
COMMITTEE ON HUMAN SERVICES

COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
FISCAL YEAR 2023 COMMITTEE BUDGET REPORT



TO: Members of the Council of the District of Columbia

FROM: Councilmember Brianne K. Nadeau
Chairperson, Committee on Human Services

DATE: April 20, 2022

SUBJECT: Report and Recommendations of the Committee on Human Services on the
Fiscal Year 2023 Budget for Agencies Under Its Purview

The Committee on Human Services (“Committee”), having conducted hearings and received testimony on the Mayor’s proposed operating and capital budgets for Fiscal Year 2023 (“FY2023”) for the agencies under its purview, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on several sections in the Fiscal Year 2023 Budget Support Act of 2022, as proposed by the Mayor.

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I. SUMMARY

A. FISCAL YEAR 2023 AGENCY OPERATING BUDGET SUMMARY

<i>Fund Type</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY 2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
Child and Family Services Agency					
LOCAL FUND	\$143,084,000	\$144,992,000	\$160,774,675	(\$159,500)	\$160,615,175
FEDERAL PAYMENTS	\$204,000	\$328,000	\$0	\$0	\$0
FEDERAL GRANT FUND	\$66,589,000	\$71,899,000	\$60,142,469	\$0	\$60,142,469
FEDERAL GRANT FUND	\$0	\$0	\$320,000	\$0	\$320,000
PRIVATE GRANT FUND	\$310,000	\$325,000	\$0	\$0	\$0
PRIVATE DONATIONS	\$3,000	\$5,000	\$4,560	\$0	\$4,560
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$746,000	\$1,000,000	\$1,000,000	\$0	\$1,000,000
OPERATING INTRA-DISTRICT FUNDS	\$2,942,000	\$1,647,000	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$213,877,000	\$220,195,000	\$222,241,704	(\$159,500)	\$222,082,204
Department on Disability Services					
LOCAL FUND	\$101,223,000	\$134,064,000	\$136,489,171	(\$82,000)	\$136,407,171
FEDERAL PAYMENTS	\$0	\$605,000	\$98,520	\$0	\$98,520
FEDERAL GRANT FUND	\$32,973,000	\$32,928,000	\$34,326,268	\$0	\$34,326,268
FEDERAL MEDICAID PAYMENTS	\$15,355,000	\$14,195,000	\$14,428,661	\$0	\$14,428,661
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$11,435,000	\$14,755,000	\$11,415,012	\$0	\$11,415,012
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$0	\$1,200,000	\$0	\$1,200,000
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$0	\$100,000	\$0	\$100,000
OPERATING INTRA-DISTRICT FUNDS	\$293,000	\$246,000	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$161,279,000	\$196,793,000	\$198,057,632	(\$82,000)	\$197,975,632
Office of Disability Rights					
LOCAL FUND	\$1,016,000	\$1,349,000	\$627,570	\$0	\$627,570
FEDERAL GRANT FUND	\$507,000	\$633,000	\$1,452,359	\$0	\$1,452,359
OPERATING INTRA-DISTRICT FUNDS	\$208,000	\$255,000	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$1,731,000	\$2,238,000	\$2,079,929	\$0	\$2,079,929
Department of Human Services					
LOCAL FUND	\$0	\$0	\$4,674,900	\$0	\$4,674,900
LOCAL FUND	\$409,952,000	\$510,129,000	\$632,861,035	\$1,482,309	\$634,343,344
FEDERAL PAYMENTS	\$179,477,000	\$44,835,000	\$34,274,452	\$0	\$34,274,452

FEDERAL GRANT FUND	\$176,544,000	\$147,999,000	\$160,643,157	\$0	\$160,643,157
FEDERAL MEDICAID PAYMENTS	\$13,894,000	\$16,124,000	\$16,195,054	\$0	\$16,195,054
PRIVATE DONATIONS	\$16,000	\$0	\$0	\$0	\$0
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$900,000	\$100,000	\$0	\$100,000
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$0	\$696,427	\$0	\$696,427
OPERATING INTRA-DISTRICT FUNDS	\$18,756,000	\$3,503,000	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$798,640,000	\$723,489,000	\$849,445,025	\$1,482,309	\$850,927,334
Board of Ethics and Government Accountability					
LOCAL FUND	\$2,880.00	\$3,517,000	\$3,619,786	\$160,160	\$3,779,946
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$0	\$60,000	\$0	\$60,000
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$188,000	\$137,461	\$0	\$137,461
TOTAL GROSS FUNDS	\$2,880,00	\$3,705,000	\$3,817,247	\$160,160	\$3,977,407
Office of the Ombudsperson for Children					
LOCAL FUND	\$0	\$935,000	\$0	\$935,000	\$935,000
TOTAL GROSS FUNDS	\$0	\$935,000	\$0	\$935,000	\$935,000
Office for Deaf, Deaf Blind, Hard of Hearing					
LOCAL FUND	\$0	\$0	\$818,747	\$0	\$818,747
TOTAL GROSS FUNDS	\$0	\$0	\$818,747	\$0	\$818,747
GRAND TOTAL	\$1,175,527,000	\$1,147,355,000	\$1,276,460,285	\$2,335,969	\$1,278,796,254

B. FISCAL YEAR 2023 AGENCY FULL-TIME EQUIVALENTS

<i>Fund Type</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
Office for Deaf, Deaf Blind, Hard of Hearing					
LOCAL FUND	0.00	0.00	6.00	0.00	6.00
TOTAL FTE	0.00	0.00	6.00	0.00	6.00
Board of Ethics and Government Accountability					
LOCAL FUND	18.60	23.00	23.00	1.00	24.00
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	0.00	1.00	1.00	0.00	1.00
TOTAL FTE	18.60	24.00	24.00	1.00	25.00
Child and Family Services Agency					
LOCAL FUND	546.00	624.00	621.00	0.00	621.00
FEDERAL GRANT FUND	179.00	214.00	219.60	0.00	219.60
PRIVATE DONATIONS	0.00	0.00	0.00	0.00	0.00
PRIVATE GRANT FUND	2.00	2.00	0.00	0.00	0.00
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	0.00	0.00	0.00	0.00	0.00
TOTAL FTE	728.00	840.00	840.60	0.00	840.60
Department of Human Services					
LOCAL FUND	622.10	790.30	905.65	(4.00)	901.65
FEDERAL PAYMENTS	2.00	2.00	2.00	0.00	2.00
FEDERAL GRANT FUND	448.90	398.80	401.28	0.00	401.28
FEDERAL MEDICAID PAYMENTS	127.20	146.10	147.56	0.00	147.56
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	0.00	0.00	1.00	0.00	1.00
OPERATING INTRA-DISTRICT FUNDS	25.50	26.00	0.00	0.00	0.00
TOTAL FTE	1225.70	1363.20	1457.49	(4.00)	1453.49
Department on Disability Services					
LOCAL FUND	182.00	212.00	208.20	0.00	208.20
FEDERAL PAYMENTS	0.00	0.00	0.00	0.00	0.00
FEDERAL GRANT FUND	174.90	173.80	179.80	0.00	179.80
FEDERAL MEDICAID PAYMENTS	44.20	42.00	40.00	0.00	40.00
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	0.00	0.00	0.00	0.00	0.00
TOTAL FTE	409.30	400.60	428.00	0.00	428.00
Office of Disability Rights					
LOCAL FUND	8.40	11.00	11.00	0.00	11.00
FEDERAL GRANT FUND	3.00	3.00	3.00	0.00	3.00
TOTAL FTE	11.40	14.00	14.00	0.00	14.00

Office of the Ombudsperson for Children					
LOCAL FUND	0.00	5.00	0.00	5.00	5.00
TOTAL FTE	0.00	5.00	0.00	5.00	5.00
GRAND TOTAL	2393.00	2646.80	2770.09	2.00	2772.09

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C. FY 2023 - 2028 AGENCY CAPITAL BUDGET SUMMARY

<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Unspent Allotment (3/16/22)</i>	<i>FY23</i>	<i>FY24</i>	<i>FY25</i>	<i>FY26</i>	<i>FY27</i>	<i>FY28</i>	<i>6-year Total</i>
Department of Human Services									
CASE MANAGEMENT SERVICES- FEDERAL	Existing Balances	\$94,411,356	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CASE MANAGEMENT SERVICES- FEDERAL Total		\$94,411,356	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CASE MANAGEMENT SYSTEM - GO BOND	Existing Balances	\$351,521	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CASE MANAGEMENT SYSTEM - GO BOND Total		\$351,521	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY & TEMPORARY HOUSING FOR MEN	Existing Balances	\$1,968,698	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY & TEMPORARY HOUSING FOR MEN Total		\$1,968,698	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY AND TEMPORARY HOUSING UPGRADES	Mayor's Proposed FY23 Change	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,500,000
Mayor's Proposed FY23 Change	Existing Balances	\$6,277,422	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY AND TEMPORARY HOUSING UPGRADES Total		\$6,277,422	\$0	\$0	\$0	\$0	\$0	\$0	\$3,500,000
MADISON SHELTER	Mayor's Proposed FY23 Change	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,600,000
Mayor's Proposed FY23 Change	Existing Balances	\$2,600,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MADISON SHELTER Total		\$2,600,000	\$0	\$0	\$0	\$0	\$0	\$0	\$2,600,000
MP-TEMPORARY AND PERMANENT SUPPORTIVE HOUSING	Existing Balances	\$67,598	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MP-TEMPORARY AND PERMANENT SUPPORTIVE HOUSING Total		\$67,598	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENT 5	Approved FY22 CIP for FY23-27	\$0	\$17,500,000	\$0	\$0	\$0	\$0	\$0	\$29,734,364
Approved FY22 CIP for FY23-27	Mayor's Proposed FY23 Change	\$0	\$678,000	\$0	\$0	\$0	\$0	\$0	\$1,799,636
Mayor's Proposed FY23 Change	Existing Balances	\$10,465,049	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENT 5 Total		\$10,465,049	\$18,178,000	\$0	\$0	\$0	\$0	\$0	\$31,534,000

SINGLE SHELTER REPLACEMENTS - MP	Existing Balances	\$1,795,812	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENTS - MP Total		\$1,795,812	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENTS 3 AND 4	Mayor's Proposed FY23 Change	\$0	\$5,599,075	\$0	\$0	\$0	\$0	\$0	\$27,159,075
Mayor's Proposed FY23 Change	Existing Balances	\$36,317,847	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENTS 3 AND 4 Total		\$36,317,847	\$5,599,075	\$0	\$0	\$0	\$0	\$0	\$27,159,075
SINGLES SHELTER REPLACEMENT 1 AND 2	Mayor's Proposed FY23 Change	\$0	\$22,440,000	\$0	\$0	\$0	\$0	\$0	\$44,000,000
Mayor's Proposed FY23 Change	Existing Balances	\$29,990,340	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLES SHELTER REPLACEMENT 1 AND 2 Total		\$29,990,340	\$22,440,000	\$0	\$0	\$0	\$0	\$0	\$44,000,000
SMALL CAPITAL PROJECTS	Mayor's Proposed FY23 Change	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$5,831,167
Mayor's Proposed FY23 Change	Existing Balances	\$4,580,125	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SMALL CAPITAL PROJECTS Total		\$4,580,125	\$500,000	\$0	\$0	\$0	\$0	\$0	\$5,831,167
WARD 1 TEMPORARY HOUSING FOR FAMILIES	Existing Balances	\$2,631,763	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 1 TEMPORARY HOUSING FOR FAMILIES Total		\$2,631,763	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 3 TEMPORARY HOUSING FOR FAMILIES	Existing Balances	\$637,303	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 3 TEMPORARY HOUSING FOR FAMILIES Total		\$637,303	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 4 TEMPORARY HOUSING FOR FAMILIES	Existing Balances	\$393,679	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 4 TEMPORARY HOUSING FOR FAMILIES Total		\$393,679	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 5 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 5 TEMPORARY HOUSING FOR FAMILIES Total		\$606,142	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 6 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 6 TEMPORARY HOUSING FOR FAMILIES Total		\$1,270,176	\$0	\$0	\$0	\$0	\$0	\$0	\$0

WARD 7 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 7 TEMPORARY HOUSING FOR FAMILIES Total		\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 8 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 8 TEMPORARY HOUSING FOR FAMILIES Total		\$106,745	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Department of Human Services Total		\$194,621,576	\$46,717,075	\$0	\$0	\$0	\$0	\$0	\$114,624,242
Child and Family Services Agency									
CCWIS IMPLEMENTATION	Approved FY22 CIP for FY23-27	\$0	\$5,754,147	\$0	\$0	\$0	\$0	\$0	\$12,202,457
	Mayor's Proposed FY23 Change	\$0	(\$4,305,837)	\$0	\$0	\$0	\$0	\$0	\$27
	Existing Balances	\$4,299,993	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CCWIS IMPLEMENTATION Total		\$4,299,993	\$1,448,310	\$0	\$0	\$0	\$0	\$0	\$12,202,484
Child and Family Services Agency Total		\$4,299,993	\$1,448,310	\$0	\$0	\$0	\$0	\$0	\$12,202,484
Grand Total		\$198,921,569	\$48,165,385	\$0	\$0	\$0	\$0	\$0	\$126,826,726

D. TRANSFERS IN FROM OTHER COMMITTEES

<i>Sending Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Program</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
<i>Committee on Government Operations and Facilities</i>	\$370,000	0	Office of the Ombudsperson for Children	\$370,000	3	2000	Transfer in from the Committee on Government Operations and Facilities to help restore funding for the Office of the Ombudsperson for Children.	Recurring
<i>Committee on Government Operations and Facilities</i>	\$750,000	0	Department of Human Services	\$750,000	0	5020	Transfer in from Committee on Government Operations and Facilities to provide a one-time enhancement to DHS for Technical Assistance Grants Technical Assistance to Improve Service Delivery for Victims of Domestic and Sexual Violence,	One-Time
<i>Committee on Government Operations and Facilities</i>	\$300,000	0	Department of Human Services	\$300,000	0	5000	Transfer in from Committee on Government Operations and Facilities to provide a one-time enhancement to the Emergency Rental Assistance Program (ERAP) in DHS.	One-Time
<i>Committee on Recreation, Libraries, and Youth Affairs</i>	\$100,000	0	Child and Family Services Agency	\$100,000	0	4000	Transfer in from Committee on Recreation, Libraries, and Youth Affairs to Recurring enhancement to increase availability of subsidy funds awarded by the Close Relatives Caregiver Program.	Recurring
Total	\$1,520,000			\$1,520,000				

E. TRANSFERS OUT TO OTHER COMMITTEES

<i>Receiving Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Program</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
<i>Committee on Business and Economic Development</i>	\$180,000	0	Department of Small and Local Business Development	\$180,000	0	4000	Transfer out to the Committee on Business and Economic Development to fund the BSA subtitle, "DSLBD Grant Act of 2022."	One-Time
<i>Committee on Business and Economic Development</i>	\$27,000	0	Department of Small and Local Business Development	\$27,000	0	4000	Transfer out to the Committee on Business and Economic Development to provide a one-time enhancement to budgets of the Adams Morgan, Mid-City, Shaw, and Ward 1 Clean Teams.	One-Time
<i>Committee on Business and Economic Development</i>	\$30,000	0	Office of the Chief Financial Officer	\$30,000	0	5000	Revenue reduction for the purpose of funding a tax abatement, the 206 Elm St. N.W Real Property Tax Abatement Act of 2022, in the Committee on Business and Economic Development.	One-Time
Total	\$237,000			\$237,000				

G. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS

CHILD AND FAMILY SERVICES AGENCY

Operating Budget Recommendations

The Committee recommends **approval** of the Mayor's FY2023 proposed operating budget for the Child and Family Services Agency with the following modifications:

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Agency Programs	2045 - Family Services	0050 - Subsidies and Transfers	Since the agency began budgeting for this Activity in FY20, there has never been any spending under CSG 50 and there appears to be accruals in FY21	Recurring	\$0	(\$105,000)
3000 - Community Services	3090 - Clinical Health Services	0050 - Subsidies and Transfers	Historical underspending since FY20, agency has expended about 1/4 (24.6%) its budget about halfway through the fiscal year.	One-Time	(\$200,000)	\$0
3000 - Community Services	3090 - Clinical Health Services	0050 - Subsidies and Transfers	Historical underspending since FY20, agency has expended about 1/4 (24.6%) its budget about halfway through the fiscal year.	Recurring	\$0	(\$200,000)
4000 - Adoption and Guardian Subsidy Program	4012 - Grandparent Subsidy Activity	0050 - Subsidies and Transfers	One-time enhancement to increase the availability of subsidy funds awarded by the Grandparent Caregiver Program.	One-Time	\$0	\$50,000
4000 - Adoption and Guardian Subsidy Program	4013 - Close Relative Caregiver's Program	0050 - Subsidies and Transfers	Recurring enhancement to increase availability of subsidy funds awarded by the Close Relatives Caregiver Program.	Recurring	\$0	\$100,000
8000 - Community Partnerships	8020 - In-Home	0050 - Subsidies and Transfers	Agency has historically spent no more than \$0.17M , at its current rate it is projected to expend a little over \$0.2M and has current proposed budget of \$0.285M	One-Time	(\$75,000)	\$0
8000 - Community Partnerships	8020 - In-Home	0050 - Subsidies and Transfers	Agency has historically spent no more than \$0.17M , at its current rate it is projected to expend a little over \$0.2M and has current proposed budget of \$0.285M	Recurring	\$0	(\$75,000)

8000 - Community Partnerships	8030 - Prevention Services	0050 - Subsidies and Transfers	Recurring enhancement to fund an increase to home visiting grants to account for inflation and increased workforce demands.	Recurring	\$0	\$70,500
			Local Funds Total		(\$275,000)	(\$159,500)

Capital Budget Recommendations

The Committee recommends **approval** of the Mayor’s proposed FY2023 capital budget for the Child and Family Services Agency.

Policy Recommendations

1. CFSA’s safety planning and diversion practices raise due process and outcome tracking concerns that must be addressed as soon as possible. Although the Committee is heartened that the Agency is seeking to reform its safety planning practice and that a new safety planning policy is forthcoming, to seize this moment most fully, the Committee strongly urges CFSA to use the new safety planning policy to replace not only its current safety planning practices, but also its current diversion policy. There is no reason for there to be two distinct guidances and sets of internal processes governing out-of-home placements designed to avoid entry into foster care via the facilitation of temporary physical relocation outside the home. The potential for confusion, missing data, and inconsistent practices weighs in favor of making the new “safety planning” policy the “diversion” policy as well. No child should fail to benefit from improvements to “safety planning” because they were “diverted.” Additionally, any changes to safety planning and diversion policies must, at minimum, to protect the due process of parents and to allow CFSA and the Council to evaluate outcomes, do the following:
 - a. Prohibit caseworkers from using threats, misrepresentations, coercion, or undue influence to encourage or induce a family or proposed identified caretaker to arrive at a particular decision;
 - b. Require caseworkers, at any meeting at which diversion or safety planning is discussed, to identify and offer any supports and services applicable to a family’s needs;
 - c. Require caseworkers to explicitly state that any arrangement agreed to by a parent and proposed identified caretaker will be voluntary and that consent to any agreement can be revoked by the parent or proposed identified caregiver at any time, as well as require caseworkers to convey how the revocation of consent is to be communicated to the Agency;
 - d. Require caseworkers to invite parents to sign a Custodial Power of Attorney and to invite parents to provide a child’s birth certificate and any documents necessary for the child to access medical care and for the child and proposed identified caregiver to access social welfare benefits; and

- e. Provide for the ascertainment of any information that will allow the Agency to evaluate the efficacy of its safety planning practice, including being able to provide, each fiscal year, the following information:
- i. The number of safety plans into which families entered;
 - ii. The duration of the effective period of each safety plan;
 - iii. The number of children for whom the immediate safety issues addressed in the safety plan were resolved;
 - iv. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved;
 - v. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved and whose investigations or cases remained open;
 - vi. The number of children for whom the immediate safety issues addressed in the safety plan were resolved, but the child was later the subject of a report of suspected abuse or neglect;
 - vii. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved, and the child was later the subject of a report of suspected abuse or neglect;
 - viii. The number of children for whom the immediate safety issues addressed in the safety plan were resolved, but the child was later removed;
 - ix. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved, and the child was later removed; and
 - x. The reasons for which the immediate safety issues addressed in any safety plan were not resolved.

Although outcome tracking should be conducted through data reconciliation alone to the greatest extent possible, and although care should be taken not to unduly surveil children outside of care, the Agency—and the Council—must be able to tell how many and how long children are living under safety plans, and whether safety planning protects against future abuse and neglect.

2. The Committee recommends that CFSA collaborate with DCHA to use the Family Unification Program vouchers distributed through the Foster Youth to Independence Initiative to end homelessness for youth aging out of care who are prepared to live independently. Youth can, upon or before aging out, temporarily reside in supportive or transitional housing arrangements, or even in college dormitories, and still be eligible for an FYI FUP voucher up to age 24.¹ This is the case even if they are pregnant or parenting.² Increased reliance on the FYI program does not preclude the exercise of clinical discretion in individual case management or the determination that some youth, perhaps those with developmental

¹ HUD Notice PIH 2021-26 (Sept. 3, 2021).

² *Id.*

disabilities, are not prepared to live independently. CFSA and DCHA should work to achieve the 90 percent utilization of FUP vouchers that will allow them to request additional individual vouchers, optimizing the District's ability to end homelessness for system-involved families and youth.³

3. The Committee also recommends that CFSA incorporate Courtney's House, a community-based organization that provides holistic wraparound services to survivors of child sex trafficking, into the bridge program it is developing to ensure that youth have a safe place to stay when they enter care or return from abscondence. At the Agency's budget oversight hearing, Tina Frundt, the founder and Executive Director of Courtney's House, testified that more youth could be retained in care and kept out of coerced sex work if Courtney's House could offer them a place to stay for a few nights when they are entering or reentering care. The development of the bridge program presents an opportunity to support trafficked youth that should not be missed.
4. Finally, the Committee recommends that CFSA partner with CASA D.C. ("CASA"), a court-appointed volunteer child advocacy organization, to draw down additional Title IV-E funding and to supplement its mentoring, mental health, and educational support services. The Committee was pleased to see that the Agency had eliminated programming redundancies by partnering with OSSE and DYRS to re-envision its tutoring and mentoring services,⁴ but CFSA could offer additional supports to youth at no cost to itself by working with CASA. CASA's youth average a GPA six subpoints higher than the CFSA average,⁵ and CASA has just hired an educational specialist and ventured into the provision of clinical services. What's more, CFSA would be able to retain 25% of the Title IV-E funds it drew down because of a potential contractual relationship with CASA D.C.⁶ There is no reason to miss out on this unprecedented opportunity to expand the services and resources available to District children at little, if any, local cost.

³ *Id.*

⁴ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of CFSA Director Robert L. Matthews.

⁵ See 2022 Performance Oversight Responses, Child and Family Services Agency, Q133 (noting "an average GPA of 1.98 and a median GPA of 1.98"); *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Arika Adams, Executive Director, CASA for Children of D.C. (observing that CASA youth "averaged 2.6").

⁶ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Arika Adams, Executive Director, CASA for Children of D.C.

DEPARTMENT ON DISABILITY SERVICES

Operating Budget Recommendations

The Committee recommends **approval** of the Mayor's FY2023 proposed operating budget for the Department on Disability Services with the following modifications:

Program	Activity	CSG	Comments	Frequency	FY2022 Recommendation	FY2023 Recommendation
1000 - Agency Management	1015 - Training and Employee Development	0040 - Other Services and Charges	This activity has historically underspent about half its budget, even losing funding in FY22. Currently has a budget of \$158,119 which is larger than its FY21 allocation despite underspending	One-Time	(\$72,000)	(\$72,000)
1000 - Agency Management	1015 - Training and Employee Development	0040 - Other Services and Charges	This activity has historically underspent about half its budget, even losing funding in FY22. Currently has a budget of \$158,119 which is larger than its FY21 allocation despite underspending	Recurring	\$0	(\$72,000)
6000 - Developmental Disabilities Admin	6035 - DDA Service Planning and Coordination	0040 - Other Services and Charges	This activity has historically had a budget of \$27,000 and has underspent by more than \$24,000. A \$10,000 decrease would bring the budget to its FY22 allocation which is also projected to be underspent.	Recurring	\$0	(\$10,000)
			Local Funds Total		(\$72,000)	(\$154,000)

Policy Recommendations

1. In the Mayor's proposed budget, the funding for payment rate increases to direct support professionals does not reach the target of 117.6% of minimum or living wage until FY2025. While the Committee endeavored to move up the phase-in for DSP payment rates, it did not choose to do so, as there is an understanding that the phase-in is necessary for more robust data collection on rates and vacancies, as well as equitable application of funds for payment rate increases. Nevertheless, the Committee encourages DDS and DHCF to accelerate this process to the maximum extent possible over the next two fiscal years.
2. The Committee strongly recommends robust outreach to advertise expanded eligibility for DDA services when they become effective as of October 1, 2022. In addition to the Agency's planned outreach to those who were recently denied for

- services, DDS should proactively reach out to partners in the advocacy and service provider sectors, particularly those who work with adults with Autism. The committee requests that DDS track the number of applicants previously denied for services who reapplied, and which of them were accepted under new eligibility standards. The Committee also asks that the agency report on where DDA services may need to grow and improve in order to better serve the newly eligible population.
3. DDS continues to respond to the COVID-19 pandemic, and the subsequent public health emergency. Given the likelihood of future case surges, the Committee urges DDS to track the booster vaccination rate of both service providers and those they serve, and seriously consider incentives or requirements for service providers who have yet to reach significant booster vaccination rates for their employees. DDS should also continue to work with the DC Department of Health to assess the potential for long-term effects of COVID-19 infection among those it serves.
 4. The Committee commends DDS' work with the Mayor's Office on Racial Equity and supports the consideration of how provider referrals may be made more equitable; in executing this work over the coming year, the Committee requests that DDS report on deliverables from its work with ORE as soon as they are available.
 5. As DDS' new Housing Program Coordinator begins work, the Committee recommends that DDS ensure continued funding longevity for this program. The Committee requests that DDS report on new successful housing placements as a result of the Housing Program Coordinator's work over FY2023, as well as partnerships formed in order to deliver those placements. In particular, the Committee supports an effective housing on-ramp for those deemed newly eligible for DDS services under the "Developmental Disability Eligibility Reform Amendment Act of 2022". Additionally, the Committee requests that DDS focus on reducing vacancies in supportive living placements.

OFFICE OF DISABILITY RIGHTS

Operating Budget Recommendations

The Committee recommends **approval** of the Mayor's proposed FY2023 operating budget for the Office of Disability Rights.

Policy Recommendations

1. During the FY2023 budget oversight hearing, the Committee pressed the Office on whether agencies under the MOU with the City Administrator for ASL services availed themselves of those services at every appropriate occasion. ODR responded

in the affirmative, but the Committee remains concerned that there is not clear guidance as to when services should be requested. The Committee asks that ODR either develop that guidance or, should it exist, clearly communicate it to agencies and the public. At the 2022 performance oversight hearing, ODR provided the committee with a list of ASL requests for Advisory Neighborhood Commissions, which showed a vast imbalance in where interpretation was provided across the District. The Committee encourages ODR to work with the Office of Advisory Neighborhood Commissions (“OANC”) and its forthcoming director to better connect ANCs with these services.

2. At the FY2022 budget oversight hearing, the Committee asked ODR to review common accessibility mistakes in District government websites. The Agency indicated the following as frequent issues: broken links; search bars and other elements not properly tagged for screen readers; content in the form of scanned PDF files or PowerPoint files, not accessible to screen readers; and inconsistencies in typeface and font sizes. Now that a process for a top-to-bottom redesign of dc.gov will be initiated in FY2023, the Committee requests that ODR involve itself closely with that process in partnership with the Executive Office of the Mayor and the Office of the Chief Technology Officer, and report on how the website redesign is prioritizing accessibility and systematically eliminating issues common to the current site. The new dc.gov should be a national model for accessibility, particularly for mobile users.

DEPARTMENT OF HUMAN SERVICES

Operating Budget Recommendations

The Committee recommends **approval** of the Mayor’s proposed FY2023 operating budget for the Department of Human Services with the following modifications:

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Economic Security Administration	2030 - Case Management	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One-Time	(\$126,262)	\$0
2000 - Economic Security Administration	2030 - Case Management	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One-Time	(\$45,913)	\$0
2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #16773	One-Time	(\$8,816)	\$0

2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #2064	One-Time	(\$11,754)	\$0
2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #8106	One-Time	(\$11,754)	\$0
2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #86069	One-Time	(\$11,754)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation	One-Time	(\$36,540)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One-Time	(\$93,147)	(\$93,147)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	Recurring	\$0	(\$93,147)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation	One-Time	(\$69,885)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One-Time	(\$19,595)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #24657	One-Time	(\$9,354)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #30734	One-Time	(\$23,846)	(\$23,846)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #30734	Recurring		(\$23,846)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #6441	One-Time	(\$8,803)	\$0

2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #6787	One-Time	(\$6,921)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #90804	One-Time	(\$9,354)	\$0
2000 - Economic Security Administration	2055 - Monitoring and Quality Assurance	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One-Time	(\$116,434)	\$0
2000 - Economic Security Administration	2055 - Monitoring and Quality Assurance	0011 - Regular Pay - Cont Full Time	Fringe Benefits associated with Position #25160	One-Time	(\$15,897)	\$0
2000 - Economic Security Administration	2055 - Monitoring and Quality Assurance	0011 - Regular Pay - Cont Full Time	Fringe Benefits associated with Position #25422	One-Time	(\$13,910)	\$0
5000 - Family Services	5013 - Homeless Prevention	0050 - Subsidies and Transfers	One-time enhancement to the Project Reconnect program for the purpose of shelter diversion and rapid exit program for unaccompanied individuals.	One-Time	\$0	\$300,000
5000 - Family Services	5014 - Emergency Rental Assistance (ERAP)	0050 - Subsidies and Transfers	Transfer in from the Committee on Government Operations and Facilities to provide a one-time enhancement to ERAP in DHS.	One-Time	\$0	\$300,000
5000 - Family Services	5020 - Domestic Violence Services	0050 - Subsidies and Transfers	Transfer in from the Committee on Government Operations and Facilities to provide a one-time enhancement to DHS for Technical Assistance Grants for organizations supporting domestic violence survivors.	One-Time	\$0	\$750,000
5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One-Time	(\$75,506)	(\$75,506)
5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	Recurring	\$0	(\$75,506)

5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One-Time	(\$68,870)	(\$68,870)
5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	Recurring	\$0	(\$68,870)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #82739	One-Time	(\$19,330)	(\$19,330)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #82739	Recurring	\$0	(\$19,330)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #87495	One-Time	(\$17,631)	(\$17,631)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #87495	Recurring		(\$17,631)
5000 - Family Services	5023 - Homeless Service Continuum - Youth	0050 - Subsidies and Transfers	One-time enhancement for youth homelessness grants to increase base funding for the existing contracts of youth homelessness service providers.	One-Time	\$0	\$517,140
5000 - Family Services	5035 - Permanent Supportive Housing Families - Families	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One-Time	(\$56,806)	\$0
5000 - Family Services	5035 - Permanent Supportive Housing Families - Families	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #90789	One-Time	(\$14,543)	\$0
5000 - Family Services	5038 - Homeless Services Continuum - Individuals	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One-Time	(\$73,260)	\$0
5000 - Family Services	5038 - Homeless Services Continuum - Individuals	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #34490	One-Time	(\$18,755)	\$0

5000 - Family Services	5060 - Strong Families	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One-Time	(\$68,870)	(\$68,870)
5000 - Family Services	5060 - Strong Families	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	Recurring	\$0	(\$68,870)
5000 - Family Services	5060 - Strong Families	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #74872	One-Time	(\$17,631)	(\$17,631)
5000 - Family Services	5060 - Strong Families	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #74872	Recurring		(\$17,631)
			Local Funds Total		(\$1,071,139)	\$1,097,478

Capital Budget Recommendations

The Committee recommends **approval** of the Mayor's proposed FY2023 capital budget for the Department of Human Services.

Policy Recommendations

1. The "Nonprofit Fair Compensation Act of 2020" requires the District to reimburse nonprofits for their indirect costs in addition to the costs directly associated with the provision of services.⁷ Last year, the Committee learned that no District agencies, including the Department of Human Services, considered this newly enacted law when developing their budgets. In the FY2022 Committee on Human Services Budget Report, because the law was enacted without the requirement of designated funding, the Committee strongly encouraged DHS and other agencies, working closely with not-for-profits, to immediately start accounting for these indirect costs. This work remains unfinished. The Committee reaffirms its recommendation that DHS work with its non-profit partners to ensure these indirect costs are accounted for.
2. The Emergency Rental Assistance Program is funded yearly on a one-time basis, although the need is ever-present. In almost all years, the program is underfunded. Nonetheless, the District has failed to collect the necessary data better understand the need on a year-by-year basis. The Committee recommends that the Department of Human Services work with its community-based organization partners who administer the program to collect data on the number of individuals who attempt to apply for the program after it is out of funds. This will help the District better assess

⁷ D.C. Law 23-0185, effective March 16, 2021

the needs on a year-by-year basis and make better funding decisions that may lead to a more consistent stream of funding.

3. Based on testimony the Committee heard from the youth homelessness service providers, it has become clear that soaring costs and increased needs have made it difficult for the providers to continue operating with no change to their contracts. The Committee recommends that the Department of Human Services continue to conduct a cost analysis to determine the true cost of services. Once this is determined, it is essential that service providers have their contracts right-sized so they are able to continue providing high-quality services to help homeless youth become housed and find the long-term stability needed to remain housed.
4. The “Fiscal Year 2022 Budget Support Act of 2021” required the Department of Human Services to publish emergency and final rules governing the referral of applications for Targeted Affordable Housing. At its 2022 performance oversight hearing and its FY2023 budget oversight hearing, the Department of Human Services stated that the regulations were pending a legal sufficiency review. The Committee encourages the Agency to publish these rules as soon as possible, and work with experts and advocates to incorporate public comments that achieve the goals of making the TAH referral process an accessible and efficient one for individuals and families facing homelessness.
5. In Calendar Year 2021, the Committee had been working closely with DHS for several months to establish more robust services for expectant mothers, including access to resources and placements currently only available to families. In its last budget report, the Committee recommends that DHS: (1) allow expectant mothers, before the third trimester, to participate in the HPP and receive all other services available to families; (2) permit expectant mothers with high-risk pregnancies to be placed in STFH; and (3) Set aside 24-hour beds in existing women’s shelters for expectant mothers before their third trimester. The Committee reaffirms these recommendations and intends to pursue these policy outcomes in the near future.

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Operating Budget Recommendations

The Committee recommends **approval** of the Mayor’s proposed FY2023 operating budget for the Board of Ethics and Government Accountability with the following modifications:

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Board of Ethics	2010 - Board of Ethics	0011 - Regular Pay	Recurring enhancement to fund the salary of a Supervisory Ethics Investigator at BEGA.	Recurring	\$0	\$130,000

2000 - Board of Ethics	2010 - Board of Ethics	0014 - Fringe Benefits	Recurring enhancements to fund the fringe benefits of a Supervisory Ethics Investigator at BEGA.	Recurring	\$0	\$30,160
			Local Funds Total		\$0	\$160,160

Policy Recommendations

1. The Committee recommends BEGA develop a budget and process to determine how to digitize records and include community partners to help identify the next steps in achieving this goal. At the budget oversight hearing, Director Allen testified that her office receives FOIA complaints because District agencies' records are not available in a digital format. Because FOIA statutes have not been amended in 21 years, with the exception of the public health emergency, BEGA will need to work collaboratively with stakeholders to determine a clear plan to digitize decades worth of records.
2. The Committee recommends that BEGA work with the Committee adopt a Comprehensive Code of Conduct, which is mentioned in BEGA's 2021 Best Practices Report. The CCC should address many of the outstanding questions and transparency issues related to District government employees, commissioners, and others subject to the Code. The Committee also specifically recommends that BEGA continue to work with community partners and stakeholders to implement email retention policies, OMA rules for ANCs, and changes to FOIA rules. BEGA previously submitted the proposed language for the CCC, to Council, in 2015 and 2017. BEGA should continue to work with the Committee in updating the CCC and prepare for public hearings in the fall of 2022.
3. The Committee recommends that BEGA revise its hiring process in order to accelerate the hiring and onboarding of new staff. BEGA testified that the budget enhancements the Committee made in FY2022 will help the Agency in meeting the District's ethics and transparency goals. At its FY2023 budget oversight hearing, BEGA shared that it had yet to hire the Paralegal Specialist FTE, Chief of Staff FTE, Human Resources Specialist FTE, Program Support Assistant FTE, and Attorney-Advisor FTE that the Committee funded in the FY2022 Approved Budget. At this hearing, BEGA shared that the delay is due to the classification process with DC Department of Human Resources ("DCHR"). BEGA indicated that because it is an independent agency, the process of classifying and posting new positions takes longer than most DC agencies. The Committee recommends that BEGA confer with other independent agencies, like the Office of the Attorney General, the Office of the Tenant Advocate, and the Board of Elections to determine if there are improvements it could make in its hiring process while interfacing with DCHR.

OFFICE OF THE OMBUDSPERSON FOR CHILDREN

Operating Budget Recommendations

The Committee recommends **fully restoring funding** for the Office of the Ombudsperson for Children in the FY2023 operating budget.

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0011 - Regular Pay - Cont Full Time	One-time enhancement to fund the salary for 5.0 FTEs in FY22.	One-Time	\$175,333	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0011 - Regular Pay - Cont Full Time	Recurring enhancement to fund the salary for 5.0 FTEs.	Recurring	\$0	\$526,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0014 - Fringe Benefits - Curr Personnel	One-time enhancement to fund the fringe for 5.0 FTEs in FY22.	One-Time	\$42,333	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0014 - Fringe Benefits - Curr Personnel	Recurring enhancement to fund the fringe for 5.0 FTEs.	Recurring	\$0	\$127,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0020 - Supplies and Materials	One-time enhancement to non-personnel services.	One-Time	\$19,000	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0040 - Other Services and Charges	Recurring enhancement to non-personnel services.	Recurring	\$0	\$57,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0035 - Occupancy Fixed Costs	One-time enhancement to non-personnel services.	One-Time	\$20,000	\$0

2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0035 - Occupancy Fixed Costs	Recurring enhancement to non-personnel services.	Recurring	\$0	\$60,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0040 - Other Services and Charges	One-time enhancement to non-personnel services.	One-Time	\$107,333	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0040 - Other Services and Charges	Recurring enhancement to non-personnel services.	Recurring	\$0	\$165,000
			Local Funds Total		\$363,999	\$935,000

II. AGENCY FISCAL YEAR 2023 BUDGET RECOMMENDATIONS

A. INTRODUCTION

The Committee on Human Services is responsible for matters concerning welfare; social services; homelessness; housing voucher and Department of Human Services (“DHS”) programs administered by the District of Columbia Housing Authority (“DCHA”) in coordination with DHS that are targeted for the homeless (jointly for oversight purposes only with the Committee on Housing and Executive Administration); disability services; and government ethics.

The District agencies, boards, and commissions that come under the Committee’s purview are as follows:

Advisory Committee on Child Abuse and Neglect
Board of Ethics and Government Accountability
Child and Family Services Agency
Citizen Review Panel on Child Abuse and Neglect
Commission on Persons with Disabilities
Department of Human Services
Department on Disability Services
Developmental Disabilities State Planning Council
Interagency Council on Homelessness
Office for Deaf, Deafblind, and Hard of Hearing
Office of Disability Rights
Office of the Ombudsperson for Children
State Rehabilitation Council
Statewide Independent Living Council

The Committee is chaired by Councilmember Brianne K. Nadeau. The other members of the Committee are Councilmembers Janeese Lewis George, Robert C. White, Jr., Trayon White, Sr., and Elissa Silverman.

The Committee held performance and budget oversight hearings on the following dates:

<i>Performance Oversight Hearings</i>	
February 10, 2022	Department on Disability Services Office of Disability Rights
February 17, 2022	Child and Family Services Agency
February 22, 2022	Board of Ethics and Government Accountability

February 24, 2022	Department of Human Services Interagency Council on Homelessness District of Columbia Housing Authority (public witnesses)
March 3, 2022	District of Columbia Housing Authority (government witness)

<i>Budget Oversight Hearings</i>	
March 22, 2022	Department on Disability Services Office of Disability Rights
March 24, 2022	Child and Family Services Agency
March 31, 2022	Department of Human Services
April 6, 2022	Board of Ethics and Government Accountability

The Committee received important comments from members of the public during these hearings. Copies of witness testimony are included in this report as *Attachments B-F*. A video recording of the hearings can be obtained through the Office of Cable Television or at oct.dc.gov. The Committee continues to welcome public input on the agencies and activities within its purview.

B. CHILD AND FAMILY SERVICES AGENCY

1. AGENCY MISSION AND OVERVIEW

The mission of the Child and Family Services Agency (“CFSA,” or the “Agency”) is to ensure the safety, permanence, and wellbeing of abused and neglected children in the District of Columbia and to strengthen their families.

CFSA investigates reports of child abuse and neglect and provides child protection. Services include supportive community-based services that help families overcome difficulties while keeping their children out of foster care, foster care for children who cannot be safe at home, and adoption for children who cannot go home. CFSA seeks to provide the highest quality of community-based services to increase the number of families who receive preventive and supportive services and to expand the network of resources providing services to at-risk children and their families.

CFSA operates through the following eight divisions:

Agency Programs – provides case management for children and youth in foster care. The Agency Programs administration works to ensure the safety and wellbeing of children and youth in care while moving them to permanence as quickly as possible via reunification, guardianship, or adoption.

This division contains the following 7 activities:

- **Permanency** – provides case management and permanency support for children from the inception of concurrent permanency planning through finalization of reunification, guardianship, or adoption;
- **Teen Services** – provides permanency support, consultation, technical assistance, training, and case management for older youth between the ages of 15 to 21. Teen Services works to achieve permanency for older youth while at the same time providing life skills training, vocational and educational support, and transitional assistance to prepare them for independence after leaving foster care;
- **Family Resources** – provides resource parent recruitment and support services to current and potential foster, kinship, and adoptive parents;
- **Facility Licensing** – provides licensing for CFSA’s foster homes;
- **Contract Monitoring** – provides oversight of CFSA purchases via contracts and ensures program outcomes and adherence to contractual requirements;

- **Child Placement** – identifies living arrangements for children who must enter foster care, including family foster homes, group care, and independent living programs; and
- **Kinship Support** – identifies viable family resources, conducts family team meetings, facilitates placements with relatives, expedites licensing of kinship foster parents, and provides supportive services to kinship caregivers.

Community Services – is composed of investigative social workers, medical professionals, social workers, case managers, and other professionals responsible for monitoring and overseeing services to children who are placed in foster care. Community Services operates CFSA’s on-site clinic and the child abuse hotline.

This division contains the following 4 activities:

- **Child Protective Services – Investigations** – receives reports of suspected child abuse or neglect through the hotline, investigates families whose children are alleged victims of abuse or neglect, and makes determinations regarding immediate removals and/or court referrals;
- **Clinical Health Services** – provides medical and behavioral health screenings prior to placement and expert consultation in health, residential treatment, developmental disabilities, and 24/7 on-call support for medical and mental health services;
- **Nurse Care Management** – supports a cadre of nurse care professionals to support the medical needs of children in care; and
- **Healthy Horizons Clinic** – provides medical health screenings prior to placement and expert consultation in health, residential treatment, developmental disabilities, and 24/7 on-call support for medical services.

Adoption and Guardian Subsidy – supports families caring for children and providing a long-term permanent placement for children.

This division contains the following 4 activities:

- **Adoption and Guardianship Subsidy** – provides financial assistance services to eligible relatives and adoptive parents so that they can maintain children in permanent homes;
- **Guardianship Subsidy** – provides financial assistance services to eligible relatives and non-family caregivers so that they can maintain children in permanent homes;

- **Grandparent Subsidy** – provides financial assistance services to eligible grandparents so that they can maintain children in permanent homes; and
- **Close Relative Caregiver Subsidy** – provides financial assistance services to eligible close relatives so that they can maintain children in permanent homes.

Policy and Planning – serves as the “state-level” function for District child welfare and supports CFSA’s policy development, planning and data analysis, Fair Hearings, D.C. Child Protection Register, quality assurance, and training functions. In addition, Policy and Planning licenses foster parents, group homes and independent living facilities that provide services to youth.

This division contains the following 3 activities:

- **Policy** – develops agency policy and provides review, interpretation and decision-making services to the Director and staff so that they can make decisions consistent with best practices and with statutory and regulatory requirements;
- **Planning and Data Analysis** – provides reporting, data analysis, technical assistance, and research services to the agency and external stakeholders in order to facilitate short and long-term agency strategic planning; and
- **Quality Assurance** – provides assessment, monitoring, and recommendation services to CFSA staff and key stakeholders to improve child welfare practice. In addition, Quality Assurance is responsible for facilitating qualitative review processes such as child fatality reviews and quality service reviews in order to identify areas of strength and need in line with best practices and child welfare standards.

Clinical Practice (Well Being) – provides comprehensive wellbeing services for children in CFSA’s care, including educational services, liaisons for substance abuse and domestic violence services, and day care. This division is responsible for implementing CFSA’s trauma-informed practice.

Community Partnerships – forges community partnerships and supports community-based programs and strategies designed to strengthen families and promote safety and stability for these families as well as at-risk children.

This division contains the following 4 activities:

- **Community Partnership Services** – provides staffing support and oversight of community-based prevention, supportive, and after-care services to families and at-risk children in their homes, maximizing the use of informal and formal support systems;

- **In-Home** – serves families in-home through social work units co-located with community partners to provide community-based family supportive services;
- **Prevention Services** – provides direct, community-based prevention, supportive, and after-care services to families and at-risk children in their homes, maximizing the use of informal and formal support systems; and
- **Families First D.C.** – supports a continuum of prevention services focused on stabilizing and strengthening families. Services are provided through neighborhood-based resource centers, integrating government initiatives and programs to build on family and community strengths and meet families’ complex and interconnected needs.

Agency Management – provides for administrative support and the required tools to achieve operational and programmatic results. This division is standard for all agencies using performance-based budgeting.

Agency Financial Operations – provides comprehensive and efficient financial management services to, and on behalf of, District agencies so that the financial integrity of the District of Columbia is maintained. This division is standard for all agencies using performance-based budgeting.

Division Structure Change

The Child and Family Services Agency has no division structure changes in the FY2023 proposed budget.

2. FISCAL YEAR 2023 OPERATING BUDGET

Proposed Operating Budget Summary

<i>Comptroller Source Group</i>	<i>FY2021 Actual</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
11-REGULAR PAY - CONT FULL TIME	\$74,797,000	\$73,315,000	\$73,871,511	\$0	\$73,871,511
12-REGULAR PAY - OTHER	\$105,000	\$190,000	\$316,091	\$0	\$316,091
13-ADDITIONAL GROSS PAY	\$2,076,000	\$1,355,000	\$1,161,790	\$0	\$1,161,790
14-FRINGE BENEFITS - CURR PERSONNEL	\$17,399,000	\$18,773,000	\$19,268,973	\$0	\$19,268,973
15-OVERTIME PAY	\$1,391,000	\$1,346,000	\$1,345,564	\$0	\$1,345,564
20-SUPPLIES AND MATERIALS	\$142,000	\$190,000	\$71,154	\$0	\$71,154
30-ENERGY, COMM. AND BLDG RENTALS	\$550,000	\$644,000	\$667,149	\$0	\$667,149
31-TELECOMMUNICATIONS	\$1,156,000	\$1,274,000	\$819,502	\$0	\$819,502

32-RENTALS - LAND AND STRUCTURES	\$6,824,000	\$6,869,000	\$6,931,816	\$0	\$6,931,816
33-JANITORIAL SERVICES	\$54,000	\$61,000	\$62,000	\$0	\$62,000
34-SECURITY SERVICES	\$2,139,000	\$2,311,000	\$2,350,226	\$0	\$2,350,226
35-OCCUPANCY FIXED COSTS	\$484,000	\$1,530,000	\$1,400,227	\$0	\$1,400,227
40-OTHER SERVICES AND CHARGES	\$2,596,000	\$3,708,000	\$3,173,331	\$0	\$3,173,331
41-CONTRACTUAL SERVICES - OTHER	\$8,258,000	\$12,640,000	\$12,515,836	\$0	\$12,515,836
50-SUBSIDIES AND TRANSFERS	\$95,333,000	\$95,266,000	\$97,046,172	(\$159,500)	\$96,886,672
70-EQUIPMENT & EQUIPMENT RENTAL	\$572,000	\$724,000	\$1,240,360	\$0	\$1,240,360
TOTAL GROSS FUNDS	\$213,877,000	\$220,195,000	\$222,241,704	(\$159,500)	\$222,082,204

<i>Program</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
1000 - AGENCY MANAGEMENT	\$34,851,000	\$45,278,000	\$46,401,112	\$0	\$46,401,112
100F - AGENCY FINANCIAL OPERATIONS	\$1,681,000	\$3,025,000	\$0	\$0	\$0
2000 - AGENCY PROGRAMS	\$75,494,000	\$73,957,000	\$75,878,985	(\$105,000)	\$75,773,985
3000 - COMMUNITY SERVICES	\$30,608,000	\$29,436,000	\$28,689,305	(\$200,000)	\$28,489,305
4000 - ADOPTION AND GUARDIAN SUBSIDY PROGRAM	\$31,444,000	\$30,559,000	\$32,176,605	\$150,000	\$32,326,605
6000 - POLICY AND PLANNING	\$5,503,000	\$6,319,000	\$5,865,095	\$0	\$5,865,095
7000 - CLINICAL PRACTICE	\$3,780,000	\$6,079,000	\$5,011,144	\$0	\$5,011,144
8000 - COMMUNITY PARTNERSHIPS	\$30,542,000	\$25,542,000	\$25,129,768	(\$4,500)	\$25,125,268
TOTAL GROSS FUNDS	\$213,877,000	\$220,195,000	\$219,152,014	(\$159,500)	\$218,992,514

Committee Analysis and Comments

New Leadership and a New Focus on Prevention and Wellbeing: Robert L. Matthews came to serve as the Agency’s Acting Director in June 2021, before which he had held the position of Principal Deputy Director. On October 7, 2021, the Mayor nominated him to serve as permanent Director, and on December 9, 2021, the Committee held a public hearing on his nomination.

At the December 9th hearing, public witness testimony unanimously affirmed that Acting Director Matthews was prepared to serve as permanent Director. Witnesses praised, in part, Mr. Matthews’ willingness to have candid conversations with community partners, his ability to use quantitative and qualitative data to identify areas in need of improvement, and his commitment to enhancing the Agency’s focuses on prevention and child and family wellbeing.⁸ Acting Director Matthews’ testimony, meanwhile, emphasized his experience administering CFSA’s kinship programming, which helped to reduce the number of children in foster care during his time at the Agency from 1,800 to 600.⁹ The Director testified that it was a privilege to work on behalf of District children and families and asked the Council to confirm his nomination.¹⁰

Finding Acting Director Matthews “eminently qualified to direct the work of CFSA,” and “particularly well-suited to take a holistic, prevention-based approach to family wellbeing,” the Committee recommended Director Matthews’ confirmation, unanimously voting in favor of a conformation resolution on January 25, 2022.¹¹ No member of the Council introduced a resolution of disapproval, and, on January 27, 2022, the Child and Family Services Agency Robert L. Matthews Confirmation Resolution of 2022 was deemed approved.¹²

At a February 17, 2022 performance oversight hearing, Tami Weerasingha-Cote of Children’s Law Center observed that, “[s]ince stepping into his new role, Director Matthews has shared bold and expansive plans to transform D.C.’s child welfare system into a ‘child wellbeing system’ that is focused on prevention, committed to strengthening families and empowering communities to care for their children, and moving away from government intrusion into families.”¹³ The Committee shares and supports this conception of child welfare because the pandemic has shown that building families up and keeping them together keeps children safe.

⁸ See *Report on Proposed Resolution 24-0396, the “Child and Family Services Agency Robert L. Matthews Confirmation Resolution of 2022”* 4–5 (Jan. 20, 2022).

⁹ *Id.* at 3.

¹⁰ *Id.*

¹¹ *Id.* at 2–3, 6.

¹² *PR24-0396 - Child and Family Services Agency Robert Matthews Confirmation Resolution of 2021*, COUNCIL LEGISLATIVE INFORMATION MANAGEMENT SYSTEM (2022).

¹³ *Performance Oversight Hearing: Child and Family Services Agency*. Feb. 17, 2022. Testimony of Tami Weerasingha-Cote, Children’s Law Center.

Even in light of increased social and economic risk factors for abuse and neglect, it is likely that families spending more time at home together, unconditional material support from federal coronavirus relief legislation, and community capacity building through mutual aid led to a decrease in the physical abuse of children during the pandemic.¹⁴ Although “household finances worsened for 40% of families, driven in part by changes to employment status[, as] 43% of men and 52% of women reported reduced hours, layoffs, furloughs, or terminations,” the employment of positive, non-corporal punishment discipline strategies, was “nearly universal.”¹⁵ What’s more, pandemic reductions in physical abuse were durable, with no rebound effect reflecting an “increase in reports or investigations to compensate for a sustained period of underreporting. . . .”¹⁶

It is clear that CFSA’s dedication to prevention, including its plans to open a new Family Success Center in Ward 5’s Carver-Langston neighborhood,¹⁷ carries forward many of the strengths that led to the reduction in abuse during the pandemic. Additionally, the Grandparent and Close Relative Caregiver Programs continue to provide ongoing material support to kinship caregivers.

Also key to a prevention-first strategy, however, is the Agency’s use of Flex Funds, and this is where the Agency may be falling short. More than \$1.2 million was budgeted for Flex Funds in FY2022, but, as of January 2022, the Agency had spent only \$133,735, including only \$400 in Emergency Flex Funds.¹⁸ The Agency must more quickly and efficiently get money out the door and into the pockets of families that need it, especially when immediate, pressing needs for housing and childcare can lead to hotline calls on the basis of suspected inadequate supervision or exposure to domestic violence each day they go unaddressed.

Some community members have called for increased family surveillance and separations. CFSA’s current approach, however, shows that a focus on prevention and family wellbeing is not inconsistent with a robust Child Protective Services (“CPS”) division with low caseloads exceeding performance measures and ongoing, active recruitment of more caseworkers to ensure that the division can do its best work.¹⁹ In FY2021, and in FY2022, to date, no investigative social worker’s caseload has exceeded 16 for a single day, there

¹⁴ See Robert Sege and Allison Stephens, *Child Physical Abuse Did Not Increase During the Pandemic*, J. AM. MED. ASS’N PEDIATRICS (Dec. 20, 2021); Anna Arons, *An Unintended Abolition: Family Regulation During the COVID-19 Crisis*, 11 COLUM. J. RACE & L. (forthcoming) 22–27 (2022); Michael Fitzgerald, *Use of Foster Care Went Down During the First Pandemic Year: Did Maltreatment?*, THE IMPRINT (Mar. 17, 2022).

¹⁵ Sege and Stephens, *supra* note 7.

¹⁶ Arons, *supra* note 7, at 20.

¹⁷ See *Budget Oversight Hearing: Child and Family Services Agency*, Mar. 24, 2022. Testimony of CFSA Director Robert L. Matthews.

¹⁸ 2022 Performance Oversight Responses, Child and Family Services Agency, Q12.

¹⁹ See *Budget Oversight Hearing: Child and Family Services Agency*, Mar. 24, 2022. Testimony of CFSA Director Robert L. Matthews.

have been a total of 62 worker days, out of tens of thousands of potential worker days, on which a given worker's caseload exceeded 12, and most workers' average caseloads hover at or below 6.²⁰

To support CPS's work, the Committee's budget recommendations retain the number of investigative caseworker positions available to the Agency, giving them more time to develop a robust recruitment response to worker shortages and the "Great Resignation" of professionals facilitated by the coronavirus pandemic. The Committee will continue to closely monitor CPS caseloads, efficacy, and any ongoing case backlog. But the Committee will also do all it can to ensure that the Agency remains focused on capacity building, material support to families, and prevention.

As part of that commitment, the Committee's recommendations include a \$70,500 recurring enhancement to Prevention Services dedicated to increasing the amount available to home visiting grantees. The Committee was glad to learn that the proposed budget provides recurring funding to CFSA's home visiting programs,²¹ but the testimony the Committee heard at the Agency's budget oversight hearing made clear that there was more to be done, and that an approximately 15 percent increase to home visiting funds was necessary. This enhancement will protect grantees against the ongoing hardships of the home visiting workforce shortage and adjust their budgets for inflation and changing circumstances for the first time since at least 2019. Initiatives like Mary's Center's Father-Child Attachment program, which works with fathers to build positive relationships with their children and families, and Community Family Life Services' Parent Support and Home Visitation program, which works with parents experiencing homelessness, domestic violence, or a return from incarceration, have been proven to reduce abuse and neglect.²² The Committee's recommended enhancement will not only allow these programs to retain their current staffs, but also to reach more at-risk families before the first abuse and neglect hotline call is made.

Grandparent and Close Relative Caregivers Subsidies: On March 28, 2022, Mayor Bowser signed the "Grandparent and Close Relative Caregivers Program Amendment Act of 2022" into law.²³ As introduced, the legislation revised the eligibility requirements for the Grandparent Caregiver Program ("GCP") and the Close Relative Caregiver Program ("CRCP"), which provide monthly subsidies to kinship caregivers living "under 200 percent of the federally-defined poverty level."²⁴ Specifically, the bill removed the

²⁰ 2022 Performance Oversight Responses, Child and Family Services Agency, Q25.

²¹ See *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of CFSA Director Robert L. Matthews.

²² *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Nina Hussain, Program Manager of Early Childhood, D.C. Action.

²³ B24-0462 - *Grandparent and Close Relative Caregivers Program Amendment Act of 2022*, COUNCIL LEGISLATIVE INFORMATION MANAGEMENT SYSTEM (2022).

²⁴ D.C. Official Code § 4-251.03(a)(5) (2022); see also D.C. Official Code § 4-251.23(a)(5) (2022).

requirement that a caregiver demonstrate that she has been a child's primary caregiver and that the child has resided with her for the six months next preceding the application for a subsidy, and allowed adult parents with medically verifiable disabilities who are unable to care for their children to reside with relative caregivers without disqualifying them from receiving subsidies.²⁵

After consulting with community stakeholders about how this legislation could best serve children and caregivers, the Committee made several substantial revisions to the bill as introduced. Namely, the Committee extended subsidy eligibility to two groups of District children previously excluded from support: those residing with non-blood-related caregivers, or "godparents," and those temporarily living outside of the District, but who lived in the District within the six months next preceding a subsidy application and whose parents still reside in the District. Because some parents with disabilities must temporarily reside with kinship caregivers outside of the District, the Committee also revised the legislation to expand subsidy eligibility to reach out-of-state caregivers living with both the children they care for and those children's disabled biological parents, provided that the children still attend school in the District. To ensure that CFSA can best support District families with the resources it has available, and to ensure that it is supporting the families with the strongest ties to the District and those likeliest to return to the District, the Committee limited out-of-state subsidy eligibility to one year.

These revisions will almost certainly lead to increased demand for the subsidies administered by these Programs, but the extent of that increase is not known. CFSA observed, in its responses to questions promulgated by the Committee after a public hearing on the bill, that out-of-state kinship care arrangements are rare. In support of this contention, the Agency noted that "only four calls were [recently] made to the Kin Navigator Warm line from kin caregivers residing in neighboring jurisdictions." Perhaps with that assertion in mind, the Mayor's proposed budget reduced funding for the GCP by \$75,000 and enhanced funding for the CRCP by only \$6,000.²⁶ Several advocates, however, including the President of the District branch of the NAACP and representatives of Children's Law Center and D.C. KinCare Alliance, testified at the Agency's 2022 budget oversight hearing to request additional funding for the GCP and CRCP.²⁷ Children's Law Center, in particular, projected that it would require a total of \$760,000 in additional

²⁵ *Report on Bill 24-0462, the "Grandparent and Close Relative Caregivers Program Amendment Act of 2022"* 2 (Jan. 20, 2022).

²⁶ *FY 23 Proposed Budget and Financial Plan E-4, Table RL0-4* (2022).

²⁷ *See Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Tami Weerasingha-Cote, Children's Law Center; *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Marla Spindel, D.C. KinCare Alliance; *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Asouka Ali, D.C. NAACP.

funding to avoid the waitlists and reprogrammings that have been prominent features of the Programs' histories, including as recently as FY2021.²⁸

Director Matthews, meanwhile, espoused a "wait and see" approach in his testimony, emphasizing a willingness to redirect resources to the subsidy programs in the event that demand exceeds the Agency's projections.²⁹ The Director contended that CFSA has gotten better over time at projecting demand and did not request additional resources.³⁰

The Committee believes that its recommendations for the FY2023 budget strike the correct balance. While it may be that the Agency has improved in its ability to project demand over time, and while it does not appear that a waitlist will form in FY2022, the reality of the waitlist looms large for kinship caregivers in desperate need of immediate assistance. Many of them have not cared for children in decades, if at all, and they need not only to purchase new furniture and clothes, but also to double or triple their monthly household food and transportation budgets. Sometimes, they even need to find new, more spacious, more expensive housing. Even in light of those challenges, these Programs are 100% effective at keeping children out of foster care, and that protection should be extended to as many children as timely as possible.

That is why the Committee recommends devoting an additional \$50,000 recurring enhancement to the GCP and, with the generous support of the Committee on Recreation, Libraries, and Youth Affairs, an additional \$100,000 recurring enhancement to the CRCP. The Committee will closely monitor the ongoing efficacy of these Programs, including any delays in the receipt of EBT cards and any projected shortfalls or waitlists in FY2022 and FY2023.

Child Placement: The proposed budget includes a \$1.98 million enhancement to Child Placement, and every dollar of that enhancement is necessary to remedy the Agency's ongoing placement array crisis.

The Agency has been working to expand its placement array for at least two years, in part by establishing Special Opportunity for Youth homes with specially trained providers for youth with challenging needs and Stabilization, Observation, Assessment, and Respite Services homes where youth can stay while they undergo comprehensive assessment to identify their placement needs.³¹ One of the Agency's most pronounced needs, however, has been for an Intensive Foster Care provider capable of offering therapeutic placements for youth with behavioral health or other needs placing them at high risk of placement

²⁸ Testimony of Tami Weerasingha-Cote, Children's Law Center; *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022.

²⁹ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of CFSA Director Robert L. Matthews.

³⁰ *Id.*

³¹ Testimony of Tami Weerasingha-Cote, Children's Law Center; Performance Oversight Hearing: Child and Family Services Agency. Feb. 17, 2022.

instability.³² And in December 2021, Children’s Choice, the Agency’s Intensive Foster Care provider, asked to end its relationship with CFSA, costing the Agency 36 placements and dealing a significant blow to CFSA’s efforts to meet one of its greatest needs.

Placement disruptions impose serious costs on youth in care, “including poorer educational outcomes as a result of changing schools[] and increased behavioral and mental health issues.”³³ Children’s Law Center has documented recent increases in placement disruptions that could impose those costs on District youth for years to come,³⁴ demanding an appropriately robust response from CFSA. Accordingly, the Agency is in the process of identifying a replacement for Children’s Choice and is taking action to expand its placement array at an unprecedented speed. CFSA plans to obligate every dollar of the necessary \$1.98 million enhancement to its placement array, and the Committee will keep a watchful eye on its efforts. In the meantime, the Committee strongly recommends that the FY23 budget retain the entirety of the proposed enhancement to Child Placement.

Child Fatality Reviews: The Fiscal Year 2022 Budget Support Act of 2021 added “[t]he Council Chairpersons with jurisdiction over judiciary and human services matters” to the Child Fatality Review Committee (“CFRC”),³⁵ the mission of which is to “review[] all deaths of children who were residents of the District of Columbia,” with “particular attention” to those who were known to the juvenile justice, intellectual disability, developmental disability, and child welfare systems in the years immediately preceding their deaths.³⁶ This renewed focus on supporting the District’s fatality review process was well-warranted, as advocates have long documented the challenges faced by both the CFRC and CFSA’s internal review process. The task before the Office of the Chief Medical Examiner (“OCME”) is a daunting one. Before the Committee can “[r]ecommend specific and systemic improvements to promote improved and integrated public and private systems serving families and children,”³⁷ OCME’s staff must collaborate with every District agency with whom a child was involved in a labor-intensive process to construct thorough, informative case summaries. Different agencies have different policies for responding to these requests, and they sometimes lack the personnel resources to do so in a timely manner, resulting in prolonged delays in case preparation.

The Committee was glad to see that the Mayor’s proposed budget expands the staff of the CFRC by an additional FTE,³⁸ as this will support OCME in its mandate to initiate Committee review “within 6 months after the final determination of the cause and manner

³² *Id.*

³³ Casey Family Programs, *Strategy Brief: What Impacts Placement Stability?* 1 (Oct. 3, 2018), <https://www.casey.org/placement-stability-impacts/>.

³⁴ Testimony of Tami Weerasingha-Cote, Children’s Law Center; Performance Oversight Hearing: Child and Family Services Agency. Feb. 17, 2022.

³⁵ D.C. Official Code § 4-1371.04 (a-1) (2022).

³⁶ D.C. Official Code § 4-1371.05(a) (2022).

³⁷ D.C. Official Code § 4-1371.03(b)(4) (2022).

³⁸ *FY 23 Proposed Budget and Financial Plan C-132*, Table FX0-4 (2022).

of death.”³⁹ Timely case summary preparation, however, depends just as much on the staff of other agencies as on OCME’s excellent team. Therefore, the Committee recommends that CFSA delineate an identified staff member within Quality Assurance to specialize, in part, in the compilation and transmission of information to CFRC.

The Committee will also continue to explore other ways to support the efficacious and transparent review of child fatalities in the District. One option may be to require a meeting of all agencies represented on the CFRC immediately after a child’s cause of death is ascertained to expedite the document request process and to allow agencies to coordinate on responses when necessary. Additionally, although the federal Child Abuse Prevention and Treatment Act (“CAPTA”) largely precludes the disclosure of information pertaining to the abuse or neglect of a child,⁴⁰ it requires the disclosure of other information,⁴¹ which the CFRC could legally share with the public during the open sessions of its meetings. Specifically, CAPTA requires jurisdictions to “develop procedures for the release of information including, but not limited to:

the cause of and circumstances regarding the fatality or near fatality; the age and gender of the child; information describing any previous reports or child abuse or neglect investigations that are pertinent to the child abuse or neglect that led to the fatality or near fatality; the result of any such investigations; and the services provided by and actions of the [jurisdiction] on behalf of the child that are pertinent to the child abuse or neglect that led to the fatality or near fatality.”⁴²

The open sessions of the CFRC, then, are an ideal forum for disclosure, transparency, and accountability, as the Committee could present public accounts of its findings from previous meetings to the public without transgressing federal or District law or threatening federal funding.

³⁹ D.C. Official Code § 4-1371.05(c) (2022).

⁴⁰ See Children’s Bureau, *Child Welfare Policy Manual* 2.1A.1 (2022).

⁴¹ *Id.* at 2.1A.4.

⁴² *Id.*

3. FISCAL YEAR 2023-2028 CAPITAL BUDGET

Proposed Capital Budget Summary

<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Unspent Allotment (3/16/22)</i>	<i>FY23</i>	<i>FY24</i>	<i>FY25</i>	<i>FY26</i>	<i>FY27</i>	<i>FY28</i>	<i>6-year Total</i>
CCWIS IMPLEMENTATION	Approved FY22 CIP for FY23-27	\$0	\$5,754,147	\$0	\$0	\$0	\$0	\$0	\$12,202,457
	Mayor's Proposed FY23 Change	\$0	(\$4,305,837)	\$0	\$0	\$0	\$0	\$0	\$27
	Existing Balances	\$4,299,993	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CCWIS IMPLEMENTATION Total		\$4,299,993	\$1,448,310	\$0	\$0	\$0	\$0	\$0	\$12,202,484
Child and Family Services Agency Total		\$4,299,993	\$1,448,310	\$0	\$0	\$0	\$0	\$0	\$12,202,484

Committee Analysis and Comments

The Committee supports the proposed ongoing capital investment in the redesign of the District's Comprehensive Child Welfare Information System.

4. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2023 Operating Budget Recommendations

The Committee recommends **approval** of the Mayor's FY2023 proposed operating budget for the Child and Family Services Agency with the following modifications:

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Agency Programs	2045 - Family Services	0050 - Subsidies and Transfers	Since the agency began budgeting for this Activity in FY20, there has never been any spending under CSG 50 and there appears to be accruals in FY21	Recurring	\$0	(\$105,000)
3000 - Community Services	3090 - Clinical Health Services	0050 - Subsidies and Transfers	Historical underspending since FY20, agency has expended about 1/4 (24.6%) its budget about halfway through the fiscal year.	One-Time	(\$200,000)	\$0
3000 - Community Services	3090 - Clinical Health Services	0050 - Subsidies and Transfers	Historical underspending since FY20, agency has expended about 1/4 (24.6%) its budget about halfway through the fiscal year.	Recurring	\$0	(\$200,000)

4000 - Adoption and Guardian Subsidy Program	4012 - Grandparent Subsidy Activity	0050 - Subsidies and Transfers	One-time enhancement to increase the availability of subsidy funds awarded by the Grandparent Caregiver Program.	One-Time	\$0	\$50,000
4000 - Adoption and Guardian Subsidy Program	4013 - Close Relative Caregiver's Program	0050 - Subsidies and Transfers	Recurring enhancement to increase availability of subsidy funds awarded by the Close Relatives Caregiver Program.	Recurring	\$0	\$100,000
8000 - Community Partnerships	8020 - In-Home	0050 - Subsidies and Transfers	Agency has historically spent no more than \$0.17M , at its current rate it is projected to expend a little over \$0.2M and has current proposed budget of \$0.285M	One-Time	(\$75,000)	\$0
8000 - Community Partnerships	8020 - In-Home	0050 - Subsidies and Transfers	Agency has historically spent no more than \$0.17M , at its current rate it is projected to expend a little over \$0.2M and has current proposed budget of \$0.285M	Recurring	\$0	(\$75,000)
8000 - Community Partnerships	8030 - Prevention Services	0050 - Subsidies and Transfers	Recurring enhancement to fund an increase to home visiting grants to account for inflation and increased workforce demands.	Recurring	\$0	\$70,500
			Local Funds Total		(\$275,000)	(\$159,500)

b. Fiscal Year 2023 Capital Budget Recommendations

The Committee recommends approval of the Mayor's proposed FY2023 – FY2028 capital budget for the Child and Family Services Agency.

c. Policy Recommendations

1. CFSA's safety planning and diversion practices raise due process and outcome tracking concerns that must be addressed as soon as possible. Although the Committee is heartened that the Agency is seeking to reform its safety planning practice and that a new safety planning policy is forthcoming, to seize this moment most fully, the Committee strongly urges CFSA to use the new safety planning policy to replace not only its current safety planning practices, but also its current diversion policy. There is no reason for there to be two distinct guidances and sets of internal processes governing out-of-home placements designed to avoid entry into foster care via the facilitation of temporary physical relocation outside the home. The potential for confusion, missing data, and inconsistent practices weighs in favor of making the new "safety planning"

policy the “diversion” policy as well. No child should fail to benefit from improvements to “safety planning” because they were “diverted.” Additionally, any changes to safety planning and diversion policies must, at minimum, to protect the due process of parents and to allow CFSA and the Council to evaluate outcomes, do the following:

- a. Prohibit caseworkers from using threats, misrepresentations, coercion, or undue influence to encourage or induce a family or proposed identified caretaker to arrive at a particular decision;
- b. Require caseworkers, at any meeting at which diversion or safety planning is discussed, to identify and offer any supports and services applicable to a family’s needs;
- c. Require caseworkers to explicitly state that any arrangement agreed to by a parent and proposed identified caretaker will be voluntary and that consent to any agreement can be revoked by the parent or proposed identified caregiver at any time, as well as require caseworkers to convey how the revocation of consent is to be communicated to the Agency;
- d. Require caseworkers to invite parents to sign a Custodial Power of Attorney and to invite parents to provide a child’s birth certificate and any documents necessary for the child to access medical care and for the child and proposed identified caregiver to access social welfare benefits; and
- e. Provide for the ascertainment of any information that will allow the Agency to evaluate the efficacy of its safety planning practice, including being able to provide, each fiscal year, the following information:
 - i. The number of safety plans into which families entered;
 - ii. The duration of the effective period of each safety plan;
 - iii. The number of children for whom the immediate safety issues addressed in the safety plan were resolved;
 - iv. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved;
 - v. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved and whose investigations or cases remained open;
 - vi. The number of children for whom the immediate safety issues addressed in the safety plan were resolved, but the child was later the subject of a report of suspected abuse or neglect;
 - vii. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved, and the child was later the subject of a report of suspected abuse or neglect;
 - viii. The number of children for whom the immediate safety issues addressed in the safety plan were resolved, but the child was later removed;
 - ix. The number of children for whom the immediate safety issues addressed in the safety plan were not resolved, and the child was later removed; and

- x. The reasons for which the immediate safety issues addressed in any safety plan were not resolved.

Although outcome tracking should be conducted through data reconciliation alone to the greatest extent possible, and although care should be taken not to unduly surveil children outside of care, the Agency—and the Council—must be able to tell how many and how long children are living under safety plans, and whether safety planning protects against future abuse and neglect.

2. The Committee recommends that CFSA collaborate with DCHA to use the Family Unification Program vouchers distributed through the Foster Youth to Independence Initiative to end homelessness for youth aging out of care who are prepared to live independently. Youth can, upon or before aging out, temporarily reside in supportive or transitional housing arrangements, or even in college dormitories, and still be eligible for an FYI FUP voucher up to age 24.⁴³ This is the case even if they are pregnant or parenting.⁴⁴ Increased reliance on the FYI program does not preclude the exercise of clinical discretion in individual case management or the determination that some youth, perhaps those with developmental disabilities, are not prepared to live independently. CFSA and DCHA should work to achieve the 90 percent utilization of FUP vouchers that will allow them to request additional individual vouchers, optimizing the District's ability to end homelessness for system-involved families and youth.⁴⁵
3. The Committee also recommends that CFSA incorporate Courtney's House, a community-based organization that provides holistic wraparound services to survivors of child sex trafficking, into the bridge program it is developing to ensure that youth have a safe place to stay when they enter care or return from abscondence. At the Agency's budget oversight hearing, Tina Frundt, the founder and Executive Director of Courtney's House, testified that more youth could be retained in care and kept out of coerced sex work if Courtney's House could offer them a place to stay for a few nights when they are entering or reentering care. The development of the bridge program presents an opportunity to support trafficked youth that should not be missed.
4. Finally, the Committee recommends that CFSA partner with CASA D.C. ("CASA"), a court-appointed volunteer child advocacy organization, to draw down additional Title IV-E funding and to supplement its mentoring, mental health, and educational support services. The Committee was pleased to see that the Agency had eliminated programming redundancies by partnering with OSSE and DYRS to re-envision its tutoring and mentoring services,⁴⁶ but CFSA could offer additional supports to youth

⁴³ HUD Notice PIH 2021-26 (Sept. 3, 2021).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of CFSA Director Robert L. Matthews.

at no cost to itself by working with CASA. CASA's youth average a GPA six subpoints higher than the CFSA average,⁴⁷ and CASA has just hired an educational specialist and ventured into the provision of clinical services. What's more, CFSA would be able to retain 25% of the Title IV-E funds it drew down because of a potential contractual relationship with CASA D.C.⁴⁸ There is no reason to miss out on this unprecedented opportunity to expand the services and resources available to District children at little, if any, local cost.

⁴⁷ See 2022 Performance Oversight Responses, Child and Family Services Agency, Q133 (noting "an average GPA of 1.98 and a median GPA of 1.98"); *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Arika Adams, Executive Director, CASA for Children of D.C. (observing that CASA youth "averaged 2.6").

⁴⁸ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Arika Adams, Executive Director, CASA for Children of D.C.

C. DEPARTMENT ON DISABILITY SERVICES

1. AGENCY MISSION AND OVERVIEW

The mission of the Department on Disability Services (“DDS”) is to provide innovative, high-quality services that enable people with disabilities to lead meaningful and productive lives as vital members of their families, schools, workplaces, and communities in every neighborhood in the District of Columbia.

DDS is composed of two administrations that oversee and coordinate services for residents with disabilities through a network of private and not-for-profit providers. The Developmental Disabilities Administration (“DDA”) ensures that residents with intellectual disabilities receive the services and supports they need to lead self-determined and valued lives in the community. DDA achieves this through the delivery of outreach and service coordination services; the development and management of a provider network delivering community residential, day, vocational, employment, and individual and family support services; and the operation of a comprehensive quality management program.

The Rehabilitation Services Administration (“RSA”) delivers vocational rehabilitation services focusing on employment and training activities that allow persons with disabilities to experience a greater quality of life by obtaining and sustaining employment, economic self-sufficiency, and independence. RSA provides employment marketing and placement services, vocational rehabilitation, inclusive business enterprises, and support for the D.C. Center for Independent Living. DDS also serves as the state agency for Social Security Disability Insurance determinations under the direction of the Social Security Administration.

DDS operates through the following 5 divisions:

Developmental Disabilities Administration (“DDA”) – provides individualized services, supports, and life planning to individuals with intellectual and developmental disabilities so that they may lead self-determined and valued lives in the community.

This division contains the following 3 activities:

- **DDA Service Planning and Coordination** – provides services to qualified individuals by coordinating available resources and opportunities in the community through the development of Individual Service Plans (“ISPs”), advocating for quality services to promote healthy and productive lifestyles for each person, completing monitoring activities to ensure the delivery of services and supports, completing all intake activities for new applicants, and coordinating activities carried out in D.C. Superior Court;

- **Quality Assurance** – examines and improves internal and external service delivery systems by conducting external provider reviews to ensure performance so that standards, federal and local regulations, quality frameworks issued by the Centers for Medicare and Medicaid Services (“CMS”), national best practices, and court mandates are met. Quality Assurance also includes functional responsibility for incident management and enforcement, rights and advocacy, CMS and *Evans*⁴⁹ performance analysis, and reporting and mortality review; and
- **DDA Consumer Resources and Operations** – manages the human care provider network and administrative functions for DDA including budget compliance, service and billing authorization, and residential portfolio management; operates the Home and Community Based Services Waiver including provider enrollment, provision of technical assistance, and service authorization; and manages benefits and personal funds.

Rehabilitation Services – assists persons with physical, cognitive, and emotional disabilities to achieve a greater quality of life by obtaining and sustaining employment, economic self-sufficiency, and independence.

This division contains the following 4 activities:

- **RSA Vocational Rehabilitation Services** – assesses, plans, develops, and provides vocational rehabilitation services to individuals with disabilities to enable them to prepare for, maintain, and advance in integrated, competitive employment; and provides services to businesses, including recruitment and job placement for people with disabilities and training for employers on issues related to hiring and maintaining employees with disabilities;
- **RSA Blind and Visual Impairment Services** – provides services to people with disabilities to help them live as independently as possible in the community. Services include advocacy, independent living skills training, information and referral, peer support, and transition from secondary school to post-secondary activities and from nursing homes;
- **Quality Assurance** – provides monitoring and compliance reviews of internal and external operations and agencies, ensuring that RSA customers received quality services that meet local and federal regulations; and
- **RSA Operations** – manages the human care provider network that serves RSA clients, provides oversight to the Randolph Sheppard Vending Facility Program, and processes payments for service providers.

⁴⁹ *Evans v. Washington*, 459 F. Supp. 483, 484, 486 (D. D.C., 1978).

Disability Determination Services – administers Social Security Disability Insurance and Supplemental Security Income eligibility determinations in conjunction with the federal Social Security Administration.

Agency Management – provides for administrative support and the required tools to achieve operational and programmatic results. This division is standard for all agencies using performance-based budgeting.

Agency Financial Operations – provides comprehensive and efficient financial management services to, and on behalf of, District agencies so that the financial integrity of the District of Columbia is maintained. This division is standard for all agencies using performance-based budgeting.

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2. FISCAL YEAR 2023 OPERATING BUDGET

Proposed Operating Budget Summary

<i>Fund Type</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	\$101,223,000	\$134,064,000	\$136,489,171	(\$82,000)	\$136,407,171
FEDERAL PAYMENTS	\$0	\$605,000	\$98,520	\$0	\$98,520
FEDERAL GRANT FUND	\$32,973,000	\$32,928,000	\$34,326,268	\$0	\$34,326,268
FEDERAL MEDICAID PAYMENTS	\$15,355,000	\$14,195,000	\$14,428,661	\$0	\$14,428,661
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$11,435,000	\$14,755,000	\$11,415,012	\$0	\$11,415,012
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$0	\$1,200,000	\$0	\$1,200,000
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$0	\$100,000	\$0	\$100,000
OPERATING INTRA-DISTRICT FUNDS	\$293,000	\$246,000	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$161,279,000	\$196,793,000	\$198,057,632	(\$82,000)	\$197,975,632

<i>Comptroller Source Group</i>	<i>FY2021 Actual</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
11-REGULAR PAY - CONT FULL TIME	\$36,944,000	\$36,202,000	\$38,525,450	\$0	\$38,525,450
12-REGULAR PAY - OTHER	\$719,000	\$1,228,000	\$522,590	\$0	\$522,590
13-ADDITIONAL GROSS PAY	\$435,000	\$47,000	\$47,240	\$0	\$47,240
14-FRINGE BENEFITS - CURR PERSONNEL	\$8,852,000	\$9,283,000	\$9,610,960	\$0	\$9,610,960
15-OVERTIME PAY	\$623,000	\$120,000	\$120,100	\$0	\$120,100
20-SUPPLIES AND MATERIALS	\$43,000	\$134,000	\$158,000	\$0	\$158,000
30-ENERGY, COMM. AND BLDG RENTALS	\$2,000	\$4,000	\$4,160	\$0	\$4,160
31-TELECOMMUNICATIONS	\$298,000	\$309,000	\$308,627	\$0	\$308,627
32-RENTALS - LAND AND STRUCTURES	\$5,161,000	\$6,017,000	\$5,106,515	\$0	\$5,106,515
34-SECURITY SERVICES	\$264,000	\$328,000	\$323,212	\$0	\$323,212
35-OCCUPANCY FIXED COSTS	\$37,000	\$2,000	\$2,279	\$0	\$2,279
40-OTHER SERVICES AND CHARGES	\$5,477,000	\$5,014,000	\$5,474,676	(\$82,000)	\$5,392,676
41-CONTRACTUAL SERVICES - OTHER	\$1,690,000	\$2,499,000	\$1,380,263	\$0	\$1,380,263
50-SUBSIDIES AND TRANSFERS	\$100,239,000	\$135,325,000	\$136,160,051	\$0	\$136,160,051

70-EQUIPMENT & EQUIPMENT RENTAL	\$495,000	\$282,000	\$313,509	\$0	\$313,509
TOTAL GROSS FUNDS	\$161,279,000	\$196,793,000	\$198,057,632	(\$82,000)	\$197,975,632

<i>Program</i>	<i>FY 2020 Actuals</i>	<i>FY 2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
1000 - AGENCY MANAGEMENT	\$14,666,000	\$13,935,000	\$14,867,118	(\$72,000)	\$14,795,118
100F - AGENCY FINANCIAL OPERATIONS PROGRAM	\$1,501,000	\$1,856,000	\$0	\$0	\$0
6000 - DEVELOPMENTAL DISABILITIES ADMIN	\$110,237,000	\$147,771,000	\$147,856,055	(\$10,000)	\$147,846,055
7000 - REHABILITATION SERVICES	\$22,932,000	\$21,691,000	\$20,615,796	\$0	\$20,615,796
8000 - DISABILITY DETERMINATION DIVISION	\$11,976,000	\$11,540,000	\$12,686,650	\$0	\$12,686,650
9960 - YR END CLOSE	-\$33,000	\$0	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$161,279,000	\$196,793,000	\$196,025,620	(\$82,000)	\$195,943,620

Committee Analysis and Comments

Wage Increases for Direct Support Professionals: In 2018, the Committee on Human Services (“Committee”) convened a working group to address the looming shortage of direct support professionals (“DSPs”) in the disability services field, and the workforce recruitment challenges associated with this shortage. The working group – which included DDS, the Department of Employment Services (“DOES”), the Department of Healthcare Finance (“DHCF”), the University of the District of Columbia (“UDC”), the D.C. Coalition of Disabilities Services Providers, and the Offices of Councilmembers Grosso and Silverman – considered how the District can attract employees to this field, how the District is training the existing potential workforce of unemployed DC residents to prepare them for available jobs, and how the District can replace an aging population of workers as they move into retirement.

Based on recommendations of the working group, Councilmember Nadeau introduced the “Direct Support Professionals Payment Rate Act of 2018,” joined by Councilmembers Silverman, Grosso, and Gray.⁵⁰ This legislation provided for an annual payment to certain providers of direct supports to persons with developmental disabilities. This payment would raise the amount direct support professionals are compensated to 125% of the District’s minimum wage, thereby making the job of a direct support professional more competitive and in-demand when compared to other minimum wage jobs. The Director of DHCF is charged with considering certain factors in recommending the amount of the payment. This legislation was introduced on November 13, 2018, and was referred to the

⁵⁰ Direct Support Professionals Payment Rate Act of 2018, B22-1035, Council Period 22 (2018).

Committee on Health, with comments from this Committee. No hearing was scheduled before Council Period 22 expired.

The Committee reintroduced the legislation on March 20, 2019, as the “Direct Support Professional Payment Rate Act of 2019”.⁵¹ The legislation was sequentially referred to this Committee and the Committee on Health. A joint public hearing was held on June 13, 2019. This Committee voted to approve a committee report and print on November 20, 2019, and the Committee on Health did the same on December 5, 2019. The introduced legislation required the average amount to be paid to each service provider to equal 125% of the greater of either the District living wage or the District minimum wage. The committee print changed the percentage from 125% to 117.6%. This change was based on estimates that around 30% of the DSP workforce will be paid about 110% of the District's minimum wage, 30% of the DSP workforce would be paid about 115%, and 40% of the DSP workforce would be paid about 125%. The legislation was unanimously approved by Council on first reading on January 7, 2020, and final reading on February 4, 2020.

The legislation was transmitted to the Mayor on February 14, 2020, and enacted without the Mayor's signature on March 3, 2020. Since then, the Committee has consistently requested the measure be funded by the Mayor, but through FY2022 only minimal investments had been made, including \$4 million allocated as “bonus” retention payments to DSP workers.

In the FY2022 budget, the Committee on Human Services worked with the Committee on Health to amend the Stevie Sellows' Fund to allow additional dollars in that fund to go towards payment rate increases for Medicaid waiver providers. For the remainder of FY2023, it appears the Department of Health Care Finance plans to use those funds for Intermediate Care Facility providers, after which resources in Stevie Sellows' Fund will be able to bolster funding for payment rate increases across the board.

The Committee is therefore pleased to see that the Mayor's FY2023 Proposed Budget includes sufficient funding to support the targeted wage rate increases for Direct Support Professionals. The Mayor submitted a subtitle in the “Fiscal Year 2023 Budget Support Act of 2022,” titled the “Direct Care Professionals Payment Rate Act of 2022.” The legislative text of this subtitle is almost identical to the “Direct Support Professional Payment Rate Act of 2019”, but exists as standalone language.

B: The Committee on Human Services plans to work with the Committee on Health and Committee of the Whole to amend this subtitle to comprise only amendments to the “Direct Support Professionals Payment Rate Amendment Act of 2019” that reflect differences in the Mayor's proposed subtitle, and making the Act passed by Council no longer subject to appropriations. The effect will be identical but will create a more complete legislative record.

⁵¹ Direct Support Professional Payment Rate Act of 2019, B23-0214, Council Period 23 (2019).

According to DDS, the funding for Direct Care Professionals is proposed to be used differently across the first three years of the financial plan. The \$11,582,000 of local spending in FY2023 will create \$38,607,000 with the 70 percent federal match and will be allocated to providers as an allotment. The same is true of the \$23,674,000 in FY2024, totaling \$78,912,000 federal match. The target wage of the Act is planned to be fully in effect by FY2025. By this time, the increased rates will be a full payment rate increase as opposed to an allotment, and supported by a Medicaid waiver amendment.

This allotment structure will allow for greater collection of data on current rates, vacancies, and the funding needed for providers to achieve pay parity at the higher rate. While the Committee explored ways to move the phase-in up in the financial plan, doing so may jeopardize implementation, and present the potential to penalize providers who are already paying their workers at higher rates while rewarding those who have not done so.

Developmental Disability Eligibility Reform Amendment Act of 2022: The Council passed Bill 24-0268, the “Developmental Disability Eligibility Reform Amendment Act of 2022” by unanimous vote on March 1, 2022. It was signed by the Mayor and was enacted as of April 1, 2022. The Committee is pleased that the legislation was fully funded in the Mayor’s FY2023 Proposed Budget at \$533,000 on a recurring basis, and recommends approval of these funds.

The bill clarifies who is eligible to receive certain services provided by the Department on Disability Services, to include individuals with solely developmental disabilities. It also requires the Mayor to seek Medicaid waivers and exemptions necessary to extend the “People with Intellectuals and Developmental Disabilities Waiver” and the “Individual and Family Supports Waiver” to individuals with developmental disabilities. The Committee believes it is important that the District works toward providing every individual with the supports and services needed to live a happy and fulfilled life.

The fiscal impact statement for “Developmental Disability Eligibility Reform Amendment Act of 2022” was based on the assumption that DDS would need one Grade 14 Psychologist and three Grade 12 Intake Service Coordinators to accommodate the increase in applications. DDS indicated at the FY2023 budget oversight hearing that a supervisor service coordinator was being brought on to help manage this work. Director Reese also reported that the Agency was receiving technical assistance from the Center for Medicare and Medicaid Services (“CMS”), and that DDS staff across the agency were undergoing training to learn how to better serve the needs of new incoming customers.

When asked if DDS will have enough slots to accommodate the increase in service without requiring a wait list, the Agency indicated that they have close to 200 slots available going into FY2023 and does not see a need to expand that further at this time. DDS expressed confidence that 200 slots will be able to serve all newly approved applicants for services in the first year of implementation.

DDS also reported that they plan to reach out to residents who were recently denied for services, to inform them of the new eligibility standards and encourage them to reapply. After the budget oversight hearing, the agency followed up to report how many applicants had been denied DDA services over the last three years – 46 in FY2020, 25 in FY2021, and 9 in FY2022 to-date. DDS plans on being able to implement the bill immediately at the start of the new fiscal year, and the Committee will continue oversight of that implementation.

Racial Equity Initiatives: During the FY2022 budget oversight process, the Committee worked with the newly established Council Office of Racial Equity (“CORE”) to develop questions for agencies under its purview. At that time, the Agency indicated that much of its data is already collected to include race and ethnicity, but that it may be able to do more to analyze the data it already has to determine racial inequities in service delivery or outcomes.

In FY2020 and FY2021, DDS held a “Latinx Conference” in Columbia Heights to hear from the community on gaps in services and advertise services that are available. At the FY2023 budget oversight hearing, the Agency noted that they were using lessons learned from those conferences to improve the available training for bilingual, Spanish-speaking direct support professionals, as corresponding with families and individuals served was identified as a critical gap. In FY2022, DDS held a similar conference for the DC Ethiopian community and monolingual Amharic speakers. The Committee looks forward to the Agency following through on expanding connections to this population through FY2023.

Additionally, DDS is one of the first agencies to be working with the new Mayor’s Office of Racial Equity (“ORE”). The agency is currently working with ORE on a six-part internal assessment to identify areas of inequity, data collection needs, and proactive strategies for improvement. In the Director’s testimony before the Committee, it was noted that this process with ORE already identified provider referrals and placements for DDS clients was an area in need of attention and improvement. Indeed, the Committee has received feedback from those served by DDS expressing at times strong dissatisfaction with providers’ cultural competencies. The Committee looks forward to seeing the results of this work with ORE, and plans to follow up with the Agency throughout the upcoming year.

Housing Needs: After several years of public witnesses and the Committee elevating the need for better housing coordination at DDS, public testimony at the FY2023 budget oversight hearing was enthusiastic about the agency’s new hiring of a Housing Program Coordinator.

Director Reese described the duties of this position as assisting DDS clients in accessing the continuum of housing services offered by the District. The Director also spoke to vacancies in supportive living placements – there were 70 vacancies as of the date of the budget oversight hearing. The Agency theorized that those vacancies may be due to reticence to inhabit spaces with high potential for outside contact due to the pandemic, but

the Housing Program Coordinator will be looking into the issue further. Some vacancies are required, of course, to allow for move-ins and move-outs, but DDS admitted that the current number of vacancies was unusually high. The Committee will be monitoring this issue over the coming year.

The Committee asked about the sustainability of the Housing Program Coordinator, which is currently funded through federal American Rescue Plan Act (“ARPA”) dollars, which are only available through FY2024. In response, DDS indicated that the position would effectively pay for itself over time through efficiencies and savings it creates within the Agency’s systems and spending.

3. FISCAL YEAR 2023-2028 CAPITAL BUDGET

The Mayor has no proposed FY2023 – FY2028 capital budget for the Department on Disability Services.

4. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2023 Operating Budget Recommendations

The Committee recommends **approval** of the Mayor’s FY2023 proposed operating budget for the Department on Disability Services with the following modifications:

Program	Activity	CSG	Comments	Frequency	FY2022 Recommendation	FY2023 Recommendation
1000 - Agency Management	1015 - Training and Employee Development	0040 - Other Services and Charges	This activity has historically underspent about half its budget, even losing funding in FY22. Currently has a budget of \$158,119 which is larger than its FY21 allocation despite underspending	One Time	(\$72,000)	(\$72,000)
1000 - Agency Management	1015 - Training and Employee Development	0040 - Other Services and Charges	This activity has historically underspent about half its budget, even losing funding in FY22. Currently has a budget of \$158,119 which is larger than its FY21 allocation despite underspending	Recurring	\$0	(\$72,000)
6000 - Developmental Disabilities Admin	6035 - DDA Service Planning and Coordination	0040 - Other Services and Charges	This activity has historically had a budget of \$27,000 and has underspent by more than \$24,000 . A \$10,000 decrease would bring the budget to its	Recurring	\$0	(\$10,000)

			FY22 allocation which is also projected to be underspent.			
			Local Funds Total		(\$72,000)	(\$154,000)

b. Policy Recommendations

1. In the Mayor's proposed budget, the funding for payment rate increases to direct support professionals does not reach the target of 117.6% of minimum or living wage until FY2025. While the Committee endeavored to move up the phase-in for DSP payment rates, it did not choose to do so, as there is an understanding that the phase-in is necessary for more robust data collection on rates and vacancies, as well as equitable application of funds for payment rate increases. Nevertheless, the Committee encourages DDS and DHCF to accelerate this process to the maximum extent possible over the next two fiscal years.
2. The Committee strongly recommends robust outreach to advertise expanded eligibility for DDA services when they become effective as of October 1, 2022. In addition to the Agency's planned outreach to those who were recently denied for services, DDS should proactively reach out to partners in the advocacy and service provider sectors, particularly those who work with adults with Autism. The committee requests that DDS track the number of applicants previously denied for services who reapplied, and which of them were accepted under new eligibility standards. The Committee also asks that the agency report on where DDA services may need to grow and improve in order to better serve the newly eligible population.
3. DDS continues to respond to the COVID-19 pandemic, and the subsequent public health emergency. Given the likelihood of future case surges, the Committee urges DDS to track the booster vaccination rate of both service providers and those they serve, and seriously consider incentives or requirements for service providers who have yet to reach significant booster vaccination rates for their employees. DDS should also continue to work with the DC Department of Health to assess the potential for long-term effects of COVID-19 infection among those it serves.
4. The Committee commends DDS' work with the Mayor's Office on Racial Equity and supports the consideration of how provider referrals may be made more equitable; in executing this work over the coming year, the Committee requests that DDS report on deliverables from its work with ORE as soon as they are available.
5. As DDS' new Housing Program Coordinator begins work, the Committee recommends that DDS ensure continued funding longevity for this program. The Committee requests that DDS report on new successful housing placements as a result of the Housing Program Coordinator's work over FY2023, as well as partnerships formed in order to deliver those placements. In particular, the

Committee supports an effective housing on-ramp for those deemed newly eligible for DDS services under the “Developmental Disability Eligibility Reform Amendment Act of 2022”. Additionally, the Committee requests that DDS focus on reducing vacancies in supportive living placements.

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D. OFFICE OF DISABILITY RIGHTS

1. AGENCY MISSION AND OVERVIEW

The mission of the Office of Disability Rights (“ODR”) is to ensure that every program, service, benefit, and activity operated or funded by the District of Columbia is fully accessible to, and usable by, qualified people with disabilities, with or without reasonable accommodations or modifications.

ODR is responsible for oversight of the District’s obligations under the Americans with Disabilities Act (“ADA”), as well as other federal and local disability rights laws. ODR provides technical assistance, training, informal dispute resolution, policy guidance, and expertise on disability rights issues to District agencies and disability community. ODR coordinates the ADA compliance efforts of all District agencies and works with agency ADA coordinators to ensure that the District is responsive to the needs of the disability community and employees with disabilities.

ODR operates through the following 2 programs:

Disability Rights – promotes the accessibility of District of Columbia government programs and services for individuals with disabilities by coordinating and overseeing a District-wide compliance program.

This program contains the following 6 activities:

- **Operations** – provides overall direction, leadership, and coordination of, and guidance on, activities related to the centralized administrative support system; establishes procedures and protocols for unified operations within the agency; and assists in facilities management;
- **Training and Technical Assistance** – provides ongoing training and technical assistance to the agency’s ADA coordinators and personnel;
- **Public Information and Outreach** – provides information through published literature, and provides assistance and referrals to individuals who have questions about disability rights or are experiencing obstacles to receiving services;
- **Evaluation and Compliance** – evaluates the District’s compliance with the ADA, section 504 of the Rehabilitation Act, and the disability rights provisions of the Human Rights Act; reports deficiencies to the Office of Human Rights; makes recommendations for addressing deficiencies to the Mayor; and coordinates, facilitates, and supports the Mayor’s Committee on Persons with Disabilities;

- **Investigations** – provides informal dispute resolution into actions or inactions of agencies in alleged violation of the ADA, the District of Columbia Disability Rights Protection Act, and other disability-related civil rights legislation; and
- **State Developmental Disabilities Council (“DDC”)** – houses the District of Columbia Developmental Disabilities Council (“DDC”) and the D.C. Commission on Persons with Disabilities (“DCCPD”). The DDC is a Mayoral appointed body established in accordance with the mandates of the D.C. Developmental Disabilities Basic State Grant Program. It is an independent, community-based advisory committee funded by the Administration on Intellectual and Developmental Disabilities, U.S. Department of Health and Human Services. It is charged with identifying and addressing the most pressing needs of people with developmental disabilities in the District. The DCCPD advocates on behalf of persons with disabilities and their families to promote inclusive communities and service delivery systems and to provide opportunities for public input, outreach, and education. The DCCPD also facilitates ODR’s collaboration with the Office of Human Rights, the Department of Disability Services, and all other agencies, boards, and commissions of the District of Columbia that affect the lives of residents with disabilities to comprehensively implement ADA compliance and training programs.

Agency Management – provides for administrative support and the required tools to achieve operational and programmatic results. This program is standard for all agencies using performance-based budgeting.

2. FISCAL YEAR 2022 OPERATING BUDGET

Proposed Operating Budget Summary

<i>Fund Type</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	\$1,016,000	\$1,349,000	\$627,570	\$0	\$627,570
FEDERAL GRANT FUND	\$507,000	\$633,000	\$1,452,359	\$0	\$1,452,359
OPERATING INTRA-DISTRICT FUNDS	\$208,000	\$255,000	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$1,731,000	\$2,238,000	\$2,079,929	\$0	\$2,079,929

<i>Comptroller Source Group</i>	<i>FY2021 Actual</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
11-REGULAR PAY - CONT FULL TIME	\$1,057,000	\$1,324,000	\$1,401,192	\$0	\$1,401,192
14-FRINGE BENEFITS - CURR PERSONNEL	\$230,000	\$308,000	\$314,895	\$0	\$314,895
20-SUPPLIES AND MATERIALS	\$3,000	\$7,000	\$7,260	\$0	\$7,260
40-OTHER SERVICES AND CHARGES	\$269,000	\$383,000	\$127,465	\$0	\$127,465
41-CONTRACTUAL SERVICES - OTHER	\$146,000	\$197,000	\$205,822	\$0	\$205,822
70-EQUIPMENT & EQUIPMENT RENTAL	\$17,000	\$18,000	\$23,295	\$0	\$23,295
TOTAL GROSS FUNDS	\$1,731,000	\$2,238,000	\$2,079,929	\$0	\$2,079,929

<i>Program</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
1000 - AGENCY MANAGEMENT	\$554,000	\$619,000	\$640,045	\$0	\$640,045
2000 - DISABILITY RIGHTS	\$1,177,000	\$1,618,000	\$1,439,885	\$0	\$1,439,885
TOTAL GROSS FUNDS	\$1,731,000	\$2,238,000	\$2,079,929	\$0	\$2,079,929

Committee Analysis and Comments

The FY2023 Proposed Budget reflects the Office of Disability Rights' ("ODR") continued commitment to ensuring compliance with federal and local disability rights laws, including the monitoring the implementation of the Five-Year State Plan ("Olmstead Community Integration Plan") for FY22-FY26.⁵²

Intra-District Transfers and ASL Services: ODR is subject to changes in accounting for intra-district transfers across the entirety of the FY2023 Proposed Budget. This accounts for the appearance of a \$255,000 reduction in ODR's budget for ASL interpretation services; this funding is now at the procuring agencies who use ODR for interpretation services, billed directly to that agency. Most agencies that do not have their own in-house ASL services are covered under an MOU between ODR and the City Administrator. ODR reported that about \$200,000 is spent on interpretation services under that MOU per year but anticipates that the total amount of ASL interpretation offered by the District Government once the Office of Deaf, Deafblind, and Hard of Hearing ("ODDBHH") is established. The Committee has conducted regular oversight of the Mayor's Office of Talent and Appointments to accelerate the appointment of a director for ODDBHH and anticipates an appointment to be made in the coming months.

In FY2022, two FTEs were added at ODR for interpreter services, primarily to provide interpretation services for Mayoral announcements and emergencies. The Committee is pleased to hear from ODR that those FTEs were effective in guaranteeing ASL interpretation at all such events.

United Spinal Association & et.al. v. District of Columbia Settlement: In ODR's government witness testimony on the FY2023 Proposed Budget, Director McCollough brought up the court settlement for *United Spinal Association & et.al. v. District of Columbia*.⁵³ The settlement agreement requires the Homeland Security and Emergency Management Agency ("HSEMA") to develop improved procedures for accessibility in emergency response to help those with disabilities navigate times of crisis. ODR will be assisting HSEMA in this effort.

ODR indicated that the settlement identified potentially fatal gaps in emergency response for the Deaf community, people with intellectual and developmental disabilities, and those with physical mobility impairments. ODR and HSEMA will be working with representative community organizations on implementation of new procedures, and Director McCollough reported that the District should be able to navigate through the settlement in FY2023 or FY2024. The Committee will continue to monitor ODR and HSEMA's compliance with the settlement agreement.

⁵² "Olmstead Community Integration Plan - DC One Community for All" at <https://odr.dc.gov/page/olmstead>.

⁵³ Settlement Agreement, *United Spinal Association & et.al. v. District of Columbia*, Civil Action No. 14-1528 (D. D.C., 2019).

3. FISCAL YEAR 2023-2028 CAPITAL BUDGET

The Mayor has no proposed FY2023 – FY2028 capital budget for the Office of Disability Rights.

4. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2023 Operating Budget Recommendations

The Committee recommends **approval** of the Mayor’s proposed FY2023 operating budget for the Office of Disability Rights.

b. Policy Recommendations

1. During the FY2023 budget oversight hearing, the Committee pressed the Office on whether agencies under the MOU with the City Administrator for ASL services availed themselves of those services at every appropriate occasion. ODR responded in the affirmative, but the Committee remains concerned that there is not clear guidance as to when services should be requested. The Committee asks that ODR either develop that guidance or, should it exist, clearly communicate it to agencies and the public. At the 2022 performance oversight hearing, ODR provided the Committee with a list of ASL requests for Advisory Neighborhood Commissions, which showed a vast imbalance in where interpretation was provided across the District. The Committee encourages ODR to work with the Office of Advisory Neighborhood Commissions (“OANC”) and its forthcoming director to better connect ANCs with these services.
2. At the FY2022 budget oversight hearing, the Committee asked ODR to review common accessibility mistakes in District government websites. The Agency indicated the following as frequent issues: broken links; search bars and other elements not properly tagged for screen readers; content in the form of scanned PDF files or PowerPoint files, not accessible to screen readers; and inconsistencies in typeface and font sizes. Now that a process for a top-to-bottom redesign of dc.gov will be initiated in FY2023, the Committee requests that ODR involve itself closely with that process in partnership with the Executive Office of the Mayor and the Office of the Chief Technology Officer, and report on how the website redesign is prioritizing accessibility and systematically eliminating issues common to the current site. The new dc.gov should be a national model for accessibility, particularly for mobile users.

E. DEPARTMENT OF HUMAN SERVICES

1. AGENCY MISSION AND OVERVIEW

The mission of the Department of Human Services (DHS) is to empower every District resident to reach their full potential by providing meaningful connections to work opportunities, economic assistance, and supportive services. DHS operates through the following 4 divisions:

Economic Security Administration (ESA) – determines and maintains eligibility and the amount of assistance for cash, food, childcare, and medical benefits. ESA also, through a Two Generational approach, administers the funds for those receiving Temporary Assistance for Needy Families (TANF) and Supplemental Nutritional Assistance Program (SNAP) Employment and Training (SNAP E&T) programs, which provide employment and training-related activities designed to improve long-term employability and achieve sustaining income. ESA also administers the Burial Assistance program, Interim Disability Assistance, and General Children’s Assistance.

This division contains the following 11 activities:

- **Burial Assistance** – provides assistance to low-income families who need help with funeral expenses;
- **General Assistance for Children** – provides financial assistance to eligible individuals caring for unrelated children under the age of 18;
- **Interim Disability Assistance (IDA)** – provides temporary financial assistance to those who are unable to work due to a disability and who have a high probability of receiving federal Supplemental Security Income (SSI). IDA payments are issued until SSI eligibility is approved or denied, after which the IDA payment ends;
- **Temporary Assistance for Needy Families (TANF)** – provides financial assistance to eligible families individuals with children under the age of 19, so that they can meet their basic needs, while supporting entire family through a Two Generational approach in providing supportive services aimed at building and transition to economic self-sufficiency;
- **Cash Assistance (TANF)** – provides financial assistance to eligible individuals with children under the age of 19, so that they can meet their basic needs and transition to economic self-sufficiency;
- **Job Opportunity and Training (TANF)** – provides employment readiness, job placement, coordination and skill development training, and educational

enrichment to eligible individuals so that they can be socially and economically self-reliant;

- **Supplemental Food Assistance (Local)** – provides locally funded food assistance to the District’s Supplemental Nutritional Assistance Program (SNAP) recipients. This assistance is provided to District residents who receive the minimum SNAP benefits to increase the food supplement to \$30 per month;
- **Case Management** – provides diagnostic, evaluation, and plan development services to consumers in order to determine the needs and plan the treatment and other related services and supports needed. Coordinates treatment and services to remediate barriers to employment and assists with securing other financial supports, such as Program on Work Employment and Responsibility (POWER) and SSI. This activity includes the Office of Work Opportunity and the Food Stamp Employment and Training Programs;
- **Eligibility Determination Services** – provides program eligibility determination services for residents of the District of Columbia in the Cash, SNAP, and Medical Assistance programs
- **Monitoring and Quality Assurance** – provides internal monitoring of ESA’s compliance with federal and District laws and court orders; identifies, investigates, and reports customer fraud in obtaining assistance; and addresses the accurate and timely determination of eligibility and administration of benefits; and
- **Early Education Subsidy Transfer** – provides funding to the Office of the State Superintendent of Education (OSSE) for subsidized childcare for the children of TANF-eligible families.

Family Services Administration (FSA) – FSA provides an array of social services and supports for District residents to solve crises, strengthen families, and connect residents to resources and programs to improve their well-being. FSA manages a system of care to make homelessness rare, brief and non-recurring; administers a system of services and supports for youth who are at-risk of court involvement, school disengagement, homelessness and repeat teen pregnancy; and provides crisis-intervention services for families and refugees.

This division contains the following 21 activities:

- **Homeless Prevention** – This activity includes programs for families, individuals and youth experiencing an imminent risk of homelessness that provide stabilizing services and resources aimed at preventing housing loss. Services offered may include diversion and mediation services, case management and/or care coordination, referrals to partners, rental assistance and other limited financial assistance;

- **Emergency Rental Housing** – The Emergency Rental Assistance program helps low-income District residents who are facing housing emergencies, or at imminent risk for homelessness. A housing emergency is when immediate action is needed to avoid homelessness, to re-establish a home, or to prevent eviction from a home;
- **Domestic Violence Services** – provides protection, emergency shelter, and crisis intervention services to victims of domestic violence so that they can seek immediate relief from harm;
- **Transitional Housing Youth** – provides transitional housing and case management supports for up to 24 months for youth ages eighteen to twenty-four who are experiencing or at risk of experiencing homelessness;
- **Youth Services** – provides integrated services for vulnerable at-risk youth through programs listed below. In addition to case management and crisis intervention, youth programs have the authority to travel with participants for enrichment opportunities.
 1. **Alternatives to the Court Experience (ACE)** – the sole youth diversion program in Washington, D.C., ACE offers individually tailored and clinically appropriate services to youth up to 17 years old and families as alternatives to arrest and prosecution. ACE’s goal is to reduce recidivism, reengage youths in school, and improve overall youth functioning;
 2. **Parent and Adolescent Support Services (PASS)** –works with youth up to the age of 17 years old who have committed status offense (mainly truancy) by conducting comprehensive youth assessments and providing intensive case management and linkages to other supportive services;
 3. **Teen Parent Assessment Program (TPAP)** – vides case management and support services to teen parents age 17 and under who receive TANF or self-refer to the program. TPAP’s goal is to move program participants towards self-sufficiency through completion of their high school or GED program; and
 4. **Strengthening Teens Enriching Parents (STEP)** – works with youth up to 17 years old who are reported missing to the police. Case managers provide outreach to assess why the youth has left home and together with the family, implement services with community partners – particularly Sasha Bruce – and other District agencies to reduce the likelihood of future missing persons reports, and increase family stability;
 5. **PASS Crisis and Stabilization Team (PCAST)** – provides crisis assessment, intervention, and stabilization services to youth and their

families that are referred to the Parent and Adolescent Support Services Program (PASS). Staff provide outreach, advocacy and coordination of services while engaging community resources. In addition, PCAST works to enhance coping skills and empower youth and their families to achieve stability; and

6. **Functional Family Therapy (FFT)** - is an intensive, short term intervention/preventive service that offers in-home family counseling designed specifically to address status-offending behaviors and juvenile delinquency from a relational/ family-based perspective. FFT services target adolescents who are experiencing a high level of conflict in the home, exposure to domestic violence, truancy, curfew violations, running away, and substance abuse. In addition, FFT services are also used as part of the homeless youth prevention services. FFT sessions are held at least once per week for 3-6 months; every session includes all key members of the family. FFT therapists use a national FFT evidence-based model to work with the referred youth and families. This model assesses family behaviors that have contributed to the youth's delinquent behavior, modifies strained family communication.
- **Homeless Services Continuum - Youth** – Works with youth up to 24 years old who are experiencing homelessness – or at risk of experiencing homelessness – to connect them with services to reunite them with their family and resolve family conflicts. Community organizations provide services such as drop-in centers, street outreach and housing. Additional youth homeless services include the provision of emergency shelter beds and homeless prevention services; resources to help youth experiencing homelessness with shelter placement and drop-in centers that provide meals; life skills training; assessment of needs; and vocational training;
 - **Permanent Supportive Housing -Youth** – the Extended Transitional Housing program (ETH) provides housing support and wrap-around services to youth with a high level of need that require long-term housing supports and intensive case management and other services;
 - **Transitional Age Youth Shelter** – provides emergency housing and supportive services to youth ages eighteen to twenty-four experiencing or at risk of experiencing homelessness;
 - **Rapid Rehousing - Youth** – provides access to permanent housing with the use of temporary financial supports and case management assistance for up to 12 months;
 - **Rapid Rehousing - Individuals** – the Rapid Re-housing for Individuals Program provides access to permanent housing with the use of temporary financial supports and case management assistance for up to 12 months;

- **Rapid Rehousing - Families** – the Family Rehousing and Stabilization Program (FRSP) supports District residents who are experiencing homelessness or at imminent risk of experiencing homelessness to achieve stability in permanent housing through individualized and time-limited assistance. FRSP offers a wide range of supports that are responsive to participant needs including: individualized case management services, housing identification, connection to mainstream and community-based resources and financial assistance;
- **Permanent Supportive Housing - General** – the Shelter Plus Care program is a HUD federally funded housing voucher program that provides long-term rental assistance to chronically homeless individuals and families;
- **Permanent Supportive Housing - Individuals** – the Permanent Supportive Housing program provides long-term permanent housing to eligible chronically homeless individuals at imminent risk of becoming homeless and need intensive case management. Eligibility is based on VI-SPDAT Assessment or Full SPDAT Assessment score with PSH recommendation;
- **Permanent Supportive Housing - Families** – the Permanent Supportive Housing program provides long-term permanent housing to eligible chronically homeless families who are at risk of becoming homeless and need intensive case management. Eligibility is based on VI-SPDAT Assessment or Full SPDAT Assessment score with PSH recommendation;
- **Homeless Services Continuum - Families** – services include intake at the Virginia Williams Family Resource Center, crisis intervention and prevention, emergency and temporary shelter, transitional housing, rapid rehousing, and permanent supportive housing to families in the District of Columbia who are homeless or at risk of homelessness;
- **Homeless Services Continuum - Individuals** – services include outreach and coordinated entry, crisis intervention and prevention, services targeted to veterans, day center, low barrier shelter, temporary shelter, transitional housing, rapid rehousing, and permanent supportive housing to individuals in the District of Columbia who are homeless or at risk of homelessness;
- **Homeless Services Continuum - General** – provides security, food, management, emergency rental assistance, housing navigation, fixed costs (for shelter and housing facilities), supplies, equipment, and administrative support for the activities listed under the Homeless Continuum;
- **Refugee Resettlement** – provides social services, cash, and medical assistance to eligible refugees and their families through sub-grant arrangements with community-based non-profit agencies;

- **Strong Families** – provides comprehensive service delivery through case management and support services to families who are experiencing significant social, emotional, or other crises in order to de-escalate and help stabilize the family;
- **Community Services Block Grant** – provides assistance to low-income residents through a network of community action agencies and other neighborhood-based organizations in order to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-reliant; and
- **Subsidy Transfer** – provides child care benefits for low-income families.

District Recovery Plan – District Recovery Plan initiatives, which include COVID-19 Public Health Emergency Direct Response Costs; Economic Recovery for Residents and Businesses; Build and Preserve Affordable Housing; Learning Acceleration; Reduction of Healthcare Disparities; Gun Violence Prevention; Youth Safety; and Alternative 911 Response. These initiatives are funded by District Recovery Plan Funds, which include the following sources: the American Rescue Plan Act and the Coronavirus Aid, Relief, and Economic Security Act.

Agency Management/Office of the Director – provides executive management, policy direction, strategic and financial planning, human capital management, information technology, capital programs, legislative and community relations, and performance management. The Office of Program Review, Monitoring, and Investigation includes agency risk management, fraud investigation, internal affairs, homeless shelter monitoring, and a quality control division.

Agency Financial Operations – provides comprehensive and efficient financial management services to, and on behalf of, District agencies so that the financial integrity of the District of Columbia is maintained. This division is standard for all agencies using performance-based budgeting.

Division Structure Change

The Department on Human Services has no division structure changes in the FY2023 Proposed Budget.

2. FISCAL YEAR 2023 OPERATING BUDGET

Proposed Operating Budget Summary

<i>Fund Type</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	\$0	\$0	\$4,674,900	\$0	\$4,674,900
LOCAL FUND	\$409,952,000	\$510,129,000	\$632,861,035	\$1,482,309	\$634,343,344
FEDERAL PAYMENTS	\$179,477,000	\$44,835,000	\$34,274,452	\$0	\$34,274,452
FEDERAL GRANT FUND	\$176,544,000	\$147,999,000	\$160,643,157	\$0	\$160,643,157
FEDERAL MEDICAID PAYMENTS	\$13,894,000	\$16,124,000	\$16,195,054	\$0	\$16,195,054
PRIVATE DONATIONS	\$16,000	\$0	\$0	\$0	\$0
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$900,000	\$100,000	\$0	\$100,000
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$0	\$696,427	\$0	\$696,427
OPERATING INTRA-DISTRICT FUNDS	\$18,756,000	\$3,503,000	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$798,640,000	\$723,489,000	\$849,445,025	\$1,482,309	\$850,927,334

<i>Comptroller Source Group</i>	<i>FY2021 Actual</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
11-REGULAR PAY - CONT FULL TIME	\$95,030,000	\$109,313,000	\$124,273,996	(\$306,393)	\$123,967,603
12-REGULAR PAY - OTHER	\$827,000	\$1,103,000	\$2,545,212	\$0	\$2,545,212
13-ADDITIONAL GROSS PAY	\$704,000	\$12,000	\$12,000	\$0	\$12,000
14-FRINGE BENEFITS - CURR PERSONNEL	\$23,172,000	\$28,598,000	\$31,581,376	(\$78,438)	\$31,502,938
15-OVERTIME PAY	\$5,868,000	\$90,000	\$63,744	\$0	\$63,744
20-SUPPLIES AND MATERIALS	\$303,000	\$282,000	\$294,018	\$0	\$294,018
30-ENERGY, COMM. AND BLDG RENTALS	\$675,000	\$2,966,000	\$4,250,327	\$0	\$4,250,327
31-TELECOMMUNICATIONS	\$1,769,000	\$2,006,000	\$1,186,282	\$0	\$1,186,282
32-RENTALS - LAND AND STRUCTURES	\$23,029,000	\$27,124,000	\$30,362,616	\$0	\$30,362,616
34-SECURITY SERVICES	\$2,742,000	\$5,634,000	\$5,538,676	\$0	\$5,538,676
35-OCCUPANCY FIXED COSTS	\$2,073,000	\$7,738,000	\$7,539,803	\$0	\$7,539,803
40-OTHER SERVICES AND CHARGES	\$3,851,000	\$4,346,000	\$3,983,023	\$0	\$3,983,023
41-CONTRACTUAL SERVICES - OTHER	\$10,095,000	\$12,693,000	\$14,229,036	\$0	\$14,229,036
50-SUBSIDIES AND TRANSFERS	\$448,449,000	\$521,078,000	\$621,141,058	\$1,867,140	\$623,008,198
70-EQUIPMENT & EQUIPMENT RENTAL	\$804,000	\$506,000	\$2,443,858	\$0	\$2,443,858
TOTAL GROSS FUNDS	\$614,754,000	\$723,489,000	\$849,445,025	\$1,482,309	\$850,927,334

<i>Program</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>Mayor's FY 2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
1000 - AGENCY MANAGEMENT	\$32,520,000	\$38,336,000	\$44,630,162	\$0	\$44,630,162
100F - AGENCY FINANCIAL OPERATIONS	\$3,202,000	\$3,427,000	\$0	\$0	\$0
2000 - ECONOMIC SECURITY ADMINISTRATION	\$265,698,000	\$287,275,000	\$293,383,411	(\$116,993)	\$293,266,418
5000 - FAMILY SERVICES	\$497,426,000	\$294,451,000	\$468,960,506	\$1,599,302	\$470,559,808
TOTAL GROSS FUNDS	\$798,640,000	\$723,489,000	\$806,974,079	\$1,482,309	\$808,456,388

Committee Analysis and Comments

Homeless Prevention: Homeless prevention can be defined broadly to include emergency cash assistance, conflict resolution support, and legal assistance to prevent evictions, as well as robust discharge planning and strategic supports for populations known to be at heightened risk of experiencing homelessness. In this report, the Committee will focus on three programs that are central to the Department of Human Services' homeless prevention strategy: Project Reconnect, Stronger Together by Assisting You ("STAY") DC, and Emergency Rental Assistance Program ("ERAP").

Project Reconnect: Project Reconnect is a shelter diversion and rapid exit program for unaccompanied adults experiencing homelessness. Despite regular positive reviews about the program from DHS, this is the third year in a row that the agency has proposed cuts to the Project Reconnect Budget. In FY2022, the Mayor's proposed budget included a \$325,000 reduction in funding, which the Committee on Human Services was able to restore the full amount by allocating \$200,000 from underspending in the FY2021 Project Reconnect budget and \$125,000 from other sources. This year, the Mayor's FY2023 Proposed Budget included a \$300,000 reduction to the Project Reconnect budget. Based on the testimony of experts and service providers expressing their continued belief in the importance of this program for diverting single adults from the homeless services system, the Committee recommends enhancing the budget for Project Reconnect in FY2023 by \$300,000.

Rental Assistance: "ERAP helps low-income, District residents who are facing housing emergencies, or at imminent risk for homelessness."⁵⁴ ERAP has often been considered the

⁵⁴ 2022 Performance Oversight Responses, Department of Human Services, Q1. ("A housing emergency is when immediate action is needed to avoid homelessness, to re-establish a home, or to prevent eviction from a home. ERAP can help to pay overdue rent, including late costs and court fees, if eviction is about to happen, security deposit for a new residence, and/or first month's rent").

first line of defense against homelessness because it is intended to prevent homelessness before it occurs. Over the last two years, the District's investments in emergency rental assistance has been bolstered by a federal source of funding as well.

In FY2022, the District has received \$352 million from the federal government in Emergency Rental Assistance ("ERA") program funds. The ERA program was comprised of two funding streams with slightly different rules – ERA1 and ERA2. Broadly, at least 90 percent of ERA1 and ERA2 "awarded funds must be used for direct financial assistance, including rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing. Remaining funds are available for housing stability services, including case management and other services intended to keep households stably housed."⁵⁵

In April of 2021, Mayor Bowser announced the launch of a new rent assistance program funded with ERA program funds entitled Stronger Together by Assisting You ("STAY") DC. The STAY DC program was co-administered by the Department of Housing and Community Development ("DHCD") and DHS. Because of the tremendous demand and the influx of applicants, by October 14, 2021, DHCD announced that the deadline for submitting an application for the STAY DC program would be October 27, 2021, as the program's funds were depleted. The District was one of the nation's leading distributors of pandemic rental relief funds, according to data from the Treasury Department in September. In October 2021, the Mayor asked the U.S. Department of the Treasury to expedite the reallocation of rental assistance funds from states and localities that had leftover money. At that time, the Council called on the Mayor to fund STAY DC using local dollars. In January 2022, it was announced that the District would be receiving an additional \$17.7 million in ERA funds. At the Agency's performance oversight hearing, Director Zeilinger shared that most of these funds would go towards pay outstanding STAY DC claims.

While the STAY DC program was operational, the District used this program's online application portal to route applicants to ERAP resources. Since the shuttering of the STAY DC portal, DHS has returned to directing applicants to DHS's own online portal for ERAP applications.⁵⁶ This portal streamlines the application process for ERAP by allowing applicants to submit their applications online.

Upon publishing her budget in March, the Mayor announced that there would be \$120 million in new investments in ERAP. Of the \$120 million, \$42.7 million is invested in the FY2023 Proposed Budget, and the remainder is allocated in FY2022. At the Agency's FY2023 budget oversight hearing, Director Zeilinger shared that the FY2022 investments

⁵⁵ Emergency Rental Assistance Program, U.S. Department of Treasury. Available at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>.

⁵⁶ DC Emergency Rental Assistance Program Online Portal, DC Department of Human Services, <https://erap.dhs.dc.gov/>.

will go towards paying pending STAY DC applications and addressing new needs until the end of the fiscal year. At the 2022 DHS 2022 performance oversight hearing, she also suggested that the Executive came to this number based on a presumption that there will be a 25% decrease in the number of people who need rent assistance.

Based on conversations with experts and advocates, the Committee believes that DHS's estimates of rental assistance need in the District may be a gross underestimation. Some have suggested that the need in FY2023 may be as high as \$187 million. Because DHS does not require the community-based organizations who administer ERAP to collect data on the number of applicants turned-away, it is hard to use data from past years as a reference point for what the need for ERAP in FY2023 might be. Despite the uncertainty, it is clear that there is a great need. The Committee accepts a transfer of \$300,000 from the Committee on Government Operations and Facilities for a one-time enhancement for ERAP. The Committee Chair urges her colleagues and plans to work them to find other sources of funding to make a sizable investment in ERAP for FY2023. The Committee also believes that DHS should take steps to better understanding the need for ERAP and finding a recurring source of revenue to fill these needs.

Youth Homelessness Needs: With the goal of making youth homelessness in the District “a rare, brief, and nonrecurring experience” by 2022,⁵⁷ DHS, the Interagency Council on Homelessness (ICH) working group, and community stakeholders created *Solid Foundations DC: Strategic Plan to Prevent and End Homelessness* (“Youth Plan”).⁵⁸ This was the first comprehensive plan to end youth homelessness in the District. In 2015, there were 545 homeless or housing insecure youth, with 58 youth being homeless or housing insecure under 18, and 487 transition aged youth (age 18-under 25).⁵⁹

In Year 1 of the Youth Plan (FY2018), the Committee filled a \$3.3 million gap in funding to ensure full implementation, including additional shelter beds, PSH units, transitional housing slots, and Aftercare slots for youth reunifying with family. In Year 2 (FY2019), the Mayor's proposed budget included \$500,000 for a 24-hour Drop-In Center, \$660,000 for crisis shelter beds for Transition-Aged Youth, \$250,000 for five additional transitional housing beds, and \$300,000 for 10 PSH units with supportive services. Once again, the Committee allocated additional funds to help close the budget gap including \$720,000 for 16 additional transitional housing beds and \$210,000 for 7 additional PSH units with services. In Year 3 (FY2020), the Mayor's proposed budget included \$2.5 million in new investments, including \$513,540 for 15 PSH vouchers, \$975,000 for 30 RRH slots, and \$966,000 for 23 additional transitional housing beds. Working closely with the advocate

⁵⁷ This plan is intended to be a five-year plan, implemented over five full budget cycles (FY2018 – FY2022).

⁵⁸ *Solid Foundations DC: Comprehensive Plan to End Youth Homelessness*, Interagency Council on Homelessness. Available at https://ich.dc.gov/sites/default/files/dc/sites/ich/page_content/attachments/Solid%20Foundations%20DC%20web%201.5.pdf.

⁵⁹ 2015 Homeless Youth Census conducted by the Interagency Council on Homelessness.

community, the Committee reallocated the additional investment in RRH to fund Permanent Supportive Housing for youth. In total, the Committee made an additional investment of \$2.67 million including, 35 units of PSH, 27 units of transitional housing, and 60 shelter beds.

In FY2021 (Year 4 of the Youth Plan), the Mayor's proposed budget included an enhancement to permit a per bed cost increase for 86 extended transitional housing ("ETH") placements,⁶⁰ but also included the removal of \$1,320,000 in recurring dollars invested by the Committee in FY2020 in Transition Age Youth ("TAY") Shelter beds, a reduction of \$1.6 million to the Youth Homeless Services Continuum, and various other very small reductions attributed to cost savings. While the Committee took steps to replace the recurring dollars that were reduced by the Mayor, the Committee's enhancement of recurring dollars was ultimately removed from the FY2021 Approved Budget at the Committee of the Whole, meaning the Committee would once again have to restore reductions in FY2022 as a result of one-time funds not being renewed.

The Mayor's FY2022 (Year 5 of the Youth Plan) Proposed Budget to include a reduction of \$370,000 across the various youth services budget line items. In the FY2022 Approved Budget, the Committee did not reverse the reduction to these services. The year-after-year gradual reduction in funding is starting to place financial pressure on various portions of the youth homelessness system and the Committee is concerned that DHS is creating a funding ecosystem that will not be sustainable in the long-term.

The Mayor's FY2023 Proposed Budget adds \$213,000 for 10 new permanent housing units for youth transitioning to the adult system. It also included \$500,000 in new investments for an LGBTQ low-barrier shelter for 20 youth, \$189,000 to expand beds for pregnant and parenting youth, \$667,000 for new workforce initiatives to support transgender and gender non-conforming individuals, and 3 new FTEs to support the DHS's Youth Homeless Services work including grant management functions. While the Committee supports these investments, there remains a need to do more.

At DHS's FY2023 budget oversight hearing, youth services providers testified that the continued level-funding of providers' contracts, as costs have increased, has made it difficult for providers to continue their work without reducing services. After considering this testimony and conferring with the youth homelessness experts, the Committee recommends a one-time enhancement of \$517,140 to increase the funds available for the contract of youth service providers. This recommendation should not be construed as meeting the full need. Based on testimony, we know the overall need is closer to \$3.15 million. The Committee chair will continue working with her colleagues to identify resources for this need.

⁶⁰ 2020 Performance Oversight Responses, Department of Human Services, Q50 (ETH includes housing and intensive supportive services for the most vulnerable youth ages 18 through 24 years of age for up to six years with the goal of stabilizing the youth and preparing them for independence as they transition to adulthood).

DHS shared with the Committee that the DC Policy Center is working with The Community Partnership and youth service providers to conduct a cost analysis determining the true cost of services, in order to address these concerns. The cost analysis will focus on site-based programs and programs for special populations. The results of the cost analysis will be shared with DHS leadership and the provider community and DHS will utilize this data as part of its process to request funding enhancements in FY2024. The Committee encourages DHS to prioritize this analysis and to right-size the contracts of youth services providers. Furthermore, DHS should include the costs associated with compliance with the “Nonprofit Fair Compensation Act of 2020”⁶¹ in this analysis.

Tenant Based Vouchers and Housing Subsidies: In the “Fiscal Year 2022 Budget Support Act of 2021,” the Council passed the “Income Tax Amendment Act of 2021” as a subtitle. The subtitle is informally known as the “Homes and Hearts Amendment Act” (“Homes and Hearts”). This subtitle established a more progressive tax framework by moderately increasing the marginal tax rate of the District’s high-income earners. The revenue generated by this amendment allowed the District to provide pay parity for infant and toddler educators in child development facilities, provide more than 2,000 low-income District residents and residents experiencing homelessness with stable housing, and increase the District’s earned income tax credit provided to very low-income families.

The revenue allocations of the Homes and Hearts were outline in the “Fiscal Year 2022 Local Budget Act of 2021.” Based on the cost of each subsidy at the time, it was estimated that the revenue allowed for the following investments in housing vouchers and subsidies: 1,012 units of Permanent Supportive Housing for Individuals, 255 units of Permanent Supportive Housing for Families, 307 units of Targeted Affordable Housing for Families, 310 units of Local Rent Supplement Program (“LRSP”) Tenant-Based Vouchers for Families, 20 units of LRSP vouchers for LGBTQI+ people, 40 units of LRSP vouchers for returning citizens, 25 units of LRSP vouchers for seniors, 20 units of LRSP vouchers for single survivors of domestic violence, 40 units of LRSP vouchers for survivors of domestic violence and their families, and 501 units of the Flexible Rent Subsidy Program (“DC Flex”). The revenue also allowed for the allocation of 20 FTEs at DHS and 10 FTEs at District of Columbia Housing Authority (“DCHA”) to provide administrative support in administering the increase in vouchers.

In November 2021, the Committee held a public oversight hearing on DHS’s implementation of the Council housing investments and pandemic recovery efforts. At the hearing Director Zeilinger testified that the “infusion of resources will require system-wide capacity building – for PSH providers, new and existing housing providers, DHS, and DCHA.”⁶² DHS also provided an update on the number of vouchers and subsidies that had

⁶¹ D.C. Law 23-0185, effective March 16, 2021

⁶² *Committee on Human Services: Department of Human Services Implementation of Historic Housing Investments and Pandemic Recovery Efforts*. November 10, 2021. Testimony of Laura Zeilinger, Director, Department of Human Services.

been disbursed at that time, and confirmed the expectation that some capacity building would be required before the District is able to make full use of the allotted subsidies to address homelessness. The Director also shared that 7 FTEs had been hired, 4 hires were pending, and 10 were in earlier stages of the hiring process. When asked about the status of these FTEs at its 2022 performance oversight hearing, DHS shared that only one additional FTE had been hired. The Committee is pleased with DHS's efforts and expects DHS's ramp up to be completed in the coming year and for the agency to be at full force in disbursing the vouchers.

During this year's budget process, homeless services experts and advocates observed that the District had made sufficient investments in funding Permanent Supportive Housing vouchers. This should be noted as a measure of the Committee's success that in the third year of Homeward DC 2.0, the District's plan to end homelessness, that the District has appropriately invested in Permanent Supportive Housing so as to not require additional funding. The Committee looks forward to continuing its robust oversight to ensure this remains the case.

Family Re-Housing Stabilization Program: The Family Re-Housing Stabilization Program ("FRSP"), also commonly known as Rapid Re-Housing ("RRH"), is a time-limited housing and support designed to assist families experiencing homelessness – or at imminent risk of experiencing homelessness – to afford dignified and safe housing in the private market. Rental assistance and support services are provided for 12 to 18 months based on the needs of the household. FRSP is available only to families who are connected to another DHS program – like Short-term Family Housing– after they are assessed and determined eligible.⁶³

While the RRH subsidy generally only last 12 to 18 months, during the COVID-19 pandemic, DHS paused terminations when the District initially enacted the eviction moratorium.⁶⁴ After the mortarium was lifted, DHS announced that families qualifying for the subsidy would resume being timed-out from receiving this subsidy by March 2022. These families began receiving notices of cessation from DHS in late 2021. It has been reported that 913 families will receive notices of cessation, notifying them of their subsidy termination by September of 2022. In order to support the extended stays on RRH, the Mayor allocated \$40 million for FRSP in the FY2022 Supplemental Budget in addition to the \$67 million in the FY2022 Approved Budget. At the Agency's budget oversight hearing, Director Zeilinger also testified that the Mayor also allocated \$44.4 million of new funds, that were not previously a part of the financial plan, in the FY2023 Proposed Budget for FRSP.

⁶³ *Family Re-Housing Stabilization Program*, DC Department of Human Services, <https://dhs.dc.gov/page/family-re-housing-stabilization-program%C2%A0%C2%A0>.

⁶⁴ D.C. Law 23-0247, effective March 17, 2020.

The Committee recognizes that the impending terminations poses concerns about what will happen to these families. The District must avoid a scenario in which large number of these families fall back into homelessness. At DHS's 2022 performance oversight hearing, Director Zeilinger testified that all families receiving notice of cessation would receive the information necessary to apply for other housing subsidies that they might qualify for. She also stated that each family's caseworkers would be tasked with helping the families navigate the application process for these subsidies. The Director believes both DC Flex and the Career Mobility Action Plan ("Career MAP") will allow some qualifying families to remain housed. Others will qualify for PSH and TAH for families.⁶⁵

The Committee recognizes that, despite the new resources made available by the Council's investments in the FY2022 Approved Budget, there remains a need for subsidies to ensure that homelessness does not reoccur for the estimated 913 families. The Committee believe the District must consider deeper investments in Targeted Affordable Housing units for families. The Committee has expressed this need to the Chairman of the Council with the hope that investments may be made by the Council within the Committee of the Whole's final budget allocations.

Domestic Violence Needs: Domestic violence continues to be a leading public safety concern in the District. At DHS's FY2023 budget oversight hearing, Dawn Dalton, Deputy Director of the DC Coalition Against Domestic Violence ("DCADV"), testified that "survivors are experiencing trauma at levels previously unseen, causing the need for client service plans that include substantially increased resources." She testified that DCADV has learned from the DC Victim Hotline that there has been a significant increase in the number of callers who are reaching out to due to Intimate Partner Violence (IPV). When comparing the volume of IPV-related calls, pre-Covid, at the close of 2019 to the volume of IPV-related calls in the midst of the pandemic, at the close of 2021, the DC Victim Hotline experienced a 40% increase in IPV-related interactions.⁶⁶

In responding this need, the Committee made a one-time enhancement of \$321,397 to increase Domestic Violence Response Capacity to serve survivors and families the Virginia Williams Family Resources Center ("VWFRC") in the FY2022 Approved Budget. This enhancement paid for (1) an additional DASH System Navigator to provide trauma-informed support services to increases caseload of survivors of domestic and sexual violence and their families who arrive VWFRC seeking housing support, and (2) two DASH Technical Assistance staff to provide more robust technical assistance and training to the DHS staff at VWFRC as they serve families impacted by domestic violence. The Committee was pleased to learn that the FY2023 Proposed Budget retained these FTEs and made them recurring, so these critical resources remain available at VWFRC for survivors and their families in future years.

⁶⁵ *Performance Oversight Hearing: Department of Human Services*. February 24, 2022. Testimony of Laura Zeilinger, Director, Department of Human Services.

⁶⁶ *Budget Oversight Hearing: Department of Human Services*. March 31, 2022. Testimony of Dawn Dalton, Executive Director, DC Coalition Against Domestic Violence.

Additionally, the Committee is pleased to receive a transfer from the Committee on Government Operations and Facilities in the amount of \$750,000 for DHS's Technical Assistance and Training Program to improve service delivery for victims of domestic and sexual violence. Nonetheless, the Committee recognizes that there remain unfunded priorities in this space. At the Agency's FY2023 budget oversight hearing, Koube Ngaaje of the District Alliance for Safe Housing ("DASH") testified that the Right to Dream program, operated by DASH, has been flat funded since its launch in 2020. She testified that the funding for this program needs to be increased in order to remain operational by DASH.⁶⁷ Additionally, there remains a need for additional transitional housing units and new affordable housing units for families of survivors and single survivors.⁶⁸ The Committee has expressed the need for the resources to the Chairman, and hopes to work to find additional resources to fund these needs.

⁶⁷ *Budget Oversight Hearing: Department of Human Services*. March 31, 2022. Testimony of Koube Ngaaje, Executive Director, District Alliance for Safe Housing (DASH).

⁶⁸ *Budget Oversight Hearing: Department of Human Services*. March 31, 2022. Testimony of Dawn Dalton, Executive Director, DC Coalition Against Domestic Violence (testifying that \$12.49 million would support 65 new transitional housing units and 14 new affordable housing units).

3. FISCAL YEAR 2023-2028 CAPITAL BUDGET

Proposed Capital Budget Summary

<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Unspent Allotment (3/16/22)</i>	<i>FY23</i>	<i>FY24</i>	<i>FY25</i>	<i>FY26</i>	<i>FY27</i>	<i>FY28</i>	<i>6-year Total</i>
CASE MANAGEMENT SERVICES- FEDERAL	Existing Balances	\$94,411,356	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CASE MANAGEMENT SERVICES- FEDERAL Total		\$94,411,356	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CASE MANAGEMENT SYSTEM - GO BOND	Existing Balances	\$351,521	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CASE MANAGEMENT SYSTEM - GO BOND Total		\$351,521	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY & TEMPORARY HOUSING FOR MEN	Existing Balances	\$1,968,698	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY & TEMPORARY HOUSING FOR MEN Total		\$1,968,698	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY AND TEMPORARY HOUSING UPGRADES	Mayor's Proposed FY23 Change	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,500,000
Mayor's Proposed FY23 Change	Existing Balances	\$6,277,422	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EMERGENCY AND TEMPORARY HOUSING UPGRADES Total		\$6,277,422	\$0	\$0	\$0	\$0	\$0	\$0	\$3,500,000
MADISON SHELTER	Mayor's Proposed FY23 Change	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,600,000
Mayor's Proposed FY23 Change	Existing Balances	\$2,600,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MADISON SHELTER Total		\$2,600,000	\$0	\$0	\$0	\$0	\$0	\$0	\$2,600,000
MP-TEMPORARY AND PERMANENT SUPPORTIVE HOUSING	Existing Balances	\$67,598	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MP-TEMPORARY AND PERMANENT SUPPORTIVE HOUSING Total		\$67,598	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENT 5	Approved FY22 CIP for FY23-27	\$0	\$17,500,000	\$0	\$0	\$0	\$0	\$0	\$29,734,364
Approved FY22 CIP for FY23-27	Mayor's Proposed FY23 Change	\$0	\$678,000	\$0	\$0	\$0	\$0	\$0	\$1,799,636
Mayor's Proposed FY23 Change	Existing Balances	\$10,465,049	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENT 5 Total		\$10,465,049	\$18,178,000	\$0	\$0	\$0	\$0	\$0	\$31,534,000

SINGLE SHELTER REPLACEMENTS - MP	Existing Balances	\$1,795,812	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENTS - MP Total		\$1,795,812	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENTS 3 AND 4	Mayor's Proposed FY23 Change	\$0	\$5,599,075	\$0	\$0	\$0	\$0	\$0	\$27,159,075
Mayor's Proposed FY23 Change	Existing Balances	\$36,317,847	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLE SHELTER REPLACEMENTS 3 AND 4 Total		\$36,317,847	\$5,599,075	\$0	\$0	\$0	\$0	\$0	\$27,159,075
SINGLES SHELTER REPLACEMENT 1 AND 2	Mayor's Proposed FY23 Change	\$0	\$22,440,000	\$0	\$0	\$0	\$0	\$0	\$44,000,000
Mayor's Proposed FY23 Change	Existing Balances	\$29,990,340	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SINGLES SHELTER REPLACEMENT 1 AND 2 Total		\$29,990,340	\$22,440,000	\$0	\$0	\$0	\$0	\$0	\$44,000,000
SMALL CAPITAL PROJECTS	Mayor's Proposed FY23 Change	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$5,831,167
Mayor's Proposed FY23 Change	Existing Balances	\$4,580,125	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SMALL CAPITAL PROJECTS Total		\$4,580,125	\$500,000	\$0	\$0	\$0	\$0	\$0	\$5,831,167
WARD 1 TEMPORARY HOUSING FOR FAMILIES	Existing Balances	\$2,631,763	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 1 TEMPORARY HOUSING FOR FAMILIES Total		\$2,631,763	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 3 TEMPORARY HOUSING FOR FAMILIES	Existing Balances	\$637,303	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 3 TEMPORARY HOUSING FOR FAMILIES Total		\$637,303	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 4 TEMPORARY HOUSING FOR FAMILIES	Existing Balances	\$393,679	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 4 TEMPORARY HOUSING FOR FAMILIES Total		\$393,679	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 5 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 5 TEMPORARY HOUSING FOR FAMILIES Total		\$606,142	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 6 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 6 TEMPORARY HOUSING FOR FAMILIES Total		\$1,270,176	\$0	\$0	\$0	\$0	\$0	\$0	\$0

WARD 7 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 7 TEMPORARY HOUSING FOR FAMILIES Total		\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 8 TEMPORARY HOUSING FOR FAMILIES	Existing Balances		\$0	\$0	\$0	\$0	\$0	\$0	\$0
WARD 8 TEMPORARY HOUSING FOR FAMILIES Total		\$106,745	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Department of Human Services Total		\$194,621,576	\$46,717,075	\$0	\$0	\$0	\$0	\$0	\$114,624,242

Committee Analysis and Comments

The Committee supports the continued capital investments in finalizing the Short-Term Family Housing Facilities as well as the meaningful enhancements targeting the improvement of the system providing shelter spaces for unaccompanied adults experiencing homelessness.

801 East Replacement: The 801 East Replacement project was completed this calendar year and opened its doors in January 2022. The new 88,000 square-foot shelter is the District's first major shelter redevelopment project for individuals under the current administration. The new 801 East Men's Shelter, a \$56 million construction project, is 396-bed facility that includes a low-barrier shelter, a work bed program, beds reserved for seniors and individuals with medical needs, as well as capacity to expand during hypothermia season. The facility also includes a new daytime services center with a mail room, computer lab, barbershop, and laundry facility. The shelter will support a dedicated senior program, work bed program, and medical respite program. It will provide on-site resources including housing-focused case management, behavioral health and harm reduction supports, and a culinary training program. The Committee commends the completion of this project and hopes it serves as a model for other shelter replacement projects in the District.

Harriet Tubman Shelter Replacement: The Capital Improvement Plan maintains funding for the Harriet Tubman Shelter Replacement project. Currently, DHS is considering the development of two smaller sites as opposed to one bigger location. They estimate that each of the smaller sites will be designed with 75-100 beds, totaling 150-200 beds. In contrast, the current Harriet Tubman Shelter has 175 beds (COVID-19 reduced capacity is 130 beds) and is planned to stay open until the new site(s) are completed. The Committee supports the agency's plan for smaller sites but wants to emphasize the importance of maintaining the number of placements in the system.

New York Avenue Shelter: The current New York Avenue Men's Shelter serves 380 individuals. DHS plans to move this shelter to what is currently the location of the Humane Rescue Alliance on New York Avenue. The Agency believes that the new location will

have sufficient square footage to provide more privacy and offer more services, including daytime programming. Until the new site is completed, the existing New York Avenue Shelter will continue to operate. In order to keep it habitable, additional capital dollars are being invested to address small capital project renovations.

DRAFT

4. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2023 Operating Budget Recommendations

The Committee recommends **approval** of the Mayor's proposed FY2023 operating budget for the Department of Human Services with the following modifications:

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Economic Security Administration	2030 - Case Management	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One Time	(\$126,262)	\$0
2000 - Economic Security Administration	2030 - Case Management	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One Time	(\$45,913)	\$0
2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #16773	One Time	(\$8,816)	\$0
2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #2064	One Time	(\$11,754)	\$0
2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #8106	One Time	(\$11,754)	\$0
2000 - Economic Security Administration	2030 - Case Management	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #86069	One Time	(\$11,754)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation	One Time	(\$36,540)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One Time	(\$93,147)	(\$93,147)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	Recurring	\$0	(\$93,147)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation	One Time	(\$69,885)	\$0

2000 - Economic Security Administration	2040 - Eligibility Determination Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One Time	(\$19,595)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #24657	One Time	(\$9,354)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #30734	One Time	(\$23,846)	(\$23,846)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #30734	Recurring	\$0	(\$23,846)
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #6441	One Time	(\$8,803)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #6787	One Time	(\$6,921)	\$0
2000 - Economic Security Administration	2040 - Eligibility Determination Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #90804	One Time	(\$9,354)	\$0
2000 - Economic Security Administration	2055 - Monitoring and Quality Assurance	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One Time	(\$116,434)	\$0
2000 - Economic Security Administration	2055 - Monitoring and Quality Assurance	0011 - Regular Pay - Cont Full Time	Fringe Benefits associated with Position #25160	One Time	(\$15,897)	\$0
2000 - Economic Security Administration	2055 - Monitoring and Quality Assurance	0011 - Regular Pay - Cont Full Time	Fringe Benefits associated with Position #25422	One Time	(\$13,910)	\$0
5000 - Family Services	5013 - Homeless Prevention	0050 - Subsidies and Transfers	One-time enhancement to the Project Reconnect program for the purpose of shelter diversion and rapid exit program for unaccompanied individuals.	One Time	\$0	\$300,000

5000 - Family Services	5014 - Emergency Rental Assistance (ERAP)	0050 - Subsidies and Transfers	Transfer in to the Committee on Human Services to provide a one-time enhancement to ERAP in DHS.	One Time	\$0	\$300,000
5000 - Family Services	5020 - Domestic Violence Services	0050 - Subsidies and Transfers	Transfer in to the Committee on Human Services to provide a one-time enhancement to DHS for Technical Assistance Grants for organizations supporting domestic violence survivors.	One Time	\$0	\$750,000
5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One Time	(\$75,506)	(\$75,506)
5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	Recurring	\$0	(\$75,506)
5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One Time	(\$68,870)	(\$68,870)
5000 - Family Services	5022 - Youth Services	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	Recurring	\$0	(\$68,870)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #82739	One Time	(\$19,330)	(\$19,330)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #82739	Recurring	\$0	(\$19,330)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #87495	One Time	(\$17,631)	(\$17,631)
5000 - Family Services	5022 - Youth Services	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #87495	Recurring		(\$17,631)
5000 - Family Services	5023 - Homeless Service Continuum - Youth	0050 - Subsidies and Transfers	One-time enhancement for youth homelessness grants to increase base funding for the existing contracts of youth homelessness service providers.	One Time	\$0	\$517,140

5000 - Family Services	5035 - Permanent Supportive Housing Families - Families	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One Time	(\$56,806)	\$0
5000 - Family Services	5035 - Permanent Supportive Housing Families - Families	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #90789	One Time	(\$14,543)	\$0
5000 - Family Services	5038 - Homeless Services Continuum - Individuals	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY21 formulation.	One Time	(\$73,260)	\$0
5000 - Family Services	5038 - Homeless Services Continuum - Individuals	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #34490	One Time	(\$18,755)	\$0
5000 - Family Services	5060 - Strong Families	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	One Time	(\$68,870)	(\$68,870)
5000 - Family Services	5060 - Strong Families	0011 - Regular Pay - Cont Full Time	Position has remained vacant since FY22 formulation.	Recurring	\$0	(\$68,870)
5000 - Family Services	5060 - Strong Families	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #74872	One Time	(\$17,631)	(\$17,631)
5000 - Family Services	5060 - Strong Families	0014 - Fringe Benefits - Curr Personnel	Fringe Benefits associated with Position #74872	Recurring		(\$17,631)
			Local Funds Total		(\$1,071,139)	\$1,097,478

b. Fiscal Year 2023 Capital Budget Recommendations

The Committee recommends **approval** of the Mayor's proposed FY2023 – FY2028 capital budget for the Department of Human Services.

c. Policy Recommendations

1. The “Nonprofit Fair Compensation Act of 2020” requires the District to reimburse nonprofits for their indirect costs in addition to the costs directly associated with the provision of services.⁶⁹ Last year, the Committee learned that no District agencies, including the Department of Human Services, considered this newly enacted law when developing their budgets. In the FY2022 Committee on Humans Services Budget Report, because the law was enacted without the requirement of designated funding, the Committee strongly encouraged DHS and other agencies, working closely with not-for-profits, to immediately start accounting for these indirect costs. This work remains unfinished. The Committee reaffirms its recommendation that DHS work with its non-profit partners to ensure these indirect costs are accounted for.
2. The Emergency Rental Assistance Program is funded yearly on a one-time basis, although the need is ever-present. In almost all years, the program is underfunded. Nonetheless, the District has failed to collect the necessary data better understand the need on a year-by-year basis. The Committee recommends that the Department of Human Services work with its community-based organization partners who administer the program to collect data on the number of individuals who attempt to apply for the program after it is out of funds. This will help the District better assess the needs on a year-by-year basis and make better funding decisions that may lead to a more consistent stream of funding.
3. Based on testimony the Committee heard from the youth homelessness service providers, it has become clear that soaring costs and increased needs have made it difficult for the providers to continue operating with no change to their contracts. The Committee recommends that the Department of Human Services continue to conduct a cost analysis to determine the true cost of services. Once this is determined, it is essential that service providers have their contracts right-sized so they are able to continue providing high-quality services to help homeless youth become housed and find the long-term stability needed to remain housed.
4. The “Fiscal Year 2022 Budget Support Act of 2021” required the Department of Human Services to publish emergency and final rules governing the referral of applications for Targeted Affordable Housing. At its 2022 performance oversight hearing and its FY2023 budget oversight hearing, the Department of Human Services stated that the regulations were pending a legal sufficiency review. The Committee encourages the Agency to publish these rules as soon as possible, and work with experts and advocates to incorporate public comments that achieve the goals of making the TAH referral process an accessible and efficient one for individuals and families facing homelessness.

⁶⁹ D.C. Law 23-0185, effective March 16, 2021

5. In Calendar Year 2021, the Committee had been working closely with DHS for several months to establish more robust services for expectant mothers, including access to resources and placements currently only available to families. In its last budget report, the Committee recommended that DHS: (1) allow expectant mothers, before the third trimester, to participate in the HPP and receive all other services available to families; (2) permit expectant mothers with high-risk pregnancies to be placed in STFH; and (3) Set aside 24-hour beds in existing women's shelters for expectant mothers before their third trimester. The Committee reaffirms these recommendations and intends to pursue these policy outcomes in the near future.

DRAFT

F. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

1. AGENCY MISSION AND OVERVIEW

The Board of Ethics and Government Accountability (“BEGA” or “Agency”) is an independent agency comprised of two offices:

Office of Government Ethics (“OGE”) –OGE administers and enforces the District’s Code of Conduct. OGE issues *sua sponte* and requested advisory opinions relating to the Code of Conduct and the District’s Ethics Manual, provides ethics training to District government employees, receives and reviews public financial disclosure statements from officials and certification statements from Advisory Neighborhood Commissioners, and receives and audits lobbyist registration forms and activity reports.

Office of Open Government (“OOG”) –OOG receives and resolves all Open Meetings Act (“OMA”) complaints against public bodies, oversees compliance of public bodies and enforces all requirements of the Open Meetings Act, issues advice to public bodies on compliance with the Open Meetings Act, issues advice to District government agencies on compliance with the Freedom of Information Act (“FOIA”), conducts mandatory trainings for the Open Meetings Act and Freedom of Information Act, and provides policy recommendations to government agencies on transparency best practices.

2. FISCAL YEAR 2022 OPERATING BUDGET

Proposed Operating Budget Summary

<i>Fund Type</i>	<i>FY2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	18.60	23.00	23.00	1.00	24.00
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	0.00	1.00	1.00	0.00	1.00
TOTAL FTE	18.60	24.00	24.00	1.00	25.00

<i>Comptroller Source Group</i>	<i>FY2021 Actual</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
11-REGULAR PAY - CONT FULL TIME	\$1,664,000	\$2,468,000	\$2,590,009	\$130,000	\$2,720,009
12-REGULAR PAY - OTHER	\$180,000	\$181,000	\$185,030	\$0	\$185,030
14-FRINGE BENEFITS - CURR PERSONNEL	\$433,000	\$614,000	\$628,729	\$30,160	\$658,889
20-SUPPLIES AND MATERIALS	\$8,000	\$12,000	\$10,000	\$0	\$10,000
31-TELECOMMUNICATIONS	\$3,000	\$0	\$3,000	\$0	\$3,000
40-OTHER SERVICES AND CHARGES	\$528,000	\$426,000	\$380,479	\$0	\$380,479
70-EQUIPMENT & EQUIPMENT RENTAL	\$6,000	\$5,000	\$20,000	\$0	\$20,000
TOTAL GROSS FUNDS	\$2,880,000	\$3,705,000	\$3,817,247	\$160,160	\$3,977,407

<i>Program</i>	<i>FY 2020 Actuals</i>	<i>FY 2022 Approved</i>	<i>Mayor's FY 2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
1000 - OFFICE OF OPEN GOVERNMENT	\$747,000	\$970,000	\$1,070,190	\$0	\$1,070,190
2000 - BOARD OF ETHICS	\$2,133,000	\$2,735,000	\$2,747,057	\$160,160	\$2,907,217
TOTAL GROSS FUNDS	\$2,880,000	\$3,705,000	\$3,817,247	\$160,160	\$3,977,407

Committee Analysis and Comments

Agency Activities: Despite the declarations of a public health emergency and subsequent public emergency by Mayor's Orders, OGE continues to conduct ethics trainings for District government employees, Councilmembers and their staff, Advisory Neighborhood Commissioners, and lobbyists. In FY2021, OGE conducted 57 ethics trainings, and in FY2022, to date,⁷⁰ it has conducted 20 additional trainings. OGE has issued one Advisory Opinion in FY2021 and FY2022 to date, and responded to 567 requests for informal advice. OGE also responded to 165 requests for informal advice in FY2022, to date.

⁷⁰ "To date" includes information through February 22, 2022

In FY2021 and FY2022, to date, OGE received 174 complaints and initiated 128 preliminary and formal investigations based on those complaints. OGE closed 61 of the 128 investigations that it initiated in FY2021 and FY2022, to date. Of the investigations initiated in FY2021 and FY2022, 58 are currently pending and nine are currently stayed. Of the closed investigations, seven resulted in negotiated dispositions, with fines ranging from \$500 to \$10,000, totaling \$19,500. During that same period, OGE imposed \$4,600 in ministerial fines on respondents who were found to have violated the ethics rules. Pursuant to the Ethics Act, OGE also published the results of their investigations on its website.

In FY2021, BEGA held its annual Ethics Week. Ethics Week originally began in October 2020. For Ethics Week 2021, District employees and officials received virtual training sessions on ethics, transparency, open government, and social media best practices. The webinars were also made available to members of the public and are available on YouTube. OGE also held monthly brown bag sessions for agency ethics counselors. Furthermore, OGE also partnered with a production company to produce two new “Ms. Ethics” videos. Ms. Ethics is a professional character that OGE uses to teach or deliver ethics information to District employees. Ms. Ethics is a paid actress whom BEGA employs through a contract with Pendragwn Productions, the company that creates the scripts and production for the videos. There are currently nine Ms. Ethics videos: “Ms. Ethics in the Morning: Filing Complaint”, “Ms. Ethics in the Morning: Financial Disclosure,” “Ask Ms. Ethics: Misuse of Position,” “Ask Ms. Ethics: Widely Attended Gatherings,” “Ask Ms. Ethics: Nepotism,” “Ask Ms. Ethics: Hatch Act,” “Ask Ms. Ethics: Conflicts of Interest,” “Ask Ms. Ethics: Outside Jobs,” and “Intro to Ethics: Ms. Ethics.” All are available via YouTube and are linked on BEGA’s website. OGE also published its bi-monthly newsletter, “Ethically Speaking,” on its website. The newsletter offers guidance to employees and public officials on ethics issues and is also emailed to agency ethics counselors.

OGE manages the Lobbyist Registration and Reporting Filing system, an online system which allows lobbyists to electronically register, pay their fees, and file their activity reports four times per year as required. Anyone who receives compensation or expends funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying must register with OGE and pay the required registration fee. Each registrant must file a registration form, signed under oath, on or before January 15th of each year, or no later than 15 days after becoming a lobbyist (and on or before January 15th of each year thereafter). Each registrant must also file an activity report, between the 1st and 15th day of January, April, July, and October (quarterly) of each year concerning the registrant’s lobbying activities during the previous quarter.

In January 2022, OGE received new registrations, renewals, and terminations of registrations for this calendar year. The agency also received Quarter 4 activity reports for lobbying activity that took place from October 1, 2021, through December 31, 2021. As of February 1, 2022, there are 291 active lobbying entities representing 721 active clients. All of these entities have filed activity reports in January 2022. OGE is also responsible for administering the District’s employee Financial Disclosure program. In FY2021, 3,618

public filers submitted their disclosures via the e-filing system. OGE plans to continue the confidential e-filing system for the 2022 filing year.

It should also be noted that OGE saw the appointment of a new director in FY2022. Effective January 5, 2022, Ashley Cooks was appointed by the Board to serve as the Director of OGE. Director Cooks served as Acting Director of OGE before being appointed in January. The Committee has found Director Cooks and her team very responsive and eager to work on ethics issues that impact the District employees, officials, and the public. The Committee looks forward to working with Director Cooks on upcoming projects, like adopting a Comprehensive Code of Conduct.

In FY2021 and FY2022, to date, the Office of Open Government issued 3 FOIA Advisory Opinions and responded to 264 informal requests for FOIA advice. Due to the pandemic, OOG has not offered in-person trainings, but OOG did hold 21 FOIA webinar trainings in FY2021 and FY2022, to date. OOG also partnered with the D.C. Open Government Coalition and the D.C. Library Association to provide a series of webinars titled “Digging into DC,” which were designed to educate the public on how to request and receive records from District government agencies.

OOG also completed 20 OMA training webinars in FY2021 and FY2022, to date. Additionally, in order to educate the public about the OMA, OOG also made a training video. OOG staff attorneys are assigned to attend some public body meetings on a weekly basis, to ensure OMA compliance. One attorney is assigned meeting duty per week. The assigned attorney will select meetings to attend that occur during the workday. OOG’s newsletter, “The OpenGovist,” is published twice a year and is emailed to District government FOIA Officers, administrative points of contact for boards, and commissions.

After not publishing an annual Best Practice Report since 2018, BEGA published an Annual Best Practices Report in 2021. This report highlights the Agency’s ethics and open government recommendations for the year. One of the recommendations in the 2021 Report is for the District to adopt a Comprehensive Code of Conduct (“CCC”) that would consolidate government ethics laws in one place and standardize the practices between the legislative and executive branches. In efforts to revise the CCC and implement transparency upgrades to the website, OGE collaborated with the Campaign Legal Center, a nonprofit, nonpartisan organization, in FY2022. Some other recommendations made by OGE in the Best Practices Report include addressing the uncertainty regarding ANC’s compliance with the employee conduct rules in the District Personnel Manual, clarifying rules for District employees engaging in outside employment and conflict of interests, and implementing anti-discrimination provisions that would address equity. OOG’s recommendations include implementing a policy for retaining emails for all agencies, promulgating FOIA regulations that would allow agencies to verify the identity of a first party requester, changing the District’s FOIA rules to mirror federal FOIA laws, and amending legislation to make ANC’s subject to the Open Meetings Act.

Recovering Delinquent Debt: On March 9, 2022, Councilmember Nadeau introduced the “Board of Ethics and Government Accountability Delinquent Debt Recovery Amendment Act of 2022.” This legislation amends the “Delinquent Debt Recovery Act of 2012” and the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.” This subtitle will allow BEGA, at its discretion, to transfer and refer delinquent debts associated with settlements and judgments for ethics and open meetings violations to the Central Collection Unit (“CCU”) for collection and for the funds collected to be deposited into the Ethics Fund and Open Government Fund instead of the General Fund. Currently, the Delinquent Debt Recovery Act requires all District agencies to transfer and refer delinquent debts to the Central Collection Unit within 60 days after a financial obligation becomes a delinquent debt.

Pursuant to its enacting legislation, the BEGA maintains two funds for the collection of fines and civil penalties paid in connection with violations of statutes under its jurisdiction. OGE maintains an Ethics Fund for civil penalties collected in connection with violations of the Ethics Act. OOG maintains an Open Government Fund for fines collected in connection with violations of the Open Meetings Act. The money that will be deposited into those funds will not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time. The delinquent debt that is recovered and transferred to BEGA will supplement the agency’s limited operating budget by providing additional special purposes revenue. BEGA will have the benefit of using that special purposes revenue to support its operations and personnel.

Agency Budget Needs: At the agency’s budget oversight hearing, BEGA shared plans to move into a new facility. BEGA will move into its new office space located at 1030 15th Street, NW on May 1, 2023. The building is owned by Lincoln Property Company. BEGA is working with the Department of General Services to complete the build-out of the leased space, which is approximately 15,000 square feet, and finalize the logistics associated with the move. BEGA expects that there will be additional costs associated with the move and anticipates additional spending pressures in the upcoming year. BEGA is currently in a 3,100 square foot space. At the budget oversight hearing, Director Cooks testified that the new space would accommodate current and future staff. While the total cost to move is unknown, that cost is factored into the first year’s lease of \$810,000 and does not require additional funding from the District. Additionally, based on the May 1, 2023 commencement date of the lease and an anticipated conversion of four months free rent, the FY2023 lease should be reduced to \$270,000.

At its budget oversight hearing, BEGA also identified various staffing needs. Chairperson Norma Hutcheson testified that while the agency’s operating budget was increased by three percent in the Mayor’s FY2023 Proposed Budget, several staffing needs were not addressed. In order to continue pursuing its goals to increase the District’s transparency and ethics standards, BEGA has requested four additional FTEs.

OGE has requested budget enhancement sufficient to hire a Supervisory Ethics Investigator FTE and a Public Information Officer FTE. The Supervisory Ethics Investigator would be

the lead investigator for all ethics complaints and supervise the three current investigators. OGE has experienced a strain in meeting its 120-day case disposition policy, which requires that a case is dismissed, settled or notice of violation is reached within that time-period. While current Investigators have managed to comply with the policy for some cases, due to the increase in investigations and the lack of investigative supervision, other matters have not reached a disposition in a timely manner. OGE shared that, without the addition of a Supervisory Ethics Investigator, OGE's Investigations Unit will continue to be void of direct supervision, which effects the accountability and accuracy of the matters that the office investigates.

The Public Information Officer will manage and oversee inquiries and information requests received by the Agency. This individual will communicate critical information to the public through the agency website, public notices, press releases, social media posts, and other publicly available materials. BEGA often receives inquiries concerning investigations, fines, financial disclosure, and lobbying matters. BEGA shared that, because the agency lacks a Public Information Officer, the public is not aware of the agency's mission and functions and, as a result, BEGA has not been able to fully establish a relationship with stakeholders and members of the community.

OGE and OOG also requested budget enhancement sufficient to hire two legal fellows. OOG's proposed Legal Fellow would specialize in learning the niche legal practice area that is FOIA law, assist in drafting advisory opinions, and investigating OMA violations. OOG would also like the Legal Fellow to lead the agency's efforts to become more involved in social justice matters throughout the city. Without this legal fellow position, OOG will not have the capacity to track and monitor its impact on social justice matters in the District. OOG believes that government transparency is tied to social justice issues, especially as it relates to fair access to government records. Tracking OOG's progress and impact in this area would help to better guide our program development to better meet the community's needs.

OGE is responsible for providing ethics advice and training to the District government's 34,000 employees and public officials. However, OGE's legal staff is thinly stretched with three Attorney Advisors, Supervisory Attorney, Senior Attorney, and General Counsel to fulfill this task. OGE's proposed Legal Fellow would assist the office in fulfilling its operational goals by conducting research on various ethics topics, assisting OGE Attorneys by providing ethics advice and conducting trainings, drafting advisory opinions and inter-office policies, and assisting with other legal matters. The Legal Fellow would also meet an existing need by conducting legal research on the federal ethics rules, and ethics laws in other jurisdictions.

At this time, the Committee funded BEGA's enhancement request for the Supervisory Ethics Investigator FTE. The Committee's inability to not fund the other positions are not a reflection on the Committee belief in the importance of these positions. The Committee chair will work with her colleagues to continue supporting the expansion of BEGA's work to make the District an ethical and transparent government.

3. FISCAL YEAR 2023-2028 CAPITAL BUDGET

The Mayor has no proposed FY2023 – FY2028 capital budget for the Board of Ethics and Government Accountability.

4. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2023 Operating Budget Recommendations

The Committee recommends **approval** of the FY2023 operating budget for the Board of Ethics and Government Accountability with the following modifications:

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Board of Ethics	2010 - Board of Ethics	0011 - Regular Pay	Recurring enhancement to fund the salary of a Supervisory Ethics Investigator at BEGA.	Recurring	\$0	\$130,000
2000 - Board of Ethics	2010 - Board of Ethics	0014 - Fringe Benefits	Recurring enhancements to fund the fringe benefits of a Supervisory Ethics Investigator at BEGA.	Recurring	\$0	\$30,160
			Local Funds Total		\$0	\$160,160

b. Policy Recommendations

1. The Committee recommends BEGA develop a budget and process to determine how to digitize records and include community partners to help identify the next steps in achieving this goal. At the budget oversight hearing, Director Allen testified that her office receives FOIA complaints because District agencies' records are not available in a digital format. Because FOIA statutes have not been amended in 21 years, with the exception of the public health emergency, BEGA will need to work collaboratively with stakeholders to determine a clear plan to digitize decades worth of records. The Committee also recommends that BEGA work with the Office of the Chief Technology Officer ("OCTO") in its redesign of dc.gov with the goal of laying a groundwork to make digital records accessible on agency websites. In doing so, BEGA should assert its expertise and share open government best practices with OCTO.
2. The Committee recommends that BEGA work with the Committee adopt a Comprehensive Code of Conduct, which is mentioned in BEGA's 2021 Best Practices Report. The CCC should address many of the outstanding questions and transparency issues related to District government employees, commissioners, and

others subject to the Code. The Committee also specifically recommends that BEGA continue to work with community partners and stakeholders to implement email retention policies, OMA rules for ANCs, and changes to FOIA rules. BEGA previously submitted the proposed language for the CCC, to Council, in 2015 and 2017. BEGA should continue to work with the Committee in updating the CCC and prepare for public hearings in the fall of 2022.

3. The Committee recommends that BEGA revise its hiring process in order to accelerate the hiring and onboarding of new staff. BEGA testified that the budget enhancements the Committee made in FY2022 will help the Agency in meeting the District's ethics and transparency goals. At its FY2023 budget oversight hearing, BEGA shared that it had yet to hire the Paralegal Specialist FTE, Chief of Staff FTE, Human Resources Specialist FTE, Program Support Assistant FTE, and Attorney-Advisor FTE that the Committee funded in the FY2022 Approved Budget. At this hearing, BEGA shared that the delay is due to the classification process with DC Department of Human Resources ("DCHR"). BEGA indicated that because it is an independent agency, the process of classifying and posting new positions takes longer than most DC agencies. The Committee recommends that BEGA confer with other independent agencies, like the Office of the Attorney General, the Office of the Tenant Advocate, and the Board of Elections to determine if there are improvements it could make in its hiring process while interfacing with DCHR.

G. OFFICE OF OMBUDSPERSON FOR CHILDREN

1. AGENCY MISSION AND OVERVIEW

The mission of the Office of the Ombudsperson for Children (the “Office”) is to improve outcomes for children involved with the Child and Family Services Agency (“CFSA”) by providing independent oversight of the District’s child welfare system.

The Office of the Ombudsperson for Children has four main duties. First, the Office provides information, guidance, and mediation to children, youth, and families that encounter the child welfare system. Second, the Office undertakes a formal investigation of CFSA’s administrative acts when informal guidance and mediation do not sufficiently resolve an issue. Third, the Office monitors CFSA’s policies, procedures, and directives, and recommends changes. Fourth, the Office prepares and provides reports to the Agency, the Mayor, the Council, and the public about systemic trends and the results of individual investigations.

2. FISCAL YEAR 2023 OPERATING BUDGET

Proposed Operating Budget Summary

<i>Fund Type</i>	<i>FY 2021 Actuals</i>	<i>FY2022 Approved</i>	<i>Mayor's FY2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	\$0	\$935,000	\$0	\$935,000	\$935,000
TOTAL GROSS FUNDS	\$0	\$935,000	\$0	\$935,000	\$935,000

<i>Comptroller Source Group</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>Mayor's FY 2023 Proposed</i>	<i>Committee Variance</i>	<i>Committee Approved</i>
11-REGULAR PAY - CONT FULL TIME	\$0	\$526,000	\$0	\$526,000	\$526,000
12-REGULAR PAY - OTHER	\$0	\$0	\$0	\$0	\$0
13-ADDITIONAL GROSS PAY	\$0	\$0	\$0	\$0	\$0
14-FRINGE BENEFITS - CURR PERSONNEL	\$0	\$127,000	\$0	\$127,000	\$127,000
15-OVERTIME PAY	\$0	\$0	\$0	\$0	\$0
20-SUPPLIES AND MATERIALS	\$0	\$57,000	\$0	\$57,000	\$57,000
31-TELECOMMUNICATIONS	\$0	\$0	\$0	\$0	\$0
40-OTHER SERVICES AND CHARGES	\$0	\$165,000	\$0	\$165,000	\$165,000
70-EQUIPMENT & EQUIPMENT RENTAL	\$0	\$0	\$0	\$0	\$0
TOTAL GROSS FUNDS	\$0	\$935,000	\$0	\$935,000	\$935,000

Committee Analysis and Comments

On April 23, 2021, the “Office of the Ombudsperson for Children Establishment Amendment Act of 2020” became law following the Council override of a Mayoral veto. The law strengthened oversight of the District’s child welfare system by establishing an independent, impartial Office of the Ombudsperson for Children tasked with improving outcomes for youth.

Public witness testimony at the Committee’s Fiscal Year 2022 Budget Oversight Hearing was in support of, and highlighted the absolute need for, funding the Office of the Ombudsperson. Because the Office was not funded in the Mayor’s FY2022 Proposed Budget, the Committee fully funded the Office at \$935,000 on a recurring basis and introduced a subtitle to remove the applicability clause in its establishing statute. The Council included the subtitle in the Fiscal Year 2022 Budget Support Act of 2021 and the funding in the Fiscal Year 2022 Local Budget Act of 2021.

Soon after the start of Fiscal Year 2023, the Council began the process of recruiting the first Ombudsperson for Children. Listening to the community stakeholders who were unanimous that the Council should take the time and devote the resources necessary to identify the most qualified candidate possible, the Council issued a Request for Proposals for an executive search firm capable of leading a nationwide recruiting effort in December 2021. The Council then recruited and convened a Technical Evaluation Panel to evaluate the proposals received. In January 2022, the Panel selected a leading national, public sector executive search firm to recruit the first Ombudsperson. Since that time, the Council has been collaborating with the search firm to engage community members in the selection process, construct a shared vision for the ideal candidate, draft and disseminate a job posting, and identify leading candidates from across the country. The Council has invested at least \$52,333 in recruiting the Ombudsperson to date.

Disregarding the governing law, without consulting the Council, and despite the Council’s recruiting efforts, the Mayor’s FY2023 Proposed Budget eliminated all funding for the Office of the Ombudsperson.

Again, the public witness testimony at the Committee’s Fiscal Year 2023 Budget Oversight Hearing was in support of, and highlighted the ongoing, absolute need for funding the Office of the Ombudsperson. Tami Weerasingha-Cote, a Supervising Policy Attorney at Children’s Law Center, testified that “[t]he end of federal court oversight in *LaShawn* [A. v. *Bowser*] makes funding and establishing the Office . . . particularly urgent. The Ombudsperson for Children will have direct access to CFSA data in the same way that the court monitor did and will be responsible for regularly reporting data trends and analysis to the Council.”⁷¹ And, without the court monitor, said Ms. Weerasingha-Cote, “the

⁷¹ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Tami Weerasingha-Cote, Children’s Law Center.

Council needs the Ombudsperson for Children to be able to exercise effective oversight over CFSA and take any necessary action to ensure the needs of DC’s foster children and their families are being adequately met.”⁷²

Other witnesses echoed Ms. Weerasingha-Cote’s request to fully fund the Office. “Appropriate funding,” said Marla Spindel, the Executive Director of D.C. KinCare Alliance, “will ensure the Council is able to employ a well-qualified individual to implement the essential functions of the position.”⁷³ Ms. Spindel argued that only an independent Ombudsperson could ensure that “CFSA is responsive to its constituents through mediating conflicts, and . . . assist with identifying and addressing systemic issues that limit the agency’s ability to meet its mission of protecting D.C.’s abused and neglected children and stabilizing families.”⁷⁴ Akosua Ali, the President of the District’s branch of the NAACP, meanwhile, recognized the need to restore funding to the Ombudsperson as a racial justice imperative and observed that the Office “is the only D.C. agency that has an explicit mandate to collect data and analyze issues impacting crossover youth,” filling a unique and urgent need.⁷⁵

Recognizing that nothing about this unique and urgent need has changed since the Council passed the Office’s enabling legislation, in its budget recommendations, the Committee, with the generous support of a \$370,000 transfer from the Committee on Government Operations and Facilities, completely restores recurring funding to the Office of the Ombudsperson for the remainder of Fiscal Year 2022 and for the duration of the financial plan. The amount restored to the Office for the remainder of the current fiscal year will allow the first Ombudsperson to hire a full staff of four additional FTEs. That allocation also provides the first Ombudsperson with the full extent of the non-personnel operating budget contemplated in last year’s budget, keyed to the four months the Office is expected to be operational this fiscal year. In essence, this is a third of the Ombudsperson’s previously allocated budget because the Ombudsperson is expected to be up and working for a third of the current fiscal year. The allocation for Fiscal Year 2022 also contemplates the Ombudsperson reimbursing the Council for its recruitment expenses in the amount of \$52,333.

3. FISCAL YEAR 2023-2028 CAPITAL BUDGET

The Mayor has no proposed FY2023 – FY2028 capital budget for the Office of the Ombudsperson for Children.

⁷² *Id.*

⁷³ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Marla Spindel, D.C. KinCare Alliance.

⁷⁴ *Id.*

⁷⁵ *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Asouka Ali, D.C. NAACP.

4. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2023 Operating Budget Recommendations

The Committee recommends **fully restoring funding** for the Office of the Ombudsperson for Children in the FY2023 operating budget.

<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Comments</i>	<i>Frequency</i>	<i>FY2022 Recommendation</i>	<i>FY2023 Recommendation</i>
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0011 - Regular Pay - Cont Full Time	One-time enhancement to fund the salary for 5.0 FTEs in FY22.	One Time	\$175,333	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0011 - Regular Pay - Cont Full Time	Recurring enhancement to fund the salary for 5.0 FTEs.	Recurring	\$0	\$526,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0014 - Fringe Benefits - Curr Personnel	One-time enhancement to fund the fringe for 5.0 FTEs in FY22.	One Time	\$42,333	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0014 - Fringe Benefits - Curr Personnel	Recurring enhancement to fund the fringe for 5.0 FTEs.	Recurring	\$0	\$127,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0020 - Supplies and Materials	One-time enhancement to non-personnel services.	One Time	\$19,000	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0040 - Other Services and Charges	Recurring enhancement to non-personnel services.	Recurring	\$0	\$57,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0035 - Occupancy Fixed Costs	One-time enhancement to non-personnel services.	One Time	\$20,000	\$0

2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0035 - Occupancy Fixed Costs	Recurring enhancement to non-personnel services.	Recurring	\$0	\$60,000
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0040 - Other Services and Charges	One-time enhancement to non-personnel services.	One Time	\$107,333	\$0
2000 - Office of the Ombudsperson for Children	2200 - Office of the Ombudsperson for Children	0040 - Other Services and Charges	Recurring enhancement to non-personnel services.	Recurring	\$0	\$165,000
			Local Funds Total		\$363,999	\$935,000

b. Policy Recommendations

1. The Committee recommends that the Ombudsperson immediately collaborate with other Ombudspersons in the United States and Canada to identify best practices, to better understand the challenges of standing up a new agency, and to create supportive professional relationships that will sustain the Office as it navigates its new role. The Ombudsperson will not be alone in confronting the daunting task of creating a new child welfare oversight agency from scratch. The executive search firm leading the recruitment of the Ombudsperson, for instance, has already spoken with the Colorado Office of the Child Protection Ombudsman, the Washington State Office of the Family & Children's Ombudsperson, and the Child & Youth Unit of the Ontario Ombudsman. The Ombudsperson should promptly set about collaborating with similarly situated child welfare leaders to anticipate challenges, to evaluate different historical approaches to creating new agencies, and to stay on top of the latest in recognized best practices.
2. The Committee also recommends that the Ombudsperson work from the start to develop a collaborative relationship with CFSA that delineates the respective roles and strengths of the two agencies while avoiding the setbacks that have confronted other new child welfare oversight organizations. The executive search firm conducting the recruiting of the Ombudsperson has emphasized that, after an initial period of conflict and defensiveness, the relationship between oversight agencies and the child welfare systems with which they coexist resolves into a period of stability and productive collaboration that serves the best interests of children. With such a historical pattern clearly established, there is no reason for there to be an unproductive period during which the boundaries of the Office's establishing legislation are tested and strained. The Ombudsperson must strive to be a relationship builder with the Agency and a partner in oversight with the Council

and other District government institutions like the Office of the District of Columbia Auditor. CFSA's pattern of being forthright with the Committee, both in recognizing its strengths and in identifying areas of potential improvement, can be replicated in its relationship with the Ombudsperson. And the Agency's renewed focus on prevention, transparency, and accountability provides a unique opportunity for an honest partner to support CFSA's mission by pioneering a new model of both searching oversight and zealous support of individual families. That opportunity should not be missed.

3. The Ombudsperson must allow the exercise of their discretion to initiate investigations to be guided not by their own policy preferences, or by academic or intellectual curiosity, but by the needs of children and families identified through individual complaints and ongoing community engagement. The Ombudsperson has the ability to "[i]nvestigate[,] on the Office's own initiative," systemic concerns relating to CFSA children, administrative acts inconsistent with law, and those Agency practices which are "[u]nsupported by an adequate statement of reasons, based on faulty factual information, or performed in an unprofessional manner."⁷⁶ This is a broad mandate supported by broad powers to issue subpoenas, conduct inspections of premises, and directly access CFSA's case management system.⁷⁷ The resources of the Ombudsperson and the Office's five staff, however, will be limited, and it will be essential to work closely with people with lived experience to prioritize those patterns and practices with the greatest impact on the greatest number of children and families.

⁷⁶ D.C. Official Code § 4-671.04(4) (2022).

⁷⁷ D.C. Official Code § 4-671.06(a)(3)-(6) (2022).

III. BUDGET SUPPORT ACT RECOMMENDATIONS

On Wednesday, March 16, 2022, Chairman Mendelson introduced, on behalf of the Mayor, the “Fiscal Year 2023 Budget Support Act of 2022” (Bill 24-714). The bill contains one subtitle for which the Committee has provided comments. The Committee also recommends the addition of 3 new subtitles.

A. RECOMMENDATIONS ON MAYOR’S PROPOSED SUBTITLES

The Committee provides comments on the following subtitle of the “Fiscal Year 2023 Budget Support Act of 2022”:

1. Title V. Subtitle B. Direct Care Professional Payment Rates

The legislative language is included in Appendix A.

1. TITLE V. SUBTITLE B. DIRECT CARE PROFESSIONAL PAYMENT RATES

a. Purpose, Effect, and Impact on Existing Law

The subtitle requires the Mayor, by Fiscal Year 2025, to set a reimbursement rate for direct care service providers that is sufficient to pay direct care professionals a wage that is, on average, equal to at least 117.6% of the District minimum wage or the District living wage, whichever is greater. The District’s living wage is currently \$15.50 per hour. On July 1, 2022, the living wage will increase to \$16.10 per hour. Each direct care service provider reimbursed at this higher rate must pay its direct care professionals, on average, at least 117.6% of the District minimum wage or living wage, whichever is greater, in Fiscal Year 2025 and in each subsequent year Direct care services are those authorized under the District of Columbia Medicaid State Plan (or by State Plan waivers) that are home and community-based, rehabilitative, or in Intermediate Care Facilities for Individuals with Intellectual Disabilities.

b. Committee Reasoning

The Committee has made no changes to the subtitle as introduced by the Mayor.

c. Section-by-Section Analysis

Sec. 5011. States short title.

Sec. 5012. Provides definitions.

- Sec. 5013. Requires the Mayor to determine the reimbursement rate the District will pay to direct care service providers for the provision of direct care services so that the reimbursement rate is sufficient to support direct care service provider payment to direct care professionals of a wage, that on average, is equal to at least 117.6% of the District minimum wage or the District living wage, whichever is greater, by Fiscal Year 2025.
- Sec. 5014. Sets obligations for providers to pay direct care professionals, on average, at least 117.6% of the District minimum wage or District living wage, whichever is greater; and allows for tiered compensation schedules.
- Sec. 5015. Permits the Mayor to issue rules to implement the subtitle, including rules that establish additional standards for direct care service providers and penalties for failure to comply with the subtitle or subsequent rules.
- Sec. 5016. Provides the applicability provision, which shall not apply until the Centers for Medicare and Medicaid Services approves any amendments to the Medicaid State Plan or waivers that are necessary to implement the subtitle.

d. Fiscal Impact

Funds have been included in the budget and financial plan for the subtitle. Even though it is not required by the subtitle, the Department of Health Care Finance plans on using \$38.6 million in FY2023 and \$78.9 million in FY2024 to provide a partial wage increase (a portion of the 117.6% of the living wage) for direct care professionals during these two years. The local cost of these increases will be \$11.6 million and \$23.7 million, respectively, due to federal funding covering 70% of these costs.

Much of the local funding for these increases in FY2023 and FY2024 will come from the newly established Medicaid Home and Community-Based Services (“HCBS”) Enhancement Fund. The Fund will cover the entire local portion of the planned increase in FY2023 and half of the local portion of the increase in FY2024. Money in the HCBS Enhancement Fund must be used by March 2024. Starting in FY 2025, the subtitle requires a wage increase to 117.6% of the living wage, or minimum wage, whichever is higher. The Office of Revenue Analysis estimates this will cost a total of \$130.3 million in fiscal year 2025 and \$133.2 million in FY2026, with the local costs during these years totaling \$39.1 million and \$40.0 million, respectively. Funding for these years has been included in the financial plan. The cost for FY2025 and 2026 is based on current wages for direct care professionals totaling \$681 million and assumes the living wage will increase annually based on announced increases and inflation projections.

B. RECOMMENDATIONS FOR NEW SUBTITLES

The Committee on Human Services recommends the following new subtitles to be added to the “Fiscal Year 2023 Budget Support Act of 2022”:

1. **Title V. Subtitle D. Flexible Rent Subsidy Pilot Program Extension Temporary Amendment Act of 2022**
2. **Title V. Subtitle E. Close Relative Caregiver Subsidy Program Extension Amendment Act of 2022**
3. **Title I. Subtitle B. Board of Ethics and Government Accountability Delinquent Debt Recovery Amendment Act 2022**

The legislative language is included in Appendix A.

1. TITLE V. SUBTITLE D. FLEXIBLE RENT SUBSIDY PILOT PROGRAM EXTENSION AMENDMENT ACT OF 2022

a. Purpose, Effect, and Impact on Existing Law

This subtitle will extend the expiration of the Flexible Rent Subsidy Pilot Program from September 30, 2021 to September 30, 2026.

b. Committee Reasoning

The Flexible Rent Subsidy Pilot Program (“DC Flex”) was established by the Council in the “Fiscal Year 2017 Budget Support Act of 2016.” DC Flex gives low-income, working families \$7,200 to spend year on rent for four years. Because a family’s ability to pay rent may change as their income and expenses fluctuate month-to-month, participants can choose how much of their DC Flex funds to spend on rent in a given month (up to their total rent amount) until the \$7,200 is exhausted. The DC Flex Pilot was set to expire on September 30, 2021. However, in the “Fiscal Year 2022 Local Budget Act of 2021,” the Council made significant investments in the program for FY2023 and beyond. The Department of Human Services has identified DC Flex subsidies as an important resource to offer to families whose participation in the Families Re-Housing Stabilization Program is being timed out. However, extending the DC Flex Pilot was necessary for DHS to continue to legally operate the DC Flex program.

After conferring with DHS, the Committee determined that the extending the expiration date of DC Flex to September 30, 2026 was appropriate in order to keep the program operational while implementing a thoughtful phase out of the program if that is determined to be the best course of action. The Council passed a series of emergency and temporary

legislation to this effect. On October 5, 2021, the Council passed the “Flexible Rent Subsidy Pilot Program Extension Emergency Amendment Act of 2021” (D.C. Act 24-180; 68 DCR 11318), which expired on December 29, 2021. On November 2, 2021, the Council passed the “Flexible Rent Subsidy Pilot Program Extension Temporary Amendment Act of 2021” (D.C. Act 24-216; 68 DCR 12373), which expires on October 13, 2022. On February 11, 2022, the Council passed the “Flexible Rent Subsidy Pilot Program Extension Congressional Review Emergency Declaration Resolution of 2022” (D.C. Act 24-326; 69 DCR 1442) in order to retroactively prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

On March 15, 2022, the Committee also introduced a permanent version of the legislation to extend the expiration date of the DC Flex Pilot, titled the “Flexible Rent Subsidy Pilot Program Extension Amendment act of 2022.” The Committee will hold a public hearing on this legislation on April 28, 2022, prior to the first vote on the “Fiscal Year 2023 Budget Support Act of 2022.”

c. Section-by-Section Analysis

Sec. xx1. States the short title.

Sec. xx2. Extend the expiration of the Flexible Rent Subsidy Pilot Program from September 30, 2021 to September 30, 2026.

d. Fiscal Impact

This subtitle has no fiscal impact.

2. TITLE V. SUBTITLE E. CLOSE RELATIVE CAREGIVER SUBSIDY PROGRAM EXTENSION AMENDMENT ACT OF 2022

a. Purpose, Effect, and Impact on Existing Law

This subtitle makes the Close Relative Caregiver Program administered by the Child and Family Services Agency permanent.

b. Committee Reasoning

The Grandparent Caregiver Program (“GCP”), established by the Grandparent Caregivers Pilot Program Establishment Act of 2005 (D.C. Law 16–69; D.C. Official Code § 4–251.02 *et seq.*), provides a monthly subsidy for eligible District residents raising their grandchildren, great-grandchildren, great nieces, or great nephews. The Fiscal Year 2010 Budget Support Act of 2009 transitioned the GCP out of pilot status, creating a permanent Grandparent Caregiver Program.

The Close Relative Caregiver Program (“CRCP”) was proposed based on the success of, and modeled closely after, the GCP. Created by the Close Relative Caregiver Subsidy Pilot Program Establishment Act of 2019 (D.C. Law 23–0032; D.C Official Code § 4–251.22 *et seq.*), the Program was established to address the growing needs of non-grandparent relative caregivers who did not meet the eligibility requirements for the GCP. The pilot program is set to expire on September 30, 2023.⁷⁸

The Close Relative Caregiver Program has been a rousing success. In CY2021, 60 children were supported by CRCP subsidies, and none of them entered foster care.⁷⁹ Nine children exited the Program, not because they entered out-of-home care, but because they either aged out of eligibility or reunited with their biological parents.⁸⁰ The primary performance indicator for both the CRCP and the GCP is the percentage of subsidy recipients avoiding out-of-home care, and these Programs may be the only District government initiatives proven to be 100% effective.⁸¹

In light of this success, and in light of unanimity among the community stakeholders who have seen its benefits, the Committee seeks to make the CRCP permanent, ending its status as a pilot program.

The Committee seeks to do so through the Budget Support Act not merely because that was the route to permanent status taken by the GCP, but also because doing so is necessary to implement the FY23 budget. Both the Mayor’s proposed budget and the Committee’s recommendations increase the funding for the CRCP for FY 23. That funding, however, is unlikely to be distributed to subsidy recipients if demand is undermined by the belief that the Program will expire on September 30, 2023. Caregivers are unlikely to apply for a benefit in June or July of 2023, for example, if they believe that, by the time their application is processed, the Program will have been eliminated. Marla Spindel, the Executive Director of D.C. KinCare Alliance, testified at CFSA’s budget oversight hearing that the subsidy application process usually “takes approximately three months” from the time of application to the receipt of an EBT card.⁸² Applicants are, in light of that kind of delay, likely to be deterred from applying at all if there is little *apparent* chance they will receive payment, even if they would have, in reality, received subsidy benefits by the end of FY23.

Additionally, those applicants who are not deterred by the expiration of the Program will have a reliance interest, created by the subsidy funds they receive out of the FY 23 budget, in the continued receipt of benefits past September 30, 2023. Those families deserve to

⁷⁸ D.C. Official Code § 4–251.22(b) (2022).

⁷⁹ Child and Family Services Agency (“CFSA”), 2021 GRANDPARENT CAREGIVERS PROGRAM AND CLOSE RELATIVE CAREGIVERS PROGRAM ANNUAL STATUS REPORT 15 (Mar 2, 2022).

⁸⁰ *Id.* at 20.

⁸¹ *See id.* at 5, 15.

⁸² *Budget Oversight Hearing: Child and Family Services Agency*. Mar. 24, 2022. Testimony of Marla Spindel, D.C. KinCare Alliance.

know whether they will continue to receive lifechanging, life-supporting benefits past that arbitrary expiration date.

c. Section-by-Section Analysis

Sec. xx1. States the short title.

Sec. xx2. Amends Section 102 of the Close Relative Caregiver Subsidy Pilot Program Establishment Amendment Act of 2019, effective November 26, 2019 (D.C. Law 23-32; D.C. Official Code § 4-251.22), to strike the word “pilot” from subsection (a) and to repeal subsection (b).

d. Fiscal Impact

This subtitle has no fiscal impact.

3. TITLE I. SUBTITLE B. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY DELINQUENT DEBT RECOVERY AMENDMENT ACT OF 2022

a. Purpose, Effect, and Impact on Existing Law

This subtitle will allow the Board of Ethics and Government Accountability (“BEGA”) to retain the funds resulting from ethics and open meetings violations under its jurisdiction and for those funds to be deposited into an Ethics Fund or Open Government Fund, respectively.

b. Committee Reasoning

This legislation amends the “Delinquent Debt Recovery Act of 2012” and the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.” This subtitle will allow BEGA, at its discretion, to transfer and refer delinquent debts associated with settlements and judgments for ethics and open meetings violations to the Central Collection Unit (CCU) for collection and for the funds collected to be deposited into the Ethics Fund and Open Government Fund instead of the General Fund. Currently, the Delinquent Debt Recovery Act requires all District agencies to transfer and refer delinquent debts to the Central Collection Unit within 60 days after a financial obligation becomes a delinquent debt.

Pursuant to its enacting legislation, the BEGA maintains two funds for the collection of fines and civil penalties paid in connection with violations of statutes under its jurisdiction. The Office of Government Ethics (“OGE”) maintains an Ethics Fund for civil penalties collected in connection with violations of the Ethics Act. The Office of Open Government

(“OOG”) maintains an Open Government Fund for fines collected in connection with violations of the Open Meetings Act.

The money that will be deposited into those funds does not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time. The delinquent debt that is recovered and transferred to BEGA will supplement the agency’s limited operating budget by providing additional special purposes revenue. BEGA will have the benefit of using that special purposes revenue to support its operations and personnel.

c. Section-by-Section Analysis

Sec. xx1. States the short title.

Sec. xx2. Allow the Board of Ethics and Government Accountability (“BEGA”) to retain the funds resulting from ethics and open meetings violations under its jurisdiction and for those funds to be deposited into an Ethics Fund or Open Government Fund, respectively

d. Fiscal Impact

This subtitle has no fiscal impact.

IV. COMMITTEE ACTION AND VOTE

On Wednesday, April 20, 2022, at 11:30 p.m. via Zoom, the Committee met to consider and vote on the Mayor's proposed Fiscal Year 2023 budget for the agencies under its purview and the Committee's Budget Report. Chairperson Brianne K. Nadeau called the meeting to order and determined the presence of a quorum with Councilmembers Trayon White, Sr., Robert C. White, Jr., Elissa Silverman, and Janeese Lewis George present. Chairperson Nadeau then provided an overview of the draft report, proposed subtitles, and summarized the Committee's recommendations and comments.

Chairperson Nadeau next welcomed comments from other Members. [insert Committee Member remarks]

After an opportunity for discussion, Chairperson Nadeau then moved *en bloc* the Report on the Committee's recommendations on the Fiscal Year 2023 Proposed Budget and the Committee's recommendations on the Fiscal Year 2023 Budget Support Act of 2022 with leave for staff to make technical, conforming, and editorial changes. The Members voted unanimously to approve the report and subtitles.

Chairperson Nadeau then thanked her Committee staff and adjourned the meeting at X:XX p.m.

V. ATTACHMENTS

- A. **Bill 24-714, Fiscal Year 2023 Budget Support Act of 2022 Recommended Subtitles**
- B. **Child and Family Services Agency Fiscal Year 2023 Budget Oversight Hearing Witness List and testimony**
- C. **Department on Disability Services Fiscal Year 2023 Budget Oversight Hearing Witness List and testimony**
- D. **Office of Disability Rights Fiscal Year 2023 Budget Oversight Hearing Witness List and testimony**
- E. **Department of Human Services Fiscal Year 2023 Budget Oversight Hearing Witness List and testimony**
- F. **Board of Ethics and Government Accountability Fiscal Year 2023 Budget Oversight Hearing Witness List and testimony**