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Committee of the Whole
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Introduction

Good morning, Chairperson Mendelson, and members of the Committee. My name is Patrick Cothorn, and I am a Policy Attorney at Children's Law Center. Thank you for the opportunity to testify today regarding the budget for the Department of Buildings ("DOB").

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 citywide solutions that benefit hundreds of thousands more.

For many of our clients, housing conditions are not an abstract quality of life issue. They are an immediate health and safety concern. When an apartment has chronic mold, persistent water intrusion, broken windows, pest infestations, or unsafe electrical conditions, children miss school, parents miss work, and families face preventable medical crises and instability.¹ DOB is one of the District's most important tools for ensuring that housing providers meet basic legal obligations to keep homes safe,² and the FY 2027 budget is a critical opportunity to strengthen that tool.

Children's Law Center urges the Council to expand DOB's Nuisance Abatement Fund to a scale that matches the real volume and severity of hazardous conditions in occupied housing, protect and strengthen inspection and enforcement capacity so violations consistently move to verified repair, and fund implementation of the Proactive Inspection Program Act of 2023 with clear goals and accountability. We recognize the fiscal constraints facing the District. For that reason, our recommendations emphasize targeted investments, phased implementation where appropriate, and Council oversight measures that ensure dollars translate into measurable outcomes for District families.

DOB's core mission, protecting the safety and health of District residents through inspections and code enforcement,³ depends on the agency's ability to convert authority into outcomes such as verified abatement of dangerous conditions. The budget is where that conversion either succeeds or fails. In the sections below, we describe where the proposed FY 2027 budget risks falling short, why these gaps matter to the children and families we serve, what we ask the Council to do, why the investment is worthwhile, and practical steps the Council can take to accomplish these goals within current fiscal constraints.

The Council Should Expand the Nuisance Abatement Fund to Seventy-Five Million Dollars.

The Council should provide a major infusion for DOB's Nuisance Abatement Fund so the agency can directly correct serious housing code violations when property

owners do not.⁴ A substantially larger fund would allow DOB to move beyond its typical practice of performing minor abatements and to begin instead addressing more life safety and health hazards promptly.⁵ This includes work that prevents prolonged exposure to conditions that trigger asthma and other health harms for children.

The FY 2027 proposed budget makes only a limited adjustment to this tool. It increases Special Purpose Revenue (“SPR”) funds by \$810,321 across multiple divisions to align the Nuisance Abatement Fund with projected revenues.⁶ That may help DOB keep pace with expected collections, but it does not address the core problem families experience. When a landlord does not promptly correct serious hazards, the District still lacks a sufficiently scaled, reliable mechanism to get the work done and recover the cost.⁷

More broadly, DOB’s proposed FY 2027 operating budget is \$64,501,649, an increase of \$1,616,157 over the FY 2026 approved level, with 377.0 proposed budgeted FTEs.⁸ Within that total, Local funds decrease by \$793,336 (to \$47,033,997) and one (1) FTE, while Federal funds increase by \$1,599,171 to support implementation of the 2024 Construction Codes, including \$1,226,390 for eight (8) FTEs and \$372,781 for stakeholder engagement and drafting costs. The proposal also includes \$1,820,000 in Local funds to support IT systems modernization and maintenance contracts (including Salesforce, AI, SCOUT, and Legal Case Management), alongside proposed reductions of \$401,430 in non-personnel services and \$503,073 in fixed IT assessment costs.⁹

Direct abatement is outcome focused because it fixes the violation.¹⁰ For families living with unsafe conditions, the critical metric is not whether a citation was issued or a fine was assessed, but whether the dangerous condition was corrected and verified.¹¹

Many of our clients are tenants with limited ability to self-remedy or relocate, and many include children with asthma or other conditions that are exacerbated by mold, pests, and chronic moisture.¹² When repairs are delayed, families bear the cost in health harms, missed school days, missed work, and sometimes displacement.¹³ An adequately funded abatement tool is one of the few interventions that can break the cycle when a landlord simply will not act despite repeated complaints and citations.

Our request is that the Council expand the Nuisance Abatement Fund to seventy-five (75) million dollars. If the Council determines that a single year scale up is not feasible, it can still move decisively toward that target through a phased approach. For example, the Council can appropriate a substantial initial increase paired with clear eligibility criteria focused on life safety hazards and serious health threats in occupied housing, a contracting plan that enables rapid mobilization while preventing waste, and quarterly public reporting on cases selected for abatement, time to start work, time to verified abatement, and lien recovery. These guidelines allow the Council to invest meaningfully while maintaining strong fiscal oversight.

This investment is worth it because direct abatement is one of the most outcome focused uses of public dollars in the housing enforcement space. It pays for the thing

residents need, which is repairs. It is also a tool with a built-in cost recovery mechanism through liens, allowing the District to shift costs back to responsible property owners rather than letting hazards persist.¹⁴ This addresses the public costs of inaction, including avoidable emergency room visits, school absences, and family instability, are borne across other parts of the District budget and by District residents. Compared to many alternatives, scaling abatement capacity is a targeted intervention that can deliver concrete, measurable results within a fiscal year. In addition, the recovery rate for liens exceeds those for fines imposed by OAH, indicating increased Nuisance Abatement Fund efficiency could be expected.¹⁵ This expectation is rooted in the economic incentive property owners have to clear title encumbrances.¹⁶

As the Council sets the appropriate funding level, including whether to build beyond the proposed SPR alignment increase, we urge it to pair any expansion with a clear implementation framework. DOB should identify the categories of violations it will prioritize for direct abatement (especially life safety and serious health hazards), the volume of cases it can realistically abate in a year given staff and contractor capacity, and the staffing and contracting plan needed to deploy the fund quickly while maintaining quality control and accountability.

The Council Must Ensure that the Proposed Budget is Sufficient to Sustain and strengthen DOB's inspection and enforcement capacity.

The FY 2027 proposal reflects important priorities, including major investments in IT modernization, but it also includes an overall Local funds decrease. For families,

the question is not only whether DOB can conduct an initial inspection. The question is whether DOB can complete the enforcement cycle, including timely re-inspections, accurate documentation, escalation when there is noncompliance, and verification that repairs occurred.¹⁷ Our request is that the Council ensure the budget is sufficient to sustain and strengthen this full inspection and enforcement pipeline, particularly in the Rental Housing Inspections Program and the Building Inspection Program.

Children's Law Center regularly represents families living in difficult housing conditions. They have reported conditions, allowed inspections, and complied with the process, yet they still live with unresolved hazards weeks or months later.¹⁸ When enforcement is slow or inconsistent, families may be forced to choose between staying in an unsafe home or entering instability and homelessness.¹⁹ A well-resourced inspection and enforcement system helps prevent those downstream harms and supports children's health, school attendance, and family stability.

Our request is that the Council sustain and strengthen DOB's inspection and enforcement capacity at the level required to reduce hazardous conditions in occupied housing. Where precise additions depend on DOB's vacancy rate and operational plan, the Council can still act now by protecting core tenant facing inspection and enforcement functions from erosion, directing DOB to maintain adequate staffing levels in key programs, and tying budget decisions to operational metrics such as time to

initial inspection, time to reinspection, and time to verified abatement for serious violations.

Program by program, the FY 2027 proposed budget keeps the Rental Housing Inspections Program essentially flat at \$6,453,000 with fifty-six (56) FTEs, while the Building Inspection Program increases to \$4,534,000 and forty (40) FTEs.²⁰ At the same time, Strategic Code Enforcement decreases to \$2,577,000 and twenty (20) FTEs, including reductions in Civil Infractions and Fine Assessment. Taken together, these choices suggest a risk of widening the gap between identifying a problem and ensuring follow through, particularly for rental housing cases where tenants may need multiple re-inspections and strong escalation when landlords do not comply.²¹

This investment is worth it because effective code enforcement protects the District's housing stock and reduces avoidable public costs.²² When enforcement is strong, landlords have a clear incentive to comply early, which reduces repeat inspections, repeated complaint calls, and extended case management time. In addition, investing in a system that reliably achieves verified repairs can reduce preventable health problems and school absences for children. These outcomes align with the District's broader investments in health and education. In short, enforcement capacity is a multiplier. It makes the District's legal standards real and reduces the need for costlier interventions later.

The Council can accomplish this within constraints by maximizing the return on the proposal's \$1,820,000 investment in IT system modernization and maintenance contracts. That investment can improve case tracking, scheduling, and public facing updates. The Council can pair it with targeted operational support by ensuring that reductions in non-personnel services do not undermine field operations and by directing DOB to prioritize tenant-facing functions when making internal reallocations. Where new dollars are limited, the Council can require DOB to present a vacancy and deployment plan and then phase in additional resources based on demonstrated improvements, using oversight hearings and quarterly reporting to keep implementation on track.

The Council Must Fund the Proactive Inspection Program Act of 2023 at a Level That Allows DOB to Implement it as Intended.

Proactive inspections are an essential complement to complaint-based enforcement, particularly because families often fear retaliation or lack the time and resources to repeatedly report unsafe conditions.²³ Implementation will only be credible if DOB has the staffing, data tools, and enforcement follow through to carry inspections through to verified abatement.²⁴ We urge the Council to appropriate the amount necessary for DOB to operate a proactive program that is meaningful in scope and sustainable over time, and to do so in a manner that supports tenant safety and efficient deployment.²⁵

Complaint driven systems place the burden on our clients, tenants, including families who may fear retaliation, face language barriers, or have limited time to repeatedly report conditions while caring for children.²⁶ A well-designed proactive program can reduce that burden and reach families who would otherwise remain invisible to enforcement, especially in properties with patterns of noncompliance. For the children we serve, that means fewer months living with mold, pests, and other hazards before government action begins.

Our request is that the Council fund implementation of the Proactive Inspection Program Act of 2023 at a level that allows DOB to conduct proactive inspections at meaningful scale and to follow those inspections through to verified abatement.²⁷ If a full-scale rollout is not feasible in one budget cycle, the Council should still provide dedicated resources for a phased implementation with clear targets, such as the number of properties inspected, the criteria used for selection, and the time to follow up for serious violations.

This investment is worth it because proactive inspection is a prevention strategy. It identifies and addresses unsafe conditions before they escalate into emergencies, displacement, or costly health impacts. To determine the appropriate appropriation, the Council should require DOB to specify the number of buildings and units it can realistically cover per year, the staffing and contracting model needed to reach that coverage, and the data it will use to select properties for inspection, with a focus on

high-risk conditions and repeat noncompliance. To reflect budget constraints, the Council can phase implementation by concentrating first on the highest risk property types or geographies and by using the agency's IT modernization work to support scheduling, tracking, and transparent reporting.

Equally important, the Council should ensure that proactive inspections lead to verified abatement by funding the reinspection capacity and enforcement follow-through required when violations are not corrected. Without that capacity, proactive inspections risk becoming another set of unresolved findings rather than a pathway to safe and healthy housing. A practical approach is to condition continued expansion of the program on performance, such as demonstrated improvements in follow-up timelines and verified repairs, and to require periodic public reporting so the Council and residents can see whether proactive inspections produce results.

Conclusion

DOB's work is the difference between a family receiving a citation notice and a family living in a home that is safe. The FY 2027 budget is an opportunity to ensure the District's housing standards are meaningfully enforceable for the residents who most need protection. We respectfully urge the Council to scale up the Nuisance Abatement Fund, protect and strengthen the inspection and enforcement pipeline that drives verified repairs, and fund proactive inspections in a way that is realistic, targeted, and accountable.

We recognize that the Council must make difficult tradeoffs in a constrained fiscal environment. These recommendations are designed to be implementable. They rely on targeted investments, cost recovery where available, and phased growth tied to performance reporting so the Council can expand what works and adjust what does not. Children’s Law Center is ready to be a partner in that work, including by sharing on the ground perspectives from the families we serve and by supporting oversight focused on measurable improvements in time from complaint or proactive inspection to verified abatement for serious health and safety violations.

¹ CLC has observed these outcomes from its representation of clients at Housing Conditions Court. *See* Housing Conditions Court (Housing Conditions Calendar), D.C. Courts, <https://www.dccourts.gov/services/civil-matters/housing-conditions-calendar>.

² *See* Change Lab Solutions, *Up to Code: Code Enforcement Strategies for Healthy Housing* 3 (2015), https://nchh.org/resource/changelab-solutions_up-to-code_code-enforcementstrategies-for-healthy-housing/.

³ D.C. Dep’t of Bldgs., About DOB (Mission statement), <https://dob.dc.gov/page/about-dob>.

⁴ D.C. Code § 42-3131.01(a)(1) (authorizing the mayor to cause unlawful conditions to be corrected and assess costs against the property). The Fund is used to conduct such corrections. D.C. Dep’t of Bldgs., How We Use Nuisance Abatement Fund (describing emergency/non-emergency corrective action) <https://dob.dc.gov/node/1616621>.

⁵ *See* District of Columbia Department of Buildings, Testimony Before the Council of the District of Columbia, Committee of the Whole, DOB Nuisance Abatement Fund Expenditure FY24–FY25 (Feb. 25, 2025), <https://lims.dccouncil.gov/Hearings/hearings/657> (DOB written testimony including a report on what the abatement expenditures were for the reporting period, many of which are lawn mowings and trash removal). *See also* D.C. Department of Buildings, Department of Buildings 2026 Performance Oversight Hearing Questions 56–71, <https://lims.dccouncil.gov/Hearings/hearings/2159> (showing the same).

⁶ D.C. Off. of the Chief Fin. Officer, FY 2027 Proposed Budget and Financial Plan: Department of Buildings (CU0) (2026) (Mayor’s Proposed Budget Changes), https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/cu0_dob_chapter_2027a.pdf (describing \$810,321 SPR increase to align the Nuisance Abatement Fund with projected revenues).

⁷ 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) (showing that DOB is failing to convert authority into timely correction of violations).

⁸ *Id.*

⁹ *Id.*

¹⁰ D.C. Dep't of Buildings, Office of Strategic Code Enforcement, *Fiscal Year 2024 Annual Report* 9 (Feb. 2025) (discussing that “collection takes many months if not longer,” implicitly favoring direct abatement), <https://dob.dc.gov/page/enforcement-action>.

¹¹ D.C. Department of Buildings, *Fiscal Year 2025 Performance Oversight Responses*, responses to Questions on housing code enforcement metrics and abatement verification (Feb. 2025), <https://dccouncil.gov/wp-content/uploads/2025/02/DOB-2025-Performance-Oversight-Pre-Hearing-Responses.pdf>, (Showing DOBs KPIs, which have historically misaligned with health outcomes DOB tracks inspections and fines more than abatement. There have been recent changes in KPIs that improve upon this).

¹² ASHRAE, ASHRAE Positions on Limiting Indoor Mold and Dampness in Buildings (reaffirmed Oct. 29, 2024) (describing health risks of damp buildings and importance of preventing persistent dampness), <https://www.ashrae.org/file%20library/about/position%20documents/pd-on-limiting-indoor-mold-and-dampness-in-buildings-english.pdf>.

¹³ Joy Hsu et al., Asthma-Related School Absenteeism, Morbidity, and Modifiable Factors, 51 Am. J. Prev. Med. 23 (2016) (finding asthma-related absenteeism associated with suboptimal asthma control and mold in the home).

¹⁴ D.C. Code § 42-3131.01(a)(1) (authorizing the mayor to correct unlawful conditions and assess the cost as a tax against the property).

¹⁵ DOB has repeatedly stated that its recovery rate for amounts assessed by liens exceeds those for fines imposed by OAH. D.C. Dep't of Buildings, *Fiscal Year 2025 Performance Oversight Responses* (Feb. 2025), <https://dccouncil.gov/wp-content/uploads/2025/02/DOB-2025-Performance-Oversight-Pre-Hearing-Responses.pdf>.

¹⁶ Peter Jensen, *Property Taxation in the United States* 307 (1931).

¹⁷ D.C. Dep't of Buildings, *Lifecycle of a Housing Code Inspection* (describing NOIE/NOIR timelines, deferred enforcement, and OAH filing), <https://dob.dc.gov/node/1616631>.

See also Council of the District of Columbia, Comm. of the Whole, Report on the District's Housing Code Inspection Process: Broken and In Need of Repair (Jan. 18, 2024) (summarizing findings on delays, abatement verification, and enforcement process weaknesses), <https://chairmanmendelson.com/wp-content/uploads/2024/01/The-Districts-Housing-Code-Inspection-Process-Broken-and-In-Need-of-Repair-Committee-Report.pdf>.

¹⁸ *Id.*

¹⁹ Eleni P. Christidis, Supervising Att'y, Legal Aid DC, Testimony Before the Council of the District of Columbia, Committee of the Whole (Jan. 18, 2024), https://www.legalaiddc.org/sites/default/files/2024-01/testimony_before_the_committee_of_the_whole_regarding_housing_code_inspection_process_-_eleni_christidis.pdf.

²⁰ D.C. Off. of the Chief Fin. Officer, FY 2027 Proposed Budget and Financial Plan: Department of Buildings (CU0) (2026) (Mayor's Proposed Budget Changes), https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/cu0_dob_chapter_2027a.pdf.

²¹ See D.C. Dep't of Buildings, Office of Strategic Code Enforcement, *Fiscal Year 2024 Annual Report* 18 (Feb. 2025), <https://dob.dc.gov/page/enforcement-action>.

²² See D.C. Department of Buildings, *Fiscal Year 2025 Performance Oversight Responses*, response to Question 39 (Alternative Resolution Team settlements), <https://dccouncil.gov/wp-content/uploads/2025/02/DOB-2025-Performance-Oversight-Pre-Hearing-Responses.pdf>, (showing that DOB has had millions in imposed fines reduced to nominal settlements, which weakened deterrent effect and saw revenue left uncollected).

²³ ChangeLab Solutions, A Guide to Proactive Rental Inspections (Oct. 31, 2022) (describing barriers to complaint-based enforcement including fear of retaliation, language barriers, and distrust of government), https://www.changelabsolutions.org/sites/default/files/2022-11/A-Guide-to-Proactive-Rental-Inspections_FINAL_20221031A.pdf.

²⁴ Children’s Law Center has testified in the past that the District should target roughly one housing inspector per 2,000–3,500 rental units. Makenna Osborn, Children’s Law Center, Testimony Before the Council of the District of Columbia, Committee of the Whole (May 28, 2025) (discussing recommended inspector-to-unit ratios and survey of comparable jurisdictions), in DOB FY26 Budget Hearing - Children’s Law Center Written Testimony - 05.28.2025.pdf 14–15.

²⁵ D.C. Off. of the Chief Fin. Officer, Fiscal Impact Statement—Proactive Inspection Program Act of 2023 (B25-0048) (Dec. 18, 2023) (concluding funds are not sufficient in FY 2024–FY 2027 to implement the bill and estimating implementation costs), https://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20Proactive%20Inspection%20Act%20of%202023.pdf.

²⁶ Nat’l Ctr. for Healthy Hous., Proactive Rental Inspections (Sept. 19, 2023) (contrasting complaint-based vs. proactive inspection models), <https://nchh.org/resources/policy/proactive-rental-inspections/>.

²⁷ D.C. Off. of the Chief Fin. Officer, Fiscal Impact Statement—Proactive Inspection Program Act of 2023 (B25-0048) (Dec. 18, 2023) (concluding funds are not sufficient in FY 2024–FY 2027 to implement the bill), https://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20Proactive%20Inspection%20Act%20of%202023.pdf.