



501 3<sup>rd</sup> Street, NW · 8<sup>th</sup> Floor  
Washington, DC 20001  
T 202.467.4900 · F 202.467.4949  
[childrenslawcenter.org](http://childrenslawcenter.org)

Testimony Before the District of Columbia Council  
Committee on Human Services  
March 8, 2018

Public Hearing:  
Performance Oversight Hearing – Department of Human Services

Kathy Zeisel  
Senior Supervising Attorney  
Children's Law Center

## **Introduction**

Good afternoon Chairperson Nadeau and members of the Committee. My name is Kathy Zeisel. I am a Senior Supervising Attorney at Children's Law Center<sup>1</sup> and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With more than 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

I am pleased to testify today regarding the performance of the Department of Human Services (DHS). Children's Law Center clients come into contact with DHS in many ways, especially through the continuum of services for individuals, youth and families who are homeless, as well as through the application for, and receipt of, public benefits. Today, I will provide testimony on these two major areas in which DHS serves the city through the Economic Security Administration (ESA) and the Homeless Services Program.

## **Economic Security Administration**

We would like to begin by acknowledging the positive development that, come April, there will no longer be a time limit cut off for families receiving TANF. The implementation of this reform is a tremendous step forward for the City and its

residents. In addition, we are happy that this year families will begin to be eligible for the second of three planned substantial increases to cash benefits.<sup>2</sup>

However, we do have grave concerns regarding our clients' ability to access the public benefits to which they are entitled. As you know, DHS is responsible for determining DC residents' eligibility for and the provision of a number of public benefits, including TANF, SNAP, Interim Disability Assistance, Medicaid, and the DC Healthcare Alliance.<sup>3</sup> These public benefits are more than a safety net—often they are the last stopgap to prevent our low-income residents from experiencing extreme hunger, falling into homelessness, or not having access to healthcare.

Beginning approximately eight months ago, we began receiving a significant increase in referrals for families who were either being wrongfully denied benefits, or whose benefits were being improperly terminated. Families are being cut off from Medicaid, TANF and SNAP with no notice. We believe this is related to serious problems with a new computer system at DHS. DHS' oversight answers acknowledge some of the problems with the system, especially in regards to SNAP, but do not provide any meaningful solution.<sup>4</sup>

Through our medical legal partnerships with Children's National Health System, Mary's Center and Unity Health Care, we are regularly referred parents who only find out that their child's Medicaid was never activated or has been wrongfully terminated when they bring their child to the doctor or attempt to fill an important prescription,

such as an asthma inhaler or psychiatric medication. I personally have worked with several mothers who thought that Medicaid had been set up at the hospital with the birth of their child, and then discovered their child had no coverage when they came for well child checks. Those mothers tried very hard to fix the issues on their own, going repeatedly to ESA only to be told the computers were down and to leave a paper application or that the issue was resolved, but then it was not. It was only after attorneys got involved that their babies were able to get Medicaid. This left many of the babies behind schedule on vaccines and checkups.

More recently, as Children's National has increased screening around food insecurity, we have had an increase in referrals for families whose SNAP benefits were never loaded onto their cards. Just last week, I worked with a family who was told, after going to the ESA office three separate times in December, that their benefits would be added within 24 hours. Yet, by February, they still had no access to the SNAP benefits. This means a mother is left to choose between paying the rent and feeding her family because she does not have the resources to get through the month.

In each of the cases we have worked on, often in collaboration with Legal Aid, benefits have been restored to the family quickly because it was an error by ESA that they were discontinued. Families should not have to suffer for months without the benefits for which they qualify, and we call on this Committee to hold DHS accountable for a solution, including affirmative outreach to all families whose benefits have been

impacted in the past year, and a streamlined process that does not require a lawyer to get those benefits restored in an expedited manner. We are requesting that this Committee hold a roundtable on this issue and require DHS to provide detailed solutions to ensure that families are receiving the benefits which many of DC's most vulnerable children depend on to be healthy and safe.

### **Homeless Services**

Before I delve into some of the specific concerns we have regarding the homeless services system, I want to acknowledge that DHS' Chief of Staff, Larry Handerhan, has been an important problem solver in getting serious issues resolved for some of our clients. For example, after six of our clients were displaced by a fire caused by their landlord's negligence in maintaining the building, he helped minimize the trauma they endured by ensuring a smooth transition into the homeless system and into long term housing. While we appreciate DHS' willingness to work with us on specific issues with clients, we hope that DHS will continue to work toward a system where a lawyer and a high-level official are not needed to resolve basic issues.

Turning toward our concerns about our family homelessness system, this Committee is aware of our disagreements with the recent passage of the HSRA. We will not go into our concerns today in detail, but we want to note that we remain very worried about the impact of the implementation of some of these measures on our most vulnerable residents in the coming year.

## CLOSING OF DC GENERAL

We are happy the closure of DC General is in sight, but we have serious concerns about the new timeline for its closure.<sup>5</sup> DHS and the Mayor for years have stated that they would not close DC General without replacement shelters for its families to move in to.<sup>6</sup> We are concerned that the years of careful planning to close DC General are being undermined by the rush to close it next fall before the replacement shelters are ready.

While DHS hopes that there will be few families left at DC General in September, based on their own statistics around length of time in shelter, it is unclear that this will occur.<sup>7</sup> Closing in September will likely require many families to be uprooted twice—first to be transferred to hotels and motels while the replacement shelters are constructed, and then again to the replacement shelters. Uprooting families even once is traumatic, but doing so multiple times will take a tremendous toll on the children living in those families. Because many of the hotels, motels, and replacement shelters are far away from DC General, children affected by this turmoil may have to transfer schools twice in less than two years. Given that the final closure will occur *after* the start of the school year, we urge DHS to inform families of their proposed transfer location well in advance of the new school year, and for DHS to coordinate with DCPS and public charter schools to plan for these children before the start of the school year. We hope that the Council and DHS will provide funding for transportation for the parent and child above and beyond what McKinney Vento offers to get to their school of origin so

that children will not have to move shelter and change schools just a few weeks into the school year. While we are not aware of the specific locations to which these families will be relocated, this type of planning and coordination takes significant time. This critical school component must not be ignored and we are offering to work with DHS in these efforts.

We are also concerned with the plan to begin demolishing DC General while residents are still living there. Doing demolition while residents are on site is not conducive to the safety and well-being of residents, and is something residents oppose. In addition, many of the children residing at DC General have asthma, and the increased dust and pollution in the air will likely negatively affect their health.<sup>8</sup>

#### *RAPID RE-HOUSING*

DC's Rapid Re-Housing program is an intervention adapted from a national model designed to help individuals and families quickly exit homelessness and return to permanent housing by providing a temporary housing voucher and supportive services while they use the voucher.<sup>9</sup> As we said in December when we last testified on this issue, we have concerns about the varying quality of the providers, including the Office of Work Opportunities within DHS.<sup>10</sup> Per DHS' own written answers to the oversight questions, there seems to be a lack of effective oversight over these providers.<sup>11</sup> We again call on this Committee to use its oversight powers to ensure that

all participants in Rapid Re-Housing receive the case management the program promises, and which the District is paying for.

It is important, here, to point out that DC's growing homelessness problem is a symptom of our affordable housing crisis.<sup>12</sup> As the population of DC booms, the cost of rental housing has skyrocketed.<sup>13</sup> As of last year, only one fifth of our rental housing stock was considered affordable. Although data readily highlights our government's failure to meaningfully address this widening gap, I believe these numbers explain, in the simplest of terms, why so many families in DC are homeless and why it is so hard for homeless families to find a long-term housing option that is affordable to them without any subsidy.<sup>14</sup>

DHS has attempted to bandage this crisis, in large part, through Rapid Re-Housing. Unfortunately, as we testified in the December 2017 Roundtable, DC's version of this program is failing, and unsurprisingly so.<sup>15</sup> In an ideal scenario, the program would function by providing a temporary housing voucher to an individual or family who is imminently facing, or currently experiencing, short-term homelessness. For example, somebody who has a history of paying market rent, but who has lost their job and needs a stopgap to prevent their misfortune from spiraling in to the cycle of homelessness and joblessness. However, DHS is offering the program to virtually all families experiencing homelessness—many of whom have never, and likely will not



soon, be able to afford to rents ranging from \$1200 to over \$2000 that families with Rapid Re-Housing are often placed in.<sup>16</sup>

DHS also provided some data regarding clients in the program. One such data point is increasing family income. Per DHS' data, income increased within the program in FY17 from an average program entry income of \$278.30 to an average program exit income \$541.<sup>17</sup> This income is not sufficient to afford the units that tenants have been placed in unless a different subsidy is obtained. Consequently, many of those who are "rapidly re-housed" are left without a sustainable housing option at the end of the program. DHS also claims to have trouble identifying which Rapid Re-Housing participants have been evicted.<sup>18</sup> We note that evictions are publicly available records through DC Superior Court, and searchable through the Court's online database.<sup>19</sup> Analysis of this data is not dependent on any release of information by participants so we are unclear what the barrier is to determining which participants have been evicted.

Because homelessness in DC is caused much more by peoples' inability to afford our chronically high rent prices, rather than by short-term crises, DHS needs to begin the process of shrinking its dependence on Rapid Re-Housing. We suggest DHS adopt a multi-year plan for shifting funds gradually away from local money for Rapid Re-Housing and toward other, more permanent, subsidies such as Targeted Affordable Housing (TAH), or long-term affordable housing for people who do not need the supportive services of Permanent Supportive Housing (PSH), but for whom Rapid Re-

Housing is not a good fit. This proposal would preserve the federal money we get, allowing DHS to more carefully target Rapid Re-Housing at families who are more likely to be successful, while also targeting local money at longer-term subsidies to assist families for whom one year will not be enough to stabilize them in housing.

In its oversight answers, DHS describes a shallow subsidy pilot set to launch in the fall of 2018, which would provide very limited assistance to families with their rent.<sup>20</sup> We applaud DHS for connecting this program with formal evaluation so that there will be meaningful data about it works, and we hope that DHS will provide a meaningful opportunity for the public to discuss guidelines about the selection process and rules for the program. We also hope that DHS will continue to explore other alternatives and will ask for the funding it may need to do so.

We understand that DHS is shifting to a new screening methodology that is supposed to screen families at shelter for eligibility for all programs, including Permanent Supportive Housing, and, if true, we applaud this shift.<sup>21</sup> However, we think there is a gap between this policy change and on-the-ground case management that needs to be addressed. As recently as last week, my clients' DC General case managers told them they had to enter Rapid Re-Housing to be screened for Permanent Supportive Housing—a message our clients have consistently received in our cases with respect to both Permanent Supportive Housing and Targeted Affordable Housing. We hope this Committee will encourage DHS to implement a consistent screening program through

all of its case managers and contracted providers so that families do not bounce between programs for years.

We also remain unclear as to actual criterion used to select families for Targeted Affordable Housing.<sup>22</sup> We hope that you will press DHS for written guidance on how they administer Targeted Affordable Housing vouchers. Without such guidance, there is no transparency or consistency as to how these referrals are being made. We also note that it is our understanding that the computer issues plaguing the public benefits programs may be impacting the Targeted Affordable Housing referrals. We have also been told that applications were lost in a recent computer transition, which meant families lost their place in line for eligibility, and had to begin the burdensome process of completing a new application.

We hope that this Committee will to use its oversight powers to ensure that DHS is held accountable to provide meaningful services which help families get into more stable housing.

## **Conclusion**

Thank you for the opportunity to testify.

---

<sup>1</sup> Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

<sup>2</sup> *What’s New with TANF?* DHS.DC.GOV, <https://dhs.dc.gov/service/whats-new-tanf> (last visited on 2/28/18).

<sup>3</sup> *Economic Security*, DHS.DC.GOV, <https://dhs.dc.gov/node/129342> (last visited on 3/2/18).

<sup>4</sup> DHS 2018 Oversight Written Answers at 28, 40, 48, 86-87, Attachment 7 (Letter to Sabrina Brown). Furthermore, DHS’ oversight answers also indicate that DHS does not track how many terminations are a result of their own errors, which calls into question whether there is a meaningful solution being worked on when they cannot even track the problem.<sup>4</sup>

<sup>5</sup> *Mayor Bowser Prepares for Closure of DC General Shelter*, Jan. 21, 2018, DHS.DC.GOV, <https://mayor.dc.gov/release/mayor-bowser-prepares-closure-dc-general-shelter>.

<sup>6</sup> See Muriel Bowser, Mayor Government of the District of Columbia, *Q&A Ending Homelessness in the District* (“Q: When will the city close DC General? A: The short-term family housing facilities must be in place and open before we can close DC General. All of the buildings secured by the District will need to be renovated or built from the ground up. The new sites will be open and able to accommodate families in 2017 and 2018. Once the final one is in place, the District will close the DC General Family Shelter”) available at <https://dmhhs.dc.gov/sites/default/files/dc/sites/mayormb/publication/attachments/Ending-Homelessness-Q-and-A.pdf>; Executive Office of the Mayor, press release: *Mayor Bowser Details Plan to Close DC General* at <https://mayor.dc.gov/release/mayor-bowser-details-plan-close-dc-general>; Laura Zeilinger, *Testimony for Public Hearing: Bill 21-620, Homeward DC Omnibus Approval Facilities Plan for Short-Term Housing for Persons Experiencing Homelessness Act of 2016*, (“And the longer we are in a place like DC General, the longer vulnerable families in DC aren’t provided with a fair shot at success or dignity. Our threshold for allowing that to continue should be only as long as it takes to develop and open these new sites...But we cannot close DC General without sites to replace its 270 units. We cannot create the types of programs we all agree are the right programs to have, without specific sites to build them on. This bill and closing DC General go hand in hand.”), p. 255 available at [http://dccouncil.us/files/user\\_uploads/event\\_testimony/B21-620\\_Homeless\\_Shelter\\_Plan\\_hearing\\_SCANNED\\_HEARING\\_TESTIMONY\\_optimized\\_\(2\).pdf](http://dccouncil.us/files/user_uploads/event_testimony/B21-620_Homeless_Shelter_Plan_hearing_SCANNED_HEARING_TESTIMONY_optimized_(2).pdf);

<sup>7</sup> DHS states that for families that exited in FY17, the median stay was 167 days, but for families who did not exit in FY17, the median DC General stay was 430 days. DHS 2018 Oversight Written Answers at 86.

<sup>8</sup> Estimates of the asthma prevalence for the children in DC range from 18% to 31%, all of which are significantly higher than the national average prevalence of asthma in children of 9%. DC Health Matters at

<http://www.dchealthmatters.org/index.php?module=indicators&controller=index&action=view&indicatorId=1787&localeId=130951>; CDC Vital Signs 2011 <https://www.cdc.gov/vitalsigns/asthma/index.html>; Children’s Law Center Housing Conditions Training by Dr. Steven Teach, IMPACT DC, at <http://www.childrenslawcenter.org/file/7814/download?token=WOMDuG2T>. There is a twenty-fold disparity in the number of ER visits for asthma between the highest and lowest zipcodes in the city. IMPACT DC Annual Report 2017

<file:///H:/DHS%202018%20testimony/IMPACT%20DC%20Annual%20Report.pdf>.

<sup>9</sup> US Interagency Council on Homelessness, *Rapid Re-Housing* (Dec. 12, 2015).

<https://www.usich.gov/solutions/housing/rapid-re-housing>.

---

<sup>10</sup> Children’s Law Center testimony by Judith Sandalow and Diana Sisson is available at: <http://www.childrenslawcenter.org/testimony/testimony-department-human-services%E2%80%9999-rapid-re-housing-program>.

<sup>11</sup> DHS 2018 Oversight Written Answers at 75-6.

<sup>12</sup> In 2008, 2013, and 2017 respectively the number of homeless families in Washington DC increased from 587 (1836 total people) to 983 (3169 total people) to 1166 (3890 total people). In 2008, 2013, and 2017 respectively, the number of homeless individuals increased from 6044 to 6865 to 7473. Metropolitan Washington Council of Governments, *A Regional Portrait of Homelessness: The 2010 Count of Homeless Persons in Metropolitan Washington*, p. 6; *Results and Analysis from the 2013 Point-in-Time Count of Homeless Persons in the Metropolitan Washington Region*, p. 7; *Homelessness in Metropolitan Washington: Results and Analysis from the 2017 Point-in-Time Count of Persons Experiencing Homelessness*, p. 13.

<sup>13</sup> DC’s population at the time of the 2010 census was approximately 602,000 residents. Last week, Mayor Bowser announced DC has reached 700,000 residents—a 15% increase in population in under 8 years. See <https://planning.dc.gov/page/population-estimates-2014-thru-2017>, and <https://dc.gov/release/mayor-bowser-celebrates-700000-district-residents>.

<sup>14</sup> See 2016 DCFPI Report: *A Broken Foundation: Affordable Housing Crisis Threatens DC’s Lowest-Income Residents*. <https://www.dcfpi.org/wp-content/uploads/2016/12/DCFPI-Broken-Foundation-Housing-Report-12-8-16.pdf>.

<sup>15</sup> Children’s Law Center Testimony by Executive Director Judith Sandalow and EJW Fellow/Staff Attorney Diana Sisson available at <http://www.childrenslawcenter.org/testimony/comment-re-issued-osse-student-code-conduct-regulations-2010?page=1>.

<sup>16</sup> DHS 2018 Oversight Written Answers at 71-72.

<sup>17</sup> DHS 2018 Oversight Written Answers at 78. DHS notes that for FY 18 thus far, the average entry income is \$341.33 and the average exit income \$1078.

<sup>18</sup> DHS 2018 Oversight Written Answers at 81-82. In these answers, DHS states that they do not have releases from participants, so they cannot give names to DC Superior Court to run the data.

<sup>19</sup> See <https://www.dccourts.gov/superior-court/cases-online>.

<sup>20</sup> DHS 2018 Oversight Written Answers at 77.

<sup>21</sup> DHS describes this new program, known as CAHP-F in its oversight answers. DHS 2018 Oversight Written Answers at 45.

<sup>22</sup> DHS provides some information about the TAH process in their written answers, but there is no indication that there are written guidelines. Furthermore, the process described here is different from what we have encountered with clients, where applications are submitted with prompting from the client and attorney and where applications are frequently lost and re-started multiple times before they are submitted. DHS 2018 Oversight Written Answers at 68.