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**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole 

**DATE:** November 3, 2015

**SUBJECT:** Report on Bill 21-352, "Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015"

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OFFICE OF THE  
SECRETARY

The Committee of the Whole, to which Bill 21-352, the "Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015" was referred, reports favorably thereon with amendments, and recommends approval by the Council.<sup>1</sup>

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**I. BACKGROUND AND NEED**

Bill 21-352, the "Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015," amends two important portions of the District's Human Services Reform Act ("HSRA"), with provisions that ensure access to safe and dignified shelter for homeless families throughout the year. Bill 21-352 would authorize the Mayor to develop private rooms in order to replace the District of Columbia General Family Shelter ("D.C. General") and provide shelter to families in private rooms rather than apartment-style units. In general, these provisions are similar in both the bill as introduced and the Committee Print. The legislation would also create an "interim eligibility placement," a 3-day period of temporary placement into emergency shelter for families to be utilized when an eligibility determination cannot be made on the initial date that a family appears

<sup>1</sup> The Bill as introduced was titled "Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015."

seeking shelter. During the temporary period, which could be renewed up to three times, the Department of Human Services (“DHS”) would have the opportunity to perform a more thorough analysis of a family’s circumstances and needs for shelter and supportive services.

The Committee Print makes several modifications to this framework, chief among these is the addition of minimum requirements for the shelter units that will be replacing the aging and inadequate D.C. General facility. There is widespread agreement that D.C. General is inadequate to meet the needs of families experiencing homelessness and should be closed. In 2014, then-Mayor Vincent Gray offered a plan to replace D.C. General with a network of smaller shelters located throughout the city. The Bowser administration intends to follow this model and, in addition, seeks authorization to depart from the existing legal preference to provide apartment-style shelter.<sup>2</sup> Instead of the District’s longstanding policy preference for apartment-style shelter, the Mayor seeks authorization to utilize private room units to replace D.C. General.<sup>3</sup>

Bill 21-352 is significant because it establishes a critical component of the District’s approach to addressing family homelessness for the foreseeable future—at a minimum, the coming decade. Thus, the requirements we place in the law have real significance as a demonstration of our priorities and for meeting the basic needs of homeless families. The Executive has committed strongly to the priority of making homelessness rare, brief, and non-recurring, and the Committee agrees that this is the correct priority. But, the District’s strategy should be not only to close D.C. General, but to replace the inappropriate existing facilities with new facilities that meet the needs of those they serve and to do so in a way that adheres to the standard of dignity we expect as a government. Thus, in seeking to make homelessness a rarity, we should also seek to provide our homeless population with housing that is safe, humane, and in the interest of public health. As such, the Committee Print for Bill 21-352, among other things, incorporates requirements for a minimum number of bathrooms in each building used to replace D.C. General. At a minimum, buildings comprised of D.C. General Replacement units must include a private room with a private bathroom in least 10 percent of units, at least one “family style” bathroom per each 5 D.C. General Replacement units, and at least 2 communal bathrooms per floor.

Significant systems change is currently underway with regard to how the District provides shelter and services to families and individuals experiencing homelessness.<sup>4</sup> Replacement of D.C. General is one component of that systems change, albeit a very important one, as D.C. General is the District’s primary family shelter facility. Though advocates have expressed concern about lowering the District’s standard from apartment-style shelter units, consensus has developed that private rooms that meet some minimum standards can be sufficient to meet the needs of families experiencing homelessness while in shelter (especially if shelter stays are shortened from the current average). To that end, the Committee Print for Bill 21-352 balances these concerns by providing the Executive with certain flexibility in development of shelter care for homeless families, while incorporating requirements into the minimum standard of what is to be provided.

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<sup>2</sup> See HSRA 4-753.01(d)(1)

<sup>3</sup> See B21-352 as introduced

<sup>4</sup> See Homeward DC

*Homelessness in the District of Columbia*

The District of Columbia has for decades faced challenges in providing adequate shelter and services to families experiencing homelessness and has struggled to meet its legal obligation to place families in “apartment-style” shelters.<sup>5</sup> After the Council passed legislation in 2010 permitting the Mayor to shelter families in private rooms, the District failed to comply.<sup>6</sup> Ultimately, the District’s placement of families in congregate shelter at recreation centers during January 2014 led to a class action lawsuit and a permanent injunction requiring the District to comply with the requirements of the law.<sup>7</sup>

During the same period of time, while facilities in which the District sheltered homeless families met, in some cases, the letter of the law, they failed to meet the spirit of it by failing to provide shelter conditions that the District government considers safe and humane. Until 2007, the District sheltered homeless families at the D.C. Village shelter in conditions described as “overcrowded,” “pest infested,” and “inhumane.”<sup>8</sup> After the closure of D.C. Village, a former nursing home used to shelter homeless families, the District began sheltering families at D.C. General, a former hospital.<sup>9</sup> Though D.C. General was initially intended to be a temporary shelter location, almost a decade later it remains the District’s primary emergency family shelter, despite being beset by “vermin infestations, sexual predation by employees, and abuse among residents.”<sup>10</sup> For these reasons, and many others, the both the Council and the Executive are anxious to replace D.C. General.

Families experiencing homelessness are in crisis. Various destabilizing and traumatic circumstances lead a family to experience homelessness. The Committee believes that, to the extent possible, design can be used to lessen the effects of such circumstances. The design of emergency family shelter should include consideration of families’ concerns regarding privacy, safety, and cleanliness. The design should also take into account the high need for “reasonable accommodations” among families that include disabled persons, those with specific medical needs, and survivors of sexual assault and domestic violence. Further, shelter facilities should be designed in ways that minimize conflict among families and enable families to perform tasks, like getting children ready for school with sufficient time. Facility design should also include consideration of providers’ demonstrated ability to manage facilities, including providing for families’ safety, privacy, and cleanliness. In closing and replacing D.C. General, the Committee believes the District has an opportunity to become a model for humane and effective homeless services, starting with the creation of a standard for shelter by using what has been learned over decades of dysfunction to protect the health, safety, and dignity of families in shelter.

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> See, Order for Permanent Injunction, July 21, 2015, Reid v. District of Columbia, Civil Action 2014 CA 001238, Judge Robert Okun.

<sup>8</sup> See Washington Post, October 23, 2007, “District Closing ‘Inhumane’ DC Village”.

<sup>9</sup> See Washington City Paper, Housing Complex, October 22, 2014, “Shelter Skelter: Why Shuttering D.C. General Won’t Be Easy”.

<sup>10</sup> *Id.*

### *Interim Eligibility*

Under current law, individuals and families experiencing homelessness have a right to shelter “in severe weather conditions.”<sup>11</sup> Additionally, the Mayor is required to place families in apartment-style shelter or, if no apartment-style shelter is available, in private rooms.<sup>12</sup> Generally, those experiencing homelessness may access shelter from November 1<sup>st</sup> of each year through March 31<sup>st</sup> of the following year, or when a “hypothermia alert” is called.<sup>13</sup> A hypothermia alert is called when “the actual or forecasted temperature, including the wind chill factor, is 32 degrees Fahrenheit (F.) or below.”<sup>14</sup> Because a family may experience homelessness due to factors other than weather and experience homelessness throughout the year, there is typically a build-up in demand and an influx of families seeking shelter at the start of hypothermia season. This demand can strain the system and immediately fill all available shelter units.

In an effort to diminish the build-up of demand, DHS recently instituted a policy of “year-round access,” allowing families with no safe housing alternative to enter the shelter system outside of hypothermia season. This policy does not create a right to shelter outside of hypothermia season, but it is expected to reduce the number of families seeking shelter at the start of hypothermia season. According to the Bowser Administration, continuation and codification of its policy of “interim eligibility placement” during hypothermia season will further facilitate this year round access. This temporary placement process will better enable DHS to complete a comprehensive assessment of a families’ needs and options and allow it to offer alternatives to shelter, when appropriate.

Bill 21-352 would, in effect, create a temporary placement period during which the “right to shelter” would not automatically attach. Instead, DHS would have a period of up to 12 days to make a final eligibility determination. DHS and representatives of the Washington Legal Clinic for the Homeless, on behalf of other homeless advocates, have agreed to multiple amendments to Bill 21-352 as proposed regarding interim eligibility that would clarify timelines and client rights with regard to eligibility determination, notice, and appeal. The Committee Print incorporates the substance of many of these suggested changes, including edits related to timelines for appeal of a denial of eligibility during an interim eligibility placement.

### *Private Rooms*

The Council, the current and previous Mayors, advocates, stakeholders, and District residents from across the city, have, since it first opened as a shelter, sought to have D.C. General closed and a more humane shelter or system of shelters established for District families experiencing homelessness. In recent years, the District has allocated unprecedented dollar

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<sup>11</sup> See Human Service Reform Act of 2005 § 9 (D.C. Law 16-35; D.C. Official Code 4-754.11).

<sup>12</sup> See *id.* at § 7.

<sup>13</sup> See Interagency Council on Homelessness, District of Columbia Winter Plan: 2015-2016, available at: [http://ich.dc.gov/sites/default/files/dc/sites/ich/page\\_content/attachments/Winter%20Plan\\_FY15-16.pdf](http://ich.dc.gov/sites/default/files/dc/sites/ich/page_content/attachments/Winter%20Plan_FY15-16.pdf).

<sup>14</sup> *Id.*

amounts to homeless services and funding for permanent housing for the homeless.<sup>15</sup> The Administration has asserted that in order to close D.C. General, it must have authorization to replace D.C. General units with private rooms rather than apartment-style units, lowering the standard in existing law. This assertion is premised on data which show that the average length of stay for persons experiencing homelessness in the District and in other jurisdictions is notably longer when a person is sheltered in an apartment-style unit. While this data is not conclusive, DHS has argued that this correlation is a reason to move to private room shelter units.

The problems with D.C. General as a shelter are myriad. It currently shelters nearly 300 families. The size of this facility has proven difficult to manage. Moreover, the building is old and outdated with basic systems that work poorly and are costly to maintain, including its heating, cooling, electrical, and water systems.<sup>16</sup> In addition, the facility has been reported to be infested with pests and vermin, including mice and bugs.<sup>17</sup> Also, outbreaks of scabies and reports of filthy communal bathrooms have been made.<sup>18</sup> Further, reports of drug dealing and fights in and around the facility are rampant.<sup>19</sup> Beyond these issues, numerous reports of staff misconduct, including the video recording of residents while showering, have been made.<sup>20</sup> Many of these issues came to the public's attention following the disappearance of Relisha Rudd, a child tragically abducted by a staff member at the facility in 2014.<sup>21</sup> Formerly a hospital, D.C. General was not intended to be used for the purpose of sheltering families. Rather than being used for one or two patients during short stays, units within D.C. General are used to shelter families with an average size of four persons.<sup>22</sup>

Replacement of D.C. General with new, smaller facilities purposely designed with the intention of housing families experiencing homelessness will immediately eliminate some of the most pressing problems that exist at D.C. General. These new facilities will have reliable heating, cooling, electrical, and water systems. In addition, smaller facilities with fewer families will likely be easier to manage. However, while some issues that plague the current facility are resolved by moving to newer, smaller facilities, other issues remain and require the District to establish minimum standards and provide greater oversight over management of and services provided within shelters. For example, management may vary depending on the service provider, oversight from DHS, facility design, and from one administration to another. Therefore, facilities should be designed in a manner that promotes the highest level of consistency across providers and administrations.

<sup>15</sup> See Bill 20-157, the "Fiscal Year 2016 Budget Request Act of 2015" and Bill 20-158, the "Fiscal Year 2016 Budget Support Act of 2015)

<sup>16</sup> See Washington Post, October 23, 2007, "DC family homeless shelter beset by dysfunction, decay," available at: [https://www.washingtonpost.com/local/dc-family-homeless-shelter-beset-by-dysfunction-decay/2014/07/12/3bbb7f50-f739-11e3-a3a5-42be35962a52\\_story.html](https://www.washingtonpost.com/local/dc-family-homeless-shelter-beset-by-dysfunction-decay/2014/07/12/3bbb7f50-f739-11e3-a3a5-42be35962a52_story.html).

<sup>17</sup> See id.

<sup>18</sup> See id.

<sup>19</sup> See "Fox 5 Investigates: Drug market at DC General homeless shelter," available at: <http://www.fox5dc.com/news/1532192-story>.

See Washington Post, October 23, 2007, "DC family homeless shelter beset by dysfunction, decay."

<sup>21</sup> See Washington City Paper, Housing Complex, October 22, 2014, "Shelter Skelter: Why Shuttering D.C. General Won't Be Easy".

<sup>22</sup> See ICH Report

Utilizing facilities originally intended for other purposes has proven inadequate for meeting the needs of families experiencing homelessness, and government officials, clients, and advocates agree that an alternative to facilities like D.C. General is necessary. Replacement of D.C. General offers the District a unique opportunity to design a system of shelter facilities with a focus on prioritizing the needs of clients and takes into account lessons learned over decades of providing shelter and services in inadequate facilities.

### *Length of Stay*

Though data provided by DHS shows that families sheltered in apartment-style units have, on average, the longest length of stay, the same data indicates that families in motel rooms have the shortest length of stay – despite access to a private bathroom.<sup>23</sup> In fact, the length of stay in those facilities is even shorter than the average length of stay for families at D.C. General – a facility with mostly communal bathrooms.<sup>24</sup> DHS is unable to identify any specific design features that lead to longer lengths of stay. In addition, there is no available research that identifies design features that lead a family experiencing homelessness to remain in shelter for a longer period of time. DHS notes, however, that there is an economic incentive for the government to move families through motel stays quickly, since motels are for overflow capacity, and probably account for the shorter average length of stay.

Addressing length of stay is a factor in developing a model to address homelessness, but equally important is the creation of shelter that meets the basic needs of homeless families until they become stabilized through supportive services and are able to secure and maintain permanent housing. However, while looking at what might alter the length of stay is an important consideration, it must be balanced against the safety, security, and health of the families – for however long their stay.

### *Family Composition and Needs*

Fifty-six percent of families experiencing homelessness in the District include two or more children.<sup>25</sup> In addition, 43% of families in shelter include a child under 24 months, and just under half of those children are infants.<sup>26</sup> Nearly half of all sheltered households include an adult male.<sup>27</sup> DHS also receives hundreds of “reasonable accommodations” requests – requests for private accommodations for persons with disabilities and medical needs – from families in the shelter system.<sup>28</sup> During Fiscal Year 2015, DHS received at least 280 such requests, representing

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<sup>23</sup> See ICH Design Principles, September 30, 2015

<sup>24</sup> See *id.*

<sup>25</sup> See ICH Design Principles, September 30, 2015

<sup>26</sup> See *id.*

<sup>27</sup> See *id.*

<sup>28</sup> See ICH Design Committee Report

“approximately 20% of all family shelter placements during the year.”<sup>29</sup> In addition, though data is unavailable due to privacy issues, we know that the family shelter system serves a large number of households that would require additional privacy due to domestic violence, sexual violence, or other forms of trauma.<sup>30</sup> The crises faced by families experiencing homelessness are often multi-faceted, and shelter is the first step toward stabilization. By creating facilities where families’ safety, health, and privacy needs are met, families can focus on addressing other pressing issues to, ultimately, focus on completing the necessary steps to secure permanent housing.

### *ICH Design Guidelines Committee*

Following the introduction of Bill 21-352, many advocates expressed concern about lowering the legal standard from apartment-style units to entirely private rooms. Advocates were concerned that private rooms would prevent families from accessing facilities for cooking and bathing privately, among other issues. After advocates and other stakeholders brought their concerns to DHS, the Mayor issued an Order creating a Design Guidelines Committee (“Design Committee”) through the Interagency Council on Homelessness for the purpose of providing “input and feedback to the Mayor on design guidelines” for D.C. General replacement units.<sup>31</sup>

The Design Committee was comprised of appointed members, including representatives of the District government, advocates, and service providers. The Design Committee met three times, and its meetings were open to the public. Staff from the Committee of the Whole attended Design Committee meetings held on October 7<sup>th</sup> and October 14<sup>th</sup>. The Design Committee submitted a report to the Mayor on October 16, 2015.<sup>32</sup> During Design Committee sessions, various design details and communal spaces were discussed, including computer labs, study areas, dining areas, kitchens, and proposed layouts of individual rooms.<sup>33</sup> While some consensus was reached on these areas, discussion regarding bathrooms did not lead to a consensus decision.<sup>34</sup>

### *Bathrooms*

DHS initially offered a “base case” proposal for each facility that contemplated a 50-unit facility with ten units on each of five floors.<sup>35</sup> On each floor, one unit would be equipped with a private bathroom; all families would have access to one “family” bathroom – a private room equipped with a lockable door and a toilet, sink, and bathtub; women and men also would have access to a communal bathroom, each equipped with three shower stalls, three toilet stalls, and three sinks at a total of 136 sq. ft. each.

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<sup>29</sup> See ICH Design Committee Report

<sup>30</sup> See ICH Design Committee Report (pg. 11 footnote)

<sup>31</sup> See Mayor’s Order 2015-225, “Establishment – Committee on Design Guidelines for Emergency Housing for Families Experiencing Homelessness,” September 25, 2015.

<sup>32</sup> See ICH Report

<sup>33</sup> See ICH Report

<sup>34</sup> See ICH Report

<sup>35</sup> See ICH Report



During the course of discussion, other options were considered, with the Department of General Services (“DGS”) ultimately offering four options for how the “base case” might be altered. The options presented as possibilities beyond the “base case” were as follows:<sup>36</sup>

- Option 1: Adds one additional private unit with private bathroom per floor, per site
- Option 2: Adds one additional “family” bathroom per floor, per site
- Option 3: Each private unit includes a private bathroom
- Option 4: All units are apartment-style (efficiencies), including private bathroom and kitchenette

Overall, Design Committee participants agreed that “bathrooms in each room would be optimal.”<sup>37</sup> However, in presenting alternatives beyond the “base case,” DGS indicated that adding private bathrooms for each unit would drive up the overall cost to develop each building and increase the space requirements for each unit.<sup>38</sup> DGS claimed that these additional cost and space requirements would ultimately delay closure of D.C. General “by between one and two years.”<sup>39</sup> Faced with the possibility of delaying closure of D.C. General, many participants voted for Option 2, the option, as presented by DGS that would allow families access to the most private bathrooms while allowing closure of D.C. General to remain on track for the start of Fiscal Year 2017.<sup>40</sup> However, the Design Committee report notes that “the overwhelming recommendation was to maximize private bathroom space however possible without delaying closing D.C. General.”<sup>41</sup>

Subsequently, the Executive agreed to increase slightly the bathroom facilities proposed for each building. Conversations with the Director of DHS were followed by an October 28<sup>th</sup> letter from the Mayor to the Council in which Mayor Bowser stated:

“After balancing all competing interests, the majority of the [ICH] work group participants settled on a design recommendation that calls for a private bathroom in 10 percent of units, a ratio of one family bathroom (single full bathroom with tub) for every five units, and male and female multi-fixture restrooms on every floor. I value the work group’s deliberation, and I am prepared to adhere to this majority recommendation...Providing these standards as the minimum requirement would allow my Administration to move forward quickly with a package to the Council of proposed DC General replacement sites that are small, dignified and protect the safety of families.”

The Committee Print reflects this commitment. That is, the Print requires that ten percent of the D.C. General replacement units have private bathrooms, that there be one family bathroom (single full bathroom with tub) for every five units, and that there be male and female multi-fixture

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<sup>36</sup> See ICH Report

<sup>37</sup> ICH Report

<sup>38</sup> See ICH Report

<sup>39</sup> ICH Report

<sup>40</sup> See ICH Report

<sup>41</sup> ICH Report

restrooms on every floor. Further, the Print specifies that this is a minimum. For instance, if any of the proposed D.C. General replacement sites are apartment buildings with private bathrooms for each unit, the Committee expects that each of those units will continue to have a private bathroom.

The Committee notes that the agency with expertise in how to accommodate homeless families – DHS – has argued strenuously against mandating individual bathrooms for each unit. Further, the Committee agrees with DHS that emphasis should be on resources for homeless families and ensuring rapid exit from shelter, as opposed to capital costs for private bathrooms. Also, the Committee notes that the standards in the Print for bathroom accommodations are equal to or better than what exists now at D.C. General. Finally, endorsing the basic elements of the Mayor’s proposal regarding private rooms reduces the possibility of credible excuses for delay in the closing of D.C. General as a homeless shelter.

### *Conclusion*

The Committee is supportive of the Department of Human’s Services broad goals of creating a system of year-round access to shelter for families experiencing homelessness and the closure and replacement of the D.C. General Family Shelter. Year-round access will allow DHS to more efficiently move families through the shelter system into permanent housing. In addition, closure of D.C. General and its replacement with new, smaller shelters has the potential to remake the provision of homeless services for families experiencing homelessness in the District.

More specifically, the Committee supports the creation of a temporary, “interim eligibility placement” for families. This placement will allow DHS to more thoroughly assess families’ needs and options in order to make an appropriate eligibility determination. The Committee agrees that amendments negotiated between DHS and the Washington Legal Clinic for the Homeless add necessary protections to assure the right to speedy appeals for those determined ineligible for shelter and services.

Finally, while the Committee believes that moving from the current preference for apartment-style shelter units to a standard that allows families to be sheltered in private rooms is reasonable, the Committee believes that private rooms must meet some minimum standards in order to meet the District’s expectation for health, safety, and dignity. To that end, the committee believes that a private room must include space to store and refrigerate food and medical supplies. In addition, buildings containing DC General Replacement units must meet a minimum standard with regard to bathrooms, though DHS is, of course, free to exceed the standards being established in law.

## **II. LEGISLATIVE CHRONOLOGY**

September 18, 2015

Bill 21-352, “Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015” is introduced by Chairman Mendelson at the Request of the Mayor.

September 25, 2015	Notice of Intent to Act on Bill 21-352 is published in the <i>District of Columbia Register</i> .
September 25, 2015	Notice of a Public Hearing on Bill 21-352 is published in the <i>District of Columbia Register</i> .
October 13, 2015	The Committee of the Whole holds a public hearing on Bill 21-352.
November 3, 2015	The Committee of the Whole marks-up Bill 21-352.

### III. POSITION OF THE EXECUTIVE

Bill 21-352 was submitted to the Council by the Executive. Laura Zeilinger, Director of the Department of Human Services, testified on behalf of the Executive in support of Bill 21-352 at the October 13, 2015 public hearing. Ms. Zeilinger described the ongoing systems change in homeless services in the District of Columbia. She noted DHS's recently enacted interim eligibility process and asserted that codification of the practice would facilitate a policy of year-round access to shelter. Further, Ms. Zeilinger explained that authorization to lower the standard for family shelter from apartment-style to private rooms would facilitate the closure of D.C. General Family Shelter.

Director Zeilinger discussed the timeline for the proposed interim eligibility placement and noted that the temporary placement of up to 12 days would enable DHS to perform a more robust analysis prior to completing an eligibility determination. She explained that an adverse eligibility determination received during an interim eligibility placement would be subject to appeal. Director Zeilinger noted that DHS was working with the Washington Legal Clinic for the Homeless to negotiate changes in language that would provide for a clear and speedy appeals process for a family in an interim eligibility placement.

Finally, Director Zeilinger explained that utilizing private room units would enable DHS to close D.C. General sooner and move forward with a strategy of smaller units in building throughout the District. Director Zeilinger testified that private units are the most effective and efficient way to provide family shelter. She emphasized that such units would protect families' dignity. Director Zeilinger also stated that requiring specific design attributes, such as private bathrooms, in law would hinder the Administration's ability to move forward with the closure of D.C. General.

The Committee Print reflects the basic elements with regard to private rooms and bathrooms as proposed by the Mayor. It also reflects the Mayor's proposal for interim eligibility, as modified by the Executive through negotiations with homeless services advocates.

#### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission.

#### V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 21-352 on Tuesday, October 13, 2015. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

***Amber Harding, Staff Attorney, Washington Legal Clinic for the Homeless***, testified in partial support of Bill 21-352, but emphasized the need to maximize privacy and safety for families in shelter. Ms. Harding expressed support for the closure of D.C. General Family Shelter, but called for private room replacement units to include private bathrooms, space for storage and refrigeration of food, and some ability to prepare food. She also called on the District to retain its existing apartment-style shelter units for families. Ms. Harding noted families' concerns related to health, cleanliness, logistics, and safety as reasons why private bathrooms are necessary. In addition, she noted families' concerns regarding the ability to store and cook food – even if only for a short period of time. Finally, Ms. Harding discussed DHS's data regarding length of stay in various types of shelter facilities and questioned whether DHS's focus on moving families out of shelter and hotels and D.C. General caused extended lengths of stay in apartment-style shelters, rather than the actual design of shelter units.

***Marta Beresin, Staff Attorney, Washington Legal Clinic for the Homeless***, testified in partial support of Bill 21-352, focusing on the interim eligibility component of the bill. Ms. Beresin expressed confidence in the commitment and abilities of the Director Zeilinger at DHS and support for codification of an interim eligibility placement lasting up to 12 days. However, Ms. Beresin expressed support for codifying the requirement that "safe" housing be required to last for at least 14 days, and that it not jeopardize the tenancy of the host individual or family. Further, Ms. Beresin expressed that an appropriate appeals process must be in place to address incorrect eligibility determinations.

***Tamaso Johnson, Policy Attorney, DC Coalition Against Domestic Violence***, expressed concern regarding the potential impact of changes in Bill 21-352 on survivors of domestic violence experiencing homelessness. Mr. Johnson explained that the shared use of intimate spaces such as bathrooms may be especially detrimental to survivors of domestic violence. He called for the design to maximize the incorporation of private spaces and to specifically honor the recommendations of the ICH Design Committee through codified language.

***Kate Coventry, Policy Analyst, DC Fiscal Policy Institute***, testified in partial support of Bill 21-352, noting that she would like sufficient protections for families incorporated into the bill, including safety protections and capacity to accommodate persons with disabilities. Ms. Coventry noted that plans to create facilities with communal bathrooms raise concerns related to safety and

logistics. In addition, she noted the importance of creating adequate facilities for persons with disabilities. Ms. Coventry also expressed support for amendments related to interim eligibility agreed to by DHS and the Washington Legal Clinic for Homelessness.

**Monica Kamen, Advocacy Coordinator, Fair Budget Coalition**, testified in partial support of Bill 21-352, asking that the bill incorporate a requirement for private bathrooms and the ability to store food. She noted the difficulty faced by families, who often remain in shelter for months, when required to share private spaces such as bathrooms.

**John Healy, Public Witness**, testified in support of Bill 21-352, noting that the bill includes provisions that would accomplish important goals, including year-round access and closure of D.C. General. Mr. Healy expressed support for the use of private rooms rather than apartment-style units as a way to avoid unnecessary waits for shelter and to avoid the use of motel rooms at excessive expense.<sup>42</sup>

**Maggie Riden, Executive Director, DC Alliance of Youth Advocates**, testified in partial support of Bill 21-352, particularly to the extent that it will facilitate the closure of D.C. General Family Shelter. Ms. Riden expressed that, though apartment-style shelter is ideal, private room units may be suitable if their design prioritizes safety, security, and minimization of conflict. She also noted that private space for bathing should be prioritized. She encourage the Committee to review and incorporate recommendations of the ICH Design Committee. Ms. Riden also encouraged the administration to ensure the review and revision of programs to reflect the realities of the new sites, once built.

**Deborah Shore, Executive Directors, Sasha Bruce YouthWork**, testified in partial support of Bill 21-352, noting her support for year-round access, closure of D.C. General Family Shelter, and the construction of smaller shelter in all eight wards. Ms. Shore expressed support for the creation of an interim eligibility placement with edits agreed to between DHS and the Washington Legal Clinic for the Homeless. Ms. Shore encouraged the Committee to incorporate the recommendations of the ICH Design Committee. She also noted that design should be trauma-informed and prioritize privacy and safety.

**Jessica Wasserman, Public Witness**, testified in support of Bill 21-352, noting that the Ward 3 Democrats supported closure of D.C. General, year-round access, and the development of smaller shelters in each ward, including Ward 3. Ms. Wasserman noted that access to schools in Ward 3 would become an issue related to smaller shelters and expressed a desire to work with the administration to ensure access for students.

**Nassim Moshiree, Staff Attorney, Washington Legal Clinic for the Homeless**, testified in partial support of Bill 21-352 and shared information gleaned from interviews with families experiencing homelessness regarding shelter design features. She noted that nearly 80% of families interviewed expressed that private bathrooms are necessary for families in shelter, even if in shelter for less than three months. She also shared that 90% of families expressed a need to access storage

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<sup>42</sup> The bill does not actually address year-round access to shelter.

and refrigeration of food and medicine. Ms. Moshiree shared comments from parents expressing concern regarding the use of communal bathroom facilities during the middle of the night, in shared space with strangers, and for young children of the opposite sex. She also shared comments regarding families' experiencing a lack of cleanliness in communal bathrooms in existing facilities.

**Judith Sandalow, Executive Director, Children's Law Center**, testified in partial support of Bill 21-352 and expressed support for closure of D.C. General. Ms. Sandalow emphasized advocates' lack of information to come to a reasonable conclusion regarding appropriate shelter design. She expressed the importance of closing D.C. General while also prioritizing families' safety and privacy.

**Kelly Sweeney McShane, President & CEO, Community of Hope**, testified in partial support of Bill 21-352, expressing support for year-round access to shelter and closure of D.C. General. Ms. Sweeney McShane noted her support for enhanced prevention and more rapid exits from shelter.

**Jesse Lovell, Public Witness**, testified in partial support of Bill 21-352, expressing support for year-round access. Mr. Lovell expressed concern about the proposed design of replacement shelters and emphasized the need to protect families' privacy and to utilize design to minimize conflict. He called on the Committee to include private bathrooms, or to at least maximize the number of bathrooms in each facility.

**Lennette Ward, Public Witness**, testified in partial support of Bill 21-352 and shared her experience as a resident of D.C. General. Ms. Ward expressed her belief that while private rooms would be feasible as family shelter, private bathrooms are necessary to meet families' needs. She also expressed the need to enhance services for homeless families.

**Micah Bales, Communications & Outreach Manager, Homeless Children's Playtime Project**, testified in support of Bill 21-352, specifically expressing support for shelter spaces that foster creativity and playtime for children. Mr. Bales also expressed support for private bathrooms, or at least a higher ratio of bathrooms to protect families' safety and privacy.

**Michael Augustus Lee, Public Witness**, testified in support of Bill 21-352 and encouraged improvement of case management services.

**Laura Green Zeilinger, Director, Department of Human Services**, testified on behalf of the Executive. Her testimony is summarized in Section III above.

## VI. IMPACT ON EXISTING LAW

Bill 21-352 amends the Homeless Services Reform Act of 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*).

## VII. FISCAL IMPACT

The attached November 3, 2015 fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

## VIII. SECTION-BY-SECTION ANALYSIS

Section 1 States the short title of Bill 21-352.

### Section 2

Subsection (a) Amends D.C. Official Code § 4-751.01 by adding definitions for "DC General Family Shelter replacement unit," "interim eligibility placement," and "private room."

Subsection (b) Amends D.C. Official Code § 4-753.01(d) to establish minimum requirements for the District's family shelter stock, including minimum standards for required bathrooms in buildings containing DC General replacement units; authorizes the Mayor to utilize DC General replacement units, in addition to apartment-style units; and requires that the Mayor maintain the District's existing stock of apartment-style family shelter.

Subsection (c) Amends D.C. Official Code § 4-753.02 to establish a system of interim eligibility placements and requirements for how such placements shall be administered.

Subsection (d) Amends D.C. Official Code § 4-754.11(a) to provide that a family's interim eligibility placement shall continue during an appeal, if timely filed.

Subsection (e) Amends D.C. Official Code § 4-754.33 to establish notice requirements for denials of eligibility issued during an interim eligibility placement.

Subsection (f) Amends D.C. Official Code § 4-754.41 to provide for review of denials of eligibility issued during an interim eligibility placement and timelines for fair hearings at the Office of Administrative Hearings.

Subsection (g) Amends D.C. Official Code § 4-754.42 to establish requirements for administrative reviews of denials of eligibility issued during an interim eligibility placement.

Subsection (h) Amends D.C. Official Code § 4-751.01 *et seq.* to add a new section 32, which establishes annual reporting requirements for DHS regarding interim eligibility placements.

Section 3 States the Fiscal Impact of Bill 21-352.

Section 4 Effective date.

## IX. COMMITTEE ACTION

On November 3, 2015, the Committee met to consider Bill 21-352, the “Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015.” The meeting was called to order at 11:30 a.m., and Bill 21-352 was item IV-C on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Alexander, Allen, Bonds, Cheh, Evans, Grosso, Nadeau, May, McDuffie, Orange, Silverman, and Todd present), Chairman Mendelson moved the print as circulated together with an amendment to clarify the various provisions in the bill. Councilmember Cheh then offered an amendment to require that each replacement unit include a private bathroom. During discussion Councilmembers Cheh, McDuffie, Silverman, and Orange offered comments in support of the amendment. Chairman Mendelson and Councilmembers Nadeau, Grosso, Alexander, Allen, Todd, and Bonds made comments in opposition to the amendment. The vote on the amendment was 4 (Councilmembers Cheh, McDuffie, Orange, and Silverman voting aye) to 9 (Chairman Mendelson and Councilmembers Alexander, Allen, Bonds, Evans, Grosso, May, Nadeau, and Todd voting no). The amendment failed. Chairman Mendelson then moved approval of the report, with leave for staff to make technical, conforming, and editorial changes. After opportunity for discussion, the vote on the report was unanimous (Chairman Mendelson and Councilmembers Alexander, Allen, Bonds, Cheh, Evans, Grosso, Nadeau, May, McDuffie, Orange, Silverman, and Todd voting aye). After an opportunity for further discussion, the vote on the print (with Chairman Mendelson’s amendment) was unanimous (Chairman Mendelson and Councilmembers Alexander, Allen, Bonds, Cheh, Evans, Grosso, Nadeau, May, McDuffie, Orange, Silverman, and Todd voting aye). The meeting adjourned at 1:32 p.m.

## X. ATTACHMENTS


1. Bill 21-352 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 21-352.
4. Legal Sufficiency Determination for Bill 21-352.
5. Comparative Print for Bill 21-352.
6. Committee Print for Bill 21-352.



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council  
From :   
Nyasha Smith, Secretary to the Council  
Date : September 21, 2015  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, September 18, 2015. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015", B21-0352

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole with comments from the Committee on Health and Human Services.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services



OFFICE OF THE  
SECRETARY  
2015 SEP 18 PM 1:29

MURIEL BOWSER  
MAYOR

SEP 18 2015

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Ave., N.W., Suite 504  
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council is the "Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015."

If enacted, the legislation would provide the District of Columbia with the tools necessary to offer families experiencing homelessness with access to emergency shelter year-round. Specifically, the permanent legislation would create an interim eligibility placement for families whom the Department of Human Services (DHS) is unable to determine to be eligible for shelter at the time of application. The interim eligibility placement is a three-day shelter placement which may be extended up to three times.

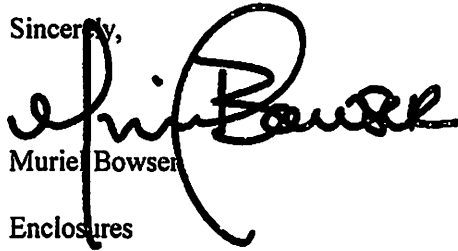
For various reasons, some families may be unable to provide DHS with the documentation necessary to determine eligibility for shelter at the time of application. Families may have experienced trauma, needed to make a quick escape from domestic violence, or have been moving from one place to another and are unable to locate the necessary documentation. Rather than making a hasty eligibility determination at this stage, DHS will engage more deeply with these families to determine if they are eligible for shelter, and in the interim, provide them with an interim eligibility placement into emergency shelter and the appropriate services needed to assist in meeting their specific needs.

The legislation will also create a new expedited appellate process for families who were denied shelter following an interim eligibility placement. For these families, they will have a right to request an administrative review with a DHS Administrative Review Officer, and the continuation of shelter pending the outcome of their administrative review. If the family is dissatisfied with the Administrative Review Officer's decision, they may file an appeal with the Office of Administrative Hearings.

Finally, the legislation allows the District to develop emergency housing that would create safe, clean, and modern development of rooms that are private while fulfilling the room requirements for families with amenities and services they need to succeed in the long run.

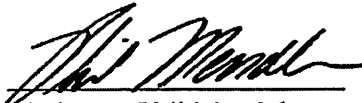
I urge the Council to take prompt and favorable action of this measure. If you have any questions, please contact Laura Zeilinger, Director of Human Services, at (202) 671-4355. I thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Murie Bowser". The signature is written in a cursive style with a large, looping initial "M".

Murie Bowser

Enclosures

  
Chairman Phil Mendelson  
At the request of the Mayor

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To amend the Homeless Services Reform Act of 2005 by adding definitions for the terms “District of Columbia General Family Shelter Replacement Units” and “Interim Eligibility Placement,” to authorize the Mayor or the Mayor’s designee to place families, who do not have another safe housing alternative, in a temporary interim eligibility placement while it determines eligibility for shelter and assesses what supportive services are needed to assist the family in obtaining sustainable permanent housing, to authorize the Mayor to provide shelter to families in private rooms that are developed for the purpose of closing the District of Columbia General Family Shelter and replacing its units, to add a special expedited appeals process for families who are denied shelter following an interim eligibility placement, and to add that clients have a right to continuation of an interim eligibility placement pending the outcome of an appeal of a denial of shelter following an interim eligibility placement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015”.

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

1 (a) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

2 (1) Add a new subsection (13A) to read as follows:

3 “(13A) “District of Columbia General Family Shelter replacement units” means  
4 those private rooms developed for the purpose of closing the District of Columbia  
5 General Family Shelter with funds appropriated in the Fiscal Year 2016 Budget Request  
6 Act of 2015, signed by the Mayor on July 9, 2015 (D.C. Act 21-99; 62 DCR 9658), as  
7 amended, and all future funds appropriated for the purposes of closing the District of  
8 Columbia General Family Shelter.”

9 (2) Designate the existing subsection (25A) as subsection (25B).

10 (3) Add a new subsection (25A) to read as follows:

11 “(25A) “Interim eligibility placement” means a 3 day eligibility placement for  
12 families, that may be extended up to 3 times, for the purpose of conducting a more in depth  
13 assessment to facilitate an eligibility determination for shelter and provide families with  
14 appropriate services.”

15 (b) Section 7(d) (D.C. Official Code § 4-753.01(d)) is amended to read as follows:

16 “(d) (1) When the Mayor places families in shelter, the Mayor shall place them in  
17 apartment-style shelters or District of Columbia General Family Shelter (DCG) replacement  
18 units.

19 (2) If apartment-style shelters or DCG replacement units are not available, the Mayor is  
20 authorized to place families in private rooms.

21 (3) For the purpose of closing DCG, and replacing its units, the Mayor:

22 (A) is authorized to use private rooms to replace the DGC units; and

23 (B) shall maintain within the District’s inventory apartment-style shelters.

1 (4) If eligibility for a family seeking shelter cannot be determined within the business day  
2 in which the family applied for shelter, the Mayor may provide the family with an interim  
3 eligibility placement.

4 (a) If a family determined ineligible for shelter is participating in prevention or diversion  
5 services, and has a change in circumstances that their provider can attest would make them  
6 eligible for shelter, the Mayor may find the family eligible for shelter without requiring a new  
7 shelter application.

8 (b) Once an eligibility determination is made for an application for shelter following an  
9 interim eligibility placement, the interim eligibility placement shall be concluded.

10 (c) Families who are denied an application for shelter following an interim eligibility  
11 placement may request an Administrative Review pursuant to section \_\_\_\_\_ (D.C. Official Code  
12 §4-754.42(b-1)).

13 (5) This subsection shall be applicable to all forms of shelter provided to families.”.

14 (c) Section 9(a) (D.C. Official Code § 4-754.11(a)) is amended as follows:

15 (1) Paragraph (18) is amended by striking the phrase “; and” and inserting “;” in  
16 its place.

17 (2) Designate the existing paragraph 19 as paragraph 20.

18 (3) Add new paragraph 19 to read as follows:

19 “(19) Continuation of a family’s interim eligibility placement, pending the  
20 outcome of an appeal requested pursuant to section \_\_\_\_\_ (D. C. Official Code § 4-754.42(b-1)),  
21 if the family requests an appeal within 48 hours of receipt of written notice of a denial of an  
22 application for shelter following an interim eligibility placement; and”.

23 (d) Section 26(a) (D.C. Official Code § 4-754.41(a)) is amended as follows:

1 (1) Designating the existing subsection (a) as (a)(1).

2 (2) Adding a new subsection (a)(2) to read as follows:

3 (a)(2) Except as required by subsection (a)(1), the Office of Administrative Hearings  
4 shall grant a fair hearing to any client or client representative who wishes to appeal an  
5 administrative review decision pursuant to section 26(b)(1) (D.C. Official Code §4-754.41(b)(1))  
6 and section \_\_\_\_ (D.C. Official Code § 4-754.42(b-2)), and who requests such a hearing, orally  
7 or in writing, within 15 days of the Administrative Review Officer issuing the administrative  
8 review decision pursuant to section \_\_\_\_ (D.C. Official Code § 4-754.42(b-1)). A request for a  
9 fair hearing shall be made to the client's provider, the Department, the Mayor, or the Mayor's  
10 designee. If the request is made orally, the individual receiving the request shall promptly  
11 acknowledge the request, reduce it to writing, and file the request for a fair hearing with the  
12 Office of Administrative Hearings”.”

13 (e) Section 26(f) (D.C. Official Code §4-754.41(f)) is amended as follows:

14 (1) Subsection (f)(2) is amended by replacing the phrase “; and” with “;”.

15 (2) Subsection (f)(3) is amended by striking the phrase, “In accordance with the  
16 following additional requirements,” and inserting “Except as required by subsection (f)(4), in  
17 accordance with the following additional requirements.”.

18 (3) Subsection (f)(3)(C) is amended by striking “.” and inserting “; and”.

19 (3) A new subsection (f)(4) is added to read as follows:

20 “(f) (4) For fair hearings filed with the Office of Administrative Hearings pursuant to  
21 subsection (a)(2) , the following additional requirements shall apply:

22 (A) The hearing shall be held after the completion of an administrative review conducted  
23 in accordance with section \_\_\_\_ (D.C. Official Code § 4-754.42(b-1)), and shall be conducted

1 within an expedited timeframe, which shall not exceed 4 days following the initial request for a  
2 fair hearing;

3 (B) If a party fails to appear, the Administrative Law Judge designated to conduct the  
4 hearing may enter a default decision in favor of the party present. The default may be set aside  
5 only for good cause shown, and upon equitable terms and conditions; and

6 (C) The Administrative Law Judge shall issue a final decision within 48 hours of the  
7 completion of the hearing”.”

8 (f) Section 27 (D.C. Official Code § 4-754.42) is amended as follows:

9 (1) Subsection (a) is amended to read as follows:

10 “(a) The purpose of the administrative review shall be to enable the Department to  
11 ascertain the legal validity of the decision that is the subject of the fair hearing request pursuant  
12 to section 26 (D.C. Official Code § 4-754.41) or the denial of a family’s application for shelter  
13 following an interim eligibility placement pursuant to section 7(d)(4)(C) (§ 4-753.01(d)(4)(C)),  
14 and, if possible, achieve an informal resolution of the appeal”.”

15 (2) Subsection (b) is amended by striking the term, “Any,” and inserting the  
16 phrase, “Except as required by (b-1), any” in its place.

17 (3) New subsections (b-1),(b-2), and (b-3) are added to read as follows:

18 “(b-1) An administrative review of a denial of application for shelter following an interim  
19 eligibility placement, conducted pursuant to subsection (a) of this section, shall be completed and  
20 a decision rendered within 4 business days of receipt of the administrative review request, except  
21 upon a showing of good cause as to why such deadline cannot be met. If good cause is shown, a  
22 decision shall be rendered as soon as possible thereafter. If an extension of time for review is



1 required for good cause, written notice of the extension shall be provided to the client or client  
2 representative prior to the commencement of the extension.”.

3 “(b-2) In accordance with section 9(a)(19) (D.C. Official Code § 4-754.11(a)(19)), any  
4 family who requests an administrative review of a denial of application for shelter following an  
5 interim eligibility placement within 48 hours of the denial of shelter shall continue to receive an  
6 interim eligibility placement pending the outcome of the administrative review proceeding.”.

7 “(b-3) If a family who was denied an application for shelter following an interim  
8 eligibility placement is not satisfied with the administrative review decision, the family may  
9 within 15 days, request a fair hearing, to review the administrative review decision pursuant to  
10 section 26(b)(1) (D.C. Official Code § 4-754.41(b)(1)).”.

11 (4) Subsection (d)(2)(D)(v) is amended to read as follows:

12 “(v) A statement that if the client is not satisfied with the administrative  
13 review decision, a fair hearing pursuant to § 4-754.41 shall be held, or if the administrative  
14 review was conducted pursuant to § 4-754.42(b-1), the client may, within 15 days, request a fair  
15 hearing pursuant to section 26(b)(1) (D.C. Official Code § 4-754.41(b)(1)).”.

16 Sec. 3. Fiscal impact statement.

17 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal  
18 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
19 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-602(c)(3)).

20 Sec. 4. Effective date.

21 This act shall take effect following approval by the Mayor (or in the event of veto by the  
22 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
23 provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved December

1 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of

2 Columbia Register.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES**



**B21-352, Advancing Year Round Access to Shelter Policy and Prevention of  
Homelessness Amendment Act of 2015**

Testimony of  
Laura Green Zeilinger  
Director

Before the

Committee of the Whole

Council of the District of Columbia

October 13, 2015, Council Chambers  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004



Good afternoon Chairman Mendelson, members and staff of the Council. I am Laura Zeilinger, Director of the District of Columbia Department of Human Services (DHS). I am pleased to testify before you today on the *Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Act of 2015*.

The District is undertaking large-scale systems change to achieve the goals we have set forth as a community: to make homelessness rare, brief, and nonrecurring. The legislative proposals currently before Council and on which this hearing is focused apply to the system of care for families. The amendments represent only a small piece of an effort that spans across multiple District and federal agencies, providers, and partners. Though the legislation is only a small piece, it is a critical piece.

This legislation, if passed as proposed, enables our community to finally close DC General, and to build for families safe and dignified places to overcome the crisis of homelessness with the supports to regain what all families need as a foundation to advance their potential—permanent housing in the community. No family should have to raise their children at DC General, or a facility like it, not even for a short time. It should not have taken the unforgettable tragedy of Relisha Rudd to shock our conscience and raise our awareness. Nevertheless, residents of the District of Columbia have rightfully demanded better of this city's leadership. On behalf of Mayor Bowser, I am here to urge the Council to support legislation that will enable a more effective homeless crisis response system for families and that will allow swift action to build smaller, safer, more dignified emergency housing facilities across the District, and close DC General.



More specifically, we are seeking the clear authority to develop new emergency housing facilities with private rooms. The authority is expressly limited to the development of units needed for the replacement of DC General, and does not diminish the current inventory of apartment-style shelter.

The second critical goal that this legislation advances is the ability to offer emergency shelter to families when housing emergencies happen. Year-round access to shelter was at the top of nearly every stakeholder's advocacy agenda when I arrived at DHS earlier this year. This legislation advances year-round access to family shelter—not as a right, but as good public policy—by creating an *interim eligibility* process. Interim eligibility allows DHS to offer shelter for a limited time in situations when deeper engagement with families is needed to determine when a shelter stay is appropriate.

But let me be clear, as critical as this legislative proposal is, it does not stand alone. It, by itself, does not create the systems change we seek. We've already begun year-round access to shelter; we need the legislation to give us new tools so we can continue it. We've already allocated funding to close and replace DC General; we need the legislation so we can do it the right way. We've made historic investments in the housing solutions that end homelessness; we need this legislation to ensure our shelter system supports moving people into these resources quickly and safely. Without the legislation as proposed, we risk turning back the progress we've made and closing the door on an opportunity that will actually make a difference in how, where, and when we serve families experiencing homelessness.

This legislation and the actions that move with it are specifically designed to develop a more effective crisis response system, which is the first strategy in Homeward DC, the District's strategic plan to end homelessness. The key areas of focus in this strategy include transitioning



to smaller, community-based emergency housing (including closing DC General), implementing a plan for year-round access to shelter, and redesigning the rapid re-housing program—all of which and more are either currently underway or will be as a result of this legislation.

First, we know exactly how an effective crisis response system should work, and it starts with centralized assessment—a place where families can come and be connected to an array of services and supports tailored to their specific needs and strengths. We are focused on improving client engagement and eligibility services at the Virginia Williams Family Resource Center, where families in the District come to apply for homeless services. It used to be that “homeless services” meant only emergency shelter, and that to be placed into shelter, you had to have absolutely no other option for safety. The failure in that approach is that we miss the opportunities to help families sooner, to help their current living situation become tenable and more stable, and in doing so prevent homelessness and the need for shelter. Our data shows that 20 percent of families placed in shelter last hypothermia season had applied for shelter *more than twice* before getting to the point where they had no other identifiable alternatives but shelter. This is exactly why last month we launched a new community-based prevention initiative that is able to take advantage of the early opportunities to help families avoid homelessness. So far, we are very encouraged by the results. In the first few weeks of the program, 130 families were referred to prevention services, which can provide an array of housing, employment, and conflict mediation services. None of those families have needed a shelter placement thus far.

But for some families, a short assessment at Virginia Williams is not enough time to truly understand their needs, and what service—whether its prevention, shelter, or otherwise—is needed to best support them. This is magnified by the fact that we are dealing with the very real, very dangerous possibility that a particular family might not have a safe place to be. We need to



be able to take the time to make an informed decision about which services families are eligible to receive, and families deserve to be in a safe place while we work together to determine that eligibility—particularly for emergency shelter. This is why we are proposing in the legislation to create an interim eligibility process. This will allow DHS to offer shelter for up to 12 days while we engage more deeply with the family to accurately assess eligibility for homeless services, and work with the family and their support network to determine if other safe housing options are available that could provide an appropriate alternative to a shelter stay.

There is not currently the authority in law for DHS to offer a shelter placement before an eligibility determination is complete. Therefore in the current legal structure, when shelter is an entitlement, once the District makes a *placement*, that placement may only be concluded by the family exiting, usually through a program like rapid rehousing, or through a termination. Terminations are not applicable to eligibility.

Nearly 80 percent of families placed in shelter had last stayed with friends and family. There are several reasons why those living situations may no longer be viable, but there is also the possibility a safe living arrangement can be reestablished under the right circumstances and with the right supports.

Certainly, an interim eligibility process is not warranted for every family. Eligibility for many families can be determined somewhat quickly. For the families who require deeper engagement through an interim eligibility placement, there are essential benefits and protections as part of this proposal:

- More families will have access to safe housing.
- Families with other safe housing arrangements identified will have access to services to support the stability of those arrangements.
- If alternate housing arrangements in the end prove non-viable, when conditions warrant, families will not have to start the shelter eligibility process over, but may receive immediate access to shelter.



- If a family disagrees with DHS' eligibility determination, they may request a fair hearing through the Office of Administrative Hearings (OAH) and remain in an interim eligibility placement.

In the weeks since the legislation was proposed, we have engaged with stakeholders, including the Washington Legal Clinic for the Homeless (Legal Clinic), on changes to the proposed amendments. The changes the Legal Clinic has proposed to interim eligibility generally fall into three categories: 1) aspects of interim eligibility that DHS intended to include in operating procedures, rather than law 2) wording that improves clarity, and 3) amendments that would keep business processes for appeals more consistent with other parts of the statute. I am going to offer a brief explanation of each.

1) Aspects of interim eligibility that DHS intended to include in operating procedures, rather than law

The Administration does not intend that families who come into an interim placement would be denied eligibility because there is a place they can stay for just a few nights. Our goal is to assist families to achieve stability without a shelter stay whenever that is possible. Therefore, we do not oppose adding language that other safe housing identified for the family must be reasonably expected to last 14 days, and that the family's presence in that housing shall not imminently jeopardize the tenancy of the household with whom the family is placed.

2) Wording that improves clarity

The Administration is also willing to clarify that a family will receive notice of their eligibility determination and if they wish to appeal a denial of shelter and stay in the interim placement while the appeal is pending, they may do that if they request a fair hearing within 48 hours or one business day of receiving notice, whichever is later.

3) Keeping the business processes for appeals more consistent with other parts of the statute





The Administration supports having the appeal process aligned with other parts of the Homeless Services Reform Act, which includes filing the initial request for review with OAH, rather than DHS as the trigger of DHS's administrative review. We maintain, however, that the agency administrative review is mandatory and must be completed before OAH can hear the case.

The Administration does not support changes to any provision that would expand the entitlement of shelter. Some stakeholders are advocating for a provision that instructs the Mayor (through the use of the word "shall" instead of "may") to find eligible for shelter any family who loses a safe housing arrangement within 14 days of placement after interim eligibility. This provision effectively expands the right to shelter. Moreover, it undermines our ability to make decisions based on individual circumstances, which at times are complicated by a whole host of factors that may not be in anyone's best interest to ignore. We have a duty to adhere to a set of standards for shelter eligibility and that duty would be compromised by the presumptive eligibility that the Legal Clinic is recommending.

While the Administration agrees in practice and procedure with what is the intention of their recommendation, we strongly oppose any measure that expands the legal entitlement to shelter and limits the ability of DHS to determine eligibility for District services.

That concern notwithstanding, I believe there is broad consensus among stakeholders that interim eligibility will be an effective and important tool to help us better engage with families, support families to achieve greater housing stability without shelter stays, and assess eligibility. Fundamental to the successful implementation of interim eligibility are the new homelessness prevention services that give families critical support sooner, before situations worsen, and can support the success of community placements.



The second part to developing an effective crisis response system is increasing access to quality shelter.

We have already begun providing year-round access to family shelter. We know that homelessness is not caused by cold weather. Emergency shelter must be available for families who need it, when they need it—no matter what the weather is like outside. In the past, after meeting a year’s worth of need in the five months of hypothermia season (where shelter is an entitlement) the District would close the doors and spend the next seven months focused exclusively on exits from shelters to prepare for hypothermia season all over again. This is not a sustainable model; it puts a strain on both the system and the families we serve. This is exactly why we made the policy shift this year to provide year-round access. Since April 1, we have placed 387 families in shelter. That compares to only 58 families placed during the same time last year. In fact, in the five months that followed hypothermia season this year, we actually had more applications for shelter than we did during the 5 months of hypothermia season. Though, as a result of more robust eligibility engagement and the introduction of other supports, our rate of shelter placement was a third of what it was during the hypothermia season. In addition, we have been able to exit families from shelter at a higher rate than ever before—an increase of 23 percent above last year—shortening the lengths of stay in shelter.

Length of stay is a critical metric for any crisis response system. Long episodes of homelessness are detrimental to children—impacting school performance, health and other indicators of well-being. What is better for families also makes sense for the system. The shorter the lengths of stay in shelter, the fewer overflow motel rooms we need and the more families we can serve. Length of stay data also weighs heavily when determining which types of shelter we should develop in our system.



This brings me to the closing of DC General and replacing it with smaller, community-based emergency housing facilities, which are dignified, safe, service-enriched, and located across the District. I think we all agree that this is the right thing to do. We have made the necessary investments, now we need the authority to do what is right for the District at this time—which is to replace DC General with private room units and not apartment style units.

There are several reasons why private room facilities are the right approach for our community to take for the purpose of closing and replacing DC General:

1. Private-room emergency housing facilities can be safe, dignified, and supportive.
2. Private-room facilities are effective and efficient—supporting shorter stays in shelter and lowering costs, which enables the community to meet the needs of families and close and replace DC General.
3. The private-room facilities that will replace DC General are much smaller, serving no more than 50 families at a time—resulting in a more supportive and private environment.

I know that there are questions around how we will create facilities that ensure this standard and that the whole community can be proud of and support. With our current plan, we will build replacement facilities specifically designed for the safety and well-being of families, and which stand in the starkest contrast to DC General. We can do all of this as well as balance the needs of our entire system and work responsibly within the budget this Council approved.

The Mayor has made it clear that everyone has a part to play in this effort, which is why she issued a Mayor's Order instructing a broad group of stakeholders (inclusive of experts in building design, service providers, and clients) to provide recommendations on the design



attributes in these new facilities. The community is invested in that process, and I think it will produce true design guideposts which will allow us to move forward, together.

What would jeopardize this progress is to prescribe in law—as some have suggested—specific design attributes (like a private bathroom and cooking facilities in each unit) without regard for the necessary cost and square footage implications that would impact our ability to develop the number of units we need to replace DC General. Further, adding a private bathroom and kitchen in each unit makes the unit an apartment, and we would not need a legislative fix to develop more apartments.

Our data shows a significant correlation between apartment-style units and long lengths of stay. Stays in shelter are shorter in private rooms. That correlation is not unique to the District, it's true in the data that we see from other jurisdictions like Seattle and New York City. That correlation also doesn't change when you look at lengths of stay based on destination at exit. Regardless of if a family exited shelter to permanent supportive housing, rapid rehousing or any other permanent housing situation; the longest lengths of stay are in apartment style shelters. There are several factors that can impact length of stay—and all of them are likely at work in this data, including where resources are focused on exits and where families with reasonable accommodations are placed. However, unit configuration is at work in the data as well, and we must consider that when making new investments into shelter. As I said earlier, long lengths of stay are detrimental to children and limit access to shelter because it limits the number of available units. For instance, if we had an average length of stay in shelter of 180 days per family and we were able to cut that down to 90 days, we could serve twice as many families in a year with the same number of shelter units. On the other hand, if we invest in the wrong types of shelter, and it drives up our length of stay, we would be serving fewer families in a year—or



more likely, spending more and more money on costly motel rooms. The more we spend on shelter and overflow motels, the less we are able to spend on the housing solutions that actually end homelessness.

In addition, the experience a family has in emergency shelter is not dictated solely by the building design. The services offered are at least as important if not more so than the design. I believe in the capacity, strength and resiliency of the families we serve. I also believe the vast majority of families can feel safe, supported, and engage in services while also sharing some dining and bathroom facilities while in emergency shelter. For those whose needs require the accommodation of private facilities, we can and will continue to meet their needs. It is misguided to assume that families cannot be safe and supported for a short amount of time in an environment that is not a single apartment. We must be intentional in the design, and also stay within the budget allotted by the Mayor and approved by Council. I ask that Council maintain the Mayor's flexibility to accommodate the recommendations of the design committee to the very best of our ability.

This brings us the third part of developing an effective crisis response system, which is increasing permanent housing resources. Emergency shelter is a critical part of the crisis response system—it provides the immediate safety and security people need when faced with homelessness. Shelter must be safe, dignified, and be able to appropriately serve people with histories of trauma—but shelter is not the solution to homelessness. Homes are the solution to homelessness. Our goal is to make sure every family has a kitchen to cook in, a family table to be around, bedrooms and bathrooms, and the privacy and dignity that comes with being in your own home. Mayor Bowser and this Council have made historic investments in the housing



solutions that work—affordable housing, permanent supportive housing, and rapid rehousing. Those investments must continue.

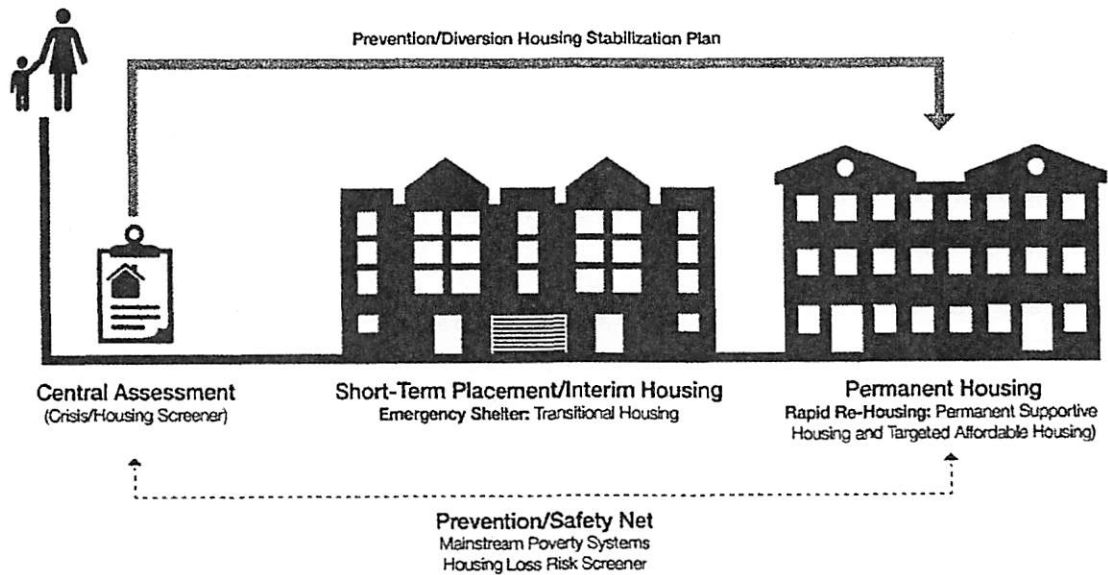
This legislation, and the actions that move together with it, are guided by the principle that homelessness is a problem we must solve; that, when members of our community experience homelessness, we all suffer; but conversely, when people are in permanent housing we all benefit.

Thank you for the opportunity to testify today. I am prepared to answer any questions the Committee may have.



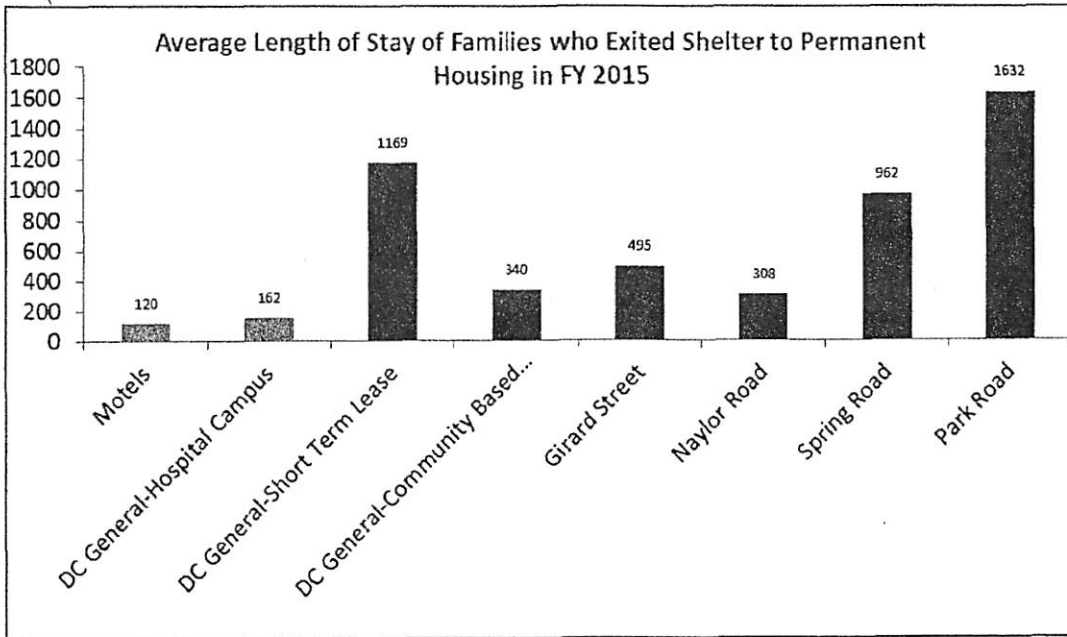
ATTACHMENTS:

**Figure 1: What an Effective Crisis Response System Looks Like.**  
(Source: *Homeward DC*)

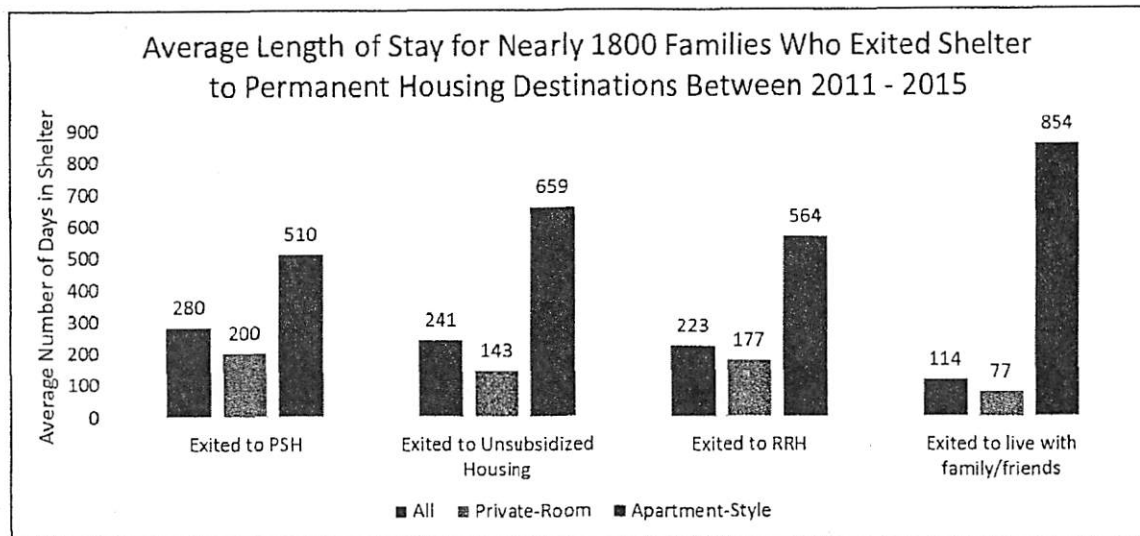


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**Figure 2: Length of Stay Date from the District of Columbia**  
 (Source: HMIS)



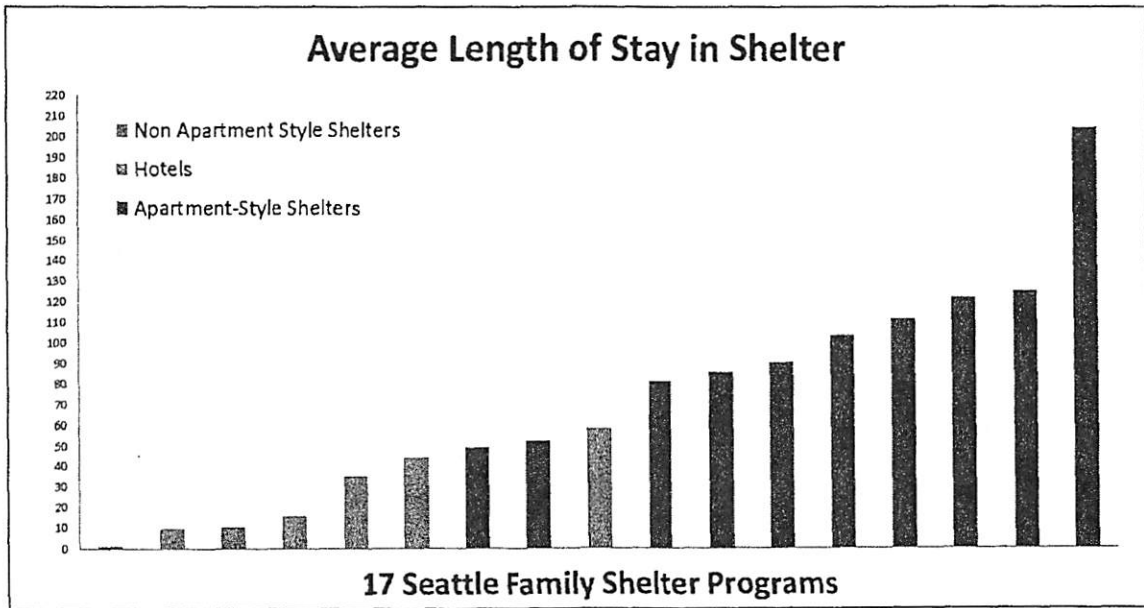
**Figure 3: Length of Stay Date from the District of Columbia based on Destination at Exit**  
 (Source: HMIS)





ATTACHMENTS:

**Figure 4: Length of Stay Data from Seattle, WA**  
(Source: Committee to End Homelessness in King County, WA)



**Figure 5: Length of Stay Data from New York City**  
(Source: NYC Department of Homeless Services)

