content/uploads/2017/06/June-14-HSRA-Testimony-R.-Rintelmann-FINAL-LTR-HD.pdf>

Written Testimony of Shirley Horng, Senior Staff Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee of the Whole and the Committee on Health and Human Services, January 28, 2015. Available at: <http://www.legalaiddc.org/wp-content/uploads/2015/02/SHorng1.30.15.pdf>

into homelessness likely means this figure does not fully capture outcomes for more recently-terminated families.¹¹ The collection of families who were “successful” includes families who exited with longer-term housing subsidies – families whose barriers to quickly raising their income meant they were likely never a good fit for Rapid Re-Housing in the first place.¹² And HMIS may not necessarily capture all families who are experiencing homelessness.¹³ Further, changes over time in how the Administration has approached enforcing time limits¹⁴ – while often welcome – have likely obscured the extent to which families are not in fact ready to stave off homelessness after 12 months.

But more fundamentally, the problem with this claim is that it adopts an extremely narrow definition of “success.” Families who exit the program only to become housing-unstable are at risk for a number of bad outcomes. Because alternative low-cost housing is largely unavailable, they may be forced to enter into housing arrangements that are unsafe – renting apartments in poor condition or living with abusive partners, for example. They may have to accept disruptions to their families (e.g., splitting up to stay with friends or relatives who cannot take in the entire household) or “double up” with other households in arrangements that are not tenable over the long run. And, without a source of income that is sufficient to actually afford market rent, they will always be one step away from falling back into homelessness again. When we define success only in terms of HMIS hits, we fail to adequately account for the possibility that, in many cases, we may only be restoring families to roughly the condition they were in just before the last time they became homeless. This may be an acceptable approach if we are only focused on the level of strain on the shelter services system in isolation. But if the goal is to ensure the safety and stability of families, it is unacceptable.

CLOSING THE GAP

There are a few steps that the Council should take in the coming months that address the concerns that the legal services community has long raised about Rapid Re-Housing. These steps are consistent with the Administration’s larger goal of transforming the homeless services system into one that relies less on emergency shelter and focuses on getting families into housing. However, they also better recognize the realities of our housing market, which make Rapid Re-Housing a risky and problematic means of achieving that goal.

First, the Council should immediately enact an exit standard for the program that includes an assessment of families’ ability to maintain housing stability after leaving the program. Councilmember Trayon White’s proposed amendment to the recent Homeless Services Reform Amendment Act envisioned this sort of exit standard, which is why it enjoyed such strong support among legal services organizations who were involved in advocacy regarding the bill (in spite of its time limit). Second, the Committee should also pay closer attention to DHS’s initial referral process for the program, using this hearing and the Department’s next performance

¹¹ See, Tipping, *supra*, note 8, pp. 21-23.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*, pp. 15-18.

oversight hearing to press the Department to curb the use of the program for families who would be unlikely to substantially increase their incomes within Rapid Re-Housing's timeframe. Finally, and most importantly, the Council needs to abandon the Rapid Re-Housing program all together and make greater investments in permanent housing subsidies, like the Local Rent Supplement Program and Targeted Affordable Housing.

Regarding this last step, I will note that shifting the District's preferred shelter exit intervention from Rapid Re-Housing to TAH does not mean that we should abandon efforts to help parents increase their incomes substantially over time and increase families' economic security and financial independence. In fact, we believe that protecting the housing stability of families struggling to overcome homelessness goes hand-in-hand with efforts in other parts of DHS to build families' economic security. As 70% of Rapid Re-Housing families are receiving TANF,¹⁵ for example, we recognize that DHS's current work to overhaul its approach to TANF case-management and IRPs could do much to put families on the path to longer-term economic self-sufficiency. Stable housing provides a strong foundation for sustained family engagement. As some of us argued during the debate over the TANF cliff, parents living in poverty have strong incentives to build better lives for themselves and, especially, their children. Ensuring housing stability for families who have already gone through the crisis of homelessness gives them a base on which to build.

Ultimately, the changes described above remain consistent with the overall goal of homeless services reform, as well as the philosophy that we serve families better when we can move them from shelter into communities. The Council should adopt these changes, and we look forward to working with this Committee as it takes steps to address the Rapid Re-Housing program's challenges.

¹⁵ DHS FY16 Oversight Responses, Q62