

**Testimony of Kate Coventry, Senior Policy Analyst
At the Public Hearing on
B22-0804, “Housing Conversion and Eviction Clarification Amendment Act of 2018”
B22-0809, “Eviction with Dignity Act of 2018”
B22-0461, “Eviction Prevention Act of 2017”
DC Council Committee on Housing and Neighborhood Revitalization
September 24, 2018**

Chairperson Bonds and members of the Committee, thank you for the opportunity to testify today. My name is Kate Coventry and I am a Senior Policy Analyst at the DC Fiscal Policy Institute. DCFPI is a non-profit organization that promotes budget choices to reduce economic and racial inequality and build widespread prosperity in the District of Columbia through independent research and thoughtful policy recommendations.

I am here today to recommend changes to Bill 22-0809, the “Eviction with Dignity Act of 2018” to better serve residents faced with eviction.

By way of background, in July the DC Council passed emergency legislation, the “Eviction Procedure Reform Emergency Amendment Act of 2018,” after the U.S. Marshals Service decided to no longer oversee the removal of tenants’ belongings during evictions. Instead, the Marshals now carry out evictions by simply changing the locks. This meant that without emergency legislation there would be no procedures to deal with tenants’ belongings. Bill 22-0809 is the proposed permanent legislation to address this issue.

DCFPI makes two recommendations for strengthening this legislation to support residents facing eviction.

Notice Requirements Should be Aligned to Ensure Access to the Emergency Rental Assistance Program

The emergency legislation requires landlords to notify tenants 14 days prior to the eviction date. This is a significantly shorter period of time than the notice tenants received under the previous eviction system. This short notification could have many impacts, including providing less time for tenants to access Emergency Rental Assistance Program (ERAP) funds that could pay their rental arrears and prevent their evictions. DCFPI recommends that the legislation be modified to provide enough notice for tenants facing eviction to access ERAP. The Committee should convene a meeting with the Department of Human Services the agency that administers ERAP, as well as ERAP providers and other stakeholders to discuss how much time tenants will need to access ERAP.

Longer Storage Period Needed for Tenants

Protecting tenants’ possessions during and after evictions can play an important role in helping them recover. As documented in the book *Evicted*: “Families lose not only their home, school, and neighborhood but also their possessions: furniture, clothes, books. It takes a good amount of money and time to establish a home. Eviction can erase all that.”¹ Evicted residents may also lose identity documents that are necessary for accessing benefits, enrolling in school, and applying for jobs.

The emergency legislation requires only seven days of storage in the rental unit after the U.S. Marshals Service carries out the eviction. At the end of seven days, the property may be deemed abandoned and the landlord may dispose of it or sell it. The Marshals' decision to change the eviction process means that evictions are happening much more quickly than they did under the old process. This leaves tenants with much less time to identify new housing or make plans to store their possessions.

It is likely that tenants will find it difficult to find housing they can afford within this short time period. As *Evicted* reports, "eviction often increases material hardship, decreases residential financial security, and brings about prolonged periods of homelessness."² DC residents face particular challenges due to the District's affordable housing crisis. Rising rents have eliminated nearly all low-cost housing options in the private market over the past decade,³ and thousands of subsidized apartments have been lost because the requirement to stay affordable ran out.⁴ As a result, most low-income residents must pay the majority of their income for rent or turn to friends and family for a short- or long-term place to stay.⁵ "Doubling up" can cause tension and overcrowding, and is often not a stable housing situation as one family may be asked to leave,⁶ possibly on short notice.

Additionally, families who enter shelter will have little space there for their things. And when they move out, most will receive only a bed and a dresser for each member of the family. Housing providers have reported to researchers that having needed furniture and household goods is one of the keys to housing stability. One provider reported "that the provision of whitegoods [appliances] and furniture to women fleeing violence in the home was critical in helping them avoid returning to their abusive partner."⁷ A veterans' housing provider reported "that there is nothing more chilling to a program participant than to make it all the way through the lease-up process and then walk in to a home devoid of furniture and the things necessary to the keeping and enjoyment of a home."⁸

DCFPI recommends that belongings be stored in the unit for 10 days, as proposed in B22-0809. If tenants are unable to move their belongings in that time period, the belongings should be moved to a storage facility for at least 30 days at no cost to the tenant. Under the previous eviction process, landlords had to pay for a team of movers to quickly move tenants' belongings outside so that the Marshals could oversee the entire furniture removal process. Now that the Marshals no longer oversee furniture removal, landlords do not have to pay for these movers. Instead landlords can pay for this needed storage.

Small and nonprofit housing landlords have expressed concerns about the costs of storage. DCFPI recommends that the District explore the possibility of publicly-provided or publicly-funded private storage for these landlords.

After the 30-day period of storage, DCFPI recommends that evicted tenants have the option to pay for the continuation of storage.

Stakeholders Should Meet to Discuss Outstanding Issues

The U.S. Marshals Service's decision to change its eviction practices provides the Council with the opportunity to create a system that better works for DC tenants. DCFPI urges the Committee to work with stakeholders to develop a process that allows residents sufficient time to obtain ERAP funds and move their belongings while addressing the concerns raised by small and nonprofit and landlords. DCFPI would be happy to participate in these conversations.

Thank you, and I am happy to answer any questions.

¹ Desmond, M. (2016). *Evicted: Poverty and Profit in the American City*. Crown.

² Ibid.

³ Rivers, W. (2015). *Going, Going, Gone: DC's Vanishing Affordable Housing*. Washington, DC: DC Fiscal Policy Institute. Retrieved from <http://www.dcfpi.org/wp-content/uploads/2015/03/Going-Going-Gone-Rent-Burden-Final-3-6-15format-v2-3-10-15.pdf>

⁴ According to DCFPI analysis of the DC Preservation Catalogue, 18 subsidized rental properties containing 2,280 affordable units were lost between 2004 and 2014 due to subsidy expiration. Most were properties with federal project-based rental assistance (Section 8), which is most likely to serve extremely low-income renters.

⁵ Zippel C. (2016) *A Broken Foundation: Affordable Housing Crisis Threatens DC's Lowest-Income Residents*. Retrieved from <https://www.dcfpi.org/wp-content/uploads/2016/12/DCFPI-Broken-Foundation-Housing-Report-12-8-16.pdf>

⁶ For the reason and destination of people who moved out of a “doubled-up” household, see: U.S. Department of Housing and Urban Development. (2015). *The 2014 Annual Homeless Assessment Report: Additional Forms of Homelessness and Housing Instability*. Retrieved from <https://www.hudexchange.info/onecpd/assets/File/2014-AHAR-Part-2-Additional-Forms-of-Homelessness-and-Housing-Instability.pdf>

⁷ Beer, A., Lester, L. and Hone, S. (2016) “A Home for All: Cost-Benefit Analysis of the Wyatt Trust Housing Initiative.” Retrieved at: <https://wyatt.org.au/wp-content/uploads/2016/08/A-Home-for-All-Report-2016-Wyatt-WEB1.pdf>

⁸ U.S. Department of Housing and Urban Development (April 2012) “HUD-VASH Best Practices – Version 1.0: A Working Document” Retrieved at <https://www.hud.gov/sites/documents/VASH-BESTPRACTICES.PDF>