

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Housing and Community Development



A Public Roundtable on Tenant Protection and Eviction Prevention

Testimony of
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Director

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Before the
Committee on Housing and Neighborhood Revitalization
Council of the District of Columbia
The Honorable Anita Bonds, Chairperson

Virtual Hearing via Zoom

Monday, September 14, 2020
12:00 pm

Good afternoon, Chairperson Bonds and members of the Committee on Housing and Neighborhood Revitalization. I am Polly Donaldson, Director of the Department of Housing and Community Development (DHCD). I am pleased to appear before you to testify on behalf of Mayor Bowser on the matter of Tenant Protection and Eviction Prevention.

It is DHCD's mission to produce and preserve affordable housing for low- and moderate-income residents and revitalize underserved neighborhoods in the District of Columbia. The department also provides administrative support for significant portions of the Rental Housing Act and the Rental Housing Conversion and Sale Act, which contain many of the District's tenant protections. The department works to make these protections real and prevent eviction in the District by funding housing counseling and technical assistance through its housing resource center and community-based organizations, among other efforts I look forward to sharing later in the testimony.

DHCD is not the only agency in the District Government tasked with aspects of tenant protection and eviction prevention. Agencies such as the Department of Human Services, the Office of the Tenant Advocate, and the Office of the Attorney General also have significant programs to assist tenants and prevent eviction.

The COVID-19 pandemic and the declared public health emergency, which I will simply refer to in this testimony as "the Emergency," has put more tenants at risk and in the past six (6) months we have increased our focus on these matters and used local and federal funds to bolster existing programs and create new ones. I will therefore use this opportunity to discuss the broader tenant protection and eviction prevention strategy emerging across DC government, focusing specifically on the evolving and growing challenges presented by the Emergency.

To start, I want to speak directly to the District residents who are logged in today and to those who may see this hearing in the future. The most important thing that I want you to take away from the rest of my testimony today is that if you, or someone you know, are threatened with eviction, there are protections at the federal and District level that will protect you. There are people at community-based organizations, some that we fund, and at Office of the Tenant Advocate and at the Attorney General's office who can assist you. If you are unable to afford your rent or mortgage, there are programs with funding available today that may be able to assist you. But we need you to take the first step. Go yourself or



encourage others to go to <https://coronavirus.dc.gov/> or call our housing resource center at (202) 442-7200, the Office of the Tenant Advocate at 202-719-6560 or 311 to get started.

In the remainder of my testimony, I would like to describe the tenant protection and eviction prevention programs and initiatives that currently exist and discuss how we plan to move forward.

At a basic level, tenants in the District benefited from strong tenant protections prior to COVID-19, at least relative to most jurisdictions in our region. Policies such as only allowing eviction for a specific and “just” cause, requiring at least 30 days of notice prior to when an eviction can be filed, and other elements of the Rental Housing Act provide tenants with opportunity to work with their housing provider to cure any problems or face them in court. Protections such as the Tenant Opportunity to Purchase Act (TOPA) provide tenants with the opportunity to have a say in the future and perhaps even own their property when it is sold.

These protections have not been diminished in any way during the COVID-19 public health crisis. In fact, the Mayor and the DC Council have provided additional protections during the emergency declaration with an additional prohibition on eviction filings until 60 days after the end of the declared emergency and other policies such as prohibitions on some rent increases, late fees, and utility cut offs. The timelines for TOPA have been put on hold during this period.

My colleagues from the Office of the Attorney General (OAG) and the Office of the Tenant Advocate (OTA) will provide a more thorough review and discussion of many of these protections and the more recent changes related to the Emergency. (An excellent fact sheet is also available from the [OTA](#)). DHCD, however, has a specific role in enforcing an integral new tenant protection to avoid evictions that result from COVID-19.

During the Emergency, and for one year after, housing providers are required to offer a payment plan to any District tenant that demonstrates to the housing provider that their household has suffered a direct or indirect financial hardship due the Emergency. The plan must be offered by telephone and online and cover any rent or other fees in its lease. There are a few other requirements for these plans. They cannot require the full payment be made in less than a year (though the tenant can request a shorter plan); in general, the repayment must be made in



equal monthly installments, unless the tenant requests otherwise; and the tenant cannot be required to forfeit any rights under the lease by entering into the payment plan. The housing provider is also not allowed to report to credit bureaus any delinquency related to the tenant's participation in a payment plan.

As part of this policy the tenant may file a complaint with the Rent Administrator at DHCD if the landlord denies their application for a rent payment plan or there are concerns that the terms offered in the plan may not meet the requirements. I am happy to report that that form has been published in the DC Register and is available at www.dhcd.gov or by calling our Rental Accommodations Division at (202) 442-7200. I encourage District renters facing financial distress due to the Emergency to take advantage of the option to establish a payment plan. While you cannot currently be evicted, this step will help you keep on track and your housing stable for the long run.

I want to recognize, that in some sense, I started my testimony in the wrong place by focusing on eviction. Eviction is the end of the process. During the Emergency, while the eviction moratorium is in place, we want to help as many of our most vulnerable tenants to avoid rent arrears and eviction proceedings entirely.

To this end, I want to discuss the emergency rental assistance programs that are currently available from DHCD and the Department of Human Services (DHS) during the Emergency.

The oldest and best-known program is the Emergency Rental Assistance Program (ERAP), which is administered by DHS. This program can assist households once every twelve (12) months with incomes at or below 125 percent of the poverty level (or about \$2,700 in monthly pre-tax income for a family of four). This program can provide up to five (5) months or \$4,250 of back rent, whichever is less. The program is not specific to the Emergency and is supported entirely by the District's local funding. This program typically assists roughly 2,000 households a year and its budget is nearly doubled for FY21 to \$14 million.

In addition to this program, DHCD stood up two completely new programs to assist District residents during the crisis.

The first is the Covid-19 Housing Assistance Program (CHAP) program. This program provides tenants with incomes at 80 percent of the median family income (abbreviated MFI and which translates to about \$6,600 in monthly pre-tax income



for a family of four) with up to three months or \$4,250, whichever is less, to cover back rent during the Emergency. Households need to provide evidence that the arrears are related to COVID-19 or the Emergency. We have allocated \$6.2 million of our federal COVID-19 related Community Development Block Grant (CDBG) funding to this program. Started in June, in three months this project is already on track to serve 483 District households and 108 are already receiving assistance. The CHAP program is coordinated with ERAP and serves eligible households that do not squarely fit within ERAP's criteria, primarily higher incomes now or prior to CHAP. Despite this, three quarters of CHAP's clients earn less than 50 percent of the MFI and half had incomes of 30 percent of MFI or less.

The second program is our Tenant Based Rental Assistance Program using the District's regular federal HOME funds. Unlike the CHAP and ERAP programs, this program can pay rental arrears and future rent assistance. During the Emergency, this program is targeted at assisting tenants in small properties who may be particularly at risk and once again, households need to provide evidence of that the arrears are related to COVID-19 or the Emergency. The program is funded at \$1.5 million. While a part of the program requires tenants' units to be inspected for lead (this occurs through a virtual inspection during the Emergency), which can delay payments, this program has already provided over \$300,000 in assistance and is projected to be fully subscribed by the next two months. The program can serve households up to 60 percent MFI, and thus far 91 percent of those assisted have certified incomes below 30 percent of MFI.

One of the most exciting aspects of this effort to establish new programs has been the extent we have been able to work with DHS to complement the ERAP program. Not only do the programs provide comprehensive coverage but working together we have established a coordinated application to administer these benefits and limit the effort required by applicants to find the right program.

I have included with my testimony a list of additional programs that can assist tenants during this time. Before I continue, I would like to reiterate that as of today the three programs discussed in detail today and many of the others still have funds available. All told we expect to provide \$ 30 million in rental assistance in FY20 and FY 21. And I am happy to report that on Friday HUD announced we were awarded an additional \$5.2 million of CDBG assistance that can be used for this purpose.



While it is not the subject of this hearing, I do want to recognize it may not just be tenants who are hurting. I hear regularly from housing providers who also feel they are being pushed to the brink in this Emergency. We have been able to assist some housing providers already through our small business and nonprofit assistance programs. Other programs and provisions in the Emergency legislation from small business relief to programs that can ease your mortgage burden are also available to assist.

Taken together these protections and assistance programs can aid in preventing evictions and provide substantial benefit for tenant and housing providers alike during these difficult days. We are also aware, however, that in their application, these protections for tenants can appear to be an uneven patchwork, often with unintended costs for both tenants and housing providers and that the programs are not serving everyone who needs them.

Both the protections and programs that are available are only effective if housing providers and tenants are aware of them. The Emergency will end at some point and we need to anticipate the return of evictions and address current housing needs by making District residents aware of the resources they have.

I will now discuss some of our efforts to increase awareness of these protections and programs and coordinate our assistance.

From the start of the Emergency, the Mayor has been using the various platforms available to the administration, including Mayoral situational updates, press releases, the coronavirus website, and Mayoral/agency social media accounts to promote the importance of paying rent if you can and seeking assistance when you cannot. Most recently, beginning on Sunday, September 6th and again yesterday, all District agencies were promoting the availability of rental assistance programs on social media, drawing the public's attention to the housing resources page of the coronavirus website. And on September 10, the Mayor sent out a press release promoting these resources again.

Beyond government channels, advertisements have been placed in the Capital Community News suite of publications including East of the River, Hill Rag, and MidCity, the Washington Times, El Tiempo Latino, and Radio One. There are plans to continue and further hone these advertisements in the coming months.



Of particular importance to the effort to assist more District residents are the District's network of community-based organizations and resource providers. Organizations such as Housing Counseling Services, Latino Economic Development Center, Greater Washington Urban League, United Planning Organization, Lydia's House, Catholic Charities, and the Salvation Army, among others not only administer programs but help us get the word out.

But again, I will pause, to encourage those listening today to spread the word. Please let your neighbors know that help is available.

Looking forward, the administration is exploring how to expand aid and improve programs. Deputy Mayor for Planning and Economic Development John Falcicchio and Deputy Mayor for Health and Human Services Wayne Turnage have convened an interagency working group under the District's Economic Recovery Team solely dedicated to developing a forward-looking eviction prevention strategy. This group is also tasked with improving how we coordinate assistance and streamlining how District residents can get assistance through hotlines, websites, and trusted organizations. A focus of this effort is on making sure our seniors get the word and are connected with programs that can assist them, such as the Rental Assistance for Unassisted Seniors program, administered by the District of Columbia Housing Authority (DCHA).

Before wrapping up, I want to recognize that my testimony has focused on the efforts of the District Government and primarily DHS and DHCD. We are not the only agencies engaged in assisting households at this time. For example, the District of Columbia Housing Authority is providing needed assistance and recertifying their residents' incomes to reduce their rent burdens. The DC Housing Finance Agency is working with their clients and District homeowners, through their Mortgage Assistance Program, to assist with their mortgages. And it is not only housing. All the District agencies and all the private, nonprofit and religious entities providing income, food, health, and safety services are also helping District renters and homeowners make ends meet and that will help many of them keep a roof over their heads during the Emergency and after. I also want to recognize the efforts of our legal aid community in helping District residents and businesses make their way through a rapidly changing legal environment. Finally, I want to recognize the efforts of all the tenants and housing providers who are working together to get through this and helping each other out. This is the greatest challenge our city has faced for a generation. Only by all working together will we



be able to minimize the harm that comes to our residents and our economy and be ready to start on the path to recovery as soon as humanly possible.

Thank you for the opportunity to testify, I am available to answer any questions you may have.



Program Name	Agency Administrator & Funding Source	Funding Available as of Sept 2020 (FY20 rollover + FY21)	FY20 utilization to date	Eligible Population*	Caps/Constraints on Assistance	Notes/Comments
Emergency Rental Assistance Program (ERAP)	DHS (Local)	\$14M	1,307 payments, \$3,303 average award \$5,603,604.49 expended as of 9/3	125% of Federal Poverty Level (just under 30% MFI)	Up to 5 months of arrears or \$4,250, whichever is less; May only apply 1x/yr;	Applicant must demonstrate assistance will substantially alleviate emergency.
Homelessness Prevention Program (HPP)	DHS (Local)	\$4.1M	\$2,824,620.73	30% of MFI or below (family households only)	Up to 4 months of arrears. May only apply 1x/yr	Available to families seeking shelter
Project Reconnect	DHS (Local)	\$1.2M	Direct:\$143,096.04 (Client Total October 2019-August 2020) Indirect:\$131,131.33 (October 2019-July 2020)	30% of MFI or below (single adults only)	\$6,000 (Cap for Covid Only) \$2340 (Original individual cap)	Available to unaccompanied individuals experiencing homelessness
COVID-19 Housing Assistance Program (CHAP)	DHCD (Federal)	\$6M	89 approved awards, \$257,665.86 approved for back rent	80% of MFI or below	Up to 3 months of arrears or \$4,250, whichever is less	
Tenant-Based Rental Assistance (TBRA)	DHCD (Federal)	\$0.4M	101 awardees, \$750 average award	60% of MFI or below	6 months of COVID-19 related shallow rental assistance including arrears	Applicant must live in rental property with 50 units or less.
Supportive Services for Veteran Families (SSVF)	VAMC (Federal)	\$3M		50% of AMI (Veteran households)	No caps on number of months of rental assistance someone can receive; will continue unrestricted until 90 days after the Stafford Act ends.	Program serves entire region, though majority of funding expended in the District.

CARES Act CSBG Funding	United Planning Organization (Federal)	\$1.2M	N/A	80% of AMI or below	May only apply once in 12-month period	
NCC Relief Fund	National Community Church (private)	\$500K (as of Sept; rolling fundraising)	N/A	No specific cap	Program serves entire region; provides gap funding for small emergency expenses and assistance to households not eligible for govt programs (e.g., undocumented households)	
202 Assists	John Wall Family Foundation (private)	\$400K	N/A	Ward 8 residents	One-time payment of \$1,000 per household	
FEMA's Emergency Food and Shelter Program	Food & Friends	TBD (awards to local community organizations and non-profits have not been announced yet)	N/A	N/A	N/A	DC received \$660,557 from CARES Act FEMA ERSP funds and \$463,316 from the FY19 allocation. The funds can be used for four categories of assistance, including rental and mortgage assistance. Food & Friends chairs the local EFSP board and makes funding decisions.

*All programs serve District residents only unless otherwise indicated in notes column

