

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: December 1, 2020

SUBJECT: Report on Bill 23-91, “Department of Buildings Establishment Act of 2020”

The Committee of the Whole, to which Bill 23-91, the “Department of Buildings Establishment Act of 2020”¹ was referred, reports favorably thereon, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On January 22, 2019, Bill 23-91, the “Department of Buildings Establishment Act of 2019” was introduced by Chairman Mendelson and Councilmembers Elissa Silverman, Breanne Nadeau, Mary Cheh, Charles Allen, Trayon White, Anita Bonds, Robert White, Jack Evans, Kenyan McDuffie, Vincent Gray, and David Grosso. Bill 23-91 will establish a Department of Buildings (DOB) as a new subordinate agency within the Executive branch, redesignating the Department of Consumer and Regulatory Affairs as the Department of Licensing and Consumer Protection (DLCP) to reflect the revised responsibilities of that agency. The Department of Buildings will be responsible for the administration and enforcement of construction compliance, rental housing safety, and residential property maintenance activities.

¹ Formerly titled the Department of Buildings Establishment Act of 2019.

Historical Background on the Department of Consumer and Regulatory Affairs

The Department of Consumer and Regulatory Affairs (DCRA) was created on March 31, 1983, pursuant to Reorganization Plan No. 1 of 1983 (D.C. Official Code § 1-1506.01). Under the reorganization plan, the department assumed responsibility for a broad range of functions, including regulation of professional and occupational practices, consumer protection, business registration and licensing, regulation of rental housing, and registration, licensing and certification of health facilities. These functions were previously spread among eight entities in the District government, four of which were abolished as a result of the reorganization.²

Mayor Marion Barry touted the creation of DCRA as a way to produce efficiencies in the District's permitting, licensing, and consumer protection processes.³ It did not take long to see that the numerous duties and broad mission of the agency were not an asset. The agency quickly fell behind on implementing regulations and often failed to protect tenants and vulnerable populations.⁴ Its permit center, unveiled in 1983 as a "one-stop-shop" to make obtaining a permit seamless, became such a headache for homeowners and developers that they often paid surrogates to stand in line and do the paperwork for them.⁵ At the time, many of these issues were blamed on staffing shortages, although DCRA had a larger staff and a lower volume of work than it does now.⁶ In 1990, for instance, the agency had 51 dedicated housing code inspectors.⁷ Today it has less than 30 inspectors.⁸ Over the next several years, a variety of reforms were proposed or implemented to improve performance, such as streamlining permit processes.⁹ Even with these reforms in place, the problems persisted, however.¹⁰

In recognition of the fact that piecemeal reforms have often failed to achieve successful results, past Mayors and Councils have transferred functions from DCRA to new or existing agencies. For instance, the regulation of alcoholic beverage establishments was transferred to the newly created Alcoholic Beverage Regulation Administration in 2001. Problems with licensing of establishments and lax enforcement of underage consumption law plagued DCRA for years before these responsibilities being given to ABRA.¹¹ Similarly, the agency's handling of rent control had

² These were the Department of Licenses, Investigations, and Inspections, the Rental Accommodations Office, the Office of Consumer Protection, and the Insurance Department.

³ See, for instance, Joe Pichirallo, *The Washington Post*. (1983, July 12). "D.C. Streamlines Cumbersome Licensing Process," pg. C3.

⁴ See, for instance, Margaret Engel, *The Washington Post*. (1986, Feb 28). "Clarke Says Consumer Agency 'Underachieved'," pg. B5.

⁵ Steve Twomey, *The Washington Post*. (1990, July 22). "City Service Delivery a Study in Contradictions," pg. A1.

⁶ See, Nancy Lewis, *The Washington Post*. [1990 July 24]. "Center Tests Permit-Seekers' Will to Wait," pg. A1; DCRA Fiscal Year 2019 Performance Oversight Response, Organizational Structure.

⁷ Thomas Bell, *The Washington Post*. (1990, July 24). "Housing Inspection Unit Adapting to Leaner Times," pg. A6.

⁸ DCRA Fiscal Year 2019 Performance Oversight Response, Organizational Structure.

⁹ David Vise, *The Washington Post*. (1997, Oct 15). "D.C. Reports Reveal Woes At 9 Agencies," pg. B1.

¹⁰ Eric Weiss, *The Washington Post*. (2005, Jan 20). "Chief of Regulatory Agency Is Replaced," pg. B1.

¹¹ See, for instance, Michelle Norris, *The Washington Post*. (1993, March 3). "D.C. the Most Lax on Issue, Study Says," pg. A14; Dennis Bass, *The Washington Post*. (1999, May 16). "Better Booze Control," pg. B8.

long been problematic,¹² leading to the transfer of enforcement and administration of rent control to the Department of Housing and Community Development in 2007.

Table 1. Functions Transferred from DCRA

	Functions Transferred	Receiving Agency/Entity
Reorganization Plan No. 3 of 1988 ¹³	Regulation and licensing of proprietary schools.	Education Licensure Commission
Reorganization Plan No. 4 of 1988 ¹⁴	Regulation and licensing of security officers and private detectives.	Metropolitan Police Department
Fiscal Year 2001 Budget Support Act of 2000 ¹⁵	All functions concerning historic preservation	Office of Planning
D.C. Code Enactment and Related Amendments Act of 2001 ¹⁶	Regulation of alcoholic beverage establishments.	Alcoholic Beverage Regulation Administration
Mental Health Service Delivery Reform Act of 2001 ¹⁷	Regulation and licensing of residential health facilities.	Department of Mental Health
Fiscal Year 2002 Budget Support Act of 2001 ¹⁸	Regulation of environmental practices and policies.	Department of Health
Reorganization Plan No. 1 of 2002 ¹⁹	Regulation and licensing of motor vehicle sales finance companies.	Department of Insurance, Securities and Banking
Fiscal Year 2004 Budget Support Act of 2003 ²⁰	Support for the Higher Education Licensure Commission.	Office of the State Superintendent of Education
Fiscal Year 2006 Budget Support Act of 2005 ²¹	Office of Tenant Advocate.	Office of Tenant Advocate (Independent Agency)
Fiscal Year 2008 Budget Support Act of 2007 ²²	Administration and enforcement of the Rental Housing Act of 1985.	Department of Housing and Community Development
Fiscal Year 2011 Budget Support Act of 2010 ²³	Issuing rules to assist District agencies in the preparation of Environmental Impact Statements.	District Department of the Environment

¹² See, for instance, Sandra Evans, *The Washington Post*. (1985, March 26). “Agency Struggles with Rent Rulings,” pg. B1; William Powers, *The Washington Post*. (1992, January 11). “Rent Control Administration Slows to a Crawl in the District,” pg. E1.

¹³ D.C. Official Code § 1-1509.01.

¹⁴ D.C. Official Code § 1-1509.02.

¹⁵ D.C. Official Code § 1-1516.01.

¹⁶ D.C. Official Code § 25-203.

¹⁷ D.C. Official Code § 7-1131.01 *et seq.*

¹⁸ D.C. Official Code § 7-731(a)(3).

¹⁹ D.C. Official Code § 1-1517.01.

²⁰ D.C. Official Code § 38-1313.

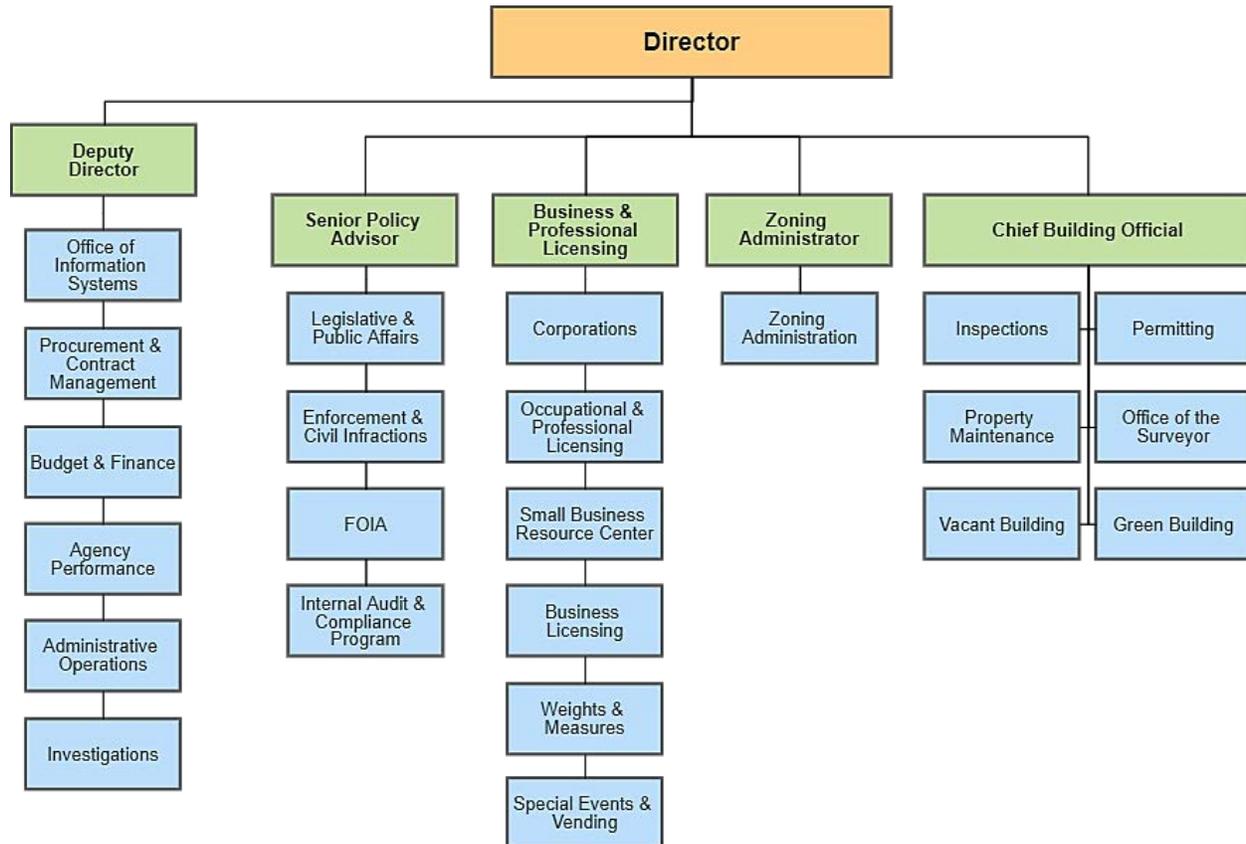
²¹ D.C. Official Code § 42-3531.03.

²² D.C. Official Code § 42-3502.04b.

²³ The law codified changes made to the authority and functions of the District Department of the Environment under Mayor’s Order 2006-61, which was established pursuant to D.C. Law 16-51 (District Department of the Environment Establishment Act of 2005; D.C. Official Code § 8-151.01 *et seq.*).

Current Duties and Structure of DCRA

In its current form, DCRA oversees zoning administration, the permitting and inspection of construction projects, housing code enforcement, corporate registration, business licensing, occupational and professional licensing, and weights and measures.



As the organizational chart above shows, the division of duties and responsibilities within the agency is not logically structured. General enforcement and civil infractions fall under the Senior Policy Advisor, and the Chief Building Official oversees permitting, construction compliance, Green Building Standards, and vacant and blighted building enforcement in addition to housing code enforcement. This structure, and the voluminous duties DCRA is charged with, had led to a substandard performance in two areas of particular concern to the Committee: housing code enforcement, and illegal construction enforcement.

Housing Code Enforcement

DCRA’s enforcement of the housing code has been a contentious issue for decades, with residents consistently faulting the agency for being unresponsive and lax in its response to serious code violations.²⁴ Throughout DCRA’s existence, numerous reforms have been implemented to

²⁴ See, for instance, Elizabeth Weiner, *The Washington Post*. (1993, June 10). “Consumer Chief Gets an Earful,” pg. DC1.

strengthen DCRA's ability to respond to code violations. These reforms have included streamlining operating procedures,²⁵ deployment of new technology to make the tracking and cataloging of complaints more efficient,²⁶ increased, formal training for employees,²⁷ and increasing the costs of non-compliance to give DCRA a greater deterrent in their arsenal.²⁸ Even where these reforms have resulted in some improvement, the overall picture of DCRA's record on housing code enforcement is bleak. A recent report from the D.C. Office of the Auditor illustrates many of the problems that have plagued DCRA's performance on this issue. The Auditor's report specifically analyzed code enforcement actions at Dahlgreen Courts in late 2016 and early 2017, where DCRA found 105 violations in 17 units and two common areas during an emergency inspection of the building. Based on their analysis, the report found:²⁹

- DCRA was failing to measure meaningful performance indicators of housing code enforcement;
- The lifecycle of a housing code complaint, from tenant reporting to Office of Administrative Hearings appeals, could last up to five months;
- Standard operating procedures (SOPs) used by DCRA did not adequately articulate the process for re-inspection of housing code violations; and
- Recordkeeping, case tracking, reporting, and communication were substandard.

Due to the findings of this report, Director Ernest Chrappah implemented several reforms, including removing Notices of Violation (NOVs) from the enforcement process to shorten the timeline and starting a resident inspector program to increase the agency's resources. Yet, it is clear that these reforms have not been adequate enough to protect tenants in the District. An illustration of this can be seen in the Kennedy Street fire incident. On the morning of August 18, 2019, a fire started in a row house at 708 Kennedy Street N.W. that ultimately resulted in the deaths of Fitsum Kebede and Yafety Solomon. A report commissioned by the District in the wake of the fire found, among other things, that DCRA failed to respond to multiple emails over several months from a Metropolitan Police Department Officer who noted severe code violations at the property, that the DCRA investigator who was assigned to the case did not attempt to enter the property to document violations, and that the case was closed without adequate review.³⁰ The report noted that a lack of internal communication, limited training, and job requirements for inspectors, and the agency not having a clear process to prioritize serious code violations contributed to these failures.

Since the Kennedy Street fire incident, Director Chrappah has touted supposed improvements made to the agency. Still, the continued substandard performance of DCRA can be seen using data from the agency's dashboard. Per DCRA's data dashboard, less than half of all

²⁵ Thomas Bell, *The Washington Post*. (1990, July 24). "Housing Inspection Unit Adapting to Leaner Times," pg. A6.

²⁶ Office of the Inspector General, "Department of Consumer and Regulatory Affairs Part I," August 2006, pg. 25.

²⁷ *Ibid.*, pg. 59.

²⁸ See, for instance, Law 21-200, the "Vacant Property Enforcement Amendment Act of 2016."

²⁹ See, Office of D.C. Auditor, "Housing Code Enforcement: A Case Study of Dahlgreen Courts," September 24, 2018.

³⁰ See, Alvarez & Marsel Disputes & Investigations, "Review and Investigation of Code Enforcement Policies, Procedures, and Inter-Agency Communications Between DCRA, FEMS, and MPD," October 25, 2019.

housing code violations have been repaired or abated.³¹ While the Director has suggested that the data does not provide the whole picture when it comes to abatement, the agency has yet to supply the Committee with any evidence that refutes this analysis.

Table 2. Housing Code Inspections by Fiscal Year³²

	FY 2018	FY 2019	FY 2020
Complaint-Based Inspections	7,978	7,587	5,738
One/Two Family Rental	4,050	4,056	4,395
Proactive Inspections	3,731	4,935	7,444

Additionally, several of DCRA’s solutions to the problem only serve to highlight the Committee’s concerns that the agency is not adequately focused on protecting tenants. For instance, Director Chrappah has noted several times that the agency has created a “triage” process to enable faster resolution of housing code complaints. This process involves DCRA contacting the landlord or property to alert them of a possible violation and warning them that an inspection may be imminent unless they cure the violation. If the landlord or property owner abates the violations to the satisfaction of the tenant, then DCRA does not inspect the unit or property and closes the case. The problems with this approach are manifold. First, since DCRA does not perform an initial inspection, they may not understand the scope of the alleged violation and cannot determine whether other violations exist. Second, without a re-inspection after the violation has supposedly been abated, DCRA cannot determine whether the abatement is up to code. Finally, alerting the landlord or property owner of the tenant complaint before an official inspection may open tenants up to retaliation.

Illegal Construction Enforcement

Another area where the Committee has routinely seen evidence of substandard performance on DCRA’s behalf is regarding illegal construction enforcement. Illegal construction impacts the health and safety of all District residents and often causes damage to adjacent properties that can lead to significant costs being incurred by the aggrieved party. DCRA first established a permanent illegal construction unit within its agency in 2005.³³ Within two years, the unit had already been gutted by internal decisions in the agency.³⁴ When it was “fully staffed” per the Director’s metrics, it had only four inspectors, leaving many instances of illegal construction undetected. According to data compiled by the Office Inspector General, the agency only took 1,693 actions against illegal construction from October 2012 to February 2018, nearly a six-year time frame.³⁵

Several District residents have provided testimony to the Committee at oversight hearings that illustrate the deficiencies in DCRA’s illegal construction enforcement. For instance, Mamie

³¹ Author analysis of DCRA’s data dashboard, Inspections by Ward.

³² Data from DCRA’s data dashboard as of mid-November 2020.

³³ Sandra Fleisham, The Washington Post. (2005, May 14). “Unfinished Business,” pg. F1.

³⁴ Office of the Inspector General, “Department of Consumer and Regulatory Affairs Part III (Building and Land Regulation),” September 2009, pgs. 61-62.

³⁵ Office of Inspector General, “Department of Consumer and Regulatory Affairs: Civil Infractions Program Lacked a Strong Internal Control Environment,” pg. 13.

Preston testified to the Committee that illegal construction at a neighboring rowhouse caused flooding in her basement and has led to significant structural shifts in the foundation of her property. DCRA issued three stop-work orders (SWOs) at the neighboring property from August 11, 2017 to June 18, 2018, suggesting that enforcement mechanisms of the agency were not enough to deter the illegal construction. After the third stop-work order, the agency “verified compliance” and allowed the property owner to continue construction with limited penalties.³⁶ In another case, residents near the old Naylor Road School building had their walls and driveways cracked due to illegal construction. Residents reported the illegal construction to DCRA in February 2019, but DCRA did not inspect until May.³⁷ Further testimony submitted by Kellie Spain, Anne Smith, and Jamie Hope at various oversight hearings expose the same themes: DCRA failed to respond promptly and did not provide any redress for the parties affected. DCRA’s data suggests that this continues. From fiscal year 2017 to fiscal year 2020, between 15.9% and 35.4% of all initial inspections took place on the same day, the complaint was filed with DCRA. In most cases, it took DCRA two or more days to conduct an initial inspection. For fiscal year 2019, 40.7% of all initial inspections occurred two or more days after the complaint, in contrast to only 15.9% taking place on the same day as the complaint.³⁸

Table 3. Initial Illegal Construction Inspections by Fiscal Year

	FY 2017	FY 2018	FY 2019	F.Y. 2020*
Number of Initial Inspections	1,721	1,941	2,361	1,346
Same Day Response	333	687	377	385
Percent Same Day Response	19.3%	35.4%	15.9%	28.6%

*Note: Fiscal year 2020 data is as of April 20, 2020. DCRA recently changed their data dashboard such that this information is no longer publicly available.

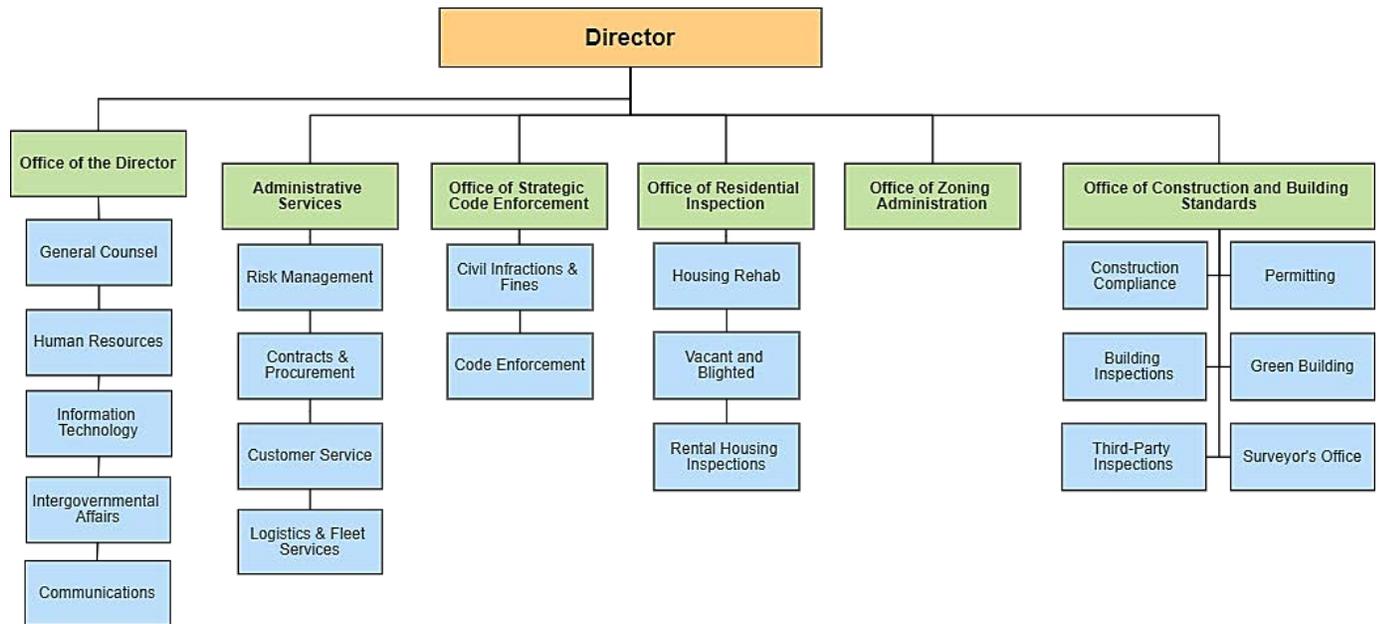
The Department of Buildings

Under Bill 23-91, several duties currently under DCRA’s purview would be transferred to the Department of Buildings. Specifically, the bill will give permitting and inspection of construction projects, housing code enforcement, and zoning administration to the Department of Buildings. Each of the four enforcement offices within the Department of Buildings, the Office of Strategic Code Enforcement, the Office of Residential Inspection, The Office of Zoning Administration, and the Office of Construction and Building Standards, will be headed by senior-level officials with relevant expertise and have divisions with clear duties and responsibilities. The Office of Residential Inspection, for instance, will be led by a Chief Inspection Official and will consist of three divisions: The Vacant and Blighted Property Division, the Rental Housing Inspections Division, and the House Rehabilitation Division. The Vacant and Blighted Property Division will investigate and classify vacant and blighted buildings, the Rental Housing Inspections Division will conduct proactive, and complaint-based residential housing inspections and the Housing Rehabilitation Division will abate code violations, process abatement contracts, and collect unpaid abatement fines. This structure ensures that housing code enforcement is a clear priority of the Department of Buildings.

³⁶ Superior Court Complaint, Filed on March 11, 2019, Case No. 2019 CA 001577.

³⁷ Supporting Statement to the Attorney General Regarding Eagle Academy Construction, Randle Heights Community, August 7, 2019.

³⁸ Committee analysis of DCRA illegal construction response data as of April 20, 2020.



In addition to the organizational structure, the bill requires the City Administrator to submit to Council a detailed transition plan that includes an analysis of strategic human capital, communications strategies, comprehensive document control inventory, business processes, and information technology to show how the bill will be implemented. The bill also prescribes reporting requirements for the Department of Buildings via a strategic enforcement plan submitted to Council by the Strategic Enforcement Administrator starting on January 1, 2021, and an annual enforcement report submitted by the Department of Buildings Director beginning on January 1, 2022.

The Committee Print makes two significant changes to the bill. First, it codifies the position of Zoning Administrator and creates minimum qualifications and terms of service for the position. Second, it creates an Office of Zoning Administration to be headed by the Zoning Administrator as a separate entity within the Department of Buildings. In the bill as introduced, there were no minimum qualifications or terms of service for the Zoning Administrator, and zoning administration was under the purview of the Office of Construction and Building Standards. These changes ensure that the Zoning Administrator’s qualifications and terms of service are consistent with that of the Chief Building Official (CBO) and the Strategic Enforcement Administrator, and that their authority to enforce zoning regulations is not subordinate to the CBO.

Conclusion

DCRA’s current responsibilities and structure limit the agency’s effectiveness on critical issues such as housing code enforcement and illegal construction. Over the last several years, reforms to DCRA’s standard operating procedures, technology infrastructure, etc. have failed to address issues such the quality and timeliness of housing code or illegal construction inspections. These are not minor issues, as the tragic Kennedy Street Fire made clear. The health and well-

being of District's is at stake. As such, the Committee believes that a new agency with more limited responsibilities and a different organizational structure is needed. The Committee recommends the adoption of the Committee Print for Bill 23-91.

II. LEGISLATIVE CHRONOLOGY

- January 23, 2018 Bill 22-669, the "Department of Buildings Establishment Act of 2018" is introduced by Chairman Mendelson, and Councilmembers Silverman, Nadeau, Cheh, Allen, White, Bonds, White, Evans, McDuffie, Gray, and Grosso.
- January 23, 2018 Bill 22-669 is "read" at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- March 23, 2018 Notice of a Public Hearing on Bill 22-669 is published in the *District of Columbia Register*.
- April 19, 2018 The Committee of the Whole holds a public hearing on Bill 22-669.
- January 22, 2019 Bill 23-91, the "Department of Buildings Establishment Act of 2019" is introduced by Chairman Mendelson, and Councilmembers Silverman, Nadeau, Cheh, Allen, White, Bonds, White, Evans, McDuffie, Gray, and Grosso.
- January 25, 2019 Notice of Intent to Act on Bill 23-91 is published in the *District of Columbia Register*.
- November 8, 2019 Notice of a Public Hearing on Bill 23-91 is published in the *District of Columbia Register*.
- December 10, 2019 The Committee of the Whole holds a public hearing on Bill 23-91.
- TBD 2020 The Committee of the Whole marks-up Bill 23-91.

III. POSITION OF THE EXECUTIVE

Rashad Young, City Administrator for the District of Columbia, testified at the Committee's public hearing on Bill 22-669 on April 19, 2018. Mr. Young noted that the Executive does not believe splitting DCRA into two agencies would achieve the outcomes the Committee wants to see. Instead, Mr. Young stated that reforms to the agency, such as the establishment of an "abatement lite" team, ward-based illegal construction blitzes, and updates to DCRA's proactive inspection program, could provide an alternative path forward. He proposed that the Council work with Executive on legislation that would give DCRA authority for summary suspension of licenses and refine DCRA's illegal construction policies and procedures.

Ernest Chrappah, Director of the Department of Consumer and Regulatory Affairs, testified at the Committee's public hearing on Bill 23-91 on December 10, 2019. Mr. Chrappah stated the Executive strongly opposes the bill, as they believe that having all DCRA's current duties stay intact creates a better user experience. Mr. Chrappah touted progress implementing reforms at DCRA. Mr. Chrappah specifically argued that DCRA has improved its responsiveness to resident complaints, increased agency transparency and accountability, become more efficient through innovation, and is working to improve agency culture. Regarding responsiveness, Mr. Chrappah noted that DCRA implemented the Customer Relationship Management (CRM) system and made changes to the housing code enforcement process. He said that they have increased transparency through the posting of permits and applications, as well as reconfiguring the website. Mr. Chrappah then described reforms such as the Resident Inspector Training Program and Project X, which he believes have made the agency more efficient. Finally, Mr. Chrappah highlighted the work the agency is doing with an outside firm on workplace culture.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

ANC 4B (Takoma & Brightwood Park): ANC 4B unanimously approved a resolution at its September 23, 2019 meeting expressing support for the creation of the Department of Buildings in light of the house fire that occurred on 708 Kennedy Street N.W. on August 18, 2019.

ANC 4C (Petworth & Columbia Heights): ANC 4C unanimously approved a resolution at its September 11, 2019 meeting expressing support for the creation of the Department of Buildings in light of the house fire that occurred on 708 Kennedy Street N.W. on August 18, 2019.

ANC 4D (Petworth & Brightwood Park): ANC 4D unanimously approved a resolution at a its September 18, 2019 meeting expressing support for the creation of the Department of Buildings in light of the house fire that occurred on 708 Kennedy Street N.W. on August 18, 2019.

ANC 6C (Capitol Hill): Commissioner Eckenwiler of ANC 6C04 provided testimony on behalf of ANC 6C at the Committee's public hearing on Bill 22-669 on April 19, 2018. The ANC recommends: (1) the Chief Building Official (CBO) have a background in architecture or structural engineering; (2) the CBO's authority includes all disciplines under Title 12 of the DCMR; (3) creating a new Office of Zoning Administration rather than having the Zoning Administrator under the CBO; (4) striking language to retain the incumbent CBO; (5) Emphasize public access to department records; (6) ensuring the department reports escalation of fines; and (7) making an explicit reference to zoning administration in the DOB charter.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 22-669 on April 19, 2018. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Jason Tipton, Chairman of the National Food Truck Manufacturers Association, testified in support of the bill. Mr. Tipton testified that DCRA recently issued rules limiting the number of mobile roadway vehicle (MRV) lottery to one permit per business, which adversely

multi-truck businesses without public input, notice, or rationale. He believes these types of decisions are made due to the agency having too many responsibilities and not enough focus.

Muriel D. Wolf, Chairman of the Senior Section of the D.C. Chapter of the American Academy of Pediatrics, testified in support of the bill. Ms. Wolf said that DCRA often becomes involved in hazardous lead cases when the family or property owner refuses to cooperate, but many times they fail to act. She recounted a situation where it took over six years to address hazardous lead in a home where children had elevated lead levels in their blood.

Rob Wohl, Tenant Organizing Manager of Latino Economic Development Center, testified in support of the bill. Mr. Wohl noted that the agency has a poor track record of keeping tenants safe and described conditions such as an older woman who had mushrooms growing out of her bathroom walls for months despite repeated DCRA inspections.

Rebecca Lindhurst, Managing Attorney at Bread for the City, testified in support of the bill. Ms. Lindhurst noted that, despite the enactment of proactive inspections and other initiatives years before this hearing, DCRA housing code inspections and enforcement do not adequately protect tenants, necessitating an overhaul of the system.

Daniel Palchick, Senior Staff Attorney at AARP's Legal Counsel for the Elderly, testified in support of the bill. Mr. Palchick stated that DCRA's conflicting missions—protecting business interests on the one hand and protecting consumer interests on the other—have led to the agency being ineffective at the latter.

David Blum, Staff Attorney at D.C. Law Students in Court, testified in support of the bill. Mr. Blum said that his work with the D.C. Superior Court's Housing Conditions calendar has shown him the weakness of DCRA's enforcement on housing code violations. Mr. Blum recounted a situation where tenants lived in a building DCRA declared "uninhabitable" for five weeks before DCRA made the necessary repairs.

Rashad Young, City Administrator for the District of Columbia, testified on behalf of the Executive in opposition to the bill. His testimony is summarized in Section III.

The Committee of the Whole held a public hearing on Bill 23-91 on December 10, 2019. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Kathy Zeisel, Senior Supervising Attorney with the Children's Law Center, testified in support of the bill. Ms. Zeisel noted that DCRA has long been ineffective at protecting tenants from unsafe housing conditions and stated that recent reforms put in place do very little to change this dynamic.

Beth Harrison, Supervising Attorney for the Housing Law Unit at the Legal Aid Society of the District of Columbia, testified in support of the bill. Ms. Harrison articulated the many reports detailing problems with DCRA's enforcement of the housing code over the years, including a failure to adopt standard operating procedures, and failure to track housing conditions and

enforcement activities adequately. Ms. Harrison testified that DCRA's systemic failures require systemic change rather than small reforms.

John Lewis Monroe, Compliance Program Manager at the Foundation for Fair Contracting (Mid-Atlantic Region), provided the Committee with notes and reports from five site visits to construction projects conducted in late 2018. Unlicensed work was found to be occurring at all five sites, suggesting high non-compliance with rules and regulations under DCRA's purview.

Mark Eckenwiler, Advisory Neighborhood Commissioner for ANC 6C04, testified in support of the bill.

Joe Gersen, a public witness, testified in support of the bill. Mr. Gersen detailed his experience with construction in an adjacent property that damaged his house, including a 12-foot crack across the front façade of the home, and sloping floors. Despite two years of trying, Mr. Gersen could not get support from DCRA.

Chuck Elkins, Advisory Neighborhood Commission for ANC 3D01, testified in support of the bill. Commissioner Elkins suggested that the bill be amended to create an independent rental housing agency that's sole purpose would be enforcement of the housing code.

Raymin Diaz, an organizer with Baltimore-Washington Laborer's District Council, testified in support of the bill.

Jamie Barden, Advisory Neighborhood Commission for ANC 4D04, testified in support of the bill.

Ernest Chrappah, Director of the Department of Consumer and Regulatory Affairs, testified on behalf of the Executive in opposition to the bill. His testimony is summarized in Section III.

VI. IMPACT ON EXISTING LAW

Bill 23-91 is a new law establishing the Department of Buildings within the government of the District of Columbia. The functions of the department include ensuring that the physical environment and all structures within the District meet applicable regulations and codes, ensuring the habitability and compliance with regulations and codes for all rental units in the District, and ensuring that public and private land and structures meet adequate health, safety, and environmental standards. Chief officials within the department include the Director, the Chief Building Official, the Strategic Enforcement Administrator, and the Zoning Administrator. The department's organizational structure consists of the Office of the Director, Administrative Services, the Office of Construction and Building Standards, the Office of Zoning Administration, and the Office of Rental Inspection, with subordinate divisions in each. The bill requires the City Administrator to prepare and submit a detailed transition plan to the Council to implement the provisions of the bill. The bill also requires the department to submit to Council a Strategic Enforcement Plan on or before January 1, 2021, and an Annual Enforcement Plan on or before

January 1, 2022. The Department of Consumer and Regulatory Affairs is redesignated as the Department of Licensing and Consumer Protection. The bill requires the Mayor to issue rules to implement the act.

VII. FISCAL IMPACT

VIII. SECTION-BY-SECTION ANALYSIS

Title 1. Establishment of the Department of Buildings

- Section 101 Definitions.
- Section 102 Establishes the Department of Buildings. Creates the department's mission statement and details the functions of the department.
- Section 103 Creates the position of Director of the Department of Buildings to manage and oversee all functions and personnel. The Director shall be appointed by the Mayor with the advice and consent of the Council.
- Section 104 Establishes the position of Chief Building Official (CBO) within the Department of Buildings, including minimum qualifications, appointment procedures, and the length of a term for the position.
- Section 105 Establishes the position of Strategic Enforcement Administrator (SEA) within the Department of Buildings, including minimum qualifications, responsibilities, appointment procedures, and the length of a term for the position.
- Section 106 Establishes the position of Zoning Administrator (ZA) within the Department of Buildings, including minimum qualifications, appointment procedures, and the length of a term for the position.
- Section 107 Creates the Office of the Director, Administrative Services, the Office of Construction and Building Standards, the Office of Zoning Administration, and the Office of Rental Inspection, with subordinate divisions in each.
- Section 108 Requires the City Administrator to develop and submit a transition plan that includes a proposed organizational plan, a strategic human capital plan, a communications strategy, a comprehensive document control inventory, a business process analysis, and reengineering assessment, and an information technology assessment.

Title II. Agency Planning Reporting Requirements

Section 201 Requires the SEA to develop and submit a strategic enforcement plan to the Council on or before January 1, 2021, and every three years after that.

Section 202 Requires the Director of the Department of Buildings to develop and submit an annual enforcement plan to Council on or before January 1, 2022, and every year after that.

Title III. Redesignation

Section 301 Redesignates the Department of Consumer and Regulatory Affairs as the Department of Licensing and Consumer Protections.

Title IV. Rulemaking Authority; Savings Clause

Section 401 Requires the Mayor to issue rules to implement provisions of this act.

Section 402 Existing rules that do not conflict with this act will remain in effect until amended or repealed by subsequent rules.

Title V. Conforming Amendments

Section 501 Amends sections III (A)(4-5) and (B)(3, 6-11) of the Reorganization Plan No. 1 of 1983, and D.C. Official Code § 2-101 et seq. to transfer functions from the Department of Consumer and Regulatory Affairs to the Department of Buildings, and amends other portions of the D.C. Official Code to make the language in the code consistent with this act.

Title VI. Fiscal impact statement; effective date.

Section 601 Applicability.

Section 602 Fiscal impact statement.

Section 603 This provides the standard language for 30-day Congressional Review before Bill 23-91 is law.

IX. COMMITTEE ACTION

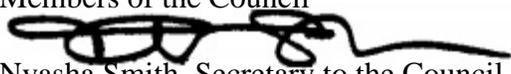
X. ATTACHMENTS

1. Bill 23-91 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 23-91.
4. Legal Sufficiency Determination for Bill 23-91.
5. Comparative Print for Bill 23-91.
6. Committee Print for Bill 23-91.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : January 23, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, January 22, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Department of Buildings Establishment Act of 2019", B23-0091

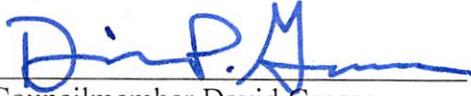
INTRODUCED BY: Chairman Mendelson and Councilmembers Silverman, Nadeau, Cheh, Allen, T. White, Bonds, R. White, Evans, McDuffie, Gray, and Grosso

The Chairman is referring this legislation to the Committee of the Whole.

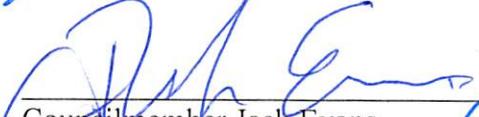
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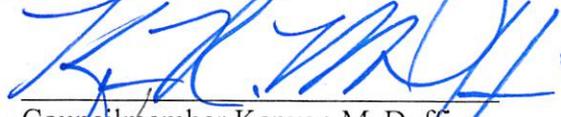
cc: General Counsel
Budget Director
Legislative Services

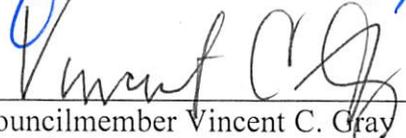
1 
2 Councilmember Anita Bonds

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5 Councilmember David Grosso

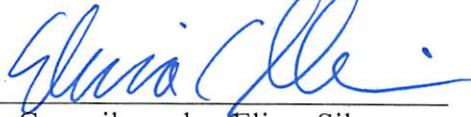
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9 Councilmember Robert C. White, Jr.

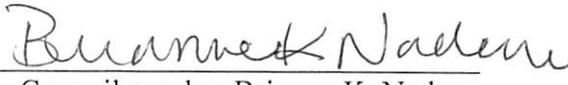
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12 Councilmember Jack Evans

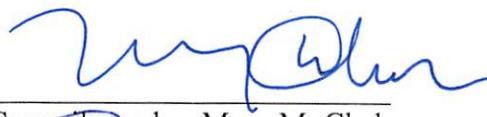
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15 Councilmember Kenyan McDuffie

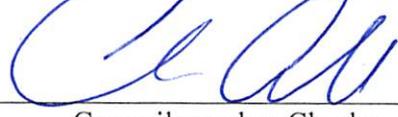
16
17 
18 Councilmember Vincent C. Gray


Chairman Phil Mendelson


Councilmember Elissa Silverman


Councilmember Brianne K. Nadeau


Councilmember Mary M. Cheh


Councilmember Charles Allen


Councilmember Trayon White, Sr.

29 A BILL

34 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

40 To establish the Department of Buildings as a subordinate agency within the Executive branch
41 with oversight of construction compliance, rental housing safety, and residential property
42 maintenance activities in the District, to enumerate the functions of the Department, to
43 provide for a Director to head the Department, to provide for a Chief Building Official, to
44 provide for a Strategic Enforcement Administrator, to proscribe for the organization of
45 the Department, to require an implementation and transition plan for the establishment of
46 the Department, to provide a timeline wherein the Executive is required to plan and

47 implement establishment of the Department, to require a Strategic Enforcement Plan and
48 proscribe the content of that Plan, to require an annual Enforcement Report, proscribe the
49 content of that report, to provide for rulemaking authority, to amend existing law to
50 conform to the establishment of the Department of Buildings, and to redesignate the
51 Department of Consumer and Regulatory Affairs as the Department of Licensing and
52 Consumer Protection.

53
54 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
55 act may be cited as the “Department of Buildings Establishment Act of 2019”.

56 **TITLE I. ESTABLISHMENT OF THE DEPARTMENT OF BUILDINGS**

57 **Sec. 101. Definitions.**

58 For the purposes of this act, the term:

59 (1) “Chief Building Official” or “CBO” means the lead administrator of the
60 Office of Construction and Building Standards, established by section 104.

61 (2) “Department” means the Department of Buildings established by section 102.

62 (3) “International Code Council Family of Codes” means the body of standards
63 promulgated by the International Code Council to the extent the standards are adopted by the
64 District of Columbia and codified into the District of Columbia Code of Municipal Regulations.

65 (4) “Strategic Enforcement Administrator” or “SEA” means the lead
66 administrator of the Office of Strategic Code Enforcement established by section 105.

67 **Sec. 102. Establishment of the Department of Buildings.**

68 (a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved
69 December 24, 1973 (87 Stat. 787; D.C. Official Code §1-204.04(b)), there is established, as a
70 subordinate agency within the executive branch of the District government, the Department of
71 Buildings, which shall be headed by a Director who shall carry out the functions and authorities
72 assigned to the Department.

73 (b) The Department is charged with promoting the health, safety, and quality of life of
74 residents and visitors in the District of Columbia by reviewing proposed plans for technical
75 sufficiency, issuing permits to ensure competent construction, inspecting the built environment,
76 regulating land use and development, and enforcing the regulations and codes governing
77 building construction, rental housing conditions, building maintenance, and building safety.

78 (c) The functions of the Department shall be to:

79 (1) Ensure that the physical environment and structure of all buildings in the
80 District of Columbia meet all applicable regulations and codes for preservation or the use to
81 which the space or structure is to be put;

82 (2) Ensure that the habitability and sanitary condition of all rental housing units in
83 the District of Columbia meet all applicable regulations and codes, except those that are under
84 the exclusive jurisdiction of the United States; and

85 (3) Ensure that public and private land and structures meet adequate health,
86 safety, and environmental standards.

87 Sec. 103. Director.

88 (a) The Director shall manage and administer the Department and all functions and
89 personnel assigned thereto, including the power to redelegate to other employees and officials of
90 the Department such powers and authority as in the judgment of the Director is warranted in the
91 interests of efficiency and sound administration, excluding the ability to alter the duties and
92 functions of the Chief Building Official established by section 104 of this act or the duties and
93 functions of the Strategic Enforcement Administrator established by section 105 of this act.

94 (b) The Director shall be appointed by the Mayor with the advice and consent of the
95 Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.
96 Law 2-142; D.C. Official Code § 1-523.01(a)).

97 Sec. 104. Chief Building Official.

98 (a) There is established a Chief Building Official with primary authority for the
99 administration of and determination of compliance with the District of Columbia Building Codes
100 (D.C. Law 6-216; 12 DCMR § A), Construction Codes (D.C. Law 6-216; 12 DCMR § K), the
101 Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-
102 1451.01 – 6-1451.11), and Zoning Codes (D.C. Law 6-216; 11 DCMR § X), and the
103 management of all District of Columbia land records.

104 (b) The Chief Building Official shall be appointed by the Mayor with the advice and
105 consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective
106 March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

107 (c) On the effective date of this act; the incumbent CBO shall continue to serve as the
108 CBO until the expiry of a five-year term to be calculated from the effective date of this act. If the
109 incumbent CBO is unable to serve as CBO, the next highest-ranking, employee of the Office of
110 Construction and Building Standards shall serve as acting CBO until a new CBO is appointed by
111 the Mayor pursuant to the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142;
112 D.C. Official Code § 1-523.01).

113 (d) The CBO shall have not less than eight years of senior-level experience in
114 administering building standards and shall have demonstrated, through knowledge and
115 experience, the ability to administer a building standard system of the size and complexity of the
116 responsibilities covered by this act.

117 (e) The CBO shall serve for one five-year term and may be reappointed pursuant to
118 subsection (b) of this section.

119 (f) The CBO shall not be removed from office before the expiration of the five-year term
120 except for cause and shall not be required to resign at the end of a mayoral term or
121 administration, subject to the right of appeal as provided in Title VI of the District of Columbia
122 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-
123 139; D.C. Official Code § 1-606.01 et seq.).

124 Sec. 105. Strategic Enforcement Administrator.

125 (a) There is established, subordinate to the Director, a Strategic Enforcement
126 Administrator within the Department of Buildings.

127 (b) The SEA shall have the following responsibilities:

128 (1) Responsibility for developing and implementing strategic, and data-driven
129 deployment of the Department's enforcement efforts and advising the Chief Building Official
130 (CBO) and Chief Inspection Official (CIO) accordingly;

131 (2) Monitoring violations to ensure that the CBO and CIO are scheduling timely
132 reinspections and that the appropriate documentation and data is being captured;

133 (3) If, and when, fines are levied the Office of Strategic Code Enforcement is
134 responsible for tracking and enforcing collection of the fines and making referrals to OAG, when
135 necessary;

136 (4) Developing and implementing consistent enforcement procedures and
137 standards in coordination with the CBO and CIO;

138 Advisory responsibility for managing the assignment of the Department's
139 enforcement staff to ensure enforcement efforts regarding the built environment of the District of
140 Columbia are effectively assigned;

141 (5) Managing and tracking the enforcement history of individual projects,
142 professionals, and properties to identify repeat violators or trends in construction, housing code,
143 or maintenance violations and developing plans to detect and deter future violations;

144 (6) Monitoring and tracking the number, type, and severity of violations,
145 abatement history, impact on neighboring properties, previous enforcement actions taken, and
146 the results of such enforcement actions to inform a consistent application of abatement standards;
147 and

148 (7) General administration of the Department's enforcement efforts.

149 (c) The Strategic Enforcement Administrator shall be appointed by the Mayor with the
150 advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978,
151 effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

152 (d) The SEA shall serve for one five-year term and may be reappointed pursuant to
153 subsection (c) of this section.

154 (e) The SEA shall not be removed from office before the expiration of the five-year term
155 except for cause and shall not be required to resign at the end of a mayoral term or
156 administration, subject to the right of appeal as provided in Title VI of the District of Columbia
157 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-
158 139; D.C. Official Code § 1-606.01 et seq.).

159 Sec. 106. Department organization.

160 (a) There are established within the Department the following offices and divisions:

161 (1) The Office of the Director with subordinate staff responsible for:
162 (A) Human Resources;
163 (B) Intergovernmental Affairs;
164 (C) the General Counsel;
165 (D) Communications; and
166 (E) Technology and Information Services, including the development and
167 maintenance of, in coordination with the Office of the Chief Technology Officer,
168 the systems necessary to enable the efficient and accurate maintenance of digital
169 records management, electronic plan submission, electronic plan review, permit
170 issuance, and enforcement records.

171 (2) Administrative Services, with subordinate staff responsible for:

172 (A) Customer Service and Complaint Resolution;

173 (B) Logistics and Fleet Services, including the management of the
174 equipment necessary to support an inspection workforce that deploys to inspect construction sites
175 in coordination with Technology and Information Services;

176 (C) Risk Management; and

177 (D) Contracts and Procurement;

178 (3) The Office of Construction and Building Standards, headed by the Chief

179 Building Official established by section 104 of this act, with subordinate staff responsible for:

180 (A) The Permitting Operations Division, which shall:

181 (i) Accept permit applications for review and coordinate the review

182 of such applications by the relevant offices and entities;

183 (ii) Evaluate submitted plans and certify their compliance with
184 current building and construction codes or provide instructions to obtain compliance for non-
185 compliant submissions;

186 (iii) Issue building permits for private and District construction
187 projects;

188 (B) The Construction Compliance Division, which shall manage and
189 coordinate revisions to the District's building and trade codes to meet current demands for
190 adequate and safe construction and the maintenance of new and existing building structures as
191 outlined by the International Code Council Family of Codes;

192 (C) The Building Inspection Division, which shall:

193 (i) Inspect commercial buildings;

194 (ii) Manage permit-related inspection requests;

195 (iii) Issue citations for violations of the District's
196 Building Codes and District's Zoning Regulations to correct violations; and

197 (iv) Conduct building and structure assessments for
198 emergency and disaster response in coordination with the Homeland Security and Emergency
199 Management Agency;

200 (D) Green Building Division, which shall regulate construction relevant to
201 the green codes which includes the Green Building Act of 2006, effective March 8, 2007 (D.C.
202 Law 16-234; D.C. Official Code § 6-1451.01 – 6-1451.11), the Green Construction Code (12
203 DCMR § K), and the Energy Conservation Code (12 DCMR § I). The Division shall coordinate
204 services with the Permitting Operations Division and Construction Compliance Division, such

205 as conducting plan review; building inspections; and collaborating with sister agencies, the
206 building industry, and the community to increase the sustainability of the built environment;

207 (E) Surveyor's Office, which shall produce and maintain the legal records
208 of all land plats and subdivisions of private and District government property within the District
209 of Columbia;

210 (F) Third-Party Inspection Program, which shall provide supplemental
211 staff for the Department's plan review and inspection divisions, and shall ensure the suitability
212 and quality of and authorize private entities to perform inspections and plan reviews and to
213 certify to the Department that such work complies with the District of Columbia Construction
214 Codes;

215 (G) Zoning Administration, which shall:

216 (i) Review applications for conformity with District of Columbia
217 zoning regulations (11 DCMR § X);

218 (ii) Enforce zoning regulations;

219 (iii) Write letters of determination or of denial regarding the
220 relevant zoning regulations applicable to specific development proposals; and

221 (iv) Refers developers to the Board of Zoning Adjustment and the
222 Zoning Board if they want to seek special exceptions or zoning variances to the Administrator's
223 rulings;

224 (5) The Office of Residential Inspection, headed by a Chief Inspection Official,
225 with subordinate staff responsible for:

226 (A) Vacant and Blighted Property Division, which shall investigate and
227 classify vacant and blighted buildings;

228 (B) Rental Housing Inspections Division, which shall protect District
229 tenants by ensuring habitable housing by conducting both proactive and complaint-based
230 residential housing inspections of housing and property maintenance code and regulation
231 violations;

232 (C) Housing Rehabilitation Division, which shall:

233 (i) Abate housing and building code violations;

234 (ii) Process abatement contracts; and

235 (iii) Collect unpaid abatement costs;

236 (6) The Office of Strategic Code Enforcement, headed by the Strategic
237 Enforcement Administrator established in section 105 of this act, with subordinate staff
238 responsible for:

239 (A) Code Enforcement Division, which shall:

240 (i) Coordinate and monitor enforcement of violations cited by the
241 Department's regulatory programs;

242 (ii) Work closely with the Office of the Attorney General to
243 compel compliance through judicial orders;

244 (iii) Conduct compliance surveys; and

245 (iv) Issue Notices of Infraction for violations;

246 (B) Civil Infractions and Fine Assessment Division, which shall:

247 (i) Process all civil infractions with the Office of Administrative
248 Hearings;

249 (ii) Collect fines; and

250 (iii) Place property liens on unpaid fines.

251 Sec. 107. Implementation and Transition Plan.

252 (a) The City Administrator shall prepare and submit to the Council a comprehensive
253 transition plan and timeline to facilitate the implementation of this act.

254 (b) The transition plan shall include:

255 (1) A proposed organizational plan, including an organization chart, which
256 reflects the proposed reporting structure for the Department consistent with this act, due 60 days
257 after the effective date of this act;

258 (2) A strategic human capital plan which identifies the skills and personnel
259 necessary for the functions covered by this act, identifies current available human resources,
260 identifies the training necessary to ensure staff are prepared to perform, and identifies recruiting
261 priorities and efforts, due 120 days after the effective date of this act;

262 (3) A Communications Strategy, which articulates the methods by which the
263 Executive will share the mission and scope of the Department with the public, stakeholders, and
264 the regulated community, metrics by which to judge the success of the plan, and alternative
265 outreach options to improve success of the plan, due 120 days after the effective date of this act;

266 (4) A Comprehensive Document Control Inventory which identifies the
267 documents, collateral, and assets that must be revised to reflect the change in responsibility to the
268 Department of Buildings and the change in name of the former Department of Consumer and
269 Regulatory Affairs to the Department of Licensing and Consumer Protection, due 180 days after
270 the effective date of this act;

271 (5) A Business Process Analysis and Reengineering Assessment which identifies
272 the processes by which the Department of Consumer and Regulatory Affairs currently performs
273 each of the functions covered by this act, evaluates the effectiveness of each existing process,

274 identifies potential process improvements, prioritizes eliminating process inefficiencies, and
275 provides redesigned operational processes for the Department of Buildings to adopt these
276 functions, due one year after the effective date of this act; and

277 (6) An information technology needs assessment which identifies the resources
278 and tools necessary to enable operations where a single system, or a minimal number of fully
279 integrated systems, facilitate plan review, enforcement, and records management across all
280 relevant review and enforcement agencies, due one year after the effective date of this act.

281 (c) The timeline shall include progress points by which the Council may track the
282 implementation of this act.

283 (d) As of the effective date of this act, the Mayor shall provide quarterly updates on the
284 progress of developing the deliverables identified in paragraph (b) of this section.

285 **TITLE II. AGENCY PLANNING REPORTING REQUIREMENTS**

286 **Sec. 201. Strategic Enforcement Plan.**

287 (a) On or before January 1, 2021 and every three years thereafter, the SEA shall submit to
288 the Council a Strategic Enforcement Plan that:

289 (1) Establishes priorities;

290 (2) Identifies available and needed resources while integrating the Department's
291 enforcement functions; and

292 (3) Identifies instances in which the Department can leverage the enforcement
293 efforts of sister agencies with which the Department has adjacent, overlapping or shared
294 authority.

295 (b) The plan required under paragraph (a) shall rely on existing data and industry best
296 practices to determine enforcement priorities for the duration of the plan.

297 (c) In developing the plan required under paragraph (a) the SEA shall afford great weight
298 to available complaint data and community sentiment.

299 Sec. 202. Annual Enforcement Report.

300 (a) On or before January 1, 2022 and every year thereafter, the Director shall submit to
301 the Council, an annual report, detailing the enforcement activities of the prior fiscal year of the
302 Department.

303 (b) The report required under paragraph (a) shall assess the Department's progress
304 against the Strategic Enforcement Plan required under section 201 and identify any changes to
305 operations necessary to implement said Plan.

306 (c) The report required under paragraph (a) shall also include the following data for the
307 prior fiscal year:

308 (1) Complaint data: detailing the number, type, method, determination of validity,
309 and resolution of complaints received by the Department;

310 (2) Violation data: detailing the violations identified, cited, in the prior fiscal year
311 and their status as abated or unresolved as of the date of the report;

312 (3) Fine Collection data: detailing the dollar value of the fines assessed, dollar
313 value of the fines assessed versus the fines collected, violations for which the fines were issued,
314 and identifying any reduction in fine amount due to an action by an administrative judge to
315 reduce the assessed fine, adverse judgment at an administrative hearing, administrative
316 settlement or dismissal by the Department, or other means resulting in a collection less than the
317 levied amount, and any fines not yet collected as of the date of the report;

318 (4) Abatement efficacy: detailing the number and nature of abatement orders, the
319 number of days taken to abate each order, the number of extensions granted by type of abatement

320 order, the justification for each extension, and the location of each abatement order, and its status
321 as abated or unresolved as of the date of the report;

322 (5) Enforcement Escalation data: detailing the number of violations referred to the
323 Attorney General for the District of Columbia, the aggregate dollar amount assessed, and a
324 description of the matters referred; and

325 (6) Collections Escalation data: detailing the number of violations referred to the
326 Central Collections Unit.

327 **TITLE III. REDESIGNATION OF THE DEPARTMENT OF CONSUMER AND**
328 **REGULATORY AFFAIRS**

329 Sec. 301. Redesignation.

330 The Department of Consumer and Regulatory Affairs shall be redesignated as the
331 Department of Licensing and Consumer Protections.

332 **TITLE IV. RULEMAKING AUTHORITY; SAVINGS CLAUSE**

333 Sec. 401. Rules.

334 (a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
335 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
336 rules to implement the provisions of this act, including establishing fines, permit fees, and other
337 fees necessary to support the implementation of this act.

338 (b) Proposed rules promulgated pursuant to subsection (a) of this section shall be
339 submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal
340 holidays, and days of Council recess. If the Council does not approve or disapprove the proposed
341 rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be
342 deemed to be approved.

343 Sec. 402. Savings clause.

344 The rules any agency, department, or administration, the functions of which are
345 transferred by this act to the Department of Buildings, has promulgated that do not conflict with
346 this act shall remain in effect until amended or repealed by rules promulgated in accordance with
347 this act.

348 **TITLE V. CONFORMING AMENDMENTS**

349 Sec. 501. Conforming Amendments.

350 (a) The following functions and duties shall be transferred to the Department of Buildings
351 by October 1, 2019, as follows:

352 (1) The functions of the Department of Consumer and Regulatory Affairs as set
353 forth in section III (A)(4-5) and (B)(3, 6-11) of Reorganization Plan No. 1 of 1983, effective
354 March 31, 1983 shall be transferred to the Department of Buildings, by October 1, 2020.

355 (2) The functions and duties as set forth in section XX of An Act to (D.C. Law
356 D.C. Official Code § 2-101 et seq),

357 (b) Section 26 of the District of Columbia Housing Authority Act of 1999, effective May
358 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-225) is amended as follows:

359 (1) Strike the word “and” from paragraph (5);

360 (2) Strike the period of paragraph (6) and insert “; and” in its place;

361 (3) Insert a new paragraph (7) to read as follows: “The Department of Buildings.”

362 (b) The District of Columbia Applications Insurance Implementation Act, effective May
363 26, 1976 (D.C. Law 1-64; D.C. Official Code §§ 6-501- 6-506) is amended by adding a new
364 section 6A to read as follows:

365 (6B) The Mayor shall delegate the functions enumerated in this chapter to the Director of
366 the Department of Buildings.

367 (c) An Act To regulate the height of buildings in the District of Columbia, as amended,
368 effective June 1, 1910 (D.C. Official Code § 6-601) is amended as follows:

369 (1) Section 5 (D.C. Official Code § 6-601.05) is amended as follows:

370 (A) Strike the phrase “Office of the Inspector of Buildings of the District
371 of Columbia” and insert the phrase “Department of Buildings” in its place;

372 (d) An Act Providing for the zoning of the District of Columbia and the regulation of the
373 location, height, bulk, and used of buildings and other structures and of the uses of land in the
374 District of Columbia, and for the purposes, as amended, effective June 20, 1938 (52 Stat. 800;
375 D.C. Official Code §§ 6-641.01 – 6-641.15) is amended as follows:

376 (1) Section 8 (D.C. Official Code § 6-641.07) is amended as follows:

377 (A) Strike the phrase “Inspector of Buildings” and insert the phrase
378 “Director of the Department of Buildings” in its place;

379 (2) Section 10 (D.C. Official Code § 6-641.09) is amended as follows:

380 (A) Strike the phrase “Inspector of Buildings” and insert the phrase
381 “Director of the Department of Buildings” in its place;

382 (B) Strike the word “Inspector” and insert the word “Director” in its place;

383 (C) Strike the phrase “Corporation Counsel” wherever it appears and
384 insert “Attorney General for the District of Columbia” in its place; and

385 (D) Strike the phrase “The Department of Consumer and Regulatory
386 Affairs” and insert the phrase “Department of Buildings” in its place.

387 (e) An Act Making appropriations to provide for the expenses of the government of the
388 District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for
389 other purposes, as amended, effective March 3, 1909 (35 Stat. 689; D.C. Official Code §§ 6-
390 661.01 – 6-661.02) is amended by striking the phrase “Inspector of Buildings” wherever it
391 appears and inserting the phrase “Director of the Department of Buildings” in its place.

392 (a) All staff, property, records, and unexpended balances of appropriations, allocations,
393 and other funds available or to be made available relating to the duties and functions assigned
394 herein, shall be transferred to the Department of Buildings by October 1, 2019.

395 OR

396 (a) The Mayor shall transfer to Department of Buildings, by October 1, 2019, as feasible:

397 (1) Existing staff, property, records, and unexpended balances of appropriations,
398 allocations, and other funds available or to be made available relating to the duties and functions
399 related to housing code enforcement, permitting;

400 **TITLE VI. FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

401 Sec. 601. Fiscal impact statement.

402 The Council adopts the fiscal impact statement in the committee report as the fiscal
403 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
404 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

405 Sec. 502. Effective date.

406 This act shall take effect following approval by the Mayor (or in the event of veto by the
407 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

408 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
409 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
410 Columbia Register.



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childrenslawcenter.org

Testimony Before the District of Columbia Council
Committee of the Whole
December 10, 2019

Public Hearing:
Bill 23-91, Department of Buildings Establishment Act of 2019 Office of Inspector
General Prospective Evaluation of Bill 23-91 and Evaluation of DCRA Business
Processes

Kathy Zeisel
Senior Supervising Attorney
Children's Law Center

Introduction

Good afternoon Chairman Mendelson, members of the Committee of the Whole, and staff. My name is Kathy Zeisel, and I am a Senior Supervising Attorney at Children's Law Center.¹ I am a resident of the District and I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. We appreciate this opportunity to testify regarding the Office of Inspector General Report on the Department of Buildings Establishment Act of 2018 (DOB Act).²

Children's Law Center is testifying yet again about our concerns about DCRA because we see DC resident daily whose children's health are impacted by the housing conditions in their home and who continue to report that even when DCRA comes to their home and finds problems, there is no enforcement and nothing changes for them. Too many landlords leave tenants living in dangerous or unhealthy housing as a business model or as a way to empty buildings so they can sell them more easily in our hot real estate market. An effective government system of inspection and enforcement is essential tool to protecting both DC residents and affordable housing.

The report issued by the Office of the Inspector General is disappointing. The failure of DCRA to have or provide sufficient data has left the OIG unable to properly

collect and assess the information they need to determine if a breakup is necessary. If we fail to move forward on this basis, does this not reward the agency for years of failing to keep and track data, for failing to serve the residents of DC, and for failing to hold itself accountable to even the most basic of metrics of ensuring safe and healthy housing? We say that the Council has the answers it needs, and instead should move forward with breaking up DCRA.

As we have previously testified, we support breaking up DCRA, but we hope the Council will go even further than the proposed legislation by creating either a standalone agency that would focus on tenant protection. If that is not possible, then the new DOB must have a strong and specifically legislated separate division within the Department of Buildings that will focus on protecting tenants by ensuring meaningful enforcement of the housing code and other DC laws. We believe such an agency would provide a stronger foundation for protecting rental housing, which is the cornerstone of affordable housing in DC. The Council should not continue to give DCRA more time and resources to try to fix what is broken in the agency—DCRA does not have the willpower or the ability to fix itself and we urge you to move forward this session with creating a new agency that can truly protect tenants in rental housing.³

DCRA Fails to Protect Tenants, and We Can Change That: The Major Problems and Solutions

DCRA has three broad categories of problems which make it ineffective in protecting tenants. First, DCRA lacks a culture of tenant protection. Even new measures undertaken in the past year have failed to make meaningful changes in the agency's practice or culture regarding housing inspections. To close the serious gap in our enforcement mechanism, DC needs an agency whose sole mission is to protect tenants, and which has an agency culture of carrying out that mission. Second, DCRA does not do effective or strategic proactive inspections or enforcement. To solve this, the new agency must have a targeted strategic enforcement model that is informed by high-quality data and the perspective of a public health division, both of which need to be supported by strong technology. Third, DCRA lacks the resources to be effective. If we want this new agency to be an improvement on DCRA's failed model, it must, at minimum, have funding for adequate inspectors, both complaint-based and proactive, and enforcement personnel, customer service, training, and technology.

The Problem: DCRA has no culture of protecting tenants through meaningful inspections or enforcement

DCRA's culture has long been broken.⁴ Children's Law Center has attended DCRA's meetings with advocates for the past nine years, raising the same issues again and again without impact.⁵ Despite years of public complaints,⁶ DCRA has repeatedly demonstrated that they are either unable or unwilling to reform their poor track record for housing code enforcement. DCRA also lacks a culture of tenant protection, as

evidenced by their institutional priorities, none of which relate to improving inspections or enforcement of housing code violations.⁷ As a result, savvy landlords flagrantly violate the housing code knowing they will face no consequence for doing so, and vulnerable families suffer. In other words, DCRA's enforcement of the housing code fails DC tenants at every step of the process.

There are myriad examples in the press of slumlords like Sanford Capital who capitalize on, and profit from, our broken enforcement system.⁸ Landlords are aware that DCRA is not going to do meaningful enforcement, and the new initiatives that in reaction to the pressures of the recent crises are merely band aids that do nothing to help tenants in a meaningful way. Most recently, we have concerns about the new systems of triaging complaints, resident inspectors, and shutting down buildings.

a. The New Practice of Triaging Complaints is Problematic

The new system to triage complaints means that if a tenant calls in requesting an inspection, they may simply have a DCRA staff member call their landlord to ask them to make a repair and if the landlord says they will, the tenant does not get an inspection. This is concerning because tenants may not know how to spot all the life and safety violations and it may take an actual inspector coming out to see the problem. In addition, if a tenant is calling, there is already conflict between the tenant and landlord, and it is not hard to imagine a situation in which the self-reporting is inaccurate. It does

not increase trust between the agency and tenants to have this system of triage. Instead, tenants may simply not call in to DCRA, seeing it as waste of their time and critical life and safety violations will continue to go unreported and unaddressed.

b. We Should Increase Professionalization of Inspectors and Ensure Enforcement, not Move to Resident Inspectors

With respect to the resident inspector program that is being rolled out to address concerns about the lack of inspectors, we have serious concerns about this program on both a practical and philosophical basis. On the most fundamental level, to ensure that we have a system of housing inspection and enforcement that actually ensures safe and healthy housing, we should be moving towards a system where we are increasing the professionalization and training of inspectors and ensuring that enforcement is happening. The resident inspector program moves us away from that and towards a system of minimally trained people who are minimally paid per inspection and who are not required to come to court in order for enforcement actions regarding their inspections.

Our clients regularly express concerns about the quality of DCRA inspections, about whether they can trust the people coming into their home, and whether it is worth their time to take off work to stay home for the inspection. They have no option to choose whether or not they feel safe having a resident inspector entering their home,

they are not being told that these inspections are essentially unenforceable and that they will have to make themselves available to a real DCRA inspector if they want an enforceable inspection, and that does not even address the question of the quality of the inspections.

On a practical level, there seems to be disagreement about the exact role of the resident inspectors in the housing code enforcement system. When the program was originally announced, we were told that people would be able to order the inspectors on demand, but it is our understanding that they are being scheduled through the normal channels and largely during regular business hours when regular inspectors are available.

Additionally, the DCRA website represents that the inspectors will be trained to identify housing code issues, but during the November 18, 2019 Hearing on the Kennedy Street fire, the Director stated that the inspectors would not be trained on the housing code and that they would just do initial spotting of issues and then a DCRA inspector would go out.

c. Reported increase in shutting down buildings is problematic

We are hearing reports that since the Kennedy Street fire, DCRA inspectors are responding by shutting down more buildings for things like no heat or other violations.⁹ If this is the case, this is problematic because it does not solve the problem

for the tenant, it merely displaces the tenant. In some instances, it even allows the landlord to permanently displace the tenant without having to go through landlord tenant court and promotes gentrification. In other cases, the tenant is left without access to their belongings and is displaced with minimal assistance, perhaps hotel assistance for two weeks, but not transportation or food assistance, to get their job or their child's school, and the hope they can return at some point.

Instead, DCRA should use their enforcement power to actually demand repairs and use their abatement funds to make repairs and put a lien on the property. DCRA could also leverage the other abatement resources in the city, which has historically not occurred.¹⁰ Closing buildings and displacing tenants should be a last resort used extremely rarely.

Advocates' Proposed Structure of the New Agency: Tenant Protection Must be Central Focus

Turning to the proposed DOB, in this testimony, we will detail three of the biggest overarching problems we see at DCRA, and provide our suggestions for strengthening the DOB Act to make sure it actually addresses those problems.¹¹ The cornerstone of our proposal is that the new agency or division would utilize public health and other available data to have a preventative, proactive approach to compliance and enforcement while increasing the professionalization of all housing

inspectors so that residents can be sure they are living in healthy and safe housing. This is an exciting opportunity to create an agency that truly protects our city's vulnerable tenants, and we look forward to working with the Council to make sure we get it right.

In addition to harming the health and wellbeing of DC's tenants, these failings are causing deterioration of DC's affordable housing stock. Unscrupulous landlords take advantage of this lax enforcement system, allowing conditions to become so unbearable for low-income tenants that they eventually abandon hope that the unit will be fixed and move, making room for a developer to flip the property or escape rent control. Given DC's housing affordability crisis, this unnecessary waste, due purely to government incompetence, is tragic.

The Solution: Create a separate Tenant Protection Agency outside the Department of Buildings.

We strongly believe DCRA's broken culture and lack of a focused mission are to blame for the agency's failings. We need an agency whose sole purpose is to protect our city's renters. For this reason, we and other tenant advocacy organizations are strongly recommending this Committee pull residential housing code enforcement from the Department of Buildings and create a separate tenant protection agency. This tenant protection agency would have a strong, unifying mission of protecting tenants and preserving the condition of affordable housing. An agency with such a mission will draw public servants with commitment to tenants' well-being and health. It would be a

responsive, user-friendly, and transparent agency serving as a 'one stop shop' for housing conditions issues and other tenant-related concerns.¹²

If the Council is not amenable to creating a separate agency, we recommend modifying the organizational structure this bill envisions by adding a Tenant Protection Division to the Department of Buildings. Attached are Figures 1-4, which are charts of the current proposed DOB structure, the Advocate's Proposed Tenant Protection Agency Structure, and the Advocate's Proposed Tenant Protection Division Structure. Though we believe a separate, quasi-independent tenant protection agency would be the most successful model, we believe our proposed organizational structure would go a long way toward ensuring successful and efficient housing code enforcement for DC's tenants.

The Problem: DCRA's Housing Inspections and Enforcement regime is neither strategic nor efficient

A. DCRA does not have the ability to gather meaningful data or analyze it

The abomination that was uncovered in the Sanford Capitol¹³ cases would never have been allowed to fester for so many years if DCRA had the capacity to be strategic in its inspections and enforcement. In order to be strategic, DCRA needs to be able to gather reliable data through high quality inspections, to input that data into a system that can track and aggregate data in a meaningful way, and then analyze that data.

An integral function of DCRA should be to collect accurate data that can be used to do thorough enforcement in individual cases, map hotspots of bad housing conditions, find slumlords and contribute to the public health system. Unfortunately, in meetings with advocates, in hearings, and in responses to oversight, DCRA repeatedly admits that it does not consistently track even the most basic data regarding its operations.¹⁴

An integral function of DCRA should be to collect accurate data that can be used to do proactive inspections and strategic enforcement. Unfortunately, DCRA is neither collecting nor inputting that kind of data into its systems. DCRA should use not only its own data, but also data from other agencies, including public health data around diseases impacted by environmental triggers, data from the lead registry, data based in research around which outdoor code violations are most closely tied with serious building problems that can impact health and safety, and other important data sources. That data should be used to identify properties for proactive inspections, so that we targeting resources where there are likely to be problems and we can have the most impact on public health and safety, and for strategic enforcement initiatives, such as identify slumlords. We can also use this type of data to prioritize how to use DCRA abatement funds to maximize their impact for health and safety and to leverage them with other public money available for abatement.¹⁵

It is also clear from our years of work with DCRA that even if they were getting good data to put into their system, the agency does not have the basic technology infrastructure or staff expertise needed to analyze that data. It is our understanding that there are better data platforms for this type of work, and we encourage the Council to provide funding to explore and implement better technology in any new agency.

B. The failure to have a public health lens means that DCRA is not focused on strategic enforcement that can positively impact the health of DC residents

DCRA inspectors should be increasingly professionalized, and they should be trained to recognize that a core part of their job is protecting the health and safety of tenants, not merely upholding the letter of the housing code. Infestations, mold, and lead paint are just a few of the environmental factors in a home that can impact the health of the family living there. Cockroaches, mold, and mice exacerbate asthma and other respiratory conditions, and lead exposure can cause permanent damage to a child's development. These issues are not just housing conditions issues. A child who ends up in the emergency room for his asthma increases healthcare costs, misses school, and his parents miss work. Nationally in 2013, children with asthma missed 13.8 school days.¹⁶ Asthma is also a leading contributor to missed sleep and illness in children

living in urban areas, which can correlate to lower school performance even when children are in school.¹⁷

Yet, despite the serious consequences to children and families, many of these issues are bifurcated between agencies which do little to coordinate or simplify families' ability to access inspections for these issues. For example, if a family wanted an inspection that covered mold, lead, and infestations, families would have to call at least three agencies (possibly four if they live in subsidized housing), only to find out our city does not conduct mold inspections, and that they'll have to wait for two separate agencies to conduct inspections for the other issues. We applaud the Chairman's legislation to require DCRA inspectors to become mold inspectors, and would go further to require licensure and training in other areas, including lead. Moreover, there is no public health lens being used in inspections and enforcement in the housing code context.¹⁸

The Solution: The agency must track and analyze data with the support of a Public Health Division

Children's Law Center, informed by our own work and work with our medical and public health partners, believes that it is critical that we address the public health issues by creating a Public Health Division. It is important to include a Public Health Division within the new agency to ensure that individual inspections, abatement, and the critical systemic work of the agency are informed by a public health perspective. We

know there is a direct link between population health and built environment, and a public health perspective infused at a high level into the agency would improve strategic and individual enforcement and outcomes.

The new agency should have some or all inspectors licensed in multiple areas, including housing code enforcement, lead inspection, mold inspection, asbestos inspection, and extermination. This is important not only to ensure that the agency understands the scope of the public health issues, but also for better access to these services for the community.

Second, as part of DC's Build Health community¹⁹, a unique grant that funds collaboration between Children's Law Center, Children's National Health System and DC Health to address housing conditions issues for children with asthma, it has become clear to us that DC is behind other cities in our ability to use inspection data to target public interventions.²⁰ This type of mapping, utilizing reliable underlying data, is important to be able to do public health and legal interventions in properties with particular conditions. To this end, we believe this bill should legislatively require highly detailed annual reporting requirements specific to housing code enforcement.²¹

Finally, there should be participation by relevant DC Agencies that touch rental housing, including DC Health, DCHCD, DOEE, OTA and OAG in both setting up the agency and in the ongoing work of the agency through formal partnerships and

staffing. Eventually, it is our hope that a Tenant Protection Agency could absorb some of these functions to streamline and increase the efficacy of these other programs

The Problem: DCRA's Housing Inspections and Enforcement Regime is Under-staffed and Under-resourced.

DCRA lacks the resources to do quality inspections, enforcement or abatement, but has declined year after year to request those resources. DC employs only 23 complaint based housing code inspectors,²² and, perhaps even more problematically, it is our understanding that DCRA employs only four contract inspectors for proactive inspections, which is supposed to inspect all of the properties in the city every 5 years, and which is supposed to be the prevention tool to find problem properties.²³

Solution: DC must Commit to Adequately Fund Housing Code Enforcement in the Replacement Agency

Whether we establish a Tenant Protection Division within the Department of Buildings or create a separate tenant protection agency, adequate funding will be necessary to create an entity that implements the following: strategic enforcement, transparency, efficient inspections with strong follow-through, data collection, and investment in IT to support all of these goals.

Furthermore, given the years of failure of this and prior mayors to effectively address these issues, we must legislatively mandate certain aspects of these functions, including by requiring a specific ratio of inspectors to residential housing units, and a

specific ratio of enforcement personnel to residential housing units, in line with the practices of comparable jurisdictions. That legislative mandate for staffing must come with sufficient funds to do that staffing. In addition to the additional inspectors within the agency, we also request funding for inspectors specifically detailed to the Housing Conditions Calendar and Landlord-Tenant Calendar.²⁴

Our proposal (at Att. 1) also substantially restructures enforcement to ensure that the Tenant Protection Division's inspections unit and the General Counsel's office have appropriate support, and that all are working in conjunction with the Strategic Enforcement Division. In order to ensure that re-inspections which find unabated violations result in enforcement, inspectors must have support from, and be integrated with, enforcement personnel.

Increased enforcement will allow the new agency to be revenue generating. We recommend that any revenues generated be designated for abatement rather than go to the General Fund (as happens currently with DCRA enforcement). This will help generate additional renewing funds for abatement of the worst, unhealthiest properties, aligning with our recommendation that the new agency should expand use of the nuisance abatement fund to quickly remediate violations which pose a substantial threat to the health and/or safety of tenants. Strategic use of this fund should be informed by the input of the public health division we have also proposed.

Conclusion

In conclusion, we look forward to continuing to work with you, Mr. Chairman, and the members of this Committee, toward maximizing this new Department's ability to truly enforce DC's residential housing code by incorporating these important specifics into the bill. We believe that while it is not the norm to provide such detail in legislation, in this instance it is necessary to ensure that the needed reforms actually happen.

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

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² B22-0669 – Department of Buildings Establishment Act of 2018, *introduced* Jan. 23, 2018. Available at <http://lims.dccouncil.us/Download/39619/B22-0669-Introduction.pdf>.

³ Some of my testimony regarding the proposed structure of the new agency is the same as what we provided last year at the hearing for the underlying bill. Testimony of Anne Cunningham and Kathy Zeisel, B22-669, Department of Buildings Establishment Act of 2018, April 18, 2018.

⁴ When Adrian Fenty became mayor in 2007, he pledged to turnaround what he called a poorly run agency. *Muriel Bowser making weeklong review of DC Department of Consumer and Regulatory Affairs*, Aug. 2016, available at https://www.bizjournals.com/washington/breaking_ground/2016/08/muriel-bowser-making-weeklong-review-of-d-c.html.

⁵ Most recently, CLC participated in working groups in the past year along with other advocates and landlords at DCRA. After spending months working with agency on various proposals, the working groups were discontinued without any significant feedback being accepted or any final work product being created from the groups.

⁶ See *Id.* A 2007 post article details why “The District has purchased a new six-bedroom house for \$1.5 million in an affluent upper Northwest Washington neighborhood, and will now pay even more to demolish the building after officials admitted that they allowed its construction by mistake.” *Oops: DC Must Raze Luxury Home* 1/10/2007, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/09/AR2007010901753.html>. See also, *Permit Expediter Accused of Paying Off DCRA Staffers with ‘Lunch Money,’* 8/11/2015, available at <https://www.washingtoncitypaper.com/news/loose-lips/blog/13135503/permit-expediter-accused-of-paying-off-dcra-staffers-with-lunch-money>.

⁷ Of the five “top priorities” DCRA lists in its FY2017 oversight question responses, only one relates to residential housing inspections and enforcement, and it is not a goal that meaningfully addresses our broad-reaching and systemic concerns related to DCRA’s long-time failure to enforce the housing code. Rather, it is a goal related to improving the transparency of Housing Inspection enforcement. While lack of transparency is certainly an ongoing problem at DCRA, we are distressed to learn that DCRA is not prioritizing any aspect of DCRA’s largely defunct enforcement mechanisms. See DCRA FY17 Oversight Question Responses, February 15, 2018 at 62-63, available at http://dccouncil.us/files/user_uploads/budget_responses/DCRA_Oversight_Final_-_PACKET.pdf.

⁸ Advocates and tenants have known for years about the rampant conditions violations on Sanford Capital properties. Yet, it took the Mayor’s intervention for DCRA to inspect and issue fines. Even then, they did not conduct building-wide inspections. See, for example, “Sanford Capital Faces \$539,500 in Fines after DC Inspects Some of its Buildings,” April 3, 2017, available at https://www.washingtonpost.com/local/dc-politics/sanford-capital-faces-539500-in-fines-after-dc-inspects-its-buildings/2017/03/31/10237796-0f21-11e7-9d5a-a83e627dc120_story.html.

⁹ The Office of the Tenant Advocate verifies that in the last few months since the Kennedy Street they have had an increase in requests for hotel assistance from DCRA, both in number and frequency, involving different buildings being shut down by DCRA.

¹⁰ We would encourage DCRA and DOEE to develop a referral mechanism for the federal lead money coming into the District through DOEE (which was formerly mismanaged and underutilized through DHCD). If DCRA inspectors are trained as lead inspectors, they would be even better positioned to make referrals and ensure that good referrals are made to the program. We would also encourage DCRA inspectors to be trained about and make referrals to the weatherization program, the single family program, and all other sources of funding for abatement outside of DCRA.

¹¹ DCRA has many additional functional problems for which we do not provide solutions for here. However, we do advocate for addressing some of those problems legislatively. They include, for example, particulars around the timelines for inspection and enforcement, and requirements to inspect *all* rental units in DC (subsidized and unsubsidized housing).

¹² The director of this agency should be quasi-independent so they are not beholden to mayoral politics and competing interests. We also propose an Ombudsperson in the model of the Health Care Finance or Education Ombudpersons to help address tenant concerns and ensure that there is meaningful access to the agency by DC residents.

¹³ See, for example, Fenit Nirappil, *Tax Dollars Keep Flowing to Landlord DC is Suing over Housing Conditions*, February 26, 2017, available at https://www.washingtonpost.com/local/dc-politics/tax-dollars-keep-flowing-to-landlord-dc-is-suing-over-housing-conditions/2017/02/26/541bb0b2-b8af-11e6-959c-172c82123976_story.html?utm_term=.6efc88d2eec9.

¹⁴ The lack of data kept by DCRA was addressed by Chairman Mendelson numerous times during the roundtables previously, and was also raised in Alvarez and Marsal report that was the subject of the November 18, 2019 DC Council Committee of the Whole hearing.

¹⁵ DCRA does not appear to currently coordinate with any other agency to leverage public monies available for abatement. Based on the last available oversight answers, there is a widely variable number of abatements done year to year and it is not clear how DCRA decides when to expend these abatement funds. See DCRA FY17 Oversight Responses at page 59.

¹⁶ CDC, *Asthma-related Missed School Days among Children aged 5–17 Years*, available at: https://www.cdc.gov/asthma/asthma_stats/missing_days.htm.

¹⁷ Daniels, Boerger, Kopen & Mitchell, *Missed sleep and asthma morbidity in urban children*, *Annals of Allergy, Asthma and Immunology*, July 2012, available at [http://www.annallergy.org/article/S1081-1206\(12\)00389-4/pdf](http://www.annallergy.org/article/S1081-1206(12)00389-4/pdf).

¹⁸ DOEE has the DC Partnership for Healthy Homes, which does look at housing from a public health perspective, but there is no enforcement linked to these reports and they are not used to systemically address housing conditions at properties. <https://doee.dc.gov/service/dc-partnership-healthy-homes>

¹⁹ See <http://buildhealthchallenge.org/communities/2-healthy-together-medical-legal-partnership/>.

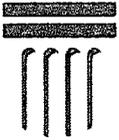
²⁰ Many other cities and counties have the capacity to map their housing code data, including Baltimore (http://www.baltimorehousing.org/code_enforcement), Cincinnati (<http://cagismaps.hamilton-co.org/cagisportal/online/cincinnati>), Boston (<https://data.boston.gov/>, <https://data.boston.gov/dataset/code-enforcement-building-and-property-violations>), Prince George's County (<https://data.princegeorgescountymd.gov/Urban-Planning/Prince-George-s-County-Housing-Code-Violations-Map/i9iw-juus/data>).

²¹ This would also be useful for agency oversight.

²² See also David Whitehead. *DC Has a Slumlord Problem and Not Enough Inspectors to Solve it*. May 25, 2017. Available at <https://ggwash.org/view/63547/dc-has-a-slumlord-problem-and-not-enough-inspectors-to-solve-it>.

²³ Per DCRA's oversight answers, proactive inspectors inspected only 626 units in FY17 of the almost 170,000 in the city. This number does not allow for any meaningful proactive compliance efforts. *See* DCRA FY17 Oversight Question Responses, Feb. 15, 2018 at 58, available at http://dccouncil.us/files/user_uploads/budget_responses/DCRA_Oversight_Final_-_PACKET.pdf.

²⁴ Although DCRA declines to do any enforcement based on her excellent reports, the DCRA inspector detailed to DC Superior Court's Housing Conditions Calendar is really the backbone of that court. Advocates believe that a similarly staffed inspector to Landlord-Tenant would aid in resolving serious housing code violations in that court as well.



Legal Aid Society
OF THE DISTRICT OF COLUMBIA

MAKING JUSTICE REAL

**Testimony of Beth Mellen Harrison
Supervising Attorney, Housing Law Unit
Legal Aid Society of the District of Columbia**

**Before the Committee on the Whole
Council of the District of Columbia**

Public Hearing Regarding:

**“Bill 23-91, Department of Buildings Establishment Act of 2019 Office of Inspector
General Prospective Evaluation of Bill 23-91 and Evaluation of DCRA Business Processes”**

December 10, 2019

The Legal Aid Society of the District of Columbia¹ supports moving rental housing inspections out of the Department of Consumer and Regulatory Affairs (DCRA), as envisioned by B23-0091, the Department of Buildings Establishment Act. We urge the Council to go even further, either by creating an independent agency focusing exclusively on rental housing inspections and enforcement, or by amending the current bill to create a tenant protection division within the Department of Buildings with a focus on public health and consumer protection. These changes are critically necessary to ensure that tenants in the District are not forced to live in unsafe, unhealthy conditions, and that affordable housing is not lost through neglect.

Legal Aid has appeared before the Committee of the Whole on thirteen separate occasions over the past few years to share our concerns about DCRA’s fundamental failure to enforce the housing code and protect tenants in the District. Fundamental agency transformation is challenging but the Council cannot afford to continue to wait.

At the end of the day, Legal Aid believes that many of DCRA’s challenges with respect to rental housing inspections stem from a broken agency culture. The wide breadth of DCRA’s mission and its lack of a strong enforcement and consumer protection culture has impaired its efficacy. We urge this Committee to move forward with passage of the Department of Buildings Establishment Act. We also share a few specific recommendations for agency reform below.

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Over the last 87 years, tens of thousands of the District’s neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, immigration, and consumer protection. We also help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

Problems with DCRA Are Long-Standing and Well-Documented

In past testimony, Legal Aid has shared problems that we continue to observe in DCRA's rental housing inspections program. Too often, tenants encounter obstacles and delays in scheduling inspections, a variety of difficulties during the inspection process, and challenges obtaining reports after the inspection process. Even when violations are found, DCRA fails to pursue fines and other remedies against landlords who have broken the law and also lacks strategic focus to target problem landlords. The result is under-enforcement of the housing code.

Many of the concerns raised by tenants and advocates over the years have been confirmed by recent government reports. In September 2018, the D.C. Auditor issued a report that focused on enforcement lapses at a property known as Dahlgreen Courts as a case study of agency failures at DCRA.² In May 2019, the Office of Inspector General issued a report that focused on one step in the enforcement process – the collection of fines once DCRA has cited violations and issued civil infractions – and detailed how fine collection breaks down.³ Most recently, in October 2019, a District-commissioned investigative report by Alvarez & Marsal found that systemic breakdowns caused DCRA to fail to respond to reports of housing violations before a fire destroyed the property at 708 Kennedy Street, N.W. and killed two tenants.⁴

While these government reports have focused on the current state of enforcement at DCRA and the leadership of former Director Melinda Bolling and current Director Ernest Chrappah, it is important to note that the problems identified in these reports have been ongoing for years. It has been over ten years since the *Washington Post's* investigative series on the systemic failures in DCRA's rental housing inspection program, including a near total failure to cite violations or assess or collect fines against landlords. The *Post's* conclusions were based on a review of thousands of court records and agency documents. DCRA Director Linda Argo responded at the time by assuring the public that the agency would provide more training to employees and develop a system to better track inspections and re-inspections.⁵ These promises have been echoed by subsequent directors, but meaningful reform remains elusive.

Among the problems identified by tenants, advocates, and government investigators:

² Office of the District of Columbia Auditor, *Housing Code Enforcement: A Case Study of Dahlgreen Courts* (Sept. 24, 2018) (“D.C. Auditor Report”).

³ District of Columbia Office of the Inspector General, *Department of Consumer and Regulatory Affairs: Civil Infractions Program Lacked a Strong Internal Control Environment* (May 2019) (“D.C. OIG Report”).

⁴ Alvarez & Marsal Disputes & Investigations, LLC, *Review and Investigation of Code Enforcement Policies, Procedures, and Inter-Agency Communications Between DCRA, FEMS, and MPD* (Oct. 25, 2019) (“Alvarez & Marsal Report”).

⁵ Debbie Cenziper & Sarah Cohen, “A Failure in Enforcement,” *Washington Post*, Mar. 11, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/10/AR2008031003193.html>.

1. DCRA Fails to Adopt and Its Employees Fail to Follow Standard Operating Procedures

DCRA lacks standard operating procedures to guide agency enforcement of the housing code, and too often agency employees fail to follow the policies that do exist. The Office of Inspector General found that DCRA's Office of Civil Infractions did not have any written policies or procedures governing its work and that employees were inconsistent on certain practices as a result.⁶ In its April 2019 written response to the OIG report, DCRA stated that it recently had adopted standard operating procedures, but no copy ever was produced. Several months later, Alvarez & Marsal found the same problem – that many DCRA policies on inspections and enforcement were informal and reflected only in emails, and that DCRA had only begun formalizing many of its current policies *after* the August 2019 Kennedy Street fire.⁷ This lack of clarity on agency roles and functions contributes to many of the other problems identified below.

2. DCRA Fails to Track Housing Conditions Complaints & Enforcement Activities

Because of its reliance on informal systems and its employees' failure to use formal systems that do exist, DCRA fails to track housing conditions complaints adequately. Alvarez & Marsal found that the Metropolitan Police Department officer attempting to draw concern to the Kennedy Street property had emailed with nine different DCRA employees on five separate occasions, yet none of these employees logged the complaint into the agency's new pilot tracking system. The investigator failed to document or log his visit to the property or follow-up communications with the property owner and tracked his work in an offline spreadsheet.⁸ The Office of Inspector General similarly found that DCRA's internal computer system does not contain accurate information on fine collection and does not allow DCRA to track fine payment or pursue violators who do not pay.⁹ The D.C. Auditor reported that DCRA's internal recordkeeping practices result in incomplete, inaccessible, and inconsistent information about enforcement. To cite a few examples, DCRA fails to provide current information on individual enforcement actions, to track key performance indicators on the length and results of its enforcement activities, or to track which landlords or properties have problematic records.¹⁰

3. DCRA Fails to Follow Through on Housing Conditions Complaints

Perhaps due in large part to its lack of formal policies and poor tracking systems, DCRA often fails to follow through on complaints about housing conditions. The tortured path of the Kennedy Street complaint illustrates the point – the case was not assigned to an investigator for two months, the investigation was limited at best and was suspended when the investigator took on a new job, and then the case was closed out without any review or approval.¹¹ All of these agency failures went undetected because DCRA does not maintain and its employees do not

⁶ D.C. OIG Report at 4-5, 6-7.

⁷ Alvarez & Marsal Report at 18-23, 26.

⁸ *Id.* at 5, 25, 39.

⁹ *Id.* at 11-13.

¹⁰ D.C. Auditor Report at 6, 21-27.

¹¹ Alvarez & Marsal Report at 4-5, 36-37.

follow any centralized process for logging, tracking, and resolving complaints about housing code violations.¹² The Office of Inspector General similarly found that inconsistencies in DCRA's policies and procedures for collecting fines mean that violators likely can escape any consequences of failure to pay.¹³ As a result, tenants encounter inconsistent agency responses and, too often, a failure to follow through on their complaints.

4. DCRA Lacks Adequate Staffing to Enforce the Housing Code

DCRA also fails to follow through on housing conditions complaints because it lacks adequate staffing to do so. In explaining their failure to respond to communications about the Kennedy Street property, DCRA employees cited a "high volume of emails" received, "overwhelming" workloads, and being "too busy with administrative duties".¹⁴ The District has approximately 165,000 renter-occupied housing units.¹⁵ Yet, DCRA's Housing Inspections and Housing Code Enforcement sections employ only 23 housing code inspectors to perform this work, or one inspector for every 7,000 units. As the D.C. Auditor noted in its report, other jurisdictions employ two to three times more inspectors per 1,000 renter-occupied units.¹⁶ This chronic understaffing appears to be a critical factor in the low quality of DCRA housing code inspections, as well as the lack of enforcement follow-up.

5. DCRA Lacks a Culture or Mission Focused on Tenant Health & Safety

At the most fundamental level, DCRA lacks an agency culture and mission focus on protecting tenant health and safety through vigorous enforcement of the housing code. The D.C. Auditor found that DCRA shows leniency towards landlords and allows violators to escape consequences by extending timelines for landlords to abate violations; not pursuing fines and other penalties, even when ongoing violations are documented; and, in general, not creating sufficient deterrents to bring problem landlords into compliance with the housing code.¹⁷ In the case of Dahlgreen Courts, DCRA cited 105 violations and issued 24 notices of violation with potential fines

¹² *Id.* at 43, 48. In fact, if the MPD officer had not followed up multiple times, *all evidence indicates DCRA never would have responded to the complaint about the Kennedy Street property at all.*

¹³ D.C. Auditor Report at 17.

¹⁴ *Id.* at 33, 46, 54, 66.

¹⁵ American Community Survey Data, Physical Housing Characteristics for Occupied Housing Units, 2018 1-Year Estimates, *available at* <https://www.census.gov/acs/www/data/data-tables-and-tools/>.

¹⁶ D.C. Auditor Report at 5. A survey by Legal Aid found that Minneapolis, MN employs one inspection staff person for every 2,000 units, Montgomery County, MD employs one person for every 4,000 units, and Boston employs one staff person for every 5,000 units.

See Written Testimony before the Committee of the Whole, Council of the District of Columbia, Budget Oversight Hearing Regarding the Department of Consumer & Regulatory Affairs (March 27, 2019). The Children's Law Center has done a similar survey of additional jurisdictions and found similar ratios.

¹⁷ *Id.* at 12-20.

totaling \$36,300. Although only half of these notices of violation were resolved as abated, the only penalty the landlord faced – over seven months later – was fines totaling \$2,500 on three notices of infraction filed.¹⁸ Alvarez & Marsal similarly found a “lack of responsibility and ownership of building safety issues across multiple agencies,” including DCRA.¹⁹

Legal Aid Continues to Experience Problems Working with DCRA

Even with new leadership in place for over a year, DCRA continues to struggle with the same long-standing problems, including poor communication. A recent client story illustrates our ongoing challenges in receiving timely, reliable information from the agency.

Legal Aid currently represents a client who lives in a building that has been placarded by DCRA for uninhabitable living conditions. When a building is placarded, tenants are ordered to vacate the building until repairs are completed. Our client has been displaced from her home for nearly a year.

Recently, our client reported that tenants appear to be living in the building again. In court, the landlord has questioned whether the building ever was closed by DCRA. Having heard about these developments, the Legal Aid attorney representing the client reached out to DCRA in an attempt to confirm the status of the building.

The Legal Aid attorney initially spoke with an employee who relayed contradictory and confusing information, first suggesting our client could move back in, then noting she could not determine the status of the building in DCRA’s computer and would need to speak with an agency employee who was on leave, because he was the only one who knew. The employee then referred us to a different, high-level official. Our attorney attempted to call this official five times and left three separate voicemails but never received any response. Eventually the DCRA official’s assistant referred our attorney to a different agency employee, who confirmed the building in fact remains closed.

However, because the landlord continued to question our claim that the building remains closed, the court then required that we subpoena a DCRA official with knowledge to come to an upcoming court hearing. Because DCRA requires that we subpoena the agency, not any particular employee, we were concerned that the wrong witness might appear in court. After serving the subpoena, we attempted to follow up with two high-level officials to seek their assistance in identifying the appropriate contact at the agency. We have yet to receive any

¹⁸ *Id.* at 9.

¹⁹ Alvarez & Marsal Report at 41. DCRA’s initial failure to respond to the MPD officer’s email about Kennedy Street illustrates this point. The DCRA Duty Officer who received the email explained that he did not respond because the complaint appeared to deal with business licensing issues, which are outside of his jurisdiction. As Alvarez & Marsal note, the email was titled “Serious Code Violations” and attached an incident report referencing “DCRA housing code violations,” issues that fall directly under the Duty Officer’s responsibility. *Id.* at 33.

response to that email, and so far our follow-up contacts with the Office of General Counsel have not resulted in any further clarity.

While this example is mundane, it also is commonplace. Even when Legal Aid attorneys are in court working to enforce the housing code through private legal action, we often find it difficult to obtain the information that we need from DCRA.

Recent Changes at DCRA Implemented by Director Chrappah Raise New Concerns

Through multiple directors and internal efforts at reform, DCRA continues to come up short at every step in the enforcement process. Recent changes implemented by Director Ernest Chrappah have raised new concerns.

Legal Aid was pleased to participate in two working groups convened by Director Chrappah and his staff earlier this year to focus on proactive inspections and enforcement and compliance more generally. Unfortunately, after several initial meetings, DCRA disbanded the working groups with little to show for our efforts. We are unaware of any tangible changes to the proactive inspections program, despite both tenant and landlord representatives setting forth numerous recommendations for change, including many points of agreement. The only resulting changes to enforcement and compliance more generally have been the two policies described below, neither of which were endorsed fully by the working group. Legal services attorneys and tenant organizers also have tried to reinstate regular meetings with the agency director and senior staff – meetings which took place quarterly under the prior director – to no avail.

Legal Aid also is concerned about the results of two recent changes in enforcement policies. Earlier this year, DCRA announced that, effective May 1, 2019, it would issue notices of infraction instead of notices of violation, proceeding immediately to fine landlords for cited violations. Legal Aid welcomed this announcement but cautioned that it would only succeed if DCRA committed sufficient resources to follow through on enforcement cases and to inspect and re-inspect units to ensure compliance, not just enforcement. The initial reports we have heard from the field raise questions about whether the new regime is effective. It is our understanding that DCRA has been calling landlords ahead and then cancelling inspections whenever the landlord self-reports compliance, even if DCRA is unable to reach the tenant to confirm.

More recently, DCRA announced a new program to train and deploy citizen inspectors to perform housing code inspections through an online, on-demand platform. Legal Aid has previously testified before this Committee about our concerns that this program will only weaken an already troubled enforcement environment by leading to lower-quality inspections, less consistency, and less follow through on enforcement. Once again, the initial reports we have received are not encouraging. It is our understanding that private inspectors have not proven willing to inspect units during evening or weekend hours, as promised. DCRA also is not requiring private inspectors to be available to provide testimony in court, should that prove necessary. We already have heard initial reports that judges at the Office of Administrative Hearings have expressed skepticism about the reliability of private inspector findings.

We hope that the Committee will ask and that DCRA will provide full data on its new NOI approach and private inspector program during the upcoming Council oversight process, so that both changes can be evaluated fully. Legal Aid remains concerned that the current director not only has failed to correct DCRA's longstanding systemic failures but also has committed significant agency time and resources to misguided policy changes that will only further weaken enforcement.

DCRA's Systemic Failures Require Systemic Change

Ultimately, Legal Aid continues to believe that a comprehensive approach to reforming housing code enforcement in the District is needed to fully address the problems identified at this and past hearings, including establishment of an independent rental housing inspections agency. Legal Aid supports moving rental housing inspections out of DCRA altogether, as envisioned by B23-0091, the Department of Buildings Establishment Act, and believes the Act should go even further.

Many of DCRA's challenges with respect to rental housing inspections stem from a broken agency culture. DCRA does not have a clear sense of mission to enforce the housing code, and it brings neither a public health nor strategic perspective to its work. The importance of tenant health and safety is lost among other agency functions. Indeed, the focus of DCRA's overall mission is business development and regulation, and far too often it appears that landlord interests are trumping tenant interests in the realm of rental housing inspections. There are numerous steps DCRA could take to improve its inspections process and enforcement process. But without a transformation in agency mission and culture, we fear that real change never will be realized, and tenants throughout the District will continue to live in unsafe conditions.

Legal Aid has come to a similar conclusion as the many members of the Council who signed onto the Department of Buildings Establishment Act: the wide breadth of DCRA's mission and its lack of a strong enforcement and consumer protection culture has impaired its efficacy. However, Legal Aid suggests that the Council go further and establish an independent agency specifically tasked with rental housing inspections and enforcement. Should the Council choose to proceed with the current framework for a Department of Buildings, as envisioned in Bill 23-0091, it should ensure that the Department's structure and procedures will lead to an effective inspections and enforcement regime.

Whether through an independent Tenant Protection Agency or a Tenant Protection Division within the Department of Buildings, we support the following recommendations to strengthen the bill and ensure that current challenges with enforcement are not replicated.²⁰

²⁰ The attached charts show the proposed agency structure under the current bill versus our recommended structure for 1) a tenant protection agency, or 2) a tenant protection division within the Department of Buildings.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the City Administrator



Public Hearing on B22-669, "Department of Buildings Establishment Act of 2018"

Testimony of

Rashad M. Young
City Administrator

Before the

Committee of the Whole
Chairman Phil Mendelson
Council of the District of Columbia

April 19, 2018

Room 123

2:00 pm

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good afternoon, Chairman Mendelson, Councilmembers. For the record, my name is Rashad Young, and I serve as the City Administrator for the District of Columbia.

I am here to present the Executive's testimony on Bill 22-669, the "Department of Buildings Establishment Act of 2018." More broadly, I believe our conversation today should focus on how we can best serve District residents and business through consumer regulations and licensing in the District.

The Department of Consumer and Regulatory Affairs (DCRA) is a consumer protection agency and key facilitator of our economic development as the administrator and registrar for the District's business community and residents.

They promote safety and ensure that the amazing economic growth that the District has been fortunate to experience proceeds in an orderly and effective manner.

First, I believe we share the goal of ensuring the District's licensing and permitting operations function effectively for Washington, DC residents and businesses.

Chairman Mendelson, we recognize that your bill was put forward with the goal of addressing the challenges constituents have raised with you and your colleagues at the Council -- particularly in the areas of building code enforcement, business and professional licensing, and the provision of habitable and safe housing for all --

which are under the purview of the Department of Consumer Regulatory Affairs (DCRA).

I want to take this moment to thank you Mr. Chairman for your leadership and thank your Committee for prompting what I hope will be a productive conversation about ensuring that the District's licensing and building-related functions and enforcement work for all stakeholders. I recognize we have the opportunity to act with an increased sense of urgency that you, and the witnesses in recent performance oversight hearings, have clearly articulated the need for. We recognize the challenges presented by the growth of the District, the increased volume of building, and the aging housing stock in our city, can be better addressed.

I am here to state firmly: we want the same outcomes. We want to make sure that every District resident has a safe, code-compliant home in which to live. We want to prevent illegal construction. We want to make sure that vacant and blighted properties in our neighborhoods are abated quickly and effectively. We want all of these functions to be supported by best-in-class customer service – specifically to make sure we are communicating clearly, effectively, and proactively with residents, businesses and homeowners.

Our shared vision encompasses a more responsive agency; more certainty for people engaging in construction projects in the District; more safeguards for homeowners, residents, and neighbors; and a more efficient and user-oriented approach to serving customers.

However, we do not believe that splitting DCRA into two distinct agencies would address the underlying issues that we seek to resolve. So, I am here today to propose alternative paths that will achieve our shared vision for DCRA and better address the short-term and long-term needs of residents and businesses in the District.

Since the start of Mayor Bowser's Administration, we have focused our efforts on improving government effectiveness and efficiency. Our focus on DCRA was heightened after the Mayor spent a week at the agency reviewing its operations. She charged the agency, Deputy Mayor, and my office with finding ways to improve the customer experience for DCRA users. To that end, we have already begun targeted reforms to drive better outcomes for DCRA's customers. For example, we've built upon the success of past DCRA abatements to create the abatement lite team, which has already performed abatements at 74 properties, many with multiple issues, since their deployment in November 2017. These abatements help ensure neighborhood safety around vacant units and spaces, and ensures habitability while reducing the need to condemn and empty occupied

buildings, which can cause stressful moves for residents. The Mayor put resources in the FY19 Budget for the abatement lite team to continue their work. In addition, this year DCRA has also worked with sister agencies to make it much simpler and easier for residents to request a vacant property inspection and report illegal construction via 311.

DCRA has implemented improvements to the inspection process, including hiring and training 10 new inspectors, performing Ward-based inspection blitzes with illegal construction inspector team leaders; combining the proactive and reactive inspection teams for better coverage and efficiency; and implementing -- with the help of The Lab @ DC -- an innovative algorithm-based proactive inspection management system that frees up staff time to focus on where they are most needed. The proactive, risk-based algorithm we believe will assist DCRA in detecting problem units and will make the agency's inspection selection process less subjective.

Recently, DCRA implemented the Velocity and Expedition programs to address complex projects that have often gotten caught in an extended cycle of permit reviews. This not only caused delays for the complex projects, but also consumed reviewers' time and created backlogs for projects large and small. By providing a self-sustaining approach to these reviews we have improved outcomes for Velocity and Expedition users as well as the typical DCRA customer. Since the inception of

the programs, over fifty larger and the more complex (surpassing 10,000 sq.ft) projects have been taken out of the regular permitting queue, and 90% of the smaller projects have been initially reviewed within 30 days.

In 2016, Mayor Bowser implemented a Process Improvement Team at DCRA to diagnose and address critical issues. This fiscal year, the Tiger Team's priorities are to standardize Notice of Infraction workflows for better consistency, streamline permit tracking, and improve the agency's internal customer service tool to further enhance external communication.

And to address the structural issues behind unsafe and unlivable rental housing conditions, the Mayor created the Department of Housing and Community Development's small landlord fund. Undercapitalized building owners now have a place to turn to fund critical building repairs, and we are working to improve the program to make it more accessible and get the word out so landlords can take advantage of this innovative program.

Before I present to you our alternative approach, I also want to address some provisions of this bill. We understand the desire to make a fundamental change to the agency. But we respectfully disagree that a wholesale breakup of the agency's functions and creation of a whole new bureaucracy is the best route to our shared

goals. In fact, we believe the proposal will create unintended challenges that we believe will impede a path to improvement and may lead to worse outcomes.

If the proposed bill were to take effect, we foresee residents and businesses encountering a whole new set of issues with our District government's licensing and building functions.

- Creating staff-level term appointments for certain positions, could reduce the accountability around improved outcomes and continuous improvement.
- Separating licensing functions from building functions weakens the District's enforcement capabilities. It would hamper the District's ability to use professional licensure as an enforcement mechanism for contractors, building owners, and others on the building and housing code enforcement side.
- The bill does not address the underlying IT needs. By creating two agencies, the IT needs and overhead increase while reducing opportunities to streamline. Operating two agencies instead of one will also create expensive redundancies, including requiring more operational, support, and legal staff.
- Dealing with two agencies that handle buildings and licensing muddies the user experience instead of creating a single, improved place to address all regulatory issues. For example, someone who wants to open a restaurant

would have to coordinate with both a Buildings agency and Licensing agency.

We want to work with the Council to identify the best ways to advance the ideal outcomes for District residents and businesses. However, we believe the better path forward is to *target* remedies based specifically on our desired outcomes for DCRA customers. To that end, we offer a suite of reforms that better address our challenges. Some have already commenced. Some of these we will propose for Council consideration in the coming months.

The policy proposals target two primary categories: better enforcement of the housing code and prevention and enforcement on illegal construction.

Toward the goal of improving housing code inspections and enforcement in the District, we would like to work with the Council to authorize expedited rent receivership for DCRA. This proposal would allow landlords 30 days to cure a housing code violation, with an additional 10-day notice of receivership. Rents collected through receivership would be used by DCRA to quickly abate housing code violations at a property and to allow DCRA to recoup funds expended for said abatement.

Second, to most effectively abate conditions impacting safety and habitability, we propose to infuse the nuisance abatement fund with additional resources from the

rent receivership and direct a portion of the fine revenue to the nuisance abatement fund. We also will allow rent receivership to be used to satisfy fines leveled. This also serves to further incentivize proactive private abatement.

In parallel, we recognize the need to build capacity in the pool of contracting firms available to perform nuisance abatement work. DCRA will partner with sister agencies to target outreach to larger pools of contractors and potentially create city-wide preferences for contractors who perform nuisance abatement work. By attracting more contractors to DCRA work, the agency can deliver faster and higher quality abatement results to tenants.

Lastly we would like to consider investing additional resources to increase the total number of housing inspectors within DCRA. This will ensure that Housing Code violations are identified early, re-inspected on a timely basis, and cited frequently. This would allow DCRA to conduct more inspections and be more responsive to tenant complaints.

With respect to illegal construction, we have heard from Council, residents, and businesses who abide by the law that the status quo is not working.

First, we would like to work with the Council to introduce legislation to give DCRA the authority for summary suspension of licenses as an enforcement mechanism, similar to the enforcement authority DCRA may use to take action

against sellers of synthetic marijuana, or the process that enables MPD to temporarily suspend liquor licenses when they find evidence of violations. This would allow DCRA to quickly suspend the trade license of bad actor contractors who are performing illegal construction work.

And to address the hardships of some residents who have been harmed by illegal construction, we propose to increase opportunities for redress. This can be achieved by closing an existing loophole that allows LLCs to act as their own general contractor and allows these LLCs to legally perform unlicensed construction work. Instead, if LLCs were required to bring on licensed GCs, residents would have a clear path to address any harms with only parties who are licensed, bonded general contractors.

Another issue for ongoing illegal construction disputes is inconsistent communication on what activity is in fact permitted. So, we propose providing good neighbor notices for all substantial construction activity permitted to neighbors who may be impacted, and notifications regarding dust, water, electrical, and obstructions to neighbors within an established radius. DCRA would mail notice to adjacent neighbors regarding certain classes of planned construction activity that might directly impact the structure of the neighbor's home with instructions on how access the related permits for online review. We believe this

will decrease the DCRA staff time devoted to handling illegal construction inquiries and resolution.

In addition, we propose to realign existing DCRA FTEs to create a Community Engagement team. A team like this will have a cross-cutting mandate across agency functions to do proactive outreach and respond to community concerns.

This would better utilize existing staff to proactively explain construction code and zoning issues to neighborhood groups and be more responsive to specific constituent complaints with responses at regular intervals until complex issues are resolved. We have seen this function work well in other agencies -- DDOT's community engagement team, for example, has increased the number of focused neighborhood walks with residents, attends ANC meetings regularly, and conducts ongoing community engagement.

We would also like to consider increasing DCRA's staff who are dedicated to after-hours and weekend illegal construction and enforcement. These new illegal construction inspectors will increase DCRA's presence throughout the city. This would allow DCRA to be more responsive to constituent complaints about illegal construction outside of traditional business hours.

In closing, I want to reiterate our shared goals and willingness to partner with the Council.

Challenges with enforcement of the housing code, illegal construction, vacant and blighted properties, and consistent customer service experiences across the city have been made more acute by the pace of development and growth we have seen in the District. We appreciate the Council's and residents' sense of urgency on these challenges. We are committed to working with you to achieve our shared vision for the future for a higher performing, consistently responsive, best in class consumer and regulatory enforcement agency.

That concludes my testimony. I am happy to answer any questions you may have.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**



Public Hearing
On

Bill 23-91, the “Department of Buildings Establishment Act of 2019,” and
the Office of Inspector General Prospective Evaluation of Bill 23-91
and Evaluation of DCRA Business Processes

Testimony of
Ernest Chrappah
Director

Before the
Committee of the Whole
Chairman Phil Mendelson

John A Wilson Building
Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

December 10, 2019
11:30 am

Good morning, Chairman Mendelson, councilmembers, and staff. I am Ernest Chrappah, the Director of the Department of Consumer and Regulatory Affairs (DCRA). I am here today to testify on Bill 23-91, the “Department of Buildings Establishment Act of 2019,” and the Office of Inspector General’s (OIG) Prospective Evaluation of Bill 23-91 and Evaluation of DCRA’s Business Processes.

Broadly speaking, Bill 23-91 creates a new Department of Buildings (DOB) which would be responsible for the administration and enforcement of construction compliance, rental housing safety, and residential property maintenance activities. DCRA would be redesignated as the Department of Licensing and Consumer Protection (DLCP). My goal today is to explain why the Executive continues to strongly oppose this bill and why we believe that if enacted, the provisions of this bill would hinder the very real progress the agency is starting to achieve; while spending unnecessary additional taxpayer dollars. My testimony will build upon the testimony presented by the City Administrator in April 2018 regarding this bill.

In terms of the Office of the Inspector General’s report on the evaluation of internal controls at DCRA, we believe that the report takes a critical tone, without acknowledging the progress that is being made by the agency. Although the report does not give credit to the work that my team has done in such a very short period of time, we assure everyone that DCRA is committed to the highest standards of ethics and control. My testimony will outline some of the key improvements that the agency has made that were overlooked by the OIG report. We are also pleased to say that most of the recommendations outlined in the report are either completed, in-progress, or scheduled to begin. In fact, many were underway at the time the consultants visited our office last summer.

When I became the Director of DCRA approximately one year ago, I knew that a bold transformation was needed on an aggressive timeline. As you will see from my testimony, our goal is to effectively serve the residents and businesses of our city in the areas of consumer protection, business licensing and regulation, and building permitting and enforcement. With this in mind, we launched Vision 2020, our 19-point strategic plan for reforming the agency by the end of the 2020 calendar year. The plan is now well underway with 14 components already completed and the rest actively being worked on right now. Chairman, we invite you and the public to learn more about the details of our strategic plan at dcravision2020.com.

Broadly speaking, the reforms being completed as part of the Vision 2020 plan fall into four categories: (1) improving responsiveness; (2) enhancing transparency and accountability; (3) innovating to become more efficient; and (4) changing our internal culture. We know that our bold vision does not just stop at Vision 2020 and certainly plan to make continuous improvements well beyond the end of the 2020 calendar year. However, coming into the agency I wanted to create real, measurable goals that will frame the progress that the agency will continue to make for years to come. In the first part of my testimony I will highlight some of the important progress we have made thus far.

Reform Progress

Starting with improving DCRA's responsiveness, our first priority was revamping our customer service model. Too often, residents would contact the agency about an issue and never hear back about how and if it was resolved. And if a customer called to follow-up on their request, they would need to re-explain all the details. Under our new customer service model, when a customer contacts DCRA, whether by phone, email, on our website, or via social media, the information is immediately logged into our pilot Customer Relationship Management (CRM)

system. Once entered into the system, the issue is routed to the appropriate division or divisions and resolved within three business days. Our system ensures that issues are being dealt with promptly, provides customers with email updates, and captures the full history of the situation, so that if a customer contacts us to follow-up, whoever receives the call can easily review the case history and be fully up-to-speed, without having to ask the customer to start from square one. From a data analytics standpoint, our new model allows us to better spot patterns and trends, information that can then be used to better inform how we deploy resources. We launched the pilot version of our new system in February, and as of December 2nd, 17,731 cases were created, with all but 49 of them either resolved or closed.

As an additional part of our effort to improve our responsiveness, this past spring we revamped our housing code enforcement process, shrinking the timeline between when a complaint is received and the time an issued infraction is adjudicated. This reduced the number of days from an average of 133 calendar days to 66 days for scheduling an Office of Administrative Hearings hearing. Under the old process, once a complaint was received, an inspection would be scheduled. If violations were found, a warning would be issued, followed by a second inspection, at which point if the violations were still present, a Notice of Infraction would be issued. Now, once a complaint comes in, we contact the property owner via email or phone to let them know what issues have been reported and when an inspection will take place. If the property owner fixes the issues to the satisfaction of their tenants prior to the scheduled inspection, we cancel the inspection. If not, we conduct the inspection and issue any necessary Notices of Infraction. As of December 2, 2019, 219 housing inspections were able to be canceled because the landlord fixed the issue, or issues, to the tenant's satisfaction. Speeding up the abatement timeline is good for tenants, and it frees up our inspectors to do other inspections. This process is in addition to our

proactive inspections program that targets properties that have been problematic in the past. This risk-based model enables us to spot patterns of violations, so that even where a tenant says a problem has been remedied, the property may be flagged for reinspection.

Switching now to transparency and accountability, earlier this year we developed an agency dashboard that can be viewed on our website. Our goal was to show the good and the bad, so that residents can hold us accountable for our performance. For the first time in three years, during the second half of fiscal year 2019, DCRA met or exceeded all 12 of our performance metrics, ranging from permit reviews to inspections. For example, during the last quarter, we met our goal of issuing business licenses within one business day of submission 87.9 percent of the time. As part of our push to be more transparent, there are now more than 62,000 permit applications, permits, and plans available online. Earlier this fall, we also launched a new version of our website, which, as I hope you have had the chance to experience, is much easier to navigate, includes updated and clearer content, is optimized for mobile devices, and includes the digitization of as many forms as possible to save people from having to visit our office.

Under the category of innovating to become more efficient, I am pleased to share that we have accomplished quite a bit. In June, DCRA launched our Resident Inspector Training Program, which trains participants to become vacant building, illegal construction, and housing inspectors. The program aims to allow participants, most of whom are District residents, to earn extra income while helping the agency keep pace with the District's growing demand for inspections in our dynamic economy. Participants who complete our training programs, pass the appropriate certification exams, and commit to adhering to our code of conduct, are able to work as independent contractors. Since launching the program, we have certified 133 inspectors. In the coming months, I expect this number to grow significantly, allowing us to more than double the

inspection capacity we had earlier this year, which will improve our assessments for vacant property taxation rates and provide a more convenient and efficient customer experience for homeowners and businesses. While some in the program are interested in becoming full-time DCRA employees, others are attracted to the flexible schedule the program offers, which allows them to earn extra money after work and on the weekends.

Additionally, as part of our effort to become more efficient, we streamlined our business licensing program to make it easier for people trying to start a business, and have a pathway to the middle class. The idea came from one of the working groups we formed, comprised of stakeholders from across the city. Now, instead of more than 120 license categories, there are 12 consolidated licensing groups.

Another innovation we made was the launch of Project X, a pilot program that utilizes technology to bring plan reviewers, project owners, and design professionals together virtually, to streamline the permit review process. This allows people to get their permits for commercial and residential projects that are less than 10,000 square feet, much more quickly—about 70 days faster on average.

The last category I want to highlight is the investments we are making in our staff to improve the agency's culture. As you know, I am a big proponent of harnessing the power of technology to enhance the services we provide to residents. But at the end of the day, no improvements will succeed without staff who are committed to the agency and passionate about our mission. Culture change is not simply a feel-good catchphrase, it is the linchpin to the agency's overall performance. As part of this work, in September we engaged an experienced firm that is working with our employees to provide a number of services, including training sessions and career counseling. DCRA has also embraced a project management system that requires teams of

employees from across the agency to collaborate on projects. This is all part of our effort to motivate, empower, and instill passion in our employees.

I share all of this with you as evidence that the changes we are making are real, substantial, and measurably working. While each category within Vision 2020 taken individually may seem like a collection of small improvements, when you view our progress as a whole, DCRA is quickly moving in the right direction and will continue to do so with the current agency structure.

Concerns with Bill 23-91

I would like to pivot now to address what we consider to be major problems with Bill 23-91. Separating DCRA into two agencies will create unintended challenges and consequences that are likely to impede the improvements we are now making. From the outset I want to note that the OIG report from Federal Management Systems, Inc. (FMS) did not suggest that breaking up the agency would solve – or even make any progress toward addressing – any issues it identified at DCRA. Additionally, if enacted, Bill 23-91 will demoralize our staff, who have been working hard to achieve the progress that has been made.

Specifically, many of the employees whose work requires collaboration with other divisions within DCRA would, under the bill, be siloed off from each other, impeding the efficient and comprehensive resolution of issues. For example, DCRA employs housing inspectors under its Inspection and Compliance Administration (ICA) and investigators under its Consumer Protection Unit (CPU). Inspectors and investigators perform distinct duties, yet often work hand-in-hand to enforce the housing code and business licensing laws. If an investigator is examining allegations of unlicensed rental or business activity and learns of potential housing code violations, the investigator will refer the matter to a trained housing code inspector to conduct an inspection. Likewise, while conducting a residential inspection, a housing inspector may discover

that the property is not licensed, at which point they would refer the case to one of their investigator colleagues.

While investigators and inspectors have different duties, because they are part of the same agency, use the same systems, and work in close proximity, their collaboration is far easier than it would be if they worked in completely separate agencies. Indeed, over the last several months, we have been focused on breaking down internal divisions by embedding a housing inspector within our consumer protection unit. Along with facilitating the sharing of valuable information, this type of internal collaboration means we only need to coordinate once with tenants, instead of making two separate visits. If this bill were to pass, housing inspectors, along with our zoning division, would be working in a different agency from our consumer protection investigators and business licensing and enforcement division.

This one example demonstrates why the Executive Branch strongly believes the synergies DCRA is able to take advantage of through our current structure positions us far better than a fractured duo of separate agencies ever could. The key is to put the necessary processes, procedures, internal controls, and accountability in place to ensure the current organizational structure works effectively. All of which we are actively making progress on now.

Additionally, the costs of duplicative administrative functions in separate agencies cannot be ignored. By creating two agencies, expensive redundancies relating to IT, operational support, overhead, human resources, community engagement, and legal staff will be created, while opportunities for streamlining will be reduced. As just one example, our enforcement fines for infractions related to business licensing, the housing code, and consumer protection are all processed by one centralized unit. If the agency is split up, this function would have to be

duplicated. It is the view of the Executive that duplication would not be a fiscally responsible use of taxpayer dollars.

Finally, we do not believe that residents will be best served by two separate agencies in lieu of a single, improved agency. Re-educating the public on where they need to go for various services is a cost that cannot be quantified. A goal we all share is to make processes less complicated and confusing for residents and businesses. By creating separate agencies instead of targeted reforms to improve the agency, we muddy the process for District residents. Indeed, residents already express frustration when one agency has to refer them to another agency to complete a government process. This runs counter to the work the Administration is doing to provide “one stop shopping” or wrap-around, convenient services to constituents who need the services of many agencies. As we strive for convenience and simplification, do not force complexity and duplication on us.

Simply put, creating another agency will not solve any problems; it will only create new problems and delay or reverse improvements that are underway. What is going to make a difference for tenants, homeowners, entrepreneurs and businesses is continuing to implement the changes we have been making and are focused on.

Conclusion

Chairman Mendelson and members of the Council, thank you for the opportunity to testify and for allowing me to share the progress DCRA has made as well as provide reasons for the Executive’s opposition to the FMS evaluation, as well as Bill 23-91. I believe we share a common goal: to provide world class consumer and regulatory enforcement services to District residents and businesses. I commit to giving you and the residents of Washington, DC my very best as we work to achieve this goal. I am happy to answer any questions you may have.



Government of the District of Columbia Advisory Neighborhood Commission 4B

DRAFT RESOLUTION #4B-19-0904

**Request for Agency Changes following
Deadly House Fire on August 18th at 708 Kennedy Street, NW
Adopted September 23, 2019**

Advisory Neighborhood Commission 4B (ANC 4B or Commission) takes note of the following:

- Two residents, Yafet Solomon, a 9-year-old student at Barnard Elementary School, and Fitsum Kebede, 40 years old, both residents within the boundaries of Advisory Neighborhood Commission 4D, died following a fatal house fire on August 18th at 708 Kennedy Street, NW;
- James G. Walker is the owner of 708 Kennedy Street, NW (Washington Post (*WAPO*), September 4), which was rented out as an unlicensed rooming house (Metropolitan Police Department (MPD) Officer's Report, *WAPO*, August 27) under the following conditions, which contributed to the deaths of the two residents (MPD, *WAPO*, September 4):
 - (1) the home was not licensed for legal rental (DC Regulatory Administration (DCRA) spokesperson, *WAPO*, August 27);
 - (2) the home was subdivided into a dozen rooms (DCRA officials, *WAPO*, August 21);
 - (3) there were no working smoke detectors (DCRA officials, *WAPO*, August 21);
 - (4) doors to some rooms blocked each other, making exiting in case of a fire difficult (Fire officials, *WAPO*, August 21);
 - (5) an internal metal gate, as well as bars on the windows, made exiting in the case of a fire difficult (Application for search warrant, *WAPO*, September 4);

- There is evidence that a 4th District Metropolitan Police Department (MPD) officer repeatedly informed the DC Fire Department and DC Department of Consumer and Regulatory Affairs (DCRA) of the conditions in the home, which would impede safe exit in case of a fire, including writing that they “strongly recommend” inspectors respond, and this occurred six months prior to the fire (Police report, *WAPO*, August 21);
- DCRA inspectors went to the address multiple times, but “failed to follow up and seek a search warrant after they were denied entry,” (*WAPO*, August 27) and closed the investigation without resolution;
- Inspectors, “with the fire department did not act because they assumed it was a DCRA matter.” (*WAPO*, August 27);
- This is a widespread problem, with DCRA recently identifying 67 addresses (dating back to December 2018) where inspections were previously closed but where fire hazards had not been addressed, and which are now reopened (*WAPO*, August 31);
- The 911 call center took nearly 4 minutes to dispatch the Fire Department even though the radio message to 911 came from an MPD officer (*DCist*, September 3);
- Immigrants and low-income residents are, for many reasons, particularly vulnerable to unhealthy and dangerous housing conditions due to housing insecurity, and are not necessarily empowered to demand healthy and safe conditions from their government;

RESOLVED:

- (1) That the results of all investigations into this fatal fire, local and federal, criminal as well as those investigating government responses, should fully be made public;
- (2) That following investigations into this fatal fire, every relevant agency should provide tangible and confirmable reforms with measurable timelines for implementation to ensure that housing in DC is safe and healthy going forward;
- (3) That the DCRA practice of closing inspection cases that remain unresolved be addressed vigorously, across all inspection categories, not only in cases of fire hazard;

- (4) That DCRA, and if appropriate, the Fire Department, commit to benchmark timeframes for initial inspections, follow-up inspections and if necessary obtaining warrants for inspections, institute fines when inspections are delayed and confirm that issues identified during an inspection have been remedied, and that reporting of such are made available to the public;
- (5) That the 911 call center publicly commit to benchmark dispatch times, and reporting of actual times be made publicly available, and institute additional training to specifically include communication with MPD; and
- (6) That the Mayor's Office of Community Resources (MOCR) provide updates at ANC meetings on outstanding inspection cases, including where they currently stand and expected next steps.

FURTHER RESOLVED:

- (1) The D.C. City Council and the Mayor should divide DCRA, so that the division that handles building inspections, which determines the health and safety of residents, even to the point of life and death, can focus on those core responsibilities. Such a division, held within the Department of Buildings, where building inspections would fall, and the Department of Licensing and Consumer Protection, was proposed previously by Council Chair Phil Mendelson, January 23, 2018, as the *Department of Buildings Establishment Act*;

FURTHER RESOLVED:

- (1) That as this and other similar critical failures are identified, housing support and other services must be offered to the residents to ensure that they have safe and healthy housing going forward;
- (2) That to the extent possible information regarding any assistance given to these residents is provided to the ANC.

FURTHER RESOLVED:

That the Commission designates Commissioner Tiffani Nichole Johnson, ANC 4B06, to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioner cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

Consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by show of hands vote at a regular public meeting (notice of which was properly given, and at which a quorum of seven of nine members was present) on September 23, 2019, by a vote of 7 yes, 0 no, 0 abstain.

<p>Peter Tabor 4D01@anc.dc.gov (202) 643-7349</p>	<p style="text-align: center;">ANC 4D 2019-2020</p>  <p style="text-align: center;">P.O. Box 60834 Washington, DC 20039 www.anc4d.org 202-798-7444</p>	<p>Jamie Barden 4D04@anc.dc.gov (202) 656-8164</p>
<p>Renee Bowser Chair 4D02@anc.dc.gov (240) 801-5830</p>		<p>Krystal Branton Vice Chair 4D05@anc.dc.gov 202-854-9185</p>
<p>Aaron Polkey Secretary 4D03@anc.dc.gov (202) 643-9402</p>		<p>Jonathan Nobil Treasurer 4D06@anc.dc.gov (202) 656-8295</p>

Resolution Following Deadly

House Fire on August 18th at 708 Kennedy Street

WHEREAS Yafet Solomon, a 9-year-old Barnard Elementary School Student, and Fitsum Kebede, 40 years old, who are residents of ANC4D, died following a house fire on August 18th at 708 Kennedy Street NW;

WHEREAS, James G. Walker, is the owner of 708 Kennedy Street (*WAPO*, September 4), which was rented out as an unlicensed rooming house (MPD Officer's Report, *WAPO*, August 27) in the following condition, which contributed to the deaths of the two residents (MPD, *WAPO*, September 4):

- (1) the home was not licensed for legal rental (DCRA spokesperson, *WAPO*, August 27);
- (2) the home was subdivided into a dozen rooms (Regulatory officials, *WAPO*, August 21);
- (3) there were no working smoke detectors (Regulatory officials, *WAPO*, August 21);
- (4) doors to some rooms blocked each other, making exiting in case of a fire difficult (Fire officials, *WAPO*, August 21);
- (5) an internal metal gate as well as bars on the windows made exiting in the case fire difficult (Application for search warrant, *WAPO*, September 4);

WHEREAS, an MPD officer repeatedly informed the fire department and DCRA of the conditions in the home via e-mail, conditions which would impede safe exit in case of a fire, including writing that he or she "strongly recommend" inspectors respond, and this occurred six months prior to the fire (Police report, *WAPO*, August 21);

WHEREAS, DCRA inspectors went to the address multiple times, but, "failed to follow up and seek a search warrant after they were denied entry," (*WAPO*, August 27) and closed the investigation without resolution;

WHEREAS, inspectors, "with the fire department did not act because they assumed it was a DCRA matter." (*WAPO*, August 27);

WHEREAS, commissioners of ANC4D have previously identified to DCRA addresses with similar conditions (e-mail correspondence with DCRA, ANC4D02, Renee Bowser, February 24, 2017) and the conditions in those buildings went unchanged for years;

WHEREAS, this is a widespread problem, with DCRA recently reopen 67 or more cases, just dating back to December, where inspections were previously closed but where potential fire hazards remain (*WAPO*, August.31);

WHEREAS, the 911 call center took nearly 4 minutes to dispatch the fire department even though the radio message to 911 came from an MPD officer (*DCist*, September 3);

WHEREAS, immigrants and low income residents are, for many reasons, particularly vulnerable to unhealthy and dangerous housing conditions, and are not empowered to demand healthy and safe conditions from their government;

BE IT RESOLVED that:

- (1) results of all investigations into this fatal fire, local and federal, criminal as well as those investigating government response, be made public to the full extent possible;
- (2) following investigations into this fatal fire, every relevant agency should provide tangible and confirmable reforms to insure that housing in DC is safe and healthy going forward;
- (3) that at DCRA, the practice of closing inspection cases that remain unresolved be addressed vigorously, across all inspection categories, not only in the case of fire hazard;
- (4) that DCRA, and if appropriate, the fire department, commit to benchmark timeframes for initial inspections, obtaining warrants, warrant inspections, and fines and other consequences, as well as confirmation that issues have been rectified, and that reporting of actual timelines achieved be made public;
- (5) that 911 call center publicly commit to benchmark dispatch times, and reporting of actual times be made publicly available, and both MPD training and 911 training to specifically include communication on calls, over radio, and via e-mail to insure clear and timely communication;
- (6) that MOCRs provide updates at ANC meetings on outstanding inspection cases, including where they currently stand and expected next steps;

BE IT FURTHER RESOLVED THAT: the D.C. City Council and the Mayor should divide DCRA, so that the agency of the government that handles building inspections, which determines the health and safety of residents, even to the point of life and death, can focus on those core responsibilities. Such a division, into the Department of Buildings, where building inspections would fall, and the Department of Licensing and Consumer Protection, was proposed previously by Council Chair Phil Mendelson, January 23, 2018, as the *Department of Buildings Establishment Act*;

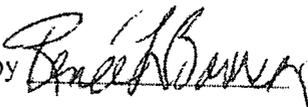
4D Resolution 9/18/2019

BE IT FURTHER RESOLVED THAT: as this and other similar addresses are identified, housing support and other services are offered to the residents to insure that they have safe and healthy housing going forward;

BE IT FURTHER RESOLVED THAT Commissioners Jamie Barden 4D04 and Renee Bowser 4D02 are authorized to represent ANC 4D in this matter.

Resolution Following Deadly House Fire on August 18th at 708 Kennedy Street was considered on 9/18/2019 before ANC 4D at a duly noticed meeting of the Commission in the presence of a quorum.

The vote of the Commission was 4 in favor, 0 against and 0 present the Resolution. The Resolution is passed.

Signed by  (Renee Bowser), Chair of ANC 4D on 9/18/19.

Sources

Email Subject: Housing Business Compliance Inspection: 222 Jefferson Street NW. February 24, 2017, 12:11PM, Renee L. Bowser (ANC4D02) and Deborah Britt (DCRA).

D.C. Mayor asks Federal Prosecutors to Launch Criminal Investigation Into Deadly Fire. *Washington Post*, August 21. Peter Hermann and Lauren Demkovich.

Police flagged dangerous conditions months before fatal fire at rowhouse, but D.C. inspectors failed to act. *Washington Post*, August 27. Peter Hermann.

D.C. housing investigator under scrutiny after officials say another rooming house case mishandled. *Washington Post*, August 31. Peter Hermann and Peter Jamison.

D.C. Dispatchers took four minutes to send firefighters in blaze that killed nine year old. *Dcist*, September 3. Natalie Delgadillo.

D.C. Officials Strengthen Policies for Dangerous code violations after deadly fire, *Washington Post*, September 4, 2019, Peter Jamison and Peter Hermann.



ADVISORY NEIGHBORHOOD COMMISSION 4C

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DC Agency Review of the House Fire on August 18th at 708 Kennedy Street

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September 11, 2019

WHEREAS, two residents, Yafet Solomon, a 9 year old Barnard Elementary School Student, and Fitsum Kebede, 40 years old, who are residents of ANC4D, died following a fatal house fire on August 18th at 708 Kennedy Street NW;

WHEREAS, James G. Walker, is the owner of 708 Kennedy Street (WAPO, September 4), which was rented out as an unlicensed rooming house (MPD Officer's Report, WAPO, August 27) under the following conditions, which contributed to the deaths of the two residents (MPD, WAPO, September 4):

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(3) there were no working smoke detectors (Regulatory officials, WAPO, August 21);

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WHEREAS, DCRA inspectors went to the address multiple times, but, "failed to follow up and seek a search warrant after they were denied entry," (WAPO, August 27) and closed the investigation without resolution;

WHEREAS, inspectors, "with the fire department did not act because they assumed it was a DCRA matter." (WAPO, August 27);

WHEREAS, commissioners of ANC 4C and ANC 4D have previously identified to DCRA addresses with similar conditions (e-mail correspondence with DCRA, ANC4D02, Renee Bowser, February 24, 2017) and the conditions in those buildings went unchanged for years;

WHEREAS, this is a widespread problem, with DCRA recently identifying 67 or cases dating back to December of addresses where inspections were previously closed but where fire hazard has not been address, and which are now reopened (WAPO, August 31);

WHEREAS, the 911 call center took nearly 4 minutes to dispatch the fire department even though the radio message to 911 came from an MPD officer (DCist, September 3);

WHEREAS, immigrants and low income residents are, for many reasons, particularly vulnerable to unhealthy and dangerous housing conditions, and are not empowered to demand healthy and save

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conditions from their government;

BE IT RESOLVED that:

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- (2) following investigations into this fatal fire, every relevant agency should provide tangible and confirmable reforms to insure that housing in DC is safe and healthy going forward;
- (3) that at DCRA, the practice of closing inspection cases that remain unresolved be addressed vigorously, across all inspection categories, not only in the case of fire hazard;
- (4) that DCRA, and if appropriate, the fire department, commit to benchmark timeframes for initial inspections, obtaining warrants, warrant inspections, and consequences and confirmation that issues have been rectified, and that reporting of actual timelines achieved be made public;
- (5) that 911 call center publicly commit to benchmark dispatch times, and reporting of actual times be made publicly available, and training to specifically include communication with MPD;
- (6) that MOCRs provide updates at ANC meetings on outstanding inspection cases, including where they currently stand and expected next steps;

BE IT FURTHER RESOLVED THAT: the D.C. City Council and the Mayor should divide DCRA, so that the agency of the government that handles building inspections, which determines the health and safety of residents, even to the point of life and death, can focus on those core responsibilities. Such a division, into the Department of Buildings, where building inspections would fall, and the Department of Licensing and Consumer Protection, was proposed previously by Council Chair Phil Mendelson, January 23, 2018, as the Department of Buildings Establishment Act;

BE IT FURTHER RESOLVED THAT: as this and other similar addresses are identified, housing support and other services are offered to the residents to ensure that they have safe and healthy housing going forward.



Jonah Goodman
Vice Chair, ANC 4C

Sources

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D.C. Mayor asks Federal Prosecutors to Launch Criminal Investigation Into Deadly Fire. Washington Post, August 21. Peter Hermann and Lauren Demkovich.

Police flagged dangerous conditions months before fatal fire at rowhouse, but D.C. inspectors failed to act. Washington Post, August 27. Peter Hermann.

D.C. housing investigator under scrutiny after officials say another rooming house case mishandled. Washington Post,

August 31. Peter Hermann and Peter Jamison.

D.C. Dispatchers took four minutes to send firefighters in blaze that killed nine year old. Dcist, September 3. Natalie Delgadillo.

D.C. Officials Strengthen Policies for Dangerous code violations after deadly fire, Washington Post, September 4, 2019, Peter

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**Written Testimony of Advisory Neighborhood Commission 6C¹
Before the Committee of the Whole**

**Performance Oversight Hearing on
The Department of Consumer and Regulatory Affairs**

February 27, 2019

Presented by Mark Eckenwiler, Commissioner, ANC 6C04

Mr. Chairman and Members of the Committee,

We write to present our views on DCRA's performance over the past year. In structuring our testimony, we highlight the six areas we previously identified to the Council in our written and in-person testimony for the February 6, 2019 DCRA roundtable (as well as in in oversight testimony over the past several years).

- 1. Public access to construction permit documents**
- 2. Deficient permit application review**
- 3. Issuance of after-hours permits**
- 4. The Zoning Administrator's unacceptable performance**
- 5. Vacant building enforcement**
- 6. Stop-work orders and collection of associated fines**

- 1. Public access to construction permit documents**

As you have heard us say countless times, District FOIA law requires DCRA to post all construction permit application documents—plans, drawings, etc.—on a website for public access at no cost.² DCRA is not now and never has been compliant with this law. After we took our concerns to the Office of Open Government in 2015, that office issued a scathing letter³ on January 29, 2016 stating that “DCRA is woefully out of compliance with FOIA” and criticizing DCRA's practice of forcing residents to pay an outside service to make paper copies of such records.

¹ On February 13, 2019, at a duly noticed, regularly scheduled monthly meeting of ANC 6C, with a quorum of 6 out of 6 commissioners and the public present, the Commission voted 6-0 to adopt this testimony.

² See D.C. Official Code § 2-536(a)(8A).

³ A copy of that letter can be viewed online at http://www.open-dc.gov/sites/default/files/OOG%20002_1.29.16%20AO_Redacted.pdf.

In 2016, the Council appropriated \$2.98 million for DCRA to create the required website, but a comprehensive solution is still not in place. As ANC 6C explained in its March 2018 testimony for DCRA budget oversight, the current “prototype” system, e-Records,

- offered only spotty coverage of the universe of current permit documents;
- was not updated promptly, meaning that residents lacked timely access to the few documents available; and
- used a proprietary viewer that did not allow document downloads or printing.

Because the current regulations give an adjacent property owner only 10 days to file an appeal with OAH after a permit is issued,⁴ the practical result is that homeowners are routinely denied the opportunity to challenge improper permits that may result in serious damage to their homes. Appeals to BZA may be filed as much as 60 days later, but here, too, up to now e-Records has not offered timely, reliable access to the documents necessary for such appeals.

Two years ago, ANC 6C suggested that the Council amend the construction code to give residents more time to appeal permits to OAH in view of the difficulty of obtaining relevant records. That recommendation remains a sound one.

In addition, the Council should ask the Auditor to investigate how the \$2.98 million given DCRA starting in FY17 was used and why the promised system—which DCRA indicated could be created in 24 months—was not timely created.

We do sound a note of cautious optimism, however. In recent weeks, Commissioner Mark Eckenwiler (6C04) reports that he has had several constructive and fruitful conversations with senior DCRA managers about making improvements to the e-Records system. As of February 26, 2019, the system has been updated to allow downloading (and thus printing) of high-resolution PDF permit plans and drawings. These managers have also stated their intent to make **all** permit documents available online going forward, and to do so in a timely manner.

DCRA does deserve credit for making these changes, however belatedly, and we earnestly look forward to further constructive engagement with the agency as it attempts to improve its public transparency.

2. Deficient permit application review

DCRA continues to approve permits on the basis of facially deficient application documents. In 2018 alone, ANC 6C

⁴ See 12A DCMR § 112.2.1.

- filed a BZA appeal (19813) for a permit where the drawings not only contained numerous false dimensions for the existing structures, but also failed to distinguish between existing conditions and the proposed work. Without such clear distinctions—which are required by the regulations⁵—DCRA is simply incapable of assessing whether a project complies with the zoning regulations. (DCRA revoked the permit in question after the filing of the BZA appeal.)
- identified a certificate of occupancy (CO1802784, for 707 H St. NE) issued in clear error by DCRA. After substantial effort by ANC 6C documenting the obvious noncompliance with important provisions of the zoning regulations, DCRA relented and revoked that C of O in December 2018. **Incredibly, a new and apparently identical C of O (CO1901156) was then issued for this same property on January 22, 2019.**

The Council should explore the reasons for these recurring failures.

As ANC 6C has pointed out in years past, DCRA’s lax permit review not only tolerates but affirmatively encourages unscrupulous actors. The potential rewards for filing an incomplete or facially inadequate application—both in terms of lowered compliance costs and in terms of the ability to build illegally large structures—far outweigh any potential downside.

3. Issuance of after-hours permits

The construction code imposes stringent limits on when overnight or Sunday work may be conducted in or near residential districts,⁶ but DCRA has repeatedly ignored those restrictions to the detriment of residents in ANC 6C and elsewhere. Sometimes DCRA ignores an applicant’s false statement about whether the work is within 500’ of a residential zone; at other times, DCRA improperly issues permits for noisy construction work throughout the night for several weeks, severely disrupting residents’ ability to sleep.

ANC 6C wrote to the Council in September 2017 noting these problems and urging the Council to adopt legislation narrowing and clarifying the standard for after-hours permit approval. Although DCRA has a pending a rulemaking to revamp the Construction Codes, the Council should not await the outcome of that potentially lengthy process, but instead act to address this urgent issue.

⁵ See 12A DCMR § 106.1.12.

⁶ See 12A DCMR § 105.1.3.

4. The Zoning Administrator's unacceptable performance

The Zoning Administrator plays a critical gatekeeper role: he reviews building permit applications to ensure that they comply with the zoning regulations, and where necessary withholds approval until an applicant obtains required relief from the BZA or Zoning Commission. He also oversees enforcement against work performed in violation of the zoning regulations (either without or inconsistent with issued permits). When this system breaks down, illegal work often avoids public scrutiny and is allowed to remain in place, to the detriment of neighbors and others in the community.⁷

Our repeated experience has been that Zoning Administrator Matt LeGrant ignores obvious zoning problems even when they are brought directly to his attention, and that at times his interpretations of the regulations are arbitrary, capricious, and inconsistent over time. ANC 6C's testimony over the past three years documents repeated instances of this dereliction, and we will not recite all of them again here.

Suffice it to say that since November 2015, ANC 6C has filed four different BZA appeals; in each one, the defective permit was revoked, surrendered, or revised in acknowledgment of its noncompliance. Likewise, the illegally issued C of Os described in section 2 above are attributable to Mr. LeGrant and his office.

Indeed, in the last 24 hours, ANC learned of yet another instance of misfeasance. On February 25, Mr. LeGrant issued an opinion letter advising the applicant in a pending BZA case that no zoning relief was necessary and advised the applicant to withdraw its application. *See* Attachment 1. When presented with the expressly contrary text of the applicable zoning regulation and challenged to explain his decision, Mr. LeGrant abandoned his frivolous position less than two hours later. *See* Attachment 2 (email exchange with Comm'r Eckenwiler).

More disturbingly, Mr. LeGrant gave false testimony under oath last September 19 at a hearing in BZA 19550 on an important legal issue (*i.e.*, when DCRA deems an application "accepted as complete," an important requirement under several grandfathering provisions in the zoning regulations). This flagrant dishonesty on the part of a public official is completely unacceptable.

The Council should closely examine not only the work of this office, but also the need to require the ZA to be a licensed professional (such as an architect or attorney). In our comments on the 2018 Department of Buildings Establishment Act, ANC 6C made specific recommendations on this issue.⁸

⁷ As noted in section 1 above, DCRA's lengthy history of making permit application documents largely inaccessible to the public—in clear violation of District law—has substantially hindered outside review of such errors.

⁸ "The [Zoning Administrator] should be Council-confirmed; term-appointed; removable only for cause; and subject to certain minimum qualifications. In addition to senior-level work experience, those qualifications should express a preference for candidates who hold a graduate degree in law, architecture, or land use/urban planning."

5. Vacant building enforcement

As ANC 6C testified before the Committee at the fall 2017 roundtable in the wake of the Auditor's report, ANC 6C's experience is that DCRA's Vacant Building Enforcement Unit is slow to act and unresponsive to requests, even those from ANC commissioners that include detailed information (such as photos, etc.) about blighted properties. We urge the Committee to continue aggressive oversight of VBEU so residents see meaningful action to address eyesore properties across the District.

6. Stop-work orders and collection of associated fines

In August 2017, ANC 6C wrote the following in a letter to the Chairman:

[O]ne question meriting further attention is whether DCRA makes full and consistent use of the fine schedules for construction and housing violations, both in terms of the initial amount in the notice of violation and with respect to the sums ultimately collected. Although the regulations have an escalating schedule of fines for repeat violators—see 16 DCMR § 3201—our sense is that higher fines are rarely (if ever) imposed. Worse, even when DCRA imposes fines, it appears that they frequently forgive some or all of the fine amount.

The Committee should look into this issue to determine whether the laws are being applied as written, and whether DCRA's practices adequately deter future violations. Our sense is that they do not.

* * *

Thank you for the opportunity to testify. ANC 6C welcomes any follow-up questions the Committee may have.

D.C. OFFICIAL CODE § 6-1331, FOREIGN-GOVERNMENT-OWNED REAL PROPERTY TASK FORCE.

(c) The Task Force shall consist of the following members:

(1) Three Advisory Neighborhood Commissioners, each of whom shall be appointed by the Mayor from Advisory Neighborhood Commission ("ANC") 2B, ANC 2D, ANC 3C, or ANC 3F; provided, that no more than one Advisory Neighborhood Commissioner may be appointed from a single ANC;

(2) The Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, or the Director's designee;

* * *

D.C. OFFICIAL § 6-1401, CONSTRUCTION CODES APPROVAL AND AMENDMENTS ACT OF 1986. DEFINITIONS.

(1) "Building Code Official" means the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, or the Director's designee.

(6) "Department" means the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings.

(7) "Director" means the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, or the Director's designee.

* * *

D.C. OFFICIAL CODE § 6-1451.01. GREEN BUILDING ACT OF 2006. DEFINITIONS.

(9) "~~DCRA~~" means the ~~Department of Consumer and Regulatory Affairs~~ "DOB" means the Department of Buildings.

(10) "Director" means the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings.

* * *

D.C. OFFICIAL CODE § 6-1451.02. GREEN BUILDING ACT OF 2006. PUBLICLY-OWNED, LEASED, AND FINANCED BUILDINGS AND PROJECTS.

(a)(3) If a residential project includes 10,000 square feet of gross floor area or more, the residential project shall:

(B) Submit to **DCRA DOB** a copy of the standard's self-certification checklist and a verification of meeting the standard's requirements for energy efficiency, as part of the application for a certificate of occupancy.

* * *

D.C. OFFICIAL CODE § 6-1451.07. GREEN BUILDING ACT OF 2006. GREEN BUILDING FUND.

(c)(2) [The] Fund shall be used for the following:

(A) costs for at least 3 full-time employees at **DCRA DOB**, or elsewhere as assigned by the Mayor, whose primary job duties are devoted to technical assistance, plan review, and inspections and monitoring of green buildings;

* * *

D.C. OFFICIAL CODE § 6-1451.09. GREEN BUILDING ACT OF 2006. ESTABLISHMENT OF THE GREEN BUILDING ADVISORY COUNCIL.

(c)(1) The GBAC shall consist of the following 13 members:

(D) The Director of the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings**, or the Director's designee;

(h)(2) The task force shall be comprised of representatives, or their designees, from the following entities:

(C) The Director of **DCRA DOB**;

* * *

D.C. OFFICIAL CODE § 6-225, THE DISTRICT OF COLUMBIA HOUSING AUTHORITY ACT OF 1999. INTRAGOVERNMENTAL COOPERATION.

(5) Community Development Corporations; ~~and~~

(6) Business Improvement Districts; **and**

(7) The Department of Buildings.

* * *

D.C. OFFICIAL CODE § 6-232, THE DISTRICT OF COLUMBIA HOUSING AUTHORITY ACT OF 1999. PUBLIC HOUSING RESIDENT BILL OF RIGHTS.

(b)(2) The Bill of Rights shall include descriptions of the following rights of residents:

(M) To request a unit inspection from the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** with respect to compliance with the District of Columbia Housing Code, found at chapters 5 through 9 of Title 14 of the District of Columbia Municipal Regulations.

* * *

D.C. OFFICIAL CODE § 6-501 *ET SEQ.* THE DISTRICT OF COLUMBIA APPLICATIONS INSURANCE IMPLEMENTATION ACT.

Sec. 6B. The Mayor shall delegate the functions enumerated in this chapter to the Director of the Department of Buildings.

* * *

D.C. OFFICIAL CODE § 6-601.05, AN ACT TO REGULATE THE HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA. STREET WIDTH TO CONTROL BUILDING HEIGHT; BUSINESS STREETS; RESIDENCE STREETS; SPECIFIED PROPERTIES; STRUCTURES ABOVE TOP STORY OF BUILDING.

(h) Spires, towers, domes, minarets, pinnacles, penthouses, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks may be erected to a greater height than any limit prescribed in this subchapter when and as the same may be approved by the Mayor of the District of Columbia; provided, however, that such structures when above such limit of height shall be fireproof, and, except in the case of a penthouse which is erected to a height of one story of 20 feet or less above the level of the roof, no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed; and provided, that penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof; and provided further, that a building be permitted to be erected to a height not to exceed 130 feet on lots 15, 804, and 805, square 322, located on the southeast corner of 12th and E Streets Northwest, said

building to conform in height and to be used as an addition to the hotel building located to the east thereof on lot 18, square 322; and further provided, that the building to be erected on lots 813, 814, and 820, in square 254, located on the southeast corner of 14th and F Streets Northwest, be permitted to be erected to a height not to exceed 140 feet above the F Street curb; and provided further, that the building to be erected on property known as the Dean Tract, comprising nine and one-fourth acres, bounded on the west by Connecticut Avenue and Columbia Road, on the south by Florida Avenue, and the east by 19th Street, and on the north by a property line running east and west 564 feet in length, said building to cover an area not exceeding 14,000 square feet and to be located on said property not less than 40 feet distant from the north property line, not less than 320 feet distant from the Connecticut Avenue property line, not less than 160 feet distant from the 19th Street property line, and not less than 360 feet distant from the Florida Avenue line, measured at the point on the Florida Avenue boundary where the center line of 20th Street meets said boundary, be permitted to be erected to a height not to exceed 180 feet above the level of the existing grade at the center of the location above described; and provided further, that the design of said building and the layout of said ground be subject to approval by the Fine Arts Commission and the National Capital Planning Commission, both of the District of Columbia; and further provided, that the building to be erected by the Georgetown University for a hospital as a part of the Georgetown University Medical School on parcels 28/31, 28/36 and 28/37 located on the south side of Reservoir Road Northwest in the District of Columbia, approximately opposite 39th Street, plans for which building are on file in the ~~Office of the Inspector of Buildings of the District of Columbia~~ **Department of Buildings**, be permitted to be erected to a height of not to exceed 110 feet above the finished grade of the land, as shown on said plans, at the middle of the front of the building.

* * *

D.C. OFFICIAL CODE § 6-641.07, AN ACT PROVIDING FOR THE ZONING OF THE DISTRICT OF COLUMBIA AND THE REGULATION OF THE LOCATION, HEIGHT, BULK, AND USED OF BUILDINGS AND OTHER STRUCTURES AND OF THE USES OF LAND IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

(f) Appeals to the Board of Adjustment may be taken by any person aggrieved, or organization authorized to represent such person, or by any officer or department of the government of the District of Columbia or the federal government affected, by any decision of the ~~Inspector of Buildings~~ **Director of the Department of Buildings** granting or refusing a building permit or granting or withholding a certificate of occupancy, or any other administrative decision based in whole or in part upon any zoning regulation or map adopted under this subchapter. The Mayor of the District of Columbia may require and fix the fee to be charged for an appeal, which fee shall be paid, as directed by said Mayor, with the filing of the appeal; provided, that no citizens' association, or association created for civic purposes and not for profit shall be required to pay said fee. There shall be a public hearing on appeal.

(g) Upon appeals the Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal made by the ~~Inspector of Buildings~~ **Director of the Department of Buildings** or the Mayor of the District of Columbia or any other administrative officer or body in the carrying out or enforcement of any regulation adopted pursuant to this subchapter;

* * *

D.C. OFFICIAL CODE § 6-641.09, AN ACT PROVIDING FOR THE ZONING OF THE DISTRICT OF COLUMBIA AND THE REGULATION OF THE LOCATION, HEIGHT, BULK, AND USED OF BUILDINGS AND OTHER STRUCTURES AND OF THE USES OF LAND IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

(a) It shall be unlawful to erect, construct, reconstruct, convert, or alter any building or structure or part thereof within the District of Columbia without obtaining a building permit from the ~~Inspector of Buildings~~ **Director of the Department of Buildings**, and said ~~Inspector~~ **Director** shall not issue any permit for the erection, construction, reconstruction, conversion, or alteration of any building or structure, or any part thereof, unless the plans of and for the proposed erection, construction, reconstruction, conversion, or alteration fully conform to the provisions of this subchapter and of the regulations adopted under said sections. In the event that said regulations provide for the issuance of certificates of occupancy or other form of permit to use, it shall be unlawful to use any building, structure, or land until such certificate or permit be first obtained. It shall be unlawful to erect, construct, reconstruct, alter, convert, or maintain or to use any building, structure, or part thereof or any land within the District of Columbia in violation of the provisions of said sections or of any of the provisions of the regulations adopted under said sections. The owner or person in charge of or maintaining any such building or land or any other person who erects, constructs, reconstructs, alters, converts, maintains, or uses any building or structure or part thereof or land in violation of said sections or of any regulation adopted under said sections, shall upon conviction for such violation on information filed in the Superior Court of the District of Columbia by the ~~Corporation Counsel~~ **Attorney General for the District of Columbia** or any of his assistants in the name of said District and which Court is hereby authorized to hear and determine such cases be punished by a fine of not more than \$100 per day for each and every day such violation shall continue. The ~~Corporation Counsel~~ **Attorney General** of the District of Columbia or any neighboring property owner or occupant who would be specially damaged by any such violation may, in addition to all other remedies provided by law, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation or to prevent the occupancy of such building, structure, or land. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this subchapter, or any rules or regulations issued under the authority of these sections, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(b) A building permit shall not be issued to or on behalf of the District government unless proper notice has been given under § 1-309.10. The ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** shall issue a cease and desist order to enjoin any construction project that is issued in noncompliance with this section.

* * *

D.C. OFFICIAL CODE § 6-661.01 ET SEQ. AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND TEN, AND FOR OTHER PURPOSES. MAYOR TO PRESCRIBE FEES FOR PERMITS, CERTIFICATES, AND TRANSCRIPTS BY INSPECTOR OF BUILDINGS; SCHEDULE OF FEES TO BE DISPLAYED.

(a) Except as provided in subsection (b) of this section, the Mayor of the District of Columbia is hereby authorized and directed, from time to time, to prescribe a schedule of fees to be paid for permits, certificates, and transcripts of records issued by the ~~Inspector of Buildings~~ **Director of the Department of Buildings** of the District of Columbia, for the erection, alteration, repair, or removal of buildings and their appurtenances, and for the location of certain establishments for which permits may be required under the building regulations of the District of Columbia, said fees to cover the cost and expense of the issuance of said permits and certificates and of the inspection of the work done under said permits; said schedule shall be printed and conspicuously displayed in the office of said ~~Inspector of Buildings~~ **Director of the Department of Buildings**; said fees shall be paid to the Collector of Taxes of the District of Columbia and shall be deposited by him in the Treasury of the United States to the credit of the revenues of the District of Columbia.

* * *

D.C. OFFICIAL CODE § 6-902, AN ACT TO CREATE A BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES. BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS; CONDEMNATION REVIEW BOARD.

(a-1) The Board shall be comprised of 7 members, as follows:

(1) Two members designated by the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings**, one of whom shall be the chairperson;

* * *

D.C. OFFICIAL CODE § 7-2231.06, AN ACT TO AUTHORIZE THE DISTRICT OF COLUMBIA GOVERNMENT TO ESTABLISH AN OFFICE OF CIVIL DEFENSE, AND FOR OTHER PURPOSES.

(b) In consultation with the Director of the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** and organizations representing property owners, property managers, and building operators and managers, the Director shall occasionally review the building code to determine potential changes that could improve building security.

* * *

**D.C. OFFICIAL CODE § 8-403.01, PESTICIDE OPERATIONS ACT OF 1977.
INFORMATION TO BE SUPPLIED CUSTOMERS.**

(a) Before a pesticide is applied, the pesticide operator shall provide the customer with the following written information:

(9) The following statement: “District of Columbia law requires that you be given the following information:

Notice of Pesticide Application:

CAUTION — PESTICIDES MAY CONTAIN TOXIC CHEMICALS. Companies that apply pesticides are licensed by the ~~Department of Consumer and Regulatory Affairs~~ **Department of Licensing and Consumer Protection** and regulated by the District Department of the Environment (“DDOE”). The Environmental Protection Agency and DDOE approve pesticides for use. At your request, the company conducting your pest control will provide you with either or both of the Material Safety Data Sheet(s) or the pesticide label(s), both of which provide further information about the approved uses of and recommended precautions for the pesticide being applied on your property. Neither of these documents is guaranteed to list every danger associated with a pesticide. DDOE maintains a list of pesticides that present a reduced risk to humans and the environment, and encourages the use of such pesticides whenever possible.

* * *

**D.C. OFFICIAL CODE § 9-204.12, THE STREET AND ALLEY CLOSING
ACQUISITION PROCEDURES ACT OF 1982. COMMEMORATIVE WORKS
COMMITTEE.**

(b) The Committee shall be composed of 12 voting members, 3 of whom shall be citizen members and 9 of whom shall be ex officio members. The 3 citizen members shall each be appointed by the Mayor with the advice and consent of the Council for a 3-year term. The following government officials, or their designated representatives, shall serve as the ex officio members:

(8) The Director of the ~~Department of Consumer and Regulatory Affairs~~
Department of Buildings; and

* * *

D.C. OFFICIAL CODE § 25-374. TRANSFER OF LOCATION OF ESTABLISHMENTS WHICH PERMIT NUDE DANCING.

(a) A license under § 25-371(b) may only be transferred to a location in the Central Business District or, if the licensee is currently located in a CM or M-zoned district, transferred within the same CM or M-zoned district, as identified in the zoning regulations of the District of Columbia and shown in the official atlases of the Zoning Commission of the District of Columbia; provided, that no license shall be transferred to any premises which is located:

(2) Six hundred feet from a building with a certificate of occupancy for residential use or a lot or building with a permit from the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings for residential construction at the premises.

* * *

D.C. OFFICIAL CODE § 25-791. TEMPORARY SURRENDER OF LICENSE — SAFEKEEPING.

(c)(2) For purposes of this subsection, the term "reasonable progress" means taking deliberate steps to resume business operations, including acquiring the necessary permits or approvals from the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, the Office of Zoning, the Historic Preservation Board, or any other District agency, executing contractual agreements or lease agreements, retaining contractors, or transferring the license to a new owner or new location.

* * *

D.C. OFFICIAL CODE § 25-804. NOTIFICATIONS FROM ~~DCRA~~ DLCP, FIRE DEPARTMENT, AND METROPOLITAN POLICE DEPARTMENT.

(a) In accordance with procedures that the Mayor shall establish, the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection, the Office of Tax and Revenue, and the Fire and Emergency Medical Services shall promptly notify the Board if a licensed establishment is the subject of a citation, revocation, or other enforcement action for a violation of laws or regulations enforced by these departments.

* * *

D.C. OFFICIAL CODE § 28-3817. HEALTH SPA SALES.

(e)(1) Each health spa which contracts health spa sales for goods or services to be provided or made available at a health spa which is planned, under construction, or in operation shall be required by the ~~Department of Consumer and Regulatory Affairs~~ **Department of Licensing and Consumer Protection** (“Department”) to maintain a bond, issued by a surety company licensed to do business in the District of Columbia, in an amount not less than \$50,000, or shall file with the Department an irrevocable letter of credit or cash in that amount. A buyer of a health spa sale who suffers or sustains any loss or damage by reason of breach of contract or bankruptcy by the seller or by reason of a violation by the seller of the provisions of this act [this section] may bring an action based on the bond and recover against the surety, the liability of the surety under any bond may not exceed the aggregate amount of the bond, regardless of the number or amount of claims filed. If the claims filed should exceed the amount of the bond, the surety shall pay the amount of the bond to the Department for distribution to claimants entitled to restitution and shall be relieved of all liability under the bond.

* * *

D.C. OFFICIAL CODE § 28-3901. DEFINITIONS AND PURPOSES.

(a) As used in this chapter, the term —

(8) “Department” means the ~~Department of Consumer and Regulatory Affairs~~ **Department of Licensing and Consumer Protection**;

(9) “Director” means the Director of the ~~Department of Consumer and Regulatory Affairs~~ **Department of Licensing and Consumer Protection**;

* * *

D.C. OFFICIAL CODE § 28-3902. ~~DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS~~ DEPARTMENT OF LICENSING AND CONSUMER PROTECTION AS CONSUMER PROTECTION AGENCY.

(a) The ~~Department of Consumer and Regulatory Affairs~~ **Department of Licensing and Consumer Protection** shall be the principal consumer protection agency of the District of Columbia government and shall carry out the purposes of this chapter.

(c) The Director of the ~~Department of Consumer and Regulatory Affairs~~ **Department of Licensing and Consumer Protection** shall exercise the powers set forth in section 28-3905 through the Office of Compliance, and shall appoint a Chief of the Office of Compliance from among active members of the unified District of Columbia Bar. The Chief of the Office of Compliance may carry out investigative, conciliatory, and other duties assigned by the Director.

(i) Notwithstanding any other provision of District law, enforcement of this chapter by the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection is suspended until October 1, 2002. This subsection shall not prevent the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection from cooperating with, and making appropriate referrals to, another law enforcement agency.

* * *

D.C. OFFICIAL CODE § 28-3905. COMPLAINT PROCEDURES.

(i)(3)(B) (B) The Department, the complainant, or the respondent may sue in the Superior Court of the District of Columbia for a remedy, enforcement, or assessment or collection of a civil penalty, when any violation, or failure to adhere to a provision of a consent decree described in subsection (h) of this section, or an order described in subsection (f), (g), or (j) of this section, has occurred. The Department shall sue in that Court for assessment of a civil penalty when an order described in subsection (g) of this section has been issued and become final. A failure by the Department or any person to file suit or prosecute under this subparagraph in regard to any provision or violation of a provision of any consent decree or order, shall not constitute a waiver of such provision or any right under such provision. The Court shall levy the appropriate civil penalties, and may order, if supported by evidence, temporary, preliminary, or permanent injunctions, damages, treble damages, reasonable attorney's fees, consumer redress, or other remedy. The Court may set aside the final order if the Court determines that the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection lacked jurisdiction over the respondent or that the complaint was frivolous. If, after considering an application to set aside an order of the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection, the Court determines that the application was frivolous or that the Department of Consumer and Regulatory Affairs lacked jurisdiction, the Court shall award reasonable attorney's fees.

* * *

D.C. OFFICIAL CODE § 28-4001. DEFINITIONS.

(13) "hearing aid dispenser" means a person who is at least 18 years of age, has a high school diploma or the equivalent, and has received a certificate of competence from the National Hearing Aid Society or another recognized national organization approved by the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection.

* * *

D.C. OFFICIAL CODE § 29-102.13. ESTABLISHMENT OF CORPORATE RECORDATION FUND; DISPOSITION OF ENTITY FILING FEES.

(b) Revenue credited to the Fund shall be expended by the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection as designated by an appropriations act of Congress for the purposes of maintaining and upgrading the corporate filing system, including copying fees, automation upgrades, personnel costs, and supplies.

* * *

D.C. OFFICIAL CODE § 30-201.01, SHORT-TERM RENTAL REGULATION ACT OF 2018. DEFINITIONS.

(2) "Department" means the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection or its successor agency.

* * *

D.C. OFFICIAL CODE § 34-2601, THE DISTRICT OF COLUMBIA PUBLIC UTILITY ENVIRONMENTAL IMPACT STATEMENT REQUIREMENT ACT OF 1989. PURPOSE.

The purpose of this chapter is to protect and enhance the public health, welfare and safety of the citizens of the District of Columbia ("District") and provide for the fullest possible preservation and protection of the environment. If a public utility proposes an action, it shall prepare and transmit a detailed environmental impact statement to the Public Service Commission ("Commission"). If the Commission determines that an unacceptable risk of adverse health effects exists because of an action that is proposed by a public utility, a public utility doing business in the District of Columbia shall not construct a facility or undertake a project without a detailed and comprehensive analysis and understanding of the impact that the project or the construction or operation of the facility may have on the public health, safety, and environment. These goals require that a public utility prepare and file an environmental impact statement that complies fully with the requirements of this chapter, before application is made to the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings for a permit, and subchapter V of Chapter 1 of Title 8.

* * *

D.C. OFFICIAL CODE § 34-2603, THE DISTRICT OF COLUMBIA PUBLIC UTILITY ENVIRONMENTAL IMPACT STATEMENT REQUIREMENT ACT OF 1989. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENTS.

(b) The environmental impact statement shall be considered in addition to any ~~Department of Consumer and Regulatory Affairs'~~ Department of Buildings' decision regarding the environmental impact of the action.

* * *

D.C. OFFICIAL CODE § 34-1505, THE RETAIL ELECTRIC COMPETITION AND CONSUMER PROTECTION ACT OF 1999. LICENSING REQUIREMENTS.

(b) An application for an electricity supplier license shall:

(4) Contain the following:

(E) Proof that the applicant has registered with the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection to do business in the District of Columbia;

* * *

D.C. OFFICIAL CODE § 40-301.02, AN ACT TO ESTABLISH A CODE OF LAW FOR THE DISTRICT OF COLUMBIA. NOTICE.

(b) The notice of intent shall include the following:

(7)(A) To the extent available under applicable law, if the contractor is an entity organized under the laws of the District of Columbia or is doing business in the District of Columbia within the meaning of applicable District law:

(i) A copy of the contractor's current license to do business in the District issued by the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection; and

(ii) A certificate of good standing from the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection issued within 180 days prior to the date of the filing of the notice of intent; or

* * *

D.C. OFFICIAL CODE § 40-301.02, AN ACT TO ESTABLISH A CODE OF LAW FOR THE DISTRICT OF COLUMBIA. DEFINITIONS.

(2) "Home improvement contract" means any written agreement, in a form that has been approved by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings,

entered into between the same contractor and the same homeowner within any 12-month period for home improvement for a specific price. For the purposes of this section, the contract price for a home improvement contract shall be the contract price for all contracts during any 12-month period with respect to a home improvement.

* * *

D.C. OFFICIAL CODE § 42-202.01, THE DISTRICT OF COLUMBIA UNIFORM CONSERVATION EASEMENT ACT OF 1986. RIGHTS OF THE HOLDER OF A CONSERVATION EASEMENT.

Whenever a recorded conservation easement has been registered with the Mayor, written consent of the holder of the registered and recorded conservation easement shall be required prior to the recordation of a subdivision by the Office of the Surveyor, and to the issuance of a permit for construction, demolition, alteration, or repair, except solely for interior work. With respect to the affected property, a conservation easement shall be deemed registered with the Mayor 10 days after proof of a recorded conservation easement is presented to the Historic Preservation Division of the Building and Land Regulation Administration, ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings.

* * *

D.C. OFFICIAL CODE § 42-1902.20, THE CONDOMINIUM ACT OF 1976. CONTRACTION OF THE CONDOMINIUM.

(b)(3) To effectuate the contraction, the declarant or the association shall:

(B) Submit an amended plat and plans to the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings that depict:

* * *

D.C. OFFICIAL CODE § 42-2073, THE FISCAL YEAR 2019 BUDGET SUPPORT ACT OF 2018. COMMON INTEREST COMMUNITY REPAIRS PROGRAM; ELIGIBILITY.

(3) The board shall be registered with the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection; and

* * *

D.C. OFFICIAL CODE § 42-3131.10, AN ACT TO PROVIDE FOR THE ABATEMENT OF NUISANCES IN THE DISTRICT OF COLUMBIA BY THE COMMISSIONERS OF

SAID DISTRICT, AND FOR OTHER PURPOSES. PENALTIES FOR NONCOMPLIANCE.

(a) The failure of the owner of a vacant building to register and pay all required fees under § 42-3131.06(a) or § 42-3131.09 after notice of the designation of the owner's building as vacant, the determination of delinquency of registration or fee payment, the denial or revocation of registration, the filing by an owner of any false or misleading registration-related information, or the refusal of the owner of a vacant building to permit the Mayor to inspect the building shall, upon conviction thereof, be punished by a fine not to exceed \$5,000. The Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings shall provide the Office of the Attorney General with a list of all owners who fail to register and pay the required fee after notice.

* * *

D.C. OFFICIAL CODE § 42-3131.18, AN ACT TO PROVIDE FOR THE ABATEMENT OF NUISANCES IN THE DISTRICT OF COLUMBIA BY THE COMMISSIONERS OF SAID DISTRICT, AND FOR OTHER PURPOSES. PUBLICATION OF LIST BY THE ~~DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS~~ DEPARTMENT OF BUILDINGS.

The ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings shall maintain and publish at least semiannually a list of buildings that are registered as, or have been determined to be, vacant buildings or blighted vacant buildings, or which would have been but for an exemption provided pursuant to § 42-3131.06(b), that specifies for each building, as applicable:

* * *

D.C. OFFICIAL CODE § 42-3131.19, AN ACT TO PROVIDE FOR THE ABATEMENT OF NUISANCES IN THE DISTRICT OF COLUMBIA BY THE COMMISSIONERS OF SAID DISTRICT, AND FOR OTHER PURPOSES. VACANT AND BLIGHTED VACANT BUILDINGS BELONGING TO FOREIGN GOVERNMENTS.

(a) The ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings shall publish and deliver semiannually to the Mayor, the Council, and the United States Department of State's Office of Foreign Missions ("OFM") a list identifying each building that:

* * *

D.C. OFFICIAL CODE § 42-3501.03, THE RENTAL HOUSING ACT OF 1985. DEFINITIONS.

(9) "Distressed property" means a housing accommodation that:

(B) Has been cited by the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** as being in substantial noncompliance with the housing regulations;

* * *

D.C. OFFICIAL CODE § 42-3502.03C, THE RENTAL HOUSING ACT OF 1985.

(a) The Office of the Tenant Advocate ("OTA"), with the assistance of and in close consultation with the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings**, the Office of Tax and Revenue, the Rental Accommodations Division ("RAD") of the Department of Housing and Community Development, the Housing Provider Ombudsman of the Department of Housing and Community Development, and the Office of the Chief Technology Officer, shall develop a user-friendly, Internet-accessible, and searchable database for the submission, management, and review of all documents and relevant data housing providers are required to submit to the RAD pursuant to this subchapter.

* * *

**D.C. OFFICIAL CODE § 42-3502.08, THE RENTAL HOUSING ACT OF 1985.
INCREASES ABOVE BASE RENT.**

(a)(1) Notwithstanding any provision of this chapter, the rent for any rental unit shall not be increased above the base rent unless:

(A) The rental unit and the common elements are in substantial compliance with the housing regulations, if noncompliance is not the result of tenant neglect or misconduct. Evidence of substantial noncompliance shall be limited to housing regulations violation notices issued by the District of Columbia ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** and other offers of proof the Rental Housing Commission shall consider acceptable through its rulemaking procedures;

(b) A housing accommodation and each of the rental units in the housing accommodation shall be considered to be in substantial compliance with the housing regulations if:

(1) For purposes of the adjustments made in the rent charged in §§ 42-3502.06 and 42-3502.07 [repealed], all substantial violations cited at the time of the last inspection of the housing accommodation by the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** before the effective date of the increase were abated within a 45-day period following the issuance of the citations or that time granted by the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings**, and the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** has certified the abatement, or the housing provider or the tenant has certified the abatement and has presented evidence to

substantiate the certification. No certification of abatement shall establish compliance with the housing regulations unless the tenants have been given a 10-day notice and an opportunity to contest the certification; and

(2) For purposes of the filing of petitions for adjustments in the rent charged as prescribed in § 42-3502.16, the housing accommodation and each of the rental units in the housing accommodation shall have been inspected at the request of each housing provider by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings within the 30 days immediately preceding the filing of a petition for adjustment.

(c) A tenant of a housing accommodation who, after receipt of not less than 5 days written notice that the housing provider desires an inspection of the tenant's rental unit for the purpose of determining whether the housing accommodation is in substantial compliance with the housing regulations, refuses without good cause to admit an employee of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings for the purpose of inspecting the tenant's rental unit, or who refuses without good cause to admit the housing provider or the housing provider's employee or contractor for the purpose of abating any violation of the housing regulations cited by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, will be considered to have waived the right to challenge the validity of the proposed adjustment for reasons that the rental unit occupied by the tenant is not in substantial compliance with the housing regulations.

* * *

D.C. OFFICIAL CODE § 42-3502.12, THE RENTAL HOUSING ACT OF 1985. HARDSHIP PETITION.

(b) In determining the rate of return for each housing accommodation, the following formula, computed over a base period of the 12 consecutive months within 15 months preceding the filing of a petition under this chapter, shall be used to:

(1) Obtain the net income by subtracting from the sum of maximum possible rental income which can be derived from a housing accommodation to which this section applies and the maximum amount of all other income which can be derived from the housing accommodation the following:

(A) The operating expenses, but the following items shall not be allowed as operating expenses:

(vii) Attorney's fees charged for services connected with counseling or litigation related to actions brought by the District government due to the housing provider's repeated failure to comply with applicable housing regulations as evidenced by

violation notices issued by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings; and

* * *

**D.C. OFFICIAL CODE § 42-3502.21, THE RENTAL HOUSING ACT OF 1985.
DISCLOSURE TO TENANTS.**

(b)(1) At the time a prospective tenant files an application to lease any rental unit, the housing provider shall provide on a disclosure form published by the Rent Administrator (or in another suitable format until a form is published) together with any documents corresponding to each item of information:

(F) All copies of housing code and property maintenance code violation reports issued by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings for the housing accommodation or rental unit within the last 12 months, or previously issued reports for violations which have but not been abated;

* * *

**D.C. OFFICIAL CODE § 42-3505.01, THE RENTAL HOUSING ACT OF 1985.
EVICTIONS.**

(f)(1)(A) A housing provider may recover possession of a rental unit for the immediate purpose of making alterations or renovations to the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied, so long as:

(iii) An inspector from the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings has inspected the housing accommodation for the accuracy of material statements in the application and has reported his or her findings to the Rent Administrator and the Chief Tenant Advocate;

* * *

**D.C. OFFICIAL CODE § 42-3505.05, THE RENTAL HOUSING ACT OF 1985.
PROHIBITION OF DISCRIMINATION AGAINST ELDERLY TENANTS OR
FAMILIES WITH CHILDREN.**

(c) Allegations of violations of this section that are made by families receiving or eligible to receive Tenant Assistance Program assistance, by elderly tenants, or by families with children shall be promptly investigated and handled by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, which shall provide the complaining party with a written report upon the conclusion of the investigation.

* * *

D.C. OFFICIAL CODE § 42-3507.05, THE RENTAL HOUSING ACT OF 1985. TENANT HOT LINE.

The ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings shall provide for the continuation of a tenant hot line. The primary purpose of the tenant hot line is to provide assistance to low- and moderate-income tenants. To carry out this purpose, the functions and responsibilities shall include, but not be limited to, the following:

* * *

D.C. OFFICIAL CODE § 42-3651.02, THE ABATEMENT AND CONDEMNATION OF NUISANCE PROPERTIES OMNIBUS AMENDMENT ACT OF 2000. GROUNDS FOR APPOINTMENT OF A RECEIVER.

(a)(1) A receiver may be appointed if a rental housing accommodation has been cited by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings for a violation of chapters 1 through 16 of Title 14 of the District of Columbia Municipal Regulations or Title 12 of the District of Columbia Municipal Regulations, or its equivalent, which violation poses a serious threat to the health, safety, or security of the tenants; and

* * *

D.C. OFFICIAL CODE § 42-3651.04, THE ABATEMENT AND CONDEMNATION OF NUISANCE PROPERTIES OMNIBUS AMENDMENT ACT OF 2000. NOTICE AND HEARING REQUIREMENTS.

(a)(3)(B) No later than 5 days, excluding Saturdays, Sundays, and legal holidays, after receiving a copy of the petition under subparagraph (A) of this paragraph, the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings shall make available to the petitioner for its use in the proceedings certified copies of all licensure and housing inspection reports in the custody of the District government that document conditions in the rental housing accommodation within the previous 3 years.

* * *

D.C. OFFICIAL CODE § 42-3651.04, THE ABATEMENT AND CONDEMNATION OF NUISANCE PROPERTIES OMNIBUS AMENDMENT ACT OF 2000. TERMINATION OF RECEIVERSHIP.

(a) Except as provided in subsection (b) of this section, a receivership shall terminate when:

(2) The Court determines on recommendation from the receiver that the violations giving rise to the appointment of the receiver cannot be abated and serves a copy of the order within 10 days on the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings.

* * *

D.C. OFFICIAL CODE § 42-3671.01, THE LEASE-PURCHASE AGREEMENT ACT OF 2002. DEFINITIONS.

(5) “Department” means the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings.

* * *

D.C. OFFICIAL CODE § 47-813. CLASSES OF PROPERTY.

(d-1) For the purposes of this section:

(A-i)(ii) Whenever the classification of improved real property that appears on a list compiled under § 42-3131.16 or § 42-3131.17 shall change to Class 3 or Class 4 Property:

(I) The owner shall notify the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings within 30 days of the change by making application to register the property as vacant under §§ 42-3131.06 and 42-3131.07, which the change in classification of the real property to Class 3 or 4 Property shall be retroactive to the half tax year during which one of the following first occurred:

(ii) Whenever improved real property that appears on a list compiled under § 42-3131.16 or § 42-3131.17 shall cease to be Class 3 or Class 4 Property, the owner shall notify the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings within 30 days after the change in the manner as may be prescribed by the Mayor. If the request for a change in classification is approved, the change in classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Department of Consumer and Regulatory Affairs was so notified. If the request is denied, the owner shall have a right to administrative review of the determination as provided under § 42-3131.15.

* * *

D.C. OFFICIAL CODE § 47-895.21. DEFINITIONS.

(9) “Substantial completion” means, with respect to a residential condominium, that:

(B) The ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** (or a successor agency) has issued a certificate of occupancy for the residential condominium.

* * *

D.C. OFFICIAL CODE § 47-1341. NOTICE OF DELINQUENCY.

(a)(2) “Classification Disputes. If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** at _____ for information on how to appeal the property classification.

(b-1)(2) “Classification Disputes. If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** at _____ for information on how to appeal the property classification.

* * *

D.C. OFFICIAL CODE § 47-1353.01. POST-SALE NOTICE.

(b) “Classification Disputes. If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the ~~Department of Consumer and Regulatory Affairs~~ **Department of Buildings** at _____ for information on how to appeal the property classification.

* * *

D.C. OFFICIAL CODE § 47-2844. REGULATIONS; SUSPENSION OR REVOCATION OF LICENSES; BONDING OF LICENSEES AUTHORIZED TO COLLECT MONEYS; EXEMPTIONS.

(A) For the first violation of this paragraph:

(iii)(I) The Chief of Police, after a determination by the Mayor in accordance with [§ 2-1801.06(a)], shall seal the licensee's premises, or a portion of the premises, for up to 96 hours without a prior hearing;

(II) Within 14 days after a licensee's premises is sealed under sub-sub-subparagraph (I) of this sub-subparagraph, the Mayor shall require the licensee to submit a remediation plan to the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings that contains the licensee's plan to prevent any future recurrence of purchasing, selling, exchanging, or otherwise transacting any synthetic drug and acknowledgement that a subsequent occurrence of engaging in prohibited activities may result in the revocation of all licenses issued to the licensee pursuant to this chapter.

(E) At the time of the sealing of the premises, or a portion of the premises, under subparagraph (A) or (B) of this paragraph, the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings shall post at the premises and serve on the licensee a written notice and order stating:

(v) That it shall be unlawful for any person, with the exception of emergency services personnel, to enter the sealed premises for any purpose without written permission by the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings.

* * *

D.C. OFFICIAL CODE § 47-2851.01. DEFINITIONS.

(2) "Business License Center" means the business registration and licensing center established by this subchapter and located in and under the administrative control of the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection.

(3) "Department" means the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection.

(4) "Director" means the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection.

* * *

D.C. OFFICIAL CODE § 47-2851.02A. LICENSE EXEMPTION FOR DE MINIMIS BUSINESS ACTIVITY.

(b)(1) Upon request by the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection, a person applying for the exemption provided by this section ("applicant") shall submit a letter self-certifying that the gross annual revenue of the business activity for which the exemption is sought does not exceed \$2,000 and does not occur more than 30 days in a calendar year ("self-certification letter").

(c)(1) If, after the submission of a self-certification letter, the revenue of the business activity described in the self-certification letter exceeds \$2,000 or the business activity occurs more than 30 days in a calendar year, the applicant shall inform the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection within 30 days of the increase in revenue or days of business activity from that stated in the self-certification letter.

(2) An applicant who fails to inform the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection as required by this subsection shall be guilty of a Class 1 civil infraction and subject to fines pursuant to section 16-3201 of the District of Columbia Municipal Regulations.

* * *

D.C. OFFICIAL CODE § 47-2851.05. BUSINESS LICENSE CENTER.

(a) There is created the Business License Center (“Center”) within the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection.

* * *

D.C. OFFICIAL CODE § 47-2853.04. REGULATED NON-HEALTH RELATED OCCUPATIONS AND PROFESSIONS.

(c) All non-health related occupations and professions shall be regulated by the Mayor through the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection, except as follows:

* * *

D.C. OFFICIAL CODE § 47-2853.76B. REGULATION OF BODY ARTISTS.

(a) The ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection, through the Board of Barber and Cosmetology, shall regulate body artists to protect public health, safety, and welfare, and to ensure that persons engaged in the occupation have the specialized skills, education, and training required to perform the services offered by:

* * *

D.C. OFFICIAL CODE § 47-2853.96. ELIGIBILITY REQUIREMENTS.

(b)(2) Until rules are promulgated pursuant to paragraph (1) of this subsection, the Board may issue a 2-year license to an applicant who has:

(D) Has passed the examination required by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings.

* * *

D.C. OFFICIAL CODE § 47-2853.197. PROHIBITED ACTS.

(34) Violated, as determined by the Department of Consumer and Regulatory Affairs, established by the Reorganization Plan No. 1 of 1983, effective March 31, 1983, the Mayor, or a court of competent jurisdiction, any provision of Chapter 39 of Title 28 of the District of Columbia Official Code, or the rules issued pursuant to that chapter, or failed to comply with an order of the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection or its administrative law judge;

* * *

D.C. OFFICIAL CODE § 47-2855.01. DEFINITIONS.

(2) “Department” means the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection.

(3) “Director” means the Director of the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection.

* * *

D.C. OFFICIAL CODE § 47-2866. INTERAGENCY COMPUTER SYSTEM AND ENFORCEMENT.

(a)(1) Consistent with the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (subtitle E of title I of D.C. Law 19-168; 59 DCR 8025), the Chief Financial Officer shall implement an interagency computer system to enable government agencies, including the ~~Department of Consumer and Regulatory Affairs~~ 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.

* * *

D.C. OFFICIAL CODE § 48-313. COMPOSITION OF THE FOOD POLICY COUNCIL.

(h) There shall be 10 ex officio nonvoting members, including Directors of the following departments or their designees:

(3) ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection;

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **December 1, 2020**

4
5
6
7 **A BILL**

8
9 23-91

10
11 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
12
13
14
15
16

17 To establish the Department of Buildings as a subordinate agency within the Executive branch
18 with oversight of construction compliance, rental housing safety, and residential property
19 maintenance activities in the District, to enumerate the functions of the Department, to
20 provide for a Director to head the Department, to provide for a Chief Building Official, to
21 provide for a Strategic Enforcement Administrator, to provide for a Zoning
22 Administrator, to provide for the organization of the Department, to require an
23 implementation and transition plan for the establishment of the Department, to provide a
24 timeline wherein the Executive is required to plan and implement establishment of the
25 Department, to require a Strategic Enforcement Plan and prescribe the content of that
26 Plan, to require an annual Enforcement Report and prescribe the content of that report, to
27 provide for rulemaking authority, to amend existing law to conform to the establishment
28 of the Department of Buildings, and to redesignate the Department of Consumer and
29 Regulatory Affairs as the Department of Licensing and Consumer Protection.
30

31 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
32 **act may be cited as the “Department of Buildings Establishment Act of 2020”.**

33 **TITLE I. ESTABLISHMENT OF THE DEPARTMENT OF BUILDINGS**

34 **Sec. 101. Definitions.**

35 For the purposes of this act, the term:

36 (1) “Chief Building Official” or “CBO” means the lead administrator of the Office of
37 Construction and Building Standards, whose appointment is provided for by section 104.

38 (2) "Construction Codes" means all codes as defined in subsection 101.1 of Title 12A of
39 the District of Columbia Municipal Regulations (12A DCMR § 101.1).

40 (3) "Department" means the Department of Buildings established by section 102.

41 (4) "Director" means the director of the Department of Buildings, whose appointment is
42 provided for by section 103.

43 (5) "International Code Council Family of Codes" means the body of standards
44 promulgated by the International Code Council to the extent the standards are adopted by the
45 District of Columbia and codified into the District of Columbia Code of Municipal Regulations.

46 (6) "Strategic Enforcement Administrator" or "SEA" means the lead administrator of the
47 Office of Strategic Code Enforcement, whose appointment is provided for by section 105.

48 (7) "Zoning Administrator" or "ZA" means the lead administrator for the Office of
49 Zoning Administration, whose appointment is provided for by section 106.

50 Sec. 102. Establishment of the Department of Buildings.

51 (a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved
52 December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), there is established, as a
53 subordinate agency within the executive branch of the District government, the Department of
54 Buildings, which shall be headed by a Director who shall carry out the functions and authorities
55 assigned to the Department.

56 (b) The Department is charged with promoting the health, safety, and quality of life of
57 residents and visitors in the District of Columbia by reviewing proposed plans for technical
58 sufficiency, issuing permits to ensure competent construction, inspecting the built environment,
59 regulating land use and development, and enforcing the regulations and codes governing

60 building construction, rental housing conditions, building maintenance, building safety, and
61 zoning.

62 (c) The functions of the Department shall be to:

63 (1) Ensure that the physical environment and structure of all buildings in the
64 District of Columbia meet all applicable regulations and codes for preservation or for the use to
65 which the space or structure is to be put;

66 (2) Ensure that the habitability and sanitary condition of all rental housing units in
67 the District of Columbia meet all applicable regulations and codes, except those that are under
68 the exclusive jurisdiction of the United States; and

69 (3) Ensure that public and private land and structures meet adequate health,
70 safety, and environmental standards.

71 Sec. 103. Director.

72 (a) The Director shall manage and administer the Department and all functions and
73 personnel assigned thereto, including the power to redelegate to other employees and officials of
74 the Department such powers and authority as in the judgment of the Director is warranted in the
75 interests of efficiency and sound administration, excluding the ability to alter the duties and
76 functions of the Chief Building Official or the duties and functions of the Strategic Enforcement
77 Administrator.

78 (b) The Director shall be appointed by the Mayor with the advice and consent of the
79 Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.
80 Law 2-142; D.C. Official Code § 1-523.01(a)).

81 Sec. 104. Chief Building Official.

82 (a) There shall be, subordinate to the Director, a Chief Building Official with primary
83 authority for the administration of and determination of compliance with the Construction Codes,
84 and the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official
85 Code § 6-1451.01 *et seq.*).

86 (b) The Chief Building Official shall be appointed by the Mayor with the advice and
87 consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective
88 March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

89 (c) Upon the applicability date of this act, the individual then serving in the position of
90 Chief Building Official at the Department of Consumer and Regulatory Affairs (“Incumbent
91 CBO”) shall serve as the CBO until the expiry of a 5-year term to be calculated from the
92 applicability date of this act. If the Incumbent CBO is unable to serve as CBO, the deputy to the
93 Incumbent CBO shall serve as acting CBO until a new CBO is appointed by the Mayor pursuant
94 to subsection (b) of this section.

95 (d) The CBO shall have not less than 8 years of senior-level experience in administering
96 building standards and shall have demonstrated, through knowledge and experience, the ability
97 to administer a building standard system of the size and complexity of the responsibilities
98 covered by this act.

99 (e) The CBO shall serve for one 5-year term and may be reappointed pursuant to
100 subsection (b) of this section.

101 (f) The CBO shall not be required to resign at the end of a mayoral term or
102 administration.

103 Sec. 105. Strategic Enforcement Administrator.

104 (a) There shall be, subordinate to the Director, a Strategic Enforcement Administrator
105 within the Department.

106 (b) The SEA shall have the following responsibilities:

107 (1) Developing and implementing strategic and data-driven deployment of the
108 Department's enforcement efforts and advising the CBO and Chief Inspection Official ("CIO"),
109 provided for in section 107(a)(4), accordingly;

110 (2) Monitoring violations to ensure that the CBO and CIO are scheduling timely
111 reinspections and that the appropriate documentation and data is being captured;

112 (3) If, and when, fines are levied, tracking and enforcing collection of the fines
113 and making referrals to the Office of the Attorney General for the District of Columbia when
114 necessary;

115 (4) Developing and implementing consistent enforcement procedures and
116 standards in coordination with the CBO and CIO;

117 (5) Advisory responsibility for managing the assignment of the Department's
118 enforcement staff to ensure enforcement efforts regarding the built environment of the District of
119 Columbia are effectively assigned;

120 (6) Managing and tracking the enforcement history of individual projects,
121 professionals, and properties to identify repeat violators or trends in construction, housing code,
122 or maintenance violations and developing plans to detect and deter future violations;

123 (7) Monitoring and tracking the number, type, and severity of violations,
124 abatement history, impact on neighboring properties, previous enforcement actions taken, and
125 the results of such enforcement actions to inform a consistent application of abatement standards;
126 and

127 (8) General administration of the Department’s enforcement efforts.

128 (c) The SEA shall be appointed by the Mayor with the advice and consent of the Council,
129 pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-
130 142; D.C. Official Code § 1-523.01(a)).

131 (d) The SEA shall serve for one 5-year term and may be reappointed pursuant to
132 subsection (c) of this section.

133 (e) The SEA shall not be required to resign at the end of a mayoral term or
134 administration.

135 Sec. 106. Zoning Administrator.

136 (a) There is established, subordinate to the Director, a Zoning Administrator with primary
137 authority for the administration of and determination of compliance with the Zoning Regulations
138 of the District of Columbia (11-A DCMR § 100.1 *et seq.*) (“Zoning Regulations”).

139 (b) The ZA shall be appointed by the Mayor with the advice and consent of the Council,
140 pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-
141 142; D.C. Official Code § 1-523.01(a)).

142 (c) The ZA shall have not less than 8 years of senior-level experience in interpreting and
143 enforcing zoning regulations.

144 (d) The ZA shall serve for one 5-year term and may be reappointed pursuant to
145 subsection (b) of this section.

146 (e) The ZA shall not be required to resign at the end of a mayoral term or administration.

147 Sec. 107. Department organization.

148 (a) There are established within the Department the following offices and divisions:

149 (1) The Office of the Director with subordinate staff responsible for:

150 (A) Human Resources;
151 (B) Intergovernmental Affairs;
152 (C) General Counsel;
153 (D) Communications; and
154 (E) Technology and Information Services, including the development and
155 maintenance of, in coordination with the Office of the Chief Technology Officer, the systems
156 necessary to enable the efficient and accurate maintenance of digital records management,
157 electronic plan submission, electronic plan review, permit issuance, and enforcement records.

158 (2) Administrative Services, with subordinate staff responsible for:

159 (A) Customer Service and Complaint Resolution;

160 (B) Logistics and Fleet Services, including the management of the
161 equipment necessary to support an inspection workforce that deploys to inspect construction sites
162 in coordination with the subordinate staff responsible for Technology and Information Services;

163 (C) Risk Management; and

164 (D) Contracts and Procurement;

165 (3) The Office of Construction and Building Standards, headed by the CBO, with
166 subordinate staff responsible for:

167 (A) The Permitting Operations Division, which shall:

168 (i) Accept permit applications for review and coordinate the review
169 of such applications by the relevant offices and entities;

170 (ii) Evaluate submitted plans and certify their compliance with
171 Construction Codes or provide instructions to obtain compliance for non-compliant submissions;

172 (iii) Issue building permits for private and District construction
173 projects;

174 (B) The Construction Compliance Division, which shall manage and
175 coordinate revisions to the District's Construction Codes to meet current demands for adequate
176 and safe construction and the maintenance of new and existing building structures as outlined by
177 the International Code Council Family of Codes;

178 (C) The Building Inspection Division, which shall:

179 (i) Inspect commercial buildings;

180 (ii) Manage permit-related inspection requests;

181 (iii) Issue citations for violations of the District's Construction
182 Codes to correct violations; and

183 (iv) Conduct building and structure assessments for
184 emergency and disaster response in coordination with the Homeland Security and Emergency
185 Management Agency;

186 (D) Green Building Division, which shall regulate construction relevant to
187 the green codes which includes the Green Building Act of 2006, effective March 8, 2007 (D.C.
188 Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), the Green Construction Code (12 DCMR
189 § K), and the Energy Conservation Code (12 DCMR § I). The Division shall coordinate services
190 with the Permitting Operations Division and Construction Compliance Division, such as
191 conducting plan review; building inspections; and collaborating with sister agencies, the
192 building industry, and the community to increase the sustainability of the built environment;

193 (E) Surveyor’s Office, which shall produce and maintain the legal records
194 of all land plats and subdivisions of private and District government property within the District
195 of Columbia;

196 (F) Third-Party Inspection Program, which shall provide supplemental
197 staff for the Department’s plan review and inspection divisions, and shall ensure the suitability
198 and quality of and authorize private entities to perform inspections and plan reviews and to
199 certify to the Department that such work complies with the District of Columbia Construction
200 Codes.

201 (4) The Office of Residential Inspection, headed by a Chief Inspection Official
202 (“CIO”), with subordinate staff responsible for:

203 (A) Vacant and Blighted Property Division, which shall inspect and
204 classify vacant and blighted buildings;

205 (B) Rental Housing Inspections Division, which shall protect District
206 tenants by ensuring habitable housing by conducting both proactive and complaint-based
207 residential housing inspections of violations of the Residential Code (12 DCMR § B) and the
208 Property Maintenance Code (12 DCMR § G);

209 (C) Housing Rehabilitation Division, which shall:

210 (i) Abate violations of the Residential Code (12 DCMR § B) and
211 the Property Maintenance Code (12 DCMR § G);

212 (ii) Process abatement contracts; and

213 (iii) Collect unpaid abatement costs;

214 (5) The Office of Strategic Code Enforcement, headed by the SEA, with
215 subordinate staff responsible for:

216 (A) Code Enforcement Division, which shall:
217 (i) Coordinate and monitor enforcement of violations cited by the
218 Department's regulatory programs;
219 (ii) Work closely with the Office of the Attorney General to
220 compel compliance through judicial orders;
221 (iii) Conduct compliance surveys; and
222 (iv) Issue Notices of Infraction for violations;

223 (B) Civil Infractions and Fine Assessment Division, which shall:
224 (i) Process all civil infractions with the Office of Administrative
225 Hearings;
226 (ii) Collect fines; and
227 (iii) Place property liens for unpaid fines.

228 (6) The Office of Zoning Administration, headed by the ZA, with subordinate
229 staff responsible for:
230 (A) Reviewing applications for conformity with the Zoning Regulations;
231 (B) Enforcing the Zoning Regulations;
232 (C) Writing letters of determination or of denial regarding the relevant
233 portions of the Zoning Regulations applicable to specific development proposals; and
234 (D) Referring applicants to the Board of Zoning Adjustment if they want
235 to seek special exceptions or zoning variances to the ZA's rulings.

236 Sec. 108. Implementation and Transition Plan.
237 (a) The City Administrator shall prepare and submit to the Council a comprehensive
238 transition plan and timeline to facilitate the implementation of this act.

239 (b) The transition plan shall include:

240 (1) A proposed organizational plan, including an organization chart, which
241 reflects the proposed reporting structure for the Department consistent with this act, due 60 days
242 after the applicability date of this act;

243 (2) A strategic human capital plan which identifies the skills and personnel
244 necessary for the functions covered by this act, identifies current available human resources,
245 identifies the training necessary to ensure staff are prepared to perform, and identifies recruiting
246 priorities and efforts, due 120 days after the applicability date of this act;

247 (3) A Communications Strategy, which articulates the methods by which the
248 Executive will share the mission and scope of the Department with the public, stakeholders, and
249 the regulated community, metrics by which to judge the success of the plan, and alternative
250 outreach options to improve success of the plan, due 120 days after the applicability date of this
251 act;

252 (4) A Comprehensive Document Control Inventory which identifies the
253 documents, collateral, and assets that must be revised to reflect the change in responsibility to the
254 Department of Buildings and the change in name of the former Department of Consumer and
255 Regulatory Affairs to the Department of Licensing and Consumer Protection, due 180 days after
256 the applicability date of this act;

257 (5) A Business Process Analysis and Reengineering Assessment which identifies
258 the processes by which the Department of Consumer and Regulatory Affairs currently performs
259 each of the functions covered by this act, evaluates the effectiveness of each existing process,
260 identifies potential process improvements, prioritizes eliminating process inefficiencies, and

261 provides redesigned operational processes for the Department of Buildings to adopt these
262 functions, due one year after the applicability date of this act; and

263 (6) An information technology needs assessment which identifies the resources
264 and tools necessary to enable operations where a single system, or a minimal number of fully
265 integrated systems, facilitate plan review, enforcement, and records management across all
266 relevant review and enforcement agencies, due one year after the applicability date of this act.

267 (c) The timeline shall include progress points by which the Council may track the
268 implementation of this act.

269 (d) As of the applicability date of this act, the Mayor shall provide quarterly updates on
270 the progress of developing the deliverables identified in subsection (b) of this section.

271 **TITLE II. AGENCY PLANNING REPORTING REQUIREMENTS**

272 **Sec. 201. Strategic Enforcement Plan.**

273 (a) On or before January 1, 2022 and January 1 of every third year thereafter, the SEA
274 shall submit to the Council a Strategic Enforcement Plan that:

275 (1) Establishes priorities;

276 (2) Identifies available and needed resources while integrating the Department's
277 enforcement functions; and

278 (3) Identifies instances in which the Department can leverage the enforcement
279 efforts of sister agencies with which the Department has adjacent, overlapping or shared
280 authority.

281 (b) The plan required under subsection (a) of this section shall rely on existing data and
282 industry best practices to determine enforcement priorities for the duration of the plan.

283 (c) In developing the plan required under subsection (a) of this section, the SEA shall
284 afford great weight to available complaint data and community sentiment.

285 Sec. 202. Annual Enforcement Report.

286 (a) On or before January 1, 2022 and January 1 of every year thereafter, the Director shall
287 submit to the Council an annual report detailing the enforcement activities of the Department in
288 the prior fiscal year.

289 (b) The report required under subsection (a) of this section shall assess the Department's
290 progress against the Strategic Enforcement Plan required under section 201 and identify any
291 changes to operations necessary to implement the Strategic Enforcement Plan.

292 (c) The report required under subsection (a) of this section shall also include the
293 following data for the prior fiscal year:

294 (1) Complaint data: detailing the number, type, method, determination of validity,
295 and resolution of complaints received by the Department;

296 (2) Violation data: detailing the violations identified and cited in the prior fiscal
297 year and their status as abated or unresolved as of the date of the report;

298 (3) Fine Collection data: detailing the dollar value of the fines assessed, dollar
299 value of the fines assessed versus the fines collected, violations for which the fines were issued,
300 and identifying any reduction in fine amount due to an action by an administrative judge to
301 reduce the assessed fine, adverse judgment at an administrative hearing, administrative
302 settlement or dismissal by the Department, or other means resulting in a collection less than the
303 levied amount, and any fines not yet collected as of the date of the report;

304 (4) Abatement efficacy: detailing the number and nature of abatement orders, the
305 number of days taken to abate each order, the number of extensions granted by type of abatement

306 order, the justification for each extension, and the location of each abatement order, and its status
307 as abated or unresolved as of the date of the report;

308 (5) Enforcement Escalation data: detailing the number of violations referred to the
309 Attorney General for the District of Columbia, the aggregate dollar amount assessed, and a
310 description of the matters referred; and

311 (6) Collections Escalation data: detailing the number of violations referred to the
312 Central Collections Unit.

313 **TITLE III. AGENCY REDESIGNATION AND TRANSITION**

314 Sec. 301. Redesignation.

315 (a) The Department of Consumer and Regulatory Affairs shall be redesignated as the
316 Department of Licensing and Consumer Protection.

317 (b) The following functions and duties shall be transferred to the Department of
318 Buildings by October 1, 2021:

319 (1) The functions of the Department of Consumer and Regulatory Affairs set forth
320 in section III (A)(4-5) and (B)(3, 6-11) of Reorganization Plan No. 1 of 1983, effective March
321 31, 1983; and

322 (2) The functions and duties set forth in An Act to provide for the inspection,
323 control, and regulation of steam boilers and unfired pressure vessels in the District of Columbia,
324 approved June 25, 1936 (49 Stat. 1919; D.C. Official Code § 2-101 *et seq.*).

325 (c) All staff, property, records, and unexpended balances of appropriations, allocations,
326 and other funds available or to be made available relating to the duties and functions assigned in
327 Title I of this act, shall be transferred to the Department of Buildings by October 1, 2021.

328 **TITLE IV. RULEMAKING AUTHORITY; SAVINGS CLAUSE**

329 Sec. 401. Rules.

330 (a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
331 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
332 rules to implement the provisions of this act, including establishing fines, permit fees, and other
333 fees necessary to support the implementation of this act.

334 (b) Proposed rules promulgated pursuant to subsection (a) of this section shall be
335 submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal
336 holidays, and days of Council recess. If the Council does not approve or disapprove the proposed
337 rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be
338 deemed to be approved.

339 Sec. 402. Savings clause.

340 The rules that any agency, department, or administration, the functions of which are
341 transferred by this act to the Department of Buildings, has promulgated that do not conflict with
342 this act shall remain in effect until amended or repealed by rules promulgated in accordance with
343 this act.

344 **TITLE V. CONFORMING AMENDMENTS**

345 Sec. 501. Conforming Amendments.

346 (a) Section 4(c)(2) of the Foreign-Government-Owned Vacant and Blighted Building
347 Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-254; D.C. Official Code § 6-
348 1331(c)(2)), is amended by striking the phrase “Department of Consumer and Regulatory
349 Affairs” and inserting the phrase “Department of Buildings” in its place.

350 (b) Section 2 of the Construction Codes Approval and Amendments Act of 1986,
351 effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401), is amended as
352 follows:

353 (1) Paragraph (1) is amended by striking the phrase “Department of Consumer
354 and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

355 (2) Paragraph (6) is amended by striking the phrase “Department of Consumer
356 and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

357 (3) Paragraph (7) amended by striking the phrase “Department of Consumer and
358 Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

359 (c) The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C.
360 Official Code § 6-1451.01 *et seq.*), is amended as follows:

361 (1) Section 2 (D.C. Official Code § 6-1451.01) is amended as follows:

362 (A) Paragraph (9) is amended by striking the phrase ““DCRA” means the
363 Department of Consumer and Regulatory Affairs” and inserting the phrase ““DOB” means the
364 Department of Buildings” in its place.

365 (B) Paragraph (10) is amended by striking the phrase “Department of
366 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
367 place.

368 (2) Section 4(b)(1)(A) (D.C. Official Code § 6-1451.03(b)(1)(A)) is amended by
369 striking the phrase “DCRA” and inserting the phrase “DOB” in its place.

370 (3) Section 8(b)(2)(A) (D.C. Official Code § 6-1451.07(b)(2)(A)) is amended by
371 striking the phrase “DCRA” and inserting the phrase “DOB” in its place.

372 (4) Section 10 (D.C. Official Code § 6-1451.09) is amended as follows:

373 (A) Subsection (c)(1)(D) is amended by striking the phrase “Department
374 of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
375 place.

376 (B) Subsection (h)(2)(C) is amended by striking the phrase “DCRA” and
377 inserting the phrase “DOB” in its place.

378 (d) The District of Columbia Housing Authority Act of 1999, effective May 9, 2000
379 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

380 (1) Section 26 (D.C. Official Code § 6-225) is amended as follows:

381 (A) Paragraph (5) is amended by striking the phrase “; and” and inserting a
382 semicolon in its place;

383 (B) Paragraph (6) is amended by striking the period and inserting the phrase “;
384 and” in its place;

385 (C) A new paragraph (7) is added to read as follows:

386 “(7) The Department of Buildings.”.

387 (2) Section 26g(b)(2)(M) (D.C. Official Code § 6-232(b)(2)(M)) is amended by striking
388 the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
389 “Department of Buildings” in its place.

390 (e) The District of Columbia Applications Insurance Implementation Act, effective May
391 26, 1976 (D.C. Law 1-64; D.C. Official Code § 6-501 *et seq.*) is amended by adding a new
392 section 6B to read as follows:

393 “Sec. 6B. The Mayor shall delegate the functions enumerated in this act to the Director of
394 the Department of Buildings.”.

395 (f) Section 5(h) of An Act To regulate the height of buildings in the District of Columbia,
396 approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.05(h)) is amended by striking
397 the phrase “Office of the Inspector of Buildings of the District of Columbia” and inserting the
398 phrase “Department of Buildings” in its place;

399 (g) An Act Providing for the zoning of the District of Columbia and the regulation of the
400 location, height, bulk, and used of buildings and other structures and of the uses of land in the
401 District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 800; D.C. Official
402 Code § 6-641.01 *et seq.*) is amended as follows:

403 (1) Section 8 (D.C. Official Code § 6-641.07) is amended by striking the phrase
404 “Inspector of Buildings” both times it appears and inserting the phrase “Director of the
405 Department of Buildings” in its place;

406 (2) Section 10 (D.C. Official Code § 6-641.09) is amended as follows:

407 (A) Subsection (a) is amended as follows

408 (i) Strike the phrase “Inspector of Buildings” and insert the phrase
409 “Director of the Department of Buildings” in its place;

410 (ii) Strike the word “Inspector” and insert the word “Director” in its place;

411 (iii) Strike the phrase “Corporation Counsel” wherever it appears and
412 insert “Attorney General for the District of Columbia” in its place; and

413 (B) Subsection (b) is amended by striking the phrase “The Department of
414 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
415 place.

416 (h) Paragraph 7 of the General Expenses title of An Act Making appropriations to provide
417 for the expenses of the government of the District of Columbia for the fiscal year ending June

418 thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat.
419 689; D.C. Official Code § 6-661.01), is amended by striking the phrase “Inspector of Buildings”
420 both times it appears and inserting the phrase “Director of the Department of Buildings” in its
421 place.

422 (i) Section 2(a-1)(1) of An Act to create a board for the condemnation of insanitary
423 buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat.
424 157; D.C. Official Code § 6-902(a-1)(1)), is amended by striking the phrase “Department of
425 Consumer and Regulatory Affairs” and inserting “Department of Buildings” in its place.

426 (j) Section 206(b) of An Act To authorize the District of Columbia government to
427 establish an Office of Civil Defense, and for other purposes, approved August 11, 1950 (64 Stat.
428 438; D.C. Official Code § 7-2231.06(b)), is amended by striking the phrase “Director of the
429 Department of Consumer and Regulatory Affairs” and inserting “Director of the Department of
430 Buildings” in its place.

431 (k) Section 4a(a) of the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C.
432 Law 2-70; D.C. Official Code § 8-403.01(a)), is amended by striking the phrase “Department of
433 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
434 Consumer Protection” in its place.

435 (l) Section 412(b)(8) of the Street and Alley Closing Acquisition Procedures Act of 1982,
436 effective April 4, 2001 (D.C. Law 13-275; D.C. Official Code § 9-204.12(b)(8)), is amended by
437 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
438 “Department of Buildings” in its place.

439 (m) Title 25 of the District of Columbia Official Code is amended as follows:

440 (1) Section 25-374(a)(2) is amended by striking the phrase “Department of
441 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
442 place.

443 (2) Section 25-791(c)(2) is amended by striking the phrase “Department of
444 Consumer and Regulatory Affairs” and inserting “Department of Buildings” in its place.

445 (3) The section heading for section 25-804 is amended by striking the phrase
446 “DCRA” and inserting the phrase “DLCP” in its place.

447 (4) Section 25-804(a) is amended by striking the phrase “Department of
448 Consumer and Regulatory Affairs” and inserting “Department of Licensing and Consumer
449 Protection” in its place.

450 (n) Title 28 of the District of Columbia Code is amended as follows:

451 (1) Section 28-3817(e)(1) is amended by striking the phrase “Department of
452 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
453 Consumer Protection” in its place.

454 (2) Section 28-3901(a)(8) is amended by striking the phrase “Department of
455 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
456 Consumer Protection” in its place.

457 (3) Section 28-3901(a)(9) (D.C. Official Code § 28-3901(a)(9)) is amended by
458 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
459 “Department of Licensing and Consumer Protection” in its place.

460 (4) The section heading for section 28-3902 is amended by striking the phrase
461 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
462 Licensing and Consumer Protection” in its place.

463 (5) Section 28-3902(a) is amended by striking the phrase “Department of
464 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
465 Consumer Protection” in its place.

466 (6) Section 28-3902(c) is amended by striking the phrase “Department of
467 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
468 Consumer Protection” in its place.

469 (7) Section 28-3902(i) is amended by striking the phrase “Department of
470 Consumer and Regulatory Affairs” both times it appears and inserting the phrase “Department of
471 Licensing and Consumer Protection” in its place.

472 (8) Section 28-3905(i)(3)(B) is amended by striking the phrase “Department of
473 Consumer and Regulatory Affairs” both times it appears and inserting the phrase “Department of
474 Licensing and Consumer Protection” in its place.

475 (9) Section 28-4001(13) is amended by striking the phrase “Department of
476 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
477 Consumer Protection” in its place.

478 (o) Section 29-102.13(b) of the District of Columbia Official Code is amended by
479 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
480 “Department of Licensing and Consumer Protection” in its place.

481 (p) Section 101(2) of the Short-Term Rental Regulation Act of 2018, effective April 25,
482 2019 (D.C. Law 22-307; D.C. Official Code § 30-201.01(2)), is amended by striking the phrase
483 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
484 Licensing and Consumer Protection” in its place.

485 (q) The District of Columbia Public Utility Environmental Impact Statement
486 Requirement Act of 1989, effective October 19, 1989 (D.C. Law 8-45; D.C. Official Code § 34-
487 2601 *et seq.*), is amended as follows:

488 (a) Section 2 (D.C. Official Code § 34-2601) is amended by striking the phrase
489 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
490 Buildings” in its place.

491 (b) Section 4(b) (D.C. Official Code § 34-2603(b)) is amended by striking the
492 phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department
493 of Buildings” in its place.

494 (r) Section 105(b)(4)(E) of the Retail Electric Competition and Consumer Protection Act
495 of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1505(b)(4)(E)), is
496 amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting
497 the phrase “Department of Licensing and Consumer Protection” in its place.

498 (s) Section 3 of an Act making appropriations for sundry civil expenses of the
499 government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other
500 purposes, approved March 3, 1879 (20 Stat. 408; D.C. Official Code § 31-202), is amended by
501 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
502 “Department of Buildings” in its place.

503 (t) Chapter 40 of An Act to establish a code of law for the District of Columbia, approved
504 March 3, 1901 (31 Stat. 1384; D.C. Official Code § 40-301.01 *et seq.*), is amended as follows:

505 (1) Section 1238a(2) (D.C. Official Code § 40-301.03(2)) is amended by striking
506 the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
507 “Department of Buildings” in its place.

508 (2) Section 1238(b)(7)(A) (D.C. Official Code § 40-301.02(b)(7)(A)(i)) is
509 amended as follows:

510 (A) Sub-subparagraph (i) is amended by striking the phrase “Department
511 of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
512 Consumer Protection” in its place.

513 (B) Sub-subparagraph (ii) is amended by striking the phrase “Department
514 of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
515 Consumer Protection” in its place.

516 (u) Section 3a of the District of Columbia Uniform Conservation Easement Act of 1986,
517 effective May 16, 1986 (D.C. Law 6-113; D.C. Official Code § 42-202.01) is amended by
518 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
519 “Department of Buildings” in its place.

520 (v) Section 220(b)(3)(B) of the Condominium Act of 1976, effective March 29, 1977
521 (D.C. Law 1-89; D.C. Official Code § 42-1902.20(b)(3)(B)), is amended by striking the phrase
522 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
523 Buildings” in its place.

524 (w) Section 2234(3) of the Fiscal Year 2019 Budget Support Act of 2018, effective
525 October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 42-2073(3)), is amended by striking
526 the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
527 “Department of Licensing and Consumer Protection” in its place.

528 (x) An Act To provide for the abatement of nuisances in the District of Columbia by the
529 Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat.114;
530 D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

531 (1) Section 10(a) (D.C. Official Code § 42-3131.10(a)) is amended by striking the
532 phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department
533 of Buildings” in its place.

534 (2) Section 18 (D.C. Official Code § 42-3131.18) is amended as follows:

535 (A) The section heading is amended by striking the phrase “Department of
536 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
537 place.

538 (B) The lead-in language is amended by striking the phrase “Department
539 of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
540 place.

541 (3) Section 19(a) (D.C. Official Code § 42-3131.19(a)) is amended by striking the
542 phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department
543 of Buildings” in its place.

544 (y) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.
545 Official Code § 42-3501.01 *et seq.*) is amended as follows:

546 (1) Section 103(9)(B) (D.C. Official Code § 42-3501.03(9)(B)) is amended by
547 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
548 “Department of Buildings” in its place.

549 (2) Section 203c(a) (D.C. Official Code § 42-3502.03c(a)) is amended by striking
550 the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
551 “Department of Buildings” in its place.

552 (3) Section 208 (D.C. Official Code § 42-3502.08) is amended by striking the
553 phrase “Department of Consumer and Regulatory Affairs” wherever it appears and inserting the
554 phrase “Department of Buildings” in its place.

555 (4) Section 212(b)(1)(A)(vii) (D.C. Official Code § 42-3502.12(b)(1)(A)(vii)) is
556 amended by striking “Department of Consumer and Regulatory Affairs” and inserting the phrase
557 “Department of Buildings” in its place.

558 (5) Section 222(b)(1)(F) (D.C. Official Code § 42-3502.22(b)(1)(F)) is amended
559 by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the
560 phrase “Department of Buildings” in its place.

561 (6) Section 501(f)(1)(A)(iii) (D.C. Official Code § 42-3505.01(f)(1)(A)(iii)) is
562 amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting
563 the phrase “Department of Buildings” in its place.

564 (7) Section 505(c) (D.C. Official Code § 42-3505.05(c)) is amended by striking
565 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
566 Buildings” in its place.

567 (8) Section 705 (D.C. Official Code § 42-3507.05) is amended by striking
568 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
569 Buildings” in its place.

570 (z) The Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act
571 of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3651.01 *et seq.*) is
572 amended as follows:

573 (1) Section 502(a)(1) (D.C. Official Code § 42-3651.02(a)(1)) is amended by
574 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
575 “Department of Buildings” in its place.

576 (2) Section 504(a)(3)(B) (D.C. Official Code § 42-3651.04(a)(3)(B)) is amended
577 by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the
578 phrase “Department of Buildings” in its place.

579 (3) Section 507(a)(2) (D.C. Official Code § 42-3651.07(a)(2)) is amended by
580 striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase
581 “Department of Buildings” in its place.

582 (aa) Section 2(5) of the Lease-Purchase Agreement Act of 2002, effective April 13, 2002
583 (D.C. Law 14-99; D.C. Official Code § 42-3671.01(5)) is amended striking the phrase
584 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
585 Buildings” in its place.

586 (bb) Title 47 of the District of Columbia Code is amended as follows:

587 (1) Section 47-813(d-1)(A-i)(i)(I) is amended by striking the phrase “Department
588 of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
589 place.

590 (2) Section 47-813(d-1)(A-i)(ii) is amended by striking the phrase “Department of
591 Consumer and Regulatory Affairs” both times it appears and inserting the phrase “Department of
592 Buildings” in its place.

593 (3) Section 47-895.21(9)(B) is amended by striking the phrase “Department of
594 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
595 place.

596 (4) Section 47-1341(a)(2) is amended by striking the phrase “Department of
597 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
598 place.

599 (5) Section 47-1341(b-1)(2) is amended by striking the phrase “Department of
600 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
601 place.

602 (6) Section 47-1353.01(b) is amended by striking the phrase “Department of
603 Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
604 place.

605 (7) Section 47-2844(a-2)(A)(iii)(II) is amended by striking the phrase
606 “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of
607 Licensing and Consumer Protection” in its place.

608 (8) Section 47-2844(a-2)(E) is amended by striking the phrase “Department of
609 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
610 Consumer Protection” in its place.

611 (9) Section 47-2844(a-2)(E)(v) is amended by striking the phrase “Department of
612 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
613 Consumer Protection” in its place.

614 (10) Section 47-2851.01(2) is amended by striking the phrase “Department of
615 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
616 Consumer Protection” in its place.

617 (11) Section 47-2851.01(3) is amended by striking the phrase “Department of
618 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
619 Consumer Protection” in its place.

620 (12) Section 47-2851.01(4) is amended by striking the phrase “Department of
621 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
622 Consumer Protection” in its place.

623 (13) Section 47-2851.02a(b)(1) is amended by striking the phrase “Department of
624 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
625 Consumer Protection” in its place.

626 (14) Section 47-2851.02a(c)(1) is amended by striking the phrase “Department of
627 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
628 Consumer Protection” in its place.

629 (15) Section 47-2851.02a(c)(2) is amended by striking the phrase “Department of
630 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
631 Consumer Protection” in its place.

632 (16) Section 47-2851.05(a) is amended by striking the phrase “Department of
633 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
634 Consumer Protection” in its place.

635 (17) Section 47-2853.04(c) is amended by striking the phrase “Department of
636 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
637 Consumer Protection” in its place.

638 (18) Section 47-2853.76b(a) is amended by striking the phrase “Department of
639 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
640 Consumer Protection” in its place.

641 (19) Section 47-2853.96(b)(2)(D) is amended by striking the phrase “Department
642 of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its
643 place.

644 (20) Section 47-2853.197(34) is amended by striking the phrase “Department of
645 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
646 Consumer Protection” in its place.

647 (21) Section 47-2855.01(2) is amended by striking the phrase “Department of
648 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
649 Consumer Protection” in its place.

650 (22) Section 47-2855.01(3) is amended by striking the phrase “Department of
651 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
652 Consumer Protection” in its place.

653 (23) Section 47-2866(a)(1) is amended by striking the phrase “Department of
654 Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and
655 Consumer Protection” in its place.

656 (cc) Section 48-313(h)(3) of the Food Policy Council and Director Establishment Act of
657 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-313(h)(3)), is
658 amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting
659 the phrase “Department of Licensing and Consumer Protection” in its place.

660 **TITLE VI. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE**
661 **DATE**

662 Sec. 601. Applicability

663 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
664 budget and financial plan.

665 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
666 an approved budget and financial plan and provide notice to the Budget Director of the Council
667 of the certification.

668 (c)(1) The Budget Director shall cause the notice of the certification to be published in
669 the District of Columbia Register.

670 (2) The date of publication of the notice of the certification shall not affect
671 the applicability of this act.

672 Sec. 602. Fiscal impact statement.

673 The Council adopts the fiscal impact statement in the committee report as the fiscal
674 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
675 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

676 Sec. 603. Effective date.

677 This act shall take effect following approval by the Mayor (or in the event of veto by the
678 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
679 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
680 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
681 Columbia Register.