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**Testimony of Rais Akbar
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**Before the Committee on Housing
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Human Services

February 29, 2024

Legal Aid DC¹ submits the following testimony regarding the Department of Human Services' Rapid Rehousing Program ("RRH"). We encourage the Council to take this opportunity to thoughtfully assess the needs of families facing housing insecurity and tailor programs so that the District is equipped to meet the range of needs presented.

The families in Rapid Rehousing are low-income DC tenants, the vast majority of whom are people of color. Legal Aid overwhelmingly serves the same client population, which has allowed us a unique opportunity to observe the tragic consequences of Rapid Rehousing's failures. Legal Aid strongly supports passage of the Rapid Rehousing Reform Amendment Act because it contains legislative solutions to longstanding problems, and finally gives the program a chance to deliver stable, affordable housing for low-income DC families.

¹ Legal Aid DC ("Legal Aid") 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.

The Council Should Pass and Fund the Rapid Rehousing Reform Amendment Act (“RRH Reform Act” or “the Act”) Because it Contains Legislative Solutions to Specific Problems With Rapid Re-Housing

The RRH Reform Act will Ensure That Rents Charged to Families in the Program are Affordable

Under the current regulations, families in Rapid Rehousing must pay 40%-60% of their income in rent before accounting for utilities.² However, the Department of Housing and Urban Development defines affordable housing as “that which costs no more than 30% of household income,” which means that the minimum rents required by the regulations are unaffordable by definition. Legal Aid previously testified about the difficult choices this forces families to make, including the decision of whether to spend what little money they have on rent, or to use it on other basic necessities.³ Because the program puts them in the position of having to make these difficult choices, even families who have not yet been exited from the program for overstaying a time limit often end up in eviction court because they cannot afford their rent, utilities, and other basic necessities.

The Act would solve this problem by capping rents for participant families at 30% of their household income, which will ensure that rents paid by participant families are affordable. This much needed change will substantially reduce the likelihood that families face eviction proceedings while in the program.

The Act will Save Money by Ensuring That Families who do not Want Case Management Services will not be Required to Participate in Them

Families in Rapid Rehousing have long been required to comply with mandatory case management services.⁴ Legal Aid has submitted testimony on several occasions criticizing this requirement as heavy-handed, expensive, and ineffective.⁵ The families in Rapid Rehousing have no specifically identified need for case management services, many just simply do not have the necessary income to be able to afford their rent.

² 29 DCMR § 7805.11

³ Testimony of Amanda Korber, March 15, 2017, <https://www.legalaiddc.org/media/727/download>

⁴ 29 D.C.M.R. 7805

⁵ Testimony of Rachel Rintelmann, January 29, 2020, <https://www.legalaiddc.org/media/372/download>

Despite this, the regulations continue to require all families to participate in case management, with a recent cost estimate being \$891 per family, per month.⁶ With 3,034 families in the program in FY23,⁷ case management for families in Rapid Rehousing would come to about \$32.4 million in FY 2022-2023. Despite these significant costs, Legal Aid often hears from participating families that they do not have contact with their case manager for months at a time. Even our attorneys are often unable to get in touch with our clients' case managers. Worse, DHS's own numbers show the vast majority of families in the program experience no increase in their income despite this requirement.⁸ Legal Aid is aware of no measurable benefit for this \$35 million in spending.

The RRH Reform Act would end this wasteful spending by making case management services voluntary for all families in the program. It would give DHS the opportunity to reallocate some of the funds previously spent on case management for other necessities that have a measurable benefit to participating families. Legal Aid supports this change and believes that any savings would be better spent on rent for families in the program, or on funding additional long-term rental subsidies.

The RRH Reform Act will Ensure That all Families in the Program are Assessed for Long-Term Subsidy Programs

In August of 2021, this Council passed the Homes and Hearts Amendment Act of 2021 which made an unprecedented \$65 million investment in new long-term housing vouchers and housing subsidies for Fiscal Year 2022.⁹ The Amendment created more than 1,100 new long-term housing subsidies for families,¹⁰ and Legal Aid hoped that this would ensure that no families would be exited for the remainder of the fiscal year. A few months later, DHS announced that it intended to resume exiting families from Rapid

⁶ DHS FY22-23 Performance Oversight Responses, Q89.

⁷ DHS FY22-23 Performance Oversight Responses, Q81.

⁸ DHS FY22-23 Performance Oversight Responses, Q84.

⁹ DC Council Public Oversight Hearing Notice, The Department of Human Services' Implementation of Historic Housing Investments and Pandemic Recovery Efforts, November 10, 2021.

¹⁰ Washington Legal Clinic for the Homeless, [Historic Housing Investments Present Opportunity to Make Real Progress in Ending Homelessness](https://www.legalclinic.org/historic-housing-investments-present-opportunity-to-make-real-progress-in-ending-homelessness/), August 13, 2021: <https://www.legalclinic.org/historic-housing-investments-present-opportunity-to-make-real-progress-in-ending-homelessness/>

Rehousing,¹¹ and proceeded to exit hundreds of families from the program during the remainder of Fiscal Year 2022. This was particularly egregious because DHS had the vouchers available to avoid this. Since then, DHS has continued to terminate families from the program for reaching arbitrary time limits, despite their inability to afford rent.

DHS's decision to exit families is a policy choice and not a budget problem,¹² and it seems that there is no amount of long-term subsidies that the Council could create that would prevent DHS from exiting families from Rapid Rehousing so long as it is permitted to. Part of this concern stems from the lack of any evidence or documentation that would indicate that families being exited from the program were assessed for eligibility in long-term subsidy programs before being exited.

The RRH Reform Act would solve this problem by requiring DHS to assess all families in Rapid Rehousing for eligibility in the Permanent Supportive Housing (PSH) and the Targeted Affordable Housing (TAH) programs before exiting them and require DHS to notify the family of their eligibility within five days of making the determination. Legal Aid supports this change because it will ensure that all families who could be eligible for new long-term subsidies funded by the Council will receive a proper assessment and have the right to know whether they qualify for additional assistance prior to being exited. Legal Aid further supports the addition of a requirement that DHS provide each family with written notice of their eligibility for each program so that there is no dispute about whether DHS met their obligation to assess each family.

The RRH Reform Act will end the Cycle of Housing Instability Caused by Exiting Families From the Program for Overstaying Rigid Time Limits

The most significant problem with Rapid Rehousing over the years has been DHS's decision to exit families from the program after they have overstayed an arbitrary time limit, despite not having the income to maintain stable, affordable housing without a subsidy. While the idea behind Rapid Rehousing has always been to place families in housing with the hope that the temporary stability will allow them to rapidly increase their income, the program has never succeeded in helping families achieve this goal. In FY23, the average income for an adult in a participating family at the time of exit was \$809 per

¹¹ Morgan Baskin, DCist, [After Pausing For the Pandemic, D.C. Is Set To Terminate 384 Families' Housing Subsidies](https://dcist.com/story/21/11/24/pandemic-dc-terminate-rapid-rehousing-subsidies/), November 24, 2021:

<https://dcist.com/story/21/11/24/pandemic-dc-terminate-rapid-rehousing-subsidies/>

¹² Testimony of Matthew Boucher, February 24, 2022,

<https://www.legalaiddc.org/media/280/download>

month,¹³ while the average rent for a two-bedroom apartment leased by a participating family was \$1,778.¹⁴ Extrapolating from these figures, on average, a family with one adult would be expected to pay 220% of their monthly income in rent at the time of exit from the program. For a family of two adults, the same calculation works out to 111% of monthly income in rent.

These families could not afford the rent without the subsidy and should not have been exited under these circumstances. Legal Aid has watched year after year as participants struggle with the decision that this program forces most families to make, which is choosing between leaving their homes with nowhere to go or facing an eviction case in Landlord Tenant Court. Many eventually return to homelessness. We have assumed that administration feels it is better for a family to spend a year in an apartment from which they will inevitably be displaced than it is for that family to remain in shelter, but as we have previously testified, this cycle often causes real, tangible harm.¹⁵

The RRH Reform Act would end the cycle of housing instability that has long plagued Rapid Rehousing by keeping families in the program until they can afford to pay the rent on their own or provide them with a long-term subsidy.

Conclusion

The Council has an opportunity to correct fundamental and structural flaws in the Rapid Rehousing Program that have harmed DC families for many years. 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 DC residents as possible benefit from these essential changes.

¹³ DHS FY22-23 Performance Oversight Responses, Q84.

¹⁴ DHS FY22-23 Performance Oversight Responses, Q81

¹⁵ Testimony of Amanda Korber, December 14, 2017, <https://www.legalaiddc.org/media/699/download>