

**Testimony of Beth Mellen
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**Before the Committee of the Whole
Council of the District of Columbia**

Public Roundtable Regarding Staying Together by Assisting You (STAY) DC

August 31, 2021

The COVID-19 pandemic has worsened existing economic inequalities in the District, imposing disproportionate burdens on Black and Latinx residents and deepening a longstanding affordable housing crisis. Now that the District’s local moratorium on evictions has expired and a nationwide moratorium issued by the Centers for Disease Control & Prevention (CDC) has ended, the District faces the possibility of a devastating wave of displacement, with hundreds of households scheduled for evictions starting just two weeks from now. The Stronger Together by Assisting You (STAY) DC program, funded with up to \$352 million in federal emergency rental assistance, undoubtedly will go a long way to averting this crisis. Following a rough start, the District now ranks first in the nation per capita in distributing these funds for tenants in need.

Despite this positive news, the Legal Aid Society of the District of Columbia¹ remains concerned that the STAY DC program leaves gaps that will result in unnecessary evictions. Without better collaboration and information sharing, tenants may be approved for thousands of dollars in rental assistance and still be evicted. Ensuring that rental assistance serves its ultimate goal of keeping families in their homes requires a careful and individualized approach to ensure timely and complete payments. The Mayor’s STAY DC team can and should do more to tie STAY DC payments to the legal process to avoid actual evictions, including:

- Asking more detailed questions to identify tenant applicants with pending court cases;

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.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 89 years, Legal Aid staff and volunteers have been making justice real — in individual and systemic ways — for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

- Expediting the applications of tenants already in court for prompt review and approval, with an ultimate goal of approving these applications within 15 days;
- Ensuring that tenants already in court receive individualized assessment and follow-up, so that any final STAY DC payment made to their landlord will fully resolve their balance and allow them to redeem their tenancy;
- Collaborating and sharing information with DC Superior Court, legal services and rental assistance providers, and other community-based organizations working with tenants, allowing for customized outreach and referrals; and
- Training call center staff not to provide legal advice or answer legal questions, and instead referring tenants to available free legal services.

STAY DC also should continue to improve the application portal and process to ensure as many tenants as possible can access these vital funds. Additionally, because STAY DC funding alone will not solve the current eviction crisis, the Council should carefully monitor spending of local Emergency Rental Assistance Program (ERAP) funds to ensure that they remain fully available throughout the coming fiscal year. Finally, given remaining challenges with STAY DC, as well as dramatically increased spread of COVID-19 with the current Delta variant, the Council should consider reinstating its local moratorium on evictions at least through mid-October.

Tenants Continue to Experience Problems Applying and Being Approved for Timely and Complete STAY DC Payments, Leaving Them at Risk of Eviction

1. Hundreds of Families in DC Face Imminent Evictions Starting in Two Weeks, Despite the Fact That Many Have Been Approved for STAY DC Funds.

On July 25, the local moratorium on actual evictions ended with the end of the declared public health emergency in the District. As a result, tenants in DC with pending court judgments no longer have any protections, and actual evictions of hundreds of families are scheduled to resume in less than two weeks, on September 13.²

Legal Aid and other legal services providers have been collaborating closely with DC Superior Court throughout the pandemic to obtain timely data on pending eviction cases. As of August 6, over 500 families had “live” writs in their cases and were awaiting a scheduled date for their eviction. As of August 23, over 150 evictions had been scheduled in these cases, with the first evictions starting on September 13. Those numbers likely have risen in the past few weeks.

² Local evictions were delayed for a few weeks when the CDC reinstated its nationwide moratorium for tenants facing eviction for nonpayment of rent in communities with substantial or high current rates of community spread of COVID-19, including DC. While a federal district court had found the CDC moratorium to be unlawful, that decision had been stayed while on appeal until this past Thursday, when the Supreme Court vacated the lower court’s stay, effectively ending the nationwide moratorium and allowing local evictions to move forward.

While these families are the ones at most imminent risk of eviction, we know that approximately 16,000 tenants in the District are still behind in their rent and 24,000 tenants have little or no confidence in their ability to pay September rent.³ Many of these thousands of tenants currently at risk may join the eviction list in the coming months. They are overwhelmingly Black and Latinx, and many remain unemployed or underemployed, have low pre-pandemic incomes, and are relying on credit, loans, and similar help to pay their bills.⁴

Legal Aid and other legal services providers funded by the Council under the Civil Legal Counsel Projects Program sent outreach letters and flyers to the families on the writ list in May and again in August, hoping to connect them with rental assistance and legal services to help prevent their evictions. Legal Aid and Housing Counseling Services also recently shared the list with the Mayor's STAY DC team. It is our understanding that STAY DC found that nearly 200 of these 500 families had submitted applications, and that most of those already had been approved for payments and nonetheless remained on the eviction list.

This collaboration is the type of information-sharing across District agencies, the Court, and legal services and community-based organizations that will be needed in the coming months to ensure that tenants facing eviction receive the help they need. But it also illustrates a problem that still must be addressed. Unless we do a better job connecting STAY DC with the eviction process in DC Superior Court, the funds will not serve their ultimate purpose of keeping families in their homes.

2. STAY DC Does Not Always Result in Timely and Complete Payments, Leaving Tenants at Risk of Eviction.

In order to help a family avoid eviction, rental assistance must be timely and it must satisfy the tenant's current rental balance in full. While tenants in DC have the right to redeem their tenancy up until the moment of an actual eviction (i.e., to pay everything they owe and remain in their home), successfully exercising that right requires precision and nuance, with individualized attention to the specific circumstances of each case. Unless STAY DC payments match up with the law governing evictions, tenants may still be evicted despite being approved for assistance.

For example, the fact that a payment is on its way – even a direct government payment that is guaranteed – is not enough. The payment must be received by the landlord in cash or its equivalent by the scheduled eviction date. The payment also must be the precise amount due. If a tenant is a dollar short, an eviction still can proceed. As the first day of each month arrives, a new month of rent is added to the rental balance. Tenants also must pay an administrative fee of \$18 once the landlord files for a writ, and an execution fee of \$195 once the U.S. Marshals Service arrives at the property. Other court costs may be imposed as well.

Based on the way STAY DC has been functioning to date, it is possible for a tenant to be approved for thousands of dollars in rental assistance and still face eviction. Because

³ U.S. Census Bureau, *Week 35 Household Pulse Survey: Aug. 4-16 – Detailed Tables*, Housing Tables 1b., 2b., available at <https://www.census.gov/data/tables/2021/demo/hhp/hhp35.html>.

⁴ *See id.*

applications are taking more than 30 days to process, a tenant who has not requested or is not eligible for future rent payments inevitably will come up short, with another month due by the time the STAY DC payment is made.⁵ Ironically, Legal Aid also has seen the opposite problem, with a tenant approved for a future rent payment without receiving rental assistance for a pre-pandemic balance. That tenant is scheduled for eviction in early October, even though her landlord now has received payment for that very month.

Tenants also may be approved for lower payments than they requested if their landlord enters a lower amount in the STAY DC portal, because the STAY DC process sides with the landlord's claimed balance if there is a dispute. Tenants do not have access to the landlord's part of the application to see what happened, do not receive any details about why a lower payment was approved, and are provided with no appeals process to contest a lower payment amount. While we have heard of some tenants successfully challenging their approval amount through email exchanges with the STAY DC team, this "process" is not offered to tenants with their award notice and is not widely known or used.

Tenants benefiting from STAY DC assistance also may still owe pre-pandemic amounts that do not qualify for federal dollars and must be paid using local rental assistance funds such as ERAP. Without access to these funds, families still will be evicted even as their landlords benefit from thousands of dollars in STAY DC funds. Legal Aid has been able to work cooperatively with the Department of Human Services (DHS) and ERAP providers like Housing Counseling Services to access these local dollars for our clients, and we very much appreciate this support, but the availability of these funds is not well-known to the public. In fact, providers closed their public application process months ago based on lack of available funds. While Housing Counseling Services currently has reopened its application process for tenants with active court cases, other providers have not, leaving tenants with few available options.

Some tenants will be able to delay their evictions through the court process, but others will not. Once a tenant is approved for rental assistance, a Superior Court judge may be willing to stay an eviction long enough for a STAY DC or ERAP payment to arrive or for a tenant to make an additional payment to satisfy the current balance. But accessing the court process can be challenging for many tenants unless they connect with a legal services provider and receive representation. This is particularly true today, with all filings still being made electronically and all hearings still conducted remotely, making access to technology all but required. We remain concerned that tenants without access to counsel may not be able to navigate this process to delay their evictions when any of the above issues arise, and they simply need more time.

⁵ HUD guidance prohibits public housing authorities and site-based section 8 landlords from accepting future rent payments on behalf of their tenants. *See* Dep't of Hous. & Urban Dev., *Questions on the U.S. Treasury's Emergency Rental Assistance (ERA) and Other Rental Assistance Programs* (May 12, 2021), available at https://www.hud.gov/sites/dfiles/PIH/documents/ERAP_PIH_ERAP_FAQs.pdf. As a result, tens of thousands of tenants in the District are ineligible for this assistance and risk being caught in an endless loop of new applications to ensure their landlords receive complete payments.

Ultimately, STAY DC is limited by its lack of individualized assessment. Local ERAP providers often have been able to anticipate and resolve the types of issues described above through one-on-one follow-up at the time of payment. STAY DC appears to lack any process for customizing payments to match a tenant’s individual circumstances. While volume may make one-on-one follow-up impractical for every application, at the very least more steps should be taken to identify tenants currently facing an eviction case in court and to ensure their payments will resolve the pending threat of eviction.

3. Certifications By Landlords Who Receive STAY DC Funds Also Will Not Be Enough to Stop Evictions.

We have heard that the Mayor’s STAY DC team is putting a fair amount of stock in certifications signed by landlords when they complete their portion of the STAY DC applications. While landlords originally were required to agree that they would “dismiss, with prejudice, any pending eviction lawsuit,” the current certification simply states the landlord will not “pursue that portion of any pending non-payment eviction complaint for which STAY DC has made payment.” Landlords also promise that they will “not file an eviction action for nonpayment of rent for 60 days after the rental assistance period.”⁶

While we appreciate the effort to use these certifications to protect tenants, they will not stop many evictions, even if they are properly enforced. A landlord who receives an incomplete or untimely payment remains free to pursue a pending eviction complaint. And a landlord’s promise not to file a new case for 60 days does not help if a tenant remains subject to eviction under a prior case. These certifications also are not signed by landlords who do not cooperate with STAY DC applications. As of August 20, over \$16 million in rental assistance had been paid from STAY DC directly to tenants because their landlords failed to respond when contacted by STAY DC.⁷

We also know that some landlords have signed off on these certifications but have not dismissed pending eviction cases even after a STAY DC payment has been received and cashed. While Legal Aid agrees that a landlord who accepts funds after signing such a certification can and should be held to their promise – and indeed might be in violation of the federal False Claims Act and other laws if they fail to do so – a Superior Court judge may not agree. Moreover, winning a contested motion to dismiss may require a tenant to subpoena STAY DC records and provide a witness, tasks that are challenging for tenants who fail to connect with legal services.

4. Call Center Staff Are Further Complicating These Challenges, By Providing Incorrect Legal Information to Tenants.

Legal Aid also has heard that some tenants who contact the STAY DC call center are being told – incorrectly – that they cannot be evicted while a STAY DC application is pending or that they cannot be evicted for 60 days after a STAY DC payment is made. The law is more nuanced than

⁶ We are attaching the current certifications as an exhibit to this testimony.

⁷ Dep’t of Human Servs., *COVID-19 Report to Council Committee on Human Services* (Aug. 20, 2021), p. 5, available at <https://stay.dc.gov/dashboard>.

these simple assurances would suggest. For tenants with cases filed before the pandemic that already have gone to judgment, a pending STAY DC application will not stop their evictions. Even for tenants facing a new eviction case, emergency legislation only protects them fully if they complete their STAY DC application within 60 days of receiving a past due rent notice from their landlord. The 60-day protection following a payment is subject to the limitations described above.

Other tenants have reported that call center staff told them they had to submit an application by September 30 or they would not qualify for assistance. DHS responded quickly when we brought this issue to their attention, but it nonetheless is concerning. Data has proven that the narrative that tenants need to be threatened with eviction in order to apply for STAY DC is simply false. At the time the Council passed emergency legislation ending eviction protections on July 13, nearly 30,000 STAY DC applications already had been submitted, the majority from tenants not landlords. In fact, the application volume has been so high that until recently, more applications were being submitted every two weeks than STAY DC staff could review and approve.

Call center staff should not be giving legal advice and instead should direct tenants to contact the Landlord Tenant Legal Assistance Network, staffed by the six Civil Legal Counsel Projects Program eviction defense providers, at 202-780-2575. STAY DC also should ensure that staff are not conveying eligibility determinations, application deadlines, or similar information to potential applicants. That information is individualized and highly likely to be incorrect or confusing. When in doubt, tenants should be referred to community-based organizations for follow-up or encouraged to attend an upcoming application clinic or to contact a legal services provider.

STAY DC and the Council Should Take Additional Steps to Prevent Avoidable Evictions

1. The Council Should Consider Reinstating the Local Moratorium on Evictions, Given High Community Spread of the Delta Variant.

When the Council voted to end the local moratorium on evictions on July 13, the District was averaging 17 COVID-19 cases per day. The current average is 173 cases per day, a tenfold increase.⁸ As students return to school, most of whom are still ineligible to be vaccinated, it is anticipated that infections, illness, and death will continue to rise. Most models predict that COVID-19 cases and deaths in D.C. will increase well into September (and perhaps beyond).⁹ Circumstances on the ground have changed dramatically, and the Council should consider reinstating the local moratorium on evictions as a matter of public health.

⁸ “Tracking Coronavirus in Washington, D.C.,” *The New York Times* (updated Aug. 30, 2021), available at <https://www.nytimes.com/interactive/2021/us/washington-district-of-columbia-covid-cases.html>.

⁹ Ctrs. for Disease Control & Prevention, *COVID-19 Forecasts: Cases*, “Consolidated Forecasts for States and Territories and For Counties” (Aug. 23, 2021), p. 56, available at <https://www.cdc.gov/coronavirus/2019-ncov/science/forecasting/forecasts-cases.html>.

As we have detailed in previous testimony to the Special Committee on COVID-19 Pandemic Recovery, and as the CDC has confirmed based on careful analysis of available scientific research, evictions are likely to increase spread of COVID-19, resulting in illness and death. COVID-19 is a virus that “spreads very easily and sustainably between people who are in close contact with one another (within about 6 feet),” and “[s]ome people without symptoms may be able to spread the virus.”¹⁰ The Delta variant currently spreading across the U.S., including in the District, is at least twice as contagious as prior variants and can infect and be spread by vaccinated individuals.¹¹ When individuals are forced to move, they often end up in shared or congregate housing situations or homeless, where protective measures such as isolation and social distancing are not possible. For all of these reasons, the CDC has concluded that, in the context of the COVID-19 pandemic, “eviction moratoria ... can be an effective public health measure utilized to prevent the spread of communicable disease.”¹²

While the CDC eviction moratorium now has been rejected by federal courts at the emergency briefing stage, its ultimate fate remains unclear. What is clear is that none of these courts are rejecting the science behind the CDC order. As the Supreme Court observed, “It is indisputable that the public has a strong interest in combating the spread of the COVID–19 Delta variant.”¹³ In the wake of the Supreme Court’s ruling last week, President Biden, Attorney General Merrick Garland, Associate Attorney General Vanita Gupta, and other national leaders have called on state and local leaders to use tools at their disposal to ensure that tenants remain protected even as rental assistance funds continue to get distributed.

Given the ongoing challenges with STAY DC and the new reality DC faces with respect to community spread of COVID-19, the Council should consider reinstating the local moratorium on evictions. An exception still could allow evictions to go forward for public safety cases. Extending the moratorium into October would allow additional time for STAY DC and ERAP applications to be processed, particularly for the hundreds of families facing imminent eviction in less than two weeks, many of whom have attempted to access rental assistance to save their housing. New York appears poised to extend its own moratorium, and we expect other jurisdictions soon may follow. The District should join them.

¹⁰ Ctrs. for Disease Control & Prevention, *Temporary Halt in Residential Evictions in Communities With Substantial or High Transmission of COVID-19 To Prevent the Further Spread of COVID-19*, 86 Fed. Reg. 43244, 43246 (Aug. 3, 2021), available at <https://www.federalregister.gov/documents/2021/08/06/2021-16945/temporary-halt-in-residential-evictions-in-communities-with-substantial-or-high-transmission-of>.

¹¹ Ctrs. For Disease Control & Prevention, *Delta Variant: What We Know About the Science* (updated Aug. 26, 2021), available at https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html?s_cid=11509:delta%20variant%20covid%20more%20dangerous:sem.ga:p:RG:GM:gen:PTN:FY21.

¹² *Temporary Halt in Residential Evictions*, *supra*, at 43247.

¹³ *Alabama Ass’n of Realtors v. Dep’t of Health & Human Servs.*, Case No. 21-A-23, Order (Aug. 26, 2021), available at https://www.supremecourt.gov/opinions/20pdf/21a23_ap6c.pdf.

2. Closer Collaboration Between STAY DC, DC Superior Court, Legal Services Providers, and Community-Based Organizations Is Needed.

One critical step that the Mayor's STAY DC team can take to address the above concerns and better connect STAY DC to the legal process is to collaborate more closely with DC Superior Court, legal services and rental assistance providers who are appearing in Court hearings to offer services, and other community-based organizations working with tenants on the ground. Some ideas include:

- STAY DC Should Provide Greater Access to Application Information. To date, STAY DC has not allowed providers working directly with tenants or even its own call center staff to access database information needed to verify details on pending applications. As Court activity in eviction cases increases, it would be incredibly helpful if rental assistance and legal services providers who are observing court hearings and offering services to tenants in need could access more detailed application information.
- STAY DC Should Request More Information on Any Pending Court Case. Currently the STAY DC portal asks whether tenant applicants have received an eviction notice, but this question does not provide sufficient detail for tenants unfamiliar with the court process to answer correctly. By asking tenants more detailed questions, providing sample photos of complaints and writs, and including a field to provide a case number if available, STAY DC could gather more accurate information and identify tenants at imminent risk of eviction. With proper consent, contact information could be provided to legal and housing counseling services providers to conduct outreach. Pop-up boxes in the portal also could advise tenants how to contact the Office of the Tenant Advocate and the Landlord Tenant Legal Assistance Network to seek free legal services.
- STAY DC Should Prioritize and Provide Individual Assessment for Tenants Already in Court. With more accurate information about court involvement, STAY DC also could prioritize applications from these tenants for faster review. We believe an ultimate goal of 15 days from application submission to approval is both reasonable and achievable. These applications also should receive more individualized assessment, to ensure that tenants receive proper payments to avoid eviction.
- STAY DC Should Set Up a Regular Process for the Court to Share Information on Tenants with Judgments and Writs. STAY DC also should explore ways to obtain regular reports from the Court on tenants who have had judgments entered and writs issued against them based on nonpayment of rent. This information could help STAY DC identify applications for expedited processing, individualized assessment, and referral to legal and housing counseling services. Tracking this data overall also would provide useful information about whether STAY DC is effective in preventing actual evictions.

3. Further Improvements Should Be Made to the STAY DC Portal.

We appreciate the time and resources that the Office of the Deputy Mayor for Planning and Economic Development, DHS, and the Department of Housing & Community Development have devoted to improving the STAY DC application portal over the past four months. Self-attestation forms now are fully integrated into the application and direct payments to tenants finally are being delivered. Both nonprofit community-based organizations and small businesses have received funding from the District government to host application clinics, and information about these upcoming events is included on the STAY DC portal. These are steps that should have been taken from the beginning and should be lessons learned as the District continues to improve ERAP and other benefits programs.

Despite these many improvements, the Mayor's STAY DC team should continue to focus on making STAY DC more accessible:

- Income Verification Should Not Be a Barrier for Tenants. Despite the improvements noted above, over 40 percent of all application denials are based on a tenant's failure to document qualifying income, making it the most common reason applications are rejected.¹⁴ Long-standing Department of Treasury guidance allows income verification based on receipt of certain public benefits, or via self-attestation along with a factual proxy such as the average income in the tenant's Census tract. While tenants are asked whether they receive certain public benefits or housing subsidies, it does not appear that this speeds up the approval process. We also have heard of tenants being asked for income documentation after having completed a self-attestation. STAY DC should fully utilize the alternative verification methods for income, with the goal of minimizing application denials on this basis. This should include proactive outreach to tenants whose applications are incomplete to determine if alternative verification is possible.
- Lack of a Written Lease Also Should Not Be a Barrier. The second most common reason STAY DC applications are rejected is lack of a written lease or an attestation from the landlord as to the tenant's rent amount.¹⁵ Given that DC law allows oral leases and continuing month-to-month tenancies under expired leases, it is not uncommon for tenants to lack a current, written lease. Again, long-standing Treasury guidance provides an answer, allowing verification through utility bills, proof of rent payments, or other reasonable means such as eviction notices. As with income, STAY DC should fully utilize these alternative verification methods, with the goal of minimizing application denials on this basis. This should include proactive outreach to tenants whose applications are incomplete to determine if alternative verification is possible.

¹⁴ *COVID-19 Report to Council Committee on Human Services, supra*, at 6.

¹⁵ *Id.*

- Processing Times Should Be Shortened and Future Rent Payments Should Be Offered Proactively. Despite being up and running for over four months now, the STAY DC program continues to take up to six weeks or more to process applications fully to the point of payments being issued. We know of some tenants who have had pending applications for even longer periods of time. This all but assures that many tenants will receive less rental assistance than needed, given that more rent comes due with the passage of each month. In addition to continuing to improve processing time, STAY DC should proactively offer future rent payments to all qualifying tenants, using pop-up messages in the application portal and following up with tenants who do not request future rent payments to offer this option before a final payment is made.
- Denial/Appeals Notices Need to Be Clearer. The denial/appeals notice currently being sent to tenants remains very confusing and does not have sufficient information, especially when more documentation is needed. The notice states both that the tenant needs to provide additional documentation for a second review of their application but also that they must submit an “appeal.” No specific instructions are provided on how to submit an appeal, and the instructions on submitting additional documentation are short and confusing.¹⁶
- The STAY DC Portal Should Include More Information About Application Clinics. While the STAY DC portal has been updated to list upcoming application clinics, it does not include information for tenants about what to expect. Tenants should be instructed to bring necessary documents with them and also should be advised about expected wait times. Providing this information will increase the number of tenants able to complete a full application by attending only one clinic.
- Direct Tenant Payments Should Include Clear Information with the Mailed Checks. Some tenants have begun to receive direct payments from STAY DC when their landlords do not respond to an application. Unfortunately, the checks mailed from STAY DC do not indicate where they are coming from or for what purpose. The mailing itself does not include any information whatsoever, and instead tenants receive an email with more details. For tenants who may not check email regularly, and indeed may have created an email account solely for the purpose of applying for STAY DC, this payment process can be very confusing. STAY DC should ensure that all tenants receive key information with the mailed check, including the purpose of the payment, the obligation to pay it to the landlord and how to do so (such as instructions on how to endorse a check), and information about contacting STAY DC or free legal services with any questions. Several of these resources already exist on STAY DC’s website and should be printed and included with the check.

¹⁶ We have attached language from a recent denial/appeal notice requesting a written lease or similar documentation as an example.

4. Local ERAP Funds Remain Critical for Preventing Evictions, and the Council Must Ensure ERAP Remains Fully Funded and Open to the Public.

Finally, as the District enters a new fiscal year with increased ERAP funding available, it is critical that DHS and the Council monitor ERAP spending to ensure the application process remains open to the public throughout the entire fiscal year. Most ERAP providers were forced to close their ERAP application process in early spring 2021, about halfway through the fiscal year, as their funds ran out and they faced backlogs of applications. While STAY DC will help many, an increasing number of tenants will not be able to avoid eviction and sustain their tenancies without local ERAP funds. Federal rental assistance currently imposes an 18-month cap on assistance from STAY DC. The pandemic will have lasted for 18 months as of September 2021, meaning that tenants who are not back on their feet financially will need to turn to local funds for help. Tenants also still need ERAP funds for pre-pandemic balances.

DHS also should ensure that ERAP providers only award local funding to tenants for amounts that cannot be paid through STAY DC. STAY DC already has paid nearly \$100 million in rental assistance in its first four-plus months.¹⁷ Depending on how much the District receives in additional federal funding, the program eventually will start to run out of money, leaving tenants to rely solely on local rental assistance. While we appreciate all of the special efforts that DHS and some rental assistance providers have made in recent months to assist tenants who reach out through special channels, it is no substitute for an application process that remains fully open to the general public throughout the fiscal year. If additional funding is required to achieve this goal, the Council should consider a supplemental budget increase.

Conclusion

Thank you for this opportunity to testify. We urge the Mayor's STAY DC team to continue to take steps to ensure that STAY DC aligns with the legal process for evictions, information is shared easily and other steps for close collaboration are taken for the purpose of preventing evictions, and the application portal is as accessible as possible. We hope this Committee or other Council Committees also will continue to hold regular roundtables throughout the coming year to monitor STAY DC and ERAP spending and the extent to which these funds are successfully preventing avoidable evictions.

¹⁷ STAY DC Dashboard, *available at* <https://stay.dc.gov/dashboard> (last accessed Aug. 30, 2021).

STAY DC Denial/Appeal Email

Dear Applicant,

Thank you for applying to the STAY DC Program. Your application is currently incomplete and cannot be approved unless you provide additional information or, for the reason noted, you don't appear to be eligible. Please review the following and take requested action within the next 15 days if you would like the District to make an additional review of your application:

Review

Notes:

The application did not include required documentation or information to meet program eligibility requirements for lease documentation. If you decide to submit an appeal, please include the following:

Please include a copy of your complete lease covering months requested (direct coverage or extension addendum), including signatures of both tenant and housing provider and all monthly payments and fees.

For additional reference on type of documentation required, please click here:

<https://stay.dc.gov/sites/default/files/dc/sites/stay/STAY-DC-Required-Documents-English-16.pdf>

If you are unable to provide documentation, you can complete and submit the 'Self-Attestation Form' as appropriate, which you can access using the following links: [English](#) | [Spanish \(Español\)](#) | [Amharic \(አማርኛ\)](#) | [French \(Français\)](#) | [Korean \(한국어\)](#) | [Mandarin \(中文\)](#) | [Vietnamese \(Tiếng Việt\)](#)

To start your application updates you may select this link [STAY DC Application Portal](#) and follow the steps below. You can find further instructions for this additional review process in the Application User Guides on the stay.dc.gov website.

Begin the process by clicking the Track Status of Applications option
Click the ellipsis (...) to the right of your application
Select Request Re-Review from the dropdown options

For any questions you may have about the program guidelines or application process, please call the Contact Center at +1 (833) 4-STAYDC (833-478-2932) between 7:00 am ET and 7:00 pm ET Monday through Friday.

Thank you.



Need help? Call: 833-4-STAYDC (833-478-2932)

[Home](#) [Program Overview](#) [Applications](#) [Help & Support](#)

Language English

Housing Provider Application Request [REDACTED]

Last Saved:
2021-08-30 10:20am

- 1** Pre-Eligibility
- 2** Contact Information
- 3** Rental Information
- 4** Payment Information
- 5** Certification

Certification

*denotes required field

Please read the following statements carefully and only attest to those statements that relate to you and your application:

- I/We attest that all information provided in this application for the STAY DC is correct and complete to the best of my/our knowledge. ***
- I/We attest that there is a current lease or rental obligation for the rental unit and periods submitted in this application for the STAY DC program. ***
- I/We attest that I have a current rental obligation for the rental unit and over the monthly period(s) for which assistance is sought under this application. ***

Electronically Sign

INTERNET PROVIDERS AUTHORIZATION

- For the purpose of administering the benefits for which I am applying, I hereby authorize Verizon DC, Comcast, RCN, DC ACCESS and Starry Internet (Internet Providers) to share information about my past and present utility account(s) (including balances, charges and payments) with the District of Columbia Government (District Government) and I authorize the District Government, on my behalf, to share information about my application and eligibility for benefits with the Internet Providers, which will be subject to the relevant entity's applicable privacy policy, if one exists; provided, however, that all entities with whom my information is shared have agreed to protect it from unauthorized access or disclosure by commercially reasonable means.

I have read and understand the internet providers authorizations above *

Electronically Sign

ACKNOWLEDGEMENTS

- I/We understand that electronic submission of my/our application and electronic signature serves as written and signed attestations for the purpose of the STAY DC program.
- I/We declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. I/we agree to provide, upon request, additional information or documentation upon request to the Program Administrator.
- I/We also understand that false statements or information will be grounds for denial of our application, termination of rental or utility assistance, recoupment of any funds disbursed and/or debarment from participating in other current or future assistance programs administered by DHS.
- I/We understand that this is an application for assistance and signing this application does not bind the STAY DC program to offer rental or utility assistance nor does it bind me/us to accept any assistance offered.

I/We agree that any funds issued to me/us under the STAY DC program will be applied towards the retirement of any rental obligation from tenant household referenced in this application. I/We have no objection to inquiries for the purpose of verifying the facts herein stated. I/We have received, read and understand the STAY DC program eligibility requirements, program guidelines and compliance requirements.

I have read and understand the acknowledgements above *

Electronically Sign

AUTHORIZATION TO RELEASE INFORMATION

- Your signature on this form authorizes the STAY DC program to use this authorization and the information obtained with it, to administer the STAY DC program and enforce rules and policies associated with the STAY DC program.

- Any individual or organization, including any governmental agency may be asked to release information. Information may be requested from but is not limited to: courts, law enforcement agencies, and other reasonably deemed commercial, non-profit and governmental third parties.
- By signing this form, I authorize the above persons, agencies, firms or corporations to make available any documents or record related to the STAY DC program for inspection and copying.

I hereby authorize the STAY DC program to publish information regarding me/my business or my organization and any awards which I may receive on a searchable public website as part of its public transparency and accountability efforts.

I have read and understand the acknowledgements above *

Electronically Sign

PAYMENT ACCEPTANCE AND ACKNOWLEDGEMENTS FOR HOUSING PROVIDER

- I/We understand that the Tenant must be still living in the rental property for which assistance is requested. ***
- As an applicant and landlord of the STAY DC program, I agree to accept the amount paid under the STAY DC program as payment in full for the monthly period(s) covered by the STAY DC program, including late fees, interest, or other rental charges. ***
- I agree not to pursue that portion of any pending non-payment eviction complaint for which STAY DC has made payment. ***
- I agree that I shall not file an eviction action for nonpayment of rent for 60 days after the rental assistance period. ***

Electronically Sign

FAIR CREDIT REPORTING ACT AUTHORIZATION

You understand that by clicking on the I AGREE button immediately following this notice, you are providing 'written instructions' to the District of Columbia government ("the District") under the Fair Credit Reporting Act authorizing the District to obtain information from your personal credit profile or other information from Experian. You authorize the District to obtain such information solely to confirm your identity to avoid fraudulent transactions in your name for the STAY DC program.

I Agree

APPLICATION STATUS MONITORING

Following this submission, you can monitor the status of your application by logging back into STAY DC Program online portal and navigating to the Applications page.

[Back: Payment Information](#)

[Save Draft](#)

[Submit](#)

Need help? Call: 833-4-STAYDC (833-478-2932)