

**Testimony of Lucy Newton
The Legal Aid Society of the District of Columbia**

**Committee on Public Services and Consumer Affairs
Council of the District of Columbia**

**Public Oversight Hearing of the
Department of Consumer and Regulatory Affairs**

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The Legal Aid Society of the District of Columbia¹ supports a wide variety of changes to the Department of Consumer and Regulatory Affairs (DCRA) to enable DCRA to serve District of Columbia citizens adequately. Today I will focus my testimony on improvements necessary to ensure that DCRA effectively protects tenants whose homes have housing code violations, particularly those tenants whose homes have been determined by DCRA inspectors to be unsafe for habitation. I also write to urge DCRA to create and/or update its procedures governing unsafe or uninhabitable buildings and the use of government funds to make repairs to those buildings.

Adequate Inspections and Effective Enforcement Are Necessary to Guarantee Safe and Decent Housing and to Prevent Displacement

DCRA is often the first place tenants turn for help when their landlords fail to make repairs. Effective and early intervention by DCRA is crucial to protect tenants and to prevent displacement. Because of the march of gentrification, property owners who seek to sell or convert rental units to condominiums gain an economic benefit by removing existing tenants, and unscrupulous owners often deliberately neglect to make repairs in order to force their tenants to leave. When DCRA fails to enforce the housing code, displacement often results.

An effective inspection process is vital to protecting tenants' right to safe and decent housing. All too often, however, tenants get no response to their requests for inspections or must make multiple requests in order to get an inspection of their homes. Even after an inspection finds housing code violations, tenants often have difficulty scheduling follow-up inspections to determine whether the violations have been corrected, getting fines assessed or enforced, and obtaining copies of inspection reports.

DCRA Must Do More to Protect Tenants in Unsafe or Uninhabitable Buildings

The lack of robust enforcement means that landlords who are determined not to make repairs are often allowed to neglect their buildings to the point that they become nearly or actually uninhabitable. Tenants may become so frustrated with their situation that they move out, or, in some cases, DCRA inspectors may decide to close the building as unsafe. We are

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 75 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 following three priority areas: housing, family law, and public benefits.

especially concerned about DCRA's failure to protect tenants in those situations in which its inspectors determine that a building is unsafe for habitation.

If a DCRA inspector determines, after an inspection, that a building is not safe for habitation, he or she may place a placard on the building stating that the building is uninhabitable.² Unfortunately, however, after ordering that the building be closed as unsafe, DCRA sometimes fails to ensure that tenants' housing needs are provided for. Other times, DCRA arranges for alternate short-term housing for the tenants but fails to ensure that repairs are made in a timely fashion or that fines are assessed against the landlords. These building evacuations can be chaotic, with tenants receiving little or no advance notice and having only a short time to collect clothing and personal property. Tenants can be locked out of their homes for an indefinite period of time, and some of them do not know that they have the right to return to their homes once repairs are made.

Most troubling is the situation in which a property owner has deliberately neglected repairs in order to force his or her tenants to vacate the building. In those cases, DCRA's requiring that tenants vacate without also ensuring that repairs are made and that tenants can return to their homes has the unfortunate effect of assisting the landlord in his or her attempt to empty the building.

We encourage DCRA to develop a more comprehensive and cohesive policy for these situations, including designating a single "point person" to oversee the temporary relocation of tenants, to maintain contact information for each tenant during the time he or she is displaced, to send written notices to tenants informing them of their rights under the law, and to ensure that repairs are made in a timely fashion.

DCRA Can Use Its Emergency Repair Funds To Protect Tenants and Prevent Displacement

In situations where a property owner has failed to make necessary repairs to a building, the District of Columbia has been authorized by statute to make repairs out of its own funds and to put a lien on the property in the amount of the costs of the repairs.³ This process is a powerful tool to protect tenants, and we encourage DCRA to make use of these funds to prevent unnecessary displacement. The process by which DCRA makes decisions about how and when to use these funds is not clear, however, and we urge DCRA to develop a more coherent and transparent procedure governing the use of government funds to make repairs.

Conclusion

Enforcement of the housing code by DCRA is an important mechanism for protecting tenants' rights to safe and decent housing. We urge the agency to continue to work to improve its effectiveness in order to protect tenants and prevent unnecessary displacement.

Thank you.

² D.C. Code 42-3505.01(n); D.C.M.R. 14-103

³ D.C. Code 42-3131; D.C.M.R 14-1500 *et seq.*