

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare that the Council is concerned that the Interagency Council on Homelessness Winter Plan of 2014-2015 will not meet the shelter needs of homeless families.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Regarding the Adequacy of the 2014-2015 Winter Plan Emergency Resolution of 2014”.

Sec. 2. The Council finds that:

(1) The Council of the District of Columbia has a long history of commitment to the welfare of homeless residents, beginning at least as early as Initiative 17, the District of Columbia Right to Overnight Shelter Act of 1984 (D.C. Law 5-146; D.C. Official Code § 4-701 *et seq.*).

(2) The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*) (“HSRA”), requires that whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees F., the District must make available appropriate space for any person in the District who is homeless and cannot access other shelter. The HSRA also requires that families be placed in apartment-style units or, if such units are not available, in private rooms.

(3) The HSRA includes a requirement that the Mayor, Department of Human Services, and other agencies comprising the Interagency Council on Homelessness (“ICH”) prepare a

1 “Winter Plan” to ensure the availability and adequacy of services for homeless individuals and  
2 families during hypothermia season.

3 (4) The Winter Plan prepared by the ICH for the winter of 2014-2015 and approved by  
4 unanimous vote on September 2, 2014, projects the need for shelter for 840 families, which  
5 represents a 16% increase over the number of families that needed shelter during the 2013-2014  
6 hypothermia season. However, as of September 2, 2014, the Winter Plan identifies a shelter  
7 inventory of only 409 family units, 431 families short of the projected need.

8 (5) During the harsh winter of 2013-2014, the District was unprepared to meet the needs  
9 of homeless families, which resulted in the District’s decision to shelter some families in  
10 recreation centers with only temporary partitions for privacy. The District also required families  
11 to leave with their children and all their family’s belongings every morning and reapply for  
12 shelter every day.

13 (6) The District’s placement of families in recreation centers in the winter of 2013-2014  
14 resulted in a class action lawsuit against the District of Columbia that resulted in a temporary  
15 injunction enjoining the District from sheltering families in communal settings such as recreation  
16 centers, and which is still in effect.

17 (7) Despite concern expressed by some ICH members that overflow capacity for families  
18 had not been identified, and despite the experience of the District during the 2013-2014  
19 hypothermia season, the ICH unanimously approved the 2014-2015 Winter Plan on September 2,  
20 2014. Hypothermia season began November 1, 2014.

21 Sec. 3. The Council further finds:

22 (1) The Committee on Human Services (the “Committee”) convened a public oversight  
23 roundtable on the Winter Plan on October 29, 2014. At the request of the Mayor the October 29

1 meeting was recessed to give the executive additional time to provide critical information  
2 requested by the Committee. The Committee reconvened the public oversight roundtable on 2  
3 subsequent dates, November 10, and November 21, 2014. The meetings were recessed again on  
4 each of those dates because the requested information was not provided. The public oversight  
5 roundtable will reconvene on December 17, 2014.

6 (2) The purpose of the public oversight roundtable is for the Committee to obtain detailed  
7 information about the executive's specific plans to shelter families during hypothermia season  
8 2014-2015, and the budget that has been allocated by the executive to provide hypothermia  
9 shelter for homeless families pursuant to District law. Obtaining this information is part of the  
10 Committee's oversight responsibility.

11 (3) At the October 29<sup>th</sup> roundtable the interim director of the Department of Human  
12 Services ("DHS") stated that the agency was in the midst of a contract procurement process  
13 through which additional family shelter inventory would be added. She requested approximately  
14 a week for the process to be completed at which time she would report on the contract(s).

15 (4) The Committee has been informed that both contracts will be for over \$1 million, and  
16 therefore require Council action, but neither contract has been submitted to the Council.

17 (5) The Committee reconvened the public oversight roundtable on November 10 and  
18 again on November 21. Prior to and during each meeting the Committee renewed its requests for  
19 specific information from the executive, including details about -all contracts for additional  
20 family shelter inventory, as well as other information about the executive's plans to address  
21 family shelter capacity during the winter 2014-2015.

22 (6) Each of the subsequent two meetings of the public oversight roundtable was recessed  
23 when the interim director of the DHS testified that she was unable to provide the information

1 previously promised to the Committee. Each meeting was rescheduled on a date agreed to by the  
2 interim director and with her assurance that she would provide the specific plans and budget  
3 information requested by the Committee by the date of the next reconvened meeting.

4 (7) On November 21, 2014, the interim director testified that DHS was finalizing a  
5 contract to serve additional families needing shelter this winter, with the Days Inn on New York  
6 Avenue and with another motel for 170 and 90 hotel-style rooms, respectively.

7 (8) In response to the Committee's questions about the anticipated cost of the necessary  
8 additional shelter inventory and about how additional shelter was funded last year, the  
9 Committee learned the following:

10 (A) Since approximately 2008 there has been a \$10 million "swap" between DHS  
11 and the Child and Family Services Agency ("CFSA"). The "swap" occurs pursuant to a  
12 memorandum of understanding ("MOU").

13 (B) DHS receives \$10 million in federal TANF funds which it transfers to CFSA  
14 for family preservation initiatives at CFSA.

15 (C) CFSA receives \$10 million in local funds which it transfers to DHS to support  
16 TANF's federally-required Maintenance of Effort.

17 (D) Both CFSA and DHS submitted testimony that in FY 2014, CFSA did not  
18 utilize the \$10 million it had expected to receive pursuant to the MOU so the additional \$10  
19 million at DHS was used to fund the unanticipated shelter capacity in motels in FY 2014.

20 (E) In DHS' oral testimony on November 21 and in written responses provided by  
21 DHS on the same date, DHS indicated that their understanding was that in FY 2015 CFSA would  
22 again forgo the \$10 million transfer from DHS and DHS plans to use this money to fund the  
23 motel contracts for shelter.

1 (F) However, in written responses provided by CFSA, they indicate that they are  
2 **not** intending to forgo the \$10 million this year and are planning to utilize the \$10 million in  
3 federal TANF funds in FY 2015.

4 (9) Thus, more than one month into the 2014-15 hypothermia season, and despite  
5 repeated requests by the Committee, the executive has neither provided the Committee the  
6 detailed information requested about plans to meet over half the anticipated need for the District  
7 to provide legally required shelter for the District's homeless families, nor has the executive  
8 provided the Committee with the requested budget information related to the provision of these  
9 services.

10 (10) Specifically, the Committee has not received the details of contracts that have been  
11 referenced in testimony by the interim director of DHS on October 29, November 10, and  
12 November 21, 2014.

13 Sec. 4. It is the sense of the Council that:

14 (1) The 2014-2015 Winter Plan to address shelter for homeless families is inadequate to  
15 meet the anticipated needs for the District to provide shelter for homeless families during the  
16 2014-2015 hypothermia season.

17 (2) As the Mayor has not provided a plan or budget that will address the needs of  
18 homeless residents in great crisis, including the most vulnerable families in the District, the  
19 District may fail to fulfill its legal requirement to provide appropriate shelter for homeless  
20 families whenever actual or forecasted temperature, falls below 32 degrees F in the winter of  
21 2014-2015.

22 (3) The Council hereby expresses its concern that the ICH winter plan will not meet the  
23 shelter needs of homeless families this winter.

1           Sec. 5. The Chairman shall transmit copies of this resolution, upon its adoption, to the  
2 Mayor and the Interagency Council on Homelessness.

3           Sec. 6. This resolution shall take effect immediately upon publication in the District of  
4 Columbia Register.

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