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Testimony Before the District of Columbia Council  
Committee of the Whole  
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Public Hearing:  
Performance Oversight Hearing  
Department of Buildings

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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.

Thank you for the opportunity to testify today regarding the performance of the Department of Buildings (DOB). Children's Law Center has long advocated for better housing code enforcement in the District because we know it is essential for promoting stable, safe and healthy housing for low-income tenants.<sup>1</sup> We regularly work with families living in rental housing with illegal conditions – like pest infestations, water intrusion, and lack of heat – that are negatively impacting their child's health and disrupting the family's ability to thrive.<sup>2</sup> Tenants are put in these harmful situations when negligent or unscrupulous landlords fail to maintain a safe and sanitary property in compliance with the District's housing code. That is why DOB, as the agency responsible

for enforcing the housing code, needs to effectively secure the prompt correction of existing code violations and incentivize landlords to invest in regular repairs and maintenance to prevent violations in the first place.

In January, this Committee held a hearing to discuss the findings from a monthslong investigation it conducted into DOB's rental housing inspection process.<sup>3</sup> Children's Law Center applauds the Committee for engaging in such meaningful oversight of DOB. While Children's Law Center has observed some promising improvements from DOB over the last few months, we agree with the Committee's assessment that currently DOB's housing code enforcement is "broken and in need of repair." To that end, at the January hearing, we provided testimony highlighting the need for DOB to 1) update its rental housing complaint intake process to ensure it is accessible for all tenants, 2) ensure that inspectors conduct thorough rental housing inspections that prioritize the health and safety of tenants, and 3) build proactive communication with tenants into its housing code enforcement processes.<sup>4</sup>

Today, we would like to build on our prior testimony and home in on the issue at the heart of Children's Law Center's concerns with DOB's performance – that DOB's inspections and enforcement are not translating to improved housing conditions for tenants. Specifically, our testimony will discuss 1) where DOB has made improvements in its operations as an agency, 2) why DOB needs to hire and train more professional

housing code inspectors, and 3) why DOB is failing to incentivize landlords to correct violations and how DOB can increase timely abatement of serious violations.

### **DOB Has Made Positive Steps Towards Becoming a More Effective, Tenant-Focused Agency**

One of Children’s Law Center’s biggest frustrations with DOB’s predecessor, the Department of Consumer and Regulatory Affairs (DCRA), was DCRA’s lack of transparent information sharing and substantive engagement with tenants and tenant advocates.<sup>5</sup> Therefore, Children’s Law Center has been pleased to observe DOB taking steps to increase the agency’s transparency, improve the accessibility of its housing code complaint process for tenants, and build working relationships with stakeholders, including tenant advocates.

#### *DOB Has Increased Its Data Transparency*

First, Children’s Law Center appreciates that DOB launched a new and improved Public Dashboard (“Dashboard”) in February 2023.<sup>6</sup> The Dashboard enables residents to look up outstanding housing code violations at their current or prospective address and allows stakeholders like the Committee and Children’s Law Center to track core metrics for assessing DOB’s housing code enforcement efficacy. The Dashboard’s data is also downloadable, a feature Children’s Law Center frequently asked DCRA to adopt.<sup>7</sup> Since its launch, our attorneys have used the Dashboard to research violations in individual clients’ units and at particularly problematic properties. DOB has already made design updates to improve the Dashboard’s functionality and has been open to hearing our

recommendations for further changes to make the Dashboard more accessible and useful for tenants. Over the next year we would like to see DOB implement some of these recommendations for further improving the Dashboard.

For example, currently, once DOB deems that a housing code violation has been abated, information on that violation is completely removed from the Dashboard. When Children's Law Center works with clients who are confused about the status of housing code violations in their unit,<sup>8</sup> our staff look to the Dashboard for clarity. But if there are no violations listed, we cannot determine if that is because no violations were found during an inspection, if there has been an error in officially citing the violations, or if the landlord self-certified abatement of the violations. To provide clear information to individual tenants and allow stakeholders to strategically track patterns of violations at particular properties, DOB should find a way to keep data on abated violations on its Dashboard. Additionally, the Dashboard does not incorporate any data from inspections conducted by the DOB inspector attached to the District's Housing Conditions Calendar (HCC).<sup>9</sup> That is a significant source of data on housing code violations currently left out of the Dashboard, hindering its ability to serve as a tool for strategic assessments of housing code compliance and enforcement across the District.

*DOB is Working to Improve Accessibility for Tenants*

As raised to the Committee in January, Children's Law Center strongly supports the Committee's recommendation that DOB improve the accessibility and usability of its

complaint intake procedures to ensure that all tenants – regardless of technology literacy or level of English comprehension – can successfully request a rental housing inspection.<sup>10</sup> Therefore, we were pleased to learn from DOB staff earlier this year that the agency is already in the process of creating a new, more usable online complaint form with translation capabilities. During the January hearing, Strategic Enforcement Administrator Keith Parsons reported that DOB was at the final step of gathering stakeholder input on its proposed changes before going live with a new complaint form that includes, among other things, improved language access functions.<sup>11</sup> Children’s Law Center is happy to report that last week the agency solicited our feedback on a beta version of the new form. In addition to our substantive comments, we strongly encouraged the agency to seek input directly from tenants as well and offered to help facilitate that process with Children’s Law Center clients. To ensure DOB’s new complaint process is truly an improvement for tenants, it is vital that the agency receives feedback from other tenant-serving organizations and a diverse group of District tenants, including tenants with limited English proficiency and elderly tenants.

At the January hearing Administrator Parsons also reported that DOB was “in the middle of revamping [its] phone tree” to make it easier for tenants to successfully request housing code inspections over the phone – something both Children’s Law Center attorneys and clients have struggled with in the past.<sup>12</sup> Children’s Law Center applauds the agency’s stated commitments to making its housing code complaint process for

accessible to tenants. We hope the Committee will ask DOB for detailed updates on the progress it has made on its new complaint form and updated phone tree since the January hearing and when the agency expects full implementation of these improvements.

*DOB Has Increased Engagement with Stakeholders*

The most notable improvement in agency performance that Children’s Law Center has observed since DOB’s creation – especially since the change in agency leadership in May 2023<sup>13</sup> – is the increase in regular and open engagement by DOB staff with Children’s Law Center and other stakeholders. Being able to reach out to DOB staff with questions about the status of housing code violations at a clients’ unit or how a DOB process works and receive a prompt response helps us be better advocates for our clients and their communities. Additionally, we appreciate that DOB leadership has been willing to engage in regular conversations with Children’s Law Center about systemic enforcement issues we observe at the agency and welcomed our participation in DOB’s Built Environment Working Group.<sup>14</sup> We hope the productive working relationship we have developed with DOB over the past year will continue and ultimately lead to safer and healthier rental housing in the District.

**DOB Needs to Hire and Train Enough Professional Housing Code Inspectors to Conduct All Complaint-Based and Proactive Rental Housing Inspections**

*DOB Needs to Fill All of the Housing Inspector Positions Funded by Council*

Over the past two years, the Council, under Chairman Mendelson’s leadership, has taken much-needed action to increase the number of housing inspectors employed

by DOB.<sup>15</sup> Recognizing that the Mayor’s FY23 proposed budget “d[id] not adequately invest in inspection staff for [DOB],” the Council appropriated funding for DOB to hire an additional 29 Full Time Equivalent (FTE) housing code inspectors,<sup>16</sup> increasing the number of housing code inspectors funded in FY23 to 56.<sup>17</sup> We applauded this investment as it would have brought DC closer to achieving a ratio of one inspector for every 2,000 to 3,500 rental units in line with comparable jurisdictions.<sup>18</sup> To get to that point, Children’s Law Center believes that DOB should ideally employ between 59 and 104 full-time professional inspectors dedicated to inspecting rental housing units.<sup>19</sup> The Council followed through on its commitment to effective housing code enforcement in the District again last year when it restored funding for 11 vacant FTEs, including inspectors, cut from DOB’s Rental Housing Inspections Division in the Mayor’s proposed FY24 budget.<sup>20</sup>

According to DOB’s pre-hearing responses, as of January 1, 2024, the Office of Residential Inspections has 33 full-time, dedicated housing code inspectors and funding for an additional 10 housing code inspector positions that remain vacant.<sup>21</sup> As such, Children’s Law Center believes that DOB currently lacks enough professional inspectors to conduct thorough complaint-based and proactive rental housing inspections and conduct the in-person re-inspections necessary for effective enforcement. To address this problem DOB must prioritize filling the 10 vacant rental housing inspector positions as quickly as possible. These are mission-critical positions. We hope the Committee, in its oversight capacity, will ask DOB why so many of the housing inspector positions



intentionally funded by this Committee remain vacant and work with the agency to establish an actionable plan for filling those positions as quickly as possible. Additionally, even when the 10 vacant positions are filled, that will only bring the Office of Residential Inspection's housing code enforcement team up to 43 full-time inspectors – 14 fewer than the 56 positions the Committee funded in FY23. Children's Law Center encourages the Committee to seek clarification from the agency on what happened to the funding for the remaining 14 inspector positions. For example, were they cut by the Mayor in the FY24 budget or was the funding for those positions shifted by DOB?

While the Office of Residential Inspection's team is understaffed, DOB continues to rely on "resident inspectors" to meet the demand for housing inspections in the District.<sup>22</sup> DOB's Resident Inspector Program applies the "on-demand, gig economy" model to housing code inspections.<sup>23</sup> Resident inspectors can be hired by DOB as independent contractors and paid per inspection after "as little as 18 hours" of training.<sup>24</sup> In its pre-hearing oversight responses DOB did not report how many resident inspectors DOB currently employs or the number of housing code inspections conducted by resident inspectors in FY23 and FY24 to date. However, DOB did indicate that "contractors and resident inspectors" are among the 36 inspectors it reported as "employed by DOB to conduct housing code inspections."<sup>25</sup> The Committee should seek clarification from DOB on 1) how many resident inspectors are currently employed by DOB and which types of inspections they are certified to conduct; 2) how many of each type of inspection resident

inspectors conducted in FY23 and FY24 to date; and 3) details on any other contractors that DOB uses to conduct inspections (as the agency indicated in its oversight responses that it counts “contractors *and* resident inspectors” among its inspectors.<sup>26</sup> To ensure quality and consistency of inspections and efficiency in enforcement, DOB’s goal should be for all housing code inspections to be performed by fully trained DOB employees, not amateurs contracted on a per-inspection basis. While DOB continues to operate the Resident Inspector Program it must be more transparent with the Council and public about the scope of its reliance on the program and the number of inspections conducted by resident inspectors. Further, we urge DOB to give tenants the opportunity to opt out of having someone who is not a District employee come into their home.

*DOB Inspectors Should Be Trained to Enforce the District’s Mold Laws as Part of Their Housing Code Inspections*

In addition to having enough inspectors, effective housing code enforcement requires inspectors who are well-trained in relevant best practices and technical standards, including identifying health-harming code violations.<sup>27</sup> Indoor mold, which can pose a serious threat to health, especially for vulnerable populations like children, is prevalent throughout the District’s rental housing stock available to low-income tenants.<sup>28</sup> While DOB is authorized to cite mold as a housing code violation for “failure to maintain the property free from defective surface conditions” based on a professional mold assessment, DOB (and DCRA before it) has never exercised this power.<sup>29</sup> Children’s Law Center understands that one of the barriers to DOB citing mold in its rental housing

inspections is that DOB inspectors are not trained to conduct professional mold assessments. Instead, DOB refers any tenant complaints or inspector observations of mold to the Department of Energy and Environment (DOEE), often resulting in two separate inspection and enforcement processes going on at one time for the same rental unit, which is confusing and time-consuming for tenants and property owners.

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. The Council took action to address this problem when it passed the Residential Housing Environmental Safety Amendment Act of 2020.<sup>30</sup> The law, among other things, requires DOB housing inspectors to become certified to conduct professional mold assessments and use that certification to enforce DC's mold law as part of the housing code inspection process.<sup>31</sup> Unfortunately, the provisions relevant to DOB have not been funded so this important law is not yet in effect and low-income tenants in the District continue to face limited options for compelling a negligent landlord to remove hazardous mold from their home. Children's Law Center encourages the Committee to prioritize funding the portions of the Residential Housing Environmental Safety Amendment Act of 2020 that remain subject to appropriation in the FY25 budget.<sup>32</sup>

*Adequate, Trained Inspection Staff Will Be Critical to Successfully Implementing a New Proactive Inspection Program*

As this Committee noted during the FY23 budget process, “human capital is what drives agency performance. Without adequate staff support, even the most well-designed programs cannot reach their full potential.”<sup>33</sup> Children’s Law Center believes that DOB needs a fully staffed team of rental housing inspectors trained to identify and prioritize the abatement of health-harming housing conditions to fulfill its potential as an agency. This will also be necessary for DOB to successfully implement the strengthened proactive inspection program that the Council recently legislated. Children’s Law Center greatly appreciates Chairman Mendelson’s commitment to establishing a proactive inspection program in the District that adheres to industry best practices and appropriately prioritizes the inspection of properties that are most likely to be harming the health and safety of tenants.<sup>34</sup> To that end, we thank the Council for unanimously passing the Proactive Inspection Program Amendment Act of 2023 last month.<sup>35</sup> We also urge this Committee to prioritize fully funding the law in the FY25 budget so it can be implemented as soon as possible. This should be done in concert with ensuring DOB’s Rental Housing Inspections Division is adequately staffed and funding the incorporation of mold enforcement into DOB’s housing code inspections.

## **DOB Must Increase the Percentage of Serious Housing Code Violations that Are Abated in a Timely Manner**

*Without Successful Enforcement, DOB Inspections Alone Will Not Meaningfully Improve Housing Conditions for Tenants*

Ultimately, the number and quality of inspections conducted by DOB will not protect the health and safety of District tenants unless those inspections result in abatement of serious housing code violations. A major driver for the creation of DOB was DCRA's systemic failure to meaningfully improve tenant's living conditions through housing code enforcement.<sup>36</sup> While the increased funding the Council provided for housing code inspectors has enabled DOB to conduct more rental inspections than DCRA,<sup>37</sup> increasing DOB's enforcement capabilities remains a necessary next step to ensure better outcomes for tenants.

When DOB issues a Notice of Infraction (NOI) to property owners, it gives them 60 days to correct routine (non-emergency) violations before DOB will file the NOI with the Office of Administrative Hearings (OAH) to pursue fines.<sup>38</sup> Therefore, if landlords are correcting abatements in a timely manner after receiving an NOI, the vast majority of violations should be corrected within the same 12-month period they are issued. DOB's data shows this is far from the case. For example, according to the agency's pre-hearing responses, in FY23 DOB conducted 28,169 complaint-based and proactive housing code inspections resulting in 28,057 "violations served."<sup>39</sup> Only 10,212 – or 36% – of those housing code violations were abated in the same fiscal year.<sup>40</sup> While a further 12% were

abated in the first quarter of FY24, over 50% of the housing code violations cited by DOB in FY23 have not been abated within the time period set by DOB.<sup>41</sup> Similarly, at least 40% of the 29,273 violations served in FY22 are still unabated.<sup>42</sup> After years of this ineffective level of timely correction, there are currently 53,710 unabated housing code violations impacting 11,739 tenant households in the District.<sup>43</sup>

Additionally, the true number of unabated violations may be even higher since DOB's data is partly based on landlord self-reporting of corrections.<sup>44</sup> While Children's Law Center appreciates DOB's insistence that DOB staff conduct a "rigorous" review of all self-reported abatements before certifying that the violation has been corrected, we remain concerned that the practice of allowing landlords to submit "proof of abatement" online is an unreliable method for determining whether a housing code violation has been satisfactorily corrected and is ripe for abuse by bad actors.<sup>45</sup> We agree with the Committee's recommendation that DOB should work towards always conducting an in-person re-inspection by DOB to certify a landlord's reported. Until DOB can implement this requirement, DOB should notify tenants when their landlord submits proof of abatement online and adopt a practice of auditing landlord self-attested abatements and make the findings of the audit publicly available for review by this Committee and tenant advocates.

To address this shortcoming in agency performance, it is imperative that DOD strengthen its enforcement procedures to 1) make sure landlords pay real consequences

for not abating violations in a timely manner and 2) step in to correct violations when a landlord repeatedly fails to do so.

*DOB's Lack of Enforcement Disincentivizes Landlord Correction of Housing Code Violations*

Currently, unscrupulous landlords weighing the costs of investing in property maintenance and repairs with the consequences of violating the District's housing code do not have sufficient incentive to promptly correct cited violations or proactively maintain code-compliant rental housing in the first place. The main tool DOB uses to incentivize compliance is fining landlords who do not correct violations in the time proscribed by the agency – 60 days for routine violations and 24 hours for emergency violations – and waiving or lowering fines for landlords who take steps to abate in that time.<sup>46</sup> However, fines are irrelevant if landlords never have to pay them.

According to DOB's Dashboard, property owners currently owe the District over \$30 million in fines assessed by DOB for housing code violations and upheld by an OAH adjudication.<sup>47</sup> There are also more than \$42 million in fines assessed by DOB for housing code violations awaiting OAH adjudication.<sup>48</sup> In a year where budget constraints are forcing agencies to cut back on the vital services and benefits that residents rely on,<sup>49</sup> the District cannot afford to let this potential source of over \$72 million in revenue remain unpursued.

The outstanding fine totals are so high because they reflect years of drawn-out enforcement resulting in little actual collection of fines. For example, of the \$28,417,961 in

finest that DOB assessed to property owners for housing code violations in FY22, at least \$21,731,485 – 75% – are still uncollected, including over \$14.5 million in fines that have already been upheld by the OAH adjudication process.<sup>50</sup> When the odds are so high that landlords will never face monetary consequences for unaddressed housing code violations, they are incentivized to wait out DOB’s feeble and lengthy enforcement process rather than comply with District laws.

While DOB works to increase the “teeth” of its monetary fines, it should explore other enforcement tools it could use to incentivize landlord compliance and develop and implement processes to adopt those tools. For example, DOB could partner with the Department of Licensing and Consumer Protection (DLCP) to deny, suspend, or revoke business licenses of landlords with a pattern of failing to abate serious housing code violations at one or more of their properties.<sup>51</sup> Under DC law, landlords must have a current rental housing business license to file an eviction case so losing licensure poses a serious threat to a landlord’s ability to operate as they chose and adds protection for tenants forced to live in substandard conditions.<sup>52</sup> Additionally, DOB could partner with the Rental Accommodations Division within the Department of Housing and Community Development (DHCD) to prevent landlords from increasing the rent at rent controlled properties with outstanding housing code violations.<sup>53</sup> These are just two levers besides traditional fines that DOB could use to incentive landlords’ voluntary compliance.



To better understand where and why DOB's post-inspection enforcement process breaks down so consistently, Children's Law Center recommends that the Committee convene another interim oversight hearing or roundtable dedicated to that topic. The Committee should request participation from representatives of all the teams at DOB that play a role in post-inspection enforcement as well as the sister agencies that DOB partners with – or *should* be partnering with – to carry out enforcement, including, OAH, which adjudicates DOB's NOIs, the Real Property Tax Appeals Commission which manages liens placed by DOB on properties with non-compliant owners, and DLCP and DHCD as discussed above.

Additionally, the Committee must push DOB to submit its Annual Enforcement Report, which was supposed to be submitted by January 1, to the Council as soon as possible.<sup>54</sup> In its Annual Enforcement Report, DOB must provide detailed data on, among other things, its fine assessments and collections, violation abatement rates, and any steps DOB has taken to escalate enforcement of particular violations. The Council included the mandatory Annual Enforcement Report in DOB's establishing legislation because it understood the value of that data in assessing how effective the agency is at protecting the health and safety of tenants through housing code enforcement. To best identify what steps DOB should take to improve its enforcement efficacy, DOB leadership, the Council, and the public must have access to complete and clear data on DOB's current enforcement practices and results.

*When a Landlord Fails to Correct Serious Housing Code Violations, DOB Should Make the Repairs*

At multiple points over the past year, DOB leadership have asserted that “ultimately abatement is the landlord’s responsibility.”<sup>55</sup> While that is true for the *cost* of abatement, DOB can and should take responsibility for abating unaddressed housing code violations that place tenants’ health and safety at serious risk. Under DC law, when a property owner fails to correct a housing code violation after reasonable notice, the District government is authorized use its special purpose Nuisance Abatement Fund (Abatement Fund) to abate the condition itself and then assess the actual cost or fair market value of that abatement to the property owner as a special assessment tax against the property.<sup>56</sup> Despite the laws broad scope authorizing the Mayor to “use monies in the [Nuisance Abatement Fund] to correct *any* housing code violation,” DOB and DCRA before it have historically exercised this power in very narrow circumstances.<sup>57</sup> This approach continued in FY23 and FY24 to date where DOB primarily used the Abatement Fund and its special assessment powers to correct “excessive vegetation” and trash/debris violations at vacant and blighted properties.<sup>58</sup> Children’s Law Center does not believe this is a strategic use of the Abatement Fund. We would like to see DOB use the Abatement Fund to promptly address conditions that pose a serious and imminent threat to the health and safety of tenants – for example, repairing a leaky roof rather than mowing a lawn.

During the hearing held by this Committee in January, DOB's Strategic Enforcement Administrator Keith Parsons acknowledged that the only thing preventing DOB from proactively abating more housing code violations and violations of a broader nature is a lack of funding.<sup>59</sup> That is no small barrier as the Abatement Fund has been woefully under-resourced for years.<sup>60</sup> In FY23, the Abatement Fund balance began at \$1,858,696 and grew to \$7,083,891 million, of which DOB spent \$4,069,044.<sup>61</sup> So far in FY24, DOB has spent \$1,789,381 million from the Abatement Fund and currently only has \$3,426,181 million left to use during the rest of the fiscal year.<sup>62</sup>

Part of the Department of Consumer and Regulatory Affairs Omnibus Amendment Act (DCRA Omnibus Act) passed by the Council in 2018 would have alleviated this problem by dedicating all monies collected from a set of newly enhanced fines for housing code violations to the Abatement Fund.<sup>63</sup> The Council specifically noted that dedicating these fines to the Abatement Fund would enable DOB "to proactively address housing code violations that are not being remediated by landlords."<sup>64</sup>

Although the law passed with a nearly unanimous Council vote and was signed by the Mayor, the provisions related to the Abatement Fund were passed subject to appropriation and have not been funded. In the FY25 budget, the Committee should prioritize funding the remaining provisions of the DCRA Omnibus Act to significantly increase the scope of abatements DOB is able to carry out when landlords fail to uphold their responsibilities to tenants.

## Conclusion

Thank you for the opportunity to testify today. I welcome any questions the Committee may have and look forward to working with the Committee to ensure that DOB develops into an agency that meaningfully and proactively protects the health and safety of DC's tenants.

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<sup>1</sup> See, e.g., Kathy Zeisel, Testimony Before the District of Columbia Council, Committee of the Whole (December 10, 2019), <https://childrenslawcenter.org/wp-content/uploads/2021/07/Zeisel-OIG-DOBTestimony-Before-the-District-of-Columbia-Council-12.10.19final.pdf>; Christina M. Simpson, Testimony Before the District of Columbia Council, Committee of the Whole (September 21, 2022), [https://childrenslawcenter.org/wp-content/uploads/2022/09/Simpson\\_9\\_21\\_22\\_DOB\\_Roundtable\\_Testimony\\_Final.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/09/Simpson_9_21_22_DOB_Roundtable_Testimony_Final.pdf); Kathy Zeisel, Testimony Before the District of Columbia Council, Committee of the Whole (February 23, 2023), <https://childrenslawcenter.org/wp-content/uploads/2023/02/Childrens-Law-CenterTestimony-DOB-2023-Oversight-final.pdf>. See also Change Lab Solutions, *Up to Code: Code Enforcement Strategies for Healthy Housing*, 2015, p. 3, available at: [https://www.changelabsolutions.org/sites/default/files/Up-to-Code\\_Enforcement\\_Guide\\_FINAL-20150527.pdf](https://www.changelabsolutions.org/sites/default/files/Up-to-Code_Enforcement_Guide_FINAL-20150527.pdf) (“Local code enforcement programs are often the first line of defense in ensuring safe and healthy housing for residents.”).

<sup>2</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. See Children’s Law Center, available at: <https://childrenslawcenter.org/our-impact/health/>. When unaddressed housing code violations are harming a child’s health, our 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. See Housing Conditions Calendar, <https://www.dccourts.gov/services/civil-matters/housing-conditions-calendar>. Through our work in Healthy Together we know how disruptive a child’s health problems are to a child’s entire family. For example, when a child needs to go to the ER for uncontrolled asthma, it typically means that the child misses school, their parent misses work – losing valuable income, and the family must take on unbudgeted costs for transportation and medication – all of which disrupts the family’s stability.

<sup>3</sup> Council of the District of Columbia Committee of the Whole, *The District’s Rental Housing Code Inspection Process: Broken and In Need of Repair* (January 18, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/211>.

<sup>4</sup> Makenna Osborn, Testimony Before the District of Columbia Committee of the Whole (January 18, 2024), available at: <https://childrenslawcenter.org/wp-content/uploads/2024/01/DOB-Rental-Housing-Code-Inspection-Hearing-Childrens-Law-Center-Written-Testimony-With-Attachments-1.17.2024.pdf>.

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<sup>5</sup> See e.g., Anne Cunningham and Kathy Zeisel, Testimony Before the District of Columbia Committee of the Whole (April 19, 2018), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/DOB-Establishment-Act-of-2018-Hearing-Testimony-Childrens-Law-Cente.pdf>.

<sup>6</sup> DC Department of Buildings, *New DOB Public Dashboard*, *available at*: [https://content.govdelivery.com/accounts/DCWASH/bulletins/341b5b7#link\\_5](https://content.govdelivery.com/accounts/DCWASH/bulletins/341b5b7#link_5). DC Department of Buildings, *DOB Public Dashboard*, *available at*: [https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/Introduction?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3Aembed=yes&%3Atoolbar=no](https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/Introduction?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no).

<sup>7</sup> DOB's current Public Dashboard has an option to "Download to Excel or CSV" on the pages for "Violations and Abatement and "Enforcement." See DC Department of Buildings, *DOB Public Dashboard*, *available at*: [https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/Introduction?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3Aembed=yes&%3Atoolbar=no](https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/Introduction?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no).

<sup>8</sup> Children's Law Center believes this confusion could be largely avoided if DOB would 1) automatically share a copy of the NOI for a rental housing unit with the tenant instead of waiting for a tenant request to supply them with the NOI and 2) developed practices and processes for proactively notifying tenants about post-inspection updates regarding violations found in their rental unit, including whenever a landlord self-certifies abatement.

<sup>9</sup> A DOB housing inspector is assigned to the Housing Conditions Court to conduct inspections scheduled by the Court. The Court uses the inspector's housing code inspection report to make decisions about the presence and abatement of code violations. See DC Courts, Case Management Plan for the Housing Conditions Civil Calendar, *available at*: <https://www.dccourts.gov/sites/default/files/Housing-Conditions-Case-Management-Plan.pdf>.

<sup>10</sup> Makenna Osborn, Testimony Before the District of Columbia Committee of the Whole (January 18, 2024), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2024/01/DOB-Rental-Housing-Code-Inspection-Hearing-Childrens-Law-Center-Written-Testimony-With-Attachments-1.17.2024.pdf>; Council of the District of Columbia Committee of the Whole, Committee Report on the District's Housing Code Inspection Process: Broken and In Need of Repair (January 18, 2024), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/211>.

<sup>11</sup> Council of the District of Columbia, Public Oversight Hearing "The District's Rental Housing Code Inspection Process: Broken and In Need of Repair" (January 18, 2024) at 3:43:07, *available at*: [https://dc.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=8618](https://dc.granicus.com/MediaPlayer.php?view_id=4&clip_id=8618).

<sup>12</sup> *Id.* at 3:44:50.

<sup>13</sup> Now Director Brian Hanlon was initially appointed as Acting Director of the Department of Buildings in May 2023, replacing former Department of Consumer and Regulatory Affairs Director, Ernest Chrappah, who had transitioned from DCRA to the new DOB. See Executive Office of the Mayor, *Mayor Bowser Announces Brian Hanlon as Acting Director of the Department of Buildings*, May 8, 2023, *available at*: <https://mayor.dc.gov/release/mayor-bowser-announces-brian-hanlon-acting-director-department-buildings>.

<sup>14</sup> DOB established the Built Environment Working Group in 2023. It is made up of internal DOB staff, representatives from sister agencies in the District government, and external stakeholders representing residential and commercial property owners and tenant advocates. The purpose is to advise the Strategic Enforcement Administrator on all aspects of DOB's enforcement, providing perspective and feedback to the agency on its existing enforcement practices and suggestions for better enforcement moving forward. The group currently meets on a quarterly basis.

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<sup>15</sup> Council of the District of Columbia Committee of the Whole, Report and Recommendations of the Committee of the Whole on the Fiscal Year 2023 Budget and Corresponding Budget Support Act – Draft 4/20 (April 21, 2023), p. 81-82, *available at*:

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/62606a3fc640af181295a34f/1650485824377/COW+FY23+Report+-+Draft++4.20.22.pdf>; Council of the District of Columbia Committee of the Whole, Report and Recommendations of the Committee of the Whole on the Fiscal Year 2024 Budget and Corresponding Budget Support Act (April 27, 2023), p. 77-79, *available at*:

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/6449b0d8272ca0042663d43d/1682551006257/COW+FY2024+Proposed+Budget+Report+Recommendations.pdf>.

<sup>16</sup> Per the Committee, 8 housing code inspectors were added in the Committee of the Whole’s initial budget, 12 more were added through the Local Budget Act, and 9 were added through the Budget Support Act. *See* Council of the District of Columbia Committee of the Whole, Report and Recommendations of the Committee of the Whole on the Fiscal Year 2023 Budget and Corresponding Budget Support Act – Draft 4/20 (April 21, 2023), p. 82, *available at*:

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/62606a3fc640af181295a34f/1650485824377/COW+FY23+Report+-+Draft++4.20.22.pdf>; B24-0714 Fiscal Year 2023 Budget Support Act of 2022. Subtitle O. Flavored Tobacco Prohibition Implementation. Sec. 7154.

<sup>17</sup> Per the Committee, prior to the additional 29 inspectors, the proposed FY23 budget included 27 residential housing inspectors, bringing the total to 56. Council of the District of Columbia Committee of the Whole, Report and Recommendations of the Committee of the Whole on the Fiscal Year 2023 Budget and Corresponding Budget Support Act – Draft 4/20 (April 21, 2023), p. 81, *available at*:

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/62606a3fc640af181295a34f/1650485824377/COW+FY23+Report+-+Draft++4.20.22.pdf>

<sup>18</sup> A survey of comparable jurisdictions conducted by Children’s Law Center and Legal Aid DC determined that those jurisdictions have the following ratios of housing inspectors to rental units: Montgomery County, Maryland (1:3,500); Cleveland, Ohio (1:3,359); Des Moines, Iowa (1:2,221); Trenton, New Jersey (1:2,063); Syracuse, New York (1:2,577); Rochester, New York (1:1,390).

<sup>19</sup> This calculation is based on the DC Policy Center’s estimate that there are currently 207,421 rental units in DC. D.C. Policy Center, *Appraising the District’s Rentals – Landscape of Rental Housing*, (April 1, 2020), *available at*: <https://www.dcpolicycenter.org/publications/appraising-the-districts-rentals-chapter-ii/>.

<sup>20</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-9; Council of the District of Columbia Committee of the Whole, Report on Bill 25-203, the “Fiscal Year 2024 Local Budget Act of 2023” (May 16, 2023), *available at*:

[https://lims.dccouncil.gov/downloads/LIMS/52615/Committee\\_Report/B25-0203-Committee\\_Report8.pdf?Id=166614](https://lims.dccouncil.gov/downloads/LIMS/52615/Committee_Report/B25-0203-Committee_Report8.pdf?Id=166614).

<sup>21</sup> 2024 Department of Buildings Performance Oversight Responses, response to Q2, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/241>. *See* DOB FY24 Schedule A, rows 244 through 342, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/241>.

<sup>22</sup> DC Department of Buildings, Resident Inspector Program, *Role of a Resident Inspector*, *available at*: <https://dob.dc.gov/node/1616641>.

<sup>23</sup> *Id.*

<sup>24</sup> DC Department of Buildings, Inspection FAQs, *Resident Inspector Program FAQs*, *available at*: <https://dob.dc.gov/node/1613841>.

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<sup>25</sup> 2024 Department of Buildings Performance Oversight Responses, response to Q27, *available at*: <https://lms.dccouncil.gov/Hearings/hearings/241>.

<sup>26</sup> *Id.*

<sup>27</sup> See Change Lab Solutions, *Up to Code: Code Enforcement Strategies for Healthy Housing*, p. 9, 2015, *available at*: <https://www.changelabsolutions.org/sites/default/files/Up-to-Code-Enforcement-Guide-FINAL-20150527.pdf>; “[I]nspectors primarily examine homes for problems that could get them in trouble. For example, if residents of an inspected building are injured from a collapsed ceiling or fire, the inspector could lose [their] job or face other repercussions. On the other hand, when a child suffers from asthma attacks based on poor ventilation, there is [likely] no negative impact on the inspector.” See The National Municipal Policy Network, *Housing Code Enforcement*, p. 2, *available at*: <https://localprogress.org/wp-content/uploads/2013/09/Housing-Code-Enforcement-1.pdf>.

<sup>28</sup> National Institute of Environmental Health Sciences, *Mold and Your Health*, *available at*: [https://www.niehs.nih.gov/sites/default/files/health/materials/mold\\_508.pdf](https://www.niehs.nih.gov/sites/default/files/health/materials/mold_508.pdf). Mold is one of the most common health-harming housing conditions concerns that tenants report to Children’s Law Center.

<sup>29</sup> D.C. Official Code § 8-241.05(b); Council of the District of Columbia Committee of the Whole, Report on Bill 23-132, “Residential Housing Environmental Safety Amendment Act of 2020 (December 1, 2020), p.3, *available at*: [https://lms.dccouncil.gov/downloads/LIMS/41819/Committee\\_Report/B23-0132-Committee\\_Report3.pdf?Id=115313](https://lms.dccouncil.gov/downloads/LIMS/41819/Committee_Report/B23-0132-Committee_Report3.pdf?Id=115313).

<sup>30</sup> B23-0132 - Indoor Mold Remediation Enforcement Amendment Act of 2019 (now known as “Residential Housing Environmental Safety Amendment Act of 2020”). See also Council of the District of Columbia Committee of the Whole, Report on Bill 23-132, “Residential Housing Environmental Safety Amendment Act of 2020 (December 1, 2020), p.4, *available at*: [https://lms.dccouncil.gov/downloads/LIMS/41819/Committee\\_Report/B23-0132-Committee\\_Report3.pdf?Id=115313](https://lms.dccouncil.gov/downloads/LIMS/41819/Committee_Report/B23-0132-Committee_Report3.pdf?Id=115313) (“Indoor mold is a threat to the health and well-being of tenants in the District, particularly tenants with asthma and other chronic respiratory conditions. This bill will strengthen the District’s enforcement of indoor air quality by requiring housing code inspectors to be certified in indoor mold assessment and establishing penalties for when property owners fail to remediate indoor mold.”).

<sup>31</sup> B23-0132 - Indoor Mold Remediation Enforcement Amendment Act of 2019 (now known as “Residential Housing Environmental Safety Amendment Act of 2020”). Sec. 2(e)(1), (2).

<sup>32</sup> Council of the District of Columbia, *Currently Unfunded Laws – Legislation Passed Subject to Funding* (January 18, 2024), *available at*: <https://dccouncil.gov/wp-content/uploads/2024/01/2024-01-18-Subject-to-Funding-Legislation-quarterly-report.pdf>.

<sup>33</sup> Council of the District of Columbia Committee of the Whole, *Report and Recommendations of the Committee of the Whole on the Fiscal Year 2023 Budget and Corresponding Budget Support Act – Draft 4/20* (April 21, 2023), p. 81, *available at*: <https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/62606a3fc640af181295a34f/1650485824377/COW+FY23+Report+-+Draft++4.20.22.pdf>.

<sup>34</sup> After initially introducing the Proactive Inspection Program Act in 2022, Chairman Mendelson re-introduced the legislation early in the new Council Period and quickly moved it forward. See B24-0947 - Proactive Inspection Program Act of 2022 Record, *available at*: <https://lms.dccouncil.gov/Legislation/B24-0947>; B25-0048 - Proactive Inspection Program Act of 2023 Record, *available at*: <https://lms.dccouncil.gov/Legislation/B25-0048>.

<sup>35</sup> B25-0048 - Proactive Inspection Program Act of 2023.

<sup>36</sup> Council of the District of Columbia, Report on Bill 23-91, “Department of Buildings Establishment Act of 2020 (December 1, 2020), p. 4-6, *available at*:

[https://lims.dccouncil.gov/downloads/LIMS/41724/Committee\\_Report/B23-0091-Committee\\_Report2.pdf?Id=115311](https://lims.dccouncil.gov/downloads/LIMS/41724/Committee_Report/B23-0091-Committee_Report2.pdf?Id=115311); Kathy Zeisel, Testimony Before the District of Columbia Committee of the Whole (December 10, 2019), available at: <https://childrenslawcenter.org/wp-content/uploads/2021/07/Zeisel-OIG-DOB-Testimony-Before-the-District-of-Columbia-Council-12.10.19-final.pdf>.

<sup>37</sup> For example, according to DOB’s (and DCRA’s) pre-hearing oversight responses submitted in 2022, 2023, and 2024 the number of complaint-based housing code inspections conducted by DOB has more than doubled since FY20:

Fiscal Year	Complaint-Based Inspections
FY20	5,737
FY21	7,720
FY22	13,558
FY23	14,931

See 2022 Department of Buildings Performance Oversight Responses, response to Q41, <https://dccouncil.gov/wp-content/uploads/2022/10/DCRA-FY21-FY22-YTD-Performance-Oversight-Pre-Hearing-Questions-and-Answers-final.pdf>; 2023 Department of Buildings Performance Oversight Responses, response to Q28, <https://dccouncil.gov/wp-content/uploads/2023/06/DOB-FY-22-and-FY23-YTD-Pre-Hearing-Question-Responses-Final-with-Attachments.pdf>; 2024 Department of Buildings Performance Oversight Responses, response to Q28, available at: <https://lims.dccouncil.gov/Hearings/hearings/241>.

<sup>38</sup> See DC Department of Buildings, *How Compliance is Enforced*, <https://dob.dc.gov/sites/default/files/dc/sites/dob/DOB%20Enforcement%20Graphic%201.9.23.pdf>; Keith Parsons, Testimony Before the District of Columbia Committee of the Whole (January 18, 2024), available at: <file:///C:/Users/M-Osborn/Downloads/2024-01-17%20Office%20of%20Residential%20Inspection%20Written%20Testimony.pdf>.

<sup>39</sup> In the tables supplied in its pre-hearing oversight responses, DOB reported that it in FY23 it conducted 14,931 complaint-based housing code inspections and 13,238 proactive housing code inspections for a total of 28,169 inspections and reported 22, 339 and 5,718 “Total Violations Served” respectively as a result of those inspections for a total of 28,057 violations. 2024 Department of Buildings Performance Oversight Responses, response to Q28 and Q29, available at: <https://lims.dccouncil.gov/Hearings/hearings/241>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> According to DOB’s Public Dashboard, 11,859 violations cited in FY22 remain unabated as of February 21, 2024. DC Department of Buildings, *DOB Public Dashboard – Violations and Abatement*, available at: [https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3Aembed=yes&%3Atoolbar=no](https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no). DOB’s pre-hearing oversight responses reported that 16,222 violations served in FY22 were unabated as of December 31, 2023. FY2023 Department of Buildings Performance Oversight Responses, response to Q28 and Q29, available at: <https://lims.dccouncil.gov/Hearings/hearings/241>.

<sup>43</sup> Data as of February 21, 2024. DC Department of Buildings, *DOB Public Dashboard – Violations and Abatement*, available at: [https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3Aembed=yes&%3Atoolbar=no](https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no).



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<sup>44</sup> DC Department of Buildings, Proof of Abatement, *available at:*

<https://info.dob.dc.gov/contact/abatement-tracking-BJbZLthgw>.

<sup>45</sup> Council of the District of Columbia, Public Oversight Hearing “The District’s Rental Housing Code Inspection Process: Broken and In Need of Repair” (January 18, 2024) at 3:35:00, *available at:*

[https://dc.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=8618](https://dc.granicus.com/MediaPlayer.php?view_id=4&clip_id=8618); *see also* Makenna Osborn, Testimony Before the District of Columbia Committee of the Whole (January 18, 2024), *available at:*

<https://childrenslawcenter.org/wp-content/uploads/2024/01/DOB-Rental-Housing-Code-Inspection-Hearing-Childrens-Law-Center-Written-Testimony-With-Attachments-1.17.2024.pdf>; Kathy Zeisel, Testimony Before the District of Columbia Committee of the Whole and the Committee of Facilities and Family Services (February 23, 2023), *available at:* <https://childrenslawcenter.org/wp-content/uploads/2023/02/Childrens-Law-Center-Testimony-DOB-2023-Oversight-final.pdf>.

<sup>46</sup> *See* Keith Parsons, Testimony Before the District of Columbia Committee of the Whole (January 18, 2024), *available at:* [file:///C:/Users/M-Osborn/Downloads/2024-01-](file:///C:/Users/M-Osborn/Downloads/2024-01-17%20Office%20of%20Residential%20Inspection%20Written%20Testimony.pdf)

<17%20Office%20of%20Residential%20Inspection%20Written%20Testimony.pdf>.

<sup>47</sup> This number comes from the “Enforcement” page of DOB’s Dashboard on February 21, 2024. Select the “Pre-Adjudication” tab under “NOI with Pending Balance” and use the “Select Business Unit” filter menu to select only “Housing-Complaint” and “Housing-Proactive.” The data reflects NOIs issued from FY19 through present. DC Department of Buildings, *DOB Public Dashboard – Enforcement*, *available at:*

[https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3Aembed=yes&%3Atoolbar=no](https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no).

<sup>48</sup> This number comes from the “Enforcement” page of DOB’s Dashboard on February 21, 2024. Select the “Post-Adjudication” tab under “NOI with Pending Balance” and use the “Select Business Unit” filter menu to select only “Housing-Complaint” and “Housing-Proactive.” The data reflects NOIs issued from FY19 through present. *Id.*

<sup>49</sup> *See e.g.,* Sandra Jones, *DC nonprofits partner to curb homelessness and aid survivors. DHS wants them to make budget cuts*, WTOP News, January 12, 2024, *available at:* <https://wtop.com/dc/2024/01/dc-leaders-tackle-spending-pressure-and-proposed-budget-cuts/>.

<sup>50</sup> Comparing the number of “Total Original Fines from Served Violations” for complaint-based and proactive housing code inspections conducted in FY22 in DOB’s pre-hearing responses with the data on NOIs with pending balances, both pre- and post-adjudication, issued in FY22 available on the Enforcement page of DOB’s Dashboard. *See* 2024 Department of Buildings Performance Oversight Responses, response to Q28 and Q29, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/241>; DC Department of Buildings, *DOB Public Dashboard – Enforcement*, *available at:*

[https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3Aembed=yes&%3Atoolbar=no](https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPostAdjudication?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no).

<sup>51</sup> B25-0574 - Do Right by DC Tenants Amendment Act of 2023.

<sup>52</sup> DC Law 24-115. Eviction Record Sealing Authority Amendment Act of 2021 (now known as “Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022”).

<sup>53</sup> While the District’s rent control law already prohibits landlords of rent-controlled properties from increasing rents when housing code violations are present, the burden is on tenants to file petitions to rent increases. *See* DC Code 42-3502.08(a)(1). Increases above base rent.

<sup>54</sup> DC Law 23-269. Department of Buildings Establishment Act of 2019. Sec. 202. Annual Enforcement Report.

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<sup>55</sup> Director Ernest Chrappah, Acting Director of Department of Buildings, Testimony Before the District of Columbia Committee of the Whole (February 23, 2023), p. 178, *available at*:

<https://lims.dccouncil.gov/Hearings/hearings/14>.

<sup>56</sup> DC Code 42-3131.01(a)(1). Mayor may correct conditions violative of law; assessment of cost; lien on property; fund to pay costs; summary corrective action of life-or-health threatening condition.

<sup>57</sup> Council of District of Columbia Committee of the Whole, Report on Bill 22-317, the "Department of Consumer and Regulatory Omnibus Amendment Act of 2018" (December 4, 2018), p. 8, *available at*:

[https://lims.dccouncil.gov/downloads/LIMS/38265/Committee\\_Report/B22-0317-CommitteeReport1.pdf?Id=62306](https://lims.dccouncil.gov/downloads/LIMS/38265/Committee_Report/B22-0317-CommitteeReport1.pdf?Id=62306).

<sup>58</sup> See 2024 Department of Buildings Performance Oversight Responses, response to Q30, *available at*:

<https://lims.dccouncil.gov/Hearings/hearings/241>

<sup>59</sup> During his answers to questions from Councilmember Robert White at the January hearing, Administrator Parsons stated that while DOB has legal authority to proactively conduct abatement of open housing code violations, it is constrained by financing. Specifically, he said "the problem is fiscal."

Council of the District of Columbia, Public Oversight Hearing "The District's Rental Housing Code Inspection Process: Broken and In Need of Repair" (January 18, 2024), at 3:40:40, *available at*:

[https://dc.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=8618](https://dc.granicus.com/MediaPlayer.php?view_id=4&clip_id=8618).

<sup>60</sup> Council of District of Columbia Committee of the Whole, Report on Bill 22-317, the "Department of Consumer and Regulatory Omnibus Amendment Act of 2018" (December 4, 2018), p. 10, *available at*:

[https://lims.dccouncil.gov/downloads/LIMS/38265/Committee\\_Report/B22-0317-CommitteeReport1.pdf?Id=62306](https://lims.dccouncil.gov/downloads/LIMS/38265/Committee_Report/B22-0317-CommitteeReport1.pdf?Id=62306). See also Anne Cunningham, Testimony Before the DC Council

Committee of the Whole (July 3, 2018), p. 5, *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/Childrens-Law-Center-Testimony-COW-DCRA-Bills-Hearing-7.3.18-Final.pdf>.

<sup>61</sup> 2024 Department of Buildings Performance Oversight Responses, response to Q9, *available at*:

<https://lims.dccouncil.gov/Hearings/hearings/241>

<sup>62</sup> *Id.*

<sup>63</sup> Council of District of Columbia Committee of the Whole, Report on Bill 22-317, the "Department of Consumer and Regulatory Omnibus Amendment Act of 2018" (December 4, 2018), p. 9, *available at*:

[https://lims.dccouncil.gov/downloads/LIMS/38265/Committee\\_Report/B22-0317-CommitteeReport1.pdf?Id=62306](https://lims.dccouncil.gov/downloads/LIMS/38265/Committee_Report/B22-0317-CommitteeReport1.pdf?Id=62306)

<sup>64</sup> *Id.*