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Testimony Before the District of Columbia Council
Committee on Transportation & the Environment
January 16, 2020

Performance Oversight Hearing:
DC Department of Energy and the Environment

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Thank you, Chairperson Cheh and members of the Committee for the opportunity to testify regarding the Department of Energy and Environment (DOEE). My name is Buck Logan and I am an attorney at Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education.¹ With more than 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

Poor housing conditions can pose a serious risk to a child's health. Every year we represent hundreds of families in trying to get their landlords to make repairs and comply with the housing code.² The most serious cases often involve a landlord's failure to ensure a tenant's home is safe from mold and lead-based paint hazards, as required by DC law.³

DOEE plays a vital role in administering DC's mold and lead laws. Its mandate includes playing a role in inspecting rental housing for lead-based paint hazards and responding to all cases of young children who've been tested for an elevated blood lead level. It also takes steps to prevent harm caused by mold and other hazards in the home.

In our work on these issues, we've been impressed by many of the hard-working, dedicated staff members at DOEE. We have generally found the agency to be responsive to our inquiries and concerns and open to meeting with stakeholders to

solicit input. For example, we had useful, productive exchanges with DOEE staff as it developed regulations implementing DC's mold law. We look forward to seeing the final regulations issued soon. A number of our clients have also benefited from DOEE's Healthy Homes program, which sends case managers to a family's home to help address a mold problem that is exacerbating a child's asthma.

Of course, much work remains to be done in addressing lead, mold and other housing conditions in the District. As the Committee conducts its oversight, we recommend that it consider three initiatives that would enhance DOEE's ability to address these issues.

First, we urge the Council to move forward with the *Lead Hazard Prevention and Elimination Amendment Act of 2019*. As we testified at this Committee's November hearing on the bill,⁴ it will provide DOEE and DC residents with stronger tools to prevent lead-based paint hazards. The bill will require more proactive inspections and give tenants more effective remedies against childhood lead poisoning. It has also received broad support, including from the DC Chapter of the American Academy of Pediatrics, Children's National Hospital, the Latino Economic Development Center, and the Green & Healthy Homes Initiative. We hope the Council will enact this important new law this year.

Second, we are hopeful that the U.S. Department of Housing and Urban Development (HUD) will soon approve funding for DOEE to administer a grant

program to help abate lead-paint hazards in DC housing. The Department of Housing and Community Development (DHCD) used to administer this program, but HUD revoked its grant after DHCD failed to use most of its previously awarded funds.⁵ We applaud DOEE for stepping up to the plate and applying for the funding that would allow DC to reinstate this much-needed program. If and when HUD approves the funding, we urge DOEE to follow three principles in implementing the program:

1. Be transparent. Use an open process in developing the program to ensure robust community input and be transparent about what work is being done and where.
2. Be data driven. Instead of DHCD's haphazard process, DOEE should use available data to prioritize grants based on which buildings pose the highest risk of lead-based paint hazards. For example, DOEE could work with DCRA to create a system that flags buildings that have had been frequently cited for peeling paint or water intrusion issues. DOEE could also explore using the childhood lead screening data (including the proposed Lead Screening Registry) as a data source for identifying high-risk buildings.
3. Streamline the grant process. The DHCD program failed partly because the grant process was too cumbersome. DOEE should work with stakeholders to streamline the process and ensure the HUD funding is fully used in accordance with the program's income and other guidelines.

Finally, we hope the Council, DOEE, and all stakeholders will consider these issues holistically. DOEE is the subject of this oversight hearing, but the overarching goal is safe and healthy homes for all DC families. DC's current approach to housing code enforcement tends to be siloed and lacking in coordination. DCRA currently doesn't do lead or mold inspections (even when it cites a landlord for peeling paint and

moisture issues), leaving that job to DOEE. Yet while DOEE does lead inspections and will make mold assessments, its primary job is not enforcing the housing code. This fragmented system too often means tenants don't know which agency to call when they need help, the agencies may not coordinate adequately, serious housing conditions go unremedied, and the health of families and children suffer. Ultimately, we believe the answer to these problems is the proposed creation of a new, tenant friendly agency to take over DCRA's housing code enforcement role, with broad capability to deal with all types of housing conditions, including mold and lead hazards.⁶ DOEE would continue to focus on its current lead, mold and healthy homes programs. In the meantime, we urge DOEE and DCRA to enhance their efforts to coordinate the protection of tenant families against lead, mold and other hazards in the home.

Thank you for this opportunity to testify. I would be happy to answer any questions.

¹ Judges, pediatricians, and families turn to Children's Law Center to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With nearly 100 staff and hundreds of pro bono lawyers, we reach one out of every nine children in DC's poorest neighborhoods--more than 5,000 children and families each year. We multiply this impact by advocating for city-wide solutions that benefit all children. See <https://www.childrenslawcenter.org/>.

² Children's Law Center frequently represents families whose homes' poor conditions are so severe they harm the health of the children living in them. In those instances, the child's pediatrician refers the family to us for legal representation to secure healthy, code-compliant conditions.

³ See D.C. Code § 8-231.01 *et seq.* (DC lead law), D.C. Code § 8-241.01 *et seq.* (DC mold law). See also Terrence McCoy, "Washington's Worst Case of Lead Poisoning in Decades Happened in a Home Sanctioned by Housing Officials," Washington Post (Jan. 30, 2017), available at

https://www.washingtonpost.com/local/social-issues/washingtons-worst-case-of-lead-poisoning-in-decades-happened-in-a-home-sanctioned-by-housing-officials/2017/01/30/f7a09aa6-dcde-11e6-acdf-14da832ae861_story.html .

⁴ See <https://www.childrenslawcenter.org/testimony/testimony-lead-hazard-prevention-and-elimination-amendment-act-2019> . See also <https://www.childrenslawcenter.org/leadfreeDC> .

⁵ Morgan Baskin, "DC Chronically Failed to Spend Federal Funds to Remediate Lead Paint Hazards, HUD Says, Washington CityPaper (Feb. 21, 2019), available at: <https://www.washingtoncitypaper.com/news/housing-complex/article/21048191/dc-chronically-failed-to-spend-federal-funds-to-remediate-lead-paint> .

⁶ See <https://www.childrenslawcenter.org/testimony/testimony-office-inspector-general-report-department-buildings-establishment-act-2019> . See also <https://www.childrenslawcenter.org/files/advocates-vision-org-structure-dept-bldgs> .