



[www.legalaiddc.org](http://www.legalaiddc.org)  
1331 H Street, NW  
Suite 350  
Washington, DC 20005  
(202) 628-1161

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**Testimony of Amanda Korber  
Director of Policy and Community Engagement, Systemic Advocacy and  
Law Reform Unit  
Legal Aid DC**

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

**Performance Oversight Hearing Regarding the D.C. Housing Authority**

**February 22, 2024**

Legal Aid DC<sup>1</sup> submits the following testimony regarding the performance of the D.C. Housing Authority (“DCHA”). It is hard to remember a time when DCHA was not an agency plagued by extreme disorganization, failing programs, and mismanagement. This is not surprising, in part because DCHA is on its third Executive Director in six and a half years. We are hopeful that Director Pettigrew will turn DCHA into a functioning agency that centers residents and their needs. There is not one minute to spare.

Public housing residents and voucher holders have been waiting years for the agency and its staff to make their homes safe and habitable, to handle basic program functions quickly and efficiently, to pick up the phone when they call, and to implement humane and fair program rules. This is not a mess of Director Pettigrew’s making, but it is his to deal with urgently and without any delay. It is also incumbent on this Committee to take an

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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).

active role in helping to refocus and redirect DCHA. Our testimony today will focus on three main areas.

- Harmful Proposed Changes to Program Rules – DCHA’s rushed emergency regulations make obtaining and keeping housing harder for DC residents. Overall, these regulations impose stricter deadlines and harsher program rules on residents, which will inevitably lead to more folks being denied housing up front and more folks being terminated from DCHA’s programs after they are admitted.
- Nonfunctioning Programs – DCHA’s day-to-day program operations remain in shambles. For example, public housing residents still are not getting the repairs they need, voucher holders and public housing residents are still encountering significant barriers when trying to recertify, DCHA’s poorly planned rent reasonableness process leaves tenants paying expensive application fees for apartments DCHA ultimately does not approve, and we are seeing an increasing number of voucher holders being terminated from the program without proper notice.
- Poor Waitlist Maintenance – Last year we testified about our concern with how DCHA was clearing the public housing waitlist.<sup>2</sup> This year’s performance oversight responses confirm our fear: DCHA was sending offer letters to folks on the waitlist, but very few of those letters actually reached the intended recipients.<sup>3</sup> A total of 22,112 families were removed from the waitlist for “returned mail.”<sup>4</sup> It is clear that this is not a case of some families failing to update their addresses with DCHA, but of DCHA’s systemic failure to maintain its waitlist. This Committee must make sure that DCHA does not make these same mistakes with its voucher waitlist.

### **Wholesale and Rushed Changes to DCHA’s Program Rules Put Residents at Risk**

In 2023, DCHA released the first of three rounds of emergency rulemakings for its public housing program and its voucher program. This rushed and unprecedented overhaul was

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<sup>2</sup> See Legal Aid’s Performance Oversight Testimony Regarding the DC Housing Authority, March 2, 2023, available at <https://www.legalaiddc.org/media/3413/download?inline>.

<sup>3</sup> See D.C Housing Authority Fiscal Year 2023-2024 Performance Oversight Pre-Hearing Questions, February 19, 2024, at p. 28.

<sup>4</sup> *Id.*

unexpected, causing confusion and fear among many residents and leaving advocates with the task of combing through hundreds of pages of proposed regulations to offer meaningful feedback over the course of short comment periods. These regulations were, and continue to be, poorly written, nonsensical in places, and harsher than DCHA's prior rules in many instances. We understand that DCHA is under pressure to reform itself after the scathing HUD audit, but it does not follow that residents should pay the price for DCHA's past failures in the form of rushed, careless, and draconian program rules.

The importance of these regulations cannot be overstated. They lay out what residents' obligations are to get into and stay in housing programs. They guide DCHA employees on how to perform core functions of their jobs like completing recertifications, calculating income and rent, processing transfer requests, reviewing reasonable accommodations, and issuing vouchers. These regulations also dictate how residents can challenge adverse actions by DCHA, including any decision to terminate them from the voucher program. They are the rules that allow DCHA residents and advocates to hold DCHA accountable to its obligations. Having clear rules and guidelines to ensure agency accountability has always been important, but it is so now more than ever, in the face of DCHA's documented failures. In short, if these regulations are not carefully crafted, clear, and thoughtful, they put residents at risk of losing their homes and all but ensure DCHA will continue to perform poorly.

Advocates came together and submitted comments on each round of emergency rulemaking, offering robust feedback, imploring the agency to take greater care when crafting these critically important program rules, and pointing out the instances where the proposed regulations conflict with local law. Unfortunately, DCHA adopted very few of our recommendations and the latest emergency rulemaking was nearly identical to the one before it. Though there are far too many problems with the regulations to address in this testimony, here are some examples of the sweeping and harmful changes that DCHA is proposing:

- DCHA has drastically changed its waitlist policies for both its public housing and voucher programs. Most notably, DCHA will no longer put families in "inactive" status if they do not respond to outreach. Instead, DCHA will simply remove them from the waitlist all together. The new policy is particularly unfair in light of DCHA's failure to maintain its waitlists over the years and the lack of any clear way for families to update their contact information with the agency.
- DCHA is proposing to make its reexamination policies for the public housing program much more burdensome for residents and staff by increasing the frequency of reexaminations, conducting unnecessary criminal background checks, putting more onerous requirements on families that report zero

income, and requiring all adult family members to report in person for reexaminations.

- DCHA has proposed to reduce the time residents have to file a grievance from one year to thirty days, eliminate the requirement that Hearing Officers not be DCHA employees, and allow the Executive Director to overturn any decision that is rendered at a fair hearing. Taken together, these proposed changes severely limit public housing residents' due process rights.

We hope the Committee will implore DCHA leadership to commit to regular meetings with advocates to exchange redlines and edits to correct the serious flaws in these documents before moving forward with permanent versions.

### **DCHA Fails to Complete Basic and Core Program Functions on a Day-to-Day Basis**

For years, Legal Aid's clients have struggled to conduct regular day-to-day business with DCHA. On a basic level, DCHA staff rarely answer phones, it is nearly impossible to get connected to the right person when you call, and walk-in opportunities are significantly more limited than they were prior to March 2020. This makes completing any task – from getting a transfer voucher, to recertifying, to making a reasonable accommodation request, to reporting a change in income – frustrating, and sometimes impossible, for the residents DCHA is supposed to serve. And worse, when residents cannot complete basic program obligations because of DCHA's inaccessibility, it puts their homes and their subsidies at risk.

We are hopeful that Director Pettigrew will prioritize fixing these many customer service and programmatic failures. This testimony will highlight three specific areas that are in desperate need of immediate attention.

**First**, both voucher holders and public housing residents continue to encounter significant obstacles when trying to recertify – a basic and core program function. Our clients report problems with DCHA mishandling their recertification paperwork; significant delays between a tenant's submission and DCHA's processing of a recertification; DCHA erroneously claiming no recertification was ever completed; or a tenant not knowing who to contact at DCHA, or being unable to reach anyone at DCHA, to resolve a question regarding a recertification issue. These failures have real world consequences. When DCHA does not timely process recertification paperwork, tenants' rents are not adjusted to reflect income losses, and tenants inevitably fall behind on rent. This can result in landlords filing eviction cases, putting tenants at risk of actual eviction for rent they were never legally responsible for in the first place.

We urge this Committee to require DCHA to map out its internal recertification process for each of its housing programs and track how long it takes, from the moment a recertification request is initiated by a resident or DCHA to the moment a new rent determination notice is issued.

**Second**, DCHA's current rent reasonableness process is time consuming, opaque, and expensive for voucher holders. DCHA will only make a rent reasonableness determination after a landlord submits a Request for Tenancy Approval (RFTA) packet to DCHA. This means a voucher holder has to pay an expensive application fee and wait for the landlord to complete the RFTA before finding out if the unit will be deemed rent reasonable. DCHA has yet to address this problem or engage with it in a way that suggests it is interested in streamlining the lease up process for voucher holders. We ask that this Committee press DCHA to come up with a reliable way for voucher holders to know if a particular unit is rent reasonable before incurring any costs.

**Third**, we are seeing an increased number of voucher holders who have been terminated from the program without proper notice. Then, when they request a hearing to challenge their termination, they receive a vague and unclear notice from the Office of Fair Hearings informing them that they are not entitled to an administrative hearing. No reason or explanation is given, nor any guidance on what recourse they might have. In a District as unaffordable as DC, losing a voucher often spells homelessness for our clients. It is crucial then that when DCHA begins termination proceedings, it takes great care to ensure the program participant receives proper notice. It is equally important that the Office of Fair Hearings communicates with voucher holders in clear and understandable ways with an eye toward resolving termination proceedings and keeping folks in the program.

### **DCHA Must Make Greater Efforts to Locate People on its Waitlists Before Removing Them**

At this time last year, Legal Aid implored this Committee to recognize DCHA's efforts at moving through the public housing waitlist for what they were: an attempt to clear the list without much concern for whether families were actually receiving the letters DCHA sent.<sup>5</sup> Unfortunately, DCHA's oversight responses this year confirm that while the public housing waitlist is significantly shorter than it has been in years, that is because DCHA removed over 22,000 families due to "returned mail." That is 22,000 people and families that were likely displaced, passed away, or gave up hope of ever getting affordable housing while they languished on a list for years and years.

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<sup>5</sup> See Legal Aid's Performance Oversight Testimony Regarding the DC Housing Authority, March 2, 2023, available at <https://www.legalaiddc.org/media/3413/download?inline>.

Now, DCHA indicates that it is turning to its voucher waitlist, which is over 40,000 families long. This Committee must exercise close oversight to ensure that DCHA does not repeat the same mistakes it made with the public housing list all over again. DCHA must use all the tools at its disposal to find updated contact information for families on the waitlist, advertise widely the fact that it will be contacting families on the waitlist, invite anyone who thinks they are on the waitlist to contact the agency to update their contact information, and put in place multiple ways for residents to easily update their contact information on file, including an online system, a telephonic system, and an in-person system. DCHA must engage community organizations, other District agencies, shelters, and nursing facilities in this process to ensure that it reaches as many families as possible. Families have been on this waitlist for decades waiting for their chance at safe, stable, affordable housing. Making every effort to actually reach them is the very least DCHA and the District can do.

### **Conclusion**

We are hopeful that DCHA's new Executive Director is committed to fixing the systemic failures that run throughout all of DCHA's programs, from the agency's leadership all the way through to its frontline staff. Reforming this failing agency will be a daunting and complicated task, but it could not be more important for District residents. That is why this Committee must take an active and hands-on role in the process. We urge you to engage in regular and expansive oversight to ensure that DCHA's governing regulations are lawful, transparent, and consistent with the agency's mission to safely and stably house the District's lowest income residents; to require DCHA to regularly report on its ability to fulfill basic program functions; and to ensure that DCHA maintains its waitlists in a way that is fair to the thousands of District residents who have been waiting for decades for safe, affordable housing.