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## TESTIMONY FOR PUBLIC HEARING ON THE BEHAVIORAL HEALTH HOUSING VOUCHER TRANSPARENCY ACT OF 2025

### COMMITTEE ON HEALTH

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Disability Rights DC at University Legal Services (DRDC) appreciates the opportunity to submit written testimony regarding the proposed Behavioral Health Housing Voucher Transparency Act of 2025. DRDC is the designated Protection and Advocacy program for people with disabilities in DC. Pursuant to our federal mandate, DRDC advocates on behalf of hundreds of DC residents with mental illness each year. We work to ensure that, in accordance with the Americans with Disabilities Act (ADA) and other civil rights laws, District residents living with mental illness and other disabilities receive treatment in the most integrated setting appropriate to their needs.

DRDC thanks the Council for working to improve transparency around the Department of Behavioral Health's (DBH) opaque process for connecting consumers with housing vouchers, and ultimately, housing. We are in support of this bill. Our testimony below specifically pertains to DBH's process for connecting consumers to its Home First Program and its Local Rent Supplement Program (LRSP) vouchers.

### **DBH's process for issuing vouchers to consumers has grown decreasingly transparent in recent years.**

Through our advocacy and our client's experiences, DRDC has observed that DBH's process for connecting consumers to its available housing vouchers has become decreasingly transparent in recent years. DBH policy still requires its certified providers to submit a completed

application for subsidized housing to DBH's Housing Division to apply for a DBH housing subsidy for a consumer when it is determined to be appropriate.<sup>1</sup> This application was referred to as the Housing Eligibility Assessment List (HEAL) application. Historically, DBH maintained a list of all HEAL applications that were submitted on behalf of consumers by their Core Service Agencies (CSAs), and it was DRDC's understanding that DBH used this list in determining which consumers should be prioritized for a voucher when one became available. In the past, DRDC worked with DBH to ensure that a process was in place for consumers to receive written confirmation from DBH when a HEAL application was received. This process was never perfect, and consumers often did not receive written confirmation as was intended; however, consumers, advocates, and CSA staff still had at least some structured process for applying for a voucher through DBH.

Unfortunately, in late 2023 or early 2024, DBH decided to cease the above practice altogether. Specifically, in March of 2024, DBH stated to DRDC that "HEAL applications are no longer valid, as DBH does not maintain a waiting list."<sup>2</sup> When DRDC pressed DBH to explain how they are reconciling this change in practice with their current policy that still requires providers to submit an application, DBH did not elaborate. Later, in August of 2025, DBH discussed with DRDC in a meeting that although vouchers are limited, DBH does continue to issue vouchers to people discharging from St. Elizabeths Hospital, nursing facilities, people stepping down from Community Residential Facilities (CRFs), and people who are experiencing homelessness. However, DBH now solely relies on CSA staff to flag specific consumer cases for DBH when a voucher becomes available. DBH's FY24 performance oversight written responses elaborated on this, with DBH stating that:

"DBH does not maintain a waiting list for housing. DBH requires certified providers to assess housing needs at the time of intake and for consumers to indicate if they want to be considered for housing resources when they become available. Individuals who request a rental housing voucher self-report whether they are homeless, living on the streets or in a shelter, living temporarily with families or friends, or living place to place. They can also report if they are rent burdened, at risk of eviction, or living in substandard housing. This information is entered into the consumer's

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<sup>1</sup> DBH Policy 511.1 §8(a)(1).

<sup>2</sup> Email from Brandi Gladden, Director of DBH's Housing Development Division, to DRDC dated 03/25/2024.

electronic medical record. When a rental housing voucher becomes available, DBH notifies providers and works with them to determine eligibility of current consumers.”<sup>3</sup>

This new process takes away any structure, transparency, standardization, and fairness from DBH’s decision to whom to issue a voucher. In FY23’s Performance Oversight responses, DBH indicated that 10,118 consumers who were actively enrolled with DBH self-reported as wanting support getting better housing, primarily with a rental housing voucher.<sup>4</sup> DBH further indicated that this represented 23 percent of its actively enrolled consumers.<sup>5</sup> DRDC can only imagine how many responses from CSA staff DBH’s Housing Division receives when it notifies CSAs of a voucher opening. There is no practical way for DBH to fairly wade through all of those responses from CSA staff in any standardized manner in order to determine who should be matched with that voucher. Moreover, consumers are entirely beholden to whether they are currently connected to a CSA and caseworker who is actively involved in their care, who understands the available housing resources, and who responds timely to DBH’s emails and notifications. There are surely many consumers who are in need of stable housing who do not even have a chance of getting matched to one of DBH’s vouchers because their caseworker is absent, overburdened, or does not favor them.

Of further concern is that DBH does not appear to use all of the vouchers that it has available each year. Consumers often report to DRDC that DBH tells them DBH does not have any vouchers to offer. However, in DRDC’s experience, DBH appears to set aside some vouchers, possibly to have them available when certain cases arise. On more than one occasion in the past three years, DRDC has advocated for a client discharging from an institutional setting to be matched to a DBH Home First voucher, and DBH has had one available. DBH’s past Performance Oversight written responses confirm that not all vouchers are being used. For example, in DBH’s FY24 responses, DBH stated that its FY24 capacity for Home First vouchers was 832 and only 762 consumers were served.<sup>6</sup> In addition, DBH stated that its FY24 capacity for LRSP/Site

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<sup>3</sup> DBH FY24 Performance Oversight Written Response to Question 28 on page 28.

<sup>4</sup> DBH FY23 Performance Oversight Written Response to Question 33, page 26.

<sup>5</sup> *Id.*

<sup>6</sup> DBH FY24 Performance Oversight Written Response to Question 28 on page 28.

Based Vouchers was 220 and only 213 consumers were served.<sup>7</sup> DRDC is concerned that DBH's lack of a structured, standardized application process is one factor that is contributing to this underuse of DBH's vouchers, as it is very likely that consumers who are in need of Home First and LRSP vouchers and who fall into the prioritized categories (e.g. consumers discharging from institutions or who are experiencing homelessness) are not being flagged for DBH. DRDC is additionally concerned that DBH does not have any publicly available standardized criteria for who should be given first priority when a voucher is available.

Overall, given DBH's current practice of not maintaining a voucher waitlist and of not even accepting any sort of application until a voucher becomes available and DBH has already decided a particular consumer should be issued the voucher, DRDC encourages the Council to work with DBH to restore a voucher application process, a DBH voucher waitlist, and a standardized and publicly available process for selecting voucher recipients. DRDC proposes that this new voucher application process and waitlist could be maintained in the online portal that is proposed in this Bill.

**Once a consumer is identified by DBH as being an appropriate candidate for an open voucher, the process for DBH to issue the voucher approval and for relevant parties to work together with DBH to complete the pre-lease package is burdensome and inaccessible.**

DRDC has experience with advocating for clients to move through the lease-up process once they have been matched with one of DBH's Home First vouchers, although DBH matches very few new consumers with these vouchers. However, in DRDC's experience, the process is burdensome, CSA staff have not seemed to be well-trained on what steps they must take throughout this lease-up process, including what documentation is required to be submitted, and everything is completed by the consumer, CSA staff, DBH, and property management emailing documentation back and forth. Further, many of DBH's forms are very

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<sup>7</sup> *Id.*

outdated and require a physical signature from the consumer, which is not always accessible based on their current location or disability.<sup>8</sup>

DRDC also has experience with advocating for clients to relocate from one apartment to another with their DBH Home First voucher. In our experience with Home First voucher relocations, it is very similar to above, and CSA staff must assist the consumer with locating a new rental unit and completing the same or similar pre-lease package as is used when initially pursuing housing using a Home First voucher. In the past, DRDC has had to be involved in advocating for DBH to respond to and approve a Home First voucher relocation request after a consumer, who was living in unhealthy conditions, had already repeatedly made this request to both their CSA and DBH with no success.

Based on the above experiences, DRDC agrees that the creation of an online portal that can be accessed by consumers, CSA staff, and DBH would be beneficial throughout the pre-lease and lease-up process, as it would provide transparency to consumers as to what documentation has been submitted and received on their behalf, and when, and would overall help with streamlining the process. Creating a standardized checklist of needed documentation, as is also proposed in this Bill, would similarly be beneficial, as it would provide CSA staff with clear instruction as to what documentation must be submitted and by when.

Regarding property managers' access to this portal, DRDC agrees with the proposed provision in this Bill that their access should be limited only to viewing the applicant's name, caseworker's name, and the documentation that is required to be completed by the property manager.<sup>9</sup> In DRDC's experience, a common concern among DBH consumers is that many people do not want their CSAs to share any protected health

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<sup>8</sup> For example, in one instance, CSA staff had not yet submitted a needed form to DBH because the consumer's physical signature was required on the form and the CSA staff had not yet been able to physically visit the consumer again for their signature. In this instance, DRDC advocated for DBH to allow the consumer to sign the form using DocuSign, and assisted the consumer ourselves in doing so.

<sup>9</sup> B26-0091 – Behavioral Health Housing Voucher Transparency Act of 2025 , Sec. 5120e(a) "The Department shall establish and maintain a secure online portal for applicants, caseworkers, and property managers to track in real time the status of a housing voucher application; provided, that property managers' access to the online portal shall be limited to viewing the applicant's name, caseworker's name, and any documentation required to be completed by the property manager."

information with their landlords, as is incredibly understandable. Consumers should not feel duressed to consent to their landlords accessing their protected health information just so they can apply for and access a housing voucher.

**DBH, along with this Council, should ensure that this online portal complies with the most recent web accessibility rules that were finalized by the Department of Justice (DOJ) and the Department of Health and Human Services' Office for Civil Rights (HHS OCR) in 2024.**

Finally, DRDC urges that if and when DBH creates this online portal for tracking behavioral health housing voucher applications, that DBH and the Council ensure that the portal complies with the DOJ's and HHS OCR's most recent rules defining requirements for state and local governments for ensuring web content and mobile applications are accessible for people with disabilities under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.<sup>10</sup>

Thank you again for this opportunity to submit testimony on this important issue.

For further information:

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<sup>10</sup> For DOJ's final rule, see "Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments," (April 08, 2024), <https://www.ada.gov/resources/2024-03-08-web-rule/>. For HHS OCR's final rule, see "New Requirements on the Accessibility of Web Content, Mobile Apps, and Kiosks," <https://www.hhs.gov/sites/default/files/new-requirements-accessibility-web-content-mobile-apps-kiosks.pdf>.