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### Testimony Before the District of Columbia Council Committee of the Whole January 18, 2024

Public Oversight Hearing: The District's Housing Code Inspection Process: Broken and In Need of Repair

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#### Introduction

Good morning, Chairman Mendelson, 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.

First, Children's Law Center thanks the Committee of the Whole for conducting a thorough investigation of the Department of Building's (DOB) housing code inspection process and publicly sharing a detailed report of their findings and recommendations.<sup>1</sup> This is precisely the kind of ongoing, proactive oversight needed to ensure that DOB develops into the more robust, tenant-focused agency that the Council envisioned when they created it.<sup>2</sup> Many of the Committee's findings affirm our clients' experiences with DOB inspections and Children's Law Center's long-held concerns with ineffective enforcement of the District's housing code.<sup>3</sup> We appreciate the opportunity to come together with the Committee, DOB, and fellow stakeholders during today's hearing to discuss the Committee's recommendations and other ways DOB can improve its rental housing code inspections to fulfill its mission of protecting the health and safety of tenants in the District.<sup>4</sup>

As the Committee observed in its report, "the built environment can profoundly impact physical and mental health." This is especially true for vulnerable populations like children. Children's Law Center regularly works with families living in unsafe and unsanitary rental housing where conditions like pest infestations, mold growth due to water intrusion and poor ventilation, and lack of heat are adversely affecting the health of a child.<sup>6</sup> When these harmful conditions also violate the District's housing code, DOB plays a critical role in helping families secure adequate repairs from their landlords. Children's Law Center appreciates DOB's willingness to engage with our staff regarding both individual clients' housing code complaints and systemic enforcement issues we observe. We would especially like to thank Director Brian Hanlon, Strategic Enforcement Administrator Keith Parsons, and Alternative Resolution Team Program Manager John Fiorentine and their teams for being responsive to our questions and feedback. We hope the open working relationship we have developed with DOB over the past year will continue and, informed by the Committee's recommendations and the discussion today, ultimately lead to safer and healthier rental housing in the District.

My testimony today will illustrate how the inspection process issues identified by the Committee during its investigation impact tenants in the District and offer feedback on the Committee's recommendations based on Children's Law Centers experiences working with low-income families living in substandard rental housing conditions. For the purposes of this hearing, I will focus my comments on DOB's 1) rental housing complaint intake process, 2) rental housing inspection thoroughness, and 3) communication with tenants during the inspection and enforcement process. In my written testimony for this Committee's upcoming Performance Oversight hearing for DOB, I will go into more detail about the persistent problem of the lack of

abatement of housing code violations in rental units and Children's Law Center's recommendations for DOB to improve inspection outcomes.

## DOB Needs to Update its Rental Housing Complaint Intake Process to Ensure it is Accessible for All Tenants

One way Children's Law Center's attorneys assist families whose living conditions are harming their health is by filing a lawsuit to force their landlord to adequately remedy housing code violations. But these families only make up a fraction of the tenants in DC whose landlords are failing to provide housing that is safe, healthy, and up to code. For tenants our attorneys do not represent in court, we typically advise them to report substandard conditions to DOB via the agency's online complaint form or phone number to initiate the housing code enforcement process. In our experience, DOB generally responds promptly to online complaint submissions and schedules inspections in a timely manner. However, we share the Committee's concerns about the accessibility and usability of DOB's current complaint intake procedures. DOB should implement the changes outlined below to ensure that tenants – regardless of their access to a computer and the internet, technology literacy, or level of English comprehension – can successfully notify DOB of code violations in their home.

#### DOB's Complaint Instructions Are Not Consistent

First, we recommend that DOB conduct a review of all its public facing materials to ensure the information available to tenants on how to report housing code violations is accurate and consistent. Currently, depending on which paths and links users select when navigating DOB's website, they receive different instructions regarding how to file a housing code complaint. For example, while the subsection "File a Complaint" on the "Tenant Resources" page of DOB's

website includes a link to DOB's online complaint form, it first provides a link to a PDF of guidelines on "How to Report Suspected Housing Violations." Confusingly, those guidelines make no mention of the online form and provide a different phone number and email for requesting an inspection than DOB's website. While service providers like Children's Law Center know how to reach the correct information and the online complaint form, individual tenants likely do not. All tenants should be able to easily access the online complaint form and correct phone number and email address no matter which DOB materials they look at or route they take on DOB's website.

Tenants Have Difficulty Reporting Problems to DOB by Phone

It is also imperative that any phone numbers DOB provides to tenants are regularly answered and that DOB staff who take the calls are trained on how to conduct a rental housing complaint intake. While we appreciate that DOB prefers to receive complaints via its online form to streamline inspection management and information collection, not all residents of the District have easy access to a computer or smartphone or the technology skills to complete the online form. Children's Law Center is not confident that such tenants can always secure a timely rental housing inspection from DOB. For example, at the end of last year, Children's Law Center assisted a family that had no heat in their apartment, which is an emergency life-safety housing code violation. Before contacting Children's Law Center, the family had been calling DOB's (202) 671-3500 number and 31111 for over a week to request assistnace but had yet to connect with anyone at either number. During this time two members of the family, including a young child, had illnesses that were exacerbated by the cold. While the family eventually reached DOB,

scheduled an emergency inspection, and had their heating fixed, the difficulty they experienced reporting the issue via phone unacceptably prolonged the time they had to struggle without heat.

A clear problem for tenants attempting to report housing code violations by phone is that the number DOB directs them to, (202) 671-3500, is not dedicated to housing code complaints. Instead, the number takes callers to a lengthy pre-recorded message with seven menu options – none of which include words related to tenants, rental housing, or housing code inspections.<sup>12</sup> Children's Law Center's attorneys struggle to identify the appropriate menu option to select so it is not surprising that unrepresented tenants seeking help find the system confusing and difficult to navigate. Additionally, the message is only provided in English and does not include a menu option for assistance in Spanish or any other non-English languages commonly spoken in the District. The lack of additional language options is very concerning considering that District residents who are limited- or non-English proficient are among the most at risk of living in dangerous rental housing conditions.<sup>13</sup> DOB should consider implementing a dedicated phone number for rental housing complaints and in the meantime, should update its menu options to clearly direct tenants to the correct option and provide non-English language assistance.

DOB's Online Complaint Form is Not Accessible for All Tenants

Children's Law Center would like to see DOB implement the Committee's recommendation to revise its online complaint form based on input and feedback from tenants and best practices used in other jurisdictions. We agree with the Committee's assessment that due to the content and organization of the current form, DOB frequently collects "limited [and] inconsistent" information from users, which may hamper an inspector's ability to prepare for and conduct a thorough inspection.<sup>14</sup> Therefore, Children's Law Center was happy to learn from DOB

staff that the agency was already in the process of creating a new form and interested in receiving feedback on it from our clients. We hope the agency will follow through on its request to connect with current and former Children's Law Center clients, as well as receiving feedback from other tenants and services providers, to ensure that the new form is clearer and easier to use. For example, while we appreciate that DOB's current form provides users with a comprehensive list of conditions to choose from and does not limit the number of problems they can select, it might be easier for tenants to accurately report their concerns if DOB organizes the listed conditions by type – like the San Francisco Department of Building Inspectors' complaint form<sup>15</sup> – rather than alphabetically. Also, DOB should determine what steps it needs to take to add the functionality to generate non-English translations of the complaint form without requiring users to leave the form's webpage. DOB should look to New York City's 311 website, where New York tenants are directed to report maintenance complaints, which has Google Translate embedded to easily enable users to translate the page into a variety of languages.<sup>16</sup> A tenant's ability English proficiency level should not prevent them from receiving protection against substandard conditions that violate the District's housing code.

# DOB Must Ensure its Inspectors Conduct Thorough Rental Housing Inspections that Prioritize the Health and Safety of Tenants

While tenants often know best what the problems are in their home, they do not have the same technical expertise as inspectors and may not be aware of all the unlawful and potentially harmful conditions that are present. Therefore, it is important that DOB inspectors conduct a comprehensive inspection of an entire unit rather than only investigating a tenant's stated complaints. Children's Law Center agrees with the Committee that "utiliz[ing] a standard

checklist" will help ensure "consistency and thoroughness" across DOB inspections but we believe DOB should *require*, not merely encourage, inspectors to use the checklist *during* rental housing inspections.<sup>17</sup> Under current procedures, inspectors do not appear to consistently use DOB's existing checklist while they conduct an inspection.<sup>18</sup> To proactively protect tenants from violations that could endanger their health and safety, DOB should mandate use of a checklist during every rental housing inspection.

One code enforcement agency that employs a standard checklist during all housing inspections is New York City's Department of Housing Preservation and Development (HPD).<sup>19</sup> HPD explicitly notifies property owners and tenants that during "every inspection" HPD inspectors will check and issue violations for:

- 1. Lead-based paint hazards (if a child under six lives or routinely spends more than 10 hours in the unit);
- 2. Carbon monoxide detectors missing;
- 3. Smoke detectors missing;
- 4. Window guards missing (if a child under 11 lives in the unit);
- 5. Apartment of public area doors do not self-close;
- 6. Illegal window gates;
- 7. Double-cylinder locks;
- 8. Mold; and
- 9. Pests.<sup>20</sup>

HPD does not treat this as an exhaustive checklist and notes inspectors "will also issue violations for any conditions that they observe that does [sic] not comply with the applicable housing laws."<sup>21</sup>

Children's Law Center would like to see DOB take a similar approach and implement an established set of priority code violations that inspectors must check for during every rental housing inspection. This would help ensure that inspectors do not miss violations that pose a

particular threat to the health and safety of residents and preserve the District's housing stock for a lower cost over time.<sup>22</sup> To accomplish this, the agency should 1) work with its rental housing inspectors to update the existing checklist and inspection procedures to make sure they view the checklist as a helpful tool to use during each inspection, and 2) consult its recently hired Public Health Analyst<sup>23</sup> to determine the code violations to prioritize on the checklist. Further, inspectors may buy into and be more likely to adhere to mandatory use of the checklist if they understand why inspecting for those particular conditions in every unit is so important. Following the Committee's recommendation to update its training materials for housing code inspectors to "emphasize the connection between enforcement of the housing code and health outcomes" – another opportunity to use the Public Health Analyst's expertise – will help DOB accomplish this.<sup>24</sup>

## DOB Needs to Build Proactive Communication with Tenants Into its Housing Code Enforcement Processes

DOB Does Not Keep Tenants Updated on the Status of Housing Code Violations in Their Home

Children's Law Center regularly speaks with tenants who successfully filled out DOB's online complaint form and had a timely rental housing inspection but have no idea what came of that inspection. Some of these families received an inspection report and/or copy of the NOI served to their landlord – which should be a required step in all inspections<sup>25</sup> – but reach out to Children's Law Center months later for assistance because the cited conditions are exactly the same or worse and they have not received any further information from DOB.

From our conversations with the agency, Children's Law Center understands that DOB has been working to adopt an online portal where tenants would be able to log in and track every

step of a housing code violation from submitting a complaint to inspection and through enforcement at DOB and OAH. While we support the creation of this valuable tool for tenants and tenant advocates, we also urge DOB to build in the capacity to proactively send automatic updates to tenants at certain steps of the housing code enforcement process, including inspection results, if their landlord has submitted materials to self-certify abatement online, and the dates of any hearings scheduled at OAH. The onus should not be solely on tenants to regularly check the online portal for time sensitive developments in their case.

Tenants Must be Provided an Opportunity to Respond to Landlord Assertions of Abatement

Children's Law Center shares the Committee's concern that DOB currently allows landlords to "self-certify" abatement of housing code violations by submitting "evidence" to DOB through an online portal.<sup>26</sup> As the Committee noted in its report, online self-certification is not a common practice among effective code enforcement agencies and has been widely abused by unscrupulous landlords in New York City.27 Therefore, Children's Law Center strongly encourages DOB to adopt the Committee's recommendation to only "verify abatements via an in-person re-inspection."28 In the meantime, as long as the agency continues to allow online selfcertification from landlords, DOB must at the very least protect tenants from bad actors by notifying the complaining tenant whenever their landlord self-certifies an abatement so the tenant can contact DOB if they disagree.<sup>29</sup> Ideally, Children's Law Center would like DOB to go a step further by requiring staff reviewing self-certifications to contact the relevant tenant and ask if they agree with the assertions and evidence submitted by a landlord before verifying the abatement. In both cases, if a tenant does not believe the violations in their unit have been satisfactorily abated, DOB should schedule an in-person re-inspection. Further, this Committee

should consider asking DOB or the Office of the DC Auditor to conduct an audit of self-certifications similar to the one produced by New York City's HPD to assess the policy's operation in the District and the degree to which landlords are submitting false evidence for certifications.<sup>30</sup>

#### Conclusion

Thank you for the opportunity to testify at this hearing on DOB's housing code inspection processes. Children's Law Center looks forward to continuing to partner with this Committee and DOB to improve rental housing inspections and code enforcement in the District and promote affordable, safe and healthy housing for all children and families. I am happy to answer any questions.

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https://lims.dccouncil.gov/downloads/LIMS/41724/Committee Report/B23-0091-Committee Report2.pdf?Id=115311. See also, DC Law 23-0269. Department of Buildings Establishment

<u>Committee\_Report2.pdf?Id=115311</u>. See also, DC Law 23-0269. Department of Buildings Establishment Act of 2020.

<sup>&</sup>lt;sup>1</sup> Council of the District of Columbia, Committee of the Whole, Report on the District's Housing Code Inspection Process: Broken and in Need of Repair (January 18, 2024), available at: <a href="https://lims.dccouncil.gov/Hearings/hearings/211">https://lims.dccouncil.gov/Hearings/hearings/211</a> [hereinafter Report: Broken and in Need of Repair].

<sup>&</sup>lt;sup>2</sup> The Council dissolved DOB's predecessor, the Department of Consumer and Regulatory Affairs (DCRA) because, among other concerns, DCRA was "not adequately focused on protecting tenants" from negligent landlords and consistently failed to effectively enforce the District's housing code. Council of the District of Columbia, Committee of the Whole, Report on Bill 23-91, "Department of Buildings Establishment Act of 2020," p. 4-6 (December 1, 2020),

<sup>&</sup>lt;sup>3</sup> See, e.g., Kathy Zeisel, Testimony Before the District of Columbia Council, Committee of the Whole (December 10, 2019), <a href="https://childrenslawcenter.org/wpcontent/uploads/2021/07/Zeisel-OIG-DOB-Testimony-Before-the-District-of-Columbia-Council-12.10.19final.pdf">https://childrenslawcenter.org/wpcontent/uploads/2021/07/Zeisel-OIG-DOB-Testimony-Before-the-District-of-Columbia-Council-12.10.19final.pdf</a>; Christina M. Simpson, Testimony Before the District of Columbia Council, Committee of the Whole (September 21, 2022), <a href="https://childrenslawcenter.org/wpcontent/uploads/2022/09/Simpson 9 21 22 DOB Roundtable Testimony-Final.pdf">https://childrenslawcenter.org/wpcontent/uploads/2023/09/Simpson 9 21 22 DOB Roundtable Testimony-Final.pdf</a>; Kathy Zeisel, Testimony Before the District of Columbia Council, Committee of the Whole (February 23, 2023), <a href="https://childrenslawcenter.org/wp-content/uploads/2023/02/Childrens-Law-Center-Testimony-DOB-2023-Oversight-final.pdf">https://childrenslawcenter.org/wp-content/uploads/2023/02/Childrens-Law-Center-Testimony-DOB-2023-Oversight-final.pdf</a>.

<sup>&</sup>lt;sup>4</sup> DC Law 23-0269. Department of Buildings Establishment Act of 2020. Sec. 102(b) ("The Department is charged with promoting the health, safety, and quality of life of residents and visitors in the District of Columbia by . . . inspecting the built environment . . . and enforcing the regulations and codes governing building construction, rental housing conditions, building maintenance, building safety, and zoning."). <sup>5</sup> *Report: Broken and in Need of Repair, supra* note 1, at 7.

https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/DOB%20-%20How%20To%20Report%20Suspected%20Housing%20Violations%20Flyer.pdf (guidelines in PDF linked in the same subsection). A further inconsistency is that if a user selects "Inspections" instead of "Tenant Resources" from the "Residents" menu on the website's top ribbon, they are only directed to the online complaint form with no phone number or email provided. *See* Get an Inspection: Housing and Property Maintenance, Department of Buildings, <a href="https://dob.dc.gov/service/get-inspection">https://dob.dc.gov/service/get-inspection</a>.

<sup>10</sup> DOB differentiates between routine housing code violations and "life-safety" violations that "pose a danger to the life, health, and safety of residents." Life-safety violations are subject to special emergency notices of infraction (NOIE). *See* Department of Buildings Strategic Enforcement Plan, FY23-FY25, Department of Buildings, p. 4 (March 13, 2023),

https://lims.dccouncil.gov/downloads/LIMS/52491/Introduction/RC25-0026-Introduction.pdf?Id=157566.

- <sup>11</sup> For emergency situations, like lack of heat, some of DOB's materials instruct tenants to contact 311 for immediate assistance. *See, e.g.,* Housing Code Inspections, Department of Buildings, https://dob.dc.gov/node/1616616. Children's Law Center also often advises tenants to call 311 rather than
- https://dob.dc.gov/node/1616616. Children's Law Center also often advises tenants to call 311 rather than DOB because DOB's phone system is so confusing for residents to navigate.
- <sup>12</sup> The recorded menu options are: (1) for Address and Service Hours, (2) for Permitting, Construction, and Building Inspections or the Office of the Surveyor, (3) for Illegal Construction, (4) for the Office of Zoning Administration, (5) for Strategic Code Enforcement or Civil Infractions and Fines, (6) for Customer Service, and (7) to Repeat the Options. These menu options were verified by Children's Law Center in a call to (202) 671-3500 on January 15, 2024.
- <sup>13</sup> See Jamie Ballard, Malina Her, and True J. Thao, A Place to Call Home: Housing Challenges Among Immigrant Families, Summer 2020 NCFR Report, National Council on Family Relations (June 24, 2020), <a href="https://www.ncfr.org/ncfr-report/summer-2020/place-call-home-housing-challenges-among-immigrant-families">https://www.ncfr.org/ncfr-report/summer-2020/place-call-home-housing-challenges-among-immigrant-families</a>; New Data Illustrates Housing Affordability Crisis Facing Immigrants, Non-Citizens in New York City, Citizens' Committee for Children of New York (November 18, 2022), <a href="https://cccnewyork.org/press-and-media/new-data-illustrates-housing-affordability-crisis-facing-immigrants-non-citizens-in-new-york-city/">https://cccnewyork.org/press-and-media/new-data-illustrates-housing-affordability-crisis-facing-immigrants-non-citizens-in-new-york-city/</a>.
- <sup>14</sup> Report: Broken and in Need of Repair, supra note 1, at 17.
- <sup>15</sup> See Attachment A, San Francisco Department of Building Inspection's Online Complaint Form, <a href="https://dbiweb02.sfgov.org/dbi\_complaints/default.aspx?page=AddressQuery">https://dbiweb02.sfgov.org/dbi\_complaints/default.aspx?page=AddressQuery</a>.

<sup>&</sup>lt;sup>6</sup> Children's Law Center's innovative medical legal partnership, Healthy Together, places attorneys at primary care pediatric clinics throughout the city with Children's National, Unity Health Care, and Mary's Center to receive referrals from pediatric providers for assistance with non-medical barriers to a child's health and well-being. To learn more, visit: <a href="https://childrenslawcenter.org/our-impact/health/">https://childrenslawcenter.org/our-impact/health/</a>. <sup>7</sup> Children's Law Center's attorneys represent clients in the Housing Conditions Calendar of the DC Superior Court, where tenants may sue landlords for housing code violations on an expedited basis and seek the limited relief of enforcing compliance with the housing code. Housing Conditions Calendar, <a href="https://www.dccourts.gov/services/civil-matters/housing-conditions-calendar">https://www.dccourts.gov/services/civil-matters/housing-conditions-calendar</a>.

<sup>&</sup>lt;sup>8</sup> Report: Broken and in Need of Repair, supra note 1, at 16-20.

<sup>&</sup>lt;sup>9</sup> The guidelines instruct tenants to call (202) 442-9557 or email <a href="mailto:dob@dc.gov">dob@dc.gov</a> while the text on the webpage instructs tenants to call (202) 671-3500 or email <a href="mailto:dcra.housingcomplaints@dc.gov">dcra.housingcomplaints@dc.gov</a>. Compare Tenant Resources: File a Complaint, Department of Buildings, <a href="https://dob.dc.gov/page/tenant-resources">https://dob.dc.gov/page/tenant-resources</a> (webpage instructions users receive when they select the "Residents" menu and navigate to "Tenant Resources" and review the subsection "File a Complaint"), with How to Report Suspected Housing Violations, Department of Buildings, p. 2,

- <sup>19</sup> "The New York City Department of Housing Preservation and Development (HPD) protects the quality and affordability of [New York City housing] by rigorously enforcing the New York City Housing Maintenance Code," including by performing over 500,000 housing inspections annually. Services and Information: Code Enforcement: About Code Enforcement, NYC Housing Preservation & Development, <a href="https://www.nyc.gov/site/hpd/services-and-information/code-enforcement.page">https://www.nyc.gov/site/hpd/services-and-information/code-enforcement.page</a>.
- <sup>20</sup> *Id.* For more information about the nine conditions HPD inspectors look for during every inspection and why they are important to protect tenants' health and safety, *see ABCs of Housing*, NYC Department of Housing Preservation & Development (2021),

https://www.nyc.gov/assets/hpd/downloads/pdfs/services/abcs-of-housing.pdf.

- <sup>21</sup> Services and Information: Code Enforcement: About Code Enforcement, NYC Housing Preservation & Development, <a href="https://www.nyc.gov/site/hpd/services-and-information/code-enforcement.page">https://www.nyc.gov/site/hpd/services-and-information/code-enforcement.page</a>.
- <sup>22</sup> Timely and workmanlike abatement of housing code violations preserves existing affordable housing stock and is typically more cost-effective than having to do major renovations or construct new housing after consistently deferred repairs/maintenance make existing stock uninhabitable. For example, a study published by the Harvard Kennedy School estimated that in the seven years after Los Angeles established a robust proactive housing inspection program, their code enforcement agency inspected over 90% of multi-family residential properties and secured the correction of over 1.5 million "habitability violations" which resulted in "an estimated \$1.3 billion re-investment by owners in the city's existing housing stock." *Award: Systematic Code Enforcement Program*, Harvard Kennedy School: ASH Center for Democratic Governance and Innovation (January 1, 2005), <a href="https://ash.harvard.edu/news/systematic-codeenforcement-program">https://ash.harvard.edu/news/systematic-codeenforcement-program</a>.
- <sup>23</sup> The Department of Buildings filled the Public Health Analyst position within the Office of Strategic Code Enforcement in the spring of 2023 and the employee in the position is fully onboarded, according to Children's Law Center's conversations with the Strategic Enforcement Administrator.
- <sup>24</sup> Report: Broken and in Need of Repair, supra note 1, at 14.
- <sup>25</sup> The business process details that DOB supplied to the Committee in October for "Conducting [an] Inperson Inspection" includes a step that "approved NOI[s] shall be automatically emailed to the property owner . . . [or] immediately forwarded to OCI for mailing" but does not include a similar automatic step to send inspection results to the tenant. Public Performance Management, *Business Process Analysis and Reengineering Assessment Final Report: DC Department of Buildings*, p. 83 (August 31, 2023; Submitted to the Council of the District of Columbia on October 19, 2023),

https://lims.dccouncil.gov/downloads/LIMS/54105/Introduction/RC25-0097-Introduction.pdf?Id=178585. A separate process for "Updating the Results of the Inspection on the DOB Mobile App from the Field" does include a step to "[u]pdate the external customer . . . on inspection findings and next courts of action if Dispatch is not able to be used" but it is not clear to Children's Law Center whether external customers means tenants and what an "update" constitutes. *Id.* at 84. Children's Law Center recommends that DOB

<sup>&</sup>lt;sup>16</sup> In the upper right corner of NYC 311's webpage, there is a translation symbol which users can click on to bring up a dropdown list of translation languages that users can select from. *See* Attachment B, New York City 311 Online Complaint Form, <a href="https://portal.311.nyc.gov/sr-step/?id=7cd54c5c-cbb3-ee11-92bd-6045bd7f120c&stepid=be973791-d174-e811-a83a-000d3a33bdbd">https://portal.311.nyc.gov/sr-step/?id=7cd54c5c-cbb3-ee11-92bd-6045bd7f120c&stepid=be973791-d174-e811-a83a-000d3a33bdbd</a> (indicated by red textbox and arrow).

<sup>17</sup> *Report: Broken and in Need of Repair, supra* note 1, at 19.

<sup>&</sup>lt;sup>18</sup> For example, the Committee noted that the inspector they observed during their November 2023 ridealong "at no point during the inspection . . . use[d] the checklist in the mobile application to guide the inspection *process*." As the Committee observed, even though on that occasion the inspector did not seem to miss any significant violations, the lack of reference to the checklist is problematic because the same "may not be true for all inspectors" or inspections. *Id.* at 20.

update its official business processes and standard operating procedures for rental inspections to clearly require providing a copy of any official inspection report or NOI to the residents of an inspected unit. 

<sup>26</sup> DOB's website encourages property owners and managers to submit proof of abatement online. *See* Enforcement Action: Submit Proof of Abatement, Department of Buildings, 

<a href="https://dob.dc.gov/page/enforcement-action">https://dob.dc.gov/page/enforcement-action</a>. The online form for submitting proof of abatement is 
available, here: <a href="https://info.dob.dc.gov/contact/abatement-tracking-BJbZLthgw">https://info.dob.dc.gov/contact/abatement-tracking-BJbZLthgw</a>. Although DOB reports 
that they verify the self-certifications, it is our understanding this largely consists of reviewing 
photographs sent by the landlords. In our experience litigating conditions cases in the DC Superior 
Court's Housing Conditions Calendar (HCC), it nearly impossible to verify repairs solely by photographs 
without also speaking with tenants and property maintenance/owners. In our HCC cases, there are 
frequently disputes about whether repairs shown in photographs are complete and this necessitates 
another inspection by the Court's assigned inspector.

<sup>27</sup> Report: Broken and in Need of Repair, supra note 1, at 28.

<sup>29</sup> On the point of landlord certification of abatement, Children's Law Center would like to alert the Committee to an issue similar to their finding that if a tenant asks to reschedule an inspection outside of the 15-day window from their complaint submission, they have to resubmit the request via a new complaint. *Report: Broken and in Need of Repair, supra* note 1, at 19. Currently, if a tenant disagrees with a landlord's assertion of abatement and contacts DOB to communicate that, the tenant is told they need to file a new complaint. It is our understanding from conversations with DOB that in the tracking systems/software they currently use, it is simpler to initiate a new inspection request than update an existing NOI. Therefore, not only does a tenant have to go through submitting the same complaint over again, but there may end up being multiple NOIs moving through enforcement at DOB and OAH on the same exact violations. While DOB works to resolve the rescheduling issue identified by the Committee, we hope the agency will also seek solutions to the technology limitations that currently require tenants to resubmit a complaint when they want to challenge whether their landlord has abated a cited violation.

<sup>30</sup> *Id.* at 28.

<sup>28</sup> Id. at 29.

### Attachment A: San Francisco Department of Building Inspections Online Complaint Form

### Check up to 4 issues

| BUILDING                                  | ELE   | ELECTRICAL       |           |         |  | IMBIN   | IG      | HOUSING                 | DISABLED ACCESS        |
|---|---|------------------|-----------|---------|--|---------|---------|-------------------------|------------------------|
| Water Intrusion                           | Electrical Inoperative                          |                  |           |         | Plumbing Inoperative                     |         |         | No Heat                 | Entrance               |
| Fire Safety/Fire Escape                   | Hazardou  | s Outle          | t Wiring  | Br      | Broken Sewer                             |         |         | Stairway Safety         | Elevator/Lift          |
| Illegal Unit                              | Exposed   | Wiring           |           | Plu     | Plumbing Leak                            |         |         | No Hot Water            | Stairs/Ramps           |
| Abandoned/Derelict<br>Structure           | No power  | to the           | unit 🗌    |         | Plumbing installation without permit     |         |         | Insects/Rodents         | Path of Travel         |
| Vacant Structure                          | No power  | to an o          | outlet _  | Ga      | as leak                                  |         |         | Blight                  | Doors                  |
| Expired permits                           | Hazardous appliance                             |                  |           |         | Water heater installed w/o permit        |         |         | Mold                    | Restrooms              |
| Work w/o permit                           | No access to breakers or fuses                  |                  |           |         | Flues/Vents Defective                    |         |         | Dilapidated structure   | Parking _              |
| Work beyond scope of permit               | Electrical work being performed w/o permit      |                  |           |         | Furnace/wall heater installed w/o permit |         |         | Leaking ceiling         | Counters/Fixed Seating |
| Illegal change of use                     | Electrical work previously installed w/o permit |                  |           |         | Kitchen/bathroom<br>remodel w/o permit   |         |         | Broken appliances       | Signage                |
| Structural problems                       | Deteriorated electrical equipment               |                  |           |         | Water entering building                  |         |         | Leaky fixtures          | Other disabled access  |
| Work being done in dangerous manner       | No access to breakers or fuses                  |                  |           |         | Rainwater leaders not connected          |         |         | Retaining wall collapse |                        |
| Other building                            | Other elec                                      | Other electrical |           |         | Other plumbing                           |         |         | Other housing           |                        |
|   | <   |                  | Janu      | ary 2   | 024                                      |         | >       |                         |                        |
|   |   |                  | Tue V     |         |  | Fri     | Sat     |                         |                        |
|   | 31  | 1<br>8           | 2<br>9    | 3<br>10 | 4<br>11                                  | 5<br>12 | 6<br>13 |                         |                        |
| Date problem last observed:               | 14  | 15               | 16        | 17      | 18                                       | 19      | 20      |                         |                        |
|   | 21  | 22               | 23        | 24      | 25                                       | 26      | 27      |                         |                        |
|   | 28  | 29<br>5          | 30<br>6   | 31<br>7 | 1<br>8                                   | 2<br>9  | 3<br>10 |                         |                        |
| Time problem last observed:               |   |                  |           | т       |  |         |         |                         |                        |
| Building/Unit where complaint is located: | Res   | idence           | /Dwelling | •       |  |         |         |                         |                        |
| Exact location of the hazard              | Mai   | n Bldg           |           | •       |  |         |         |                         |                        |
| Floor                                     |   |                  |           |         |  |         |         |                         |                        |
| Unit                                      |   |                  |           |         |  |         |         |                         |                        |
| Additional specific information           |   |                  |           |         |  |         |         |                         |                        |

### Attachment B: New York City 311 Online Complaint Form

|                                    | Powered by Google           | e Translate    |         | <b>\$</b>        |
|------------------------------------|-----------------------------|----------------|---------|------------------|
| NYC Resources                      | NYC311 Office of the Ma     |                | Connect | Jobs Search Q    |
|                                    |                             |                |         |                  |
| <b>Maintenanc</b>                  | <mark>e Complaint in</mark> | <b>Apartme</b> | nt      |                  |
|                                    |                             |                |         | Sign In   Sign   |
|                                    |                             |                |         | Sigit in   Sigit |
|                                    |                             |                |         |                  |
| 0-                                 | (2)                         | (3)            |         | 4                |
| Step 1                             | 2<br>Step 2                 | 3<br>Who       |         | 4<br>Review      |
|                                    |                             |                |         | 4<br>Review      |
| Step 1  Location Type *  Apartment |                             |                |         | 4<br>Review      |
| Location Type *                    |                             |                |         | 4<br>Review      |