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Testimony Before the District of Columbia Council
Committee on Public Works and Operations
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Public Hearing:
Performance Oversight Hearing
Office of Administrative Hearings

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Introduction

Good morning, Chairperson Nadeau, and members of the Committee. My name is Patrick Cothern, and I am a Policy Attorney at Children's Law Center. I am also a tenant 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 Office of Administrative Hearings ("OAH"). My testimony today focuses on OAH's role in the District's housing code enforcement system.

Children's Law Center frequently represents clients living in housing conditions not compliant with the housing code. Because of this, we are invested in improving the housing code enforcement process throughout its lifecycle. This includes advocates for changes at the Department of Buildings ("DOB") where enforcement cases originate, and advocating for improvements at OAH, where enforcement cases are heard. We are specifically interested in providing feedback on OAH's performance in FY 2025 because

housing code enforcement depends on effective adjudication. Without effective adjudication, respect for and compliance with the housing code diminishes.[1] Ultimately, that leads to lingering violations, and prolonged exposure to unsafe or unsanitary conditions for many District residents.

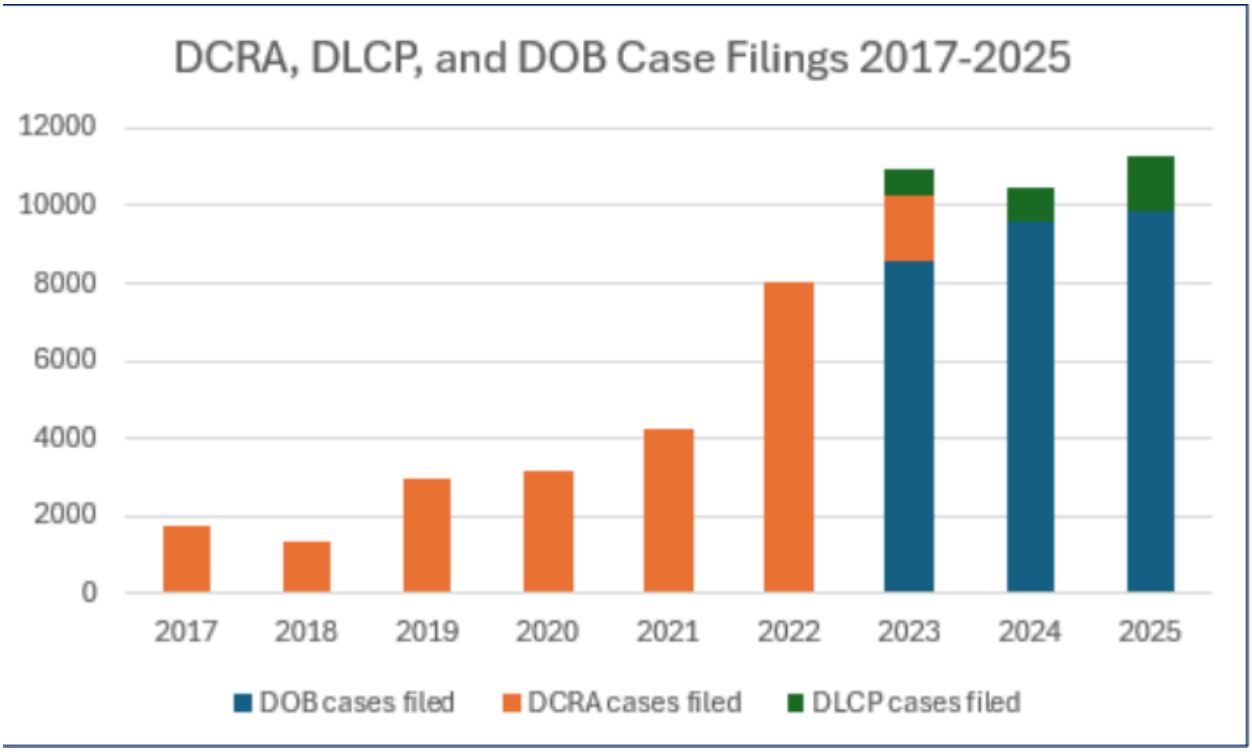
When the DOB files enforcement actions against landlords for housing code violations, those cases proceed through OAH. DOB brings Notices of Infraction before an OAH administrative law judge, where DOB attempts to prove that the cited violation occurred as recorded by the housing code inspector.[2] Each code violation cited must be proven separately.[3] That has the effect of generating a massive DOB case load at OAH.[4]

Over the past two years, multiple Council committees have examined housing code enforcement. In January 2024, the Committee of the Whole concluded after a monthslong review that enforcement was "broken and in need of repair."[5] Subsequent hearings in 2025 continued to highlight systemic weaknesses in inspection, prosecution, and adjudication.[6] Children's Law Center appreciates this sustained oversight. It is warranted. Today, our testimony will describe a code enforcement issue involving OAH – litigation delays caused by procedure bottlenecks. We will first explain the scope of the backlog and then describe how that negatively affects code enforcement efforts.

A Growing Backlog of Housing Code Enforcement Cases Has Developed at OAH.

A significant structural imbalance currently exists between the volume of housing code cases filed and OAH's capacity to adjudicate them. DOB files approximately 288

cases per week (15,000 housing code cases per year), but OAH processes only about 50 cases per week (2,600 per year),[7] creating a growing backlog, which undermines enforcement and leaves tenants in unsafe housing conditions.[8] As table 1 shows, this is a growing concern, as the number of DOB (or DCRA, its predecessor agency) cases has risen significantly over the last several years.[9]



DOB cases make up a significant portion of the total cases filed at OAH, as table 2 demonstrates.[10]

Cases Filed at OAH (FY20 - FY25)						
Agency	FY20	FY21	FY22	FY23	FY24	FY25
DBH	12	7	5	6	8	10
DCPS	56	6	164	190	86	92
DCRA[2]	3182	4239	7134	1694	1	1
DDOT	440	199	210	131	83	90
DDS	12	6	12	9	19	12
DFHV[3]	0	2	0	2	3	11
DHCD	104	96	137	143	185	195
DHCF	2117	332	227	676	1446	993
DHS	2787	1119	1615	2518	3790	5171
DLCP	n/a	n/a	n/a	690	938	1403
DOB	n/a	n/a	n/a	8578	9563	9873
DOEE	207	158	213	285	106	248
DOES	5177	4596	2050	1411	1665	2559
DOH	412	203	879	559	254	307
DPW	5083	4193	7858	8888	11458	21092
DSLBD	7	4	3	1	4	4
FEMS	8	15	28	33	39	55
HBX	36	25	19	28	21	112
MPD	16	21	53	42	222	131
OAG-CSSD	30	29	20	20	17	16
OP	25	41	28	33	18	3
ORM	108	69	40	21	22	31
OSSE	27	4	13	26	14	22
OTR	37	25	30	81	302	82
OTS	0	0	1	1	1	0
OVSJG	0	0	1	1	0	0
WMATA	0	0	0	286	3479	1792[4]

This data is significant. Each DOB case reflects a housing code violation, and each is associated with a family living in unsafe or unsanitary conditions. This backlog reflects

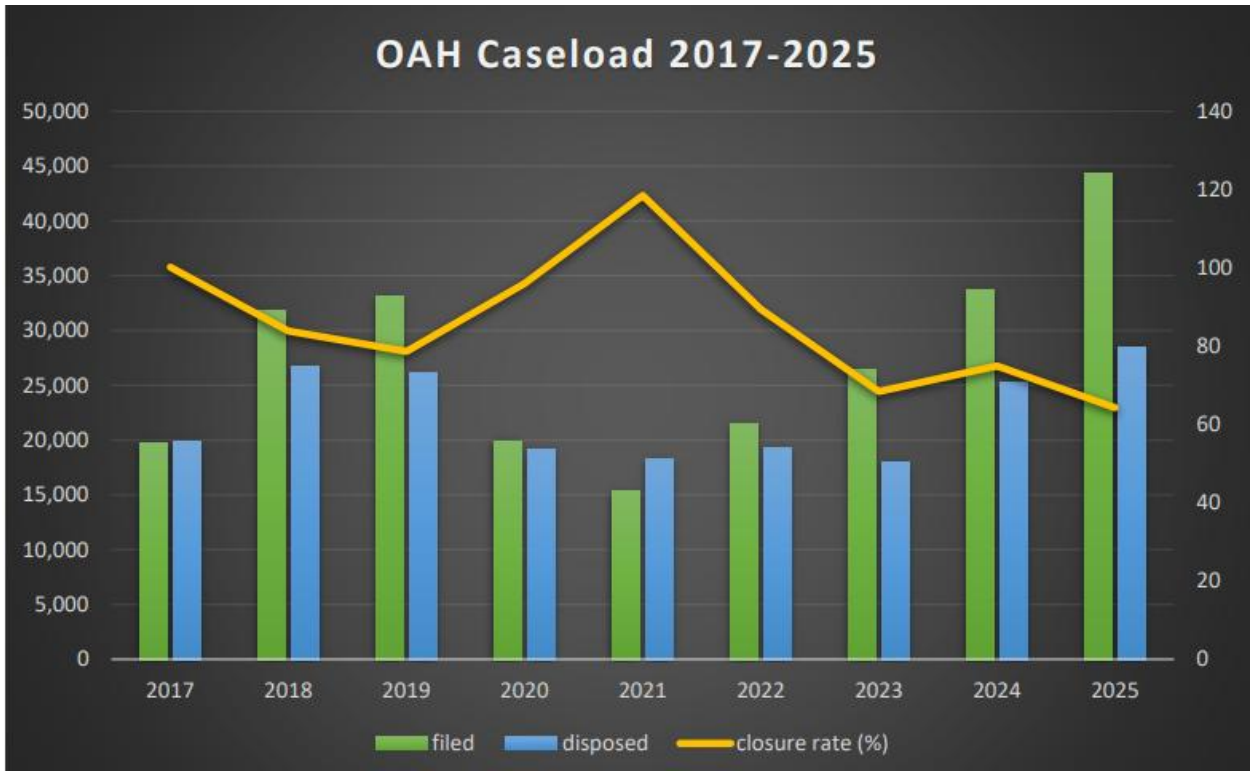
more than an administrative burden; it reflects delayed accountability for landlords who permit such conditions to arise within their properties.

In reviewing this same data, OAH itself has identified the surge in case loads and staffing shortages as "a strain on resources … affecting the agency's ability to maintain efficiency and effectiveness. … Despite the clear need for more staff to handle the increased workload, OAH's staffing levels have not kept pace."[11]

Addressing this backlog is crucial to protect District residents and their families, as timely code enforcement will prompt landlords to move more quickly in repairing code violations. Abatement of unsafe or unsanitary conditions is the outcome weare most concerned with.

Capacity Constraints Are Causing the Backlog.

This backlog is not temporary; it reflects a capacity gap. OAH does not currently have sufficient resources to keep pace with housing code dockets. OAH reports that in FY 2025, only 32.12% of all non-unemployment insurance cases filed were closed within 120 days.[12] In recent years, OAH's case closure rate has also declined from a peak in FY 2021, as seen in table 3.



An increase in the number of cases filed and a declining closure rate make clear that there is a bottleneck within OAH's process.[13] Note also that the backlog could be even larger, were it not for DOB reduction of a substantial portion of the pending caseload through a series of administrative dismissals.[14] While this step may have temporarily lowered the number of open cases, it did not resolve the underlying capacity imbalance between filings and adjudications. And dismissing cases in bulk undermines the enforcement process and the associated accountability.

OAH itself has found that staffing increases are cause for performance concern. The Chief Administrative Law Judge stated during a recent oversight hearing that such resources would be needed to clear cases.[15]

Restoring enforcement credibility will require additional administrative law judges and clerks dedicated to the housing code docket.

We believe expanding adjudicatory capacity is essential to ensuring timely resolution of enforcement cases, protecting tenants from prolonged exposure to unsafe housing conditions, and upholding the integrity of the District's housing code enforcement system.

Conclusion

Timely adjudication is central to meaningful housing code enforcement. When cases linger, violations persist and tenants bear the consequences. Strengthening OAH's capacity is therefore critical to protecting residents' health and safety.

Children's Law Center will continue to advocate during the upcoming budget process for sufficient resources to support OAH's housing code docket. Currently, we urge the Committee to work collaboratively with OAH to assess the staffing, infrastructure, and procedural changes necessary to reduce the backlog and restore effective enforcement.

Thank you for the opportunity to testify. We welcome any questions.

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[1] James Horner, Note, Code Dodgers: Landlord Use of LLCs and Housing Code Enforcement, 37 YALE L. & POL'Y REV. 647 (2019).
[2] Department of Buildings, Lifecycle of a Housing Code Inspection, *available at* https://dob.dc.gov/node/1616631.
[3] Office of Administrative Hearings, Notice of Infraction, *available at* https://oah.dc.gov/page/notice-infraction.
[4] 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 (showing that in FY 2025, 443 old DCRA cases were disposed (and 1 new case was opened), with another 9,177 DOB cases disposed (and 9,873 were filed) This is a substantial amount, as 28,548 cases from all agencies were closed in FY 2025 (and 44,305 were filed)).

[5] 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), 1, available at https://lims.dccouncil.gov/Hearings/hearings/211

[6] *See* Patrick Cothern, CHILDREN'S LAW CENTER, Testimony Before the District of Columbia Council, Committee for Public Works and Operations, (Oct. 22, 2025), *available at* https://childrenslawcenter.org/resources/testimony-housing-with-integrity-amendment-act-of-2025/; Patrick Cothern, CHILDREN'S LAW CENTER, Testimony Before the District of Columbia Council, Committee on Housing (Oct. 30, 2025), *available at* https://childrenslawcenter.org/wp-content/uploads/2025/11/CLC-Written-Testimony_Roundtable-From-Neglect-to-Respect_Final.pdf; Patrick Cothern, CHILDREN'S LAW CENTER, Testimony Before the District of Columbia Council, Committee of the Whole, (Dec. 5, 2025), *available at* https://childrenslawcenter.org/wp-content/uploads/2025/12/Final-Draft-12.5.2025-COW-Public-Oversight-Hearing-on-Housing-Inspections-and-Conditions.pdf

[7] Numbers provided by DOB at a December 3, 2025, Built Environment Working Group quarterly meeting, led by DOB's Strategic Enforcement Administrator.

[8] Enforcement is undermined as delays and the associated reprieve from any fine being assessed rewards landlords who choose not to perform repairs. Timely enforcement is an essential item. consider their FY 26 performance plan, in which they note that in FY 2025 that only 32.12% of all non-unemployment insurance cases filed within FY 2025 were closed within 120 days. Office of Administrative Hearings, FY 2026 Performance Plan, 7 (Nov. 26, 2025) *available at* https://oca.dc.gov/sites/default/files/dc/sites/oca/FY26%20Plan%20-%20OAH.pdf. Not only is this well-short of OAH's target of 45%, but this is also a steep drop in timeliness relative to FY 2024, when 67.29% of cases filed during FY24 were resolved within 120 days. *See id.* OAH's 2024 Performance Accountability Report indicates that while the number of cases closed has slightly increased with time, the number of cases filed is growing at a faster rate. Office of Administrative Hearings, FY 2026 Performance Plan, 9 (Jan 15. 2025) *available at* https://oca.dc.gov/sites/default/files/dc/sites/oca/FY24%20PAR%20-%20OAH.pdf.

[9] Office of Administrative Hearings, Office of Administrative Hearings Fiscal Year 2025 Annual Report 15, *available at* https://oah.dc.gov/sites/default/files/dc/sites/oah/page_content/attachments/FY25%20OAH%20Annual%20Report%20Final.pdf

[10] *Id.* at 12.

[11] Office of Administrative Hearings , FY 2025 Performance Accountability Report, 8, (Jan. 15, 2026), *available at* https://oca.dc.gov/sites/default/files/dc/sites/oca/FY25%20PAR%20-%20OAH.pdf

[12] Office of Administrative Hearings, FY 2026 Performance Plan, 7 (Nov. 26, 2025) *available at* https://oca.dc.gov/sites/default/files/dc/sites/oca/FY26%20Plan%20-%20OAH.pdf. Not only is this well-short of OAH's target of 45%, but this is also a steep drop in timeliness relative to FY 2024, when 67.29% of cases filed during FY24 were resolved within 120 days. *See id.* OAH's 2024 Performance Accountability Report indicates that while the number of cases closed has slightly increased with time, the number of cases filed is growing at a faster rate. Office of Administrative Hearings, FY 2026 Performance Plan, 9 (Jan 15. 2025) *available at* https://oca.dc.gov/sites/default/files/dc/sites/oca/FY24%20PAR%20-%20OAH.pdf. The indicators that DOB needs additional resources have been previously identified. *See* n. 18 and accompanying text, *supra*.

[13] "OAH is not appropriately staffed for its caseload … Key indicators include: Case volumes continue to rise across several high-demand program areas. Case closure rates are declining, reflecting diminished capacity to keep up with increased filings. If these trends persist, OAH will be unable to meet statutory

adjudication deadlines."). Office of Administrative Hearings, Pre-hearing Questions, response 49, *available at* https://lims.dccouncil.gov/Hearings/hearings/2160.

[14] *See*, District of Columbia, Office of Administrative Hearings, OAH Advisory Committee Meeting Recording, (Sep. 11, 2025), *available at* https://oah.dc.gov/release/oah-advisory-committee-meeting-september-11-2025 (audio recording of OAH advisory meeting, during which this dismissal was discussed by DOB and OAH).

[15] J. M. Colleen Currie, Office of Administrative Hearings, Testimony before the District of Columbia Council, Committee on Public Works and Operations (Feb. 24, 2026), *available at* https://lims.dccouncil.gov/Hearings/hearings/2160.