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**Before the Committee on Housing
Council of the District of Columbia**

**Budget Oversight Hearing Regarding the Department of Human Services
March 31, 2023**

Legal Aid DC¹ appreciates the opportunity to share our testimony regarding the Mayor's Fiscal Year 2024 proposed budget for the Department of Human Services (DHS). Our testimony will focus on programs administered by the Economic Security Administration within DHS.

The Committee should make improvements to the proposed DHS budget around cash assistance programs and provide funding for a Human Services Ombudsman before final approval. Specifically, the committee should fund increased cash assistance for low-income District families through Temporary Assistance for Needy Families (TANF) and individuals with disabilities who are unable to work through Interim Disability Assistance (IDA), rather than continuing the pattern of chronic underfunding for IDA. The Committee should also fund a Human Services Ombudsman to provide residents with meaningful

¹ Legal Aid 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 91 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.

access to DHS and to resolve problems stemming from systemic service delivery issues that have persisted for years. Additionally, the Committee should fund several legislative changes – including Give SNAP a Raise and the No Senior Hungry Omnibus Act – and, at a minimum, restore cuts to DHS’s information technology budgets. These changes will allow District residents to benefit from improved operations and accessibility at DHS as well as an expanded social safety net. Legal Aid is a member of the Fair Budget Coalition and supports the Fair Budget Coalition’s FY24 Budget Platform, which includes all of these recommendations².

The District Should Fund Improvements and Increases Related to Temporary Assistance for Needy Families

The Committee should ensure that the Budget includes funds to increase monthly TANF payments for the approximately 15,000 District families that rely on TANF cash assistance.³ During the pandemic, DHS worked hard to maximize federal funding to increase benefits for low-income DC families, including through one-time cash payments of \$1,000 for TANF recipients in August 2022,⁴ Pandemic-EBT SNAP payments, and SNAP Emergency Allotments.⁵ However, as of March 2023 and the end of Emergency SNAP supplements, all pandemic-related supplements have ceased even though, as Director Zeilinger recognized, “We know that the pace of economic recovery is not the same for all households.”⁶ The additional federal funding and pandemic-related benefits protections are coming to an end while low-income individuals and families, particularly

² The Fair Budget Coalition’s FY24 platform can be found at:
<https://fairbudget.org/2024-budget-platform/>

³ Mayor Muriel Bowser, Government of the District of Columbia,
<https://mayor.dc.gov/release/mayor-bowser-announces-one-time-back-school-payment-dc-families-receiving-tanf>

⁴ *Id.*

⁵ Department of Human Services, Pre-Hearing Question Responses, p. 5-6,
<https://dccouncil.gov/wp-content/uploads/2023/03/Pre-Hearing-Question-Responses-DHS-2.20.2023.pdf>

⁶ *Id.*

Black and Latinx families who face barriers related to systemic racism, continue to experience economic hardship exacerbated by inflation.⁷

As this Committee is aware, TANF is a critical safety net for District families that face complex systemic barriers to economic self-sufficiency in an economy that does not have room for them. DHS, the Mayor, and the Council recognized this reality when they took steps to end the 60-month TANF time limits, an effort that culminated from years of effort by TANF customers, the Council, DHS, and advocates that participated together in a TANF Working Group.⁸ While this was a critical step to protect vital TANF resources, the work on TANF in the District is not done. TANF is funded by a combination of a federal block grant and money spent by Districts and the states.⁹ Federal funding for the TANF block grant has remained static at 16.5 billion since 1996, meaning that the real value of the block grant has decreased by 40% as a result of inflation.¹⁰ While the District should be commended for increasing TANF grants annually as a result of a COLA increase, the increases have not kept pace with inflation and the families with the lowest incomes that rely on TANF must ration or go without for basic necessities.¹¹

The TANF program is founded on policies embedded in racism, particularly around Black mothers, that have left many families with children on a national level, and Black children in particular, without a regular source of income when families are unable to work.¹² Fortunately, as with the TANF time limits, the District has the ability to combat these racist policies and address the failings of the TANF program by funding increases to the

⁷ Center on Budget and Policy Priorities, <https://www.cbpp.org/research/income-security/increases-in-tanf-cash-benefit-levels-are-critical-to-help-families-meet-0>

⁸ See “Recommendations for Development of a TANF Hardship Extension Policy for Washington, DC”, <https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/TANF%20Hardship%20Report.pdf>

⁹ Center on Budget and Policy Priorities, <https://www.cbpp.org/research/family-income-support/temporary-assistance-for-needy-families>

¹⁰ See *id.*

¹¹ Center on Budget and Policy Priorities, <https://www.cbpp.org/research/income-security/increases-in-tanf-cash-benefit-levels-are-critical-to-help-families-meet-0>

¹²Center on Budget and Policy Priorities, <https://www.cbpp.org/research/family-income-support/tanf-policies-reflect-racist-legacy-of-cash-assistance - ftoref5>

monthly benefit amount to a higher level of the poverty line. In 2018, the District's child poverty rate of 23.1% was higher than the child poverty rate of all but six states,¹³ yet we are behind 11 other states, including Maryland, with higher TANF amounts.¹⁴ In 2022, a family of three without income in the District would be eligible for \$665 in TANF, or roughly 34% of the poverty line, but would receive \$1,086 in New Hampshire.¹⁵ Increasing TANF benefits would support District families and children in myriad ways, including alleviating child poverty and homelessness and increasing health outcomes, which are major factors currently undermining school performance.¹⁶

Therefore, we strongly urge the Committee to increase the TANF income benefit to match that of New Hampshire, the highest level in the nation, in the next two years. The District should commit to funding this with \$34 million in the Budget for the initial implementation next year, \$34 million for the second year, and a total of \$67.9 million each year moving forward.

In light of TANF's historically racist policies and practices, we also encourage the committee to fund Subtitle F in the FY2024 Budget Support Act, as introduced, which allows for the Deputy Mayor for Planning and Economic Development to have grant-making authority for the purpose of providing funds to support District-based direct cash assistance programs or pilot programs that provide unrestricted cash assistance directly to individuals or households and that are administered by a nonprofit organization or organizations.¹⁷ The provision would also remove the time limits for the Deputy Mayor to issue such grants.¹⁸ These unrestricted cash assistance programs and pilot programs, commonly referred to as guaranteed income, would put cash directly in the pockets of DC residents who need it most. This committee should also follow the funding recommendation of the Fair Budget Coalition by allocating \$13.5 million to provide minimum funding of \$500 per month for 750 individual or family households in a variety

¹³Center on Budget and Policy Priorities, <https://www.childrensdefense.org/policy/resources/soac-2020-child-poverty-tables/>

¹⁴Center on Budget and Policy Priorities, <https://www.cbpp.org/research/income-security/increases-in-tanf-cash-benefit-levels-are-critical-to-help-families-meet-0>

¹⁵ See *id.*

¹⁶ See *id.*

¹⁷ Introduced as B25-0202, *available at*: <https://lims.dccouncil.gov/Legislation/B25-0202>

¹⁸ Introduced as B25-0202, *available at*: <https://lims.dccouncil.gov/Legislation/B25-0202>

of circumstances over three years.¹⁹ The \$13.5 million includes a Hold Harmless Fund of \$6.75 million to support the individuals and families whose net benefits would be lowered due to the Guaranteed Income Program.²⁰

Rather Than Decrease the Budget for Interim Disability Assistance, DHS Should Double the Caseload for Interim Disability Assistance to Help Residents with Disabilities

As Legal Aid, DC Fiscal Policy Institute, and other advocates testified last year and in years prior, Interim Disability Assistance (IDA) plays a critical role in providing financial assistance for adults with disabilities in the District who are unable to work. However, rather than increasing funding for this program, the Mayor’s proposed budget follows the trend of continuing to cut IDA funding each Fiscal Year since 2009, this year by \$700,000. Rather than decreasing the budget for IDA, DHS should double the budget to provide the necessary financial support for District residents with disabilities.

IDA is a District-funded program that provides temporary financial assistance to childless adults with disabilities who have an application or appeal pending for Supplemental Security Income (SSI) before the Social Security Administration (SSA). By definition, IDA recipients are unable to work and do not have other sources of income and must provide medical and other documentation of such to receive IDA. The application and appeals process for SSI is extremely lengthy and continues to grow as SSA faces increased application numbers and decreased funding and staffing issues. Even for initial SSI applications, the average processing time has increased. For the first five months of FY23 (October 2022 through February 2023), the average processing time for an initial application was over seven months at 211 days, 100 days longer on average than the FY18 average of 111 days.²¹ This means that individuals with disabilities who have applied for SSI “are dying waiting for decisions, going into debt, or they’re unable to access

¹⁹ Fair Budget Coalition, Meeting the Needs: Equitable Budget Policy For The People, https://fairbudget.org/wp-content/uploads/2023/02/REV02232023_Digital_Complete-2024-Budget-Platform_pages.pdf.

²⁰ *Id.*

²¹ Social Security Administration, <https://www.ssa.gov/open/data/Combined-Disability-Processing-Time.html>.

medical care.”²² The monthly IDA payment of \$437 helps District residents with disabilities pay for basic needs related to housing, medical care, and transportation. If an IDA recipient is ultimately approved for SSI, SSA reimburses DHS for any IDA payments out of the retroactive SSI benefits that the individual is approved for. For example:

Samantha Jones²³, a 34-year-old survivor of childhood sexual abuse with physical and mental health limitations related to PTSD, Major Depressive Disorder, Asthma, Type II Diabetes, and obesity applied for SSI in March 2019. She relied on IDA during that time, although it was terminated without notice in November 2022. Legal Aid assisted her with reinstating her IDA and obtaining back benefits and represented her in her SSI appeal hearing in January 2023. Even though the Judge issued a decision on February 8, 2023, granting her benefits, an extremely quick turnaround for a written decision, Social Security has still not paid her monthly benefits or provided her with retroactive SSI (which will be deducted for the amount owed to DC for IDA). While Ms. Jones is fortunate to have a Permanent Supportive Housing voucher, it is still difficult for her to meet her basic needs related to food, clothing, and other items with \$437 a month, but would be impossible for her to do so without IDA.

Unfortunately, funding for IDA has decreased drastically since 2009, when the District spent \$10.9 million on IDA to serve approximately 2,750 residents,²⁴ versus the program capacity cap of 637 in FY22. ²⁵ The proposed budget cuts are perplexing, as the number

²² Mark Miller, *Column: What to Expect when U.S. Social Security Field Offices Reopen in April*, Reuters, Mar. 24, 2022, available at:

<https://www.reuters.com/markets/wealth/what-expect-when-us-social-security-field-offices-reopen-april-2022-03-24/>

²³ Name changed to protect confidentiality.

²⁴ Kate Coventry, *What’s in the Approved Fiscal Year 2020 Budget for Interim Disability Assistance*, DC Fiscal Policy Institute, Oct. 9, 2019, available at:

https://www.dcfpi.org/all/whats-in-the-approved-fiscal-year-2020-budget-for-interim-disability-assistance/_ednref1

²⁵ Department of Human Services Performance Oversight Responses 2022, p. 165, available at: <https://dccouncil.us/wp-content/uploads/2022/02/DHS-FY21-22-Performance-Pre-Hearing-Responses.pdf>.

of individuals approved for IDA in FY22 (199 total)²⁶ was almost identical to the number of individuals approved in FY 21 (202 total)²⁷. Additionally, the number of approved applications fails to capture the true need for IDA, which is better reflected in the applications submitted by 839 DC residents in FY22.²⁸ However, even this number fails to accurately capture the number of individuals in the District who are unable to work and awaiting a decision on an SSI application or appeal, as they often face additional barriers to applying for IDA as a result of their health and may not understand or be aware of their eligibility for IDA. Additionally, the application number may not account for applications that are misplaced or improperly processed or denied because of DHS service delivery issues.

As Legal Aid testified last year, the need for IDA continues to grow due to the pandemic, which resulted in a substantial increase in SSI applications, processing time by SSA for applications and appeals, and number of District residents who are disabled due to the long-term impacts of COVID-19, which disproportionately impacted the District's Black and Latinx residents.²⁹ Additionally, while many services and resources in the District are focused on supporting families and children, IDA is the only source of cash assistance for disabled individuals without children in their home, many of whom are homeless.

IDA is a critical lifeline and the District should increase, rather than decrease, this vital resource for a vulnerable population. For these reasons, Legal Aid joins requests that the

²⁶ Department of Human Services Performance Oversight Responses 2023, p. 98, available at: <https://dccouncil.gov/wp-content/uploads/2023/03/Pre-Hearing-Question-Responses-DHS-2.20.2023.pdf>

²⁷ See Attachment #151 to DHS Performance Oversight Responses 2022, p. 348, available at: <https://dccouncil.gov/wp-content/uploads/2022/02/DHS-FY21-22-Performance-Pre-Hearing-Response-Attachments.pdf>

²⁸ See <https://dccouncil.gov/wp-content/uploads/2023/03/Pre-Hearing-Question-Responses-DHS-2.20.2023.pdf> p. 98/698. In FY21-22 responses, DHS failed to provide the number of applications despite being asked, providing only the number of new cases approved each month for IDA (see <https://dccouncil.gov/wp-content/uploads/2022/02/DHS-FY21-22-Performance-Pre-Hearing-Responses.pdf> p. 164; attachment 151 <https://dccouncil.gov/wp-content/uploads/2022/02/DHS-FY21-22-Performance-Pre-Hearing-Response-Attachments.pdf>).

²⁹ *Racial Data Dashboard*, The COVID Tracking Project at the Atlantic, Mar. 7, 2021, available at: <https://covidtracking.com/race/dashboard - state-dc>

Council allocate an additional \$3.21 million dollars to IDA to adequately fund the anticipated increased need in the District.

The Council Should Fund a Human Services Ombudsman to Assist and Serve District Residents with Accessing Public Benefits

As Legal Aid, other advocates, and customers testified during the DHS Oversight hearing in February, DHS Service Delivery issues that have persisted for years have worsened while residents' ability to access to agency has decreased. The result is that District residents struggle to access and maintain the critical benefits administered by the agency – including SNAP, TANF, Medicaid, Alliance, and IDA. Unfortunately, as of February 14, 2023, DHS has over 300 FTE vacancies, including 184 in the Economic Security Administration responsible for administering benefits.³⁰ This exacerbates service delivery issues, including:

- Lack of in-person service delivery and support at the Service Centers, particularly for NEP/LEP customers, and lack of receipts to prove that a customer was at the Service Center,
- The failure to timely process applications and paperwork that customers submit at Service Centers or electronically via District Direct,
- Extremely high caseloads for ESA staff,
- The failure to send notices about customers' benefits, or sending erroneous notices (e.g. telling TANF applicants that they "voluntarily withdrew" their applications),
- The inability to connect with ESA staff via the Call Center, the only option DHS gives customers to follow up on questions and issues related to their benefits, and
- Widespread technological issues that prevent the timely processing and issuance of benefits.

The technology that DHS relies on, both the DCAS system and the District Direct electronic application and submission system, must be improved. Customers at the Service

³⁰ Department of Human Services Performance Oversight Responses 2023, p. 8-9, available at: <https://dccouncil.gov/wp-content/uploads/2023/03/Pre-Hearing-Question-Responses-DHS-2.20.2023.pdf>

Centers, Call Center, and with fair hearings at the Office of Administrative Hearings are frequently told that there is a technological error or glitch that prevents DHS from providing benefits, even when the agency recognizes that they are eligible. Given the technology issues that plague the agency, Legal Aid is disappointed that the proposed budget reduces the agency's budget for Information Technology by \$924,000. At a minimum, the Information Technology Budget should be maintained, if not increased.

Addressing the sources of chronic service delivery problems, including staffing shortages, training, and technology issues, will be critical in the long term to ensure that District customers can access benefits within the timeframes required by law. However, District residents cannot afford to wait longer for the agency to take these corrective actions and overhaul their systems. The Committee should work with DHS to Fund and Create a Human Services Ombudsman, which would be a crucial step in assisting District residents with public benefits issues and serving as a liaison with DHS. As Legal Aid testified during oversight, we have a working model for an effective Ombudsman in the Office of Health Care Ombudsman and Bill of Rights, which assists District residents with resolving problems with health care coverage, including facilitating application processing and retroactive benefits, filing appeals around denials of coverage, and finding health care resources. Unlike the Call Center, the Health Care Ombudsman's representatives provide callers with next steps and a specific point of contact to follow up on cases if they are having problems with their insurance. DC residents deserve the same level of assistance and resolution from an Ombudsman's office for issues related to their TANF, SNAP, and IDA. Not only would the Ombudsman's office create a meaningful option for customers to obtain updates and resolve issues around their benefits, but it would free up DHS capacity at every level by lessening the need for processing multiple applications, verifications, and fair hearings that people currently submit when they cannot get information from a Service or Call Center or receive conflicting information.

For these reasons, Legal Aid urges the Committee to work with DHS and the Mayor to fund a Human Services Ombudsman.

The Council Should Pass and Fully Fund Several Proposals that Increase Access to Safety Net Benefits to Advance Food Security

In addition, Legal Aid supports and requests the Council pass the following proposals with adequate funding:

- **Fund the Give SNAP a Raise Amendment Act.** The Supplemental Nutrition Assistance Program (SNAP) provides nearly 140,000 low-income individuals and families in the District with a monthly benefit to purchase food. However, for most SNAP recipients the SNAP allotment is only sufficient for two weeks of food. Legal Aid appreciates the steps the Council has taken to

pass the Give SNAP a Raise Amendment Act, which would raise the maximum benefit by 10%, and urges the Committee and Council to fund this vital measure to improve food security for SNAP recipients. With the end of pandemic-related allotments that increased the amount of SNAP benefits, this legislation is all the more critical. The emergency allotments provided DC households with an additional benefit of at least \$95 per month, with some households seeing increases of \$250 per month or more and ended in March of this year.³¹ In addition to funding Give SNAP a Raise, Legal Aid strongly urges DHS and the Council to fund SNAP on par with the pandemic emergency allotments.

- **Fund the No Senior Hungry Omnibus Amendment Act.** The No Senior Hungry Omnibus Amendment Act will take concrete steps, including agency coordination and home-delivered meals and medical nutrition therapy, to alleviate food insecurity among seniors in the District. Legal Aid urges the Council to meet the needs of D.C. residents with the necessary \$1.6 million for implementation and \$26.1 million in local funds over the course of four years.³²

Conclusion

Legal Aid appreciates the opportunity to submit testimony on the proposed FY24 budget for DHS. We look forward to continuing to work with the Committee to improve the budget before final approval, and to ensure that DHS has the funding and necessary tools to provide District residents with effective and transparent service delivery around these crucial benefits programs.

³¹ Blake Turpin, DC Hunger Solutions, Food Research & Action Center Blog, <https://frac.org/blog/d-c-households-face-hunger-cliff-as-emergency-allotments-end>.

³² The Fair Budget Coalition's FY24 platform can be found at: <https://fairbudget.org/2024-budget-platform/>