



250 Massachusetts Ave. NW, Suite 350  
Washington, DC 20001  
T 202.467.4900 • F 202.467.4949  
[www.childrenslawcenter.org](http://www.childrenslawcenter.org)

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

Patrick Cothorn  
Policy Attorney  
Children's Law Center

## **Introduction**

Good morning, Chairman Mendelson, and members of the Committee. My name is Patrick Cothorn. I am a Policy Attorney at Children’s Law Center and a resident of Ward 8. 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 our client families.<sup>1</sup>

Negligent or unscrupulous landlords put tenants in an unsafe and unhealthy position when they fail to maintain a property in compliance with the District’s housing code.<sup>2</sup> DOB needs to effectively secure the prompt correction of existing code violations and incentivize landlords to invest in regular repairs and maintenance to prevent violations.

Over the past several years, and particularly over the last several months, this Committee and the Council have devoted substantial attention to DOB and housing code enforcement.<sup>3</sup> Children’s Law Center appreciates this sustained oversight, and we acknowledge that DOB has made incremental progress. We have observed greater transparency through public dashboards, efforts to address staffing shortfalls, and an increased willingness to engage with advocates and the Council.<sup>4</sup>

At the same time, we urge this Committee to push DOB for continued improvement. A housing code is only meaningful if it is enforced promptly, transparently, and with the lived realities of tenants at its center. These factors remain unachieved as the current situation remains largely consistent with this Committee’s January 2024 conclusion that DOB was “broken and in need of repair.”<sup>5</sup>

DOB should be evaluated by the time from complaint intake to verified abatement of code violations, with explicit expectations for expedited resolution of life-safety violations.<sup>6</sup> Currently, DOB is not successful under this standard.

The cause of DOB’s difficulties is not a lack of authority. Rather, it is a failure to convert existing authority into outcomes, compounded by layered inefficiencies. DOB’s ongoing challenges are not attributable to a single cause. They reflect systemic failures related to enforcement tools, adjudication capacity, and interagency coordination. The wide range of contributing factors necessarily means that there are many potential paths to reducing barriers. My testimony will describe these and will begin with a focus on the

most important fixes, those that would be the most readily implementable and the most impactful.

I will focus my testimony on four areas where improvement is both necessary and achievable: use of the nuisance abatement fund, code enforcement adjudications, coordination with partner agencies, and relationships with District tenants. Our suggestions in each of these areas would each remove a specific barrier DOB faces in converting their authority to abatement of code violations, ultimately improving DOB's performance.

**DOB Could Ensure Better Housing Conditions if Given Sufficient Funding and Collection Authority.**

A fundamental duty for DOB is conducting housing code inspections, citing any violations of code requirements, and bringing corresponding enforcement action.<sup>7</sup> When evaluating DOB's performance in this area, it is important to consider DOB's ultimate objective – protecting the health and safety of District residents by ensuring compliance with the housing code.<sup>8</sup> However, Council oversight questions and DOB key performance indicators (KPIs) have long measured this indirectly, by tracking the number of inspections performed, the amount of fines assessed and collected, referrals made to the Office of the Attorney General, and targeted enforcement efforts.<sup>9</sup> In a change new for FY 2026, DOB has implemented a KPI tracking the abatement of code violations.<sup>10</sup>

While we are happy to see DOB begin to track this information, we encourage DOB and the members of this Committee to consider the remediation of healthy and

safety considerations as the primary performance element. In doing so, focus will shift from administrative efficiency to the factor important to our client and District residents at large.

Shifting focus to reducing code violations also reveals a conceptual gap in current DOB performance efforts. Two primary vehicles exist for DOB to prompt abatement. The first is to bring litigation at OAH seeking the imposition of a fine. This is indirect enforcement, as OAH cannot order violation abatement, only impose a fine with the hope that it induces the landlord to perform abatement. The second vehicle is significantly more direct. Through the nuisance abatement fund, DOB can skip litigation entirely and simply fix the code violation, either with its own staff or with contractors.

DOB should expand the scale and scope of performed direct abatements, retain collected fines and liens in the nuisance abatement fund, and scale the fund to address serious health and safety violations. DOB already possesses a powerful but underutilized tool to directly address housing code violations, the nuisance abatement fund.<sup>11</sup> District law authorizes DOB to use this fund to abate violations itself when landlords fail to act, yet in practice the fund is limited in scope,<sup>12</sup> and largely used for relatively minor issues such as trimming overgrown lawns or trash removal.<sup>13</sup> This represents a missed opportunity to address serious health and safety hazards promptly.

*Compared to OAH Adjudications, Direct Abatement Prompts Repairs Faster, is Inherently More Reliable, and Better Protects Families from Prolonged Harm.*

Direct abatement (work performed by DOB or by one of its contractors) is often faster and more reliable than waiting for landlord compliance, particularly where life-safety issues are involved.<sup>14</sup> For tenants, this approach reduces prolonged exposure to harmful conditions and eliminates uncertainty of whether a landlord will eventually make repairs.<sup>15</sup> It also provides greater assurance that work is performed correctly. DOB will inherently be able to review its own work in greater detail and speed than it can review and approve a landlord's repairs. For an example of a successful utilization of the nuisance abatement fund, consider that DOB expended \$100,000 to replace water heaters at one development, an effective use of funds to address an urgent housing code violation.<sup>16</sup>

Some may worry that expanded use of the fund subsidizes landlord neglect. This is not the case. Each expenditure is fully recoverable through tax liens equal to the costs incurred rehabilitating properties.<sup>17</sup> DOB has repeatedly stated that its recovery rate for amounts assessed by liens exceeds those for fines imposed by OAH.<sup>18</sup> This is expected because property owners are economically incentivized to clear title encumbrances, particularly those imposed by the government.<sup>19</sup>

*Allow DOB to Reinvest Collected Fines and Liens into the Nuisance Abatement Fund.*

Children's Law Center encourages this Committee to ask DOB what it would need to fully implement its existing statutory authority to retain and reinvest collected fines and liens into the nuisance abatement fund.<sup>20</sup> Doing so would support a self-sustaining

enforcement model that prioritizes outcomes for tenants without requiring new appropriations. We further urge this Committee to collaborate with DOB, the Office of the Budget Director, and any other necessary entity to find what threshold level of funding would be necessary for the nuisance abatement fund to become self-sustaining, or to explore other potential means for bringing additional resources to the fund.

*An Expanded Nuisance Abatement Fund is an Immediate Solution Consistent with Public Health Goals.*

Maintaining fines and liens in the nuisance abatement fund is one of the most immediate ways to improve housing conditions for vulnerable families. It leverages existing statutory authority and revenue streams without waiting for new legislation.<sup>21</sup> Every dollar redirected to abatement accelerates repairs in unsafe properties, reduces exposure to hazardous conditions, and prevents displacement. Beyond efficiency, this model is normatively sound. Enforcement actions generate tangible improvements instead of simply imposing penalties, creating a cycle where bad actors fund the very solutions that protect tenants.

This recommendation is foundational: without adequate direct abatement capacity, DOB's enforcement authority cannot reliably translate into timely correction of violations. Greater utilization of the nuisance abatement fund, and the necessary accompanying funding, will directly lead to greater rates of code-violation abatement, reduce the number of cases filed at the over-encumbered OAH, reduce the time that tenants are exposed to unhealthy housing conditions.

## **Address the Adjudication Bottleneck by Expanding DOB and OAH Adjudication Capacity to Ensure Timely and Effective Enforcement.**

We noted above that there are two enforcement paths open to DOB – to repair the code violations themselves through the nuisance abatement fund, or to seek the imposition of a fine to influence landlords to take action. While we have suggested rebalancing DOB’s resource distribution to favor the nuisance abatement fund, it is also important to improve agency performance before OAH.

Enforcement efforts proceeding via OAH litigation must navigate a bottleneck of slow case processing times.<sup>22</sup> OAH recently acknowledged this at their own FY 2025 performance oversight hearing,<sup>23</sup> but this can also clearly be seen within DOB’s performance dashboard. The “Enforcement” sub-dashboard shows that in FY 2025, 15,231 Notices of Infraction were issued.<sup>24</sup> Of those, 8,811, with a collective face value of over \$27 million, remained open and are awaiting adjudication at OAH.<sup>25</sup> The sizable number of cases that are open and awaiting a hearing is a clear backlog.<sup>26</sup> While the numbers above identify administrative inefficiencies, consider that each violation represents an unsafe or unsanitary condition that a District family must live with, and every uncollected dollar represents unimplemented deterrence.

Part of the reason for this backlog is that OAH has, because of the case backlog, elected to focus on public benefits cases over other matters,<sup>27</sup> which leaves DOB cases lingering.

Delays in adjudication convert nominal enforcement into theoretical enforcement and undermine accountability. When cases languish at the OAH for months or longer, landlords learn that delay pays, and families remain in unsafe housing. To restore accountability, the District must prioritize abatement of violations and adjudication. Expanding adjudication capacity not only improves efficiency but directly reduces the time families are forced to live in unsafe housing while cases linger. We have testified about this bottleneck before this Committee and others.<sup>28</sup> In short, reviewing the available data indicates that code infractions are being discovered and cited at a rate faster than cases are resolved.<sup>29</sup> There are thousands of cases lingering at OAH, and that number will only grow if current practices continue.<sup>30</sup> We recommend this Committee take two steps to minimize this problem.

First, we ask the Committee to provide DOB and OAH with resources sufficient to expand their adjudication capacity and modernize case management systems. Specifically, we are asking for \$2.5 million for DOB and \$1.5 million for OAH. These investments will reduce case processing times, shrink the housing code backlog, and shorten the period families are forced to live with unresolved violations.

This request complements our earlier recommendation to strengthen the nuisance abatement fund. Direct abatement reduces the number of cases that reach OAH, while expanded adjudication capacity ensures that remaining cases move swiftly. Together,

these measures will transform enforcement from slow and uncertain to timely and effective.

*Authorize DOB Utilization of Non-Attorney Representatives for Routine Cases Before OAH.*

Second, to expand DOB's case processing capabilities, we recommend authorizing DOB to hire and train non-attorney full-time employees to represent the agency in routine OAH hearings. An empirical study of case outcomes at OAH found that non-attorney representatives, while not as effective as an attorney, the gap was small, and the non-attorneys provided a meaningful improvement on outcomes compared to those without representation.<sup>31</sup> These non-attorney DOB employees could be trained by the attorneys to present routine cases.<sup>32</sup> This approach would free licensed attorneys to focus on complex matters while improving overall efficiency. This authority should be limited to routine housing code matters and accompanied by clear supervision and training standards.<sup>33</sup>

### **Improve Interagency Coordination and Establish Robust Information Sharing to Close Enforcement Gaps.**

*Housing Code Enforcement Must Be Coordinated Across Agencies to Eliminate Fragmentation.*

Housing enforcement in the District is fragmented across multiple agencies, each with partial authority. DOB, DOEE, DLCP, the Office of the Attorney General, and others all hold pieces of the puzzle.<sup>34</sup> Tenants, however, are left to navigate gaps they cannot see and cannot control. This fragmentation results in missed opportunities. Enforcement data is not consistently integrated into licensing decisions, and coordination among agencies

addressing mold, lead, and housing code violations remains uneven. As a result, serious issues persist longer than necessary.

To address these systemic failures, the District must implement regularized and automated information sharing among enforcement agencies. Clear pathways for escalation when violations persist would significantly improve outcomes. These reforms would allow agencies stop acting in isolation and to function as a cohesive enforcement system.

Each of the following recommendations addresses a specific coordination failure that currently delays abatement and allows serious hazards to persist.

*DOB Needs Assistance from Partners to Unveil Enforcement Blind Spots.*

When DOB brings enforcement cases, the respondent is frequently a business entity.<sup>35</sup> To be an effective regulator, this means DOB needs information on entity registration and the ownership of those entities. The Department of Licensing and Consumer Protection (DLCP) collects and retains that information.<sup>36</sup> As we have previously testified, DLCP could do more to assist DOB's enforcement efforts. Accordingly, we urge DOB to enter into an inter-agency agreement with DLCP to integrate beneficial owner information into DOB's enforcement databases and use it when planning targeted strategic enforcement.

*DOB Needs Assistance from Partners to Conduct Health-Risk Escalation.*

Lead and mold are toxic substances posing significant health concerns to District tenants.<sup>37</sup> DOB's area of expertise lies in code enforcement, construction, and zoning. DOB's partner agencies, the Department of Energy and Environment (DOEE) and DC Health have expertise in mold and lead, respectively.<sup>38</sup> To assist DOB's ability to regulate the District's built environment, DOB needs to establish partnerships specific to address those areas. Accordingly, we would ask DOB and DOEE to coordinate mold enforcement. With DC Health,

*DOB Needs Assistance from Partners to Formally Escalate Cases When Appropriate.*

Lacking in DOB's toolkit is a method to formally escalate cases. The potential for escalation is a powerful factor in fostering the deterrent effect of an adversarial system.<sup>39</sup> A formalized escalation process also ensures that cross-agency ties persist as agency staff attrition. Accordingly, we recommend this Committee direct DOB and OAG to establish a formal referral pathway for temporary restraining orders (TROs) in cases involving imminent risk to health or safety, with defined triggers and timelines.

Finally, we also request that DOB be regularly asked during performance oversight hearings to describe efforts made to find new opportunities for collaborative enforcement efforts, and that this Committee regularly host a housing-code roundtable for all involved agencies to publicly describe their attempts at greater collaboration.

We urge this Committee to monitor and require DOB to take specific collaborative steps. Specifically, we encourage this Committee to direct DOB to publish joint MOUs

and implement within 120 days of this hearing that each go towards addressing three functional coordination failures: enforcement blind spots, health-risk escalation, and a lack of formal escalation pathways. We also encourage DOB to develop KPIs by the end of FY26 that will track the interactions between agencies. The agency does not currently appear to monitor this.<sup>40</sup> For example, while the agency can identify the cases it has referred to OAG, they do not identify the owner, the violations involved, or the results of OAG's work.<sup>41</sup> Collaboration with DLCP and DOEE is not formalized and apparently not tracked, as the only reported interactions between DOB and these two agencies are an MOU to develop software together and a statement that it would be worthwhile for DOB to better coordinate with DLCP.<sup>42</sup> Despite the stated focus on health and safety, there is no reported coordination with DC Health.<sup>43</sup> While we do not doubt that DOB coordinates with its government partners, these items can certainly be further built up. DOB can improve its ability to deliver positive results for District residents by entering more substantive relationships and by fleshing out those relationships into something routine, formalized, and not reliant on personal connections or other informalities.

**Adopt a Tenant-First Approach and Embed Communication and Responsiveness in Enforcement Practices.**

Tenants should not bear the burden of navigating enforcement systems that were designed to regulate landlords. Yet under current practice, tenants reporting unsafe housing often confront unclear timelines, limited visibility into case status, and an expectation that they shoulder the burden of repeated reporting.<sup>44</sup> Children's Law Center

urges DOB to more explicitly center tenants in its enforcement culture. This approach undermines trust and leaves families in harm's way. Tenants were told to "just file another complaint" when seeking updates, an approach that shifts agency responsibility onto residents and delays resolution.<sup>45</sup> When communication stalls or progress is unclear, the burden shifts onto individuals already living in unsafe conditions and signals to tenants that enforcement is not imminent.

Instead, DOB should issue written notices at inspection, include clear timelines, and designate a case owner responsible from inspection through abatement. Tenant-centered enforcement requires proactive status updates and agency ownership of cases without requiring repeated reporting from residents. Administrative efficiency should support, not undermine, dignity, safety, and trust.

Performance in this area can be monitored and reinforced through clear public KPIs that track communication and responsiveness. At minimum, the public enforcement dashboard should provide tenants with automatic status notices at key complaint milestones; retain records of complaint closure dates; display linked OAH outcomes, including whether violations were abated, paid, or settled; integrate data from the Housing Conditions Calendar to reflect the full enforcement ecosystem; and track time from complaint intake to abatement, escalation events, and unresolved life-safety violations. These KPIs should be treated as oversight benchmarks, not internal management goals.

## Conclusion

Housing code enforcement is a public health function, and the Council's oversight and budget decisions will determine whether recent inspection gains translate into timely abatement that protects children and families. The central question for oversight should be whether life-safety violations are resolved in weeks rather than months, and whether tenants experience abatement before cases stall in adjudication. When enforcement is delayed or ineffective, children are exposed to preventable harm, and families are forced to endure conditions that undermine stability and well-being. The Council created DOB to address these challenges, and the statutory authority, funding mechanisms, and enforcement tools to do so largely already exist. Coordination and implementation improvements will enable DOB to successfully meet its mission.

Children's Law Center appreciates the Committee's continued oversight and is available to assist in advancing reforms that ensure housing code enforcement is prompt, coordinated, and centered on the lived realities of District tenants.

Thank you for the opportunity to testify, and I am available to answer any questions.

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<sup>1</sup> See, e.g., Kathy Zeisel, CHILDREN'S LAW CENTER, Testimony Before the District of Columbia Council, Committee of the Whole (Dec.10, 2019), *available at*: [https://lms.dccouncil.gov/downloads/LIMS/41724/Hearing\\_Record/B23-0091-HearingRecord1.pdf?Id=58371](https://lms.dccouncil.gov/downloads/LIMS/41724/Hearing_Record/B23-0091-HearingRecord1.pdf?Id=58371); Christina M. Simpson, CHILDREN'S LAW CENTER, Testimony Before the District of Columbia Council, Committee of the Whole (Sep. 21, 2022), *available at*: <https://childrenslawcenter.org/resources/testimony-implementation-of-law-23-269-the-department-of-buildings-establishment-act-of-2020/> ; Kathy Zeisel, CHILDREN'S LAW CENTER, Testimony Before the District of Columbia Council, Committee of the Whole (Feb. 23, 2023), *available at*: <https://childrenslawcenter.org/resources/fy23-oversight-testimony-department-of->

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*buildings/*. See also Change Lab Solutions, *Up to Code: Code Enforcement Strategies for Healthy Housing*, 2015, p. 3, *available at*: [https://nchh.org/resource/changelab-solutions\\_up-to-code\\_code-enforcement-strategies-for-healthy-housing/](https://nchh.org/resource/changelab-solutions_up-to-code_code-enforcement-strategies-for-healthy-housing/).<sup>7</sup> (“Local code enforcement programs are often the first line of defense in ensuring safe and healthy housing for residents.”).

Through our Healthy Together medical-legal partnership, our attorneys work closely with health care providers to address housing conditions that exacerbate asthma, cause chronic illness, and undermine children’s development. We see firsthand how housing code violations affect District residents. We regularly provide legal representation to 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.

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 Court, <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>2</sup> See e.g., Andria Chatmon, Empower DC, *Testimony Before the District of Columbia Council Committee of the Whole* (Dec. 5, 2025), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/2007>.

<sup>3</sup> In October 2025, the Committee on Public Works and Operations held a hearing on legislation that could ease the DOB housing code enforcement process.<sup>3</sup> That same month, the Committee Housing held a roundtable to discuss housing conditions and housing code enforcement,<sup>3</sup> and in January 2024, this Committee held a hearing to discuss its findings from a monthslong review of DOB’s housing inspection process. Makenna Osborn, CHILDREN’S LAW CENTER, *Testimony Before the District of Columbia Council, Committee of the Whole* (Jan. 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>.

<sup>4</sup> See Department of Buildings, Office of Strategic Code Enforcement, *Fiscal Year 2024 Annual Report*, 18, *available at*: <https://dob.dc.gov/page/enforcement-action> (tracking DOB’s progress towards goals it established for itself by February 2025. Since then, DOB has continued to improve, performing more inspections that ever before. See Keith David Parsons, Department of Buildings, *Testimony Before the District of Columbia Council, Committee of the Whole* (Dec. 5, 2025), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/2007> (reporting on DOB’s improvements over the last several years).

<sup>5</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* (hereafter “*Report: Broken and in Need of Repair*”) (Jan. 18, 2024), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/211>.

<sup>6</sup> See *Report: Broken and in Need of Repair*.

<sup>7</sup> D.C. Law 23-269, Department of Buildings Establishment Act of 2020.

<sup>8</sup> Department of Buildings, *About DOB*, *available at* <https://dob.dc.gov/page/about-dob> (“The mission of the District of Columbia Department of Buildings is to protect the safety of residents, businesses, and

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visitors and advance the development of the built environment through permitting, inspections, and code enforcement.”).

<sup>9</sup> Department of Buildings, Department of Buildings 2026 Performance Oversight Hearing Questions, 51-74, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/2159>.

<sup>10</sup> *Id.* at 50.

<sup>11</sup> Authorized by D.C. CODE § 42-3131.01(b)(1)(A), Title 42. Real Property, Ch.31A. Abatement of Nuisance Property.

<sup>12</sup> *Compare* FY 2025 Approved Budget for the District of Columbia Government, Department of Buildings, Schedule 80, F-21, <https://cfo.dc.gov/node/1782976> (the amount in the Nuisance Abatement Fund approved for the start of FY 25 was approximately \$6,756,000) *with* FY 2026 Approved Budget for the District of Columbia Government, Department of Buildings, Schedule 80, F-21, <https://app.box.com/s/4zq8z0r6quhyxd7cm798iwqodfeh8pn> (the amount in the Nuisance Abatement Fund for FY 26 was \$7,069,000).

<sup>13</sup> *See* District of Columbia Department of Buildings, Testimony Before the District of Columbia Council, Committee of the Whole, *DOB Nuisance Abatement Fund Expenditure FY24-FY25*, (Feb. 25, 2025), *available at* <https://lims.dccouncil.gov/Hearings/hearings/657> (a document submitted for a DOB performance oversight hearing showing how money within the nuisance abatement fund was spent). *See also* Department of Buildings, Department of Buildings 2026 Performance Oversight Hearing Questions, 56-71 *available at* <https://lims.dccouncil.gov/Hearings/hearings/2159> (listing the projects funded by the Nuisance Abatement Fund. Site visits, site cleaning, and the installation of smoke detectors make up most of the listed items).

<sup>14</sup> The Department of Buildings has stated this position several times. *See* Department of Building Office of Strategic Code Enforcement, *Fiscal Year 2024 Annual Report*, 6, *available at*: <https://dob.dc.gov/page/enforcement-action>; Empower D.C., *Empower D.C. Tenants Meeting with Dept. of Buildings*, YOUTUBE (Sep. 29, 2025), <https://www.youtube.com/watch?v=HIDQNsY4tZs&t=5415s> (preference for using nuisance abatement fund stated by DOB official); Department of Building Office of Strategic Code Enforcement, *Fiscal Year 2024 Annual Report*, 9, *available at*: <https://dob.dc.gov/page/enforcement-action> (implicitly favoring direct abatement via the nuisance abatement fund by stating that because of the routine duration of OAH, “collection takes many moths if not longer”); Department of Building Office of Strategic Code Enforcement, *Fiscal Year 2023 Annual Report*, 5, (Feb. 24, 2024) *available at*: <https://dob.dc.gov/sites/default/files/dc/sites/dob/2024-02-26%20OSCE%20Yearly%20Enforcement%20Report.pdf> (implicitly stating the same).

<sup>15</sup> *See e.g.*, District of Columbia Council, Committee on Housing, Public Roundtable, “*From Neglect to Respect: Raising the Standard for DC Housing*,” (District of Columbia 2025), [https://dc.granicus.com/ViewPublisher.php?view\\_id=58](https://dc.granicus.com/ViewPublisher.php?view_id=58) (link leads to a list of recording testimony, scroll to the October 30, 2025, hearing held by the Committee on Housing. District residents provide testimony of their troubling experiences).

<sup>16</sup> *See* Department of Buildings, Department of Buildings 2026 Performance Oversight Hearing Questions, 72-73, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/2159>.

<sup>17</sup> D.C. CODE § 42-3131.01(a)(1) Title 42. Real Property, Ch.31A. Abatement of Nuisance Property.

<sup>18</sup> *See id.* (“... the Mayor of the District of Columbia is authorized to: Cause such condition to be corrected; assess the fair market value of the correction of the condition or the actual cost of the correction, whichever is higher, and all expenses incident thereto (including the cost of publication, if any, herein provided for ...”).

<sup>19</sup> This results because such liens are assigned first priority. Peter Jensen, *Property Taxation in the United States*, 307, (1931) (“It should be a relatively simple matter to collect the tax, once it has been extended on the roll and a proper warrant has made it a legally collectible claim. On paper, at least, the collector has

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adequate legal authority; the tax is usually prior to all other claims; barring fraud and illegality in the, levy and assessment nothing should stay the collection.”).

<sup>20</sup> The Nuisance Abatement Fund is authorized to be funded by all possible revenue sources for the fund, including taxes, fees, penalties, grants, donations, interest, and enforcement recoveries. D.C. CODE § 42-3131.01(b)(1)(B)-(b)(2).

<sup>21</sup> *Id.*

<sup>22</sup> Council of the District of Columbia, Committee of the Whole, Committee Report, *Report on The District’s Housing Code Inspection Process: Broken and In Need of Repair* (Jan. 18, 2024), 29-30, available at: <https://lims.dccouncil.gov/Hearings/hearings/211> (providing figures and analysis of a backlog of cases filed at OAH).

<sup>23</sup> District of Columbia Committee on Public Works and Operations, *Public Oversight Hearing* (District of Columbia, 2026), [https://dc.granicus.com/viewpublisher.php?view\\_id=2](https://dc.granicus.com/viewpublisher.php?view_id=2) (link leads to a list of recording testimony, scroll to the hearing held December 26, 2025).

<sup>24</sup> Department of Buildings (DOB), Public Dashboard, available at: <https://dob.dc.gov/page/agency-performance-dob>.

<sup>25</sup> *Id.*

<sup>26</sup> See Eleni P. Christidis, Legal Aid DC, Testimony Before the District of Columbia Council Committee of the Whole, 5, (Feb. 25, 2025), available at: <https://www.legalaiddc.org/media/4222/download?inline> (providing figures looking back to 2018);

<sup>27</sup> District of Columbia Committee on Public Works and Operations, *Public Oversight Hearing* (District of Columbia, 2026), [https://dc.granicus.com/viewpublisher.php?view\\_id=2](https://dc.granicus.com/viewpublisher.php?view_id=2) (link leads to a list of recording testimony, scroll to the hearing held December 26, 2025).

<sup>28</sup> See e.g., nn. 4-5, *supra*.

<sup>29</sup> *Report: Broken and in Need of Repair* at 1, (presenting findings that the current housing code inspection process contains “unnecessary delays,” and that violations “are not abated within the time frames required by notices of infraction.”); Morgan Baskin, DCIST, ‘Broken and in Need of Repair’: D.C. Council Audit Finds Fault in Housing Inspections System, (Jan. 19, 2024) available at <https://dcist.com/story/24/01/19/dc-council-audit-housing-inspections/> (news article reporting on the report cited immediately prior and adding additional context); Anne Cunningham, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole (Oct. 31, 2018), available at [https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-Housing-Code-Enforcement-Dahlgreen-Courts-Case-Study-by-ODCA\\_0.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-Housing-Code-Enforcement-Dahlgreen-Courts-Case-Study-by-ODCA_0.pdf) (testimony that DOB’s predecessor agency, DCRA, experienced the same issues).

<sup>30</sup> See *Report: Broken and in Need of Repair*.

<sup>31</sup> Anna E. Carpenter, Alyx Mark, and Collen F. Shanahan, *Trial and Error: Lawyers and Nonlawyer Advocates*, 42 LAW & SOC. INQUIRY 1023 (2017).

<sup>32</sup> See *id.* at 1052-53 (suggesting that non-attorney advocates could be organized into a system wherein they receive light training to develop their capabilities, and that they could call on licensed attorneys for assistance).

<sup>33</sup> *Id.*

<sup>34</sup> D.C. Law 20-135, Air Quality Amendment Act of 2013. (DOEE authority to regulate mold in housing); D.C. CODE § 29-102.01 (DLCP authority to regulate housing businesses); D.C. CODE § 1-301.81(a)(1), Title 1. Government Organization, Ch 3. Specified Governmental Powers and Responsibilities (granting OAG authority to bring and intervene in legal proceedings in the public interest). See also DC Health, Healthy Housing Program, available at: <https://dchealth.dc.gov/service/healthy-housing-program-0> (describing DC Health’s role in inspecting homes for healthy risks).

<sup>35</sup> See n. 34, *supra*.

<sup>36</sup> D.C. CODE § 29-102.01, Title 29. Business Organizations. Ch 1. General Provisions

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<sup>37</sup> Bruce Perrin Lanphear, et. al., American Academy of Pediatrics Council on Environmental Health Prevention of Childhood Lead Toxicity, 138 PEDIATRICS 1, 1-5 (July 1, 2016), available at <https://nmtracking.doh.nm.gov/contentfile/pdf/health/poisonings/lead/PreventionofChildhoodLeadToxicity.pdf> (“very high blood lead concentrations (eg, >100 µg/dL) can cause significant overt symptoms, such as protracted vomiting and encephalopathy, and even death ...”); 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://lims.dccouncil.gov/downloads/LIMS/41819/Committee\\_Report/B23-0132-](https://lims.dccouncil.gov/downloads/LIMS/41819/Committee_Report/B23-0132-Committee_Report3.pdf?Id=115313)

[Committee\\_Report3.pdf?Id=115313](https://lims.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>38</sup> See Keith Keemer, Indoor Mold Department of Energy and Environment, 4, (2023) available at: <https://www.eli.org/sites/default/files/files-pdf/Keith%20Keemer%20Presentation.pdf> (DOEE and mold); DC Health, Healthy Housing Program, available at: <https://dchealth.dc.gov/service/healthy-housing-program-0> (DC Health and lead).

<sup>39</sup> See David A. Dana, *Rethinking the Puzzle of Escalating Penalties for Repeat Offenders*, 110 YALE L. J. 733, 736 n.4 (2001) (collecting sources that discuss the theories behind escalation).

<sup>40</sup> See Department of Buildings, Department of Buildings 2026 Performance Oversight Hearing Questions, 72-73, available at: <https://lims.dccouncil.gov/Hearings/hearings/2159>.

<sup>41</sup> See *id.* at 54-56.

<sup>42</sup> *Id.* at 20-21, 49.

<sup>43</sup> See generally, *id.*

<sup>44</sup> Empower D.C., *Empower D.C. Tenants Meeting with Dept. of Buildings*, YOUTUBE, (Sep. 29, 2025), <https://www.youtube.com/watch?v=HIDQNsY4tZs&t=5415s>.

<sup>45</sup> *Id.*