



Equal Rights Center’s Testimony Regarding the FY2024 Performance of the DC Housing Authority

Testimony Submitted Online on March 5, 2025 and Abridged Version Read at the Public Hearing on March 6, 2025

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 and DC Human Rights Act as needed, and conduct education and outreach about fair housing protections and requirements. The ERC appreciates the opportunity to submit testimony for the 2025 performance oversight hearing of the District of Columbia Housing Authority (DCHA).

DC’s Affordable Housing Crisis Can’t be Fully Addressed Until DCHA Commits to Major, Long-Term Changes

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 living in the District. Low-income Black DC residents are facing the worst consequences of this housing crisis, and over 90% of the District’s housing voucher holders and public housing residents identify as Black.¹ Therefore, the District’s compliance with Affirmatively Furthering Fair Housing (AFFH) requirements under the Fair Housing Act depends on its ability to improve DCHA performance.

DCHA program participants and local advocates, including the ERC, have been ringing the alarm about a multitude of dire problems at the agency for years. These concerns were reinforced by HUD’s 2022 audit of DCHA. **We appreciate the renewed interest from DC councilmembers in providing more meaningful oversight of DCHA in response to that report; however, we are concerned that efforts so far have been too focused on improving the agency’s reputation in the short term rather than addressing the root causes of its underperformance.** To truly ensure that DCHA is meeting its charge, councilmembers and others responsible for oversight of the agency must develop an understanding of both how it came to have such stark problems and the broad-based, long-term overhaul that it desperately needs.

¹ Metropolitan Washington Council of Governments, *Metropolitan Washington Regional Fair Housing Plan – District of Columbia*, Nov. 2023, 130, https://www.mwcog.org/assets/1/28/DC_final_withcover1.pdf.

As the administrator of the District’s public housing and housing voucher programs, DCHA has an outsized role to play in combatting the affordable housing crisis, chipping away at ongoing housing segregation, and ensuring that the District is meeting its obligations to affirmatively further fair housing. As part of reform efforts, **we encourage Councilmembers to meaningfully collaborate with stakeholders, including advocates and DCHA program participants, who have spoken out about agency failures for years and who are in the best position to identify the broad-based and long-term solutions the agency needs to adopt.**

Various stakeholders will likely testify about a number of concerns regarding DCHA. In our testimony, **the ERC encourages DCHA to do the following:**

- A) Improve the rent reasonableness determination process and make it more transparent for program participants;**
- B) Overhaul the agency’s reasonable accommodations process to effectively serve people with disabilities; and**
- C) Improve communication with program participants.**

DCHA’s Changes to Its Payment Standards and Rent Reasonableness Process is Restricting Housing Choice for Voucher Holders

In July 2023, DCHA eliminated the use of neighborhood-based payment standards and reimplemented rent reasonableness assessments. The reimplementation of rent reasonableness assessments was a major change for DCHA, which may have stopped conducting such assessments as far back as 2009.² While the reimplementation of rent reasonableness was required under the HUD audit, the changes to the payment standards were not.

The ERC appreciates that DCHA has maintained higher payment standards than the annual standards set by HUD in order to promote housing choice among voucher program participants. However, the current approach to the payment standards and rent reasonableness determinations has made the housing search process even more confusing and opaque for both voucher holders and housing providers. DCHA now maintains a single citywide payment standard based solely on bedroom size. The agency also issues an Affordability Notice to program participants that lists the payment standard and their portion of the rent should the gross rent be at or below the payment standard. The notice also lists the maximum gross rent DCHA will pay if a household were to pay the maximum 40% of their income towards rent. This is the only information a voucher holder has available to them when screening properties during their housing search and deciding where to apply. Similarly, a housing provider has no way to determine whether their unit might pass a rent reasonableness assessment at the time of screening a voucher holder’s application.

Once a housing provider approves a voucher holder’s application and submits a Request for Tenancy Approval (RFTA) package, DCHA reviews the package and conducts a rent reasonableness assessment through a tool provided by affordablehousing.com. Unlike other Public Housing Authorities (PHAs), where staff will individually determine a rent

² Thompson, Steve and Dalton Bennett, “D.C. overpays landlords millions to house the city’s poorest,” Washington Post, 16 Feb. 2023, www.washingtonpost.com/investigations/2023/02/15/dc-housing-authority-overpays-landlords/.

reasonableness range and verify whether the unit falls within that range, DCHA's tool automatically approves or rejects the unit based on whether it finds the exact rent to be reasonable. As very few entities outside of DCHA have access to the tool, it is generally impossible for a voucher holder or housing provider to verify whether the unit is likely to be deemed rent reasonable prior to the submission of a RFTA package. As DCHA has eliminated the use of neighborhood-based payment standards, voucher holders and housing providers lack any point of reference for what may be considered reasonable rent in a given neighborhood and are simply left to guess.

This lack of transparency has created significant confusion. Voucher holders frequently believe that DCHA will approve any unit with rent that is within the citywide payment standard, only to discover later that DCHA has rejected a unit for not being rent reasonable. In fact, **DCHA deemed 55% of units in FY2024 to not be rent reasonable.**³ The ERC has heard from multiple voucher holders who have spent hundreds of dollars on application fees only to have unit after unit rejected by DCHA for not being rent reasonable. **This process results in voucher holders spending additional money on application fees that they can ill afford and puts households through an emotional roller coaster** as their initial excitement over being approved for tenancy is dashed when DCHA rejects the unit for rent reasonableness, leaving the voucher holder to restart their housing search from scratch.

In mid-2024 DCHA hired 3 Housing Locators who can run a limited number of rent reasonableness assessments for voucher holders as they conduct their housing searches. While this is a positive development, few voucher holders seem to be aware of the resource. Additionally, should more voucher holders request assistance from the Housing Locators, it seems likely they would quickly reach capacity. DCHA ran 9,699 rent reasonableness assessments during RFTA package reviews in FY2024.⁴ If we assume an average household would inquire about three properties at a time before deciding where to apply, then each housing locator could be tasked with conducting about 37 rent reasonableness assessments a day, which does not seem sustainable long-term.⁵ While Housing Locators bring increased transparency to the rent reasonableness process, they cannot be the primary solution to the broad-based challenges posed by DCHA's current approach to rent reasonableness.

Signs also suggest that DCHA's rent reasonableness tool may be riddled with erroneous data, which could be resulting in the assessments inaccurately rejecting a unit. Very few entities have access to DCHA's rent reasonableness tool hosted by affordablehousing.com, making it difficult to assess its reliability. However, a PSH provider with access to the tool testified last year that it contained a troubling level of inaccurate data.⁶ The ERC recently asked DCHA for data regarding the total appeals made in FY2024 for rent reasonableness denials and the percentage of appeals that were successful, but DCHA stated that it does not track such data. However, in a small sample size of 30 rent reasonableness rejections DCHA issued last fall, all

³ DCHA, "FY2025 Performance Oversight Response to Pre-Hearing Questions", 2 March 2025, 43, available at <https://lims.dccouncil.gov/Hearings/hearings/675>.

⁴ DCHA, "FY2025 Performance Oversight Response to Pre-Hearing Questions", 2 March 2025, 43, available at <https://lims.dccouncil.gov/Hearings/hearings/675>.

⁵ This estimate assumes that there are 260 business days in a year.

⁶ Gabrielle Johns of Community of Hope, February 22, 2024 DCHA performance oversight hearing testimony, available at <https://lims.dccouncil.gov/Hearings/hearings/238>.

30 were appealed and 23 of those appeals were successful.⁷ If this trend holds more broadly, it would seem to suggest that a lack of data and/or inaccurate data is resulting in many units being improperly rejected for rent reasonableness. It also places the burden on individual housing providers to appeal and contest the information in the assessments, but the appeals process creates undue, potentially multi-month delays to the start of a voucher holder's tenancy. It also means that housing providers who may not have wanted to rent to voucher holders in the first place can simply choose to not appeal a rent reasonableness denial as a way to skirt the District's robust source of income protections in housing.

DCHA must work to make it possible to better identify whether a unit is likely to be deemed rent reasonable so voucher holders can make more informed decisions about which units to apply to. As an immediate step, the agency should also publish rent ranges by neighborhood and bedroom size regarding what rent rates are likely to be found to be rent reasonable. Additionally, DCHA should review the assessments conducted thus far for any patterns regarding whether units in certain neighborhoods are more likely to be rejected as not rent reasonable, as that may be reflective of poor quality data or inaccurate calculations regarding what rent is reasonable in a given neighborhood. These steps are critical to avoid unduly and unfairly restricting the fair housing choice of voucher holders and to maintain the agency's duty to Affirmatively Further Fair Housing (AFFH).

DCHA Must Overhaul Its Reasonable Accommodations Process to Effectively Serve People with Disabilities

DCHA must also do more to ensure that people with disabilities have equal access to housing under its programs. **DCHA has obligations to equitably serve and house participants with disabilities under various federal and local civil rights laws, including the Fair Housing Act, Section 504 of the Rehabilitation Act, American with Disabilities Act, and DC Human Rights Act.** As part of these obligations, DCHA must make reasonable accommodations for program participants with disabilities. A reasonable accommodation is a change, exemption, or adjustment to a rule, policy, practice, or service that may be necessary to provide equal opportunity to a person with a disability.⁸ DCHA reports it received only 403 reasonable accommodation requests in FY2024.⁹ This seems extremely low given that about a quarter of District households in the Housing Choice Voucher Program and public housing include one or more people with disabilities, and could be a sign that DCHA is failing to properly handle reasonable accommodations requests.¹⁰

Further, **DCHA's ADA/Section 504 Office staff seem to lack even a basic understanding of the rights of people with disabilities.** For instance, in response to a reasonable accommodation request for a voucher holder's RFTA package to be expedited, ADA/Section 504 staff stated that the office "does not handle that" and stated the request needed to be made to the Housing Choice Voucher Program department. In another instance, after the ERC submitted documentation that a

⁷ DCHA shared this information at a meeting with advocates on October 24, 2024.

⁸ HUD, "Reasonable Accommodations and Modifications," https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications.

⁹ DCHA, "FY2025 Performance Oversight Response Attachments to Pre-Hearing Questions," 2 March 2025, 625.

¹⁰ HUD, "Picture of Subsidized Households: DC Public Housing and Housing Choice Vouchers," 2024, <https://www.huduser.gov/portal/datasets/assthsg.html>.

voucher holder was hospitalized and requested a reasonable accommodation for additional time to complete recertification, ADA/Section 504 Office staff stated, “I cannot speak on the recertification process for that is not my department.” The ERC has repeatedly had to define and explain what a reasonable accommodation is when assisting DCHA program participants with requesting such accommodations.

The challenges and delays in the reasonable accommodation review process can have harrowing consequences for DCHA program participants with disabilities. In one particularly Kafkaesque example, the ERC spent about a year advocating on behalf of a client with disabilities for approval of a live-in aide and transfer to a larger unit—a common, typically uncontroversial reasonable accommodation. After months of dedicated advocacy by ERC staff, the unit transfer almost did not occur at the last minute because DCHA not only cancelled the client’s RFTA package but also cancelled rent payments for her current unit. DCHA contradictorily claimed both that they couldn’t proceed with her move and that her move had occurred so they stopped paying rent at her current unit. The client feared not only that her accommodation would never be granted but also that she could be evicted from her apartment after DCHA terminated rent payments. Her health also deteriorated and the symptoms of her disability worsened because she went without a live-in aide for such a long period of time.

The “ongoing, persistent, and undue delay in the implementation of approved reasonable accommodations” has become so “egregious” and pervasive that the OAG has sued DCHA in an effort to address the agency’s systemic failure to adequately accommodate program participants with disabilities.¹¹ It is unconscionable that people with disabilities languish in an unnecessarily complicated and confusing reasonable accommodations process. **DCHA must do a sweeping overhaul of its ADA/Section 504 Office to ensure that program participants with disabilities are able to receive the reasonable accommodations they need for their safety and well-being in a timely manner.**

DCHA Must Be More Communicative with Program Participants

DCHA must improve communication and its relationship with program participants. The ERC has received numerous calls over the last few years from DCHA program participants who express frustration and confusion with the agency. Common complaints from callers have included an inability to reach DCHA despite repeated contact attempts and a fear of losing out on a housing opportunity due to delays by the agency in completing the lease-up process. This poor customer service is not only time-consuming and emotionally discouraging, but it can also cause devastating and long-lasting negative outcomes for participants, up to and including a loss of housing.

Conclusion

While the ERC applauds DCHA’s continued use of increased payment standards as a critical tool to promote fair housing choice among voucher holders and contribute to neighborhood desegregation, we are highly concerned with the 2023 policy changes to payment standards and

¹¹2022-CA-002667-B, *District of Columbia v. District of Columbia Housing Authority* complaint filed June 16, 2022, 3-4.

rent reasonableness assessments. The ERC urges DCHA to review and revise its rent reasonableness process to improve transparency and outcomes for program participants. DCHA must also overhaul its reasonable accommodation process in order to equitably serve people with disabilities. Finally, DCHA must make a concerted effort to improve its customer service so that program participants are able to fully benefit from the agency's programs.

Thank you for this opportunity to testify. The ERC welcomes any opportunity to work in collaboration with DCHA and DC Council.