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

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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. Thank you for the opportunity to testify today regarding the budget for the Office of Administrative Hearings ("OAH").

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.

For those families, the housing code enforcement system is not an abstract process, it is the mechanism by which water leaks are abated, heat is restored, and infestations are addressed. The effectiveness of that system depends not only on inspections and citations, but on timely, functional adjudication at OAH. When adjudication fails to keep pace, families pay the price in prolonged exposure to dangerous conditions.

Today, my testimony will explain why sustained and targeted investment in OAH is essential to protecting residents' health and safety, restoring the deterrent effect of housing code enforcement, and ensuring that the District's enforcement dollars are used effectively. Strategic investments in OAH would address the backlog of cases and ensure future cases are processed more efficiently. As such, we urge the Committee to invest an additional $1.5 million for OAH to expand their adjudication capacity and modernize their case and docket management systems. Doing so will strengthen housing code enforcement, protect tenants, and ensure timely resolution of cases. These investments are essential to uphold housing standards and advance equity for residents living in unsafe conditions.

The District Must Resolve the OAH Bottleneck to Facilitate Effective Housing Code Enforcement

A crucial workflow in the housing code enforcement process consists of DOB filing adversarial administrative cases against landlords whose properties violate the code.[1] Currently, DOB files approximately 288 housing code cases per week (15,000 per year), but OAH processes only about 50 cases per week (2,600 per year). The resulting backlog undermines enforcement and leaves tenants in unsafe housing conditions.[2]

The adjudication stage of the housing code enforcement process is currently the system's most significant bottleneck.[3] Thousands of housing code cases remain pending at OAH for extended periods, delaying outcomes and weakening enforcement. When cases linger for months without resolution, the consequences are predictable. Property owners face delayed or uncertain accountability, compliance incentives weaken, and families are left living with unresolved hazards that continue to harm their children's health. In practice, this means children continue to experience asthma exacerbated by mold, miss school due to unsafe conditions, and endure prolonged instability in their homes.[4]

Staffing and Caseload Growth Are Out of Balance, Indicating that Additional Resources to Hire Administrative Law Judges and Support Staff is Necessary

OAH's caseload, particularly in housing matters, has grown faster than its adjudicatory and case-handling capacity. The problem is structural. Inspectors generate cases more quickly than DOB can process them, and OAH does not currently have sufficient capacity to keep pace. OAH's own performance data reflects this imbalance through declining timeliness, even as demand on the agency increases.[6] The result is not simply slower hearings. The OAH bottleneck has led to the erosion of enforcement credibility.

To manage volume, the Department of Buildings has resorted to large-scale dismissals of pending cases.[7] While doing so may temporarily reduce the docket count, it also undermines accountability in the long term and fails to address the underlying capacity deficit. Dismissed cases represent lost enforcement opportunities and send a troubling signal to noncompliant property owners. The solution is not procedural shortcuts; it is investment in people. Without investments to expand OAH's capacity, the gap between theoretical-enforcement and enforcement-reality will continue to widen.

Concerningly, the adjudication bottleneck also undermines previous efforts the Council has taken to improve inspections and expand enforcement authority. Those reforms cannot succeed if cases stagnate after filing. In previous hearings, the Council has heard testimony describing the costs of this backlog and its impact on the broader enforcement of the District's housing code.[5] Enforcement only deters violations if it leads to timely and meaningful consequences, and OAH is the critical link between identification of violations and actual compliance.

To address the OAH bottleneck, additional administrative law judges, along with sufficient clerks and case-processing staff, are necessary to ensure that filings translate into outcomes. We urge the Committee to ensure that OAH has the budget resources necessary to increase staffing to expand their adjudication capacity.

Staffing and Caseload Growth Are Out of Balance, Indicating that Additional Resources to Hire Administrative Law Judges and Support Staff is Necessary.

OAH's caseload, particularly in housing matters, has grown faster than its adjudicatory and case-handling capacity. This imbalance is reflected in OAH's own performance data, which show declining timeliness even as demand on the agency increases.[6]

The result is not simply slower hearings, it is a structural erosion of enforcement credibility. The Department of Buildings has resorted to large-scale dismissals of pending cases to manage volume.[7] While that may temporarily reduce the docket count, it undermines accountability and does not address the underlying capacity deficit.

Dismissed cases represent lost enforcement opportunities and send a troubling signal to noncompliant property owners.

The solution here is not procedural shortcuts; it is investment in people. Additional administrative law judges, along with sufficient clerks and case-processing staff, are necessary to ensure that filings translate into outcomes. Without that investment, the gap between theoretical-enforcement and enforcement-reality will continue to widen.

Budgetary Resources Directed at OAH Technology and Transparency Will Promote Effective Enforcement by Improving Agency Efficiency and Case Processing Times.

In addition to staffing constraints, outdated and fragmented case management systems further slow OAH's operations.[8] Filing relies heavily on manual processes and email submissions, which consume staff time, increase error risk, and complicate coordination with partner agencies.[9] Modernizing OAH's case and docket management systems would produce immediate returns by reducing case-processing time, improving coordination with agencies such as DOB, and increasing transparency and public access to proceedings.[10] Moreover, accessible systems allow policymakers and the public to better understand where delays are occurring and how resources are being used.

Right now, OAH proceedings are far less accessible than other District adjudicatory bodies, limiting public understanding and trust in the enforcement process.[11] Budget investments in technology are not ancillary, they are core to OAH's ability to function as an effective administrative court. Accordingly, additional resources, we request an additional $1.5 million, are urgently needed to promote an effective administrative enforcement system within the District.

Targeted Investment at OAH is a Force Multiplier that Strengthens the Entire Enforcement System

While we understand the constraints of the current budget, these modest investments in OAH will also ensure better returns on existing investments in the District's system housing code enforcement. OAH functions as part of a broader enforcement ecosystem.[12] Resources invested at the adjudication stage multiply the impact of resources already spent on inspections, investigations, and enforcement staffing because it enables those efforts to reach their result, an administrative hearing and decision.

When adjudication moves faster, fine collections increase, compliance improves, and agencies can resolve cases without repeated inspections or duplicative filings. Conversely, when adjudication stalls, the District continues to spend money without achieving results while tenants wait. From a fiscal perspective, OAH is a leverage point where targeted investment yields systemwide benefits.

Additionally, these investments would bring the District more in line with comparable jurisdictions.

Requests and Recommendations

Accordingly, we are request an additional $1.5 million for OAH.[13] This expansion would expand their capacity for litigation and develop more efficient technologies and procedures.

To compare OAH to similarly designed administrative courts in other jurisdictions, we reviewed an survey conducted by the Louisiana Department of Administrative Law.[14] This annual survey examines jurisdictions that use a centralized administrative appeal process, the same model as OAH.[15] Reports from 2021 and 2024 reveal recent trends. As summarized in the table below, while OAH's budget has barely grown during that time period (from 12 million to 12.06 million), comparably structured jurisdictions have risen substantially and the national average budget for such panels grew by $3 million.[16] OAH has also increased its number of administrative law judges (moving to 36 from 32), and support staff (from 56 to 67), but not at a rate commensurate with the rapid growth in filed cases, which nearly doubled between 2021 and 2024.

These data from other jurisdictions directly informs the proposed $1.5 million investment in OAH. Currently, OAH's hearing-to-decision conversation rate is currently about sixty-four percent as illustrated in the charts below.[17] The roughly thirty-six percent shortfall, about 9,500 cases, reflects the backlog.[18] The Louisiana study data indicate a strong correlation between dollars budgeted and decisions issued.[19] Accordingly, we believe that additional investment in OAH will increase adjudication capacity which will, in turn, increase the number of decisions OAH can issue annually.[20] Assuming every allocated dollar has equal impact, an additional $1.5 million would be expected to support the processing of an additional 1,582 – 2,656 decisions, raising the conversation rate from its current sixty-four percent to 70.1 – 74.2 percent.[21]

We believe a conversation rate that approaches seventy-five percent will be sufficient to address the case backlog if supplemented with the other recommendations we are suggesting DOB and its partners make.[22] The enforcement ecosystem requires improvements at each level, and the combined effect of those changes will produce an outsized effect.[23]

Conclusion

The District's housing code enforcement system cannot function effectively if the adjudication stage remains chronically under-resourced. OAH is the point where inspections and enforcement activity are converted into timely orders, meaningful accountability, and safer living conditions for District families. Targeted, sustained investment, particularly the additional $1.5 million requested for staffing, case-processing capacity, and modernized technology, will reduce the backlog, strengthen deterrence, and ensure the District's enforcement dollars produce real results. We urge the Committee to make this modest investment so that OAH can keep pace with filings, restore public confidence in the process, and help ensure that children and families are not left waiting months or years for relief from dangerous housing conditions.

[1] Department of Buildings, *Lifecycle of a Housing Code Inspection*.

[2] Numbers provided by the Department of Buildings at a Built Environment Working Group quarterly meeting led by DOB's Strategic Enforcement Administrator.

[3] 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*, at 29–30 (Jan. 18, 2024).

[4] Office of Administrative Hearings, *FY 2026 Performance Plan*, at 7 (Nov. 26, 2025).

[5] As previously testified by the author, as of October 9, 2025, 16,135 Notices of Infraction had been issued by the Department of Buildings. Of those, 10,780 NOIs, with a collective face value exceeding $31 million, remained open and awaiting adjudication at the Office of Administrative Hearings. Department of Buildings, Public Performance Dashboard (Enforcement sub-dashboard). While open NOIs do not necessarily require one-to-one hearings, the volume of unresolved matters reflects a substantial backlog. Review of the dashboard in December 2025 showed similar figures. See also Eleni P. Christidis, Legal Aid DC, Testimony Before the Council of the District of Columbia, Committee of the Whole (Feb. 25, 2025). See also Council of the District of Columbia, Committee of the Whole, *Broken and In Need of Repair*, at 29–30.

[6] Office of Administrative Hearings, *Fiscal Year 2023 Annual Report*, at 12. The report shows that 8,578 DOB cases were filed in FY 2023 while only 1,655 were closed. During the same period, OAH resolved a significant number of legacy cases transferred from the former Department of Consumer and Regulatory Affairs. OAH submissions to its FY 2024 performance oversight hearing show improved closure figures, though this increase was significantly driven by the mass dismissal of DOB cases discussed during the OAH Advisory Committee meeting of September 11, 2025.

[7] James Horner, *Code Dodgers: Landlord Use of LLCs and Housing Code Enforcement*, 37 Yale Law & Policy Review 647 (2019).

[8] 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*, at 1 (Jan. 18, 2024).

[9] Centers for Disease Control and Prevention, *Mold and Health* (documenting the relationship between damp housing conditions, mold exposure, asthma exacerbation, respiratory illness, and missed school days among children).

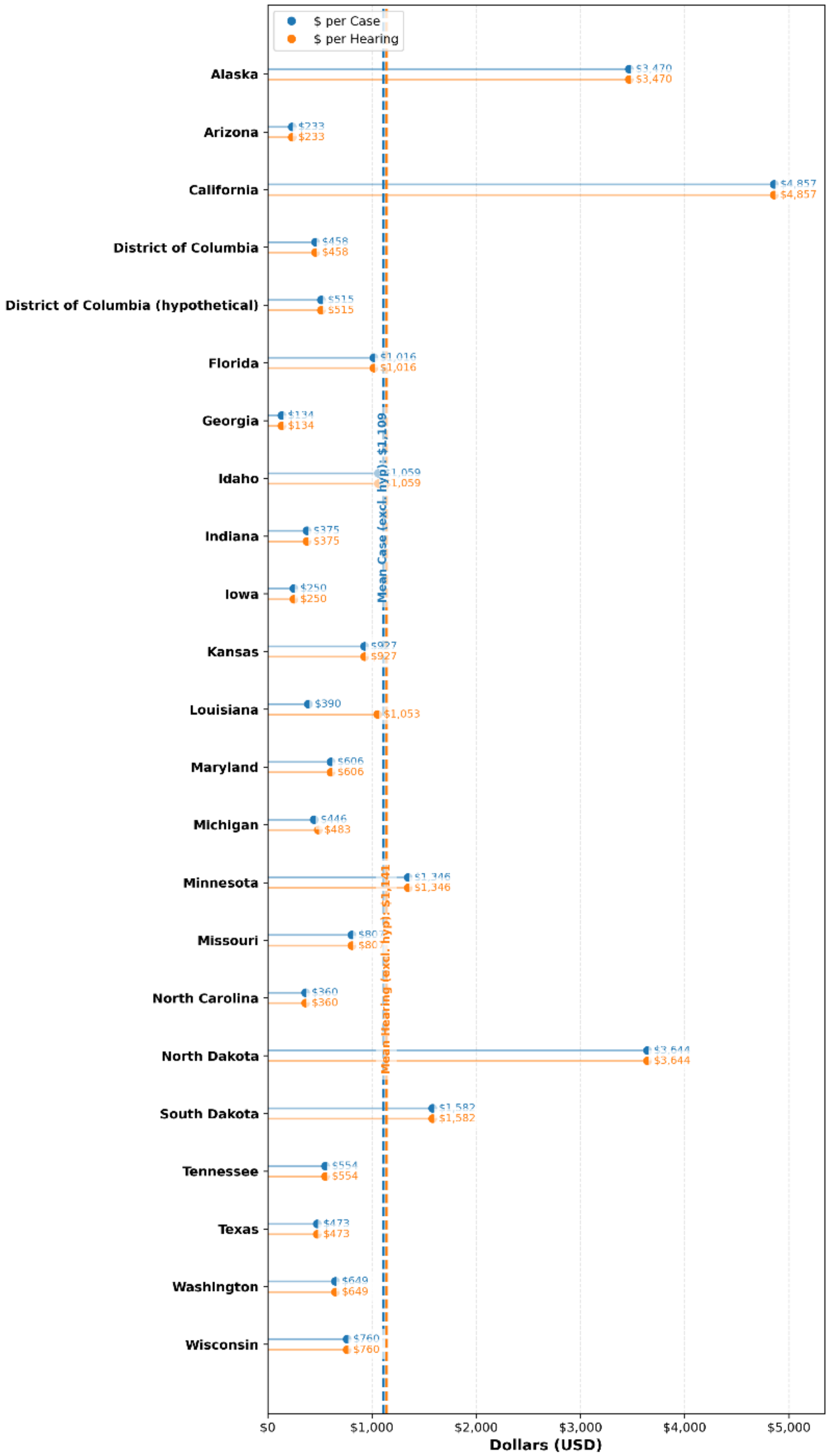
[10] Council of the District of Columbia, Committee of the Whole, *Report on the District's Housing Code Inspection Process: Broken and In Need of Repair* (Jan. 18, 2024).

[11] Office of Administrative Hearings, *FY 2026 Performance Plan*, at 7 (Nov. 26, 2025).

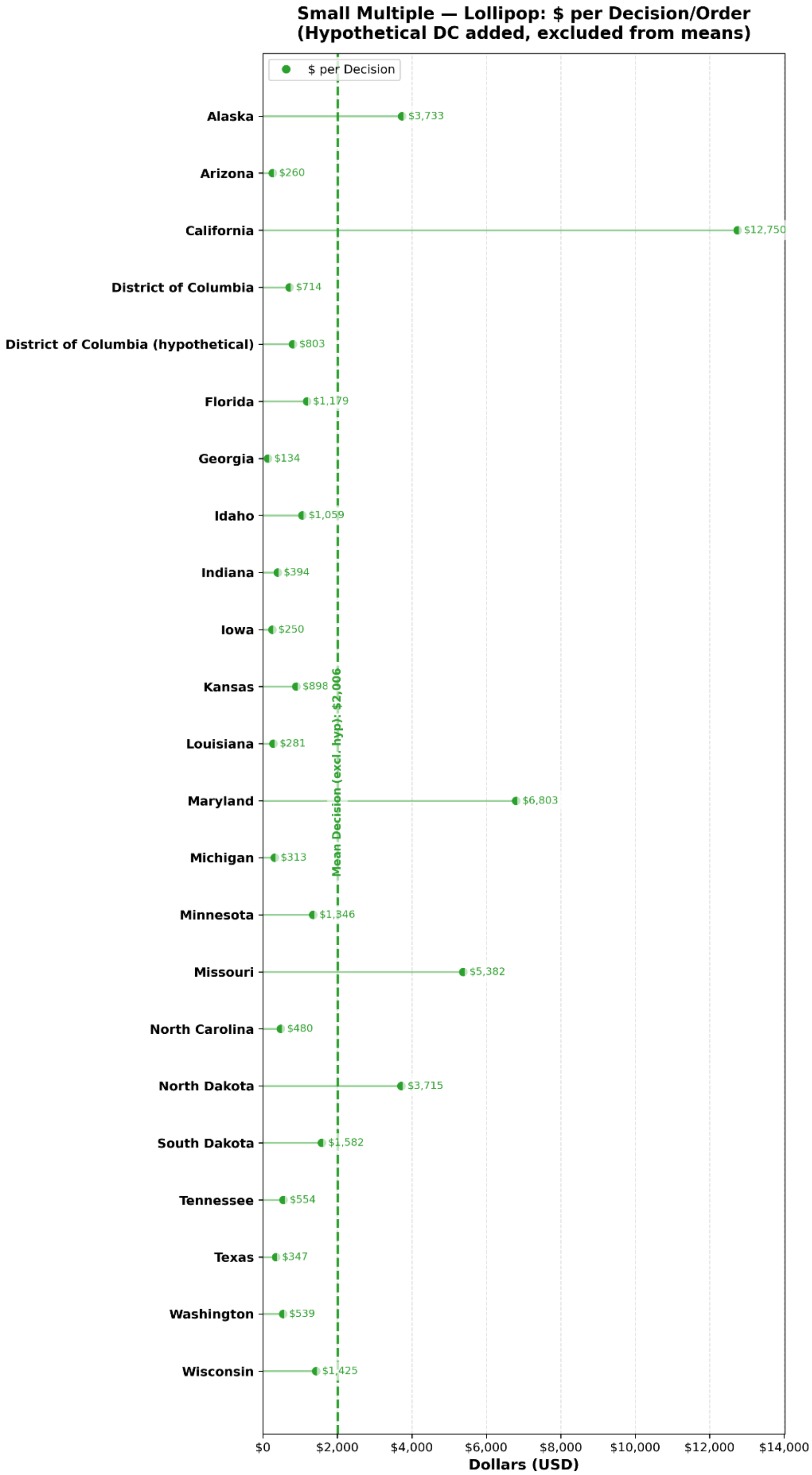
[12] Office of Administrative Hearings, *FY 2025 Performance Accountability Report*, at 8 (Jan. 15, 2026).
[13] District of Columbia, Office of Administrative Hearings, OAH Advisory Committee Meeting Recording (Sept. 11, 2025).
[14] Office of Administrative Hearings, *FY 2025 Performance Accountability Report* (describing limitations in case management systems and the need for modernization).
[15] Id. (noting reliance on manual and email-based filing and case processing practices).
[16] Id. (discussing barriers to public access, transparency, and docket visibility).
[17] Office of Administrative Hearings, *FY 2026 Performance Plan*, at 7 (Nov. 26, 2025) (reporting that only 32.12 percent of non-unemployment insurance cases filed in FY 2025 were resolved within 120 days, down from 67.29 percent in FY 2024).
[18] Louisiana Department of Administrative Law, *Annual Survey of Central Panel Administrative Law Judges* (2021 and 2024).
[19] Id. (comparative budget and output data for centralized administrative courts).
[20] Office of Administrative Hearings annual reports (FY 2021–FY 2024) (administrative law judge staffing levels, support staff counts, and filed-case growth).
[21] Author's calculations based on Office of Administrative Hearings annual reports and Louisiana Department of Administrative Law survey data.
[22] Louisiana Department of Administrative Law annual survey data showing a correlation between budgetary resources and decisions issued.
[23] Author's internal estimate based on hearing-to-decision conversion rates and comparative budget-to-output data.

APPENDIX

Small Multiple — Combined Lollipop: *perCaseand* **per Hearing**
(Hypothetical DC added, excluded from means)



Means (excluding hypothetical DC) — *perCase* : **1,109** | *perHearing* : **1,141**



Mean (excluding hypothetical DC) — *perDecision* : **2,006**

State	Annual Budget	Cases Filed Yearly	Hearings Conducted Yearly	Decisions/ Orders Yearly	Cost per Case	Cost per Hearing	Cost per Decision
Alaska	$2,800,000	807	807	750	$3,470	$3,470	$3,733
Arizona	$2,007,066.78	8,621	8,621	7,705	$233	$233	$260
California	$51,000,000	10,500	10,500	4,000	$4,857	$4,857	$12,750
District of Columbia (actual)	**$12,060,000**	**26,353**	**26,353**	**16,889**	**$458**	**$458**	**$714**
District of Columbia (hypothetical)	**$13,560,000**	**26,353**	**26,353**	**16,889**	**$515**	**$515**	**$803**
Florida	$39,025,113	38,398	38,398	33,107	$1,016	$1,016	$1,179
Georgia	$6,440,832	48,000	48,000	48,000	$134	$134	$134
Idaho	$1,589,000	1,500	1,500	1,500	$1,059	$1,059	$1,059
Indiana	$9,350,000	24,925	24,925	23,707	$375	$375	$394
Iowa	$5,500,000	22,000	22,000	22,000	$250	$250	$250
Kansas	$2,232,452	2,408	2,408	2,487	$927	$927	$898
Louisiana	$9,536,348	24,483	9,054	33,963	$390	$1,053	$281
Maryland	$20,000,000	33,000	33,000	2,940	$606	$606	$6,803
Michigan	$38,000,000	85,269	78,672	121,266	$446	$483	$313
Minnesota	$14,400,000	10,700	10,700	10,700	$1,346	$1,346	$1,346
Missouri	$1,210,862	1,500	1,500	225	$807	$807	$5,382
North Carolina	$1,440,764.50	4,000	4,000	3,000	$360	$360	$480
North Dakota	$1,523,141	418	418	410	$3,644	$3,644	$3,715
South Dakota	$474,602	300	300	300	$1,582	$1,582	$1,582
Tennessee	$3,770,000	6,800	6,800	6,800	$554	$554	$554
Texas	$13,000,000	27,500	27,500	37,500	$473	$473	$347
Washington	$38,300,000	59,000	59,000	71,000	$649	$649	$539
Wisconsin	$11,400,000	15,000	15,000	8,000	$760	$760	$1,425