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EXECUTIVE DIRECTOR
Judith Sandalow

**Testimony before the
District of Columbia Council
Committee on Housing and Workforce Development**

Public hearing on the Tenant Access to Justice Reform Act of 2009

November 30, 2009

Judith Sandalow
Executive Director
Children's Law Center



Good morning Chairman Barry and members of the Committee on Housing and Workforce Development. Thank you for the opportunity to testify. My name is Judith Sandalow. I am the Executive Director of Children's Law Center¹ (CLC) and a resident of the District. CLC is the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children's legal services. Every year, we represent 1,200 low-income children and families, focusing on children who have been abused and neglected and children with special health, educational and housing needs. I am pleased to testify in support of the Tenant Access to Justice Reform Act of 2009. This bill will give tenants access to landlord-tenant court, allow them to sue when they are forced to live in unsafe, unhealthy housing conditions and ultimately lead to healthier children.

One of CLC's major initiatives is our Health Access Project, which is a medical-legal collaboration between CLC and the Children's National Medical Center. CLC lawyers have offices within CNMC's Community Health Centers and partner with medical professionals to win the legal and administrative battles necessary to improve children's health. Since 2002, we have represented hundreds of families through our collaboration with the hospital. We frequently represent clients dealing with unsafe housing conditions which are causing or exacerbating their children's health condition. Doctors are often frustrated because despite their best medical care, if housing conditions are not improved, children simply do not get better and, in some cases, their illnesses get worse. In recent months, we have seen an increase in referrals regarding housing conditions.

Many of our clients and their families live in deplorable conditions -- their houses and apartments lack proper heating or electricity, have broken windows and screens, are covered in chipping lead paint and dangerous mold and are infested with rodents and bugs. These poor housing conditions are not only unjust, and often illegal, they lead to poor health outcomes for children. Inadequate and unsafe housing impacts the physical and psychological development of children and their ability to learn and perform in school.² Low-income children are more likely than other children to live in poorly maintained and unsafe

housing and these children are also more likely to be sick.³ Housing-related health problems disproportionately affect African-American children and those from low-income families.⁴

Housing conditions such as lead paint, rodent and bug infestation and mold are particularly problematic for our clients. Asthma is an epidemic for DC's children: over 15.2% (16,000) of children were reported to have had asthma at some point in their childhood, which is the third highest rate in the nation.⁵ A study found that District children under the age of 5 with asthma went to the emergency room for acute asthma attacks five times more often than children nationally, and the vast majority of these visits were made by children from the poorest parts of the District.⁶ Poor housing conditions such as cockroaches, roaches and mold exacerbate asthma.⁷ A study of public housing residents found that the rate of asthma was 25% in children living in deteriorating housing compared with only 8% in other housing.⁸

Lead paint can cause damage to children's brain and nervous system. It can cause, among other things, learning disabilities, decreased growth, hyperactivity and impaired hearing.⁹ Low-income children are at significantly higher risk from lead poisoning than children from wealthier families.¹⁰ Our client's children are also exposed to an increased risk of physical injury due to their living conditions. Lack of heating, broken windows and lack of screens are all major hazards for children. Nationally, injuries occurring in the home result in an estimated four million emergency department visits.¹¹

CLC's own cases illustrate how unsafe housing conditions are harming our children's health. Just in the past several months, we have worked with families whose ceilings have caved in, who have significant mold in the walls and carpets, and who have rats, mice and cockroaches all over their apartments. In one case, the client lived in an apartment where she had her rent subsidized 100%. The apartment had repeatedly flooded and the bathtubs and toilets had overflowed. Not only was there several inches of water each time, but there was also raw sewage in the apartment. The client called the District and an inspector came and documented the problem, but then nothing happened. She had no way to access landlord tenant court, and she did not know what to do next. As a result, her family continued to

live in the apartment for over three years. During that time, mold grew inside and outside of the walls and the carpets. One of the client's children has severe asthma. He became sick from the mold and his chronic respiratory problems became so severe that he could not attend school. Had this client had an easy and affordable way to access landlord-tenant court, she would have been able to remedy these conditions and her child wouldn't have suffered.

The infestations we see are often very serious—families are living in apartments where rats and mice crawl on the children where they are sleeping, putting them at risk for bites that could cause serious diseases. In one current case, a twelve-year old with Down's syndrome and her nine year old sister are afraid to get out of bed at night because they can hear the rats that have entered through the hole in the walls.

In many of these cases, after we investigate further, we also find other serious problems in the apartment that affect the health of the children. In several cases, we found that the window screens had been improperly installed and the children could have fallen out of the window. In another case, we found that the refrigerator was leaking coolant into the children's food.

As these case stories illustrate, it is very important that tenants have a vehicle to hold their landlord responsible for providing them with safe housing. This bill is about access to justice, but it's also about the health of our most vulnerable children. While many of the housing conditions described above are clear violations of DC's housing code, the code is meaningless unless tenants have a way to efficiently and expeditiously seek redress of these problems.¹² Currently, only landlords can access landlord-tenant court and use it to seek rent payments or evict tenants. Tenants, however, have no similar recourse when their landlord is refusing to make repairs which jeopardize their health and safety. Currently, our clients are faced with an impossible decision—risk eviction or file in civil court, where they have to pay higher filing fees (\$120 filing fee in the Civil Division versus \$15 in the landlord-tenant court) and probably have to hire experts and other witnesses they cannot afford. Cases also move very slowly in the Civil Division making

it an inappropriate venue when a child's health is at risk and potentially worsening by the day. This bill will allow our clients to get the repairs they desperately need in order to ensure that their children are healthy.

I urge you to favorably and swiftly mark-up this legislation and bring it to the Council for a vote.

Passing this bill is an important step we can take to level the playing field for tenants and ensure all families and children in the District live in safe and healthy homes. Thank you for the opportunity to testify. I am happy to answer any questions.

¹ Children's Law Center envisions a future for the District of Columbia in which every child has a safe home, a meaningful education and a healthy mind and body. We work toward this vision by providing free legal services to 1,200 children and families each year and by using the knowledge we gain from representing our clients to advocate for changes in the law. Children's Law Center is the largest non-profit legal services organization in the District of Columbia and the only organization providing comprehensive representation to children.

² Megan Sandel, Alliance for Healthy Homes and the National Medical Legal Partnership/Boston Medical Center, *Healthy Homes*, National Low Income Housing Coalition article. http://www.nlihc.org/detail/article.cfm?article_id=6087&cid=23

³ Defining Poverty and Why It Matters for Children, Children's Defense Fund. (August 2005).

⁴ African American children are twice as likely to have asthma and are six times more likely to die from it than white children. Households with annual incomes less than \$30,000 are twice as likely as others to have lead hazards in their homes. Megan Sandel, Alliance for Healthy Homes and the National Medical Legal Partnership/Boston Medical Center, *Healthy Homes*, National Low Income Housing Coalition article. http://www.nlihc.org/detail/article.cfm?article_id=6087&cid=23.

⁵ Rebecca Morley, Executive Director, National Center for Healthy Housing, Testimony before the DC Council Committee on Government Operations and the Environment, (March 18, 2009).

⁶ National Capital Asthma Coalition, Community Coalitions: Washington DC. www.pediatricasthma.org/community_coalitions/washington_dc

⁷ American Lung Association of the City of New York, *A Report by the Coalition for Asthma-Free Homes* (May 2009).

⁸ American Lung Association of the City of New York, *A Report by the Coalition for Asthma-Free Homes*, 5 (May 2009).

⁹ U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics, Protect Your Child From Lead Poisoning, <http://www.epa.gov/lead/pubs/lpandyce.pdf>

¹⁰ Alliance for Healthy Homes, Impact on Families and Communities, www.afhh.org/ifc/ifc_main.htm

¹¹ Robert Wood Johnson Foundation, Commission to Build a Healthier America, Issue Brief 2: Housing and Health, *Where we Live Matters for Our Health: The Link Between Housing and Health*, (Sept. 2008) www.commissionhealth.org

¹² 14 D.C.M.R. 100 et seq.