

**D.C. Council Joint Public Oversight Roundtable  
Committee on the Judiciary and Public Safety  
Committee on Housing and Executive Administration  
Committee on Human Services**

**EXAMINING THE DISTRICT'S LEGISLATIVE PROHIBITION ON EVICTIONS  
DURING THE COVID-19 PANDEMIC**

**Thursday, February 4, 2021**

**Testimony of Nancy E. Drane  
Executive Director, D.C. Access to Justice Commission**

Good afternoon Councilmembers. I am Nancy Drane, Executive Director of the D.C. Access to Justice Commission. The Commission was created by the D.C. Court of Appeals in 2005 to address the barriers low- and moderate-income District residents experience within the civil justice system.<sup>i</sup>

Thank you for the invitation to testify today on the access to justice implications of the D.C. Council's legislative moratoria on evictions.

You have already heard from other panelists about the real life impact of the D.C. Council's eviction moratoria on the District's low- and moderate-income community. Simply stated, the moratoria were instrumental in keeping likely thousands of District residents stable, safe, and healthy. I have had the occasion to meet with peer Commissions frequently during the pandemic and have discussed this issue on a national scale. The District was and continues to be a leader in making this a community priority.

The research you've heard about today regarding the relationship among eviction, housing instability, health inequity, and COVID-19 transmission is particularly compelling.<sup>ii</sup> One study aptly describes housing policy as a "primary pandemic mitigation strategy."<sup>iii</sup> It is sobering to read data that demonstrates that lifting moratoriums increases COVID-19 incidence and mortality.<sup>iv</sup> And this is particularly true knowing the vast racial and economic disparities we are seeing in our own community with respect to COVID infection and mortality.<sup>v</sup>

As the pandemic hit, the Commission convened numerous stakeholders through its COVID-19 Civil Justice Task Force to help our community problem solve, strategize, and mobilize resources in an efficient and productive way. The eviction moratoria were an essential element of the District's access to justice response to the COVID-19 crisis. Knowing that the moratoria were in place not only provided critical protection for vulnerable tenants, but allowed the relevant stakeholders the space to organize and mobilize to provide legal information to tenants panicked about how they'd make ends meet as jobs, health, and hope slipped away. Stakeholders have also been able to come together during the pendency of the moratoria to

consider ways to streamline access to legal and financial support now in order to potentially avoid the eviction process entirely, or if they must face the possibility of eviction, weather it with the preparation and legal supports they need. This partnership has included consistent and robust communication with our local courts.

Having the moratoria in place has also furthered access to justice by reducing the practical challenges litigants might otherwise face in accessing the court and securing the assistance of counsel during the pandemic – where limitations on access to technology, transportation, and even the privacy to conduct a confidential conversation are real challenges. In past testimony we’ve talked to you about the complexity of the court system and the stunning number of litigants who go without access to legal representation.<sup>vi</sup> Even with the moratoria in place, it is well documented that tenants have faced concerns about housing conditions and habitability that require legal intervention – and can also exacerbate health concerns. Yet not appearing in court or having legal help in an eviction matter can have devastating consequences. This speaks to the enormity of the crisis in the District and need for attention and support. And as I’m sure you’ve heard today, projections based on census data demonstrate that the volume of filings will surely rise<sup>vii</sup> as we continue to deal with the consequences of the pandemic, even with the financial support we might have available for tenants and landlords.

We’ve previously highlighted work by researchers like Matthew Desmond<sup>viii</sup> who so movingly captured the devastating consequences of eviction in his work, *Evicted*.<sup>ix</sup> As Desmond says, “eviction isn’t just a condition of poverty; it’s a cause of poverty.” We’ve also shared with you the data that demonstrates beyond a doubt that those living in poverty are more likely to face civil legal needs that go beyond eviction – problems with accessing public benefits, physical and mental health needs, family instability, educational loss, and the like.<sup>x</sup> This data was gathered under normal circumstances – and would surely be far graver if measured during a pandemic.

In this context, the District’s moratoria can be understood as not only keeping its residents safe, healthy, and housed, but as delaying the avalanche of other devastating consequences that we know flow from eviction. And this comes at a time when the low- and moderate-income District residents most likely to be at risk of eviction are already facing an unimaginable personal and economic crisis. The community good that has come from the moratoria cannot be overstated.

Thank you again for the opportunity to testify. We are grateful for our partnership with the D.C. government and D.C. Council on pursuing access to justice for all.

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<sup>i</sup> For more on the membership and work of the Commission, see [www.dccacesstojustice.org](http://www.dccacesstojustice.org).

<sup>ii</sup> Benfer, Emily and Vlahov, David and Long, Marissa and Walker-Wells, Evan and Pottenger, J.L. and Gonsalves, Gregg and Keene, Danya, *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, *Journal of Urban Health* (November 1, 2020), available at SSRN: <https://ssrn.com/abstract=3736457> or <http://dx.doi.org/10.2139/ssrn.3736457>

<sup>iii</sup> *Id.*

<sup>iv</sup> Leifheit, et al., *Expiring state eviction moratoriums and Covid-19 incidence and mortality*, available at [bit.ly/ExpiringCOVID19EvictionMoratoriums](http://bit.ly/ExpiringCOVID19EvictionMoratoriums).

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<sup>v</sup> See, e.g., APM Research Lab, *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, available at <https://www.apmresearchlab.org/covid/deaths-by-race>.

<sup>vi</sup> D.C. Access to Justice Commission, *Delivering Justice* (December 2019), available at [www.dccaccesstojustice.org/reports](http://www.dccaccesstojustice.org/reports).

<sup>vii</sup> For a snapshot of District tenants surveyed to be behind on rent and confidence level on ability to pay future rent, see U.S. Census Bureau, *Household Pulse Survey*, available at <https://www.census.gov/programs-surveys/household-pulse-survey.html>.

<sup>viii</sup> For more on Matthew Desmond and his work, see <https://sociology.princeton.edu/people/matthew-desmond> and <https://evictionlab.org/>.

<sup>ix</sup> Desmond, Matthew, *Evicted: Poverty and Profit in the American City* (Crown Books, 2016), <https://www.evictedbook.com/>

<sup>x</sup> Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* (June 2017) (in the year surveyed, 71% of low-income households experienced at least one civil legal problem, including problems with domestic violence, veterans' benefits, disability access, housing conditions, and health care), available at <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.