



501 3rd Street, NW - 8th Floor
Washington, DC 20001
T 202.467.4900 - F 202.467.4949
www.childrenslawcenter.org

Testimony Before the District of Columbia Council
Committee of the Whole
Wednesday, September 21, 2022

Public Oversight Roundtable:
Implementation of Law 23-269, the Department of Buildings Establishment Act of 2020

Christina M. Simpson
Policy Attorney
Children's Law Center

Introduction

Good afternoon, Chairman Mendelson, and members of the Committee. My name is Christina Simpson. I am a Policy Attorney at Children's Law Center.¹ 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.

Thank you for the opportunity to testify today regarding the implementation of the Department of Buildings Establishment ("DOB") Act. Children's Law Center has first-hand experience with residential healthy housing issues through its Healthy Together program, a medical-legal partnership that allows a child's pediatrician to refer families to us for legal representation to secure healthy, code-compliant rental housing. Through that program, Children's Law Center works with hundreds of families every year to get landlords to repair housing code violations that threaten the health of the children living in the home.

Children's Law Center testified at the previous roundtable on the implementation of DOB in February.² Unfortunately, we remain concerned that the agency is not being set up for success. The continued lack of transparency regarding transitioning responsibilities to DOB provides no indication that sufficient effort is being made to ensure DOB will be more effective at responding to tenant needs than the Department of

Consumer and Regulatory Affairs (“DCRA”). For DOB to be an effective agency, new leadership is needed to energize the agency and establish a new culture with an eye toward more inspections and better code enforcement.

Lack of Transparency Raises Concerns About DOB Effectiveness

Since the last roundtable, very little has been shared with the public regarding the DOB transition. The progress reports and transition plans that have been shared with the public include little detail and do not specifically address how DOB will be an improved and more effective agency.³ Children’s Law Center believes that adequate planning is needed for DOB to launch as a significantly more effective agency than its predecessor.

As recently as September 7, 2022, at a virtual public forum hosted by DCRA to learn more about DCRA transition, there was no mention of change that would create a more effective or tenant-focused agency.⁴ Director Chrappah described the upcoming transition to mean “two agencies to serve the public instead of a one-stop shop.”⁵ Chrappah also assured the public that the changeover from DCRA to DOB will be a “smooth transition.”⁶ Although a smooth transition is a fine goal, we believe substantive and meaningful change should be the focus of the transition to ensure DOB is not simply a repackaged version of DCRA.

Specifically, the DOB transition team should provide specific information regarding plans to ensure improved inspections and code enforcement, and how the

mission and culture of DOB will differ from that of DCRA. We ask that the Council request such information as part of the ongoing DOB transition process.

Business Process Recommendations Should Promote Better Housing Conditions

The statutory mission of DOB is “promoting the health, safety, and quality of life of residents and visitors in the District of Columbia.”⁷ To fulfill this mission, DOB must operate through a lens that is focused first and foremost on the health and safety of DC’s residents and visitors. DOB must implement its core responsibilities differently and more effectively than DCRA.

To this end, we are pleased to hear that the DOB transition team is working with outside firms to redesign the agency's business process.⁸ The external consultants should prioritize talking to external stakeholders to get a more comprehensive picture of the problems with DCRA’s current business process and alternative visions for it.

Increased follow-up and accountability must be incorporated into DOB’s new business process. In the current DCRA business process, there is no required re-inspection to confirm that a landlord actually fixed a violation; rather, a landlord can just respond to the Notice of Infraction saying that the job is done.⁹ We believe re-inspecting the premises to confirm that conditions are corrected is key to ensuring compliance. Additionally, proper documentation of housing code violations is essential, including requiring the agency to give the tenant and the landlord a copy of the report after each inspection. DOB should also provide notice to tenants of all enforcement actions, as well

as any dates for those proceedings at the Office of Administrative so that tenants can have an opportunity to appear.

Many of Children’s Law Center recommendations at the last roundtable relate to how DOB can improve its inspections or code enforcement.¹⁰ Our recommendations include:

- Establishing Ward-level inspection units that are responsible for all inspections in that ward, allowing DOB to rebuild trust in the community through inspectors getting to know residents in each ward;¹¹
- Using a wide variety of data to inform inspections and enforcement such as public health data and brief outside inspections of the properties;¹²
- Increasing the number of professional inspectors for both complaint-based and proactive inspections;¹³ and
- Inspectors working for the agency rather than being contractors so that the agency can ensure the quality of their work and ensure control over the data from their inspections.¹⁴

A more detailed description of additional proposals from Children’s Law Center’s for DOB’s internal workings can be found in our testimony at the February 16, 2022, Roundtable on the Implementation of DC Law 23-269, the Department of Buildings Establishment Act of 2020.¹⁵ We would also be happy to work with the City Administrator directly on further recommendations.

Committed Long-Term Leadership is Critical for a More Effective and Focused DOB

As part of the establishment of DOB, “[t]he Director shall be appointed by the Mayor with the advice and consent of the Council.”¹⁶ This is a pivotal opportunity for the

Council to advise the Mayor to appoint a changemaker who infuses the new agency with a new vision and puts DOB on a path towards being effective. Finding a Director that will support a broader vision for DOB that fully encompasses how to effectuate healthy, safe, and quality housing for residents of and visitors to the District is crucial.

We hope that the first director of DOB will be positioned as a long-term leader. An interim appointment would potentially thwart the momentum of the agency's commencement at arguably the most malleable and vital time in an agency's life.

In addition to appointing a Director, other leaders throughout the new agency are also important. As the lead administrator of the Office of Strategic Code Enforcement, the Strategic Enforcement Administrator (SEA)¹⁷ is charged with developing and implementing enforcement strategies and procedures, monitoring violations, tracking, and enforcing collection of fines, and other duties. The Office of Strategic Code Enforcement is particularly significant as it is responsible for developing a unified strategy for code enforcement, civil infractions, and fine assessment.¹⁸ As such, the SEA is a critical appointment to realizing the mission of enforcing healthy, safe, and quality housing throughout DC.

Children's Law Center also believes that a high-level public health position is necessary within DOB to ensure that someone with the appropriate expertise in public health and health equity is available to help guide the strategic enforcement strategy, analyze the data, work with proactive inspections, and have a public health lens on the

healthy housing work of the agency. We again thank the Council for including a public health official in this year's budget.¹⁹ We also hope that a public health official is hired who has a background in healthy housing so that they have the knowledge necessary to inform housing inspections and enforcement. This public health position should coordinate with sister agencies and ensure that DOB has sufficient information and understanding to promote safe and healthy housing for all DC residents.

Continuing Council Oversight and Legislation Can Keep DOB Transition on Track

We thank Chairman Mendelson for spearheading the implementation of DOB and for the recurring relevant roundtables throughout the transition process. We believe this continued Council oversight is needed to keep DOB on a path toward success.

We also believe that further legislation is necessary to ensure the agency's success, such as the proposed Proactive Inspection Program Act of 2022.²⁰ Proactive inspections are important because they allow landlords to address issues before they become emergencies, allow DC to better preserve our affordable housing stock, and decrease reliance solely on tenant complaints to ensure safe and healthy housing. Codifying improvements in how proactive inspections work while DOB is still young is an important move toward ensuring the agency gets off to an effective start.

Conclusion

We thank you for holding today’s roundtable and supporting continued Council oversight and further legislation to keep DOB on the right track. We appreciate the opportunity to testify today. I welcome any questions the Committee may have.

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 more than 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. We multiply this impact by advocating for city-wide solutions that benefit all children.

² Kathy Zeisel, Children’s Law Center, Testimony Before the District of Columbia Committee of the Whole, (February 16, 2022), available at: <https://childrenslawcenter.org/wp-content/uploads/2022/02/Zeisel-DOB-Roundable-testimony-FINAL.pdf>.

³ Department of Consumer and Regulatory Affairs Transition Plan: Version 1.0, (December 2021), Initial Timeline, Organizational Plan, and Organizational Charts Only; RC24-0112, Correspondence from the Mayor, Department of Buildings Quarterly Update, (January 11, 2022); Department of Buildings Transition Plan: Communications and Strategic Human Capital Plan Only, (February 2022); RC24-0155, Correspondence from the Mayor, Department of Buildings FY22 Second Quarterly Update, (March 25, 2022); Letter from Mayor Muriel Bowser to the Honorable Phill Mendelson, (July 15, 2022), on record with the Children’s Law Center.

⁴ Department of Consumer Affairs, Learn more about DCRA transition into DOB and DLCP, September 7, 2022, Virtual Forum.

⁵ *Id.*

⁶ *Id.*

⁷ DC Official Code § 10–561.02(b). Establishment of the Department of Buildings.

⁸ Letter from Mayor Muriel Bowser to the Honorable Phill Mendelson, (July 15, 2022), on record with the Children’s Law Center.

⁹ Department of Consumer Affairs, *Lifecycle of a Housing Code Inspection*, available at: <https://dcra.dc.gov/service/lifecycle-housing-code-inspection>.

¹⁰ Kathy Zeisel, Children’s Law Center, Testimony Before the District of Columbia Committee of the Whole, (February 16, 2022), available at: <https://childrenslawcenter.org/wp-content/uploads/2022/02/Zeisel-DOB-Roundable-testimony-FINAL.pdf>.

¹¹ *Id.* at page 4.

¹² *Id.* at 5.

¹³ *Id.* at 6.

¹⁴ *Id.*

¹⁵ Kathy Zeisel, Children’s Law Center, Testimony Before the District of Columbia Committee of the Whole, (February 16, 2022), available at: <https://childrenslawcenter.org/wp-content/uploads/2022/02/Zeisel-DOB-Roundable-testimony-FINAL.pdf>.

¹⁶ DC Code § 10–561.03. Establishment of the Department of Buildings. Director.

¹⁷ DC Code § 10–561.05. Establishment of the Department of Buildings. Strategic Enforcement Administrator.

¹⁸ DC Code § 10–561.07(a)(5). Establishment of the Department of Buildings. Department organization.

¹⁹ FY 2023 Approved Budget and Financial Plan, Volume 4 Agency Budget Chapters – Part III, Department of Buildings [CU0], p. F-7 through F-14.

²⁰ B24-0947, *Proactive Inspection Program Act of 2022*.