



Testimony Before the District of Columbia Council
Committee on Human Services and Committee on Housing & Neighborhood
Revitalization
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Good morning Chairperson Nadeau, Chairperson Bonds and members of the Committees on Human Services, and Housing and Neighborhood Revitalization. My name is Kathy Zeisel. I am a resident of the District and I am a Senior Supervising Attorney at Children's Law Center.¹ 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 almost 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 an attorney in Healthy Together, our medical legal partnership, where we place attorneys throughout the city at primary care pediatric clinics with Children's National, Unity Health Care, and Mary's Center. Through these partnerships, we are referred many families where the medical staff see health harming legal needs and ask us to help. My colleague mentioned some of the types of cases we see, but I want to focus today on our clients with Rapid Rehousing and the problems we have seen in that system. We first came into contact with the Rapid Rehousing system through our housing conditions work because many of the worst housing conditions cases we are referred are clients in Rapid Rehousing, some who have been living in their units as little as a month before issues like rampant mold that triggers serious asthma exacerbations, water intrusions, or horrible mice infestations become apparent. Today, I will discuss concerns that Children's Law Center has about the impact of Rapid Rehousing on the individuals in it

now and the recommendations that came out of the FRSP Task Force that we participated in.

Last year, we had a long discussion about what success in Rapid Rehousing is. Today, I want to reference some of DHS' own statistics and ask that the Council consider whether Rapid Rehousing should be the mandatory intervention for virtually all families in shelter given those numbers. In FY19, there were approximately 2200 families served in RRH,ⁱⁱ with an average income of \$929.75,ⁱⁱⁱ and only 7% of those families had any increase in income during the program,^{iv} and that average increase was only \$102.17,^v bringing the family's total monthly income still below what the average \$1665 needed to rent a two-bedroom apartment in DC.^{vi} The eviction data from DHS, though incomplete, shows that of the 882 participants looked at, 46% had eviction cases filed against them.^{vii} Based on data about landlord tenant court, it is likely that most of those tenants were unrepresented, most of the landlords were represented, most of the cases were filed for nonpayment of rent, and most of the cases ended with a settlement with the tenant moving out.^{viii, ix} DHS's own numbers also show that last year, 42% of families who received services through Virginia Williams were coming from Rapid Rehousing.^x DHS had the opportunity to think big about whether Rapid Rehousing is the right program for all homeless families, but instead of using that opportunity, they have doubled down and made recommendations to make the program even more restrictive and made the cliffs for participants earlier in the

program. Today, we ask the DC Council to consider this data and to think about whether we can do better for some of DC's most vulnerable families.

We cannot forget there is a real human face to the families in Rapid Rehousing. One of CLC's clients spent time at the Quality Inn in 2014-15, then entered Rapid Rehousing only to be evicted owing \$6000, and was subsequently placed at the Quality Inn for another year. She entered Rapid Rehousing again with her older children and newborn and moved into an apartment where the air conditioning and heating did not work properly, the balcony door was broken and leaking causing mold in the unit, and the refrigerator leaked on her food, but somehow the unit passed inspection. We are battling in court to try to get the conditions repaired and trying to push through approval for a transfer. She does not expect to be able to afford the unit at the end of her time in Rapid Rehousing, and this cycle is likely to continue again. This is not an atypical story for our clients.

We know that both in terms of human and monetary cost this program makes no sense. It is more expensive to be in shelter than Rapid Rehousing, and more expensive to be Rapid Rehousing than to have Targeted Affordable Housing or an LRSP voucher,^{xi} and when someone enters shelter, they typically have to give up all their furniture and most of their other belongings and start over, their children often experience school instability, they may lose their jobs, and everyone experiences another trauma. It is beyond time to really stop and think about whether this one size fits all solution is the

right answer for all families in the shelter system. An eviction makes it harder to rent and puts families in a worse position than they were in before.^{xii} Matthew Desmond's research also shows that continued evictions results in people moving into units which cost the same or more, but are in worse conditions.^{xiii} We know this can lead to worse health outcomes for the families that live there when those conditions exacerbate asthma or other health conditions as we often see in our cases.^{xiv}

Rapid Rehousing Should Not be One Size Fits All From Shelter

In terms of how the program functions while participants are actually in it, there are serious issues at every step of the program. First, all families are forced into Rapid Rehousing regardless of whether it is appropriate for them and into units that are not right for them. One client was threatened with shelter termination numerous times for turning down units that were \$4000 or more even though she knew would never be able to afford them when she through with the program, and in fact she is facing eviction now from a substantially cheaper unit while still in the program even though she works 40 hours a week. Another client was told she had to accept a non-accessible unit even though her son is in a wheelchair. She ended up in that unit for the duration of the program only to eventually be evicted, and she is now homeless and couch surfing with her disabled children.

Families in Rapid Rehousing Units Face Serious, Health Harming Housing Conditions that Go Unaddressed by Case Managers and Unabated by Landlords

Our Rapid Rehousing cases primarily come to us because of the housing condition and because no one is helping the participant address those conditions issues impacting their child's health effectively. Yet, DHS provided data in the Oversight Answers that only 3% of the families faced housing conditions, but there is no way that is reliable data based on the anecdotal evidence reported by participants and by what we know about housing conditions in the types of units rented by participants. In our own cases, in most instances we find the case managers have not documented the instances of housing conditions or put in for a transfer based on the housing conditions prior to our involvement. DHS needs to improve the training and data collection methods.^{xv}

Many of the units that our clients are in have terrible housing conditions that exacerbate health conditions of the children and adults in the home. We have been referred cases where children have had multiple hospitalizations and ER visits for asthma exacerbations, where mice are in the bed at night with children and adults, where the ceiling has caved in, where the heat does not work, and where there are many other issues in the home. In some cases, these conditions existed at move in and were never fixed. We find that many Rapid Rehousing case managers are ill equipped to work with clients on these issues. At best, they have little understanding of the legal

rights of the tenants and have been unable to help them get any repairs made or get a transfer secured and, at worst, it has been clear that they simply need to place Rapid Rehousing participants with landlords and they do not want to alienate this landlord by demanding repairs because they might not accept other participants. In one case, the landlord had physically assaulted the tenant while she was pregnant, made racist comments to her, had her electricity shut off, and had refused to repair major housing code violations that were endangering her and her child. The case manager and supervisor had documented all of this and acknowledged admonishing the landlord for using racist language in front of them, but also acknowledged they continued to lease up other Rapid Rehousing participants with this landlord.

DC should not be spending city money with slumlords. We should not be enriching landlords who make a profit by keeping some of our most vulnerable families in the worst conditions. Yet, that seems to be the very model that Rapid Rehousing is built upon in order to ensure that we have enough housing supply to push people out of shelters quickly. One of the main questions before the Rapid Rehousing Task Force was how we can get families out of shelter and into Rapid Rehousing even faster, but not how can we ensure we get them into safe and stable housing when we do that.

Case Management Quality is Inconsistent and Often Problematic

In addition the serious efficacy questions raised about case management with respect to raising income, the core goal of the program, complaints about the quality of case management are raised by virtually all of our clients and were shared by the participants who were part of the Rapid Rehousing Task Force.^{xvi} We frequently hear that case managers do not come, change frequently, are disrespectful, are simply unhelpful, or do not know about the various programs or resources they are supposed to know about. We also know there is an average 106-day delay to even be assigned a case manager at the beginning of Rapid Rehousing^{xvii}, which, if case management is supposed to be a key to success in the program, has to impede the successful outcome for the consumer and for the relationship between the landlords and the consumers.^{xviii}

We hope that the recommendation in the Task Force Report to create a right to an extension for the participant where there are problems with case management is adopted, and we hope that is not contingent on being in full compliance with all program obligations. If case management is supposed to be the core component of Rapid Rehousing, then to hold a participant responsible for the other obligations while not providing case management would be wrong. We would also like to see a stronger customer grievance right where the quality of case management could be challenged given the serious issues we see that as well.

Participants are Often Not Successful at the End of the Program

Finally, we must turn to the serious question of what happens to families at the end of the program.^{xix} As discussed above, a significant number of families end up with an eviction case against them and/or receiving services through Virginia Williams.^{xx} there are also particular issues we see in the execution of the program now.

Our clients with disabilities or who have children with disabilities are usually not screened for PSH or TAH while they are in shelter, and many have not been fully screened while they are in Rapid Rehousing. Our attorneys ask their case managers if they have been screened, and some case managers have never even heard of TAH. One family we worked with had been through Rapid Rehousing twice and both partners have mental illness, but because they were in Rapid Rehousing and were not screened until the end of the program, they showed up as stably housed for too long to qualify for TAH or PSH according to their case manager—and so they are now waiting to get evicted and end up homeless for a third time out of Rapid Rehousing, inflicting more trauma on themselves and their young daughter.

Concerns about FRSP Task Force Process and Recommendations

DHS states in its responses that it plans to make improvements based on the recommendations of the FRSP Task Force, which Children's Law Center participated in

during 2019. When we agreed to join the FRSP Task Force, we had thought that would create the opportunity to have these important conversations. However, it eventually became clear that there would be strict limits on the conversation and the outcomes by DHS and that no meaningful shifts in the system would be permitted. And in fact, that is what happened. The final report that resulted was largely engineered with recommendations by DHS that were required to be cost neutral as determined by DHS, and a larger conversation about whether there should be other paths than Rapid Rehousing never occurred. In fact, a conversation about whether DC should be a housing first city was not even allowed and the Task Force Report moves DC away from what is widely regarded as being the nationwide best practice.^{xxi} Below are some of our concerns with specific recommendations in the draft report.

(1) Recommendation Creates an Earlier Cliff for Participants

The recommendations also creates an earlier cliff for participants in that they are going to be asked to pay a lot more money a lot earlier in the program, when the data shows that most people are already unable to pay what is asked of them now.^{xxii} At the last meeting, with no prior discussion about it, Task Force members were forced to vote between two proposals that shifted the way rent is paid from a percentage of income to a percentage of their rent after six months in the program. This creates an enormous cliff for participants who will go from paying 30% of their income to 30% of the rent in one month, and an increasing percentage up to 100% within a few months. We are

simply shoving participants off the cliff much earlier when the evidence presented by DHS shows that few participants are able to pay and to meet the rent burden now. And, the recommendations are that participants will not be eligible to apply for any extension unless they are fully in compliance with all program requirements, so if they fall off this cliff, they also cannot get further extensions. Or, they may end up like a client we are working with right now, who, after only four months in the Rapid Rehousing program is facing an eviction case that filed on January 10 after she did not pay her portion of the rent on January 5. It is likely she and her family will end right back up in the shelter where they already spent ten months. We are concerned about setting up families to be in a worse position at the end of Rapid Rehousing than they were in before by having another eviction. We need to evaluate other resources and programs and think about whether our current Rapid Rehousing program is a meaningful intervention for families.

(2) Recommendations Would Codify Hard Limit for First Time

The Task Force recommendations also had many other concerning elements. Both models for the first time create a hard 30-month time limit on Rapid Rehousing, which has never before existed when there has been good cause to extend it beyond that.

(3) Recommendations for Two Models is Insufficient

The report creates a Bridge to TAH and PSH vouchers, but only for people who are both eligible and where there is a voucher available.^{xxiii} This model may be an improvement for people who qualify for it. But, when there is no voucher available, these families who we already identified as having limited ability to work are shoved into the Bridge to TANF program, which I will talk about shortly, without adequate supports. Furthermore, there is limited case management of 90 days once someone gets a voucher that is shorter than the timeframe someone has to use the actual voucher, which is 180 days with a possible extension of another 180 days for a reasonable accommodation—and given that these families already are identified as having a disability, they may be eligible for this in some instances.

The Bridge to TANF model is even more problematic because it is predicated on the assumption that other government agencies beyond the control of DHS will start working better and that programs that have long been dysfunctional within DHS, such as the TANF employment program, will work seamlessly. Additionally, the model is not a housing first model, instead it requires compliance with services and all program requirements to be eligible for continued housing assistance. Furthermore, the model continues the same problematic model of case management we have now, while placing participants in tracks based on an initial assessment that cannot be changed even if their life circumstances change.

(4) Recommendation Would Explore Using City funds to Move Low Income Residents To Maryland; Residents Will Lose Residency, Access to DC Benefits and Services

We are also concerned about the proposal to explore utilizing vouchers outside of DC. We understand that living costs are lower in Maryland and Virginia, but on a philosophical level we oppose using DC resources to push out low income DC residents from DC. On a practical level, we are concerned that because Rapid Rehousing was defined as permanent housing in the Homeless Services Reform Act, participants will lose their DC residency as soon as they move out of state. This will impact their ability to get a permanent voucher, enter the DC homeless system, keep their DC benefits, keep their kids in DC schools, face a 60-month TANF time limit, lose access to DC Alliance, and likely other intended consequences. In addition, participants will face a landlord tenant system where they have significantly fewer rights than in DC and for which they will not be able to access DC lawyers or ERAP.

Conclusion

In conclusion, we know that there is no easy path here. DHS cannot simply force other agencies to do their jobs better, they cannot waive their hands and make affordable housing appear. But, that does not mean that as an agency or as a city, we can simply shuffle homeless families through cycles of homelessness without stepping

back to see if our only option being offered is working, and without stopping to ask if we are leaving people in a worse position that they started in. There are things we can do to make the program better as it exists now, and there are things the Council can do to shift resources into longer term housing for families, which I hope you will consider as you move forward into budget season. What we cannot do is move homeless families into Rapid Rehousing, call it permanent housing, and expect everything to be ok.

ⁱ 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 almost 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.

ⁱⁱ DHS 2020 Oversight Responses, page 29.

ⁱⁱⁱ *DHS 2020 Oversight Responses*, page 103.

^{iv} *Id.*, at 104.

^v *Id.*, at 107.

^{vi} *Out of Reach 2019: District of Columbia*, National Low Income Housing Coalition, available at: <https://reports.nlihc.org/oor/district-columbia>. Two bedrooms is likely smaller than the bedroom size needed by many families in the Rapid Rehousing program. Further, DHS data shows that FRSP participants who had TANF as their main source of income had the highest average rental amount of any of the participants. See *DHS, Task Force, FRSP Presentation 10/8/19*, slide 29 at https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/FRSP%20Taskforce%202%20-%20Presentation%201082019_0.pdf.

^{vii} See *DHS, Task Force, FRSP Presentation 10/8/19*, Slide 6, https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/FRSP%20Taskforce%202%20-%20Presentation%201082019_0.pdf.

^{viii} Data analysis by Legal Aid of the District of Columbia shows that approximately 42 percent of cases end with a consent or confessed judgment against the tenant, and another 33 percent end with a default judgment against the tenant. These figures are based on Legal Aid’s analysis of a random sample of eviction cases filed in 2018 and are accurate +/- 2 percent with a 95 confidence interval. These figures exclude cases dismissed by the landlord voluntarily or dismissed by the court when the landlord fails to prosecute the case. Studies from other jurisdictions confirm this fact, with a study of rent court in Baltimore finding that 78 percent of tenants facing eviction had at least one serious health or safety violation in their home and 72 percent already had reported the problem to their landlord. Public Justice Center, *Justice Diverted: How Renters are Processed in the Baltimore City Rent Court 14-15* (Dec. 2015), available at <https://www.abell.org/sites/default/files/files/cd-justicediverted216.pdf>. The recently-released report by the D.C. Access to Justice Commission, *Delivering Justice*, finds that 88 percent of tenants in Landlord Tenant cases are unrepresented while 95% of landlords are represented. ^{ix} D.C. Access to Justice

Comm'n, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* 4 (Dec. 2019) (2017 figures).

^{ix} The DHS data about evictions is incomplete because DHS did not ask the Court about how many cases ended in settlement to move out, how many were for nonpayment etc. Instead, DHS focused only on court-ordered evictions, which happen only after a trial, which is very rare in landlord-tenant court, or in unusual settlements. If we consider the true picture, the eviction rate, meaning the rate of people who move out as a result of an eviction case being filed, from Rapid Rehousing is extremely high based on this data. Even if the filed case did not result in an eviction, simply the case being filed will be on the tenant's rental record for the foreseeable future when they try to rent their next apartment.

^x *FY19 Hypothermia Debrief- Families*, The Community Partnership, p3, available at:

https://ich.dc.gov/sites/default/files/dc/sites/ich/event_content/attachments/Hypothermia%20FY19%20-%20Families%20%28VWERC%20%26%20ES%29.pdf. The DHS Oversight Responses cited lower numbers, but it looked at only a limited group who were timed out of Rapid Rehousing rather than the larger group analyzed in the other document.

^{xi} Per DHS's Budget information provided in 2019, Rapid Rehousing was estimated to cost \$66,000 per family per year while TAH was estimated to cost \$20,820 per family per year. See FY19 DHS Budget Overview, Slide 19, available at

<https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/FY19%20DHS%20Budget%20Overview.pdf>

^{xii} Evictions are easily searchable in the DC Superior Court online records search and/or by commonly used tenant records search companies utilized by many landlords.

^{xiii} Desmond, Matthew, *Evicted: Poverty and Profit in an American City*, page 297 (2016)

^{xiv} See for example, DOEE information on Healthy Homes at <https://doee.dc.gov/service/dc-partnership-healthy-homes>.

^{xv} As one step, perhaps as one step, DHS could do a data bump with the Housing Conditions Calendar and with the Landlord Tenant Calendar to look where there are cases involving claims of housing conditions by Rapid Rehousing Participants.

^{xvi} One point that is confusing in the Oversight Responses is what organizations are providing case management. In attachment 96c, FSRP outcomes are broken out by provider, but do not include DHS' own Office of Work Opportunities, which in FY19 did provide case management. See *DHS 2020 Oversight Responses* Attachment 96c and *FRSP Task Force Presentation 1*, Slide 16,

https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/FRSP%20Taskforce%201%20-%20Presentation%2009112019_1.pdf.

^{xvii} This 106 day wait in FY20 is up from the 58-day average wait in FY19, and is significantly higher than the 5 business day goal. *DHS 2020 Oversight Responses*, p102.

^{xviii} Indeed, in the Landlord Listening Sessions conducted through the Task Force, landlords expressed discontent with the quality of the case managers as well. See FRSP Task Force Meeting Notes from Landlord Listening Sessions, available at:

https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/Meeting%20Notes%20from%20Provider%20Landlord%20Listening%20Session%2010302019_1.pdf and

https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/Meeting%20Notes%20from%20Landlord%20Listening%20Session%2009112019_1.pdf.

^{xix} DHS Oversight Responses state that 75% of clients exit to a unit rented to a client, but this likely simply means that they are in their FRSP unit since that is a unit rented by them per the terms of the lease. The data also shows that 32% have a subsidy at the end the program. *DHS 2020 Oversight Responses*, p109.

^{xx} The DHS Responses show that 3% of participants exited in FY20 have already gotten services from Virginia Williams, which is surprising insofar as participants usually have to wait until they are evicted to access services from Virginia Williams, which could take up to a year. Therefore, we would expect

participants exited in FY20 not to be eligible to access services at Virginia Williams until later in the year in most cases. *DHS 2020 Oversight Responses*, p109. We are also concerned that DHS may cause evictions to be filed during the program. DHS' responses show there were 576 late payments to FRSP landlords, any of which could have triggered an eviction case. *DHS 2020 Oversight Responses*, p105.

^{xxi} *Final Report Recommendation for FRSP Task Force Consideration*, page 12, available at https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/Final%20Report%20Recommendation%20for%20FRSP%20Task%20Force%20consideration_1.pdf

^{xxii} Currently, 80% of families pay less than 30% of total unit cost. See slide 30 https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/FRSP%20Taskforce%201%20-%20Presentation%2009112019_1.pdf. Per DHS data, each month of FY19, a substantial majority of families did not pay all or some of their rent in the program at this rate. *Id.* at slide 31.

^{xxiii} *Final Report Recommendation for FRSP Task Force Consideration*, page 9-10, available at https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/Final%20Report%20Recommendation%20for%20FRSP%20Task%20Force%20consideration_1.pdf