



August 12, 2024

Department of Housing and Community Development  
Attn: Ms. Colleen Green, Director  
1800 Martin Luther King, Jr. Avenue SE  
Washington DC, 20020

*Comments delivered via email to [opm.questions@dc.gov](mailto:opm.questions@dc.gov)*

Dear Director Green,

The Equal Rights Center (ERC) is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations in its home community of Greater Washington, D.C. and nationwide. For many years, the ERC has received funding through the U.S. Department of Housing and Urban Development's (HUD) Fair Housing Initiatives Program to conduct intakes with individuals in the District who believe they may have experienced housing discrimination, investigate individual claims and systemic forms of housing discrimination, pursue enforcement of the Fair Housing Act as needed, and conduct education and outreach about fair housing protections and requirements.

The ERC appreciates the opportunity to comment on a draft of the District's Fiscal Year 2025 Annual Action Plan. We have reviewed the draft document available on DCHD's website and would like to offer the following comments for DHCD's consideration in crafting a final Annual Action Plan for submission to HUD.

*DC's Affordable Housing Crisis Poses a Major Barrier to Fair Housing and Racial Equity*

The District is experiencing a dire affordable housing crisis that is steeped in systemic inequity. As the cost of housing has skyrocketed, it has become much more difficult for low-income households to afford to continue living in the District. More than one in ten DC residents is facing housing insecurity.<sup>1</sup> Low-income Black DC residents are facing the worst consequences of this housing crisis: Black residents account for 68% of those facing housing insecurity.<sup>2</sup> Rising housing costs and gentrification have led to "displacement of a substantial percentage of

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<sup>1</sup> Solari, Claudia et al, *Housing Insecurity in the District of Columbia*, Urban Institute, Nov. 16, 2023, 2, <https://www.urban.org/research/publication/housing-insecurity-district-columbia>.

<sup>2</sup> Ibid.

residents with lower incomes who [...] are disproportionately African American.”<sup>3</sup> The scope of the affordable housing crisis facing the region is now massive, and will require local jurisdictions to mount equally massive, thoughtful, and immediate investments in response.

Last year the Metropolitan Washington Council of Governments (COG) and eight local jurisdictions, including DHCD and other agencies on behalf of the District, published the draft Regional Fair Housing Plan, which identified local barriers to fair housing choice and strategies for overcoming those barriers. A core focus of the plan is increasing affordable housing to combat the tide of worsening segregation in the region.

We commend the District’s use of federal funds to “create, preserve, and protect affordable housing and promote community development.”<sup>4</sup> This aligns with fair housing impediments identified and recommendations made in the Regional Fair Housing Plan.<sup>5</sup> The draft Annual Action Plan highlights some laudable recent achievements in line with this goal. For example, DHCD acquired the Aston Building in Foggy Bottom and will soon open “the first of its kind non-congregate Bridge Housing building for individuals who are medically vulnerable, matched to housing, or those who cannot be served by congregate settings.”<sup>6</sup> Another success has been the reduction in homelessness by nearly 23% and family homelessness by about 50% in the past three years.<sup>7</sup> The report attributes this decrease to the District’s multi-faceted approach to end chronic homelessness, including homelessness prevention efforts, scattered shelter sites across the city, and “a housing first approach” that assesses “each family’s needs and matching them to a housing resource to move them out of shelter and into stable housing as quickly as possible.”<sup>8</sup>

### *DC’s Affordable Housing Must Be Equitably Located Throughout the City to Reduce Neighborhood Segregation*

At the same time, we urge District government to recognize and act on the role of new construction of affordable housing in exacerbating already extreme levels of racial segregation across the city’s neighborhoods. In 2019, the Mayor launched a campaign to produce by 2025 a total of 36,000 housing units with at least 12,000 affordable housing units.<sup>9</sup> The affordable housing units were to be located equitably throughout the city, which would help reduce neighborhood segregation and racial inequities in the city. This is because much of the District’s

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<sup>3</sup> Metropolitan Washington Council of Governments, *Washington Regional Fair Housing Plan: District of Columbia*, Nov. 2023, p. 15 and 192, [www.mwcog.org/assets/1/28/DC\\_final\\_withcover1.pdf](http://www.mwcog.org/assets/1/28/DC_final_withcover1.pdf).

<sup>4</sup> Department of Housing and Community Development, *FY 2025 Annual Action Plan – Draft*, p. 12, [dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf](http://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf).

<sup>5</sup> Metropolitan Washington Council of Governments, *Metropolitan Washington Regional Fair Housing Plan*, 2023, [www.mwcog.org/community/planning-areas/housing-and-homelessness/fair-housing/](http://www.mwcog.org/community/planning-areas/housing-and-homelessness/fair-housing/).

<sup>6</sup> Department of Housing and Community Development, *FY 2025 Annual Action Plan – Draft*, p. 60, [dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf](http://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf).

<sup>7</sup> *Ibid*, p. 57.

<sup>8</sup> *Ibid*, p. 57 and 59.

<sup>9</sup> Schweizer, Ally, “Here’s Where D.C. Mayor Bowser Wants To Put New Affordable Housing,” 15 Oct 2019, [wamu.org/story/19/10/15/heres-where-d-c-mayor-bowser-wants-to-put-new-affordable-housing/](http://wamu.org/story/19/10/15/heres-where-d-c-mayor-bowser-wants-to-put-new-affordable-housing/).

affordable housing is currently located in RE/CAPs (Racially or Ethnically Concentrated Areas of Poverty).<sup>10</sup> Most of the District’s RE/CAPs are located in the Southeast quadrant of the city and almost 95% of residents in these communities are Black.<sup>11</sup>

Regrettably, despite this ambitious goal, efforts to construct affordable housing in the wealthier, whiter neighborhoods of the city have gone practically nowhere: “Far Southeast and Southwest areas of Washington, DC, have more than 15,000 affordable units, or about 31 percent of all the District's affordable housing. In contrast, the Rock Creek West area has fewer than 500 affordable units or approximately one percent of the District's supply of affordable housing.”<sup>12</sup> The Regional Fair Housing Plan notes this inequitable distribution of affordable housing worsens already entrenched neighborhood segregation.<sup>13</sup> All District agencies and elected officials have an obligation to ensure that affordable housing is built throughout the city and that all neighborhoods contain their fair share of such units so that low-income residents have a meaningful choice regarding where they live. Doing so is necessary to chipping away at entrenched racial segregation that scars the city.

*DHS Must Halt Terminations of Rapid Rehousing Recipients that Qualify for Long-Term Housing Assistance*

The plan also lauds DHS’s recent reforms to extend the length of the Rapid Rehousing (RRH) program and to conduct more frequent assessments of whether a family qualifies for longer term housing assistance. Many families who do not qualify for longer-term housing assistance “struggle to maintain the unit after assistance [from Rapid Rehousing] ends given the high cost of housing in the District and stagnant wages that haven't kept pace with housing costs [...]”<sup>14</sup> Less than 1% of families that exited RRH in the last two years stayed in their unit with sufficient income to cover rent.<sup>15</sup> With this in mind, the ERC was extremely troubled by DHS’ recent decision to begin terminating over 2,000 households from the RRH program who have been deemed eligible for permanent vouchers.<sup>16</sup> The wait time to receive a permanent housing voucher can be months, sometimes even more than a year.<sup>17</sup> Terminating these households from RRH in the meantime is inconsistent with DC’s commitment to a housing first approach. It also

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<sup>10</sup> Metropolitan Washington Council of Governments, *Washington Regional Fair Housing Plan: District of Columbia*, Nov. 2023, p. 128, [www.mwcog.org/assets/1/28/DC\\_final\\_withcover1.pdf](http://www.mwcog.org/assets/1/28/DC_final_withcover1.pdf).

<sup>11</sup> Metropolitan Washington Council of Governments, *Washington Regional Fair Housing Plan: District of Columbia*, Nov. 2023, p. 45 and 48, [www.mwcog.org/assets/1/28/DC\\_final\\_withcover1.pdf](http://www.mwcog.org/assets/1/28/DC_final_withcover1.pdf).

<sup>12</sup> Department of Housing and Community Development, *FY 2025 Annual Action Plan – Draft*, p. 66, [dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf](http://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf).

<sup>13</sup> Metropolitan Washington Council of Governments, *Washington Regional Fair Housing Plan: District of Columbia*, Nov. 2023, p. 128, [www.mwcog.org/assets/1/28/DC\\_final\\_withcover1.pdf](http://www.mwcog.org/assets/1/28/DC_final_withcover1.pdf).

<sup>14</sup> *Ibid*, p. 61.

<sup>15</sup> Department of Human Services, *2024 Pre-Hearing Responses*, p. 54, [lims.dccouncil.gov/Hearings/hearings/239](https://lims.dccouncil.gov/Hearings/hearings/239).

<sup>16</sup> Harding, Amber, “Council must stop displacement of over 2,000 families from housing,” *The DC Line*, 8 May 2024, [thedcline.org/2024/05/08/amber-w-harding-council-must-stop-displacement-of-over-2000-families-from-housing/](https://thedcline.org/2024/05/08/amber-w-harding-council-must-stop-displacement-of-over-2000-families-from-housing/).

<sup>17</sup> Flynn, Meagan and Marissa Lang, “D.C. residents face long housing aid delays as 3,100 vouchers sit unused,” *Washington Post*, 8 Oct 2023, [www.washingtonpost.com/dc-md-va/2023/10/08/dc-housing-voucher-delays/](https://www.washingtonpost.com/dc-md-va/2023/10/08/dc-housing-voucher-delays/).

puts these families at immediate risk of re-entering the city’s homeless services system when their assistance ends and they can no longer afford the rent. Finally, it will also worsen racial inequity in housing given that 97% of families that receive Rapid Rehousing identify as Black.<sup>18</sup> DHS should immediately commit to maintaining a household’s RRH subsidy while they complete the eligibility process for longer-term housing assistance.

### *DCHA Must Rehabilitate Public Housing Not Privative Buildings*

With all the challenges facing the construction and preservation of affordable housing in the private market, public housing serves as one of the few pathways towards long-term housing stability for many low-income renters. Additionally, public housing has a significant impact on racial equity in the context of housing in the city. While 48% of the District’s residents are Black,<sup>19</sup> 97% of the District’s 8,750 residents living in public housing identify as Black.<sup>20</sup> Therefore, the District’s compliance with Affirmatively Furthering Fair Housing (AFFH) requirements under the Fair Housing Act depends in part on the placement and maintenance of its public housing stock throughout the city.

Unfortunately, many of DCHA’s properties are in abysmal condition due to years of neglect from a lack of funding.<sup>21</sup> DCHA’s proposed solution appears to be the redevelopment of much, potentially even all, of its public housing stock, stating that it “anticipates removing up to 7,937 units from the agency’s public housing portfolio[...].”<sup>22</sup> This strategy is contrary to the District’s obligation to affirmatively further fair housing and DCHA’s goal to “preserve and grow its affordable housing portfolio.”<sup>23</sup>

Public housing also plays a critical role for low-income families due to the dearth of larger sized rental units in the private market. A quarter of households living in public housing reside in a unit with three or more bedrooms.<sup>24</sup> In comparison, only 5% of the rental apartment units in the

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<sup>18</sup> Department of Human Services, “Taskforce Presentation Overview of the Family Re-Housing and Stabilization Program (FRSP)”, 2019, [dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/FRSP%20Taskforce%201%20-%20Presentation%2009112019\\_1.pdf](https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/FRSP%20Taskforce%201%20-%20Presentation%2009112019_1.pdf).

<sup>19</sup> United States Census Bureau, “American Fact Finder,” [factfinder.census.gov/faces/tables/services/jsf/pages/productview.xhtml?src=bkmk](https://factfinder.census.gov/faces/tables/services/jsf/pages/productview.xhtml?src=bkmk).

<sup>20</sup> Department of Housing and Urban Development, “Picture of Subsidized Households”, DC Public Housing 2023 dataset, [www.huduser.gov/portal/datasets/assths.html](https://www.huduser.gov/portal/datasets/assths.html).

<sup>21</sup> U.S. Department of Housing and Urban Development, *District of Columbia Housing Authority (DC001) Assessment*, Oct. 2022, p. 30-35, [oag.dc.gov/sites/default/files/2022-10/DCReview\\_Final%209302022%20%281%29.pdf](https://oag.dc.gov/sites/default/files/2022-10/DCReview_Final%209302022%20%281%29.pdf).

<sup>22</sup> District of Columbia Housing Authority, *Draft FY2025 Moving to Work Plan*, 7 June 2024, [www.dchousing.org/ProposedMTWPlan#:~:text=The%20FY%202025%20MTW%20Annual,requirements%20applicable%20to%20MTW%20agencies](https://www.dchousing.org/ProposedMTWPlan#:~:text=The%20FY%202025%20MTW%20Annual,requirements%20applicable%20to%20MTW%20agencies).

<sup>23</sup> Department of Housing and Community Development, *FY 2025 Annual Action Plan – Draft*, p. 55, [dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf](https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Draft%20FY%202025%20District%20Annual%20Action%20Plan.pdf).

<sup>24</sup> Department of Housing and Urban Development, “Picture of Subsidized Households”, DC Public Housing 2023 dataset, [www.huduser.gov/portal/datasets/assths.html](https://www.huduser.gov/portal/datasets/assths.html).

city have three or more bedrooms.<sup>25</sup> Other forms of affordable housing rarely meet the needs of larger families because “[p]roject-based Section 8 and other multifamily assisted developments have a high preponderance of smaller units.”<sup>26</sup> Further, redevelopments of subsidized housing in the last few years have frequently failed to replace family-sized units that are demolished with the same size or larger units, even in developments where there has been a commitment of one-to-one replacement of units.<sup>27</sup> The private housing market’s dismal track record in building family sized units highlights the importance of maintaining and rehabilitating public housing so that families with children, who are explicitly protected under the Fair Housing Act, are not displaced from our community.<sup>28</sup> In order to comply with its fair housing obligations and prevent the displacement of District families, DCHA must stop privatizing units and instead focus its efforts on rehabilitating and maintaining its public housing stock.

As discussed above, the ERC appreciates the District’s commitment to increasing affordable housing and encourages the city to take the several important steps to promote affordable housing, improve racial equity, and meet its obligation to affirmatively further fair housing (AFFH). First, DHS must commit to halting terminations, and reversing any that have already occurred, of RRH participants for length of program participation if they have been deemed eligible for longer-term housing assistance. Second, the District must construct and preserve affordable housing equitably throughout the city to promote neighborhood integration and avoid creating or exacerbating RECAPs. Third, DCHA must commit to repairing and maintaining its public housing stock without privatizing its portfolio.

Again, the ERC appreciates the opportunity to submit this comment regarding the draft Annual Action Plan. We also look forward to collaborating with DHCD and other District agencies to promote fair housing in the city. Should you have any questions about our comments on the draft Annual Action Plan, I’m happy to discuss our perspective further.

Best regards,

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<sup>25</sup> DC Policy Center. *Appraising the District’s rentals – Landscape of Rental Housing*. 1 Apr. 2020.

[dcpolicycenter.org/publications/appraising-the-districts-rentals-chapter-ii/](https://dcpolicycenter.org/publications/appraising-the-districts-rentals-chapter-ii/).

<sup>26</sup> Metropolitan Washington Council of Governments, *Washington Regional Fair Housing Plan: District of Columbia*, Nov. 2023, p. 125, [www.mwcog.org/assets/1/28/DC\\_final\\_withcover1.pdf](https://www.mwcog.org/assets/1/28/DC_final_withcover1.pdf).

<sup>27</sup> McCabe, Brian, “DC’s New Communities Initiative, Explained,” 10 Feb 2021, [ggwash.org/view/80371/what-is-dcs-new-communities-initiative-anyway](https://ggwash.org/view/80371/what-is-dcs-new-communities-initiative-anyway).

<sup>28</sup> DC Housing Authority, *FY2024 Moving To Work Plan*, 30 Apr. 2023, p. 8, [www.dchousing.org/wordpress/wp-content/uploads/2023/04/DCHA-FY2024-Plan\\_Public-Comment.pdf](https://www.dchousing.org/wordpress/wp-content/uploads/2023/04/DCHA-FY2024-Plan_Public-Comment.pdf).