

Neighborhood Legal Services Program (“NLSP”) Testimony for Brookland Manor Redevelopment
Zoning Commission Hearing
February 23, 2017
Case Number: 14-18A

Members of the Zoning Commission, my name is Shaina Lamchick Hagen. I am a staff attorney at Neighborhood Legal Services Program (“NLSP”) and I am here on behalf of NLSP’s current and former clients at Brookland Manor. NLSP has represented over a dozen tenants and former tenants of Brookland Manor in a variety of matters. I personally have represented tenants in seven eviction cases, three barring notice cases, and a number of other cases where tenants receive infractions or notices to quit for alleged lease violations. I, along with my colleagues at NLSP, have heard so many stories of abusive practices at Brookland Manor over the last year. NLSP supports its clients and the Brookland Manor/Brentwood Village Resident Association in their request that you oppose Mid-City Financial’s 2nd Stage PUD application and we support publicly the hundreds of low-income tenants who face potential displacement through Mid-City Financial’s intended redevelopment of the Brookland Manor site. You have already heard—and will hear more of—the oppressive environment that Brookland Manor residents must live in. I will speak now about what we have learned from our clients through our representation.

NLSP significantly increased our representation of Brookland Manor tenants beginning in the fall of 2015 as part of our engagement with DC’s Right to Housing Initiative. It quickly became clear that the practices at Brookland Manor were sweeping in scope and far more draconian than just about any other group of eviction cases that we had previously defended.

Perhaps no case exemplifies Mid-City Financial’s unscrupulous and persistent drive to remove its tenants more than the case of Karen Reel, as reported in the August 9, 2016 Washington Post article, “*Facing eviction over as little as \$25.*” Ms. Reel’s case was one of the first that I took on as an attorney at NLSP and I was horrified to learn about her ordeal. Soon after she laid to rest her son who had committed suicide in her home, Mid-City Financial sued Ms. Reel on the grounds that her son had killed himself with, and thus left behind in her apartment, an unregistered firearm, constituting “criminal activity that threatens the health, safety, or peaceful enjoyment of the premises by other residents.” They declined to use the discretion that the law allows them despite the compelling circumstances of this case.

While personal tragedies like that of Ms. Reel are mercifully not more widespread at Brookland Manor, NLSP has observed that the cruelty displayed in her case is fully consistent with how Edgewood Management Corp and Code 3 Security manage and administer the property. Mid-City Financial’s agents often began eviction cases against tenants in situations when less severe actions could resolve the alleged problems.

Our clients at Brookland Manor have received frequent notices of lease violations and tenant infractions even for minor or unsubstantiated issues, such as for “making noise” during daytime and infrequent singing rehearsals and for “loitering” while interacting with neighbors in common areas. Security guards have written notices of infraction for leaving wet clothes in the hallway and standing for too long outside of building entrances. Many tenants report that they have received weekly notices related to the same alleged violation when there is little or no evidence that a violation occurred. Other tenants report that security guards follow emergency responders into apartments and search for lease violations. While infraction notices often receive no follow-up action, they may form the basis of a later eviction suit. Tenants who receive them fear that they may lose their

housing as a result. Although notices of lease violations are used by law-abiding landlords in the District of Columbia, the volume and content of the notices used at Brookland Manor set them apart and make them a part of a larger pattern of abusive practices.

One of the most commonly-used tactics to disrupt the daily lives of Brookland Manor tenants is the use of barring notices. NLSP has heard dozens of Brookland Manor tenants complain that management personnel barred their guests and family members from the property for frivolous or illegitimate reasons. I have represented tenants whose family members have been barred for calling the police when faced with danger and for getting into verbal arguments with tenants. In these situations, the barred individuals posed no threat to residents and were barred without the consent of the tenants they were visiting. Perhaps more concerning is Brookland Manor's regular practice of completely barring all evicted individuals from returning to the property including individuals who were evicted for nonpayment of rent. This is a particularly insidious practice because property management then sues for eviction residents who host barred family members and friends in their units.

Brookland Manor has been home to many low-income families for generations. Consequently, the barring practice at Brookland Manor knowingly prevents many residents from spending time with family members. One elderly Brookland Manor resident received a notice to quit and was subsequently evicted for having her barred son in her apartment. The elderly resident's daughter then received a notice to quit for having her now-barrred mother come to visit her. Although NLSP has been successful in getting barring notices dropped in many of these cases, many other tenants are not represented and have had less success in petitioning Mid-City Financial's agents to allow their loved-ones back on the property.

Amidst the evictions, constant infraction notices, and barring notices, tenants consistently report to NLSP that they feel like they are living in prison at Brookland Manor. The fear that tenants feel is intense and real. Armed security guards reportedly have performed searches of tenant units without consent or cause. Just today I spoke to a client who watched a security guard hit her son in the face as he was arresting him last night. When my client said that she was going to call the police another security guard shoved her. Mid-City Financial has restricted the tenants' use of the property in extreme ways, such as erecting fences to common areas, refusing the use of community grills, and denying children access to playground equipment. The tenants are not free to use, or even stand near, the open areas on the premises, lest they be cited for loitering. Tenants report constant surveillance by security guards ready to harass them or bring them one step closer to losing their homes.

The tenants of Brookland Manor have banded together to preserve their homes, their community, and their dignity in the face of Mid-City Financial's persistent and insidious behavior. Unfortunately, many of NLSP's clients have already left Brookland Manor because they felt as though they did not have better options and just wanted to feel safe again. Our remaining clients do not support Mid-City Financial's PUD application. Their message is clear: they are fighting to save their homes and protect their families, because calculated displacement is not tolerable. It is an affront to our values as Washingtonians, as residents of an inclusive and diverse city.

Mid-City Financial and its agents Edgewood Management Corp and Code 3 Security are engaging in systematic and devastating tactics to displace tenants from the Brookland Manor housing complex, and these tenants need your support. NLSP stands with our clients and we urge you to do the same by rejecting the 2nd phase PUD application.