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**Testimony of Elena Bowers  
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**Before the Committee on the Judiciary and Public Safety  
Council of the District of Columbia**

**Performance Oversight Hearing Regarding the  
Office of Victim Services and Justice Grants**

**January 24, 2024**

Legal Aid DC<sup>1</sup> submits the following testimony regarding the Office of Victim Services and Justice Grants.

The Office funds the Access to Justice Initiative, which provides funding to the DC Bar Foundation to manage a competitive grant making cycle. The Civil Legal Counsel Project Program (CLCPP) funding is the largest funder of the Legal Aid Housing Unit, funds 24 staff including 17 attorneys, and is vital to providing legal advice and representation to thousands of District residents each year.

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<sup>1</sup> Legal Aid DC 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 92 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).

## **Evictions Continue to Disproportionately Impact Black DC Residents**

Housing displacement is at record levels in the District, caused in part by increased evictions and resulting in skyrocketing demand for legal services.<sup>2</sup> The total number of scheduled evictions in DC increased more than 250% between 2022 and 2023, according to data provided to Legal Aid from the U.S. Marshals Service.

The affordable housing crisis is a racial justice issue, as communities of color are the most impacted. Approximately 90% of residents living east of the Anacostia River – the majority of Legal Aid’s clients – are Black.<sup>3</sup> Poverty rates in these communities are twice as high as the city’s average.<sup>4</sup> Across Wards 7 and 8, where most of Legal Aid’s clients live, 78% of low-income residents spend more than 30% of their income on housing costs.<sup>5</sup> While only one in four District renters live in these wards, they account for more than half of all eviction cases filed and half of all executed evictions.<sup>6</sup> The majority of the 19,000 District households behind on rent in May 2023 were Black and brown.<sup>7</sup> Given this reality, it is clear that the pursuit of housing justice is a pursuit of racial justice here in the District.<sup>8</sup>

## **Lawyers Are Essential to Enforce Tenant Rights**

The Council enacted important tenant protections during the pandemic. Many of these protections, while beneficial, are substantively complex and procedurally difficult to

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<sup>2</sup> Lang, Melissa, “Gentrification in D.C. means widespread displacement, study finds.” Washington Post, April 26, 2019.

<sup>3</sup> Financial Health and Wealth Dashboard, Urban Institute, [https://apps.urban.org/features/financial-health-wealth-dashboard/?puma\\_id=1100104](https://apps.urban.org/features/financial-health-wealth-dashboard/?puma_id=1100104), Accessed on 1/22/2024.

<sup>4</sup> Id.

<sup>5</sup> National Low Income Housing Coalition, District of Columbia, Accessed 1/22/2024.

<sup>6</sup> Brian McCabe and Eva Rosen, “Eviction in Washington, D.C.: Racial and Geographic Disparities in Housing Instability,” Georgetown University, page 16.

<sup>7</sup> Urban Institute, Financial Health and Wealth Dashboard, [https://apps.urban.org/features/financial-health-wealth-dashboard/?puma\\_id=1100104](https://apps.urban.org/features/financial-health-wealth-dashboard/?puma_id=1100104), accessed on 1/23/2024.

<sup>8</sup> McCabe and Rosen, “Eviction in Washington, D.C., page 14.

navigate without a lawyer or legal advice. With funding from the Access to Justice Initiative, Legal Aid works in close coordination with Legal Counsel for the Elderly, Neighborhood Legal Services Program, Bread for the City, Rising for Justice and the DC Bar Pro Bono Center to design and implement strategies to ensure that as many tenants as possible have the benefit of counsel – counsel that will help tenants navigate the nuances of the legal protections in place and decrease their risk of losing their homes through eviction.

In 2023, Legal Aid alone provided advice, brief services, or representation in 924 cases, impacting 1,876 DC residents. In more than 300 cases, a Legal Aid Attorney represented a tenant in all or part of their eviction case.

#### *The Landlord Tenant Legal Assistance Network (LTLAN) and EPIC Project*

My colleague Sunny Desai, Managing Attorney with Legal Counsel for the Elderly, will be testifying about the efficacy of the Landlord Tenant Legal Assistance Network (LTLAN) and the EPIC (Eviction Prevention in Community) Project. Legal Aid is proud of the work that goes into these projects from the Legal Services Community and our community partner organizations.

#### *Legal Aid Connects with Tenants for Same-Day Representation*

Legal Aid connects with tenants telephonically through LTLAN and in-person in our offices in Anacostia and Downtown. Additionally, in 2023 Legal Aid reopened our office in the Landlord Tenant Court for in-person, same-day representation. We coordinate with Rising for Justice and the D.C. Bar Pro Bono Center to meet the demand for tenants who show up to court with urgent legal problems. Legal Aid attorneys and staff are in the courthouse two days a week to assist tenants with same-day representation, provide legal advice, and conduct intakes. We meet tenants who are referred from the courtroom directly, connect with tenants who are unable to access virtual or telephonic resources, and can quickly mobilize to help tenants in emergency situations who contact us through other channels.

For example, in November 2023, one of my colleagues met a tenant scheduled for eviction that same day. The tenant had a default entered against her when she failed to appear at trial after the death of a family member and receiving some bad advice. The Legal Aid attorney was able to counsel her about her options, provide legal advice, assist her with filling out and filing an Application to Stay the eviction and a Motion to Vacate the judgement entered against her, and ensure a hearing was set for the same day and the Marshalls were notified to stand down until the hearing concluded. At that same-day hearing, the eviction was cancelled. At a subsequent hearing, the court vacated the

default judgment that had been entered, and that tenant now has the opportunity to fight to keep her home.

This is just one story of many that demonstrates the impact an attorney can have – even through advice and brief services – when available to tenants in critical situations.

*The Right to Counsel Project Relunched in November 2023*

In addition to funding Legal Aid’s eviction defense work, LTLAN, and our courthouse project, OVSJG’s grants also fund our Right to Counsel (RTC) Project. By partnering with law firms, the goal of this project is to ensure that every tenant with a permanent rental subsidy is guaranteed access to counsel in eviction proceedings.

The project – originally launched in 2015 – was paused during the COVID-19 Public Health Emergency and resulting eviction moratorium. Throughout 2023, Legal Aid and the five other eviction defense legal services providers worked together on an 8-month planning process to update the RTC Project to fit within the post-pandemic landscape. Project partners strategically reengaged with all participating law firms to confirm participation and that firms were committed to taking between three and eight cases per year – totaling 140 cases a year. At this level, the RTC project will increase access to representation in by 50% Legal Aid’s total current capacity. With steady gains on this number, we hope to get closer to realizing the goal of all tenants with subsidies having a lawyer beside them in court.

**Conclusion**

Legal Aid is only able to do this important work with support from the Office of Victim Services and Justice Grants. We appreciate the Council’s and OVSJG’s dedication to ensuring our neighbors are able to access justice through the courts.