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Testimony Before the District of Columbia Council  
Committee on Transportation and the Environment  
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Budget Oversight Hearing:  
Department of Energy and Environment

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## **Introduction**

Good morning, Chairperson Cheh, and members and staff of the Committee. My name is Kathy Zeisel. I am a resident of the District and a Senior Supervising Attorney at Children's Law Center. I am testifying today on behalf of the Children's Law Center, which fights so every DC child can grow up with a stable family, good health, and a quality education. With almost 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.<sup>1</sup>

Poor housing conditions pose serious risks to a child's health.<sup>2</sup> Each year, CLC works with hundreds of families who are trying to get their landlords to repair these conditions because they are impacting the health of their children. Our medical legal partnership places attorneys at pediatric primary care health centers in collaboration with Children's National, Unity Health Center, and Mary's Center. We then receive referrals from the medical staff where we can help address a non-medical barrier to a child's health, and too often that is a housing conditions case involving environmental issues impacting the child's medical condition. The most serious of these cases often involve a landlord's failure to ensure a tenant's home is safe from mold and lead-based paint hazards, as is required by law.<sup>3</sup>

The Department of Energy and the Environment has long embraced healthy housing as part of its mission. In recent years, that focus has amplified as DOEE has

increased its role in ensuring that DC's most vulnerable residents have healthy housing. We applaud these efforts.

### *DOEE Budget has Important Enhancements*

Thanks to this Committee, DC has one of the most innovative mold laws in the country. DOEE is leading the way in DC in mold inspection and enforcement. DOEE has an inspector who is actually conducting mold inspections, and is currently the only agency in the District to do so. This is important because many residents cannot afford the costs of a private inspection or to litigate to force their landlord to conduct one.

The Mayor's proposed budget increases funding for DOEE's Lead-Safe and Healthy Housing program by \$359,000 and 2 FTE's, up to a total of \$6,092,000 and 33.2 FTE's, respectively.<sup>4</sup> These increases will help DOEE to continue and expand the important work it is doing in keeping families safe. Children's Law Center supports this increased investment. We hope that this investment will allow both the lead and mold work of the division to grow; however, with the changes to the blood lead levels to 3.75, we do not know if this will be sufficient funding or if we will have an increase of referrals of children with elevated blood lead levels beyond what this increase in staff can handle.

The Mayor's Proposed Budget includes an additional \$10 million for Lead Pipe Replacement and \$5 million each for both the Lead and Mold Hazard Mitigation and the Home Weatherization Assistance project.<sup>5</sup> These are important investments, and we

are hopeful that this money will be properly deployed to homes where it can make a meaningful difference for low-income residents. However, because the proposed budget does not provide any specifics, it is difficult to determine how these investments will be utilized. CLC encourages DOEE to properly determine the scope of the problems and the most effective way of deploying these resources before these monies are spent in order to ensure that we are utilizing the money in a way that has a positive impact on the health of the community.

Additionally, funding these important programs only through the American Rescue Plan Act leaves them with an uncertain future. Once those federal funds are no longer available, the District will have to find local funds to ensure that residents can continue to access these services. In particular, we are concerned about the total cut of local dollars for mold remediation work.<sup>6</sup>

Lastly, we hope that DOEE will continue its work to make a streamlined process in applying for its services. Families are likely to need assistance in multiple areas and should not have the added burden of completing multiple confusing applications in order to access it.

### *Enforcement Budget Enhancement*

The Enforcement and Environmental Justice budget enhancement is a step in the right direction, but we question whether there are sufficient enforcement resources

available given the broad environmental justice and enforcement mandates of the agency for the District.<sup>7</sup>

***Fully Funding the Residential Housing Environmental Safety Amendment Act***

Finally, CLC urges the Council to fund the remaining sections of the Residential Housing Environmental Safety Amendment Act of 2020, namely the inspectors for the Department of Buildings (DOB) also inspecting for mold. Only part of that law was funded<sup>8</sup>, but this Committee can help fund the remainder so that the DOB can also be responsible for ensuring that mold is enforced as a housing code violation. This is an important complement to the work that DOEE is doing. DOEE simply does not have the resources to do all the mold inspections in the city, and tenants who call DOB should not have to wait for a separate agency to come and inspect for mold. In order to take the next step in building a seamless healthy housing system, we should fund this legislation.

***Conclusion***

Thank you for the opportunity to testify today, and I look forward to answering any questions you may have.

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<sup>1</sup> Children’s Law Center fights so every child in DC can grow up with a stable 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.

<sup>2</sup> See, e.g., Veronica Gaitán, *How Housing Affects Children’s Outcomes*, Housing Matters, (January 2, 2019), available at: <https://housingmatters.urban.org/articles/how-housing-affects-childrens-outcomes>.

<sup>3</sup> See D.C. Code § 8-231.01 *et seq.*; D.C. Code § 8-241.01 *et seq.*

<sup>4</sup> Mayor’s Proposed FY 2023 Budget and Financial Plan, Volume 4 Agency Budget Chapters - Part III, Operations and Infrastructure, p. F-18.

<sup>5</sup> Mayor’s Proposed FY 2023 Budget and Financial Plan, Volume 4 Agency Budget Chapters - Part III, Operations and Infrastructure, p. F-25. In addition, it is our understanding that there will be an additional \$20 million from the Infrastructure Act for Lead Pipe Replacement.

<sup>6</sup> Mayor’s Proposed FY 2023 Budget and Financial Plan, Volume 4 Agency Budget Chapters - Part III, Operations and Infrastructure, F-24.

<sup>7</sup> *Id.* at F-19.

<sup>8</sup> Legislation Passed Subject to Appropriation, Quarterly Report, (January 15, 2022), available at: <https://www.dccouncilbudget.com/legislation-passed-s2a>