

**Testimony of Amanda Korber
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**Before the Committee on Housing and Neighborhood Revitalization
Council of the District of Columbia**

Budget Oversight Hearing Regarding the District of Columbia Housing Authority

April 20, 2018

The Legal Aid Society of the District of Columbia¹ submits this testimony to share two serious concerns with the Mayor's FY19 budget proposal for the District of Columbia Housing Authority (DCHA). First, the Mayor has allocated no new money for Local Rent Supplement (LRSP) vouchers that would pull tenants off of DCHA's waiting list.² This is inexcusable given that exorbitant rents are forcing long time low- and no-income residents out of the District every day. It is also troubling given that DCHA plans to use 200 tenant-based vouchers to redevelop Barry Farm.³ This means that if the Council does not act to fund LRSP vouchers, there will be 200 fewer affordable units in the District than there otherwise would be.

Second, Legal Aid understands that the Mayor plans to use unused LRSP money to help participants in DHS's housing programs pay for application fees and security deposits.⁴ Last year, the Council allocated all of the unused LRSP money to public housing repairs. While we agree that the District needs to assist voucher participants in overcoming the many financial barriers they face in locating and securing housing, it is also imperative that the city invest in preserving one of its most valuable assets: public housing. The Council should not take from one group of tenants – public housing residents – to give to another – DHS voucher participants. Instead, the Council should fully commit to funding both of these needs.

Legal Aid would also like to share its concerns with DCHA's new recertification policy for residents in public housing and the Housing Choice Voucher Program (HCVP). DCHA informed advocates on April 17, 2018 that it will run criminal background checks on tenants during its regular recertification process. Not only will this make the recertification process more cumbersome and costly, but it also goes against what we have learned over the last few decades:

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, 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 See DC Fiscal Policy Institute, Budget Toolkit, available at <https://www.dcfpi.org/wp-content/uploads/2018/04/Housing-Toolkit-FY-2019-Proposed-1.pdf>.

³ Executive Director Tyrone Garrett told advocates about this redevelopment plan at a meeting on February 15, 2018.

⁴ See Budget Briefing Slides, DHS Proposed Budget Summary Presentation, April 2018.

that the collateral consequences of being involved with the criminal justice system are unfair and discriminatory, and that society must work to reduce these harms.

As a member of the Fair Budget Coalition, Legal Aid recommends that the Committee address each of these concerns by doing the following:

- Allocate \$26 million for 1,300 tenant-based LRSP vouchers
- Allocate \$26 million for 1,300 project-based LRSP units
- Invest \$40 million in public housing repairs
- Implore DCHA to abandon its policy of running criminal background checks at recertification.

THE COMMITTEE SHOULD INVEST \$52 MILLION IN THE LOCAL RENT SUPPLEMENT PROGRAM

There are currently 40,083 families on DCHA's waiting list for tenant-based vouchers and 26,486 families on DCHA's public housing waiting lists.⁵ These waiting lists have been closed since 2013.⁶ This means that no new families can apply for DCHA's subsidized housing programs, and that families who have already applied are waiting decades for affordable housing. Despite this, the Mayor has proposed no new funding for project-based LRSP or tenant-based LRSP vouchers to pull families off of these decades-long waiting lists. This is unacceptable.

Given the on-going affordable housing crisis in the District, the Council is responsible for ensuring that the long time low- and no-income residents who are responsible making this city what it is today are able to remain in their homes and neighborhoods. To achieve this, the Council should fund the Fair Budget Coalition's ask for LRSP vouchers: \$26 million for tenant-based LRSP vouchers, which would allow DCHA to pull 1,300 families off of its waitlist, and \$26 million for project-based LRSP vouchers, which would create 1,300 affordable units.

Because the District has not created and preserved enough affordable housing in the past, the Council will need to invest far more in future years to truly catch up to the need. But the Council should take the first step and invest \$52 million dollars in a program that will help families find safe and stable housing. It is particularly important that the Council make this investment given DCHA's newly announced plans for redeveloping Barry Farm. Instead of using public housing funding to redevelop this property, DCHA has decided to use 200 tenant-based vouchers to do so. This means that 200 vouchers that otherwise would have gone to tenants on the waitlist are going to redevelop what is already affordable housing. Unless the Council acts, 200 fewer households in DC will have subsidized housing because of this plan.

We urge the Council to fund LRSP vouchers for another reason: legal services organizations across the city, including Legal Aid, have seen an uptick in troubling proposed

⁵ District of Columbia Housing Authority, 2018 Oversight and Performance Hearing, Responses to Pre-Hearing Question at p. 43.

⁶ *Id.*

voucher terminations.⁷ We suspect that this is the result of DCHA feeling pressure to move its waiting lists along and to free up the 200 vouchers it now needs for the Barry Farm redevelopment. Whatever the reason, it is inexcusable. Though these practices need to stop no matter the Council's funding decisions, if this Committee funds LRSP vouchers, DCHA will be able to move more people off its waiting lists and perhaps not feel the need to terminate as many families from its subsidized housing programs.

THE COMMITTEE SHOULD INVEST \$40 MILLION IN PUBLIC HOUSING REPAIRS

The Federal government has underfunded public housing for decades. This means that public housing residents live in deplorable conditions across the District. Legal Aid regularly works with residents living in units infested with mold and covered in water damage. We have worked with more than one family that has mushrooms growing out of their walls and ceilings. Residents often have no heat in the winter, and mice and roach infestations exacerbate children's asthma. The District should be ashamed of what its public housing units have become.

But we can change this. We can and must do better than the Federal government and commit to funding desperately-needed public housing repairs. Legal Aid stands with the Fair Budget Coalition in asking that this Committee commit \$40 million towards this goal. This investment is not enough for DCHA to fix all of the problems with its housing stock, but it will go a long way in protecting the families and children growing up in our publically owned housing.

THE COMMITTEE SHOULD IMPOLRE DCHA TO ABANDON ITS PRACTICE OF RUNNING CRIMINAL BACKGROUND CHECKS AT RECERTIFICATION

DCHA's new practice of running criminal background checks at recertification on each public housing and HCVP participant will make the recertification process more time intensive and expensive. More importantly, however, it runs counter to the values that this Council and the District have embraced over the last few years. This Council passed the Fair Criminal Records Screening Amendment Act of 2014 and the Fair Criminal Records Screening Act for Housing because it recognized how harmful and discriminatory it is to exclude individuals from housing and employment opportunities just because they had previously been involved with the criminal justice system. Yet DCHA has opted to move in the opposite direction. Instead of recognizing that subsidized housing should be the lowest barrier housing in DC, and an example for private landlords, it is instead looking at tenants' criminal records more than ever. This must stop. We urge the Committee to require that DCHA disclose exactly how it is running these checks and what it is searching for. This Committee should also insist that DCHA abandon this practice all together in light of what we know about collateral consequences of the criminal justice system: they destroy the lives of individuals and families and hold back entire communities, mostly communities of color.

⁷ As background, when DCHA alleges that a HCVP participant has violated program rules, it must issue the participant a Recommendation for Termination. The tenant may then request a hearing to challenge the proposed termination. Over the past year, we have seen an inordinate number of these Recommendations for Termination, many for questionable alleged violations.

CONCLUSION

Thank you for considering our recommendations for DCHA's FY19 budget. We urge you to stand with DC's lowest income families, and help move them into safe, stable, and affordable housing.