

**Testimony of Damon King
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**Before the Committee on Human Services
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Human Services

March 8, 2018

The Legal Aid Society of the District of Columbia¹ submits the following testimony regarding the performance of the Department of Human Services (DHS). Today, my colleagues and I will discuss the Department's performance across several areas that affect our clients, including continuing long lines and delays at Economic Security Administration (ESA) services centers, ongoing technology issues and their impact on clients receiving SNAP, our concerns regarding Rapid Rehousing, and TANF reform implementation. In each area, we will discuss steps the Department needs to take to improve its performance, as well as steps that this Committee should take to break down barriers that prevent far too many low-income District residents from receiving the assistance they need from DHS.

Legal Aid's long history of serving District residents in or on the cusp of poverty means that we are deeply familiar with DHS programming. Legal Aid clients across all of our practice areas interact with DHS to seek assistance for themselves and their families in times of hardship. This assistance ranges from benefit programs such as TANF, POWER, and SNAP to homeless services interventions for clients who have lost their housing and are struggling against homelessness. Additionally, the Department's service centers function as gateways, not just to these programs, but to health coverage through Medicaid and the Healthcare Alliance program. The testimony that we provide today is informed by many years of institutional knowledge, not just of how individual programs work, but of how policy decisions in different parts of the Department affect each other. It is only by looking across DHS's many programs and considering the Department's operations as a whole that we can understand the full effect of DHS policies and practices on District residents who turn to the agency for help.

HOW WE ASSESS THE DEPARTMENT'S PERFORMANCE

At Legal Aid, we strongly believe that District agencies are at their most effective when they function to empower those they serve, helping them to reach goals that they have identified for themselves and their families. When an agency is clear and transparent about its policies,

¹ The Legal Aid Society 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." Over the last 85 years, tens of thousands of the District's neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, and consumer protection. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

engages with people without suspicion or bias, and knocks down unnecessary barriers to accessing services or benefits, that agency can help District residents who are struggling take their first steps toward greater safety, stability, and security. Conversely, an agency that makes it difficult for people to access the assistance they need – or fails to make adjustments to its policies to address clear barriers that exist for those it is supposed to serve – will struggle to consistently produce good outcomes.

Looking at DHS’s performance over the last year, there are certainly examples of steps that the agency has taken in the direction of empowerment – most notably, the agency’s work with a range of stakeholders (including Legal Aid) to formulate significant policy changes within the TANF program. These include not just the repeal of the 60-month lifetime limit on TANF participation, but a set of further agency-level plans to reform the program to help participants build toward long-term economic stability. While concerns remain about implementation, the agency’s approach to TANF reform provides an example of system change at its best. However, beyond TANF, there exist far too many examples of agency policies and practices that make it more difficult, not less, for District residents to get the help that they need. Taken together, these examples paint a picture of an agency that continues to struggle with client engagement and empowerment, with several issues that warrant this Committee’s immediate attention.

My colleagues will testify about each of these issues, as well as what the Committee can do to address them, in greater detail, but I will briefly summarize them below.

EXCESSIVE WAIT TIMES AT ESA SERVICE CENTERS HAVE NOT BEEN FIXED AND PROBLEMS WITH DCAS CONTINUE TO HARM BENEFIT RECIPIENTS

Last year, we highlighted continuing problems at ESA service centers.² This year, the service centers continue to be plagued by long wait times and capacity issues that force individuals who need to meet with agency staff to line up outside at 4 AM – or even earlier – to have the chance to be seen. The Department has reported improvements, but because of how it measures wait times, its data underreport the amount of time people spend waiting in line – likely by several hours. Further, we continue to hear reports of individuals being turned away from the service centers when a center reaches capacity and cannot see any more customers. This means that District residents in need of DHS services may have to make multiple attempts to be seen at service centers, missing work or other obligations with no guarantee of actually getting their issues resolved on any given trip.

This problem has implications that cut across programs. For example, for individuals who are enrolled in Healthcare Alliance and are required to re-certify in person every six months, it means that they risk losing their health insurance – not because they are ineligible or have done anything wrong, but because DHS’s own capacity limitations present a barrier to completing the recertification process. More broadly, long lines at service centers make it more difficult for individuals participating in other public benefits programs to get problems with their benefits

² Testimony of Carolyn Rumer, Equal Justice Works Fellow, Chelsea Sharon, Staff Attorney, Curt Campbell, Staff Attorney, Jennifer Mezey, Supervising Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Human Services, March 15, 2017. Available at: <https://www.legalaiddc.org/wp-content/uploads/2017/03/CRumer.3.15.17.pdf>

resolved. Here, service center wait times make the effects of another problem impacting public benefit recipients that much worse: on-going problems with the Department's IT which have led to improper terminations of benefits (particularly SNAP) and prevented eligible recipients from actually receiving the benefits to which they are entitled. Excessive service center wait times severely reduce the options of District residents who need to speak with someone at the Department to resolve problems with their benefits – including problems that arise from other systemic flaws in DHS's operations.

THE DISTRICT'S CONTINUED RELIANCE ON RAPID REHOUSING FOR HOMELESS FAMILIES DOES NOT REFLECT THE REALITY OF OUR HOUSING MARKET AND DOES NOT EFFECTIVELY ADDRESS FAMILY HOMELESSNESS

Legal Aid has raised concerns with the Council about the District's use of Rapid Rehousing as an intervention for homeless families for more than three years now – dating back to the first months of the Bowser Administration in January, 2015.³ The issues we raised then – and continued to raise in testimony last year⁴ – bear an eerie resemblance to the problems we continue to see among those we serve. Desperate to get out of shelter, families move into expensive, often substandard housing that they cannot afford without a subsidy. Once in the program, they are ultimately pushed to pay a share of the rent that they struggle to shoulder. And, once terminated for being in the program too long, they cannot afford market rent for the units they were previously subsidized to take on, placing them at high risk for eviction. Once they lose their housing, many families become homeless again – whether that means seeking shelter a second or third time, “doubling up” with other households, or staying in other unsafe or unstable living arrangements. And those families who do not fall within common definitions of “homeless” often live in a continuous state of instability, always at risk of falling into homelessness all over again. Contrary to what some might argue, housing instability and homelessness are not separate problems – they are bad outcomes that exist along a continuum and must be tackled together.

We have previously testified that we regularly see clients and potential clients whose journey through the District's Rapid Rehousing program has followed this exact pattern. In turn, some have raised questions about whether what we see is truly “typical” of families in the

³ Written Testimony of Shirley Horng, Senior Staff Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee of the Whole and the Committee on Health and Human Services, January 28, 2015. Available at: <http://www.legalaiddc.org/wp-content/uploads/2015/02/SHorng1.30.15.pdf>

⁴ See, Testimony of Rachel Rintelmann, Supervising Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Human Services, June 14, 2017. Available at: <http://www.legalaiddc.org/wp-content/uploads/2017/06/June-14-HSRA-Testimony-R.-Rintelmann-FINAL-LTR-HD.pdf>

See also, Testimony of Damon King, Senior Policy Advocate, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Human Services, December 14, 2017. Available at: <https://www.legalaiddc.org/wp-content/uploads/2018/02/Damon-King-Legal-Aid-Testimony-re-Rapid-Rehousing.pdf>

See also, Testimony of Amanda Korber, Staff Attorney, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Human Services, December 14, 2017. Available at: <https://www.legalaiddc.org/wp-content/uploads/2018/02/ORAL-Amanda-Korber-Legal-Aid-Testimony-re-Rapid-Rehousing.pdf>

program. But the search for Rapid Rehousing “success stories” to support a narrative of what is “typical” of the program obscures a fundamental reality of our housing market: that private market housing for low-income tenants has largely disappeared and average rents in the District are far above what families living in poverty can afford.⁵ When we combine this reality with the Department’s own data, which shows that families enter Rapid Rehousing with very low incomes and that 74% of families who participated in the program in FY17 did not grow their incomes,⁶ we do not need to engage in a battle of anecdotes to understand what the most likely outcomes are for families who are offered this intervention: outright homelessness or persistent housing instability. We believe Rapid Rehousing is a poor fit for District families who are struggling with homelessness, not just because we see the results firsthand in our clients’ lives, but because structural factors make it so.

In light of this, this Committee needs to answer questions that the Administration seems reluctant to ask: what would a homeless service system that has moved beyond Rapid Rehousing look like? How would a system built on greater availability of Targeted Affordable Housing for families who fall into homelessness and have to enter shelter operate? Here, we think it is particularly important to look across DHS programs and understand how different parts of the Department can better work together to tackle family homelessness. The primary reason family Rapid Rehousing is so troubled is that, under current market conditions, it is close to impossible for families transitioning from shelter to raise their incomes substantially within the limited period that is typical of Rapid Rehousing programs. The issue is not that any degree of economic mobility is impossible for these families. Rather, it is that the length of time it takes to achieve even the most modest level of mobility varies with families’ circumstances, and those facing multiple barriers to stable employment need time, consistent engagement, and the right array of family and education-focused supports to make any progress.

This is, of course, the underlying philosophy of the changes that the Department is making to TANF – where we all recognize that families can achieve changes in their economic circumstances, but not necessarily in 60 months and certainly not within a year. Given that roughly 70% of families currently in Rapid Rehousing are also receiving TANF,⁷ a key step, then, is to pair a post-shelter housing intervention based on a permanent voucher with TANF. In other words, the District must integrate housing and homeless services with TANF, not just at the case management level, but at the structural and policy levels. With stable TANF benefits, access to TANF employment programming, and a housing voucher that will not be cut off after a pre-set number of months, families could actually build a foundation for growing their income. As they do so, they will be able to shoulder a larger amount of rent, with their share re-calculated in accordance with how much they earn. That would, in turn, make each family’s subsidy less costly over time, militating against the sort of cost pressures that many are concerned would immediately overpower a voucher-based system. And families progressing on a fully-integrated “TAH/TANF” track would be on a far firmer foundation than families who enter Rapid

⁵ For further discussion, *see*, Testimony of Damon King, Senior Policy Advocate, Legal Aid Society of the District of Columbia, Before the DC Council Committee on Human Services, December 14, 2017, pp. 3-5 (citing analysis from the DC Fiscal Policy Institute)

⁶ DHS FY17 Oversight Responses, Q88.

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Rehousing, only to be exited into an inhospitable rental market completely unassisted and with insufficient income to survive.

It has become a popular refrain at these hearings that “we cannot expect the homeless services system to solve poverty.” Whether that is true or not, we can, and should, expect the homeless services system to be informed by the realities of the types of poverty that District families struggling against homelessness face. And we can, and should, expect the District Government to properly coordinate its homeless services policies with its anti-poverty policies, particularly when the programs that operate under these policies are housed within the same District agency. The opportunity to build something better is there, but the question remains: after years of conversations about how Rapid Rehousing hurts families, will the Department – and this Committee – seize it?