

Wiley Rein LLP Represents DC KinCare Alliance in Pro Bono Lawsuit Against the District of Columbia Housing Authority

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Washington, DC - Wiley Rein LLP, a DC law firm, is representing DC KinCare Alliance in a federal lawsuit against the District of Columbia Housing Authority (DCHA) for violating the federal Fair Housing Act, the District of Columbia Human Rights Act (DCHRA), and the U.S. Constitution's Equal Protection Clause. Wiley filed the lawsuit this week, on behalf of DC KinCare Alliance, in the U.S. District Court for the District of Columbia.

DC KinCare Alliance is a nonprofit organization that works to support relative caregivers who raise DC's most vulnerable and at-risk children whose parents are not able to care for them for reasons including COVID-19, death, incarceration, homelessness, substance use or mental health disorders, abuse or neglect, detainment, or deportation.

DC KinCare Alliance alleges in its complaint that DCHA, when administering its housing assistance programs, regularly discriminates against relative caregivers. Currently, DC residents who participate in either the District's Housing Choice Voucher Program (HCVP) or its Public Housing Program must request and obtain DCHA's approval to add a child to their household, "with the exception of the addition of a Family member as a result of birth, adoption, foster placement or court-awarded custody."

As noted in DC KinCare Alliance's complaint, DCHA applies two different standards to participants in these two separate housing assistance programs with no legal or rational basis for the distinction. The HCVP regulations require relative caregivers who seek to add

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children to their household to obtain a custody order, even though the same request could be granted for a Public Housing Program participant with less onerous documentation showing the caregiving relationship, such as school, medical and public benefit records, custodial of powers of attorney, or sworn statements from medical, legal or social services professionals.

“Requiring relative caregivers to obtain a court order to prove children are living in their homes is unnecessary, unfair, and discriminates against these kinship families. DCHA is arbitrarily treating relative caregivers who are HCVP participants differently than they treat residents of public housing, in violation of federal and state laws,” said Marla Spindel, the Executive Director of DC KinCare Alliance. “These caregivers need assistance from the city, and instead they are having to choose between caring for a child in need or losing their housing voucher and becoming homeless.”

The lawsuit argues that DCHA needs to consistently apply its requirements and procedures to all families seeking housing assistance. The housing assistance waitlist has been closed since 2013 because of the extremely large number of applications. As such, no new applications have been accepted in nearly 10 years, and there is “no scheduled time” for the waitlist to be reopened, according to the complaint. Losing their housing voucher would be catastrophic for these relative caregivers raising DC’s at-risk children.

“This case is significant because housing assistance programs are critical components of the District of Columbia’s strategy for combating homelessness,” said Wiley Pro Bono Partner Theodore A. Howard, who is representing DC KinCare Alliance along with associate Lisa Rechden. “By failing to apply consistent rules to all DC families seeking housing assistance, the DCHA denies HCVP participants equal access to essential housing services and discriminates against them based on their familial status.”