



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

November 30, 2017

Council of the District of Columbia
1350 Pennsylvania Ave, NW
Washington, DC 20004

Re: Homeless Services Reform Amendment Act of 2017

Dear Councilmember,

There are many troubling aspects of the “Homeless Services Reform Amendment Act of 2017” (“HSRA”), and as evidenced by our earlier two letters, we remain firmly opposed to the passage of this bill. In this letter, however, we wanted to focus the Council’s attention on two provisions that have not yet attracted much attention but will have a devastating impact on those reentering society in our District. Under this proposed legislation, people exiting hospitals, jails, or other institutions after 180 days will no longer be eligible for shelter or permanent supportive housing. Moreover, people receiving in-patient treatment or entering jails may lose their right to return to permanent supportive housing upon their release.

We urge you to pay special attention to these portions of the bill, which will otherwise strip our most vulnerable community members of the only access to shelter, however transitional, they are often left with. It is clear that those reentering society after receiving long-term treatment related to illness, disability, mental health, or substance abuse require *strengthened* rather than weakened protections, especially given that individuals suffering from these issues are often most at risk of homelessness. For example, mental illness is often cited as the third largest cause of homelessness for single adults in large cities.¹

As for returning citizens, more than 60,000 DC residents have a prior conviction, and nearly 8,000 DC residents are released from incarceration each year.² Their search for stable housing often ends in homeless shelters; a recent study stated that approximately half of DC’s returning citizens begin in transitional housing.³ DC’s largest homeless shelter, The Community for Creative Non-Violence, is even referred to by the community as the District’s “third halfway house” given the sheer numbers of returning citizens who rely on this transitional housing for

¹ National Coalition for the Homeless, Mental Illness and Homelessness (2009), at 1.

² See D.C. Council Comm. on the Judiciary and Public Safety, “Report on Bill 20-642, the ‘Fair criminal records Screening Amendment Act of 2014’” (May 28, 2014)(“D.C. Report”) at 3; Council for Court Excellence, Unlocking Employment Opportunities for Previously Incarcerated Persons in the District of Columbia (2011)(“CCE Report”) at 7.

³ Sipes, L. A., Jr. (2006). Returning from prison to Washington, D.C.—“We make transition possible.” Washington, D.C.: CSOSA., p. 2.

shelter.⁴ Many returning citizens suffer homelessness *throughout their lives* as they repeatedly encounter pervasive barriers to economic and housing stability. When one of our clients was forced to move, he was turned away from multiple subsidized housing providers because of a seven-year-old, non-drug-related and non-violent misdemeanor conviction. He was 69 years old, and he was forced to sleep on friend's couches, in cars, under bridges, and in homeless shelters before he ultimately found more stable housing. His story unfortunately reflects a common experience among returning citizens in the District.


This Council has already recognized the pervasive barriers to housing stability that result in homelessness for so many of our returning citizens. Last year, Councilmembers Anita Bonds and Kenyan McDuffie introduced legislation that would help dismantle one such barrier, and the Fair Criminal Record Screening for Housing Act of 2016 ("FCRSHA") passed the Council with unanimous support. In advocating for the FCRSHA, Councilmember McDuffie acknowledged that "[f]inding affordable housing is a challenge for everyone in the District, and even more so for returning citizens,"⁵ who "are generally not given the same consideration in employment or housing."⁶ For those that are turned away because of their criminal history, no matter the age or nature of their prior conviction, transitional housing is often their only recourse to life on the streets.

The FCRSHA, which has been in effect for only two months, will not solve this issue overnight. And by removing the safeguard of transitional or supportive housing from returning citizens, the Council will be perpetuating and exacerbating the very issue it is attempting to remedy. Passing the HSRA will actively contradict and undermine the Council's admirable efforts to "assist in the reintegration of those with a criminal history,"⁷ and we therefore urge you to vote NO on this legislation.

Sincerely,



Jonathan Smith
Executive Director



Tiffany Yang
Skadden Fellow

⁴ Council for Court Excellence, *Beyond Second Chances: Returning Citizens' Re-Entry Struggles and Successes in the District of Columbia* (Dec. 2016), at 30.

⁵ Duggan, Paul, Proposed law would bar D.C. landlords from automatically rejecting applicants with criminal convictions, *The Washington Post* (Dec. 11, 2016).

⁶ Sadon, Rachel, D.C. Council Committee Moves to 'Ban the Box' for Housing, *DCist* (Nov. 30, 2016).

⁷ Introduction, "Fair Criminal Record Screening for Housing Act of 2016."