



National Homelessness Law Center Testimony
Committee on Health Performance Oversight Hearing

Feb. 16, 2023

Good afternoon Councilmembers, and thank you for the opportunity to testify at today's Performance Oversight Hearing for the Deputy Mayor for Health and Human Services.

My name is Lily Milwit and I am a resident of Ward 1 and the Housing Not Handcuffs Attorney at the National Homelessness Law Center, where I work with advocates, organizers, and attorneys around the country to identify policies and practices that criminalize homelessness, and use the power of the law to replace those policies and practices with approaches that prioritize housing over handcuffs and provide dignity and humanity to people experiencing homelessness.

Though headquartered in D.C., the National Homelessness Law Center is national in focus. We typically engage with local advocates when criminalization policies and practices become so egregious as to demand national attention. It is in this capacity that we were made aware of the policy failures of the Deputy Mayor's office and the repeated and routine encampment evictions around the city.

I originally drafted this testimony last week, and focused the testimony on urging the Deputy Mayor's office to reconsider its planned encampment eviction in McPherson Square unless and until that office could make good on its promise and obligation to connect all unsheltered residents to accessible housing. I drafted that original version of my testimony in hopes that the Deputy Mayor's office, and the National Park Service, would heed the advice of the hundreds of local and national advocates urging the local and federal government to pause the expedited encampment eviction, at least until its original scheduled time in April, and respond to the reasonable requests of unsheltered D.C. residents to be connected to housing and resources before being forcibly displaced.

Instead, I rewrote my testimony yesterday evening after I, along with those advocates, spent most of yesterday bearing witness to the forced eviction and displacement of the unsheltered residents who called McPherson Square home, many of whom were living in McPherson Square only after having been displaced multiple times over the course of the last 18 months from encampment communities around the city, many of whom were waiting on local government officials to fulfill their promises of housing, many of whom have active complaints about the D.C. Shelter system and are awaiting responses, most of whom had no idea where they would be able to sleep last night, and all of whom thought they had until April to work with service providers and outreach workers on their housing plans.

We watched as these residents, surrounded by armed National Park Service police, were evicted and threatened with arrest. We watched as their survival materials, including tents, blankets, furniture items, supplies, and vital documents, were arbitrarily deemed invaluable and destroyed. We watched as service providers and outreach workers, many of whom have been in McPherson Square every day providing resources and forming relationships with unsheltered residents were denied entry into the park to help.

One person who did not watch yesterday's events unfold was Deputy Mayor Turnage. As NPS carried out his office's orders to clear the park two months ahead of schedule, as advocates and the media demanded

accountability for the policy failures that led us to this point, and as unsheltered residents sought answers and solutions, the Deputy Mayor was nowhere to be found.

This should not have been surprising to those of us who know that while the Deputy Mayor's office cited an inability to provide services and outreach to the residents of McPherson Square as justification for expediting the eviction, DMHHS did not have a presence in McPherson Square during the days, weeks, and months leading up to yesterday. Instead, it has been local activists and advocates, most of whom volunteer their time and many of whom themselves have lived experience of unsheltered homelessness in D.C., who have had to take on the work of providing basic necessities to residents of McPherson Square and attempting to connect them to housing and further resources.

As previously mentioned, many of McPherson Square's residents were living there only after having been displaced, in some cases multiple times, from encampment communities across the city. Those evictions, like yesterday's, were carried out at the behest of the Deputy Mayor's office and local government. In citing the large number of residents at McPherson Square for the reason that the Deputy Mayor's office cannot provide services and housing, the office is skirting its administrative and moral obligations by blaming problems and challenges that they themselves created. This is particularly reprehensible when we know that D.C. has adequate funds and supply to connect its unsheltered residents to accessible housing. Continued displacement without housing is not because of a lack of resources or solutions; it is because of a lack of political will.

After learning of the expedited eviction, the National Coalition for Housing Justice, a coalition of which the National Homelessness Law Center is part, made repeated offers to the Bowser administration to convene stakeholders, including residents of McPherson Square, to develop a plan to house unsheltered individuals using best practices and proven solutions and address the city's ongoing challenges in addressing homelessness. The Mayor's office ignored those offers for assistance and support, and instead went ahead with the eviction.

Yesterday's eviction was far from the first of its kind to be carried out in D.C., and it will, unfortunately, not be the last. These evictions, which have become a staple of D.C. Health and Human Services policy, do nothing to solve homelessness. They disperse residents into new encampment communities, disconnect them from services and community, and separate them from survival materials and facilities they need to maintain dignity and conduct life-sustaining activities, such as using the restroom, maintaining hygiene, storing belongings, eating, sleeping, and resting. These activities – the ones that those of us who are traditionally and stably housed often take for granted – are deemed illegal or practically impossible by continued and routine encampment evictions and raids. This is, by definition, criminalization of homelessness.

Not only does this kind of criminalization stand anathema to the policy promises and priorities espoused by this council and the Bowser administration, but it also runs counter to policy guidance promulgated by federal agencies, including the U.S. Interagency Council on Homelessness (USICH), which released its [“7 Principles for Addressing Encampments”](#) in June of 2022. That guidance specifically notes that encampment clearings and criminalization “result in adverse health outcomes, exacerbate racial disparities, and create stress, loss of identification and belongings, and disconnection from much-needed services. While these efforts may have the short-term effect of clearing an encampment from public view, without connection to adequate shelter, housing, and supportive services, **they will not succeed.**” This same guidance urges communities to engage encampment residents to develop solutions, conduct

comprehensive and coordinated outreach, address basic needs of unhoused people and provide storage for personal belongings, ensure access to shelter, and develop pathways to permanent housing and supports. D.C. We have heard directly from local partners on the ground and McPherson Square residents that the city did **not** engage residents in its planning, did **not** attempt to meet their basic needs, and did **not** ensure access to shelter or pathways to permanent housing before initiating encampment clearings in McPherson Square or elsewhere.

Just last month, USICH released its [Federal Strategic Plan to Prevent and End Homelessness](#), which states clearly that “‘out of sight, out of mind’ policies can lead to lost belongings and identification which can set people back in their pathway to housing; breakdowns in connection with outreach teams, health care facilities, and housing providers; increased interactions with the criminal justice system; and significant traumatization – all of which can set people back in their pathway to housing and disrupt the work of ending homelessness.”

In addition to this USICH guidance that plainly dissuades communities from initiating encampment clearings like the one planned in McPherson Square, other federal agencies, including the Centers for Disease Control and Prevention (CDC), which promulgated [guidelines](#) updated in February of 2022 that state in part, “[i]f individual housing options are not available, **allow people who are living unsheltered or in encampments to remain where they are**. Clearing encampments, even if just for certain hours, can cause people to disperse throughout the community and break connections with service providers.” The Department of Justice (DOJ) has also weighed in, stating in a Statement of Interest of the United States that, “criminalizing homelessness is both unconstitutional and misguided public policy, leading to worse outcomes for people who are homeless and for their communities.” *Bell v. Boise, et al.*, ECF XX, Case No. 1:09-cv-540-REB, Statement of Interest of the United States (DISTRICT Aug. 6, 2015).

Neither the Deputy Mayor’s office nor the National Park Service has meaningfully followed the guidance and suggestions from federal agencies. Rather, it seems to be the intention of these entities to ignore the clear guidance and protocols recommended by USICH, CDC, and the DOJ entirely. This is disappointing in any jurisdiction, but particularly in our Nation’s Capital, which should be striving to represent the rule of law and respect for legal and political processes.

Routinely clearing encampment sites, and then clearing the new ones that crop up as a result of the original clearings, seems to be D.C.’s sole response to rising homelessness and housing insecurity. While the D.C. City Council allocated substantial funds toward the housing choice voucher program and connecting unsheltered residents to housing, the Deputy Mayor’s office has not meaningfully engaged with unsheltered residents to connect them to these resources. Instead of utilizing these earmarked funds or leveraging federal resources that could be spent on expanding access to permanent affordable housing, the city continues to respond to homelessness with the same “out of sight, out of mind” approach that has never worked in the past, and that USICH governs against.

The city cannot continue to rely solely on encampment clearings to address a structural problem. The homelessness crisis in D.C. and elsewhere in the country will not be solved by constant displacement and criminalization, which creates and exacerbates harm instead of mitigating and reducing it. “Out of sight” may mean “out of mind” for the Deputy Mayor’s office, NPS, and other agencies and entities that would rather threaten and displace unhoused people out of existence than meaningfully engage with them to meet their housing needs. But these unsheltered residents are human beings and valuable members of our community who deserve dignity, humanity, autonomy, and housing. Their lives, stories, rights, and needs

will not be out of mind for the advocates, organizers, activists, service providers, community members, and voters who agree, and have made clear, that criminalization and displacement as a policy response to homelessness is ineffective, inhumane, and unacceptable. This constituency will continue to demand more and better from the Deputy Mayor's office and will continue to hold the Deputy Mayor accountable for the policy failures that exacerbate and prolong homelessness.

The National Homelessness Law Center remains available to work with the Deputy Mayor's office, in coordination with local advocates and people with lived expertise of homelessness, to explore best practices and alternatives to the current approach.

Thank you.