

**Testimony of Satcha Robinson
Staff Attorney, Public Benefits Law Unit
Legal Aid Society of the District of Columbia**

**Before the Committee on Human Services
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Human Services

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The Legal Aid Society of the District of Columbia¹ submits the following testimony regarding the performance of the Department of Human Services (DHS) Economic Security Administration (ESA). DHS is a key agency for ensuring that the District’s most vulnerable residents have access to critical benefits. Efficient, transparent, and accessible administration of public benefits is more important than ever as many of the District’s pandemic protections and benefits have expired, new COVID-19 variants disrupt the public, and the pandemic continues to devastate key sectors of our economy.² Unfortunately, due to longstanding systemic racial inequality, these challenges fall heaviest on the District’s Black and Brown residents.

While advocating before DHS on behalf of our low-income clients seeking SNAP, TANF, Medicaid, and DC Alliance benefits this past year, Legal Aid has identified two significant performance concerns with the administration of the District’s core safety net benefits:

1. The inaccessibility of District Direct, the online system that both benefit program participants and DHS staff access to complete and manage applications for and recertifications of benefits. Accessibility problems include an excessively long

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 90 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.

² Kate Coventry, “DC Fails to Invest in Vital Health and Income Support Programs Despite Moment of Great Need”, DC Fiscal Policy Institute, (Dec. 9, 2021), *available at* <https://www.dcfpi.org/all/dc-fails-to-invest-in-vital-health-and-income-support-programs-despite-moment-of-great-need/>.

and complicated application for benefits and an unacceptable lack of support for applicants and participants whose primary language is not English.

2. Continued problems with service delivery, including poor service for applicants and participants contacting DHS's call center or dropping off documents at ESA service centers, terminations of benefits without appropriate notice, a lack of responsiveness to attempts to problem solve, and a lack of interagency coordination regarding child support cooperation exceptions for TANF participants who are survivors of domestic violence.

DHS Must Improve the Accessibility of District Direct

In November 2021, DHS launched “District Direct,” an integrated system for administering benefits with a new online, mobile, and paper application. District Direct is intended to provide District residents with a single streamlined application for food, medical, and cash assistance.

DHS's New Paper Application is Unnecessarily Lengthy (68 Pages)

Although creating a single application for a variety of programs is a laudable goal, the implementation of District Direct will leave vulnerable populations behind. The District Direct paper application is now sixty-eight (68) pages long instead of the sixteen-page application it replaced. Furthermore, the Flesch-Kincaid grade level formula – which determines the number of years of education generally required to understand a text – shows the District Direct paper application generally requires an 11th grade education. DHS has created a lengthy, complex paper application that will be difficult for vulnerable District residents – particularly those without internet access or a smartphone – to complete. We have already seen the difficulty that this long and complex application can create. For example, even after working with a Legal Aid legal assistant, one of our clients (who was unable to complete the paper application on her own), took two days to be able to successfully complete the lengthy and often-times repetitive application.

District Direct Leaves Limited English Proficient Residents Behind

DHS’s launch of District Direct also fails to adequately serve Limited or Non-English Proficient residents. Currently, the online application is only available in English. DHS has indicated a goal of releasing Spanish and Amharic online applications in Spring 2022, but in the meantime, District resident who are struggling, both with the economic impacts of the pandemic and the difficulty of navigating public systems in a language in which they are not proficient, are at a clear disadvantage in accessing the help they need.

Unfortunately, the complexity of the paper application and the deficiencies in language access often intersect and harm the most vulnerable residents. For example:

A Legal Aid client was no longer able to work after she became disabled due to an injury stemming from being a victim of a crime. This elderly woman was also an Amharic speaker with limited English proficiency and limited access to technology. She was

unable to navigate the District Direct mobile or online application and had difficulty understanding and completing the 68-page integrated application on her own.

The Committee must hold the agency accountable for completing these translations in a timely fashion, including identifying a more specific deadline for completion and following up to ensure they are completed. Further, going forward, DHS needs to prioritize publishing all documents necessary for accessing and maintaining participation in ESA safety net programs in languages required by the Language Access Act at the same time as English language versions are made available. The Committee should ask the agency how it will ensure more proactive planning to make its programs accessible to District residents with limited English proficiency and make sure that there is a clear plan in place for future launches of documents/programs/procedures. All District residents need to be able to access assistance when they need it, regardless of their primary language and DHS must do more to make this a reality.

DHS Must Improve Its Service Delivery

Service delivery problems continue to prevent individuals and families from timely accessing and maintaining critical safety net benefits when they need them. Vulnerable residents continue to lose benefits for unacceptably long periods of time due to no fault of their own. Even when problems are ultimately resolved, residents must cope with the lingering anxiety about the stability of their income source. Many of these problems existed in some form prior to the start of the pandemic, and while we have previously highlighted positive changes DHS has made since the pandemic began, operational problems began to re-emerge as pandemic protections related to public benefits began to expire. Examples of these problems include:

- **Call Centers:** Customers experience difficulty reaching a representative, and when they do, the representative is frequently unable to assist them. A “ticket” is entered into the system and the customer is told to expect contact within 48-72 hours. Many Legal Aid clients – if not most – report that they are never contacted by DHS to resolve the issue.
- **Drop Box:** For significant periods of the past year, the Service Centers did not provide in-person service to customers. During those periods of modified operations, the Service Centers have locations where customers can drop off benefits applications and documents. Customers typically do not receive receipts when using the drop box and often must re-submit documents because they are lost or not processed in a timely manner. For example:

A monolingual Spanish speaking resident submitted a SNAP recertification in a service center drop box. The resident called the Call Center several days later and was told there was no record of a completed recertification in the system. She was transferred to another representative and then the call dropped. DHS never located the recertification paperwork, and the resident was required to resubmit the documents in order to maintain her SNAP benefits.

- **Terminations without Notice:** By law, DHS is required to issue legally sufficient notices to customers prior to taking adverse action on their benefits. Legal Aid has represented many customers whose benefits were stopped without notice from DHS or who received erroneous notices that their benefits would end. For example:

A single mother supporting three children was receiving TANF benefits until her payments stopped without notice. The customer's benefits were interrupted for over four months. She was unable to speak to a representative when she contacted the Call Center. Over two weeks after Legal Aid contacted the Division of Program Operations (DPO), DHS was able to reinstate the customer's TANF benefits based on the information already within the system - not requiring any additional information from the customer.

- **Delayed Response from DPO:** Although advocates can use the Division of Program Operations to seek resolution of problems that individual customers are encountering, the response times remain delayed in many cases. For example:

A young woman receiving TANF and SNAP attempted to apply for benefits for her newborn daughter. The mother applied in-person; however, the agency failed to act upon the application in a timely manner. Legal Aid contacted DPO, providing a duplicate copy of all required documents to add the newborn. Despite repeated follow-up, DPO did not provide a substantive response or resolution for over six weeks.

- **TANF Sanctions Regarding Child Support Cooperation:** Custodial parents in households receiving TANF are required to cooperate with the government's efforts to pursue child support from the non-custodial parent. However, there is a "good cause" exception meant to protect custodial parents who are survivors of domestic violence from endangering themselves or their families as a result of the government initiating a child support case. Worryingly, poor communication between DHS and the Office of the Attorney General's Child Support Services Division means that we continue to see parents who are survivors of domestic violence suffering inappropriate TANF sanctions – reducing monthly payments by 25% – for failure to cooperate when they should be protected by the exception. Legal Aid has testified extensively regarding the need for improved communications between DHS and the Office of the Attorney General's Child Support Services Division to avoid unnecessary TANF sanctions. Legal Aid renews the call to improve administration of the child support cooperation requirement and good cause waiver.³

³ Additional policy suggestions may be found here: Testimony of Marcia Hollingsworth, Carolyn Rumer, Legal Aid Society of the District of Columbia, on the Agency Performance Oversight Hearing of the Department of Human Services, (March 1, 2021), *available at* <https://www.legalaiddc.org/wp-content/uploads/2021/03/Legal-Aid-FY20-FY21YTD-Oversight-Testimony-re-DHS-ESA-Programs-FINAL.pdf>.

Conclusion

We ask the Committee to continue exercising its oversight over DHS, to ensure the agency takes steps to simplify the District Direct application, improve language access, and take a variety of measures aimed at improving service delivery. Legal Aid welcomes the opportunity to work with the Committee and DHS on these issues. Thank you for this opportunity to testify.