

**Testimony of Damon King  
Director of Policy Advocacy  
Legal Aid Society of the District of Columbia**

**Before the Committee of the Whole  
Council of the District of Columbia**

**Budget Oversight Hearing Regarding the Mayor's Proposed Fiscal Year 2023 Budget**

**April 8, 2022**

The Legal Aid Society of the District of Columbia<sup>1</sup> submits the following testimony regarding the Mayor's proposed Fiscal Year 2023 Budget and Fiscal Year 2022 Supplemental Budget. Legal Aid appreciates the opportunity to share with the Committee of the Whole our thoughts on the Mayor's budget proposals, including recommendations for steps the Council should take prior to approval later this spring.

As a preliminary matter, Legal Aid thanks the Bowser Administration for using the Budget Support Act to propose the elimination of the DC Health Care Alliance's six-month, in-person recertification requirement. Language found in the BSA would end the practice of requiring in-person interviews as part of Alliance applications and renewals and shift the program to an annual renewal schedule similar to Medicaid.<sup>2</sup> As the Committee knows, the Alliance serves an

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<sup>1</sup> 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](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

<sup>2</sup> Language passed in last year's FY22 Budget Support Act of 2021 stopped in-person interviews in FY22 but allowed them in FY23-FY25. It also required six-month recertifications before phasing them out after April 1, 2025. Fiscal Year 2022 Budget Support Act of 2021, Enrolled August 10, 2021, at 139, *available at*: <https://lms.dccouncil.us/downloads/LIMS/47312/Meeting3/Enrollment/B24-0285-Enrollment12.pdf>

The FY23 Budget Support Act amends this FY22 BSA language. Specifically, it removes language allowing in-person interviews in FY23-FY25, as well as the delayed implementation of

important purpose: offering health coverage to Washingtonians with low incomes who are ineligible for Medicaid. It is a vital source of health coverage and healthcare access for DC residents who are immigrants, but onerous recertification requirements first implemented over a decade ago have made it extremely difficult to maintain coverage under the program. Ending the six-month, in-person recertification requirement would help address a longstanding and glaring gap in the District's public health policy and reduce obstacles to health care for members of the District's immigrant communities. Further, as we discuss in the attached testimony to the Committee on Human Services, if approved, this policy change should reduce burdens on the Department of Human Services, better positioning it to address other longstanding issues with the administration of safety net programs.<sup>3</sup> We thank the Mayor, as well as Councilmembers Nadeau and Gray for their attention to this issue over many years of chairing the Committee on Human Services and the Committee on Health. We urge the Council to approve this policy change when it approves the FY23 Budget and passes the Budget Support Act.

While we are pleased to see this long-awaited change in Health Care Alliance policy, there remain several areas of concern in the Mayor's proposed budget that the Council needs to address in Committee mark-ups. These areas are detailed below.

Many of these recommendations overlap with the recommendations of the Fair Budget Coalition, and indeed, Legal Aid is a proud member of the Coalition and supports the FY23 Fair Budget Platform.<sup>4</sup> Further, as we highlighted to the Committee on the Judiciary and Public Safety, Legal Aid is part of a larger legal services community that is doing important work to assist Washingtonians in the wake of the pandemic, including preventing evictions.<sup>5</sup> We support the

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the annual recertification schedule. New language specifies that Alliance participants would be "required to recertify enrollment on an annual basis." The effect of the FY23 BSA language, if passed, would be to permanently end in-person interviews and shift to annual recertifications beginning in FY23. Fiscal Year 2023 Budget Support Act of 2022, Introduced March 16, 2022, at 36-37, available at: <https://lims.dccouncil.us/downloads/LIMS/49079/Introduction/B24-0714-Introduction.pdf>

<sup>3</sup> See, Testimony of Damon King, Satcha Robinson, Legal Aid Society of the District of Columbia, Budget Oversight Hearing Regarding the Department of Human Services, March 31, 2022, available at: <https://www.legalaiddc.org/wp-content/uploads/2022/04/Testimony-before-the-Committee-on-Human-Services-regarding-the-DHS-Damon-King-Satcha-Robinson.pdf>

<sup>4</sup> The Full Fair Budget Coalition Platform is available at: [https://fairbudget.org/wp-content/uploads/2022/03/Fair-Budget-Coalition-Budget-Platform-FY23\\_An-Act-of-Justice.pdf](https://fairbudget.org/wp-content/uploads/2022/03/Fair-Budget-Coalition-Budget-Platform-FY23_An-Act-of-Justice.pdf)

<sup>5</sup> See, testimony of Lori Leibowitz, Neighborhood Legal Services Program of the District of Columbia, and Beth Mellen, Legal Aid Society of the District of Columbia, Budget Oversight Hearing Regarding the Office of Victim Services & Justice Grants, April 6, 2022, available at: <https://www.legalaiddc.org/wp-content/uploads/2022/04/Testimony-before-the-Committee-on-the-Judiciary-and-Public-Safety-regarding-the-OVSJG-Lori-Leibowitz-Beth-Mellen-.pdf>

D.C. Access to Justice Commission and the D.C. Bar Foundation regarding their legal services funding recommendations.

### **District Safety Net Programs**

Legal Aid urges the Council to make key investments to strengthen safety net programs administered by the Department of Human Services. The COVID-19 pandemic has been devastating for many Washingtonians with low incomes. Given this, as well as challenges and uncertainty regarding our economic recovery, it is crucial to ensure that Washingtonians who are struggling are able to access assistance when they need it, and that such assistance is sufficient to meet their needs. Accordingly, we recommend:

- Adding \$3.3 million to double the budget for Interim Disability Assistance (IDA). IDA benefits District residents with disabilities who have pending Supplemental Security Income (SSI) applications with the Social Security Administration (SSA). Unfortunately, the already-long SSI application process has only become longer and more challenging during the pandemic, making access to IDA funds even more important for Washingtonians with disabilities. Further, between our uneven economic recovery and the growing number of Americans struggling with the long-term health effects of COVID-19, it is expected that the number of SSI applicants will rise in the near future, likely raising the number of Washingtonians who will need assistance.
- Making sustained investments to raise benefit levels for Temporary Aid to Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP, also known as "food stamps"). Given the District's cost of living and the significant gap between the District and the national leader in TANF payments,<sup>6</sup> Legal Aid urges the Council to raise TANF payments to help families meet their day-to-day needs. Legal Aid also joins Fair Budget Coalition in calling on the Council to pass and fund the Give SNAP a Raise Amendment Act of 2022,<sup>7</sup> the No Senior Hungry Omnibus Amendment Act,<sup>8</sup> and the Diaper Affordability and Access Act of 2022.<sup>9</sup>

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<sup>6</sup> In the District, a family of three with no income may receive up to \$665, or roughly 34% of poverty, per month in TANF. By contrast, in New Hampshire that same family of three may receive up to \$1,086. *See*, New Hampshire Bureau of Family Assistance Program Fact Sheet, *available at*: <https://nhfv.org/wp-content/uploads/2021/01/1-21-fam-asst-fact-sheet.pdf>.

<sup>7</sup> Introduced as Bill 24-0600, *available at*: <https://lims.dccouncil.us/Legislation/B24-0600>

<sup>8</sup> Introduced as Bill 24-0419, *available at*: <https://lims.dccouncil.us/Legislation/B24-0419>

<sup>9</sup> Introduced as Bill 24-0669, *available at*: <https://lims.dccouncil.us/Legislation/B24-0669>

- Funding an Ombudsperson for the Department of Human Services. Far too many Washingtonians continue to struggle accessing DHS-administered safety net programs. An ombudsperson could play a crucial role in helping Washingtonians navigate our public benefits programs and identifying and addressing systemic issues.

In addition to programs administered by DHS, the Council must continue to address performance issues at the Department of Employment Services that make it difficult for Washingtonians who have lost their jobs to access unemployment benefits, and in some cases, deepen their level of economic hardship. The Council should:

- Ensure that there is sufficient funding in DOES's budget to ensure that Washingtonians with limited technology or limited English proficiency can adequately access the unemployment benefit claims process.
- Use the BSA to address longstanding concerns regarding accuracy and fairness in DOES's approach to recouping non-fraud overpayments – specifically, a three-year statute of limitations on these types of recoupment efforts.

For more details regarding these recommendations, please see Legal Aid's attached budget testimony regarding the Department of Human Services (safety net programs) and the Department of Employment Services.<sup>10</sup>

### **Homeless Services & Eviction Prevention**

As Washingtonians continue to experience housing instability, we urge the Council to make key investments, both to stabilize District residents in the homeless services system and to prevent eviction. Regarding homeless services system supports, the Council should:

- Use FY21 surplus funds to maintain families in the District's Rapid Rehousing program until they have the resources they need to afford housing. Current participants in the program should not be exited when their incomes are not sufficient to support their housing without a subsidy.
- Ensure that there are sufficient Targeted Affordable Housing (TAH) and Local Rent Supplement (LRSP) tenant vouchers so that program participants are able to transition to programs that maintain their housing stability.

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<sup>10</sup> See, *supra*, note 3.

Testimony of Jen Jenkins, Drake Hagner, Legal Aid Society of the District of Columbia, Tonya Love, Claimant Advocacy Program, Budget Oversight Hearing Regarding the Department of Employment Services, March 22, 2022, available at: <https://www.legalaiddc.org/wp-content/uploads/2022/03/Testimony-before-the-Committee-on-Labor-Workforce-Development-regarding-the-DOES-Jen-Jenkins.pdf>

- Use the BSA to institute a clear exit standard for Rapid Rehousing that ensures that no Rapid Rehousing participants can be terminated for a time limit until they can afford rent without further assistance.

To help Washingtonians remain in their homes, the Council should:

- Ensure that there is sufficient funding for Emergency Rental Assistance and utility relief assistance to meet the full need for the remainder of FY22 and FY23. Legal Aid supports the Fair Budget Coalition's recommendation of \$200 million in ERAP funding for FY23.

For more details, please see Legal Aid's attached budget testimony regarding the Department of Human Services (Rapid Rehousing and ERAP).<sup>11</sup>

### **Safe & Affordable Housing**

In addition to keeping District Residents in their homes, we urge the Council to make investments to ensure that address unsafe, unhealth housing conditions across public housing and the private rental market. Further, we remained disappointed in the Mayor's continued failure to make investments in LRSP tenant vouchers to pull Washingtonians off of the voucher waiting list. Regarding the Housing Production Trust Fund, we renew our call to ensure that the FY23 budget contains sufficient operating subsidies to support the production of housing affordable to Washingtonians earning 30% or less of the Area Median Income (AMI). Regarding housing conditions:

- Legal Aid supports the Fair Budget Coalition's request to invest an additional \$10 million to bring the FY23 Budget's investment in public housing repairs to \$60 million and ensure all such funding is recurring. Addressing long-neglected conditions in the District's public housing stock will require consistent investment from year to year.
- To address housing conditions more broadly, the Council should ensure that the new D.C. Department of Buildings is funded at a level that allows it to maintain enough housing inspectors to effectively address complaints, housing conditions issues raised in the context of court cases, and a robust proactive inspection program.

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<sup>11</sup> Testimony of Matthew Boucher, Legal Aid Society of the District of Columbia, Budget Oversight Hearing Regarding the Department of Human Services, March 31, 2022, *available at*: <https://www.legalaiddc.org/wp-content/uploads/2022/03/Testimony-before-the-Committee-on-Human-Services-regarding-the-DHS-Matthew-Boucher.pdf>

Regarding affordable housing:

- Legal Aid supports the Fair Budget Coalition's recommendation that the Council invest \$17.33 million in tenant-based LRSP vouchers to pull 800 District residents off of the voucher waiting list. This would make progress on a waiting list that is still 37,610 residents long, even after being closed for nearly nine years.<sup>12</sup>
- While Legal Aid applauds the Mayor's historic investment of \$498 million in the Housing Production Trust Fund in FY23, the Council should review proposed investments in project-based LRSP to ensure that they are sufficient for DHCD to meet its statutory requirement for financing the production of deeply affordable housing.

For more information, please see Legal Aid's attached budget testimony regarding the D.C. Housing Authority,<sup>13</sup> Department of Buildings,<sup>14</sup> and Department of Housing and Community Development.<sup>15</sup>

### **Conclusion**

Legal Aid thanks the Committee of the Whole for the opportunity to testify regarding the Mayor's proposed FY23 budget and FY22 supplemental budget. We look forward to working with the Committee to ensure that the issues we raise are sufficiently addressed before Council approval.

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<sup>12</sup> DCHA FY22 Performance Oversight Responses, *available at* <https://dccouncil.us/wp-content/uploads/2022/03/DCHAATT.pdf>, p. 330.

<sup>13</sup> Testimony of Amanda Korber, Legal Aid Society of the District of Columbia, Budget Oversight Hearing Regarding the District of Columbia Housing Authority, March 30, 2022, *available at*: <https://www.legalaiddc.org/wp-content/uploads/2022/03/Testimony-before-the-Committee-on-Housing-and-Executive-Administration-regarding-the-DCHA-Amanda-Korber.pdf>

<sup>14</sup> Testimony of Beth Mellen, Eleni P. Christidis, Legal Aid Society of the District of Columbia, Budget Oversight Hearing Regarding the Department of Buildings, March 24, 2022, *available at*: <https://www.legalaiddc.org/wp-content/uploads/2022/03/Testimony-before-the-Committee-of-the-Whole-regarding-the-DOB-Beth-Mellen-Eleni-Christidis.pdf>

<sup>15</sup> Testimony of Beth Mellen, Legal Aid Society of the District of Columbia, Budget Oversight Hearing Regarding the Department of Housing and Community Development March 30, 2022, *available at*: <https://www.legalaiddc.org/wp-content/uploads/2022/03/Testimony-before-the-Committee-on-Housing-and-Executive-Administration-regarding-the-HPTF-DHCD-Beth-Mellen.pdf>