

# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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September 18, 2017

**SUBMITTED VIA E-MAIL - [bnadeau@dccouncil.us](mailto:bnadeau@dccouncil.us)**

Councilmember Brianne K. Nadeau  
1350 Pennsylvania Avenue NW, Suite 102  
Washington, DC 20004

## Re: Opposition to B22-0293 – Homeless Services Reform Amendment Act of 2017

Dear Councilmember Nadeau:

On September 20, 2017, the DC Council Committee on Human Services will vote on whether to move forward with the Homeless Services Reform Amendment Act of 2017 (“HSRA” or the “bill”). The National Law Center on Homelessness & Poverty (“Law Center”) urges your office to vote against this bill as currently written. The Law Center is the only national organization dedicated solely to using the power of the law to end and prevent homelessness through training, policy advocacy, impact litigation, and public education.

In order to accomplish this goal in DC, we work with local organizations such as Washington Legal Clinic for the Homeless, Legal Aid Society of DC, Bread for the City, Children's Law Center, DC Alliance of Youth Advocates, DC Fiscal Policy Institute, ACLU of DC, Neighborhood Legal Services, Fair Budget Coalition, and District Alliance for Safe Housing. We share their concerns about the current version of the bill. What follows are some of the Law Center’s concerns, in addition to those already voiced by the aforementioned local groups.

### **Requiring strict residency requirements and legal evidentiary standards will not solve homelessness in DC.**

The current version of the bill would require DC to use strict legal evidentiary standards to determine who is eligible for services. First, HSRA would increase the burden on applicants to prove residency from one to two pieces of evidence based on a new list of required documents, most of which presume that the applicant has or recently had a residential address. Second, HSRA proposes adding a requirement that homeless individuals and families establish by clear and convincing evidence that they do not have access to safe housing. This imposes the most stringent civil evidentiary standard and is a departure from the federal standard of “credible evidence” under the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act.

2000 M Street, N.W., Suite 210, WASHINGTON, DC 20036 | [www.nlchp.org](http://www.nlchp.org) | PHONE: 202.638.2535 | FAX: 202.628.2737

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Homeless individuals and families, including unaccompanied youth, undocumented immigrants, families with young children, and domestic violence survivors may not have easy access to documents that prove their residency. Federal law recognizes that strict residency requirements can create barriers to homeless children, youth, and their families accessing critical supports and services that they are entitled to.<sup>1</sup> As such, federal law recommends that states not use strict evidentiary legal standards.<sup>2</sup> DC is a unique place because it shares porous borders with Maryland and Virginia, and many individuals and families experiencing homelessness stay temporarily with friends or family in these other states. It is within this context that the Bowser Administration should determine how best to serve homeless individuals and families who call DC their home. The use of residency requirements and evidentiary standards that go beyond what federal laws require create more barriers and may result in some eligible homeless individuals and families being denied critical supports and services.

These policies may also put victims of domestic violence, and other forms of violence, at risk. The exemption for victims of domestic violence under the current version of HSRA is not mandatory. Furthermore, there is no exemption for refugees, who may not have sufficient documentary evidence that their country of origin is unsafe. Under HSRA, victims may need to disclose violence in the home in order to prove that they do not have safe housing, something victims would be reluctant to do because they run the risk of suffering more severe violence from their partner should they disclose and not get housing. Their only other option is to keep their victimization private, not gain the protection of the exemption, and risk continued violence at home.

The Law Center urges your office to vote against HSRA as currently drafted. We recommend that HSRA be modified to lower the burden on homeless individuals and families to prove district residency and to not use clear and convincing evidentiary standard to prove eligibility for services within the Continuum of Care. We also recommend that you take into account the concerns and recommendations of the aforementioned local organizations. Moreover, amendments and modifications to HSRA should align with the statutory language of federal laws like McKinney-Vento. If the Law Center can be of further assistance in this process, please do not hesitate to contact us at [msantos@nlchp.org](mailto:msantos@nlchp.org) or at 202-638-2535.

Respectfully submitted,



Michael Santos, Esq.

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<sup>1</sup> See e.g., Education for Homeless Children and Youth Program, McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq.

<sup>2</sup> See e.g., U.S. Dep't of Educ., Education for Homeless Children and Youths Program Non-Regulatory Guidance at 33 (July 2016), *available at* <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf>.