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Committee on Housing
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Public Roundtable:
Improving Housing Conditions and Strengthening Landlord Accountability in the District

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Introduction

Good morning, Chairperson White, and members of the Committee. My name is Carrie Tirrell. I am a Policy Attorney at Children's Law Center. 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 improving housing conditions and strengthening landlord accountability in the District. Children's Law Center has long advocated for more effective housing code enforcement in the District because we know that is crucial for ensuring stable, safe and healthy housing for children.¹ When a child lives in unhealthy housing, they are more likely to end up in the ER because their poor housing conditions trigger health issues like asthma.² In fact, children with asthma in Wards 7 and 8 are twenty times more likely to end up in the ER for asthma than a child growing up in wealthier Ward 3 – many times as a result of poor housing conditions.³ Through our medical-legal partnerships, Children's Law Center attorneys are placed in neighborhoods where adverse housing conditions – and associated health problems – persist.⁴ Pediatricians, nurses and social workers in six community health centers turn to us to help them identify and resolve the root causes of their young patients' health problems.⁵ Children's Law Center represents children and

families who need landlords to fix these housing issues and advocates for city-wide reforms that ensure healthier housing for all children.⁶

Unfortunately, through our work, we see case after case of tenants, including children, stuck in deplorable conditions while bad actor landlords escape consequences. Children's Law Center recognizes that, in recent years, the District has made improvements in its efforts to identify unsafe and unhealthy housing conditions. Specifically, we commend the Department of Buildings ("DOB") for conducting substantially more housing inspections and identifying more housing code violations over the past few years.⁷ We also appreciate DOB's advancements in processing inspection requests, including emergency inspection requests, through their web portal.⁸ We also recognize the value of DC Health's Healthy Homes thorough and thoughtful Technical Assistance Reports in our Housing Conditions Court cases.

However, these inspections and Notices of Infractions ("NOIs") are not resulting in speedy abatements. Per DOB's dashboard, as of September 2026, only 25% of "emergency housing code violations" are abated within 30 days, and only 23.4% of "routine housing code violations" are abated within 90 days.⁹ This is not just an abstract number: children are actively suffering. Here are a few examples of the types of circumstances our clients are dealing with:

- One of our medical partners referred a family to us for help where the very young son had asthma and had been to urgent care several times. The apartment where the family was residing had no working air conditioner in the middle of summer, a broken, overflowing toilet, a clogged bathroom sink, a roach infestation in the kitchen, and a broken stove. The family had multiple children and relied on housing voucher assistance. At the time of her intake with Children's Law Center, the mother reported that DOB had inspected the apartment over a month earlier, but that she had never received the results of that inspection, and no corrective action had been taken.
- Another one of our medical partners referred a family with multiple children to us for help. Six months prior to the date of referral, in the summer, DOB had conducted a

housing inspection and issued a Notice of Infraction Emergency (“NOIE”) to the landlord for a defective, leaking HVAC system. At the time of the referral, the apartment had developed severe mold issues due to the leak, and the family had inadequate heat and hot water. This family also relied on housing voucher assistance.

- Another family reached out to Children’s Law Center because of a backed-up bathroom sewage line flooding their apartment. Over two weeks after DOB had conducted an inspection and issued an NOIE to the landlord for the flooding sewage, no action had been taken by the landlord. The family, including multiple young children, had been living for weeks with feces on their floor. This family also relied on housing voucher assistance.

District agencies are aware of the serious problems with abatement. Some agency employees refer families to us for direct representation in Housing Conditions Court litigation because their experience is that the District’s enforcement systems will not fix serious housing code violations in a timely manner. Children’s Law Center remains committed to providing services to as many qualifying families as possible, but clearly, this is not a sufficient approach to correcting housing conditions and holding landlords accountable in the District. Agencies must be empowered to resolve these violations and hold landlords accountable themselves.

Unsafe and unhealthy housing conditions in the District are not something that can be resolved by any one agency acting in isolation. We need the coordinated efforts of multiple District agencies, including: DOB, the Department of Licensing and Consumer Protection (“DLCP”), the Department of Energy and Environment (“DOEE”), DC Health, DC Water, the Office of the Attorney General (“OAG”), the Office of Administrative Hearings (“OAH”), and the Central Collections Unit (“CCU”). This coordination between agencies is necessary not only to address the obstacles to successful abatement and enforcement discussed in this testimony, but also to fully identify all additional obstacles.

Further, improving housing conditions and landlord accountability cannot be fixed by focusing on a specific type of housing code violation but rather requires improving the process for abatement and enforcement generally. Even if all the lead miraculously disappeared from DC, there would still be roaches, rodents, and mold and a need for effective housing code enforcement and landlord accountability. Proposed statutory or regulatory fixes need to prioritize clarity, simplicity, and widespread applicability to ensure effective implementation.

We recognize that effective housing regulation depends on voluntary compliance. The District cannot inspect every unit every day or litigate every violation. But voluntary compliance does not arise on its own. When regulated parties understand the rules, receive meaningful guidance, and know that continued noncompliance will produce predictable consequences, many will comply without direct enforcement.¹⁰ Voluntary compliance is not an alternative to effective enforcement; it is one of its principal results.

To this end, my testimony today will focus on the following key recommendations:

- DOB should expand targeted use of the nuisance abatement fund to increase the timely correction of serious housing code violations in District rental housing;
- Beneficial ownership data must include a natural person, be clear, accurate, and easy to access;
- All District agencies involved in healthy housing enforcement¹¹ must be more transparent;
- Expectations for landlords must be clear and realistic;
- For effective deterrence, landlords must be forced to take appropriate and timely corrective actions and pay fines and penalties;
- Proactive inspections must prioritize the worst landlords;
- Increased interagency coordination is necessary to meaningfully improve housing conditions in the district; and

- District agencies involved in healthy housing enforcement must provide more educational outreach and technical assistance for both landlords and tenants.

DOB Must Expand Targeted Use of the Nuisance Abatement Fund to Increase the Timely Correction of Serious Housing Code Violations in District Rental Housing

Under DC law, when a property owner fails to correct a housing code violation after reasonable notice, DOB is authorized to use a special purpose Nuisance Abatement Fund to abate the condition itself and then assess the actual cost or fair market value of that abatement to the property owner as a special assessment tax lien against the property.¹² When these liens are repaid, that money returns to the Nuisance Abatement Fund.¹³ In other words, DOB's Nuisance Abatement Fund expenditures are fully recoverable through these tax liens equal to the costs incurred rehabilitating properties; this is not the District subsidizing bad actor landlords.¹⁴

In FY25 and 26, DOB mainly used nuisance abatement funds to secure windows and doors, remove debris and excess vegetation, and cover graffiti.¹⁵ DOB also used the funding to perform some emergency plumbing services, duct work, installation of smoke and carbon monoxide detectors, provision of fire extinguishers, emergency stabilization of damaged structures, repairing or replacing defective electrical outlets, commercial water heater installation, as well as one "cover holes in the roof," and one "special project to re-instate gas lines."¹⁶ Using the Nuisance Abatement Fund to do this work reportedly cost DOB \$6,274,551 in FY25.¹⁷ Unfortunately, there is no publicly available explanation breakdown as to why particular properties were selected or why they were selected for a particular level of service.¹⁸

As of September 2026, according to DOB's dashboard there are 88,551 violations in 18,995 unique units that have not been abated.¹⁹ There is no easily accessible breakdown of how many

of these NOIs are Notices of Infraction Emergency (“NOIEs”), a type of NOI that DOB issues “when a violation poses an immediate threat to public safety or health.”²⁰ As a reminder, only 25% of “emergency housing code violations” are abated within 30 days, and only 23.4% of “routine housing code violations” are abated within 90 days.²¹ Given these numbers it is nearly certain that hundreds or even thousands of children are living in deplorable, unconscionable conditions. The Council’s priority in improving housing conditions in the District must be immediately getting children out of those conditions.

As DOB recognized in their *Fiscal Year 2025 Annual Report*, fixing the underlying violations through the use of the Nuisance Abatement fund prevents delayed abatement.²² Furthermore, when DOB contracts for or makes the repairs, there is no room for fake assurances, shoddy work, or fraudulent claims of having abated by landlords.²³ Proactively abating poor housing conditions is also critical to preserving the District’s affordable housing stock and ensuring that stronger housing code enforcement does not result in the displacement of low-income tenants. For example, when DOB deems a unit uninhabitable because it poses an imminent threat to health and safety, the Office of the Tenant Advocate (“OTA”) may provide financial assistance for a temporary hotel stay of up to two weeks.²⁴ If the underlying violations are not corrected within two weeks, families can be forced to enter shelter, sleep in their cars, or double up with friends or family until they can afford to move. DOB’s prompt abatement of life-safety violations could enable some families to return home *before* short-term OTA assistance runs out. Similarly, it could protect families with housing vouchers from accruing rental arrears while stuck in unsafe housing conditions. Pursuant to DCHA and Housing and Urban Development (“HUD”) regulations, after a unit being rented to a voucher holder fails two Housing Quality Standard (“HQS”) inspections,

DCHA will stop paying the agency's portion of the rent and terminate its contract with the landlord.²⁵ Although families have the right to use their voucher to move to a new unit, Children's Law Center has worked with many families who are not able to do so quickly due to delays in DCHA's lease up processes and end up facing eviction if their landlord tries to hold them accountable for the full monthly rent. When voucher holders want to stay in their original unit, DOB could use the Nuisance Abatement Fund to step in and correct violations to prevent DCHA from terminating the HAP contract and putting families in such precarity.

Beyond the compelling humanitarian reasons to utilize the Nuisance Abatement Fund to protect tenants, DOB has repeatedly stated that their recovery rate for amounts assessed by liens exceeds those for fines imposed by OAH.²⁶ In other words, somewhat counter-intuitively, when DOB uses the Nuisance Abatement Fund to make repairs directly, landlords are more likely to face real financial consequences from having allowed those violations to occur than when DOB solely issues fines.

In order for DOB to make increased use of the Nuisance Abatement Fund both in scope of projects and number of projects, DOB needs substantially increased funding for nuisance abatement work. The Fair Budget Coalition recommended the District provide \$75 million in funding for the Nuisance Abatement Fund for FY27.²⁷ However, the FY27 budget only includes \$9 million in the Nuisance Abatement Fund for DOB to use for nuisance abatement work.²⁸ Some additional funding may be added to the Nuisance Abatement Fund through recovery of prior expenditures.

Given the specific role of the Nuisance Abatement Fund and how straightforward the link is between use of that funding and amounts recovered, the Nuisance Abatement Fund is well-

positioned to function well as a statutorily funded special-purpose revenue fund. In addition to ensuring that the Nuisance Abatement Fund has enough initial funding to immediately enable DOB to expend the money necessary to complete abatements, the Council should pass any legislation necessary to allow DOB to retain and reinvest all collected fines and penalties from Notices of Infraction (“NOIs”) into the Nuisance Abatement Fund in addition to the liens for conducting nuisance abatement work.

Additionally, as the Council considers new bills permitting the recovery of additional fines, penalties, or liens for abatement actions DOB is already taking, the Council should direct those funds to the Nuisance Abatement Fund to ensure DOB has sufficient funding to continue performing those abatements. For example, DOB has been consistently performing successful abatements of excessive vegetation and removal of debris for multiple years, issues which are addressed in the Rodent Abatement and Transparency (RAT) Amendment Act of 2025. We urge the Council to revise the RAT Amendment Act to add the following provision to (2)(b), “Amounts collected under this section shall be deposited into the Special Purpose Fund established pursuant to Chapter 31A of Title 42 of the District of Columbia Official Code and shall be available to the Department of Buildings for future corrective actions and abatements in accordance with that chapter.”²⁹ This would help further establish the use of the nuisance abatement fund to abate rodent infestations and would ensure DOB has the funds to continue this work.

Increases in funding will also support DOB as they continue expanding into larger scale abatement projects such as repairing or replacing elevators, HVAC systems, and water heaters. Given the remarkable success DOB has had in performing necessary abatements in a more timely manner and holding landlords fiscally accountable, DOB must continue to expand their use of

the Nuisance Abatement Fund. Children's Law Center recognizes that it will take time for DOB to gain proficiency in consistently addressing these larger-scale projects, but the investment is worth it considering the significant challenges involved in compelling unwilling landlords to make such repairs.

As DOB expands its use of the Nuisance Abatement Fund, it is important for the agency to promulgate regulations and public-facing guidance that explains how the agency will select and prioritize projects.³⁰ To this end, we recommend DOB create an agency-led working group that includes tenants, advocates, agency officials, medical professionals, scientists, and construction workers. This working group could review existing agency policies and practice guidance, as well as data regarding both the short- and long-term benefits of different types of abatement projects, to inform DOB's approach to selecting projects for abatement. DOB's public health analyst could be particularly helpful in these efforts.³¹

Beneficial Ownership Data Must Include a Natural Person and be Clear, Accurate, and Easy to Access

To hold someone accountable for housing code violations, the person who owns the property and is therefore responsible for addressing the violations must be identified. The District must be able to identify bad actor landlords in order to utilize the full range of its enforcement tools and to prevent such landlords from continuing to operate or expand their operations at the District's expense. Tenants suffering through poor housing conditions also need to be able to identify their landlords in order to hold them accountable and compel repairs through housing conditions court.

In our current system, there are numerous obstacles to identifying landlords for the purpose of holding them accountable. To change this, several change are needed, including: (1) the Council must pass legislation requiring the identification of a natural person as a beneficial owner; (2) DLCP must stop accepting self-certification of “clean hands;” and (3) the District must establish one centralized, publicly accessible database, searchable by residential building address, that provides accurate and complete property ownership and registered agent information.

The Council Must Pass Legislation Requiring the Identification of a Natural Person as a Beneficial Owner

Beneficial ownership information refers to identifying information about individuals who own or control a company. Beneficial ownership information is required in order to register a business in the District.³² For business registration, the District of Colombia defines a beneficial owner as a:

“...person whose aggregate share of direct or indirect, legal, or beneficial ownership of a governance or total distributional interest of the entity:

(A) Exceeds 10%; or

(B) Does not exceed 10%; provided, that the person:

(i) Controls the financial or operational decisions of the entity; or

(ii) Has the ability to direct the day-to-day operations of the entity.”³³

Unfortunately, “person” is defined as, “an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal entity.”³⁴

As a result, under current District law, one LLC can register as the beneficial owner of another. That LLC can then register as the beneficial owner of yet another LLC and so on. This enables natural persons to greatly obfuscate their identity behind multiple layers of LLCs.

This is more than an abstract problem. Difficulties identifying the natural persons behind landlords' LLCs lead to some very bad actor landlords getting new District funding to expand their District-subsidized housing operations.³⁵

It is crucial that the District collect beneficial owner information that includes natural persons in order to ensure bad actor landlords are easily trackable. We urge the Council to revise the business registration statute to require listing natural persons.

DLCP Must Stop Accepting Self-Certification of "Clean Hands"

It is not enough for agencies to simply collect this information. Agencies, especially DLCP and DCHA must be required to check landlords' records, both as LLCs and as natural persons, before issuing or reissuing basic business licenses (BBLs) or subsidies.

District law states,

"the District government shall not issue or reissue a license or permit to any applicant for a license or permit if the applicant (...) Owes the District more than \$1,000 in outstanding fines, penalties, or interest assessed pursuant to the following acts or any regulations promulgated under the authority of the following acts, the: (...) Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) [Chapter 18 of Title 2];"³⁶

D.C. Official Code § 2-1801.01 *et seq.* is the act under which DOB has promulgated regulations for which they issue NOIs.

As it stands, current law allows DLCP to blindly accept landlords' self-certification that they have "clean hands" (that they do not have any of these "outstanding fines, penalties, or interest") without requiring DLCP to do a modicum of verification.³⁷ Our understanding from conversations with DLCP is that in practice DLCP only requires businesses and individuals applying for a BBL to get a "clean hands" certificate from the Office of Tax and Revenue ("OTR"). These OTR Clean Hands Certificates only "verify that [the entity is] current on DC tax obligations."³⁸

The Council has already passed a statute that would close this gaping loophole: D.C. Code § 47-2866, which provides,

(...), the Chief Financial Officer shall implement an interagency computer system to enable government agencies, including the Department of Licensing and Consumer Protection, the Office of Tax and Revenue, and the Department of Public Works, to maintain and access up-to-date records of outstanding fines, fees, penalties, interest, taxes, or other charges that may be owed by applicants for licenses or permits from the District government.

(2) At least 30 days prior to the implementation of the interagency computer system, the Chief Financial Officer shall notify the Council of the date of implementation.

(b) Upon the implementation of the interagency computer system as required by subsection (a) of this section:

(1) All agencies responsible for issuing licenses or permits shall utilize the interagency computer system containing records of outstanding fines, fees, penalties, interest, taxes, or other charges owing to the District government to determine whether the application for a license or permit should be denied pursuant to § 47-2862(a);

(2) Self-certification authority shall no longer be authorized;

We urge the Council to determine why this law has not been implemented and to ensure its prompt implementation. The Council should also consider expanding the agencies statutorily required to use this system to include DCHA and mandate that DCHA check this system before issuing or renewing any housing subsidies.

The District Must Establish One Centralized, Publicly Accessible Database, Searchable by Residential Building Address, that Provides Accurate and Complete Property Ownership and Registered Agent Information

As it stands, it is extremely difficult for tenants to hold their landlords accountable for deplorable living situations in court because they cannot identify whom they need to serve.³⁹ Valid service is necessary before a case in Housing Conditions Court can proceed for a tenant to seek emergency orders, including potentially alternative housing, urgent repairs, and sanctions or rent abatement, as necessary.⁴⁰ Put simply, the lack of easily publicly accessible, accurate information about property owners and their registered agents traps tenants, including our children clients in outrageous housing conditions.

There are at least three different official District websites our Housing Conditions Court attorneys routinely have to check to find out on whom to serve process.⁴¹ Even with three official websites, we are still seeing multiple cases where there is no or insufficient information for a building or entity on all of the websites, the information is contradictory between websites, or the information is incorrect on all of the websites.

Furthermore, not only is information missing, confusing, or inaccurate for private landlords, our attorneys currently have active cases in Housing Conditions Court where they have to litigate whether or not DCHA is a proper named defendant. DCHA maintains a list of their public housing properties on their website, but sometimes DCHA has a “ground lease” or owns the real property but has delegated responsibility for property management to a private company.⁴² When DCHA is listed as an owner, it should be made clear whether they are the entity responsible for housing code violations, and if they are not, they should publish on their website who is and the relevant service information for that “person.” At the very least, the

District should be able to provide accurate information about whether or not DCHA, a District agency, is the beneficial owner of a residential housing building.

Having information spread across several different websites that are routinely inaccurate and out of date is not just tedious and time-consuming; it results in serious consequences to our clients' children. Recently, one of our attorneys had a case where the family's fridge and air conditioning were not working in the heat of summer. Our attorney struggled to find anyone to hold accountable as the LLC that had owned the building had their LLC status revoked. Ultimately, our attorney named both the former LLC and the property management company as defendants in that case, but no one showed up to the first two scheduled hearings. With no one present, progress could not be made on the case, and the family was stuck for months with a broken fridge and no air conditioning. Given that our attorneys who have to do these lookups on a routine basis are struggling this hard, it is almost unimaginable that a pro se family is going to know which combination of databases to use to find accurate information about their landlord's agent.

Ownership and registered agent information must be made easy for both District agencies and the general public to access. The information should not be behind a login, require registration for a particular system, or otherwise be obfuscated from easy public access. All information collected by the District should be available in one centralized District database, searchable by residential building address. Assuming it may take time to integrate these systems, in the interim there should be a clear explanation as to what information is provided where, including links to where to find the additional information. Any tenant who needs to avail

themselves of Housing Conditions Court should be able to easily access sufficient information to affect valid service without difficulty.⁴³

All District Agencies Involved in Healthy Housing Enforcement⁴⁴ Must be More Transparent

Through our medical-legal partnership, Healthy Together, medical providers refer families to Children's Law Center when they identify a child's health problem that may be caused or exacerbated by unhealthy housing conditions. For example, providers may refer a child with asthma who is repeatedly hospitalized or requires frequent emergency room visits due to housing conditions such as mold or other housing code violations exacerbating their medical condition.

When we speak with families to understand how we may be able to help, we ask about any housing inspections that may have occurred. Families often tell us that an inspection took place, but they do not have a copy of the report, were not provided with the results, or do not understand what happened after the inspection. Even when families know violations were identified, they frequently do not know whether repairs were ordered, what timelines apply, whether follow-up inspections will occur, or what enforcement actions, if any, are being pursued. As a result, families are often left without a clear understanding of their rights, available remedies, or what steps should happen next.

In these situations, Children's Law Center attorneys often need to help families ascertain what occurred during an inspection, what violations were identified, and whether appropriate follow-up action is being taken. Families managing a child's medical condition, housing challenges, work obligations, and other competing demands may have limited time and capacity to navigate multiple agencies in order to obtain inspection records and understand the status of enforcement efforts. Language barriers may further complicate their ability to obtain and

understand inspection findings. Making inspection results publicly available would allow tenants and any advocates or attorneys they have been connected with to obtain critical information more quickly, better understand their rights and options, and make informed decisions about their health and housing.

In addition, these inspection results can be very important in Housing Conditions Court, particularly for tenants who do not have attorneys. When tenants do not know the results of inspections, what corrective actions have been ordered, or the expected timelines for repairs, abatements, or relocation, they are less able to exercise and enforce their rights or make informed decisions about their housing situation.

This information is especially important when housing conditions pose significant health risks to children. For example, hazards such as lead paint where the hazard is not immediately apparent and continuing exposure causes continuously increasing irreversible damage.⁴⁵ Inspection reports can provide critical information about the existence and severity of these hazards and help families understand the urgency of addressing them. In addition, inspection reports often contain photographs and other documentation that can be highly valuable in court proceedings and may help establish housing code violations more efficiently and effectively.

Beyond directly impacted tenants, for less obvious housing conditions concerns, like lead-based paint or mold in ductwork, publicly available information about the building as a whole may help other tenants and medical professionals identify the root causes of those tenants and their children's health issues. Furthermore, more reliable, clear, publicly available information about which landlords are repeat bad actors and which buildings have pervasive housing conditions issues could help tenants choose what properties to avoid.

Finally, publicly available information is extremely important for advocates to investigate and determine underlying causes of repeat housing enforcement issues. Without sufficient information, we cannot make educated recommendations for improvement to agencies or to the Council. It is not helpful to say that a system is broken without being able to pinpoint where the breakdown occurred.

There are multiple steps needed to improve transparency: (1) housing inspection results must be publicly accessible; (2) DOEE, DOB, and DC Health must proactively involve impacted tenants in the inspection and abatement process; and (3) information regarding enforcement decisions and any roadblocks must be publicly available.

Housing Inspection Results Must be Publicly Accessible

District agencies that conduct housing inspections must make inspection reports publicly available. Children's Law Center greatly appreciates DOB's new searchable NOI database.⁴⁶ Compared to the limited information regarding violations available from DOB's general violation dashboard, being able to see the full NOIs, including photos, is much more informative.⁴⁷ We greatly appreciate that it is possible to search for NOIs both by infraction address and respondent name.⁴⁸ This makes it much easier for our attorneys to access important historical information and photos for their Housing Conditions Court cases.

However, a concern is that currently, in at least one of the DOB's dashboards, NOIs are fully removed after a landlord submits proof of abatement.⁴⁹ Landlords, even landlords with hundreds of NOIs can have them entirely removed from public view simply by submitting proof of abatement. We encourage DOB to revise this system of reporting to update which NOIs have been abated, but not to fully remove the issuance of NOIs from view. If a landlord has hundreds

of NOIs, even if they are ultimately abating them when caught, tenants, advocates, and the Council should have access to this information.

We look forward to the results of mold inspections becoming publicly available through DOB's NOI databases as DOB begins conducting those, especially since as it stands, DOEE has not made their inspection reports publicly available. DOEE should make their inspection reports, including prior mold inspection reports and current and prior lead inspection reports publicly available. DOEE could do so through creating a similarly searchable database or, better yet, work with DOB to integrate their prior inspection reports into DOB's existing database. Integration into DOB's database would be particularly useful for prior mold inspection reports to ensure that all mold information for a particular property or landlord is available in a centralized location. If some information is stored in one location and other information is stored in another, it becomes harder to access the full picture and more likely that something may be overlooked.

To the extent there are concerns about redactions being required to preserve privacy, and those having a cost, DOB and DOEE spend hundreds of thousands of dollars per year responding to FOIA requests.⁵⁰ At least some of these requests addressed housing code inspections and violations. The more information that is made publicly available, the less information that would have to be addressed case-by-case in individual FOIA requests.

DOEE, DOB, and DC Health Must Proactively Involve Impacted Tenants in the Inspection and Abatement Process

In addition to making inspection results publicly accessible, impacted tenants should proactively receive a copy of the results of any inspections of their unit conducted by any District

agency. The District should not put the onus on a tenant to know where to look for inspection reports, especially if agencies host them in different databases.

When DOEE, DOB, and DC Health provide these inspection results to tenants, they should explain what the results mean and what next steps to expect. For example, if mold was not found, DOB should explain what tests were and were not run and whether there is a possibility that additional testing might reveal the presence of mold. The agencies should remain in contact with the impacted tenants from the time of citation through abatement.⁵¹ This is especially crucial for situations where an inspection by one agency may reveal potential hazards that need to be further inspected by another agency. For example, if DOB notes cracked paint in a pre-1978 rental property, DOB should have a formalized process for referring the property to DOEE for a lead inspection and for updating the tenants about that referral, the timeline for inspection, and the results of any inspection. Throughout the process, agencies should consistently update tenants about what to expect next and how to access the results of every inspection.

If abatement plans are developed in consultation with the landlord or through using the Nuisance Abatement Fund, these plans should be discussed with tenants. Agencies must also make clear what the health consequences are of any unhealthy housing conditions and timelines for abatement and enforcement. If there are steps tenants can take to protect themselves while landlords are abating or agencies are pursuing enforcement, agencies should inform tenants of those steps.⁵² Tenants should never be left wondering what the results of an inspection were, what the next steps are, or what the timeframe is for enforcement.

Additionally, tenants must be informed about landlords' claims to have abated any housing conditions violations. As it stands, tenants are not routinely informed about landlords' self-certification claims of having abated housing code violations. Currently, landlords can fill out an online form available through DOB's website to provide "Proof of Abatement."⁵³ Children's Law Center has heard reports of landlords taking pictures of other units within their buildings and submitting those as proof of abatement. Other landlords, either misguidedly or intentionally perform insufficient abatements, such as painting over mold rather than properly abating it. When mold is not properly abated, it remains a serious asthma trigger and may even cause children to develop asthma.⁵⁴

Notices of landlord's self-certification of abatements should be sent to tenants. If tenants do not confirm the abatement has occurred or have concerns regarding the sufficiency of the abatement, another inspection should be completed by the agency. Our understanding is that DOB has some reasonable concerns about the cost of doing re-inspections for every alleged abatement. A process of confirming abatements with tenants would still limit the number of re-inspections, while ensuring that landlords are not getting away with sloppy fixes or outright fraud. It is important to emphasize that there is proper incentive for tenants to confirm abatement: It is both inconvenient and invasive to have inspections of one's home. No one would choose to have an entirely unnecessary additional inspection.

Information Regarding Enforcement Decisions and Any Roadblocks Must be Publicly Available

In addition to having publicly available information about the infractions, there must be far more publicly available information about whether any enforcement steps are being taken by any agency, what those steps are, and a timeline. Presently, there is very limited publicly

available information about both DOB and DOEE's OAH enforcement filing decisions. This makes it impossible for advocates and the Council to fully identify what is going wrong with NOI enforcement. Right now, there is very limited publicly available information regarding when and why DOB or DOEE files an enforcement case with OAH and why they are withdrawing some of these cases.

DOB's enforcement dashboard shows whether or not an NOI was filed with OAH and whether or not a Final Order was issued but has no information about why.⁵⁵ For example, the dashboard shows "Cap Id" numbers that indicate that some NOIs issued as early as 2015 have not been filed with OAH, without explanation.⁵⁶

Also, for the NOIs where the dashboard indicates they were filed with OAH but that a Final Order has not been issued, there is no information about whether the case is still open or has been resolved in a manner other than a Final Order.⁵⁷ Our understanding is that if DOB or DOEE withdraws the case for any reason after filing there is no "Final Order" and no publicly available information on DOB, DOEE, or OAH's website about the reason for this withdrawal: whether the NOI or service was legally insufficient in some manner, whether a settlement agreement was reached, whether the landlord declared bankruptcy, etc.⁵⁸

Learning the cause of these withdrawals or decisions not to file is not an academic exercise; it has real consequences:

- If DOB is still having service issues, resolving that may require changes to what information DLCP must collect and provide.
- If DOB inspectors are citing to the wrong regulations in their NOIs, they may need more training; DOB may want to explore ways to simplify their regulations; or DOB may want to invest in software to help the inspectors more easily locate the right regulations.

- If DOB is settling numerous cases, the Council should require DOB to provide information about whether actual abatements have been made in those cases, whether those landlords were repeat offenders, how much of a discount the landlords got from settlement, and other related topics.
- If DOEE has decided not to file any enforcement cases directly against landlords at OAH because they do not feel the fine amount they are authorized to pursue themselves is an adequate enough deterrent to be worth pursuing, DOEE should consider updating their regulations to increase fine amounts or the Council could consider additional alternative enforcement provisions.

As is clear, there is not a one-size fits all solution that covers all of these potential problems. The actual cause of the problem must be uncovered in order to tailor a solution. Agencies must be required to provide enough data regarding enforcement decisions that the underlying causes can be identified and effective solutions explored.

Additionally, there is limited information about the timeline from the issuance of NOIs to the time DOB or DOEE decides to file these with OAH.⁵⁹ For the filed NOIs that result in a Final Order from OAH, the Final Orders contain the date of the NOI was issued or served, which makes it technically possible, though time consuming and tedious, to do calculations to determine the period of time that elapsed between issuance of the NOI and filing with OAH.⁶⁰ However, for NOIs that do not reach a Final Order, this information is unavailable.⁶¹ If DOB is taking a long time to file NOIs with OAH for enforcement, the reasons behind that should be explored.

An important step towards transparency is for DOB to add a disposition category to their existent dashboard. That category could include, “pending,” “settled,” “dismissed,” or “Final Order.”⁶² If the case was settled, the dashboard should state both the original fine amount and the settlement amount. The dashboard should also add a category for either the date the NOI

was issued and the date it was filed with OAH or the time, in days, between the date of issuance and the date of filing.

For lead abatement tracking, DOEE should either replicate DOB's dashboard system or work with DOB to have their information included in a shared dashboard.⁶³

Expectations for Landlords Must be Clear and Realistic

Currently, DOB issues two types of NOIs: Notices of Infraction Routine and Notices of Infraction Emergency.⁶⁴ Per DOB's website, "A Notice of Infraction Emergency (NOIE) is issued when a violation poses an immediate threat to public safety or health. An NOIE requires prompt corrective action to address urgent hazards including but not limited to: fire safety hazards, heating failures, [and] severe plumbing issues. (...) A Notice of Infraction Routine (NOIR) is issued for violations that, while not posing an immediate danger, still require attention to comply with building codes and regulations, to include: cosmetic problems (e.g., chipping paint), minor structural issues such as cracks in walls or ceilings, non-urgent plumbing issues such as leaky faucets or slow drains."⁶⁵ There is no additional guidance posted. The same section of the housing code may be cited for either an NOIE or an NOIR, with the same authorized fine amount.⁶⁶ As it stands, it appears the decision whether to issue an NOIE or an NOIR is entirely up to individual inspectors, appearing to lead to somewhat arbitrary results.

The functional distinction between NOIEs and NOIRs is that: "NOIEs must be abated within 24 hours. NOIRs may be abated within 60 days as long as any associated NOIE is also abated in a timely manner."⁶⁷ Children's Law Center strongly believes in the importance of making abatements as expeditiously as possible. However, currently, DOB is issuing NOIEs for major housing code violations that cannot realistically be corrected within a day.

In one OAH case that illustrates this issue a “faulty hot water heater caused extensive water intrusion” into a rental unit and caused “damage to the interior surfaces in the bathroom. (...) a District Inspector observed and photographed (...) there was no sink in the bathroom. The inspection photographs show that work to correct the violations had begun before the inspection.”⁶⁸

The Inspector issued an NOIE for the lack of sink, ordering the landlord to correct that within one day.⁶⁹ The landlord reinstalled the sink a few weeks later, but importantly relocated the tenants while the bathroom repairs were taking place.⁷⁰ The ALJ specifically found that, “Respondent demonstrated a good faith efforts to comply with the Code by initiating repairs before the inspection.”⁷¹ The ALJ also did “not find evidence of aggravating factors because, even though the violations were deemed life safety hazards, Respondent relocated the tenants while the bathroom was unusable.”⁷² Presumably, if it had been possible for the landlord to complete the abatement ordered by the NOIE within a day, he would have done so rather than relocate the tenants for weeks.

In this case, the landlord relocated the tenants despite not having been required to by a District agency. However, one can easily imagine another case in which a landlord did not choose to do this of their own volition. In that situation, as it stands, DOB would have ended their involvement after telling the landlord to abate the missing sink in one day, regardless of the impossibility of doing so.

Tellingly, DOB’s own dashboard does not bother trying to track whether NOIEs are being abated in a day; it tracks 30 days.⁷³ If DOB actually expected abatements within a day, logically, that would be the metric they would track. DOB is not tracking that.

The same issue applies to some NOIRs as well. A DOB “Inspector identified in the NOI that all the windows in the building needed to be replaced. (...) The windows either did not open or were hard to open, and the tenants had to cover the windows with plastic and tape.”⁷⁴

The ALJ found that,

The windows are ready for installation, but this requires additional time as the work is extensive. (...) Respondent is in the process of getting the work finalized via a capital improvement petition. There has been significant challenges in communication between the two District agencies regarding the necessary permits and approvals. Respondent has ordered the required inspections. There have also been challenges in obtaining information from DOB. Respondent was informed that they need a construction inspection which requires additional permits. Respondent is navigating all of this, but it has been cumbersome.

In this particular case, the ALJ suggested that District agencies may have been able to work together to speed up these processes and therefore the required abatement, but without that coordination it was impossible for the Respondent to abate within the mandated time.

Ordering abatements to be completed impossibly quickly is a serious concern for many reasons. If abatement within an ordered time period is literally impossible, landlords are not going to feel meaningful pressure to try to comply.⁷⁵ Furthermore, in general, issuance by a governmental agency of orders that are impossible to comply with leads to a loss of perception of legitimacy.⁷⁶

Realistic abatement timeframes are also necessary to form a basis for next steps, check-ins, reinspection, and enforcement. Some serious violations can and should be corrected within a day. Others cannot. For serious violations where repairs will require more than one day DOB or DOEE should not be able to simply issue an NOIE and wash their hands of the situation by saying, “well, the landlord was told to correct this within a day.” Currently, issuing NOIEs and

asserting landlords have been told to correct violations within a day appears to be taking the place of agencies meaningfully engaging on what should be done during the time it will realistically take to abate the violation and how those agencies will hold landlords accountable for taking the necessary steps to correct: If what needs to occur is that tenants need to be rehoused for a realistic period of time while substantial, invasive repairs are made, like in the case with extensive damage to the bathroom, that needs to be what agencies are requiring of landlords rather than pretending that all life safety violations can be fixed within twenty-four hours. Assuming statutes or regulations need to be changed to permit that, agencies and stakeholders must work together to identify these changes.

It is important that DOB continue acknowledging that there is difference in severity between different types of housing code infractions. For many reasons, there should remain a way to distinguish between severe and less severe violations. However, not all severe violations can be handled by purporting to require unrealistic abatement within one day.

DOB should create an agency-led working group including tenants, advocates, agency officials, and construction workers for two purposes:

1. This group must review any internal guidance on the determination of severity currently resulting in the issuance of NOIRs versus NOIEs to promote meaningful and reliable distinctions, and
2. This group must create realistic abatement timeframes, with guides, meaningful check-ins, and accountability such as when DOB will be filing unabated NOIs with OAH.

The results of this working group should be reported to the Council for oversight.

For Effective Deterrence, Landlords Must be Forced to Take Appropriate and Timely Corrective Actions and Pay Fines and Penalties

We must hold landlords accountable for dangerous conditions they have allowed to occur. Effective deterrence must be both swift and sure.⁷⁷ As explained above, for housing to be safe and healthy in DC, we need voluntarily compliance by the majority of landlords. District agencies and tenants cannot take every landlord to court.

If agencies demonstrate they have an effective enforcement system, with meaningful timeframes for compliance, landlords will comply because they know that if they do not there will be consequences.⁷⁸ Voluntary compliance is the fruit of an effective system.

Furthermore, transparent and strict enforcement creates a level playing field. Responsible property owners are not financially penalized by competing against bad actors who save money by neglecting health and safety codes.

Unfortunately, as it stands, many bad actor landlords are not being held meaningfully accountable. Justice is neither swift nor sure. There are multiple steps needed to increase meaningful accountability for bad actor landlords: (1) DOB and DOEE must take strong enforcement actions; (2) OAH must be judicious in discounting fines and penalties and must prioritize the most egregious cases; (3) CCU must collect outstanding amounts owed.

DOB and DOEE Must Take Strong Enforcement Actions

There is not a single OAH Final Order from FY26 for DOEE for lead enforcement against a landlord.⁷⁹ There is no way to independently determine whether DOEE has even filed a single OAH enforcement case against a landlord in FY26. This is clearly not because there are no lead-based paint hazards in the District or all landlords are immediately perfectly compliant with

DOEE remediation orders.⁸⁰ Instead, DOEE is allowing bad actor landlords to completely disregard their legal obligations without any consequences, resulting in children being stuck in unconscionable conditions.

You may recall testimony earlier this year from my colleague, Saisha Nanduri, about a family she represented.⁸¹ The family had a DCHA voucher that was being used to pay a private landlord. After a toddler in the family tested positive for severe lead poisoning, DOEE tested the rental unit for lead hazards.⁸² DOEE found lead hazards in at least fifty areas of the home.⁸³

Under DC Code § 8-231.03 (the Lead Hazard Prevention and Elimination Act) and 20 DCMR § 3319, DOEE is authorized to order relocation assistance. However, when my colleague inquired with DOEE about agency assistance and enforcement, DOEE informed her 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.⁸⁴ My colleague asked DOEE the natural follow up question about what would be "high enough" to order relocation and DOEE had no answer.⁸⁵

DOEE also informed my colleague 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 the authorized fines.⁸⁶ DOEE's approach to enforcement in that family's tragic situation is consistent with the complete lack of OAH Final Orders from FY26 for DOEE for lead enforcement against a landlord.⁸⁷

To be clear, no District agency ever helped the family move or compelled the landlord to remediate the lead-based paint hazards in that or any other unit. DOEE did not seek to force the landlord to take any proper abatement actions or to rehouse the family appropriately. DOEE did

not file the case themselves at OAH or refer the case to OAG. Any rational landlord would have learned from that experience that compliance, both affirmatively and after a citation, is optional.

Given the alarming numbers of unabated lead hazards in the district, it is reasonable to assume there are children presently facing continuing, unabated exposure and suffering devastating lifelong consequences.⁸⁸ DOEE must take strong enforcement action. Landlords must know that if they ignore the District's lead laws and harm children there will be serious consequences. There is a reason the statute authorizes fines of up to \$25,000 a day and imprisonment of up to a year for intentional bad actor landlords.⁸⁹ DOEE must work with OAG to ensure these authorized penalties are actualized.

Children's Law Center appreciates that DOB has been filing to enforce their NOIs through OAH and during FY26 to date has obtained dozens of Final Orders requiring payment by landlords for their violations.⁹⁰ These Orders are real financial consequences to landlords for having and failing to abate housing violations, and will help deter both directly impacted landlords as well as other landlords who may be tempted to copy their bad behavior.⁹¹ However, dozens of Final Orders is substantially fewer than the 88,551 NOIs for 18,995 unique units that have not been abated.⁹² Dozens of Final Orders are still significantly less than one percent of all NOIs. As a result, many bad actor landlords may still rationally be willing to take the gamble around enforcement.⁹³

Why the number of Final Orders enforcing NOIs is so low is currently impossible to fully determine based on publicly available information.⁹⁴ OAH makes Final Orders for DOB and DOEE available on their website.⁹⁵ However, presently there is no explanation provided by DOB

or DOEE for why NOIs have not been filed with OAH or why they have been voluntarily dismissed by the agencies prior to reaching a Final Order.

Some OAH Final Orders for DOB NOI filings in FY27 are dismissals based on issues with the “notice being defective” for being unclear or citing the wrong regulatory provision or fine amount,⁹⁶ but there is no way to know how many NOIs DOB never filed with OAH because they caught this issue themselves. Additionally, DOB has previously acknowledged having serious issues with service which may or may not be ongoing.⁹⁷

But, even accounting for these procedural issues, given the numbers, it seems nearly certain that DOB is intentionally failing to bring or dismissing OAH cases against at least some landlords with serious and repeat NOIs after proof of untimely abatement rather than continuing to seek to enforce fines and penalties. This is in keeping with DOB’s stated view of their mandate as being solely to get housing violations fixed and “not punishment.”⁹⁸ The problem with DOB taking this approach to enforcement is that without punishment, there is no incentive for intentionally bad actor landlords to avoid violations in the first place rather than to only bother correcting them if they get caught. This is not adequate deterrence for intentional, repeat bad actors.

DOB should establish clear standards for reducing or dismissing fines and publish outcomes for NOIs that do not reach the “Final Order” stage in OAH. Both DOB and DOEE must more aggressively pursue enforcement for housing condition violations at OAH.

In addition, DOB, DOEE, DC Health, DC Water, and OAG must all coordinate their enforcement priorities to ensure that the worst actor landlord are held accountable. Currently, there is no publicly available clear guidance as to when DOB, DOEE, DC Health, or DC Water

will refer cases to OAG for stricter enforcement or when OAG will accept these cases. Children's Law Center understands that OAG does not have the resources to pursue cases against every bad actor landlord in the District, but OAG must have a clear process for accepting referrals.

OAH Must be Judicious in Discounting Fines and Penalties and Must Prioritize the Most Egregious Cases

DOB is not the only District agency giving bad actor landlords a generous discount on their NOIs and undermining deterrence. In many OAH cases, landlords with multiple serious NOIs are still receiving a hefty discount for "admit with explanation" pleas. Administrative law judges ("ALJs") use a version of the following language almost universally in their Final Orders in DOB NOI cases:

"An Administrative Law Judge may, but is not required to, consider certain mitigating and aggravating factors when considering whether to reduce or suspend fines. The factors include but are not limited to acceptance of personal responsibility, good faith efforts to comply with the law, corrective action, and concrete steps to prevent future violations."⁹⁹

ALJs then go on to reason, "Respondent accepted responsibility for the infraction by entering a plea of Admit with Explanation," and substantially reduce the amount of fines and penalties owed.¹⁰⁰ This is happening even in cases where landlords enter very untimely pleas of "admit with explanation."¹⁰¹

Bad actor landlords who have become aware of this OAH discount have very limited incentive to pay full fines or penalties. So, if DOB is trying to negotiate a faster resolution in an attempt to get hazardous conditions abated more quickly, rather than waiting for the case to wend its way through the OAH backlog, DOB is stuck negotiating around this virtually

guaranteed discount. Put simply, the current OAH approach to discounts for NOIs is seriously undermining enforcement attempts.

Clearer beneficial ownership information could help avoid discounts for repeat bad actors. DOB could file more NOIs with OAH at once or otherwise ensure that OAH knows how many NOIs are pending involving the same natural person. OAH could check to see if the Respondent has other prior Final Orders. ALJs aware of these longer lists of NOIs might be less inclined to offer discounts and could specifically cite the number of NOIs as aggravating factors that weigh against any reductions. “Aggravating factors include but are not limited to failure to abate the violation in a timely manner, whether the violation is willful, and the seriousness of the violation”—a pattern of having multiple unabated NOIEs across multiple properties certainly seem to fall within these factors.

If ALJs continued to give bad actor landlords hefty discounts even under these circumstances, the Council would also be better positioned to consider legislation to not allow discounts under certain circumstances or to switch the guidelines for mitigation or aggravation.

In addition to ensuring that bad actor landlords stop receiving hefty discounts, there needs to be a system for prioritization of more egregious housing conditions cases and repeat bad actor landlords.¹⁰² Right now, justice through OAH is not swift. The need more meaningful prioritization among DOB NOI cases is even more concerning and pressing given DOB’s stated intention of using vehicles with panoramic cameras and AI to survey the exteriors of buildings for the entire District for violations of the building code.¹⁰³ Assuming DOB does this surveillance, the number of DOB filings at OAH is likely to dramatically increase. OAH must implement a

system to ensure that serious life safety violations are prioritized over other more minor infractions.

The District's Central Collection Unit Must Collect Outstanding Amounts Owed

Another area of concern is that as of September 2026, per DOB's dashboard, the District's Central Collection Unit ("CCU") has a balance of \$40,559,976 of fines and penalties that were transferred by DOB.¹⁰⁴ However, neither DOB's annual enforcement reports nor OCFO's FY2024 CCU annual report identify how much CCU actually collected from DOB fine and penalty assessments.¹⁰⁵ If fines are not being collected, even after a Final Order, there is still no deterrence.

Proactive Inspections Must Prioritize the Worst Landlords

In addition to focusing on strong and swift enforcement against the worst landlords, proactive inspections must also prioritize the worst landlords. Prioritizing inspection of properties where there have historically been more housing code violations, especially violations that have been untimely abated or never abated, and other properties owned by the same natural persons will make it more likely that District agencies will identify serious violations faster, thereby protecting more tenants, including children.

Additionally, targeting inspection increases accountability for intentionally bad actor landlords. Additional inspections will uncover more violations, leading to more NOIs. Those NOIs can be enforced through OAH, or landlords can be referred to OAG as appropriate. Bad actor landlords need to know they will be caught and held accountable for all of their violations. Landlords knowing that having repeat violations will cause their properties to undergo additional inspections, as long as the results of those inspections lead to meaningful enforcement, should be a significant deterrent.¹⁰⁶

The Council took an important step in the direction of ensuring proactive inspections are carefully targeted in drafting and passing the Proactive Inspection Program Act of 2024.¹⁰⁷ When funded, it will provide a tiered assignment for inspection rate based on important factors including “number and class of housing code violations found at the property;” “average length of time (in days) housing code violations remained unabated at the property;” “number of violations for failure to properly store solid waste at or on the property.”¹⁰⁸ Unfortunately, this Act has not been funded yet and therefore has not gone into effect.¹⁰⁹ We strongly urge the Council to fund this Act for FY28. While awaiting funding, Children’s Law Center encourages DOB to voluntarily move towards prioritizing inspections in this manner.

Increased Interagency Coordination is Necessary to Meaningfully Improve Housing Conditions in the District

Many District agencies operate in or impact the healthy housing sphere. A short list of some examples include:

- DLCP licenses landlords.¹¹⁰
- DOEE and DC Health share responsibility for addressing lead poisoning.¹¹¹ Both agencies can conduct home inspections and produce reports designed to guide abatements.¹¹²
- DOEE and DOB share responsibility for addressing indoor mold hazards.¹¹³ DOEE certifies DOB inspectors to inspect for mold.¹¹⁴
- DC Water makes determinations about whether to shut off tenants’ water if a landlord has not been paying the water bills.¹¹⁵
- DCHA is responsible for ensuring the housing they provide is safe and healthy, for performing maintenance to keep it that way, and for abatements when conditions have deteriorated.¹¹⁶ DOB can inspect DCHA-owned public housing and issue DCHA NOIs for housing code violations.¹¹⁷

- DOB and DOEE can seek to enforce their NOIs at OAH.¹¹⁸ OAG has additional means of enforcement against egregiously bad actor landlords.¹¹⁹

Unfortunately, as demonstrated throughout this testimony, coordination amongst these agencies remains limited and opaque.

Agencies must work together to create formalized referral processes and timelines. These should be publicly available for tenants and advocates to eliminate the guessing game as to who has been informed and when or when to expect follow-up action.

Agencies must also work with each other, the Council, and stakeholders to identify additional obstacles to speedy enforcement and brainstorm solutions. As discussed throughout, limited information prevents meaningful feedback. Agencies working together are best positioned to identify roadblocks or areas of uncertainty. The District cannot just accept the status quo of how long it takes for abatements or enforcement and let this continue to go on as business as usual.

District Agencies Involved in Healthy Housing Enforcement¹²⁰ Must Provide More Educational Outreach and Technical Assistance for Both Landlords and Tenants

Given the egregious nature of the cases Children's Law Center attorneys handle on a daily basis and the severe health consequences to the District's children caused by these deplorable conditions, it is easy for us to forget that not all landlords are intentionally bad actors. But some landlords need education and support.

Treating all landlords the same is not going to fix the problem with housing conditions in the District: Some need serious consequences for deterrence but some need help finding reliable contractors or understanding why lead paint is a serious issue that needs to be avoided in the first place. Agencies should make it easier to be a good landlord. District agencies should take

affirmative steps to help landlords understand why it is in their best interests not to defer maintenance. Landlords understanding that cracked paint or even a small water leak can lead to serious health consequences for children if not timely and properly abated, will lead to better compliance. To have safe and healthy housing in the District we need this voluntary compliance.

Agencies should draft, publish, publicize, and routinely update guides for both landlords and tenants on the health consequences of lead, mold, rodent infestations, and other housing code violations. There should be guides for tenants that include explanations for steps tenants can take and whom they should contact if they have concerns and explanations. There should also be separate guides for landlords about how not doing early maintenance can make building problems much harder and more expensive to correct later.¹²¹ The guides should be easy to read and follow and up to date and accurate. There should be a process for reviewing these materials routinely to verify that the listed information is still accurate. Recognizing the diversity of the District, these materials need to be made available in multiple languages.

For example, DC Health could run a broad public awareness campaign about the impact of lead on young children and identifying potential sources of lead. DC Health could consider drawing on strategies they used for their “Twice by 2,” campaign such as social media, radio, and transportation advertising.¹²² DC Health could partner with DC Water to provide information on lead in water and filtration options. This joint campaign could involve YouTube or other social media postings, podcasts, printed pamphlets, tabling, transportation advertising, etc. Different materials would need to be designed to appeal to different audiences. DC Health could consider reaching out about tabling at real estate developer meetings and conferences to try to get the message out to landlords.

Agencies should also help landlords identify qualified professionals for abatement work. As a positive example, DOEE has a publicly available list of licensed mold assessors and remediators along with their contact information and a list of certified lead-based paint abatement-renovation companies along with their contact information.¹²³ Copies of these lists and guides should be provided alongside NOIs or other agency reports. The easier District agencies can make it for landlords to find qualified contractors, the more likely abatements are to be completed both timely and correctly.

Conclusion

Housing conditions and landlord accountability cannot be fixed by focusing on any specific type of housing code violation but rather requires improving the process for abatement and enforcement generally. This requires coordination with and support of DOB, DOEE, DC Health, OAG, OAH, DC Water, and the Council. Children’s Law Center commends the Committee on Housing for convening this solutions-oriented, public roundtable on improving housing conditions and strengthening landlord accountability in the District. We welcome any questions and look forward to continuing to partner with the agencies and Committee in both implementing the solutions identified today and identifying additional sources of concern.

¹ See, e.g., Kathy Zeisel, Testimony Before the District of Columbia Council, Committee of the Whole (December 10, 2019), <https://childrenslawcenter.org/wp-content/uploads/2021/07/Zeisel-OIG-DOBT testimony-Before-the-District-of-Columbia-Council-12.10.19-final.pdf>; Christina M. Simpson, Testimony Before the District of Columbia Council, Committee of the Whole (September 21, 2022), https://childrenslawcenter.org/wpcontent/uploads/2022/09/Simpson_9_21_22_DOB_Roundtable_Testimony_Final.pdf; Kathy Zeisel, Testimony Before the District of Columbia Council, Committee of the Whole (February 23, 2023), <https://childrenslawcenter.org/wp-content/uploads/2023/02/Childrens-Law-CenterTestimony-DOB-2023-Oversight-final.pdf>; Makenna Osborn, Testimony Before the District of Columbia Council, Committee of the Whole (January 18, 2024), <https://childrenslawcenter.org/wp-content/uploads/2024/01/DOB-Rental-Housing-Code-Inspection-Hearing-Childrens-Law-Center-Written-Testimony-With-Attachments-1.17.2024.pdf>; Makenna Osborn, Testimony Before the District of Columbia

Council, Committee of the Whole (February 22, 2024), <https://childrenslawcenter.org/wp-content/uploads/2024/01/DOB-Rental-Housing-Code-Inspection-Hearing-Childrens-Law-Center-Written-Testimony-With-Attachments-1.17.2024.pdf>; Makenna Osborn, Testimony Before the District of Columbia Council, Committee of the Whole (February 25, 2025), <https://childrenslawcenter.org/wp-content/uploads/2025/03/DOB-Performance-Oversight-2025-Childrens-Law-Center-Written-Testimony-02.25.2025.pdf>. See also Change Lab Solutions, Up to Code: Code Enforcement Strategies for Healthy Housing, 2015, p. 3, available at: <https://www.changelabsolutions.org/sites/default/files/Up-to-Code-Enforcement-Guide-FINAL-20150527.pdf> (“Local code enforcement programs are often the first line of defense in ensuring safe and healthy housing for residents.”).

² Tyra C. Bryant-Stephens et al., Housing and Asthma Disparities, 148 J. Allergy Clin. Immunol. 1121 (2021), <https://www.jacionline.org/article/S0091-6749%2821%2901453-6/fulltext>.

³ Children’s Law Center, BUILD Health DC: Focusing on the Intersection of Housing Conditions and Pediatric Asthma Disparities in DC 2 (2021), <https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-BUILD-Brochure-IndvPgs.pdf> (“Source: Truven Health Analytics, file received from DC Hospital Association. Map produced by Children’s National Health System.”)

⁴ Children’s Law Ctr., Healthy Housing, <https://childrenslawcenter.org/our-impact/health/healthy-housing/> (last visited Sept. 23, 2026).

⁵ *Id.*

⁶ Children’s Law Ctr., Health, <https://childrenslawcenter.org/our-impact/health/> (last visited Sept. 23, 2026).

⁷ D.C. Dep’t of Bldgs., FY 2023 Annual Enforcement Report (2024), <https://dob.dc.gov/sites/default/files/dc/sites/dob/2024-02-26%20OSCE%20Yearly%20Enforcement%20Report.pdf>; D.C. Dep’t of Bldgs., FY 2024 Annual Enforcement Report (2025), <https://dob.dc.gov/sites/default/files/dc/sites/dob/DOB%20FY2024%20Strategic%20Enforcement%20Report.pdf>; D.C. Dep’t of Bldgs., FY 2025 Annual Enforcement Report (2026), <https://dob.dc.gov/sites/default/files/dc/sites/dob/OSCE%20FY25%20Annual%20Report%20%282%29.pdf>.

⁸ D.C. Dep’t of Bldgs., Request a Housing Inspection, DC.gov, https://inspections.dob.dc.gov/forms/housing_inspection/step_1 (last visited Sept. 17, 2026).

⁹ D.C. Dep’t of Bldgs., DOB Public Dashboard: Housing Violation Abatement, DC.gov, https://dataviz1.dc.gov/t/OCTO/views/DOBPublicDashboard/HousingViolationAbatement?%3AshowApBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no (last visited Sept. 17, 2026). See the section of my testimony “expectations for landlords must be clear and realistic” for concerns regarding the issuance of NOIEs.

¹⁰ This topic has often been explored in the IRS context. The IRS lacks the resources to specifically enforce tax evasion against every taxpayer but instead relies on targeted enforcement as a form of deterrence. See Henrik Jacobsen Kleven et al., *Heard It Through the Grapevine: The Direct and Network Effects of a Tax Enforcement Field Experiment on Firms*, 190 J. Pub. Econ. 104261 (2020), available at <https://www.sciencedirect.com/science/article/abs/pii/S0047272720301250>; Brett Collins et al., *Indirect Deterrence Effects from IRS Filing and Payment Compliance Programs* 1 (Internal Revenue Serv., Rsch., Applied Analytics & Stat. Div. 2025), <https://www.irs.gov/pub/irs-soi/25rpindeterfilingpaycomp.pdf>.

¹¹ At a minimum this includes DOB, DLCP, DOEE, DC Health, OAG, OAH, CCU. There may be other agencies as well whose roles in this process have not been fully uncovered yet. For example, it may be not immediately apparent to someone what role DLCP or CCU plays in correcting housing conditions, but their processes both have immense impacts on DC housing enforcement.

¹² D.C. Code § 42-3131.01 (2025).

¹³ *Id.*

¹⁴ D.C. Code § 42-3131.01 (2025).

¹⁵ Dep't of Bldgs., *Department of Buildings 2026 Performance Oversight Hearing Questions*, Question 37, at 56-71 (2026), available at <https://dccouncil.gov/wp-content/uploads/2026/03/Final-DOB-2026-POH-Advance-QA.pdf>.

Like the Council, Children's Law Center recognizes the importance of targeted trash and excess vegetation removal in rodent infestation prevention and acknowledges the importance of rodent abatement, but that cannot be the sole use of this fund. *Rodent Abatement and Transparency (RAT) Amendment Act of 2025*, B26-0492, 26th Council, Reg. Sess. (D.C. 2026), <https://lims.dccouncil.gov/Legislation/B26-0492>; *Rodent Education and Management Yields ("REMY") Results Amendment Act of 2026*, B26-0707, 26th Council, Reg. Sess. (D.C. 2026), <https://lims.dccouncil.gov/Legislation/B26-0707>.

¹⁶ *Department of Buildings 2026 Performance Oversight Hearing Questions*, supra note 15, Question 37, at 56-71.

¹⁷ *Department of Buildings 2026 Performance Oversight Hearing Questions*, supra note 15, Question 11, at 8.

¹⁸ For performance oversight in 2026, DOB was asked: "Please describe the Department's current policies for determining how nuisance abatement funds are used, and any changes the Department intends to make to those policies in fiscal year 2026. Please attach copies of any written policies." DOB provided only the following answer: "DOB Response: The Department of Buildings (DOB) uses the authorized Nuisance Abatement Fund primarily to finance housing code abatements at occupied or vacant properties. These funds cover direct abatement work for properties with violations that pose health or safety risks. The agency also looks at trends of prior years to plan and project effectively.

Considerations include:

- Prioritization of hazardous conditions such as structural instability, sanitation issues, and fire hazards;
- Use of internal teams and contractors for abatement work, depending on urgency and complexity; and
- Budget dependency: The work the agency will do is dependent on the authorized annual budget which alters how the agency prioritizes and completes abatements.

DOB is working to integrate abatement more closely with housing and property maintenance violation citations as it works to unify the inspection of vacant and occupied properties. In FY26 DOB will start pushing a subset of violations to a track resulting only in abatement and the issuance of a special assessment. This will speed the abatement of the violations while diverting them from the OAH process." *Department of Buildings 2026 Performance Oversight Hearing Questions*, supra note 15, Question 38, at 71.

¹⁹ D.C. Dep't of Bldgs., *Violations Abatement Dashboard* (data retrieved Sept. 18, 2026), available at https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/ViolationsAbatementLVT?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no. Some of these violations date back to at least 2018. Therefore, it is likely that some of these violations may have been abated. Our understanding is that unless a landlord submits proof of abatement or requests a reinspection, this dashboard is not updated. However, this number only indicates building code violations for which DOB has issued an NOI, meaning that it is inherently smaller than the number of actual building code violations occurring in the District; there can be no genuine concerns that this number is artificially high.

²⁰ *Id.* D.C. Dep't of Bldgs., *Notice of Infraction* (last visited Sept. 18, 2026), available at <https://dob.dc.gov/noi>.

²¹ *DOB Public Dashboard: Housing Violation Abatement*, supra note 9.

²² *FY 2025 Annual Enforcement Report*, supra note 7, at 12-13, available at <https://dob.dc.gov/sites/default/files/dc/sites/dob/OSCE%20FY25%20Annual%20Report%20%282%29.pdf> ("When DOB spends public money to correct code violations, the District is entitled to recover those costs. This cost is levied against the property as a 'Special Assessment' that operates as a tax lien. [...] A

key advantage of Special Assessments is that, by definition, when DOB issues one, the violation has already been corrected by DOB or its contractor. By comparison, incentivizing a property owner to fix something by issuing a fine can often result in delayed abatement while the fine goes through the adjudication process.”).

²³ See the section of my testimony “all District agencies involved in healthy housing enforcement must be more transparent” for more information about fraud by bad actor landlords or claims of having abated conditions where the abatement work was insufficient.

²⁴ *Emergency Housing*, Office of the Tenant Advocate, <https://ota.dc.gov/service/emergency-housing>.

²⁵ 24 C.F.R. § 982.404(d); D.C. Mun. Regs. tit. 14, §§ 5601.46-5601.63.

²⁶ *FY 2025 Annual Enforcement Report*, supra note 7, at 12-13 (“When DOB spends public money to correct code violations, the District is entitled to recover those costs. This cost is levied against the property as a ‘Special Assessment’ that operates as a tax lien. [...] Another advantage of Special Assessments is that DOB has a significantly higher collection rate. For example, DOB collected 51% of Special Assessments issued in FY24, and more than 73% in FY25.”); Dep’t of Bldgs., *Strategic Enforcement Plan FY26-FY28 24* (2026), available at

https://content.govdelivery.com/attachments/DCWASH/2026/08/28/file_attachments/3762162/FY26%20-%20FY28%20DOB%20Strategic%20Enforcement%20Plan.pdf (“Special assessments produce a high percentage return on investment compared to fines”)

²⁷ Fair Budget Coal., *DC Takes Care of Our Own: A Budget for Care and Sustainability: Fiscal Year 2027 Budget Platform* at 43 (Mar 2026), available at https://fairbudget.org/wp-content/uploads/2026/03/Spreads_Submission_FBC_FY27-Budget-Platform.pdf.

²⁸ The Mayor’s proposed FY27 budget initially had around \$7.75 million in the Nuisance Abatement Fund based on the special purpose revenues. Office of the Chief Fin. Officer, Dist. of Columbia, *Department of Buildings FY 2027 Budget Tables*,

https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/cu0_dob_tables_2027a.pdf.

During Committee-level review in Council the Committee of the Whole added \$750,000 to the nuisance abatement contract within in the Housing Rehabilitation Program. Council of the District of Columbia, Comm. of the Whole, *Report and Recommendations of the Committee of the Whole on the Fiscal Year 2027 Budget and Corresponding Budget Support Act 101* (May 22, 2026),

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/6a0f7519b50c144eef1fa97/1779397915682/COW+FY27+Committee+Recommendations.pdf>.

The full Council added another \$500,000 to the same budget line for a total of \$1.25 million in new one-time funding added by the Council to DOB’s budget for nuisance abatement work. Council of the District of Columbia, *Fiscal Year 2027 Local Budget Act of 2026 Packet* (2026),

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/6a26df19a2711e0438223ffa/1780932379644/B26-659+FY2027+Local+Budget+Act+PACKET.pdf>.

²⁹ *Rodent Abatement and Transparency (RAT) Amendment Act of 2025*, supra note 15.

³⁰ It is important to be very thoughtful and data-driven about creating any legislative mandates surrounding prioritization regarding using the Nuisance Abatement Fund for specific abatements. As we have seen with the rodent population, removal of excess vegetation or debris may be more important to improving living conditions for everyone in the District than it initially seemed. Additionally, until DOB has more consistently taken on larger projects, it is difficult to know what some of these projects may cost and mandating the completion of certain types of abatement may early in the fiscal year. For example, if DOB were mandated to remediate every residential unit that does not have a working water heater, there is currently serious risk that the Nuisance Abatement Funds would run completely out long before the end of the fiscal year. Setting priorities requires grappling with the reality of the limitations of currently available funding in determining how to use those funds to maximum effect and should not be undertaken lightly.

³¹ Dep't of Bldgs., *Functional Organization Chart 2-6-26*, at 30 (Feb. 6, 2026), <https://lms.dccouncil.gov/Hearings/hearings/2159> (identifying China Doughty as a Public Health Analyst in the Office of Strategic Code Enforcement).

³² D.C. Code § 29-102.01.

³³ *Id.*

³⁴ D.C. Code § 29-101.02.

³⁵ Dep't of Bldgs., *Department of Buildings 2025 Performance Oversight Hearing Questions*, Question 33, at 37-38 (2025), available at <https://dccouncil.gov/wp-content/uploads/2025/02/DOB-2025-Performance-Oversight-Pre-Hearing-Responses.pdf> (“Often, a bad actor will create new companies or LLCs to obtain permits, making the actor difficult to detect. DOB’s Office of Construction and Building Standards (OCBS) collaborates with the Office of Strategic Code Enforcement (OSCE) to investigate known bad actors and refer them to discipline under their respective professional board or commission if they are licensed. Bad actors are difficult to connect across different projects both because of the single-purpose LLCs mentioned in the question, and because of the use of numerous actors on behalf of the owner. It is both legal and common practice for owners to create a single-purpose LLC to own a property, subject to disclosure requirements that are enforced by DLCP. DOB works to connect its processes and teams internally to identify repeat offenders, but there is not an easy solution.”); Off. of the Att’y Gen. for the District of Columbia, *Attorney General Schwalb Sues Owner and Manager of Ward 5 Affordable Apartment Building for Extreme and Pervasive Disrepair* (Sept. 2, 2026), <https://oag.dc.gov/release/attorney-general-schwalb-sues-owner-and-manager>; Zachary Parker (@cmzparker5), *The Council is considering giving huge development rights to a contractor our government is actively suing* [Instagram Reel] (Sept. 10, 2026), Instagram, available at <https://www.instagram.com/reel/DdHzbDnxv7w/?stkn=d2NveDU4MmVsMGNr>.

³⁶ D.C. Code § 47-2862.

³⁷ “(a)(1) This subchapter shall be enforced by self-certification by the applicant for a license or permit, provided that the veracity of the self-certification may be investigated upon the initiative of the District government at any time.” D.C. Code § 47-2863.

³⁸ Off. of Tax & Rev., *How to Request a Certificate of Clean Hands 1*, <https://otr.cfo.dc.gov/sites/default/files/dc/sites/otr/How%20to%20Request%20a%20CCH%20%282%29.pdf>.

³⁹ D.C. Courts, *Instruction Sheet for Service of Housing Code Complaint and Summons 1*, available at https://www.dccourts.gov/sites/default/files/HCC_InstructionSheetForServiceOfHousingCodeComplaintAndSummons.pdf (last visited Sept. 19, 2026) (“Service of process may be very difficult and complicated.”).

⁴⁰ *Id.* at 1 (“In order for the Housing Conditions Court to consider your claim for repairs, you must first properly serve on the Defendant the Verified Complaint to Enforce Housing Code Regulations and Summons to Appear in Court and Notice of Hearing. If you do not properly complete service of the Complaint and Summons the Court will not be able to address your claims and may dismiss your case.”)

⁴¹ One of our Housing Conditions Court attorneys walked me through the process of how she currently attempts to find the owner and registered agent for her Housing Conditions Court cases. Obviously, at the time she needs to identify an owner, she has a known residential housing address. She begins by checking the address through DC PropertyQuest at <https://propertyquest.dc.gov/>. If she cannot find a clear owner listed there, she checks SCOUT at <https://scout.dcr.dc.gov/dashboard-old-8932>. Then, she uses the information she’s found about the owner or suspected owner’s name on the BOSS at <https://boss.dc.gov/dashboard>. BOSS is what she needs to use to find the business entity owner’s registered agent for service. She cannot search BOSS by address; she must have the entity name. To be explicit about the extent of the issue: to get from a building address to the appropriate person to serve, Children’s Law Center attorneys routinely have to check three separate government-run websites.

And not infrequently, even after checking all those websites, our attorneys still cannot find an accurate answer. At that point, my colleague told me she searches our own internal legal database which includes our former adverse parties: If she can find a prior case Children's Law Center has handled for the same building, she can see whom we had to serve. Obviously, this is not a database pro se tenants have access to. If none of these attempts reveal anything promising, sometimes my colleague has to resort to Google searching--hoping that the landlord's identity shows up in an article or something else linking them to the property. There should not come a point where our internal databases or generic search engines have more or more reliable information than the District's official databases. Something is badly broken.

⁴² D.C. Hous. Auth., *List of Properties*, <https://www.dchousing.org/wordpress/public-housing/list-of-properties/> (last visited Sept. 23, 2026).

⁴³ As there is ever increasing movement towards more virtual service options, especially for businesses, we recognize that what information may be necessary for valid service may change. It is important that the collection and publication of this information keep abreast with these changes.

⁴⁴ At a minimum this includes DOB, DLCP, DOEE, DC Health, OAG, OAH, CCU. There may be other agencies as well whose roles in this process have not been fully uncovered yet. For example, it may be not immediately apparent to someone what role DLCP or CCU plays in correcting housing conditions, but their processes both have immense impacts on DC housing enforcement.

⁴⁵ Ctrs. for Disease Control & Prevention, *Lead Exposure Symptoms and Complications* (Aug. 27, 2026), <https://www.cdc.gov/lead-prevention/symptoms-complications/index.html>; U.S. Env'tl. Prot. Agency, *Lead Poisoning and Your Children 1* (Mar. 2024), <https://www.epa.gov/system/files/documents/2024-09/lead-poisoning-and-your-children-eng-2024.pdf>.

⁴⁶ Dep't of Bldgs., *DC Department of Buildings eRecords, New Notice of Infractions Search*, <https://doberecords.dc.gov/eRecordsSearch/search/noi-search-result> (last visited Sept. 21, 2026).

⁴⁷ *Id.* *DOB Public Dashboard: Housing Violation Abatement*, *supra* note 9.

⁴⁸ *DC Department of Buildings eRecords, New Notice of Infractions Search*, *supra* note 46. As DLCP hopefully expands the amount of "owner" information they are collecting to encompass natural persons as well as LLCs, we encourage DOB to ensure searching by "owner" encompasses both LLCs and natural persons.

⁴⁹ *DOB Public Dashboard: Housing Violation Abatement*, *supra* note 9. The page contains the following statement: "Landlords: If steps have been taken to fully correct a violation and the information shown is incorrect, please click here to provide proof of abatement or request a re-inspection to confirm abatement," which strongly implies that submitting proof of abatement results in the NOI being removed from the list. Additionally, during the drafting of this testimony, the number of listed violations has changed, providing further confirmation of this understanding. There does not appear to be any publicly available guidance as to whether the *DC Department of Buildings eRecords, New Notice of Infractions Search*, *supra* note 46, is similarly updated to fully remove all record of abated violations or whether the NOIs would still be accessible through that portal. However, anecdotally, during the course of drafting this testimony, I checked a few addresses for which our attorneys have handled cases and was unable to find the NOIs for some of them. This could be a technical glitch, but seems to indicate that those NOIs have been removed from public view.

⁵⁰ Specifically, according to the District Government-Wide Cumulative FOIA Report for 2025, DOB spent \$363,641 and DOEE spent \$133,215 processing FOIA requests. Off. of the Sec'y of the Dist. of Columbia, *District Government-Wide Cumulative FOIA Report* 112, 116 (2025), available at https://os.dc.gov/sites/default/files/dc/sites/os/page_content/attachments/FY%202025%20Agency%20FOIA%20Report.pdf.

⁵¹ DC Health's Healthy Housing program is a good model for tenant communication and education: "Case managers at DC Health are Public Health Analysts with backgrounds in nursing, public health, social work, communications and clinical care. For each client, they develop customized strategies for hazard elimination by conducting home visits and coordinating efforts with medical providers and any

other agency involved with the family. All data collected by DC Health staff are made available to healthcare providers in support of the asthma management or lead poisoning prevention process.” D.C. Dep’t of Health, *Healthy Housing Program*, <https://dchealth.dc.gov/service/healthy-housing-program-0> (last visited Sept. 26, 2026). We recognize that not all District agencies have the budget for this level of tenant services and encourage other agencies to connect families with DC Health’s Healthy Housing program as appropriate.

⁵² E.g., if the lead-based paint hazard was in only one room of the dwelling, agencies should explain this to the tenants so that they can avoid that room.

⁵³ Dep’t of Bldgs., *Proof of Abatement*, <https://dob2.my.site.com/Contact/abatement-tracking> (last visited Sept. 23, 2026).

⁵⁴ Centers for Disease Control & Prevention, *8 Tips to Clean Up Mold* (Nov. 22, 2016), <https://stacks.cdc.gov/view/cdc/43030>; Centers for Disease Control & Prevention, *Mold: What to Know* (Sept. 26, 2024), <https://www.cdc.gov/mold-health/about/index.html>; U.S. Env’tl. Prot. Agency, *A Brief Guide to Mold, Moisture and Your Home*, <https://www.epa.gov/mold/brief-guide-mold-moisture-and-your-home> (last visited Sept. 23, 2026).

⁵⁵ Dep’t of Bldgs., *Enforcement - NOI Pending Balance Pre-Adjudication Dashboard* (last visited Sept. 21, 2026), available at https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOIPreAdjudication?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.* D.C. Off. of Admin. Hearings, *Final Order Search* (last visited Sept. 21, 2026), available at <https://ecourt.oah.dc.gov/public-portal/?q=node/417/2>. This OAH database is limited to “final orders,” which does not include cases DOB never filed or withdrew.

⁵⁹ *Id.* *Enforcement - NOI Pending Balance Pre-Adjudication Dashboard* *supra* note 55.

⁶⁰ *Final Order Search* *supra* note 58.

⁶¹ *Id.*

⁶² There may be additional categories DOB would want to include.

⁶³ Having as much information as possible available in a central database is easier to access and preferable. However, we recognize the difficulties agencies face in coordination and while we urge better inter-agency coordination, we do not want those difficulties to result in a lack of publicly available information, if it is faster for DOEE to create a tracking dashboard of their own.

⁶⁴ *Notice of Infraction* *supra* note 20.

⁶⁵ *Id.* Given the extent of lead paint-based hazards in the District, Children’s Law Center has some concerns about the characterization of “chipping paint” as a minor problem.

⁶⁶ DC Department of Buildings *eRecords*, *New Notice of Infractions Search*, *supra* note 46. For example, D.C. Mun. Regs. tit. 12, § PM-305G “All interior surfaces, including windows and doors, shall be maintained in good, clean, dry and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, holes, decayed wood, water damage and other defective surface conditions shall be corrected.” may be cited in either an NOIE or an NOIR.

⁶⁷ Dep’t of Bldgs., *Lifecycle of a Housing Code Inspection* (last visited Sept. 21, 2026), available at <https://dob.dc.gov/node/1616631>.

⁶⁸ *Dep’t of Bldgs. v. Downs*, No. 2026-DOB-00185, NOI No. 26NOIE-INS-01100, at 2 (D.C. Off. Admin. Hearings Final Order Apr. 20, 2026)

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.* at 3.

⁷² *Id.* at 4.

⁷³ *DOB Public Dashboard: Housing Violation Abatement*, supra note 9.

⁷⁴ *Dep't of Bldgs. v. Leonard W Kraisel Trustee*, No. 2024-DOB-03195, NOI No. 24NOIR-INS-03540, at 2 (D.C. Off. Admin. Hearings Final Order Feb. 23, 2026).

⁷⁵ Lon L. Fuller, *The Morality of Law* (rev. ed. 1969) (identifying as a requirement of legality that rules not demand the impossible and not require conduct beyond the powers of those subject to them).

⁷⁶ *Id.*

⁷⁷ See Cesare Beccaria, *On Crimes and Punishments* (Henry Paolucci trans., Bobbs-Merrill Co. 1963) (1764).

⁷⁸ If landlords believe compliance is impossible or if enforcement occurs on an arbitrary timeline, that will dramatically undermine incentive to comply.

⁷⁹ *Final Order Search* supra note 58.

⁸⁰ “Lead-based paint hazards were identified in 60 lead-based paint risk assessments conducted in FY24. In FY25 Q1, lead-based paint hazards were identified in 16 lead-based paint risk assessments. (...) Hazards identified during seven of the lead-based paint risk assessments referenced above were addressed.” Dep’t of Energy & Env’t, *FY24-FY25 Performance Oversight Pre-Hearing Questions Department of Energy and Environment*, Question 54, at 35-36 (2026), available at https://dccouncil.gov/wp-content/uploads/2026/03/2025-POH-Pre-Hearing-Questions_DOEE-narrative-responses.pdf. Put another way, hazards in 69 of the lead-based paint risk assessments were **not** addressed.

⁸¹ Saisha Nanduri, Testimony Before the District of Columbia Council, Committee on Transportation and the Environment (February 20, 2026), <https://childrenslawcenter.org/wp-content/uploads/2026/03/4c3b1b322db5ec62edee2e4835f019da3a4d8466ef1bce9004e90bd2ba76.pdf>.

⁸² *Id.* The toddler had blood lead levels (BLLs) significantly above 5 micrograms. That level is higher than 98% of children in the District. Dep’t of Energy & Env’t, *Childhood Lead Screening Report: Fiscal Year 2022* (Jan. 4, 2024), https://doee.dc.gov/sites/default/files/dc/sites/doee/service_content/attachments/FY%202022%20Childhood%20Lead%20Screening%20Report.pdf.

⁸³ Saisha Nanduri, Testimony Before the District of Columbia Council, Committee on Transportation and the Environment, supra note 81.

⁸⁴ *Id.* Again, the toddler’s BLL was higher than 98% of children in the District. *Childhood Lead Screening Report for Fiscal Year 2022*, supra note 82.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Final Order Search* supra note 58.

⁸⁸ *FY24-FY25 Performance Oversight Pre-Hearing Questions Department of Energy and Environment*, supra 80.

⁸⁹ “Notwithstanding any other provision of this subchapter, any person who knowingly or willingly violates the provisions of this subchapter, or its implementing rules, shall be subject, upon conviction, to a fine of not more than \$ 25,000 for each day of each violation, imprisonment for not more than one year, or both.” D.C. Code § 8-231.16(a).

⁹⁰ *Final Order Search* supra note 58.

⁹¹ This topic has often been explored in the IRS context. The IRS lacks the resources to specifically enforce tax evasion against every taxpayer but instead relies on targeted enforcement as a form of deterrence. See *Heard It Through the Grapevine: The Direct and Network Effects of a Tax Enforcement Field Experiment on Firms*, supra note 10; *Indirect Deterrence Effects from IRS Filing and Payment Compliance Programs*, supra note 10.

⁹² *Violations Abatement Dashboard*, supra note 19.

⁹³ Children’s Law Center recognizes that even without any enforcement, there many landlords in the District who are trying to provide safe and healthy housing. However, there are clearly some bad actor landlords who require deterrence.

⁹⁴ See the section of my testimony “all District agencies involved in healthy housing enforcement must be more transparent,” addressing the limited information about OAH filing and proceeding decisions.

⁹⁵ Office of Admin. Hearings, Notice of Infraction, <https://oah.dc.gov/page/notice-infraction> (last visited Sept. 23, 2026).

⁹⁶ See *Dep’t of Bldgs. v. Blue Skye Development, LLC*, No. 2025-DOB-08601, NOI No. 26NOIE-INS-00201 (D.C. Off. Admin. Hearings Final Order May 4, 2026); *Dep’t of Bldgs. v. Chesapeake Preservation, LLC*, No. 2025-DOB-04397, NOI No. 25NOIE-INS-02975 (D.C. Off. Admin. Hearings Final Order June 5, 2026); *Dep’t of Bldgs. v. Dahlgreen Courts, LLC*, No. 2025-DOB-02317, NOI No. 25NOIR-INS-02424 (D.C. Off. Admin. Hearings Final Order June 1, 2026); *Dep’t of Bldgs. v. Dahlgreen Courts, LLC*, No. 2025-DOB-08986, NOI No. 25NOIR-INS-06048 (D.C. Off. Admin. Hearings Final Order June 2, 2026); *Dep’t of Bldgs. v. Davenport House Associates LTP*, No. 2025-DOB-09601, NOI No. 26NOIE-INS-00360 (D.C. Off. Admin. Hearings Final Order June 8, 2026); *Dep’t of Bldgs. v. Gay*, No. 2025-DOB-07634, NOI No. 25NOIE-INS-05736 (D.C. Off. Admin. Hearings Final Order Apr. 14, 2026); *Dep’t of Bldgs. v. JS and JY LLC*, No. 2025-DOB-10655, NOI No. 26NOIE-INS-01184 (D.C. Off. Admin. Hearings Final Order July 2, 2026); *Dep’t of Bldgs. v. 4714 New Hampshire Ave NW, LLC*, No. 2025-DOB-10614, NOI No. 26NOIE-INS-00662 (D.C. Off. Admin. Hearings Final Order July 2, 2026); *Dep’t of Bldgs. v. Newton Street LLC*, No. 2025-DOB-04075, NOI No. 25NOIE-INS-02003 (D.C. Off. Admin. Hearings Final Order Apr. 20, 2026); *Dep’t of Bldgs. v. SE Washington Development Associates II, LP*, No. 2024-DOB-05262, NOI No. 24NOIR-INS-05779 (D.C. Off. Admin. Hearings Final Order June 24, 2026); *Dep’t of Bldgs. v. SE Washington Development Associates II, LP*, No. 2025-DOB-01370, NOI No. 25NOIE-INS-02182 (D.C. Off. Admin. Hearings Final Order June 24, 2026); *Dep’t of Bldgs. v. Walker*, No. 2025-DOB-08526, NOI No. 26NOIE-INS-00040 (D.C. Off. Admin. Hearings Final Order May 4, 2026). (List sorted by alphabetization of Respondents to clearly illustrate that multiple cases against the same Respondent are for different alleged violations.)

⁹⁷ The Committee of the Whole’s January 18, 2024 investigative report found: 56% of the reviewed NOIs were sent to an address where the owner did not live or to someone other than the owner or property-management company. 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* 21 (Jan. 18, 2024), available at <https://chairmanmendelson.com/wp-content/uploads/2024/01/The-Districts-Housing-Code-Inspection-Process-Broken-and-In-Need-of-Repair-Committee-Report.pdf>. See the section of my testimony “beneficial ownership data must include a natural person and be clear, accurate, and easy to access” for more information about why service may be difficult.

⁹⁸ *Dep’t of Bldgs., Build with Confidence Workshop*, slide 21 (Sept. 17, 2026)(unpublished presentation)(on file with author). See “DOB is successfully moving away from the time- and resource-intensive adjudication process and, instead, resolving violations more quickly and efficiently through settlements and alternative resolution methods.” Brian J. Hanlon, Director, Agency Performance Public Oversight Hearing Testimony Before the Committee of the Whole, Council of the District of Columbia 6 (Feb. 12, 2026), https://dob.dc.gov/sites/default/files/dc/sites/dob/release_content/attachments/DOB%20FY2026%20POH%20TESTIMONY%20FINAL.pdf. “Many of these abatements are a direct result of the work of our new Outreach and Abatement Resolution (OAR) initiative. This initiative was built on the work of our Alternative Resolution Team (ART) with the goal of identifying and engaging with property owners who have significant outstanding violations to enhance operational efficiency, strengthen communication, and increase the rate of violation abatement. (...) Ultimately, our goal is to guide customers back into compliance to ensure District tenants have safe and livable homes.” Brian J. Hanlon, Director, Agency Performance Public Oversight Hearing Testimony Before the Committee of the Whole, Council of the District of Columbia 10 (Feb. 25, 2025), https://dob.dc.gov/sites/default/files/dc/sites/dob/release_content/attachments/DOB%20POH%20Testimony%202025.pdf.

⁹⁹ There are dozens of cases in FY26 where this has occurred. To easily find multiple examples, search by “Case Type” “DOB” on Office of Admin. Hearings, Notice of Infraction, <https://oah.dc.gov/page/notice-infraction> (last visited Sept. 23, 2026).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Children’s Law Center recognizes that OAH handles a variety of case types and that prioritization of housing conditions cases over other types of cases would require thoughtful deliberation. However, it is abundantly clear that not all housing conditions cases are equally egregious and there should be a system of prioritization at least within the realm of housing conditions cases.

¹⁰³ *Strategic Enforcement Plan FY26-FY28*, supra note 26 at 17.

¹⁰⁴ Dep’t of Bldgs., *Enforcement Transfer to Collections* (data viewed Sept. 21, 2026), available at https://dataviz1.dc.gov/t/OCTO/views/DOBPUBLICDashboard/EnforcementNOICCU?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no.

¹⁰⁵ *FY 2025 Annual Enforcement Report*, supra note 7; *FY 2024 Annual Enforcement Report*, supra note 7; Carmen Pigler, Deputy Chief Fin. Officer & Treasurer, Office of Fin. & Treasury, Office of the Chief Fin. Officer, *Central Collections Unit Fiscal Year 2024 Annual Report* (Mar. 26, 2025), available at https://www.cfo.dc.gov/sites/default/files/dc/sites/ocfo/page_content/attachments/CCU%2520Annual%2520Report%25202024.pdf.

¹⁰⁶ The economic theory of marginal deterrence posits that regulated entities adjust their compliance behavior based on the expected costs of noncompliance, specifically the probability of detection through inspections and the severity of enforcement actions. Applied here, as the rate of inspections go up, the probability of detection increases. See Karen A. Sullivan & Achyut Kafle, *Do More Frequent Inspections Improve Compliance? Evidence from Underground Storage Tank Facilities in Louisiana* (U.S. Env’tl. Prot. Agency, Off. of Land & Emergency Mgmt., OCPA Working Paper No. 2017-05, May 24, 2017), https://www.epa.gov/sites/default/files/2017-06/documents/olem_ocpa_working_paper_do_more_frequent_inspections_improve_compliance.pdf.

¹⁰⁷ D.C. Code § 10-571.02.

¹⁰⁸ *Id.* The Act currently provides, “Fees assessed for proactive inspections shall be deposited into the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Fund described in § 42-3111.01.” D.C. Code § 10-571.04(a). Given the purpose of the Act, I believe there may have been a slight mix up regarding the two “Nuisance Abatement Funds” in the District. D.C. Code § 42-3131.01 governs the Nuisance Abatement Code DOB currently uses to abate housing code violations and does not have a statutory maximum funding amount. D.C. Code § 42-3111.01 addresses the Attorney General investigating and prosecuting Drug-, Firearm-, or Prostitution-Related offenses and does not allow funding above \$2 million at any time. Council will need to correct this mix-up at the time of funding.

¹⁰⁹ Council of the Dist. of Columbia, Off. of the Budget Dir., *Currently Unfunded Laws: Legislation Passed Subject to Funding, Quarterly Report* (July 15, 2026), available at <https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/6a5f68d1d7203630a59da9af/1784637649872/2026-07-15+Subject+to+Funding+Legislation+quarterly+report.pdf>.

¹¹⁰ Dep’t of Licensing & Consumer Prot., *Housing Business*, <https://dlcp.dc.gov/node/1618681> (last visited Sept. 21, 2026).

¹¹¹ *Healthy Housing Program*, supra note 51; Dep’t of Energy & Env’t, *Lead and District Tenants & Property Owners*, available at <https://doee.dc.gov/service/lead-district-tenants-property-owners> (last visited Sept. 19, 2026).

¹¹² *Id.*

¹¹³ Dep't of Energy & Env't, *Mold Information for Tenants*, <https://doee.dc.gov/service/mold-information-tenants> (last visited Sept. 19, 2026); *Residential Housing Environmental Safety Amendment Act of 2020*, D.C. Law 23-188, 68 D.C. Reg. 1227 (Jan. 29, 2021).

¹¹⁴ *Id.*

¹¹⁵ D.C. Code § 34-2407.01; D.C. Water, *Frequently Asked Questions (FAQ): Pending Multifamily Apt Building Disconnection* (Apr. 23, 2025), available at https://www.dewater.com/sites/default/files/customer_care/FAQ_Multifamily%20Apt%20Disconnection%20FINAL%204-23-25%20v2.pdf.

¹¹⁶ 14 D.C.M.R. § 6702 (2026) (“6702.23 DCHA will maintain safe and habitable dwelling units and make necessary repairs to dwelling units in accordance with the regulations at 24 CFR § 966.4(e). Under NSPIRE, DCHA must correct all life-threatening or severe deficiencies within twenty-four (24) hours.”).

¹¹⁷ Makenna Osborn, Policy Attorney, Children’s Law Center, *Testimony Before the District of Columbia Council Committee on Housing: Performance Oversight Hearing for the District of Columbia Housing Authority* 4–5 (Mar. 2, 2023), https://childrenslawcenter.org/wp-content/uploads/2023/03/CLC_PerformanceOversightTestimony_DCHA.pdf.

¹¹⁸ Dep't of Bldgs., Enforcement Action, <https://dob.dc.gov/page/enforcement-action> (last visited Sept. 23, 2026) (“NOIs are filed with the Office of Administrative Hearings (OAH) to prosecute violations to the fullest extent of the law.”); Dep't of Energy & Env't, *Frequently Asked Questions About Fines*, <https://doee.dc.gov/service/frequently-asked-questions-about-fines#NOI%20FAQs> (last visited Sept. 23, 2026); Notice of Infraction, *supra* note 95.

¹¹⁹ Keith Parsons, Strategic Code Enforcement Administrator, Dep't of Bldgs., *Testimony Before the District of Columbia Council, Committee of the Whole* (July 7, 2026), <https://lims.dccouncil.gov/Hearings/hearings/2358> (“[DOB] depend[s] on OAG to pursue such accountability through the court system and obtain relief for residents where the problem with their building is not just chipped paint or a broken door but a pattern of persistent neglect that stems from the property owner. (...) DOB can identify the bad actors and issue fines, but only OAG holds the authority to separate those actors from their property or impose criminal penalties.”) Given the extent of lead paint-based hazards in the District, Children’s Law Center has concerns about the characterization of “chipped paint” as a minor problem, but the central point of the importance of OAG in holding the worst actor landlords accountable is extremely important.

¹²⁰ At a minimum this includes DOB, DLCP, DOEE, DC Health, OAG, OAH, CCU. There may be other agencies as well whose roles in this process have not been fully uncovered yet. For example, it may be not immediately apparent to someone what role DLCP or CCU plays in correcting housing conditions, but their processes both have immense impacts on DC housing.

¹²¹ E.g., leaking water can lead to mold, rot structural boards, etc.

¹²² Ctrs. for Disease Control & Prevention, *Washington, D.C.: Reversing the Trend on Lead Testing Through Outreach and Coalition-Building* (June 20, 2024), <https://www.cdc.gov/lead-prevention/success-stories/washington-dc.html>.

¹²³ Dep't of Energy & Env't, *List of Licensed Mold Professionals*, <https://doee.dc.gov/page/list-licensed-mold-professionals> (last visited Sept. 21, 2026); Dep't of Energy & Env't, *Certified Lead Based Paint Abatement-Renovation Companies*, <https://doee.dc.gov/publication/certified-lead-based-paint-abatement-renovation-companies> (last visited Sept. 28, 2026).