

**Testimony of Amanda Korber  
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**Before the Committee on Housing and Executive Administration  
Council of the District of Columbia**

**Performance Oversight Hearing Regarding District of Columbia Housing Authority**

**January 27, 2022**

The Legal Aid Society of the District of Columbia<sup>1</sup> submits the following testimony regarding the DC Housing Authority (DCHA). We are concerned about the mismanagement, high turnover, and, to be frank, scandal, that has plagued an agency that could not have a more important mission: to safely and stably house DC residents living at or below 30 percent Area Median Income (AMI). DCHA’s dysfunction – evident from the Board of Commissioners all the way down to its program offices – impacts its large-scale redevelopment efforts as well as its day-to-day operations. Over the last year DCHA has failed timely to process transfer requests, reasonable accommodation requests, recertifications, and language access requests. DCHA also appears to have made little, if any, progress on its redevelopment plans. In short, DCHA has strayed from its central mission to provide safe, stable housing for DC’s lowest income residents. It is going to take time to rebuild DCHA, and perhaps even longer for DCHA to gain the trust of the residents who rely on it. But, DCHA needs to begin that work now, and the Council should help refocus and redirect the agency by:

- Introducing legislation to reconstitute the Board of Commissioners, ensuring that the Board has the skills and impartiality necessary to guide redevelopment projects and act in the interest of residents and voucher holders;
- Conducting more rigorous oversight and holding regular public hearings to ensure that DCHA makes progress towards running fully functioning housing programs, including

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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).

by timely leasing up voucher holders, issuing transfer vouchers, granting reasonable accommodation requests, recertifying residents, and making repairs; and

- Ensuring that DCHA complies with District law, including the Fiscal Year 2022 Budget Support Act of 2021, which directed the agency to promulgate regulations that reduce barriers to entry in the local voucher program.

### **The Council Should Revisit Legislation to Reconstitute DCHA’s Board of Commissioners and Require it to Operate Transparently**

Over the last year, DCHA’s Board of Commissioners’ meetings have been no less chaotic or opaque than they were when we first testified about the Board’s problems in 2020.<sup>2</sup> The Board continues to have no publicly available governing or procedural rules. The need for clear and public rules has never been more apparent than during the last year when the chair resigned after it was revealed that he approved millions of dollars in contracts for a personal associate<sup>3</sup> and another commissioner was accused of threatening and intimidating DCHA staff.<sup>4</sup> Additionally, the Board continues to be controlled by a mayoral majority that appears more interested in pushing resolutions through than ensuring that commissioners and residents alike understand what is being voted on, how it fits into DCHA’s mission, and how, if at all, it serves low-income District residents. With no clear rules for how resolutions can be vetted or debated, multiple hearings have resulted in commissioners and residents being cut off and debate being stifled.

DCHA’s Board is responsible for overseeing the redevelopment of thousands of public housing units. It cannot be trusted with that responsibility in its current state. We recommend that the Council make at least the following two improvements.

First, the Council should direct the Board to adopt rules of procedure and governance. Specifically, the Council should require the Board to release every resolution to the public at least two weeks before a vote. The commissioners themselves ideally should have as much time as they need to understand each resolution, but, at a minimum, they should have at least one month with a resolution before having to vote on it. This is especially true for resolutions that carry particularly high stakes. The Board should adopt rules to govern how it debates resolutions, the information commissioners are entitled to before voting, the process for receiving public

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<sup>2</sup> Legal Aid Society, “Performance Oversight Hearing Regarding the District of Columbia Housing Authority”, March 4, 2020, *available at* <https://www.legalaiddc.org/wp-content/uploads/2020/03/DCHA-Oversight-Testimony-Redevelopment-FINAL.pdf>

<sup>3</sup> Washington City Paper, “D.C. Housing Authority Board Chair Neil Albert Will Resign”, October 19, 2021, *available at* <https://washingtoncitypaper.com/article/536432/d-c-housing-authority-board-chair-neil-albert-will-resign/>

<sup>4</sup> WTOP, “DC Housing Authority commissioner investigated for harassing, threatening staff”, October 26, 2021, *available at* <https://wtop.com/dc/2021/10/dc-housing-authority-commissioner-investigated-for-harassing-threatening-staff/>

input, and the process for incorporating amendments prior to any vote. Finally, the Board should have strict rules about when commissioners must recuse themselves from debating and voting, and how they must disclose to the rest of the Board and the public why recusal is necessary.

Second, the Council should revisit and reintroduce legislation aimed at breaking up the Mayor's majority on the Board. DCHA owns valuable land and housing throughout the District. It is vital that DCHA use this land to serve DC's lowest income residents. Unfortunately, over the last few years we have seen the Board approve deals that do not center at all on DCHA's lowest income residents. For example, Legal Aid previously testified about DCHA's redevelopment of its headquarters at 1133 North Capitol Street.<sup>5</sup> The Board voted to give a developer a deep discount on the land. In exchange, the developer is not required to build a single unit of deeply affordable housing. Given the stakes at play, it makes sense that DCHA is constituted as an independent agency. But that means little if the Mayor controls the agency through its Board and the Board approves deals that do so little to protect those DCHA is supposed to serve. Legal Aid appreciates that last year the Council considered adding more Council appointees to the Board to ensure that no one interest group has a majority. While that language did not ultimately make it into the Budget Support Act (BSA) in its original form,<sup>6</sup> the Council should embrace this idea, push it forward now, and commit to ensuring that any new appointees are prepared to use the Board's oversight power to re-orient the agency's decision making that has drifted too far from its core mission. This will help ensure that the Board is singularly focused on and capable of guiding public housing policy in a way that serves the interests of residents, not developers or any other special interests.

### **Perform Regular and Rigorous Oversight Until DCHA is Able to Demonstrate that its Housing Programs are Fully Functioning**

Over the last four years DCHA has had a destabilizing amount of turnover throughout the agency. Long-time leaders in the Housing Choice Voucher Program, Public Housing Program, eligibility department and Office of Fair Hearings have left, often with no or little notice. There have been five acting or permanent general counsels during that same time period. And an executive director has come and gone. It is no surprise then that DCHA is not meeting the needs of low-income District residents and its housing programs are flailing. Here is just a brief list of issues our clients regularly experienced over the last year:

- DCHA not responding for months (or even years in some cases) when they attempt to recertify. This means that residents are falling behind on rent while they wait and hope that DCHA will eventually lower their rental obligation in accordance with the law.

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<sup>5</sup> Legal Aid Society, "Performance Oversight Hearing Regarding the District of Columbia Housing Authority", March 4, 2020, available at <https://www.legalaiddc.org/wp-content/uploads/2020/03/DCHA-Oversight-Testimony-Redevelopment-FINAL.pdf>

<sup>6</sup> Legal Aid understands that the Council received some advice that breaking up the Mayor's majority on the Board is unlawful. Legal Aid and other advocates do not agree with this analysis, and encourage the Council to revisit it.

- DCHA taking many months to issue transfer vouchers to program participants. This means that voucher holders who need to move because of housing code violations or their family's needs have to wait months before they can even start the process.
- DCHA failing to respond to reasonable accommodation requests, or responding only after unreasonable delays. Our attorneys often have to continually follow up with and prod DCHA in order to get any response to our clients' requests. We can only imagine how unrepresented residents fare. To make matters worse, we just learned that the person most recently put in charge of reasonable accommodations is leaving the agency. Yet again we will not know who to contact to try and resolve our clients' issues.
- DCHA taking many years to transfer public housing residents in response to reasonable accommodation requests and/or public safety requests.
- DCHA failing to provide our clients with necessary and legally required language access services. This includes DCHA staff not using interpreters when non-English proficient or limited-English proficient residents call their program specialists, as well as not translating important agency correspondence, like inspection notices, even when DCHA has every reason to know a resident does not speak English.

The Council should conduct regular public oversight of DCHA, and require that its leaders show up and testify, until it can demonstrate that its various housing programs are functioning properly and meeting the needs of program participants. Until then, we also recommend that the Council require DCHA designate a liaison that residents can reach out to when they cannot get responses from DCHA's various program offices. We also recommend that the Council require DCHA to make public (and continuously update) an organizational chart, including names and contact information for each of its offices. Public housing residents and voucher holders rely on DCHA to ensure that they can keep their families housed. They need reliable ways to reach this currently-intractable agency and resolve the many issues that arise as they navigate what should be regular processes to maintain their housing.

### **Review DCHA's Final Regulations Regarding Local Voucher Programs and Intervene if Necessary**

Conducting rigorous oversight also means ensuring that DCHA complies with District law. Last budget season the Council funded a historic increase in tenant-based vouchers to end homelessness for thousands of DC households. At the time, the Council was also aware that there were extreme delays between tenants being selected for voucher programs and DCHA and DHS doing what was necessary to process those vouchers and lease tenants up in units. We are thankful that the Council included language in the BSA to address this issue, and to reduce barriers to housing generally, by requiring that DCHA 1) allow voucher applicants to self-certify eligibility factors, and 2) waive any of its existing rules that would exclude households on the basis of immigration status, prior criminal convictions, or pending criminal matters.

Unfortunately, DCHA recently released its proposed regulations based on the BSA language, and they do not comport with the spirit or intent of the law. Legal Aid, the Washington Legal Clinic

for the Homeless, and other organizations provided detailed comments on these regulations.<sup>7</sup> Most importantly, the regulations require tenants to provide third-party verification within 90-days of leasing up even if they already self-certified. The regulations also do not waive or modify any requirements regarding immigration status or prior criminal convictions as required. Legal Aid recommends that the Council review DCHA’s proposed regulations as well as any final regulations. If DCHA will not comply with the Council’s express wishes on its own, the Council should intervene and ensure that the low barrier, accessible local voucher program it envisioned becomes reality.

### **Conclusion**

DCHA is the only agency in the District whose sole mission is to house low- and no-income residents. With so much at stake, it could not be more important that DCHA function at the highest level possible. Unfortunately, the opposite is true. DCHA is plagued by high turnover, mission drift, and what feels like constant scandal at all levels of the agency. We implore the Council to spend the next year helping DCHA get back on track and back to serving District residents who need affordable, safe, and stable housing.

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<sup>7</sup> Washington Legal Clinic for the Homeless, “Comments on Proposed Regulations, Title 14 DCMR Chapter 95, ‘Rent Subsidy Programs: Local Rent Supplement Program’”, January 16, 2021, available at <https://www.legalclinic.org/wp-content/uploads/2022/01/Comments-on-DC-Housing-Authority-Tenant-Based-Eligibility-Verification-Regulations-1-16-22.pdf>