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**Testimony of Matthew Boucher
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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 of the District of Columbia¹ submits the following testimony regarding the Department of Human Services, and specifically Rapid Rehousing. We encourage the Council to carefully consider the longstanding failures of this program, and the cycle of housing instability it has created for District families. We ask the Council to pass the Rapid Re-Housing Reform Amendment Act of 2023 to improve the program and enable it to provide stable, affordable housing to families. Finally, we ask the Council to fund it during this budget cycle, despite improperly inflated cost estimates previously provided by the Department of Human Services.

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.

The Current Iteration of Rapid Rehousing is a Failed Program

Rapid Rehousing is a time-limited subsidy program that allows DHS to exit families from the program for overstaying arbitrary time limits.² In FY22, the average family being exited from Rapid Rehousing had \$1,022 income at the time of exit,³ while the average rent for a two-bedroom apartment in the program was \$1,781.⁴ It is mathematically impossible for the average family in the program to pay the rent without the subsidy at the time they are exited.

Legal Aid regularly works with families who are presented with the impossible decision that Rapid Rehousing forces them to make, which is: to leave with nowhere else to go, or to stay while unable to pay the rent and wait to face eviction. Many of these families predictably become homeless again and receive a Rapid Rehousing subsidy a second time. Rapid Rehousing creates a cycle of housing instability for families who participate in the program.

While exiting families for overstaying arbitrary time limits is the most significant problem with the program, there are many others. Legal Aid has testified for years about other flaws in the current iteration of Rapid Rehousing, specifically that: 1) requiring families to pay 40-60% of their household income in rent is unaffordable, 2) mandatory case management services are expensive, heavy-handed, and ineffective, and 3) DHS does not promptly or consistently assess families for eligibility in long-term subsidy programs.

DHS Finally Seems to Have Acknowledged Many of the Flaws in the Program and Has Committed to Addressing Some of Them Voluntarily

Recently, DHS signaled that it acknowledges that there are significant problems with Rapid Rehousing. DHS recently capped all newly entering families' rent contributions at 30%,⁵ an apparent acknowledgement that families paying 40-60% of their household income in rent was not affordable. DHS also committed to extend the period of time a family may stay in Rapid Rehousing, from 12 to 18 months,⁶ apparently acknowledging that families were not in a position to afford the rent on their own without a subsidy after

² 29 DCMR § 7805

³ DHS FY22-23 Performance Oversight Responses, Q84.

⁴ DHS FY22-23 Performance Oversight Responses, Q81.

⁵ DHS FY22-23 Performance Oversight Responses, Q92(a).

⁶ DHS FY22-23 Performance Oversight Responses, Q92(b).

only 12 months. DHS also committed to requiring ongoing assessment for permanent subsidy programs and has indicated that they are in the process of creating an option for families to opt-out of case management services.⁷ We assume that these are tacit acknowledgements that not all families were being assessed for eligibility in long-term subsidy programs, and that case management services are not achieving their intended purpose.

Many of these changes are imperfect. For example, extending the time limit in the program from 12 to 18 months is unlikely to provide a meaningful improvement when the average family participating in the program does not increase their income at all during the first 12 months in the program, and the average monthly increase for a family that does is only \$165 per month.⁸ Further, DHS has indicated that extending the length of stay for all families means that they will not consider extension requests for families who have not been matched with permanent subsidies.⁹ This is a step backwards and will harm families and children that need a subsidy to remain housed.

While these changes are not enough to reform the program, the fact that DHS is making them is significant, and an acknowledgment that the program as it is currently constituted does not meet its goals.

DHS's Commitment to Make These Changes Likely Reduces the Cost of Funding the Rapid Re-Housing Reform Amendment Act of 2023

DHS' commitment to voluntarily make these changes is significant because it should dramatically reduce the cost of passing and funding the Rapid Re-Housing Reform Amendment Act of 2023. When the Bill was first introduced, the projected cost seemed inflated and appeared to be a significant obstacle in the Council's consideration and passing of the law. Now that DHS has implemented some of the reforms in the Bill on its own, the cost of passing and funding the Bill should be significantly reduced when compared to the status quo. Legal Aid encourages the Council to re-evaluate and scrutinize any cost estimate put forth by DHS.

⁷ DHS FY22-23 Performance Oversight Responses, Q92(c) - (d).

⁸ DHS FY22-23 Performance Oversight Responses, Q85.

⁹ DHS FY22-23 Performance Oversight Responses, Q92(b).

Conclusion

It is unacceptable for Rapid Rehousing to fall so far short of its goals each and every year. After many years of defending the current iteration of the Program, we appreciate that the Mayor and DHS finally recognized some of the flaws in this program and have agreed to make some of these necessary changes voluntarily. However, we believe that the best way to create a clear structural framework for an effective Rapid Rehousing program is to pass legislation codifying the necessary reforms in law. Because DHS has already implemented some of these necessary reforms, the difference in cost between the status quo, and passing and funding this Bill should be greatly reduced. Legal Aid urges the Council to take this opportunity to approve the Rapid Re-Housing Reform Amendment Act of 2023 to ensure that as many families as possible benefit from these essential changes. Further, to minimize the number of families who vacate their units with nowhere to go based on their uncertain status in the program, we also ask that the Council pass and fund this legislation during this budget cycle.