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Testimony Before the District of Columbia Council
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Introduction

Good morning, Chairperson Pinto, and members of the Committee. My name is Patrick Cothorn. I am a Policy Attorney at Children's Law Center (CLC) and a resident of Ward 8. CLC 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.

At CLC, our work often brings us into contact with the Office of the Attorney General (OAG) – as counsel in family court cases and as a partner in protecting tenants and in the development of law and policy that impacts the children and families we work with. Over the past year, we have appreciated OAG's efforts to pursue safe and healthy housing for low-income tenants and their partnership in improving the District's child welfare system. Our testimony today arises from our experience working with OAG in these areas.

OAG's Public Advocacy Division Promotes Stable and Healthy Housing for District Tenants

Poor housing conditions and housing instability can profoundly impact a child's well-being.¹ Each year, CLC works with hundreds of District families living in rental housing with unsafe and unsanitary conditions like mold, pest infestations, and inadequate heat that are harming a child's health.² Many of these families feel properties with substandard conditions are their only option because those are the only landlords that will accept their rental subsidy.³ District law establishes standards that housing providers must meet.⁴ While legal service providers like CLC assist individual tenants with claims against their landlord for violating these standards, OAG addresses an entire property or a housing provider's portfolio through one lawsuit. OAG litigation is an important enforcement tool for securing remedies for District tenants and effectively deterring bad actors from violating the law.

The Housing and Environmental Justice Section Holds Landlords Accountable for Putting Tenant Health and Safety at Risk

The Department of Buildings (DOB) continues to struggle to prompt quality repairs performed by negligent landlords through its housing code enforcement mechanisms.⁵ Therefore, it is important that OAG's Housing and Environmental Justice Section uses its enforcement authority to investigate and litigate claims against the owners of rental properties with a history of harmful and unaddressed housing code violations.⁶ CLC appreciates that the Housing and Environmental Justice Section

regularly seeks input from tenant advocates about properties with the worst conditions and least responsive owners to help strategically guide their decisions about which properties to investigate. As a result, the landlords the Housing and Environmental Justice Section sue often own properties from which CLC has received a high number of referrals for health-harming conditions.

For example, in 2021 OAG filed a lawsuit against the owners and managers of Marbury Plaza for failing to maintain the property and exposing tenants.⁷ As a result of OAG's lawsuit, residents of the property received significant rent abatements in 2023.⁸ In February 2024 OAG secured the appointment of a receiver to take control of Marbury Plaza and ensure repairs are made to address "threats to [the] life, health, safety, and welfare" of residents.⁹ Recently, OAG obtained a forty-million dollar judgement against the owners of Marbury Plaza.¹⁰ OAG is working to enforce the judgement and defend the related appeal.

CLC has worked with families living in Marbury Plaza for years and observed the harmful impact the property's conditions have on children's health.¹¹ We commend the Housing and Environmental Justice Section for maintaining regular and open communication with CLC and other organizations representing individual tenants throughout the litigation. This allows our attorneys to keep clients informed about developments in an OAG case and update OAG's attorneys on outstanding housing code violations at a property impacting our clients.

Marbury Plaza is not the only example. In January 2025 OAG launched the Housing Protection and Affordability Initiative.¹² Through the initiative, OAG advances affordable housing through advocacy during the zoning process, enhance enforcement of the housing and property maintenance codes, address nuisance properties, collaborate with stakeholders throughout the residential real estate ecosystem, and improve coordination with other District agencies such as DOB. OAG also arranged a new position of Special Counsel for Housing and Property Maintenance Code Enforcement to partner with DOB.¹³

OAG has also been coordinating with DOB to address complex cases.¹⁴ For example, OAG intervened in a housing case involved at 5821 Dix Street.¹⁵ The housing provider did not have a Basic Business License or a Certificate of Occupancy, did not have a working fire suppression system; but was having tenants move in. OAG has worked with DOB on an Order to Correct.¹⁶

In summary, we appreciate OAG's efforts to hold District landlords accountable for poor conditions and their engagement with tenant advocates in these efforts. We ask this Committee to ensure OAG has the support and resources necessary to continue this important work.

OAG Continues to Be a Strong Partner in Child Welfare

Children's Law Center represents approximately half the children involved with the DC Child and Family Services Agency (CFSA) – several hundred children in foster

care and protective supervision each year.¹⁷ Through this casework, we are constantly interacting with attorneys from OAG's Family Services Division. As we have previously testified,¹⁸ Children's Law Center and OAG have built a strong working partnership over the years, meeting frequently to address case-specific issues and collaborate on policy and legislative efforts. Although we may not always share the same positions in our cases or our policy work, we believe that open communication and trust between our organizations will result in more effective problem-solving in our individual cases, as well as support the development of policy and law that can improve the lives of children and families in the District.

Over the past year, we have particularly appreciated OAG's engagement in developing and supporting new legislation in the child welfare space. First, OAG has worked closely with Children's Law Center, CFSA, and current and former foster youth to develop SOUL legislation establishing a new permanency option for older youth in foster care.¹⁹ Second, OAG, Children's Law Center, and attorneys representing birth parents in child abuse and neglect proceedings collaborated on draft legislation to update the definition of neglect in the D.C. Code.²⁰

Councilmember Parker introduced both pieces of legislation in October 2025. This Committee held a joint hearing with the Committee on Youth Affairs in November 2025 on both

OAG plays a critical role in supporting a child welfare system that is fair, effective, and centered on the best interests of children and families. Through its representation of District agencies and its independent authority to enforce District law, OAG is uniquely positioned to help identify systemic challenges, promote accountability, and advance reforms that improve outcomes for children involved with the child welfare system.

In partnership with the Child and Family Services Agency (CFSA), the Family Court, and community stakeholders, OAG works to ensure that child welfare proceedings are conducted in a manner that respects due process, prioritizes child safety and well-being, and advances timely permanency. This includes efforts to improve the quality and consistency of court practice, strengthen legal decision-making, and support reforms that reduce unnecessary system involvement while ensuring appropriate protections for children at risk.

OAG has also contributed to broader system-improvement initiatives aimed at addressing persistent barriers facing children and families, including challenges related to service access, placement stability, educational continuity, and coordination across agencies. Through litigation, policy engagement, and interagency collaboration, OAG seeks to support a child welfare system that is transparent, data-driven, and responsive to the needs of District families.

Conclusion

In closing, Children’s Law Center deeply appreciates OAG’s continued commitment to protecting District residents. OAG’s willingness to collaborate with advocates, to coordinate with sister agencies, and to take decisive enforcement action against negligent landlords has made a meaningful difference for the communities we serve. The examples at Marbury Plaza, Dix Street, and numerous other properties demonstrate the vital role OAG plays in holding. We look forward to continuing our partnership with OAG and the Council to ensure the District’s enforcement tools are robust, coordinated, and centered on the wellbeing of the children and families most impacted by poor housing conditions.

Thank you for the opportunity to testify today.

¹ Living in housing with substandard conditions is a consistent and strong predictor of emotional and behavioral problems in children and exposure to certain conditions, especially mold and pests, is closely associated with increased asthma prevalence and severity in children. Levine Coley et. al., *Poor Quality Housing Is Tied to Children’s Emotional and Behavioral Problems*, MacArthur Foundation: How Housing Matter (Sept. 2013), available at: <https://housingmatters.urban.org/sites/default/files/wp-content/uploads/2014/09/How-Housing-Matters-Policy-Research-Brief-Poor-Quality-Housing-Is-Tied-to-Childrens-Emotional-and-Behavioral-Problems.pdf>; Ganesh et. al., *The Relationship between Housing and Asthma Among School-Age Children*, Urban Institute (Oct. 2017), available at: https://www.urban.org/sites/default/files/publication/93881/the-relationshi-between-housing-and-asthma_2.pdf. Rent burden (paying over 30% of household income toward rent) and eviction are “significantly associated with higher mortality risk” likely due to renters prioritizing housing costs over spending on health-related needs, including preventive care. Graetz et. al., *The Impacts of Rent Burden and Eviction on Mortality in the United States, 2000-2019*, *Social Science & Medicine* 340 (2024). See also, Weitzman et. al., *Housing and Child Health*, 43 *Current Problems in Pediatric and Adolescent Health Care* 187 (Sept. 2013) (how the physical, chemical, and biological aspects of a child’s home impact their health and development).

² CLC’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/>.

³ *See e.g.*, Center on Budget and Policy Priorities, *Policy Basics: The Housing Choice Voucher Program*, *available at*: <https://www.cbpp.org/research/housing/the-housing-choice-voucher-program>; Local Rent Supplement Program (LRSP), which is funded by and Family Re-Stabilization Program (FRSP, commonly known as Rapid Re-Housing), DHS, “Rapid Rehousing for Individuals,” *available at*: <https://dhs.dc.gov/page/rapid-rehousing-individuals>.

⁴ *See* D.C. Mun. Regs. tit. 14, §§ 106, 301, 400-999 (housing code/warranty of habitability); DC Code § 8-231, Lead-Hazard Prevention and Elimination (elimination of lead-based paint hazards in properties with special protections for housing occupied by young children); DC Code § 8-241, Residential Indoor Mold Assessment and Remediation (requirements to assess and remediate of residential indoor mold); DC Code § 2-1402.21, Housing and Commercial Space: Prohibitions (protection from housing discrimination).

⁵ 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 (Jan. 18, 2024), *available at* <https://lims.dccouncil.gov/Hearings/hearings/211>.

⁶ Office of the Attorney General, About the Public Advocacy Division, *available at*: <https://oag.dc.gov/about-oag/our-structure-divisions/about-public-advocacy-division>; Office of the Attorney General, “How OAG Can Help,” *available at*: <https://oag.dc.gov/tenant-resources/how-oag-can-help>.

⁷ Office of the Attorney General, “AG Racine Files New Lawsuits Over Dangerous and Unlawful Conditions at Marbury Plaza and Two Other Apartment Complexes,” (July 2, 2021), *available at*: <https://oag.dc.gov/release/ag-racine-files-new-lawsuits-over-dangerous-and>.

⁸ Office of the Attorney General, “AG Schwalb Compels Owners of District Apartment Complexes – Including Foster House and Marbury Plaza – to Remedy Housing Conditions “(May 8, 2023), *available at*: <https://oag.dc.gov/release/ag-schwalb-compels-owners-district-apartment>.

⁹ Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 57 (Feb. 21, 2024), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/264>. Superior Court of the District of Columbia, Case No. 2021-CA-2209-B, Consent Order Appointing Receiver.

¹⁰ Office of the Attorney General for the District of Columbia, Attorney General Schwalb Secures \$41 Million for Marbury Tenants and District, (Nov. 10, 2025), *available at* <https://oag.dc.gov/release/attorney-general-schwalb-secures-41-million>.

¹¹ Children’s Law Center receives a particularly high number of referrals for families living at Marbury Plaza because it is such a large complex—674 units and approximately 2,500 residents—and close to Children’s National’s Anacostia clinic in Ward 8, one of the pediatric providers CLC has a medical-legal partnership with. *See* Maria Godoy, “When Landlords Won’t Fix Asthma Triggers Like Mold, Doctors Call in the Lawyers,” NPR (Nov. 20, 2023), *available at*: <https://www.npr.org/sections/health-shots/2023/11/20/1213555737/asthma-mold-housing-medical-legal-partnership>; Office of the Attorney General, “AG Schwalb Compels Owners of District Apartment Complexes – Including Foster House and Marbury Plaza – to Remedy Housing Conditions “ (May 8, 2023), *available at*: <https://oag.dc.gov/release/ag-schwalb-compels-owners-district-apartment>.

¹² Office of the Attorney General for the District of Columbia, Attorney General Schwalb Announces Initiative Prioritizing Housing Protection and Affordability, (Jan. 13, 2025), *available at* <https://oag.dc.gov/release/attorney-general-schwalb-announces-initiative>.

¹³ FY 2025 Office of the Attorney General Performance Oversight Responses, response to Q 18.

¹⁴ *Id.* at response to Q 37.

¹⁵ Office of the Attorney General for the District of Columbia, Attorney General Schwalb Sues Developer of New Ward 7 Apartment Building for Dangerous, Illegal Construction, (Aug. 26, 2025), *available at* <https://oag.dc.gov/release/attorney-general-schwalb-sues-developer-new-ward-7>.

¹⁶ *Id.*

¹⁷ Children’s Law Center, About Us, *available at*: <https://www.childrenslawcenter.org/content/about-us>.

¹⁸ Danielle Robinette, CHILDREN’S LAW CENTER, Testimony Before the District of Columbia Council, Committee on the Judiciary & Public Safety (Feb. 25, 2025), *available at* <https://childrenslawcenter.org/resources/2024-25-performance-oversight-testimony-office-of-the-attorney-general/>.

¹⁹ B26-0399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*.

²⁰ B26-0400, *Statutory Neglect Amendment Act of 2025*.