



[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 Eleni P. Christidis  
Supervising Attorney, Housing Law Unit  
Legal Aid DC**

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

**Public Oversight Roundtable Regarding the District of Columbia Housing Authority**

**October 22, 2024**

Legal Aid DC<sup>1</sup> submits the following testimony regarding the District of Columbia Housing Authority (DCHA). Our testimony details Legal Aid and our clients' ongoing experience and concerns with DCHA's voucher program, its public housing repositioning plan, its emergency rulemaking process, and the operation of the Stabilization and Reform (STAR) Board. In addition to other suggestions explained in more detail below, we recommend the following to address the problems we identify:

- DCHA must submit a detailed plan to the Committee outlining timelines and benchmarks for improving the basic functions and customer service of its voucher program;
- DCHA must provide a way for voucher holders to know whether a prospective rental unit is "rent reasonable" *before* applying to the unit;
- The Council should codify into law resident protections for public housing communities that DCHA plans to reposition to other subsidies;

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<sup>1</sup> Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. 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 legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit [www.LegalAidDC.org](http://www.LegalAidDC.org).

- The Committee should urge DCHA to hold more resident listening sessions on its emergency regulations before making them “final”; and
- The Council should reinstate resident-elected and housing advocate positions to DCHA’s governing board and require the STAR Board and any successor body to make its meetings more accessible, and its agenda and proposed resolutions made available sufficiently in advance, to allow for meaningful public comment and participation.

While we are not satisfied with the current state of DCHA’s operations or its policies, which continue to underserve and needlessly penalize our clients, we hope that offering these concrete solutions will chart a path forward for the agency to improve its performance and better serve residents.

**DCHA, Particularly in its Voucher Operations, Continues to Be Disorganized, Inaccessible, and Unresponsive, Putting Tenants at Risk of Eviction and Prolonging an Agonizing Housing Search Process for Voucher Holders**

Processing regular and interim recertifications (which are used to determine or modify a voucher-holder’s household composition and tenant rent obligation) and helping voucher-holders secure housing are among the most fundamental, core activities that DCHA must perform. Yet DCHA’s deficiencies in these two areas have remained at the top of client and advocate lists of complaints about the agency for over a year and throughout Director Keith Pettigrew’s tenure to date. Nor does DCHA’s Three Year Recovery Plan<sup>2</sup> include any concrete goals or strategic plans to reform DCHA’s voucher program operations. The absence of an articulated solution to these long-standing performance problems within the voucher program demands this Committee’s intervention.

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<sup>2</sup> Available at <https://www.dchousing.org/wordpress/about-us/three-year-recovery-plan/>.

### DCHA's Failure to Process Recertifications Continues to Place Voucher-Holders at Unnecessary Risk of Eviction

As Legal Aid highlighted in our roundtable testimony from a year ago and in our oversight testimony from earlier this year,<sup>3</sup> we continue to encounter clients who end up in eviction court due to breakdowns in the DCHA recertification process. These can include:

- Significant delays between a tenant's submission and DCHA's processing of a recertification;
- DCHA erroneously claiming no recertification was ever completed;
- DCHA not notifying a tenant of a change in their tenant rent portion;
- DCHA not processing changes in household composition, or demanding additional documentation not required by regulations before removing a household member who has left; and
- Tenants not knowing whom to contact at DCHA, or being unable to reach anyone at DCHA, to resolve a question regarding a recertification issue.

These delays and communication breakdowns can and do escalate into eviction court proceedings, as the longer it takes DCHA to adjust a tenant's rent to reflect their household income or change in household composition, the more likely it is that the tenant will accrue a balance of unpaid rent. Sometimes, a tenant must be sued for nonpayment of rent (and get help from a lawyer) to successfully resolve an underlying DCHA recertification issue.

Both tenants and attorneys report challenges persisting even after a recertification or other voucher-related problem has come to light, and neither tenants nor their attorneys have a reliable way of knowing whom to contact at DCHA to resolve their problem. Dedicated internal email inboxes presumably set up to handle certain types of issues or requests are not publicly posted or consistently shared with the advocate community, and even when those email addresses are shared, emails from tenants and attorneys to DCHA frontline staff often go unanswered.

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<sup>3</sup> See Testimony of Eleni P. Christidis, Public Oversight Roundtable on the District of Columbia Housing Authority (October 26, 2023), available at <https://www.legalaiddc.org/media/3764/download?inline>; Testimony of Amanda Korber, Performance Oversight Hearing Regarding the D.C. Housing Authority (Feb. 22, 2024), available at <https://www.legalaiddc.org/media/3873/download?inline>.

Unresponsiveness and poor customer service continue to be the top complaints among tenants and advocates, and agency leadership freely acknowledge DCHA's failures in these areas. However, DCHA has not provided a clear analysis of the root causes of this persistent problem or a plan of action to turn this trend around. Accordingly, Legal Aid suggests that this Committee ask DCHA to provide specific, measurable goals and timelines by which it will improve the basic functions and customer service of its voucher program.

The Limitations of the Current Rent Reasonableness and Inspections Processes Prolong and Hamper Voucher-Holders' Search for Housing

While Legal Aid supported DCHA's adoption of a rent reasonableness standard for voucher subsidy payments, DCHA's current implementation of this policy continues to place a huge and needless financial and time burden on voucher recipients, who have no way of knowing ahead of time whether a proposed rental unit will or will not be deemed "rent reasonable" by DCHA.

Currently, DCHA only determines whether a proposed unit rent is reasonable after a landlord has submitted a Request for Tenancy Approval (RFTA) packet to DCHA. This means that a voucher-holder will pay an application fee (typically a fee per adult household member) and only later find out whether DCHA will approve the rent amount or not. While DCHA says it tries to "negotiate" with landlords, and requests that landlords submit comparable units to justify the proposed rent level, this process only happens after RFTA submission and has no guarantee of resulting in a successful lease-up.

Advocates and members of the STAR Board have repeatedly raised this concern about the time and money costs to voucher-holders under the current system, and Director Pettigrew has also called for a process by which voucher holders can check whether a unit is rent reasonable or not *before* applying. But we know of no such process having been actually developed or implemented by DCHA to date.

In addition, prolonged delays in inspecting units are also contributing to potential lease-ups falling through. When this happens, voucher-holders lose even more time and money as they start the housing search process all over again, without any guarantee of success.

Finally, even though DCHA should be "tolling" the expiration of a voucher while a RFTA is pending, we are not aware of DCHA affirmatively telling voucher holders that their

voucher is being tolled or when their new voucher expiration date is. This generates more stress and confusion, as voucher holders may believe their voucher has already expired during the time that they were waiting for a unit to be approved.

We urge this Committee to press DCHA to develop and implement a better process by which tenants can gauge if a potential unit is “rent reasonable” and to make other reforms to expedite the inspections and unit approval process.

### **Public Housing Residents’ Rights in the Relocation Process Should Be Further Fleshed Out and Codified into Law**

In written comments to DCHA’s Fiscal Year 2025 Moving to Work Plan, Legal Aid advocated that DCHA explore all options to relocate its public housing subsidies and prioritize those that will preserve existing public housing residents’ rights.<sup>4</sup> We therefore appreciate the STAR Board’s recent resolution committing DCHA to preserving all public housing residents’ rights as they would be under a RAD Conversion, regardless of the relocation tool that DCHA ultimately selects.<sup>5</sup> While this is a big step in the right direction, Legal Aid would still like to see these protections codified into local law and memoranda of understanding with future developers so that they are not undone or watered down through subsequent changes in DCHA leadership or to the composition of the successor to the STAR Board. We also think there is still a need for greater transparency, proactive communication, and consultation with public housing residents, advocates, and the Council if DCHA is going to move forward and eliminate its entire public housing portfolio in the coming years, as it has said it intends to do.

In addition, public housing residents are concerned about other changes that may come with the demolition and/or disposition of public housing to new, semi-private entities. This includes the potential to be charged separately for utilities – a change that is briefly mentioned but not fully explained in DCHA’s Public Housing Subsidy Conversion Handbook. Similarly, the Handbook discusses a general “right to return” for residents who are moved off-site during the redevelopment process but does not specify a right to

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<sup>4</sup> See Legal Aid DC Comment to DCHA’s Moving to Work Plan FY2025 (July 7, 2024).

<sup>5</sup> See Resolution 24-51, “To Adopt a Policy for Tenant Protections for All Public Housing Units Whose Subsidy is Converted to Project Based Vouchers through the RAD and Section 18 Processes,” available at <https://www.dchousing.org/vue/customer/resolutions.aspx>.

return without re-screening for eligibility. These points need to be more fully fleshed out and clarified by DCHA in its written policies.

We also want to ensure that DCHA continues to rehabilitate and lease up vacant public housing units rather than allowing properties to fall deeper into disrepair, and that DCHA is fully utilizing its Faircloth-to-RAD authority to create more permanently affordable units available to extremely low-income residents. Legal Aid intends to continue to engage closely with residents and DCHA on these and other points related to DCHA's overall and property-specific public housing preservation and redevelopment plans, and we hope this Committee remains equally engaged on these points.

### **DCHA Needs to Substantially Revise its Emergency Regulations and Elicit More Direct Resident Input on its Policies Before Making its Rules “Final”**

Legal Aid and other tenant advocates continue to meet with DCHA to voice our concerns about its emergency regulations, which have yet to be substantially revised to address inconsistencies with local law, vague statements that are not actual policies, and overly punitive rules that are inconsistent with DCHA's mission of providing stable housing to low- and extremely low-income residents. While DCHA has expressed an intent to settle on a “final” version of the regulations (rather than continue to issue emergency rulemakings) and to continue to revise its regulations annually thereafter, there is still time for DCHA to commit to bringing its rules in line with local law, basic fairness, and common sense, and to hear from public housing residents and voucher program participants about the impact of DCHA's emergency rules, *before* issuing a “final” rulemaking.

As just some select examples, advocates have raised concerns with the emergency regulations' policies around the use of criminal records to deny admission or terminate assistance (which are more strict than local law), DCHA's policies about students who move away for college, guest stay policies, reasonable accommodations, live-in aide policies, in-person recertification requirements for public housing residents, community service requirements for public housing residents, pet policies, and the extremely short timelines that the regulations give participants to request hearings and respond to DCHA. Advocates' comments are grounded in real-life client experiences and concerns. While Legal Aid appreciates that DCHA staff have listened (though not agreed with all of) advocates' concerns, we fear that program participants and public housing residents have not had the same opportunities to weigh in directly on these important rule changes, nor been adequately informed of them by DCHA. We urge the Committee to ask DCHA to spend more time hearing from residents and soliciting their input on the topics

advocates have raised with DCHA before making any emergency rules “final.” We suggest that DCHA take the topics it has been discussing with advocates and schedule dedicated listening sessions with public housing residents (such as resident council presidents) and a core group of representative voucher participants over the next few months before making any rules final.

### **The Council Should Reinstate Resident-Elected and Housing Advocate Positions to DCHA’s Governing Board, Promote Greater Resident Participation, and Require More Advance Notice of Important Votes**

The Council should ensure that the STAR Board and its successor body operate in a way that allows for meaningful resident and stakeholder participation by reinstating resident and advocate positions on the board.

In comparison to the predecessor Board of Commissioners, the creation (by emergency legislation) of the STAR Board eliminated three resident-elected positions (replacing them with two Mayor-appointed resident positions) and eliminated a position for a housing advocate representative, among other changes.<sup>6</sup> Since these changes, there has been a notable absence of dissenting voices and contested votes at STAR Board meetings. Resolutions are typically discussed briefly and approved unanimously. The Council should reinstate the resident-elected and housing advocate positions that were eliminated in the creation of the STAR Board to ensure that the permanent Board directly reflects the will and concerns of low- and extremely low-income residents and the housing advocate community.

In the meantime, and at a minimum, the Council should require the STAR Board to hold its meetings in person with a virtual option, as the Council currently does. This will enhance resident participation and engagement with Board meetings. In addition, the Council should require the STAR Board to publish its agenda and any resolutions to be considered at an upcoming meeting at least 10 days in advance to allow for informed public testimony. Currently, the agenda and associated resolutions are typically published just a few days in advance, which does not allow residents or advocates sufficient time to review proposed resolutions and prepare testimony for the Board’s consideration prior to voting. This lack of advance notice likely contributes to a misperception of consensus and unanimity simply because DCHA and the STAR Board are not allowing enough of an

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<sup>6</sup> See District of Columbia Housing Authority Stabilization and Reform Emergency Amendment Act of 2022 (B24-1144).

opening for residents and advocates to study the issues, voice their opposition, or raise concerns.

### **Conclusion**

Legal Aid recognizes that DCHA's current administration faces many challenges and is either trying to resolve or committing itself to resolving them. We also recognize and appreciate this Committee's efforts to oversee DCHA's performance, note its shortcomings, and legislate solutions to ultimately enhance DCHA's operations and its accountability to the people it is designed to serve.

We look forward to continuing to engage with the agency, this Committee, and residents to find law-based solutions to preserve and promote access to the voucher and public housing programs and ensure residents' meaningful participation in decisions that will affect them and their communities for years to come.