



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

Access to Justice Initiative – Budget Oversight Hearing FY 24
Committee on the Judiciary and Public Safety
Jonathan M. Smith, Senior Special Counsel¹

April 13, 2023

There is a profound crisis in equal justice, driven far too often by the unavailability of an attorney to protect rights embedded in the law. The District of Columbia, through its Access to Justice funding, is a leader in the national movement to close the justice gap. The Washington Lawyers' Committee receives funding through the Access to Justice program to support our work to address housing discrimination and segregation, assist low-wage workers, and to fight for the rights of incarcerated persons and persons with a disability. Through these grants, we are able to assist thousands of low-income District residents each year.

Despite the extraordinary commitment of the District to equal justice, the needs of low-income communities have not been fully met. This is true across the broad range of civil legal issues – housing, employment, education, disability rights, prisoners' rights, family law, and others. The shortage of lawyers remains an obstacle to basic fairness, racial equity, and economic justice.

The District of Columbia is a city characterized by racial inequity. Even prior to the COVID-19 pandemic, by every measure, there are profound racial disparities that disadvantage people of color. Income and wealth disparities between white and African American residents are substantial and growing. The median white family income is \$160,000 while Black income is \$53,000.² Whites have 81 times the accumulated wealth as African Americans. The average white family's net worth is \$284,000 and the average African American family has assets worth just \$3500.³ Significantly, there are dramatic racial disparities in homeownership, a primary driver of wealth creation. A white family is nearly twice as likely to own a home in the District as an African American family.

¹ The Washington Lawyers' Committee for Civil Rights and Urban Affairs was founded in 1968 to address civil rights violations, racial injustice, and poverty-related issues in our community through litigation and other advocacy. The Committee has a long history of working to address discrimination in housing, employment, criminal justice, education, public accommodation and against persons with disabilities. We work closely with the private bar to bring litigation and pursue policy initiatives.

² [DC Health Matters :: Demographics :: City :: District of Columbia :: Households/Income](#), see also, M. Naveed, Income Inequality in DC Highest in the Country, <https://www.dcfpi.org/all/incomeinequality-dc-highest-country/>

³ K. Kijakazi, R. Brooks Atkins, M Paul, A. Price, D.k Hamilton, W. Darity, The Color of Wealth in the Nation's Capital; <https://www.urban.org/research/publication/color-wealth-nations-capital>; see also, Discriminatory Housing Practices in the District: A Brief History, D.C. Policy Center, <https://www.dcpolicycenter.org/publications/discriminatory-housing-practices-in-the-district-a-briefhistory/>.

Eighty percent of whites and fewer than 45% of African Americans are homeowners and the average value of an African American owned home is one-third the average value of a home owned by whites.³

Similarly, there are disparities in educational achievement. African American students are, on average, 4.9 grades behind their white counterparts and 15.2 times as likely to be subject to discipline.⁴ Whites graduate from high school in the District within four years of matriculation at a rate of 90%. African Americans have a four-year graduation rate of 68% and only 61% of Latinx students graduate within four years.

The District has made its greatest commitment to provide civil legal aid in housing. A majority of District funding goes to eviction prevention programs, which will be critically important as we face the end of the eviction moratorium. The cost of evictions to individuals, families, and the health of the community is enormous that the funds invested by the District return benefits that far exceed the cost. Moreover, displacement, segregation, and gentrification all go through the Landlord and Tenant Branch of the Superior Court. Each case facilitates the weakening of community.

Development, rising housing costs have driven 30,000 Black residents from the District. In particular, there is a crisis for low-income families. Rapidly gentrifying neighborhoods targeted for development have replaced family sized rental housing with smaller units and created housing cost pressures that drive working and poor families out while richer and mostly white singles and young couples move in.⁵ Families are forced to more remote and segregated parts of the District. Wards 5, 7 and 8 are home to some of the only affordable four- and five- bedroom apartments in the D.C. area.⁶

Displacement interferes with economic opportunity. Workers who are forced out of neighborhoods with access to transportation or near a metro stop to a more remote corner of the City have a harder and more costly time getting to work. Low-wage work can often have unpredictable hours and reliable and efficient transportation is essential.

⁴Pro Publica, Miseducation of the District of Columbia, <https://projects.propublica.org/miseducation/district/1100030>

⁵ Taking Stock of the District's Housing Stock, D.C. Policy Center, https://www.dcpolicycenter.org/wpcontent/uploads/2018/03/DC-Policy-Center-Housing-Report.final_.March25.pdf.

⁶ U.S. Census Bureau, *Census 2000 Summary File 3*. Issued 2001. Available at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>; U.S. Census Bureau, *2010-2014 American Community Survey 5-Year Estimates*. Issued 2015. Available at

⁷Urban Institute, *Maintaining Economic Diversity and Affordability: A strategy for Preservation of Affordable Rental Housing in the District of Columbia* (Dec. 2014); Available at <http://www.neighborhoodinfodc.org/dcpreservationcatalog/Preservation%20Strategy%20Dec2014.pdf>

Access to opportunities for employment is among the most effective strategy to lift families out of poverty and to create opportunity for social mobility.¹

Access to Justice funds are an essential component to creating a more just District of Columbia and the value of legal advocacy far outweighs the cost. For every tenancy saved, every job protected or stolen wage collected, every person with a conviction record able to access an opportunity, every child given a high quality education in an equitable learning environment, every incarcerated person who receives medical or mental health care, economic and social dividends are paid. These benefits make the District a more vibrant, economically healthy, and safe community. While legal services alone are not the solution – investments in housing, employment, health, and education are essential – they are a critical part of the puzzle.

The Washington Lawyers' Committee receives funding through the Access to Justice program to support our work to address housing discrimination and segregation, assist low-wage workers, and to fight for the rights of prisoners and persons with a disability. Through these grants, we are able to assist thousands of low-income District residents. Despite the extraordinary commitment of the District to equal justice, the needs of low-income communities have not been fully met.

Among the cases and projects that the Committee pursued with Access to Justice funding are the following:

- The Committee operates a clinic for low-wage workers that serves hundreds of District residents each year. The clinic provides advice, brief services, and referrals on a broad range of legal issues, including wage theft, discrimination, and workplace safety.
- Discrimination against persons with a record of conviction denies many people of color access to meaningful employment. The Committee represented three District of Columbia residents in a mediation that resulted in a change in policy by a national employer that opened up opportunity for hundreds of District residents and thousands of people nation-wide.
- The Committee represents tenants who are coming together to collectively resolve disputes with their landlords. In 2022, the Committee brought the first ever litigation to enforce the District's right to organize statute.
- To address housing conditions and preserve affordable housing, the Committee represents all of the tenants in litigation regarding disrepair and hazardous conditions at Meridian Heights, a building in the Columbia Heights

neighborhood. The Committee also has a docket of housing cases that address source of income discrimination.

- The Committee brought litigation to ensure that COVID home testing was available for persons who are blind or have visual disabilities.
- During the height of the pandemic, the Committee secured and supported scores of pro bono lawyers who assisted District of Columbia prisoners to seek compassionate release.

We are immensely grateful for the support and commitment of the Council, but urge that additional funds be available in this moment of social transformation to use the law to create racial and economic justice. The District can be the City that aspires to be that provides opportunity to all.