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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 White, and members of the Committee. My name is Makenna Osborn. I am a Policy Attorney at Children's Law Center and a resident of the District. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Poor housing conditions pose serious risks to a child's health.<sup>1</sup> Each year, Children's Law Center works with hundreds of families whose pediatric medical provider has identified a non-medical barrier to a child's health and well-being, including when a family needs help forcing their landlord to remediate illegal and health-harming conditions in rental housing. The most serious cases we see often involve a landlord's failure to ensure a tenant's home is safe from mold problems, pest infestations and water intrusion – as required by DC law<sup>2</sup> – exacerbating a child's asthma and putting them at risk of lead exposure. Unfortunately, health problems tied to poor housing conditions are

more prevalent in underinvested, predominantly Black neighborhoods in DC. Children with asthma living in Wards 7 and 8 are twenty times more likely to end up in the ER for asthma than children growing up in wealthier Ward 3.<sup>3</sup>

The Department of Energy and Environment (DOEE) plays a critical role in fighting these hazards. DOEE's mandate includes conducting lead-based paint hazard inspections; supporting and funding remediation of lead-based paint hazards in homes of low-income residents;<sup>4</sup> and responding to all cases of children with elevated blood lead levels.<sup>5</sup> The agency is also responsible for receiving and responding to mold complaints from District residents, licensing mold professionals and implementing indoor mold remediation requirements in residential properties.<sup>6</sup> While many of DOEE's programs impact healthy housing, my testimony will focus specifically on the agency's mold and lead work.

We have been impressed by the hard-working staff in the Lead-Safe and Healthy Housing Division and the Residential Services Division who are responsive to our inquiries and concerns and open to meeting with stakeholders to solicit input. In recent years, DOEE has been active in the DC Healthy Housing Collaborative, of which Children's Law Center is a member.<sup>7</sup> We greatly appreciate DOEE's consistent, sincere engagement with the work of the Collaborative and applaud the agency's continued efforts to increase its role in ensuring that *all* DC residents have healthy housing

## **Increase the Capacity of the Lead-Safe and Healthy Housing Division**

The Lead-Safe and Healthy Housing Division of DOEE is responsible for ensuring that “housing . . . in the District [does] not pose a health threat to its occupants.”<sup>8</sup> The Division oversees the District’s lead laws by conducting risk assessments for lead-based paint hazards; implementing and enforcing professional certification, accreditation and abatement requirements; and preventing, screening for and addressing childhood lead poisoning.<sup>9</sup> The Division’s Licensing and Certification Branch also conducts professional certification of mold assessors and remediators and implements DOEE’s own mold inspection program.

The Mayor’s FY24 proposed budget appears to increase funding for DOEE’s Lead-Safe and Healthy Housing Division by \$438,000 and over 6 FTEs, up to a total of \$6,725,000 and 42 FTEs, respectively.<sup>10</sup> Children’s Law Center supports this increased investment which will help DOEE continue and expand the important work it is doing to keep families safe in their homes. However, it is unclear if those additional FTEs are indeed designated for the Lead-Safe and Healthy Housing Division. During a budget briefing DOEE held with the DC Environmental Network on March 30, 2023, Interim Director Jackson indicated that the distribution of new FTEs between divisions and programs in the budget documents published by the Office of the Chief Financial Officer is incorrect. According to Interim Director Jackson, while the overall number of FTEs is correct, some positions have been assigned to the wrong program. We urge the

Committee to determine the correct number of proposed FTEs for each program/division. Additionally, we hope the Committee will ask DOEE for more specific information on what programs the increased funding will go to within the Lead-Safe and Healthy Housing Division and what positions additional FTEs will fill to ensure the FY24 budget will adequately support DOEE's capacity to 1) complete lead risk assessments and provide case management for children with Elevated Blood Lead Levels (EBLLs), 2) conduct mold inspections and enforce landlord compliance with mold remediation, and 3) review construction and renovation permits to ensure lead-safe work practices.

*DOEE Must Provide Case Management & Risk Assessment for Children with Elevated Blood Lead Levels of 3.5-4.9 ug/dL*

DOEE plays a vital role in responding to cases of childhood lead exposure. To detect lead exposure early and prevent lead poisoning, all children who live in DC must be tested for lead, through a blood test, twice by the age of two.<sup>11</sup> Under DC law, laboratories and providers that process these blood lead tests must report all blood lead level (BLL) results to DOEE within one week and must report any children with an elevated BLL to DOEE immediately.<sup>12</sup> DOEE is required to conduct a risk assessment<sup>13</sup> when a child has an *elevated BLL*, which under DC law is defined as 3.5 micrograms per deciliter (ug/dL) or above as of October, 2021.<sup>14</sup> While this threshold changed over a year ago, Children's Law Center remains concerned about whether DOEE is conducting risk assessments in cases where children have elevated BLLs of 3.5 micrograms per deciliter (ug/dL) or above.<sup>15</sup>

Our understanding is that as recently as January 2023, DOEE lacked the capacity to conduct the number of risk assessments triggered by assigning case managers to families with children who have elevated BLLs of 3.5-4.9 ug/dL. As a result, rather than connecting case managers with families and conducting risk assessments, the agency sent notification letters with educational materials for mitigating lead hazards in the home. In his discussion with Chairperson Allen during DOEE's Performance Oversight hearing in February 2023, Interim Director Jackson seemed to indicate that DOEE is now providing full case management and risk assessments to all families with children who have elevated BLLs of 3.5 ug/dL or above.<sup>16</sup> However, the Interim Director also stated that since implementing the lower elevated BLL threshold, all of the Lead-Safe and Healthy Housing Division's case managers and lead risk assessors have a "heavy caseload."<sup>17</sup>

We ask that the Committee clearly confirm whether DOEE is providing full case management and lead risk assessments for all children who have EBLLs of 3.5-4.9 ug/dL and when that practice began. Also, we hope Chairperson Allen will follow up on his request from Performance Oversight that DOEE assess whether the Lead-Safe and Healthy Housing Division has enough staff to provide **timely** assistance and intervention, including a risk assessment, for the increased number of children with EBLLs based on the new definition.<sup>18</sup> Investing in robust lead poisoning prevention is important for future budgets as childhood lead poisoning imposes enormous long-term societal costs.<sup>19</sup>

*DOEE's Mold Inspection Program Needs More Inspectors and Enforcement Power*

Thanks to this Committee, DC has one of the most innovative mold laws in the country.<sup>20</sup> The law was passed in 2014, making DC one of the first jurisdictions in the country to formally recognize mold as a significant health hazard and implement protections for tenants with mold in their homes. DOEE, charged with implementing and enforcing this law, has been a leader on addressing mold hazards in the District. In fact, DOEE is currently the only agency in the city conducting public mold inspections. This program is important because many residents cannot afford the costs of a private inspection—which can exceed \$500—or to litigate to force their landlord to conduct one.<sup>21</sup> However, DOEE needs more qualified mold inspectors, ideally licensed mold assessors, to carry out this important work and the authority to enforce the law through fines for landlords who flout it.

DOEE has two full-time mold inspectors who are struggling to keep up with high requests for their services.<sup>22</sup> Indeed, at last year's budget hearing, DOEE's director shared that DOEE needed three to five additional inspectors (on top of the one inspector they had at the time) to be able to handle the demand and need for mold inspections.<sup>23</sup> To address the bandwidth issue, this Committee funded two additional full-time mold inspectors for FY23.<sup>24</sup> However, according to the DOEE's 2023 Performance Oversight Responses, DOEE still only has two full time mold inspectors.<sup>25</sup> We greatly appreciate that Chairperson Allen raised concerns about these vacancies during DOEE's

Performance Oversight hearing. We hope the Committee will work to ensure that these positions, vacant or not, are still included in the Lead-Safe and Healthy Housing Division's funded FTEs for FY24.

Unfortunately, once an inspection is completed, DOEE lacks the authority to penalize landlords who do not comply with its findings and recommendations. This is because even eight years after the mold law was passed, DOEE and the Mayor have still not finalized the regulations that would give DOEE authority to issue fines against landlords who fail to remediate documented mold hazards in a home. Regulations establishing fines for violations of the Act were proposed in August of 2022 and scheduled for adoption by the Director of DOEE last fall but stalled with the Mayor's office.<sup>26</sup> According to DOEE, the regulations should be published as final soon but at the time of this Budget Oversight hearing, they have yet to appear in the Register. From our work on the ground, Children's Law Center knows that the worst landlords often are only motivated by their bottom line and enforcement with "teeth" is a necessary tool to protect the rights of tenants. For this reason, we ask that the Committee use its oversight power to determine where these regulations are currently stalled and get them published as expeditiously as possible so that DOEE's inspectors can begin issuing fines for violations of the mold law. We also hope the Committee will determine how DOEE plans to implement issuance and enforcement of fines and if DOEE needs additional staff or other resources in the FY24 budget to do so effectively.



*DOEE is Doing Important Prevention Work through DOB's Permitting Process, but More Staff are Needed*

We have been excited to learn more about DOEE's integration into the Department of Building's construction and renovation permitting processes. This integration has allowed DOEE to more closely monitor and intervene when construction and renovations are likely to cause a lead-based paint hazard. This supports our shared goal of *preventing* children's exposure to lead hazards. We are concerned, however, that DOEE is understaffed and that lead risk assessors are being used to evaluate permit applications rather than conducting risk assessments in cases where children have an elevated BLL of 3.5-4.9 ug/dL, as outlined above. We ask that the Committee ensure the final FY24 budget includes enough FTEs and funding for any increased operational costs, like desk space and technology, for all the programs in the Lead-Safe and Healthy Housing Division to operate at their full capacity.

**Increase Local Funding for the Residential Services Division's Remediation Programs**

DOEE's Residential Services Division, within the Utility Affordability Administration, provides technical and financial assistance to help low-income residents maintain energy-efficient, safe and healthy homes, including through lead-based paint hazard remediation, lead pipe replacement and weatherization measures that prevent water intrusion and subsequent mold growth.<sup>27</sup> Over the past several years, funding for the Residential Services Division's remediation work has come from a variety of sources,

including a Lead Hazard Reduction Grant from the US Department of Housing and Urban Development (HUD). The Residential Services Division can use the HUD grant to provide low-income DC families with children under six years old up to \$11,000 for the remediation of lead-based paint hazards in their homes.<sup>28</sup>

In its first year with this HUD grant, the Residential Services Division struggled to administer grant funds because most residents seeking financial assistance with lead reduction were not households with young children—a HUD requirement. Our understanding is that of 305 residents that have applied to the Lead Hazard Reduction Branch for assistance, only 23 of those households have been found eligible for the HUD grant. In FY22 and 23, DOEE combined its HUD grant with approximately \$4 million in funds from the American Recovery Plan Act (ARPA)<sup>29</sup> and \$300,000 in local dollars to operate the Energy Efficiency and Remediation Program (EERP) with flexibility to assist more DC residents and address more health-harming conditions in participant's homes. This was important because, while the cap of funding available through the HUD grant (\$11,000 per property) may be sufficient to, say, encapsulate<sup>30</sup> deteriorating leaded paint, it is not sufficient to address any of the underlying issues that may cause continued or repeated deterioration. For example—if walls are deteriorating because an old and dilapidated roof is leaking into the home, real remediation of the lead hazard includes a much more costly repair or replacement of the roof, in addition to freshly painted walls.

Children’s Law Center applauds DOEE’s innovative leveraging of multiple funding sources to improve the scope and quality of the remediation work it provides to low-income homeowners in the District. In its 2023 Performance Oversight responses DOEE explicitly stated that it is “exploring how to stack various funding streams for whole-home retrofits that address multiple issues (e.g. lead/mold, weatherization, energy efficient appliances) – along with whether such work could be expanded to a block or neighborhood level.”<sup>31</sup> Therefore, we were deeply disappointed to see that there does not appear to be any local funding for the Energy Efficiency and Remediation Program in the Mayor’s proposed FY24 budget.<sup>32</sup> The Energy Efficiency and Remediation Program does not have its own line item in the DOEE budget and it is difficult to assess if any of the funding increases or decreases in other line items in the Utility Affordability Administration’s (6500) budget would impact EERP.<sup>33</sup> We hope the Committee will work with DOEE to determine 1) how much funding the agency anticipates having in FY24 to operate EERP, 2) the sources of that funding, and 3) any restrictions placed on the funding. The Residential Services Division has applied for a one-year extension of the HUD lead grant, and it will best be able to use that money to help families in DC if it is paired with additional funding streams, including robust flexible local funding. We urge the Committee to ask DOEE about the status of the HUD lead grant and what, if any, ARPA money is allocated to EERP and other Residential Services Division programs in FY24.<sup>34</sup> To the extent that a decrease in ARPA allocations and lack of other local funding

would undermine DOEE's ability to finance lead-hazard remediation and broader whole-home retrofits for low-income DC residents, we hope the Committee will work to identify and include local funding for EERP in its budget recommendations.

Though we support increased funding for these programs, Children's Law Center also wants to highlight that DOEE needs to be more strategic about how it spends its remediations funds. Right now, EERP operates on a first-come, first-served basis. We hope the Committee will explore using these limited remediation funds where they're most needed—in homes with the most severe and health-harming conditions.

### **Fully Fund the Residential Housing Environmental Safety Amendment Act**

Children's Law Center urges the Committee to fund the remaining sections of the Residential Housing Environmental Safety Amendment Act of 2020 in the FY24 budget. These provisions would require DOB housing inspectors to be licensed mold assessors, certified by DOEE, and authorize them to enforce DC's mold law against landlords. Currently, DOB's housing inspectors are not trained to identify mold and whenever a tenant complains to an inspector about mold or an inspector observes mold in a home, they must refer the possible mold to DOEE. Therefore, a rental unit may have two inspection and enforcement processes going on at one time with two separate agencies and sets of staff. While DOEE does a commendable job conducting mold assessments, it 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 another agency to come and inspect for mold.<sup>35</sup>

The Chief Financial Officer previously estimated that fully implementing DOB's shared responsibility for mold inspections would require \$3.9 million in the first fiscal year and nearly \$14 million over the four-year financial plan.<sup>36</sup> To use our resources most efficiently and ultimately build a seamless healthy housing system in DC, the Committee should fund DOB housing inspectors becoming certified mold assessors.

## Conclusion

Children's Law Center commends DOEE, and its hard-working, dedicated staff, for their efforts in promoting healthy homes in the District. We hope our suggestions today will further these efforts. Thank you for the opportunity to testify, and I look forward to answering any questions you may have.

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<sup>1</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>2</sup> See D.C. Code § 8-241.01 *et seq.* (DC mold law), D.C. Mun. Regs. tit 14, § 801 (1900) *et. seq.* (DC Housing Code provisions on pest infestations), D.C. Code § 8-231.02(a) (DC lead law).

<sup>3</sup> *Asthma Surveillance in DC Emergency Departments and Hospitals*, Children's National, p. 13, (December 14, 2017), available at:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewj2z6bfmJ9AhUPFVkJFHRBuBfYQFnoECCIOAQ&url=https%3A%2F%2Fchildrensnational.org%2F-%2Fmedia%2Fcnhs-site%2Ffiles%2Fdepartments%2Fimpactdc%2F asthma-surveillance-in-dc.pdf%3Fla%3Den&usg=AOvVaw1N9LoXcqbqr5So7YPwivkh>;

see also Morgan Baskin, *Doctors Blame D.C.'s High Asthma Rates in Part on Poor Housing*, *Washington City Paper*, (May 22, 2019), available at:

<https://washingtoncitypaper.com/article/180182/doctors-blame-dcs-high-asthma-rates-in-part-on-poor-housing/>.

<sup>4</sup> See D.C. Mun. Regs. tit 20, § 3300 (2013) (regulations implementing the Lead Hazard Prevention and Elimination Act).

<sup>5</sup> D.C. Mun. Regs. tit 22\_B, § 7301.3 (2013) (regulations implementing the Childhood Lead Poisoning Screening and Reporting Act).

<sup>6</sup> See D.C. Mun. Regs. tit. 20, § 3200 (2016) *et. seq.*

<sup>7</sup> The DC Healthy Housing Collaborative (DCHHC) is a multi-sector coalition seeking to address substandard housing conditions that contribute to significant health issues affecting District of Columbia residents. See Institute for Public Health Innovation, *DC Healthy Housing Collaborative*, available at:

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<https://www.institutephi.org/our-work-in-action/policy-health-systems-improvement/dc-healthy-housing-collaborative/>.

<sup>8</sup> Department of Energy & Environment (DOEE), Environmental Services Administration, *available at*: <https://doee.dc.gov/page/environmental-services-administration>.

<sup>9</sup> *Id.*; Department of Energy & Environment (DOEE), Lead in the District, *available at*: <https://doee.dc.gov/lead>.

<sup>10</sup> Mayor’s Proposed FY 2024 Budget and Financial Plan, Volume 4, Agency Budget Chapters – Part III, Human Support Services, Operations and Infrastructure, Financing and Other, Enterprise and Other, p. F-18.

<sup>11</sup> Department of Energy & Environment (DOEE), Every Child. Twice By Two., *available at*: <https://doee.dc.gov/twicebytwo>.

<sup>12</sup> Department of Energy and Environment, Re: Lead Screening and Reporting Requirements in the District of Columbia, (Oct. 27, 2022), *available at*: [https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/DOEE-DHCF\\_Lead-Screening\\_Letter\\_to\\_Medicaid\\_Providers%20-%20signed%20TW.pdf](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/DOEE-DHCF_Lead-Screening_Letter_to_Medicaid_Providers%20-%20signed%20TW.pdf).

<sup>13</sup> D.C. Code § 8-231.01 (36): “Risk assessment” means an on-site investigation to determine and report the existence, nature, severity, and location of conditions conducive to lead poisoning, including:

(A) The gathering of information regarding the age and history of the housing and occupancy by persons at risk;

(B) A visual inspection of the property;

(C) Dust wipe sampling, soil sampling, and paint testing, as appropriate;

(D) Other activity as may be appropriate;

(E) Provision of a report explaining the results of the investigation; and

(F) Any additional requirements as determined by the Mayor.

<sup>14</sup> D.C. Code § 8–231.03(13): “Elevated blood lead level” means the concentration of lead in a sample of whole blood equal to or greater than 5 micrograms of lead per deciliter (µg/dL) of blood, or such more stringent standard as may be established by the U.S. Centers for Disease Control and Prevention as the appropriate level of concern, or adopted by the Mayor by rule.” The CDC adopted a reference value of 3.5 ug/dL in Oct. 2021. See Centers for Disease Control and Prevention (CDC), *Childhood Lead Poisoning Prevention*, *available at*:

<https://www.cdc.gov/nceh/lead/news/cdc-updates-blood-lead-reference-value.html>.

<sup>15</sup> Note, for example, in DOEE’s FY22 Performance and Accountability Report, the agency’s key performance indicator (KPI) related to childhood lead poisoning still uses 5.0 ug/dL as the metric. Department of Energy and Environment (DOEE), FY 2022 Performance and Accountability Report, p.17, (Jan. 15, 2023), *available at*:

[https://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DOEE\\_FY22PAR.pdf](https://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DOEE_FY22PAR.pdf).

<sup>16</sup> Committee on Transportation & the Environment, Performance Oversight Hearing, Charles Allen Chair, (February 16, 2023), *available at*:

[https://dc.granicus.com/MediaPlayer.php?view\\_id=29&clip\\_id=8091](https://dc.granicus.com/MediaPlayer.php?view_id=29&clip_id=8091).

<sup>17</sup> *Id.*

<sup>18</sup> During DOEE’s 2023 Performance Oversight, Interim Director Jackson told Chairperson Allen that the current number (as of February 2023) of children under six years old with EBLs above 3.5 ug/dL in the District is 934 and said that is an increase in numbers from before the change in reference value but could not provide numbers from previous years to compare and assess the impact of the change on case manager. *Id.*

<sup>19</sup> One study estimates that the lifetime economic burden of childhood lead exposure in DC could be as high as \$402 million – and that’s just for the 2019 birth cohort of children. See Altarum, Value of Lead

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Prevention: District of Columbia, *available at:*

<http://valueofleadprevention.org/calculations.php?state=District%20Of%20Columbia>.

<sup>20</sup> DC Law 23-0188, Air Quality Amendment Act of 2014; *see also* Beth Harrison, *Bill Passes to Address Mold in Rental Housing*, Legal Aid DC, (Jun 3, 2014), *available at:* <https://www.legalaiddc.org/blogs/bill-passes-to-address-mold-in-rental-housing>.

<sup>21</sup> Kathy Zeisel, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Transportation & the Environment, (January 25, 2022), *available at:*

<https://childrenslawcenter.org/wp-content/uploads/2022/01/Zeisel-DOEE-2022-Oversight-Testimony-FINAL.pdf>; Barbara Zito, *How Much Does Mold Inspection Cost in 2023*, Forbes, (September 29, 2022), *available at:* <https://www.forbes.com/home-improvement/home-emergencies/mold-inspection-cost/>.

<sup>22</sup> During DOEE’s 2023 Performance Oversight Hearing, Interim Director Jackson explained that one of these two mold inspectors is actually a supervisor in the Licensing and Certification Branch’s mold and radon programs. This staff member is not supposed to be a full-time mold inspector but has been “helping out” to meet the high need for inspections. Committee on Transportation & the Environment, Performance Oversight Hearing, Charles Allen Chair, (February 16, 2023), *available at:*

[https://dc.granicus.com/MediaPlayer.php?view\\_id=29&clip\\_id=8091](https://dc.granicus.com/MediaPlayer.php?view_id=29&clip_id=8091).

<sup>23</sup> *See* Council of the District of Columbia, Committee on Transportation & The Environment, Fiscal Year 2023 Committee Budget Report, p. 80, (Apr. 21, 2022), *available at:*

[https://lims.dccouncil.gov/downloads/LIMS/49081/Committee\\_Report/B24-0716-Committee\\_Report9.pdf](https://lims.dccouncil.gov/downloads/LIMS/49081/Committee_Report/B24-0716-Committee_Report9.pdf).

<sup>24</sup> *Id.* at 77.

<sup>25</sup> DOEE FY2024 Performance Oversight Pre-Hearing Responses Part II, response to Q55, *available at:*

<https://dccouncil.gov/wp-content/uploads/2023/02/DOEE-FY22-Performance-Oversight-Responses.pdf>.

<sup>26</sup> 69/32 D.C. Reg. 010407 (August 12, 2022).

<sup>27</sup> *See* Department of Energy & Environment (DOEE), Utility Affordability Administration, *available at:*

<https://doee.dc.gov/node/1555451>.

<sup>28</sup> DOEE FY2023 Performance Oversight Pre-Hearing Responses Part II, response to Q2, *available at:*

<https://dccouncil.gov/wp-content/uploads/2023/02/DOEE-FY22-Performance-Oversight-Responses.pdf>. A

similar program was administered by the DC Department of Housing and Community Development (DHCD), but DHCD lost its federal funding after it failed to use most of its previously awarded funds.

We applaud DOEE for stepping up to the plate and applying for a new HUD grant to reinstate this much-needed program.

<sup>29</sup> DOEE was allocated nearly \$5 million of ARPA funding in both FY22 and FY23 for a project titled “Lead and Mold Hazard Mitigation,” though Children’s Law Center is not clear how that funding was divided between the Lead-Safe and Healthy Housing Division and the Residential Services Division. Budget Director, Council of the District of Columbia, Budget Tool Kit for Council Staff: ARAP Project Descriptions FY2021 - FY2024, *available at:*

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/64243e951e64d352b2bd493b/1680096918093/ARPA+Project+Descrtipions+%28FY21+-+FY24%29+MMB+FY24+Formulation+Submission.pdf>. *See also* Council of the District of Columbia, Committee on Transportation & The Environment, Fiscal Year 2023 Committee Budget Report, p. 90, (Apr. 21, 2022), *available at:*

[https://lims.dccouncil.gov/downloads/LIMS/49081/Committee\\_Report/B24-0716-Committee\\_Report9.pdf](https://lims.dccouncil.gov/downloads/LIMS/49081/Committee_Report/B24-0716-Committee_Report9.pdf).

<sup>30</sup> “Encapsulation is the process that makes lead-based paint inaccessible by providing a barrier between the lead-based paint and the environment. This barrier is formed using a liquid applied coating (with or without reinforcement materials) or an adhesively bonded covering material.” *See* U.S. DEP’T OF HOUS. & URB. DEV., GUIDELINES FOR THE EVALUATION AND CONTROL OF LEAD-BASED PAINT IN HOUSING (2012), *available at:* <https://apps.hud.gov/offices/lead/lbp/hudguidelines/Ch13.pdf>.

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<sup>31</sup> DOEE FY2023 Performance Oversight Pre-Hearing Responses Part I, response to Q52, p. 32, *available at*: <https://dccouncil.gov/wp-content/uploads/2023/02/DOEE-FY22-Performance-Oversight-Responses.pdf>.

<sup>32</sup> No line item for Lead Hazard Reduction Branch or EERP – only Lead Pipe Replacement. Mayor’s Proposed FY 2024 Budget and Financial Plan, Volume 4, Agency Budget Chapters – Part III, Human Support Services, Operations and Infrastructure, Financing and Other, Enterprise and Other, p. F-18.

<sup>33</sup> The FY23 DOEE budget included a realignment between the Energy Administration and the Utility Affordability Administration (UAA) to reflect the fact that UAA took over responsibility for a number of programs from the Energy Administration. Specifically, five program line items previously under the Energy Administration were supposed to be moved to UAA. Council of the District of Columbia, Committee on Transportation & The Environment, Fiscal Year 2023 Committee Budget Report, p. 70, (Apr. 21, 2022), *available at*: [https://lms.dccouncil.gov/downloads/LIMS/49081/Committee\\_Report/B24-0716-Committee\\_Report9.pdf](https://lms.dccouncil.gov/downloads/LIMS/49081/Committee_Report/B24-0716-Committee_Report9.pdf). These changes correspond with the current programs described on DOEE’s website for the [Energy](#) and [Utility Affordability](#) Administrations. These five activities are now under both the Energy Administration and UAA and the tables do not seem to reflect a direct transfer from the previous line item to the new one. For example, it looks like 6020, 6030, and 6070 were indeed zeroed out under Energy (6000) in FY23 but 6010 and 6080 were not. Also, while 6010 and 6080 are zeroed out under Energy in FY24, 6020 now has an additional \$1.5 M in FY24. *See* Mayor’s Proposed FY 2024 Budget and Financial Plan, Volume 4, Agency Budget Chapters – Part III, Human Support Services, Operations and Infrastructure, Financing and Other, Enterprise and Other, p. F-18, *available at*: <https://app.box.com/s/kabhvjznbplwq1tkwd2gv66187aw37ii/file/1170978161849>. It is not clear what the relationship is between these “double” line items. For example, is the \$5.5 million removed from 6010 part of the increase of \$6.5 million to 6510?

<sup>34</sup> Prior to the release of the proposed FY24 budget, DOEE expected to receive another \$5 million in FY24 for lead and mold remediation. Budget Director, Council of the District of Columbia, Budget Tool Kit for Council Staff: ARPA Project Descriptions FY2021 - FY2024, *available at*: <https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/64243e951e64d352b2bd493b/1680096918093/ARPA+Project+Descrtipions+%28FY21+-+FY24%29+MMB+FY24+Formulation+Submission.pdf>; Council of the District of Columbia, Committee on Transportation & The Environment, Fiscal Year 2023 Committee Budget Report, p. 90, (Apr. 21, 2022), *available at*: [https://lms.dccouncil.gov/downloads/LIMS/49081/Committee\\_Report/B24-0716-Committee\\_Report9.pdf](https://lms.dccouncil.gov/downloads/LIMS/49081/Committee_Report/B24-0716-Committee_Report9.pdf).

<sup>35</sup> Office of the Chief Financial Officer, Fiscal Impact Statement – Residential Housing Environmental Safety Amendment Act of 2020, p. 1, (December 1, 2020), *available at*: [https://lms.dccouncil.gov/downloads/LIMS/41819/Other/B23-0132-FIS\\_Residential\\_Housing\\_Environmental.pdf](https://lms.dccouncil.gov/downloads/LIMS/41819/Other/B23-0132-FIS_Residential_Housing_Environmental.pdf).

<sup>36</sup> *Id.*