



501 3<sup>rd</sup> Street, NW · 8<sup>th</sup> Floor  
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 on Transportation and the Environment  
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Public Hearing:  
Performance Oversight Hearing  
Department of Energy & Environment

Patrick Cothern  
Policy Attorney  
Children's Law Center

## **Introduction**

Good morning, Chairman Allen, and members of the Committee. My name is Patrick Cothorn. I am a Policy Attorney at Children's Law Center and a tenant in 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 about the performance of the Department of Energy & Environment ("DOEE"). Each year, Children's Law Center works with hundreds of families living in rental housing with poor conditions like pest infestations, water intrusion, and lack of heat that cause and exacerbate children's asthma and other health concerns; and lead to more emergency room visits, missed school for children, and missed work for parents.<sup>1</sup> Our clients, like all District residents, rely on DOEE to protect District residents from environmental health hazards inside their homes. Safe housing isn't simply a roof over one's head; it is a foundation for children's health, development, and opportunity.<sup>2</sup>

Today, I will address three areas where DOEE's performance needs improvement: (1) establishing clear, accountable practice standards for lead-related matters and coordinating effectively with DC Health; (2) strengthening mold inspection practices beyond visual assessments to include scientifically reliable testing; and (3) improving collaboration and public communication between DOEE and the Department of Buildings (DOB) to build efficiency and public awareness.

**For Lead-Related Matters, DOEE Must Develop Clear Practice Standards and Establish Coordination with DC Health.**

Lead exposure is a preventable but serious health risk for children.<sup>3</sup> Even very low levels of lead in a child's blood can cause lasting cognitive, behavioral, and developmental harm.<sup>4</sup> Young children absorb lead more readily than adults, and their developing nervous systems are particularly vulnerable.<sup>5</sup>

In the past fiscal year, the Healthy Homes program that was housed within DOEE transitioned to DC Health.<sup>6</sup> This transition has not been conducted in a clear manner, as there is a dearth of publicly available information on which lead-related responsibilities and functions remain at DOEE and which have moved to DC Health. Of most concern, however, is DOEE's demonstrated reluctance to use their existing authorities and legal mechanisms to enforce lead laws. Specifically, DOEE has authority to issue a citation for a violation of the lead standards and has authority to order the relocation of those exposed to lead.<sup>7</sup> In our experience, however, DOEE appears unwilling or unable to exercise these authorities.

For example, one of our direct services attorneys tried to coordinate with DOEE while representing a child exposed to lead-based paint. As described in her separate testimony before this Committee, while seeking DOEE's involvement, she was told that DOEE could not assist her client in relocation. My colleague was also not provided clear guidance on what conditions or standards would trigger this relocation assistance or an enforcement action.<sup>8</sup>

Additionally, DOEE's performance oversight responses do not indicate when action has been taken to address mold, or if any has been taken at all. For one response, DOEE wrote that to compel remediation of a risk of lead exposure the agency may issue administrative orders, notices of lead-based paint hazards, notices of infractions, cease and desist orders, or orders to relocate.<sup>9</sup> It does not provide further explanation for when those are provided, or how many have provided. Based on case data provided by the Office of Administrative Hearings, the entirety of DOEE only filed a little over 200 cases with OAH in all of FY 2025.<sup>10</sup> If DOEE is filing NOIs at OAH, it is not many.

DOEE further indicated that in FY 2025 it had four employed lead inspectors, and five at this time in FY 2026.<sup>11</sup> Across all of FY 2025, DOEE performed only 81 lead-based paint assessments.<sup>12</sup> With four inspectors, that suggests that each inspector took an average of over 12 calendar days to perform a single lead assessment. The New York City Housing Authority notified its tenants that a lead assessment for an entire apartment should take no more than an hour.<sup>13</sup>

Both our clients' experiences and DOEE's documented low levels of productivity related to lead enforcement all suggest that DOEE is reluctant to address lead exposure concerns in the District. DOEE's lack of transparent practice standards contributes to delayed or missed intervention, and ultimately to greater harm for children living in homes with unsafe lead exposure risks.

To rectify this, DOEE and DC Health must clarify the extent to which each agency has the responsibility to enforce (or support the enforcement of) lead violations. There are several specific steps we recommend DOEE take to do that. First, it is critical that DOEE and DC Health establish a formal, written interagency protocol that (1) defines roles and triggers for action when a child's health is at risk from lead hazards, (2) establishes clear timelines for response and escalation, (3) identifies a single point of contact for families and advocates, (4) posts this guidance publicly, and (5) conducts an awareness campaign so that residents and service providers understand when and where to go for assistance, and what to expect.

Second, DOEE needs to develop policy standards and/or guidance material establishing threshold criteria for when it will act to provide relocation assistance, and how and when it will conduct enforcement actions. This recommendation is made assuming that DOEE retains enforcement responsibility for lead – but as stated, it is not clear whether that authority remains with DOEE or has been transferred to DC Health. Whichever agency now holds the responsibility must take appropriate action.

We ask the Council to monitor DOEE's performance related to lead and to question DOEE about their processes, or lack thereof, for assisting families exposed to lead hazards.

**To Address Mold Concerns in Homes, the District Must Adopt Scientifically Reliable Testing Methodologies, Conduct Regular Inspections, and Bring Enforcement Action.**

Mold is more than a cosmetic issue, it is a serious health concern, the effects of which are amplified among populations with comparatively lower incomes.<sup>14</sup> It produces spores that, when present in indoor environments, can trigger asthma attacks, nasal and eye irritation, and other health problems; especially for children and individuals with respiratory sensitivities.<sup>15</sup> Among our clients' children, commonly experienced negative health effects, including frequent infections and exacerbated symptoms of asthma.<sup>16</sup>

While CLC and our clients look to DOEE, the agency charged with inspecting for the presence of mold and enforcing mold standards, the current level of enforcement falls short of what is needed. DOEE does not conduct inspections in a scientifically reliable manner – and it is unclear whether the agency is in fact still conducting mold inspections at all. Additionally, there are no enforcement actions being taken against landlords who do not address mold conditions.

*DOEE Must Perform Scientifically Reliable Mold Inspections to Be Efficacious and to Meet the Agency's Own Requirement to Utilize Best Practices.*

Current DOEE practices on mold testing are insufficient. The agency uses only visual inspections.<sup>17</sup> However, mold presence cannot reliably be confirmed or disproven

by visual review.<sup>18</sup> Scientific assessment, including moisture measurement, spore sampling, and laboratory analysis, are needed to find with certainty whether harmful conditions exist.<sup>19</sup>

This means that the DOEE's mold testing provides very little additional value compared to no testing at all.<sup>20</sup> DOEE's mold inspections are also inconsistent with their own requirements for mold assessments, as they require mold inspections to be conducted "according to industry best practices, and proper documentation and chain of custody procedures must be used."<sup>21</sup> Industry best practices are to use scientific testing, according to a trade group for mold remediators and inspectors.<sup>22</sup>

Visual assessments are not a substitute for scientific evaluation. Without testing that shows whether a harmful mold environment exists, families are left in uncertainty and continued risk. We ask the Council to question DOEE about their mold inspection processes and standards, and to make publicly available any responses DOEE provides.

*The Extent to Which DOEE is Conducting Mold Inspections is Unclear.*

We have also heard from other advocates and within a recent public hearing before the Committee of the Whole that DOEE's mold inspections are inconsistent or may have been halted altogether.<sup>23</sup> At best, DOEE is only conducting inspections in response to submitted complaints – and it is unclear whether the agency is responding to all submitted complaints or just a small number of them.<sup>24</sup> We have tried to reach out to

DOEE several times but have been unable to receive clarification from the agency regarding the scope and availability of their current mold inspection services.

To the extent that DOEE is not conducting mold inspections, they must reinstate that process. We ask the Council to question DOEE about the scope and frequency of their mold inspections, and whether and why there have been any periods of halted inspections. We also ask that the Council make publicly available any responses DOEE provides.

*The District Must Bring Enforcement Action for Violations of Mold Authorities.*

DOEE does not have enforcement authority to bring administrative cases against housing providers who violate District mold standards. Although the Residential Housing Environmental Safety Amendment Act of 2020 (RHESAA) granted this authority to the Department of Buildings (DOB), this legislation has not been funded and so is not in effect.<sup>25</sup> These enforcement actions would be conducted through the issuance of notices of infraction, with a subsequent hearing at the Office of Administrative Hearings (OAH).<sup>26</sup> However, it does appear that any enforcement action is occurring regarding mold. DOEE's performance oversight responses list the actions that they could take, but it does not list any enforcement action that has been taken regarding mold conditions.<sup>27</sup> If NOIs were being brought, they would be heard at OAH, whose own records indicate very few cases initiated by DOEE in FY 2025.<sup>28</sup>

Our clients' experiences further suggest that limited, if any, enforcement action is taken. Mold is a common issue, affecting half of our clients who retain us seeking assistance for a housing conditions matter. These clients come to us seeking assistance in landlord tenant court for their mold issues because landlords are not being prompted to address mold through enforcement action.

We therefore ask this Committee to host a roundtable with DOEE, DOB, other involved District agencies, and the public, to discuss the current state of mold inspections, how it may be improved, and how the District can best protect District residents and their families from mold hazards.

**DOEE and DOB Must Clarify Respective Roles to the Public Through Interagency Collaboration and Public Communication.**

The District must bring meaningful enforcement action against those who violate mold standards. It may be the most administratively efficacious path for the Council to enact legislation or fund the previously passed Residential Housing Environmental Safety Amendment Act of 2020 (with DOB taking the role of the former Department of Consumer and Regulatory Affairs (DCRA)). The Act would require DOB rental housing inspectors to become licensed mold assessors and to issue notices of violation and penalties for mold hazards. Children's Law Center strongly supports this legislation to use DOB's existing enforcement infrastructure and create a streamlined process for tenants.<sup>29</sup> Yet, the RHESAA remains unfunded and unimplemented.<sup>30</sup> The Fiscal Impact Statement estimates that implementing the RHESAA would require \$3.5 million in the

first year and \$12.4 million over four years. Children’s Law Center and its partners call on the Council to fully fund the RHESAA to ensure tenants are protected from the serious, long-term harm of residential mold.

This approach would see DOB develop the capability for mold inspections, and it may then be best for DOB to take on the responsibility for mold enforcement actions. DOEE’s relatively small caseload before OAH<sup>31</sup> suggests that the agency does not have the same experience and familiarity with code enforcement processes as DOB, an agency with significantly more experience annually filing thousands of housing code cases before OAH.<sup>32</sup> Additionally, it is duplicative to have DOEE mold inspectors and DOB housing code inspectors operate separately, when they could instead work collaboratively under one roof to inspect for code violations within homes, whether those of the housing code or those relating to mold. The Council has previously shown an understanding that it would be efficient for DOB to become involved in mold inspections, having passed (but not funded) legislation that would require DOB inspectors to become licensed by DOEE as mold inspectors.<sup>33</sup>

Moving mold inspection and enforcement authority to DOB would align with the public’s expectations. Our clients often report confusion about which agency handles which aspect of housing health hazards. DOB handles most code inspections for the built environment,<sup>34</sup> while DOEE regulates licensure services for mold professionals, sets remediation standards, and responds to complaints.<sup>35</sup> However, DOEE lacks sufficient

staffing and an enforcement structure, including the ability to issue fines, leaving landlords largely without consequence for failing to address mold.<sup>36</sup> When residents call one agency and are told another is responsible, they experience delay, frustration, and sometimes give up altogether.

In the absence of the statutory scheme this Council passed, DOB and DOEE have shown in public spaces that their collaboration is conducted informally. Fragmented systems without clear pathways for referral and public communication undermine the very protections these agencies are charged to provide.

DOEE should work with DOB to formalize referral and communication procedures and practices, so matters are not dropped or delayed when there is staff turnover and existing relationships change.<sup>37</sup> We are asking the Council to monitor DOEE's actions and to request updates on DOEE's collaboration with DOB.

## **Conclusion**

DOEE plays an essential role in protecting the health and wellbeing of DC residents, especially children, by addressing environmental hazards inside homes. We appreciate the progress the agency continues to make, but there are still gaps that leave too many families exposed to preventable harm.

By setting up transparent standards and protocols in lead response, upgrading mold inspection practices to include trusted scientific methods, and improving

collaboration and communication with DOB, DOEE can deliver stronger, more equitable outcomes for District families.

Thank you for the opportunity to testify, and I welcome your questions.

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<sup>1</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 will miss school, their parent will miss 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., Samuel Spaid, *A Home is a Good Thing: An Argument for Changing the Eviction Process*, 41 MITCHELL HAMLINE L. J. POL’Y & PRAC. 231, 231-32 (2020) (stating:

The connection between housing and health is so well documented, many private and public organizations devote significant resources toward improving health through improved access to housing. For example, UnitedHealth Group recently began providing free or very-low cost housing to homeless members in an effort to save money on medical treatment after concluding that providing housing to homeless individuals is more cost-effective than paying the high medical costs associated with homelessness.

Unstable housing can lead to frequent school changes, high rates of absenteeism, and low test scores among children. Housing instability and homelessness can threaten a child’s academic attendance and success and contribute to long-lasting achievement gaps. Public school students in Minneapolis with one episode of homelessness had significantly lower math and reading achievement compared to other low-income, but stably-housed peers. Students in third through eighth grade with unstable housing had poorer academic achievement than students in those grades with stable housing. Furthermore, this achievement gap widened over time.

Conversely, a recent study found that for every year that a child lives in tax-subsidized housing they are 3.5% more likely to attend a higher education program for four years or more and see a 3.2% increase in future earnings.”

(internal citations omitted)).

<sup>3</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/PreventionofChildhoodLeadToxic>

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ity.pdf (“very high blood lead concentrations (e.g., >100 µg/dL) can cause significant overt symptoms, such as protracted vomiting and encephalopathy, and even death ...”).

<sup>4</sup> *See id.* (“Low-level lead exposure, even at blood lead concentrations below 5 µg/dL (50 ppb), is a causal risk factor for diminished intellectual and academic abilities, higher rates of neurobehavioral disorders such as hyperactivity and attention deficits, and lower birth weight in children ... [and] can result in decrements in cognitive functions ... No effective treatments ameliorate the permanent developmental effects of lead toxicity ... No therapeutic interventions currently exist for low blood lead concentrations; therefore, prevention of exposure is paramount.”).

<sup>5</sup> *Id.*

<sup>6</sup> District of Columbia Committee of the Whole, *Performance Oversight Hearing on Department of Buildings Code Enforcement*, (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 hearing held December 5, 2025. Testimony presented by Empower DC and Children’s Law Center discuss this).

<sup>7</sup> DC Code § 8-231.03; 20 DCMR § 3319.

<sup>8</sup> Saisha Nanduri, Children’s Law Center, Testimony Before the District of Columbia Committee on Transportation and the Environment (Feb. 20, 2026), 2, *available at* [https://childrenslawcenter.org/audience/policy-testimony/?post\\_type=&impact\\_area=&format=&case\\_issue=&agency%5B%5D=doee&event\\_type=&order\\_by=date#results](https://childrenslawcenter.org/audience/policy-testimony/?post_type=&impact_area=&format=&case_issue=&agency%5B%5D=doee&event_type=&order_by=date#results)

When I inquired with DOEE about agency assistance and enforcement, DOEE informed me that the lead levels in the child’s blood were “not high enough” and the lead based paint hazards were “not harmful or severe enough” to warrant ordering relocation. When I asked DOEE what would be “high enough” to order relocation, DOEE could not point to any internal, agency guidance that provides such standards. DOEE also informed me that if the landlord did not repair the lead based paint hazards in the rental unit, the agency was reluctant to utilize administrative methods available to them to recover those fines. Not only was I confused by DOEE’s unsupported conclusions, but I was troubled that DOEE did not effectively act under laws that already give them the authority to prevent lead exposure and protect families facing lead poisoning. As a result, families are left to seek relief from an already overburdened court system.

I am deeply frustrated that our clients bear the consequences of undefined agency policies and gaps in enforcement. If, as an attorney, I was at a loss for solutions, families without legal representation would likely be left without a sense of where to start. With the recent move of the Healthy Homes program from DOEE to DC Health, I am more concerned than ever about how lead-related responsibilities have been divided among the agencies and how families can seek relief.

<sup>9</sup> Department of Energy and Environment, FY25-FY26 Performance Oversight Pre-Hearing Questions, 48, *available at* <https://lims.dccouncil.gov/Hearings/hearings/2144>.

<sup>10</sup> Office of Administrative Hearings, Office of Administrative Hearings Fiscal Year 2025 Annual Report 10, *available at* [https://oah.dc.gov/sites/default/files/dc/sites/oah/page\\_content/attachments/FY25%20OAH%20Annual%20Report%20Final.pdf](https://oah.dc.gov/sites/default/files/dc/sites/oah/page_content/attachments/FY25%20OAH%20Annual%20Report%20Final.pdf).

<sup>11</sup> Department of Energy and Environment, FY25-FY26 Performance Oversight Pre-Hearing Questions, 47, *available at* <https://lims.dccouncil.gov/Hearings/hearings/2144>.

<sup>12</sup> *Id.* at 47-48.

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<sup>13</sup> New York City Housing Authority, Frequently Asked Questions About Lead Inspections at NYCHA, available at <https://www.nyc.gov/site/nycha/residents/lead-safety/lead-inspection-faq.page>.

<sup>14</sup> See 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>15</sup> Tiina Reponen et al., Infant Origins of Childhood Asthma Associated with Specific Molds, PubMed Central (July 11, 2012), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3432137/>; Mold, Centers for Disease Control and Prevention (CDC), <https://www.cdc.gov/mold/>, (Nov. 14, 2022). See also David E. Jacobs, Environmental Health Disparities in Housing, American Journal of Public Health 101, Suppl. 1, S115-22 (2011), available at <https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2010.300058>; Opportunity Starts at Home, Racial Inequities in Housing Fact Sheet (2020), available at <https://www.opportunityhome.org/resources/racial-equity-housing/>; Christina M. Pacheco et al., Homes of Low-Income Minority Families with Asthmatic Children Have Increased Condition Issues, Allergy & Asthma Proceedings (2014), available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC4210655/>. In the District, a child with asthma living in Ward 7 or 8 — the areas of D.C. with the highest proportions of Black and low-income households — is 20 times more likely to end up in the emergency room due to their asthma than a child living in Ward 3. Jess Arnold, D.C. clinic says Black and African American kids still reporting most asthma cases, WUSA9, February 27, 2022, available at [https://www.wusa9.com/article/life/holidays/black-historymonth/dc-clinic-black-african-american-kids-reporting-most-asthma-cases/65-eee708a6-7c3f-486a-859d-04101975f193#:~:text=Dr.%20Shilpa%20Patel%2C%20the%20clinic%27s%20medical%20director%2C%20said,coincide%20with%20the%20largest%20Black%20populations%20in%20D.C.](https://www.wusa9.com/article/life/holidays/black-historymonth/dc-clinic-black-african-american-kids-reporting-most-asthma-cases/65-eee708a6-7c3f-486a-859d-04101975f193#:~:text=Dr.%20Shilpa%20Patel%2C%20the%20clinic%27s%20medical%20director%2C%20said,coincide%20with%20the%20largest%20Black%20populations%20in%20D.C;); BUILD HEALTH DC, available at: [https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC\\_BUILD\\_Brochure\\_IndvPgs.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC_BUILD_Brochure_IndvPgs.pdf).

<sup>16</sup> CLC can privately share more specific information about the event with the Council. For additional examples of CLC clients affected by mold, see Makenna Osborn, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Housing, (Feb 22, 2024), available at <https://childrenslawcenter.org/resources/2023-24-oversight-testimony-committee-on-housing-district-of-columbia-housing-authority/>; Makenna Osborn, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Housing Public Oversight Roundtable, (Oct. 26, 2023), 19 available at <https://childrenslawcenter.org/resources/testimony-public-oversight-roundtable-performance-of-the-district-of-columbia-housing-authority/>.

<sup>17</sup> Makenna Osborn, CHILDREN’S LAW CENTER, Testimony Before the District of Columbia Committee on Transportation and the Environment (Feb. 29, 2024), 10-11, available at <https://childrenslawcenter.org/wpcontent/uploads/2024/03/2024-DOEE-Performance-Oversight-Hearing-Childrens-Law-Center-WrittenTestimony-03.07.2024.pdf>:

Once a mold inspection is completed, DOEE also lacks the authority to penalize landlords who do not comply with the District’s mold law. DOEE takes essentially no enforcement action when property owners fail to clean and remove less than 10 square feet of mold within 30 days; inspectors merely provide the tenant and property owner with written guidance on how to safely address the mold. If a property owner fails to hire a licensed mold professional to abate 10 or more square feet of indoor mold within 30 days, DOEE’s mold inspectors can issue a Notice of Violation (NOV) to property owners but those NOV’s are only a “warning.” According to the agency’s pre-

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hearing responses, “[DOEE’s] mold program cannot issue Notices of Infraction (NOI) until regulations establishing the fine amounts are in place.” The regulations DOEE requires to issue NOIs were proposed in August of 2022 and reportedly scheduled for adoption by the Director of DOEE but subsequently stalled with the Mayor’s office. In DOEE’s pre-hearing responses, they reported that an updated version of the regulations is again “under review by the Office of the Mayor.”

In Children’s Law Center’s experience representing tenants with poor housing conditions, we have observed that ... [landlords] will not invest in costly mold assessment and remediation unless they face a meaningful financial penalty for inaction. (Internal citations omitted).

<sup>18</sup> United States Department of Housing and Urban Development (HUD), Office of Public and Indian Housing (PIH), Detecting and Addressing Hazards from Mold, 4-14 (2019), *available at* <https://files.hudexchange.info/resources/documents/PHA-Training-Detecting-and-Addressing-Hazardsfrom-Mold-Course-Handbook-English.pdf> (“Mold spores are not visible to the naked eye. Not everything that looks like mold is mold.”).

<sup>19</sup> *See id.*

<sup>20</sup> Visual mold testing is of the most value if visible mold is present. United States Environmental Protection Agency, Mold Testing or Sampling, *available at* <https://www.epa.gov/mold/mold-testing-or-sampling>. Visual inspections cannot confirm the absence of mold, and it also cannot confirm whether any given mold growth produces allergens or toxins. *See n. 15, supra.*

<sup>21</sup> Department of Energy & Environment, Mold Requirements and Standards for Licensed Professionals, *available at* <https://doee.dc.gov/service/mold-requirements-and-standards-licensed-professionals>.

<sup>22</sup> National Association of Mold Remediators & Inspectors, NAMRI Standards of Practice, *available at* <https://www.namri.org/standards-of-practice.php> (“The inspector shall: Collect surface samples and air samples for lab submission when authorized by the client for an agreed-upon fee, and when conditions of microbial growth exist that allow for the sample to be collected.”).

<sup>23</sup> Note that it does not appear that any DC agency is required to perform mold inspections. B23-0132, the Residential Housing Environmental Safety Amendment Act, required DCRA ensure their inspectors become licensed by DOEE. The Act also requires them to cite for mold if they find it in an inspection, but it does not require inspections for mold to be done. However, that provision was passed subject to appropriations, and remains unfunded, so it has not taken effect. DC Council Budget Office, Legislation Passed Subject to Appropriation – 2025 Quarterly Reports, 21, (Apr. 2024) *available at* <https://dccouncil.gov/wp-content/uploads/2025/04/2025-04-15-Subject-to-Funding-Legislation-quarterly-report.pdf>.

<sup>24</sup> Makenna Osborn, CHILDREN’S LAW CENTER, Testimony Before the District of Columbia Committee on Transportation and the Environment (Feb. 29, 2024), 10-11, *available at* <https://childrenslawcenter.org/wpcontent/uploads/2024/03/2024-DOEE-Performance-Oversight-Hearing-Childrens-Law-Center-WrittenTestimony-03.07.2024.pdf>:

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<sup>25</sup> See D.C. Law 23-188, Residential Housing Environmental Safety Amendment Act of 2020 (subsections (c)-(d) of this Act would have established the former Department of Consumer and Regulatory Affairs as the enforcement agency for mold conditions and authorized it to bring enforcement cases at OAH).

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

<sup>27</sup> See Department of Energy and Environment, FY25-FY26 Performance Oversight Pre-Hearing Questions, 47-48, available at <https://lims.dccouncil.gov/Hearings/hearings/2144>.

<sup>28</sup> See Office of Administrative Hearings, Office of Administrative Hearings Fiscal Year 2025 Annual Report 10, available at [https://oah.dc.gov/sites/default/files/dc/sites/oah/page\\_content/attachments/FY25%20OAH%20Annual%20Report%20Final.pdf](https://oah.dc.gov/sites/default/files/dc/sites/oah/page_content/attachments/FY25%20OAH%20Annual%20Report%20Final.pdf) (showing that in FY 2025, DOEE opened 248 cases).

<sup>29</sup> D.C. Law 23-188, Residential Housing Environmental Safety Amendment Act of 2020; Evan Cass, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole and Committee on Transportation and the Environment (Dec. 9, 2019), available at [https://lims.dccouncil.gov/downloads/LIMS/41819/Hearing\\_Record/B23-0132-HearingRecord1.pdf?Id=58377](https://lims.dccouncil.gov/downloads/LIMS/41819/Hearing_Record/B23-0132-HearingRecord1.pdf?Id=58377); Makenna Osborn, CHILDREN’S LAW CENTER, Testimony Before the District of Columbia Council Committee of the Whole (Feb. 22, 2024), available at <https://childrenslawcenter.org/wp-content/uploads/2024/02/DOB-Performance-Oversight-Childrens-LawCenter-Written-Testimony-02.21.2024.pdf>.

<sup>30</sup> D.C. Council Budget Office, Legislation Passed Subject to Appropriation – 2025 Quarterly Reports, 21, (Apr. 2025) available at <https://dccouncil.gov/wp-content/uploads/2025/04/2025-04-15-Subject-to-Funding-Legislation-quarterly-report.pdf>.

<sup>31</sup> Office of Administrative Hearings, Office of Administrative Hearings Fiscal Year 2025 Annual Report 10, available at [https://oah.dc.gov/sites/default/files/dc/sites/oah/page\\_content/attachments/FY25%20OAH%20Annual%20Report%20Final.pdf](https://oah.dc.gov/sites/default/files/dc/sites/oah/page_content/attachments/FY25%20OAH%20Annual%20Report%20Final.pdf) (showing that in FY 2025, DOEE opened 248 cases).

<sup>32</sup> *Id.* (showing that in FY 2025 DOB opened 9,873 cases).

<sup>33</sup> D.C. Law 23-188, Residential Housing Environmental Safety Amendment Act of 2020.

<sup>34</sup> 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://lims.dccouncil.gov/downloads/LIMS/41819/Committee\\_Report/B23-0132-Committee\\_Report3.pdf?Id=115313](https://lims.dccouncil.gov/downloads/LIMS/41819/Committee_Report/B23-0132-Committee_Report3.pdf?Id=115313).

<sup>35</sup> D.C. Law 20-135, Air Quality Amendment Act of 2013.

<sup>36</sup> See n. 12 and accompanying text, *supra*.

<sup>37</sup> We wish to note for the members of this Committee that in another hearing held before the Committee on Public Works and Operations DOB expressed openness to revising the scope of their code enforcement work. District of Columbia Committee on Public Works and Operations, *Legislative Hearing on Housing with Integrity Amendment Act of 2025*, (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 hearing held October 22, 2025. DOB’s testimony begins near 07:48:00).