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Written Testimony before the District of Columbia Council
Committee on Judiciary and Public Safety
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Introduction

Good afternoon Chairperson Allen and members of the Committee. My name is Kathy Zeisel. I am a Senior Supervising Attorney at Children's Law Center¹ and a resident of the District. I am submitting this testimony today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With nearly 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.

Thank you for giving me the opportunity to provide testimony to highlight the great work of the Housing and Community Justice Section of the Office of the Attorney General. This section has become a critical part of the fight against slumlords in DC.

First, I want to give some background as to how Children's Law Center is involved in this work. I am an attorney in our Medical-Legal Partnership, called Healthy Together, where we partner with Children's National Health System, Mary's Center, and Unity Health Care to place attorneys in primary care pediatric health centers throughout the city. Through these partnerships, we work directly with families whose doctors identify a health harming legal need.² One of partners, the IMPACT DC clinic at Children's National, focuses specifically on working with families whose children have come to the emergency department for asthma.

Addressing these housing conditions is important because we know that children living in Wards 7 and 8 are twenty times more likely to be hospitalized than children living in wealthier areas of DC.³ One of the areas of frequent referral are for housing conditions cases, often where those conditions are exacerbating a child's asthma so that they are ending up in the emergency room or hospitalized.

DC is one of 19 cities nationally funded by the BUILD Health Challenge, and we are partnered with IMPACT DC and DC Department of Health to try to tackle this asthma disparity through direct services, data analysis, and systemic work.

In many instances, our individual representation of clients is able to resolve the situation for our client. However, in my ten years at Children's Law Center, there have been several instances in which we are able to identify patterns of referrals from the same properties, landlord, or property managers. As a legal services organization, we have limited capacity to bring a case against an entire building as those cases can be lengthy, expensive to litigate, and require a lot of people-power to move forward.

Approximately two years ago, Attorney General Racine created the Housing and Community Justice Unit to affirmatively litigate to preserve affordable housing and to hold landlords accountable for safe and habitable housing.⁴ Prior to the creation of the Housing and Community Justice Unit, there was no government entity willing to get involved with these properties. DCRA was unreliable as an inspector and did not do any meaningful enforcement on these properties.⁵ Since the creation of the Unit,

advocates have been able to refer clients and entire properties where children's health is in danger and the Office of the Attorney General has taken action to investigate and litigate where appropriate. To highlight just a few examples, we have referred properties where immigrant families have lived without heat and with seriously dangerous electric wiring that eventually caused a massive fire; and another where tenants complained for at least ten years about serious mold and water leaks and infestation as well as serious crime on the property.

The action of the Office of the Attorney General to investigate and bring tenant receivership and consumer law actions against these landlords made a real difference in the lives of the tenants. For instance, the building where the immigrant families had been without heat for years, the receiver immediately focused on restoring the heat within a matter of weeks and identified numerous other serious issues. The Attorney General's Consumer Protection Unit is also involved to sue for back rent for the consumer fraud perpetrated upon the tenants when they were required to pay rent for a unit that came nowhere close to meeting the required warranty of habitability.

Yet, there are gaps in the current system. When the bad actor landlord does not pay for the required repairs in spite of a court order, it can take a long time to get the repairs done. In order to address this gap, we propose that the Council pass legislation creating the mechanism for an abatement fund within the Office of the Attorney General. Such a fund could be used to provide receivers the necessary money to make

the immediately necessary repairs while the attorneys go through the court process to get the landlord to pay.

To highlight why this an abatement fund is important, in the same case I mentioned above, the receiver discovered several other life and safety threats, including a serious sparking electrical system and a negligently repaired support beam, and spent his own money to remediate them because the landlord had failed to pay the court ordered amount. In other OAG cases, tenants have had to wait months for recalcitrant landlords to produce the money ordered by the court for the repairs

In conclusion, we provide this testimony to commend the Attorney General for embarking on this important work and to urge the Council and the Attorney General to expand its work protecting tenants from health harming housing conditions by taking action to get receivers appointed and to get monetary remedies for the tenants. This work not only protects the most vulnerable DC residents who may not have other viable housing options, but it also protects affordable housing by preventing slumlords from running down properties until they are uninhabitable.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate 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 almost 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

³This is based on data provided by DC Health and IMPACT DC as part of BUILD Health DC. See https://www.childrenslawcenter.org/sites/default/files/CLC_BUILD_Brochure_IndvPgs.pdf.

⁴ See <https://oag.dc.gov/about-oag/our-structure-divisions/about-public-advocacy-division>.

⁵ Children’s Law Center has testified at seven hearings related to DCRA over the past 1.5 years. Those testimonies are available on our website: Oct. 2018 Public Hearing re. DC Auditor’s Report *at* <https://www.childrenslawcenter.org/testimony/testimony-district-columbia-auditor’s-report-housing-code-enforcement-case-study>; July 2018 Public Hearing for DCRA Omnibus Act *at* <https://www.childrenslawcenter.org/testimony/testimony-slumlord-deterrence-amendment-act-2017-housing-rehabilitation-incentives>. Apr. 2018 Public Hearing for the Department of Buildings Establishment Act of 2018 *at* <https://www.childrenslawcenter.org/testimony/testimony-department-buildings-establishment-act>; Mar. 2018 DCRA Performance Oversight Testimony *at* <http://www.childrenslawcenter.org/testimony/testimony-performance-oversight-dcra>; Oct. 2017 Roundtable Testimony, *at* <http://www.childrenslawcenter.org/testimony/testimony-dcra-inspection-and-enforcement-tenant-housing>; and July 2017 testimony, *at* <http://www.childrenslawcenter.org/testimony/testimony-dcra-inspection-and-enforcement-housing-code-violations>.