



Leave No One Behind 2022 GLAA Questionnaire

Please give more than a simple "yes" or "no" response to our questions — though you should begin with a "yes" or "no." The depth and completeness of your answers play a major role in determining your final rating.

Your record is part of your rating. Please list any actions that you have taken that may help illustrate your record on behalf of LGBTQ people. Feel free to link relevant documents such as letters to the editor, legislative testimony, campaign literature, etc.

Housing

- **Do you support providing sufficient affordable housing units for all households earning less than 30% of the Area Median Income (AMI), such as, allocating vacant apartments to very low-income households, ensuring sufficient funds for the Housing Production Trust Fund are dedicated to these renters, and strengthening inclusionary zoning laws?**

Yes. I support an adequate supply of affordable housing at all levels, especially for those households earning under 30% AMI. When I became Chairman, I worked with then-Mayor Vince Gray and Councilmember McDuffie in writing the law that requires half of the District's budget surplus to be deposited into the Housing Production Trust Fund (HPTF) every year. I also led the Council in updating the District's Comprehensive Plan, which makes the production and preservation of low-income housing a civic priority and sets a target that 40% of new affordable housing produced in the District should be for individuals and families with incomes at or below 30% of median family income. The Fiscal Year 2023 budget is currently before the Council. I support the Mayor's increase and will be working with colleagues on potential additional increases. However, HPTF as a financing mechanism is just one strategy the District must undertake to address the issue of affordability. We must invest in supports that provide for long-term housing stability, preserving our affordable housing stock, and using HPTF to fund project-based rent vouchers. Year after year the Mayor has underfunded project-based vouchers and every year I have stepped in with the budget to increase funding. IZ has already been strengthened but I am always supportive of taking another look at it as housing economics evolve.

- **Do you support improving access to housing voucher programs by increasing the number available, as advocated for by The Way Home Campaign and LGBTQ+ Budget Coalition, and reforming program eligibility rules?**

Yes, I support additional housing vouchers. Last year, I worked with Councilmembers to include language in Fiscal Year 2022 Budget Support Act of 2021 to reduce barriers to vouchers for residents with prior criminal convictions or on the basis of immigration status and to allow voucher applicants to self-certify when an applicant cannot easily obtain documentation. I also supported funding for LGBTQ youth that other members suggested. We know, however, that even with these policies in place it may take months before someone is able to get a voucher or find a home. In the coming months, I will work with colleagues to find strategies on how to get vouchers in the hands of applicants more quickly.

Workers' Rights

- **Do you support enacting legislation decriminalizing sex work for adults, including the selling and purchasing of sex and third party involvement not involving fraud, violence or coercion?**

The Council has amended the current law over the years to recognize that sex workers are often the victims of trafficking. Sex worker penalties for first-time offenders are already minor. However, there is a great deal of collateral crime associated with commercial sex work that has a negative effect on the public.

I do think that there should be more engagement with sex workers to improve community safety and health. Gathering data and analysis from the community is crucial to fully understanding the scope of sex work in the District – be it consensual commercial sex work or illegal trafficking. I do believe that more engagement by law enforcement, as well as community engagement, with commercial sex workers can develop relationships whereby the District lowers commercial sex work as an enforcement priority for those who are known to not be involved in trafficking, fraud, violence, or coercion.

I answered a question similar to this in your 2018 questionnaire and my position has not changed. At a public hearing on a decriminalization bill there was enormous controversy, including significant opposition from organizations fighting human trafficking.

- **Do you support repealing the subminimum wage for tipped workers?**

I continue to believe that tipped workers know best what wage system works for them. I held a hearing after passage of Initiative 77 because I was hearing from tipped workers that they did not want to transition away from the tip credit system. They were overwhelming in their opposition at that hearing (see the Committee Report for Bill 22-913 which describes the testimony). However, I understand that the industry shutdowns resulting from COVID-19 may have changed how some workers view the tip wage. Programs like unemployment benefits may have underpaid tipped workers who may not have previously reported their full wage including tips. I find it concerning, though, that in the petitioning process, the lowest turnout to support placing Initiative 81 on the ballot was in Wards 5, 7, and 8. If elimination of the tipped wage system is meant to support our residents most in need, support should have been robust in these areas.

That being said, I will support the will of the voters this November on the initiative, and I have publicly and repeatedly committed to not seeking to overturn Initiative 81 should it be adopted by the voters.

- **Do you support funding the Office of Human Rights (OHR) at a level that ensures the agency ends its case backlog, completes discrimination cases in a timely manner, and effectively engages in community education and outreach?**

Yes. I fully support giving the Office of Human Rights funding to support the agency, complete cases, and eliminate backlogs. The Council added more than \$600,000 over the Mayor's proposed budget for OHR in Fiscal Year 2022 and I will work with Council-member Robert White and his committee (under which OHR falls) to ensure that OHR has the resources it needs.

I also think that this highlights the need for the Mayor to send the Council any enhancement requests she receives from agencies so that the Council can fully understand the agencies' needs – I have asked for this information every year during the budget, and to date, the Executive has refused to share the information.

Let me add: Combatting discrimination is ineffective when it is untimely. That is why it is important to reduce the backlog and to have adequate staffing to complete cases timely. Moreover, the Council has been increasing the matters that will come before OHR and this, too, is another reason to ensure sufficient funding for the Office.

Health

- **Do you support establishing overdose prevention facilities in the District to reduce deaths from drug overdoses?**

Yes. Nevertheless, I believe that the best way to reduce deaths related to overdoses is addressing the root causes of addiction. This includes producing more affordable housing in the District, funding robust, community-based mental health services, and investing in our educational systems such that everyone has access to opportunities. Overdose prevention facilities have been advocated for and implemented in some other jurisdictions, and I think the District should look at how these facilities have reduced harm but also how to address collateral issues that may arise from the facilities. In sum, any such facilities need to be one component of a larger strategy to combat overdoses and address addiction or behavioral health issues.

- **Do you support removing the criminal penalties for drug possession for personal use and increasing investments in health services?**

Yes. I do support removing criminal penalties for drug possession for personal use. I was a cosponsor of the Marijuana Possession Decriminalization Amendment Act of 2014 which

made the possession or transfer of small amounts of marijuana a civil violation, and lessened penalties for public consumption. I also supported Initiative 71 which legalized recreational marijuana in the District. I am disappointed and angry that Congress has not removed the Harris Rider to allow the District to fully regulate this budding industry.

Outside of cannabis, I also do not believe that individuals possessing drugs or other substances meant for personal use should be criminalized where no individuals are harmed. However, that may not be politically achievable at this time. Addiction is a health issue, not a criminal justice issue. Unfortunately, in the District, therapy and mental health services in general are prohibitively expensive even for those who have health insurance. The District and many of our community-based organizations receiving District support offer some services to the public. I support investments to address underlying behavioral health issues that contribute to addiction, and I further support health-driven strategies to reduce harm for those who are suffering from addiction.

Policing and incarceration

- **Do you support reducing D.C.'s total pre-COVID-19 incarcerated population by one-third to one-half by FY30?**

Due in part to actions taken by the Council, which I supported, the incarcerated population at CDF and CTF has declined by nearly 24%, and the population in BOP facilities by nearly 29%, when compared to pre-COVID-19 numbers. I support further reductions in the incarcerated population that I believe can be achieved through investing more in communities that have been disproportionately impacted by incarceration, and providing greater access to jobs, housing, and other supports for returning citizens to reduce recidivism.

Ultimately, the incarceration rate is driven by the crime rate, so it is difficult to commit simply to, say, a 50% reduction in incarceration. But there are steps that can and should be taken to reduce crime. Proactively, the government can do much better to help returning citizens and thereby reduce recidivism, and can do much better to increase school attendance (reduce truancy) and thereby reduce the number of juveniles and young adults who get caught up in the criminal justice system. Further, I do believe long prison sentences are generally ineffective as a deterrent and shorter sentences can be both punitive and lead to a reduction in the incarcerated population.

- **Do you support better oversight, transparency, and accountability in the process of investigating and improving D.C. jails, including establishing an independent oversight body, addressing issues impacting transgender individuals, repairing jails, and changing staff culture?**

Yes. *Repairing jails:* I believe that the District has missed a critical opportunity to address conditions at the DC Jail by ignoring a number of unsolicited proposals from potential public-private partnership applicants with plans to construct a new jail facility. To be clear, the partnership would pertain to the building of a facility and not private operation of a Jail.

I worked with then-Councilmember Bowser to enact the Public-Private Partnership Act of 2013 with the goal of leveraging private sector partners to help finance local infrastructure costs. A new DC Jail was at the fore of my mind given my years of oversight as Chair of the Committee on the Judiciary. I am pleased to see that the Mayor's proposed capital budget includes \$81.1 million in funds for repairs and necessary maintenance of our jail, and over \$250 million for the construction of a new facility to replace CDF, as current conditions at these facilities are inhumane.

Better independent oversight: Even with a new facility, however, fundamental issues surrounding caring for incarcerated individuals in the care of the District must be addressed. This is why I introduced the Strengthening Oversight and Accountability of Police Amendment Act of 2021, which establishes a Deputy Auditor for Public Safety within the Office of the District of Columbia Auditor. As introduced, the Deputy Auditor for Public Safety would have access to all property, books, accounts, etc. of the Department of Corrections and would be able to make findings and recommendations on any policy, practice, or program within the Department of Corrections. Through this rigorous oversight, the Deputy Auditor will be able to improve conditions, staff culture, and programming in our jails.

Issues impacting individuals: Additionally, as Chairman of the Council, I have worked, and will continue to work, closely with Delegate Eleanor Holmes Norton to improve treatment of District residents confined to federal Bureau of Prisons custody to ensure their human rights and dignity are respected as they are returned to the District following incarceration. Also, I am a supporter of a strong Corrections Information Council (CIC) which looks at issues impacting individuals, including transgender individuals. I would add to this – an independent Deputy Auditor, Congressional oversight of BOP, and the CIC – that the Council's Judiciary Committee can and should hold hearings on these issues such as the treatment of transgender individuals.

- **Do you support divesting from the Metropolitan Police Department (MPD) to further invest in vital programs, including anti-poverty, violence prevention, crisis intervention, and reentry?**

Each year, I have supported increased investments in programs such as Cure The Streets, Pathways, the Violence Intervention Initiative, and re-entry programs, including a re-entry housing pilot program I funded in the fiscal year 2022 budget. I will continue to support these and other programs that are alternatives to traditional policing and that address some of the root causes of crime, as I believe we need a comprehensive approach to crime reduction that does not focus solely on policing. I do not support divesting from MPD, but I do believe we must consider the recommendations of the Police Reform Commission (which I appointed) to analyze, and act upon, opportunities to transfer certain functions of MPD to other, more appropriate agencies where it is feasible. This should only be done after a thorough staffing and time and task audit, however, as it would be a mistake to give more responsibilities to another department or agency if they are ill-suited to handle those responsibilities.

My Record:

I have a long and deep record of delivering on progressive values – from authoring and delivering our current Universal Paid Leave law to rewriting the District’s gun control laws (most recently regarding ghost guns) to being a leader pushing multiple affordable housing strategies. See my website www.mendelsonforchairman.com. But an achievement I am most proud of was securing marriage equality in the District at a time when only five states recognized same-sex marriage and almost 6 years before the Supreme Court held that all states must recognize same-sex marriages. I managed Bill 18-482 through the Council and was front and center in the strategy to overcome Congressional opposition as well as an attempted voter initiative led by ministers to repeal the law. Leading up to that, I had thoroughly amended the DC Code to recognize domestic partnerships, and for that I received GLAA’s Distinguished Service Award.

*Please return your questionnaire responses in PDF format **by 11:59pm ET on Friday, April 22** [here](#). If you have trouble submitting your response through the form, you can email it to equal@glaa.org. GLAA will rate each response at our meeting on April 26 at 7pm ET.*

Phil Mendelson
April 22, 2022