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

Performance Oversight Hearing Regarding the Department of Buildings

February 12, 2026

Legal Aid DC¹ submits the following testimony regarding the Department of Buildings (“DOB”). My testimony focuses on the ways DOB can improve conditions for low-income tenants and reduce the backlog in Landlord Tenant Court by implementing a more robust framework for prosecuting notices of infraction.

The Department of Building’s Complaint-Based Inspection Process Works to Timely Identify Housing Code Violations, but Identification is Only the First Step

Many of our clients and applicants have experience with the DOB complaint-based inspection process. DOB has made improvements in response-time to requests for inspections made through DOB’s website.² For those who know that the website exists, it is easy to use it to request an inspection. The notices of infraction (“NOI”) issued from the inspections help our client community identify the applicable regulations for housing code

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

² DOB’s dashboard indicates that the percentage of housing code inspections completed within 7 days increased from 2024 to 2025, except in the last quarter of 2025. https://dataviz1.dc.gov/t/OCTO/views/DOBPublicDashboard/InspectionSpeed?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no

violations. The NOIs can also be helpful in Landlord-Tenant Court, as they serve as a third-party record of conditions at the time the NOIs were issued.

However, DOB often fails to reach the next step in assisting our client community – enforcing the housing code. Tenants report that a DOB inspection was conducted on request, but that landlords never made the required repairs, or that landlords made shoddy repairs. We believe this is related to lax enforcement by DOB, including a lack of rigor in enforcing NOIs through the Office of Administrative Hearings (“OAH”).

More Rigorous Enforcement of the Housing Code Would Mean Safer Living Conditions for Tenants and a Reduced Backlog in Landlord Tenant Court

Many of our clients live for years in unsafe housing conditions because landlords ignore repair requests until they are faced with a Bell Hearing.³ In a recent case, an elderly client lived for months with a kitchen sink that leaked and created a breeding ground for cockroaches and insects, an unsealed window in her bathroom, and a door that didn’t lock, among other problems. The client had to use a bucket in her kitchen sink to collect dirty water and dump it in the bathtub. The landlord waited until she retained counsel in a nonpayment of rent case and requested a Bell Hearing to fix the more egregious conditions.

Landlords complain that tenants use Bell Hearings to delay and avoid paying rent,⁴ but in many cases landlords don’t make repairs until they are faced with a possible penalty like a protective order being entered for an amount less than agreed upon rent. If DOB enforced NOIs, tenants would not have to withhold rent, tenants would live in unsafe conditions for a shorter period of time, there would be less of a backlog in Landlord Tenant Court, and an overall shorter timeline for these cases.

The Committee Should Consider Curtailing DOB’s Discretion in the Enforcement Process

³ A Bell Hearing is a hearing to determine the amount of rent a tenant is required to pay into the court registry each month while a nonpayment of rent case is pending. The court considers evidence of housing code violations presented by tenants in deciding whether the agreed-upon rent should be reduced and by how much. See *generally Bell v. Tsintolas Realty*, 139 U.S. App. D.C. 101, 430 F.2d 474 (1970).

⁴ See Committee on Housing, Report on Bill 26-164, the Rebalancing Expectations for Neighbors, Tenants, and Landlords (RENTAL) Act of 2025, July 9, 2025, p. 12

To incentivize voluntary compliance with the housing code, the enforcement system must include timely penalties. DOB has used its discretion to reduce fines and increase leniency for landlords. For example, through DOB's alternative resolution team, DOB reduced invoiced fines from \$2,963,522 to \$16,156 between October 1, 2024 and February 1, 2025.⁵ While a reduction in fines due to timely abatement might work to incentivize landlords in a way that benefits residents as well, DOB reduces fines for untimely abatements based on "mitigating" factors.⁶ It is unclear what percentage of fines were reduced based on proof of timely abatement, and what percentage were reduced based on mitigating circumstances. The alternative resolution system affords DOB wide discretion and seems to largely operate outside of any formal enforcement process.⁷

As another example, it was reported in February 2025 that DC landlords owe more than \$40 million in unpaid fines, with \$1.2 million owed by a single property with egregious conditions.⁸ Further, DOB dismissed the bulk of the \$1.2 million in fines after it discovered that it had not properly served the landlord with the notices of infraction.

The Committee addressed DOB's failure at proper service of NOIs in its 2024 Report on the Districts Housing Code Inspection Process, recommending DOB implement protocols to improve service.⁹ But DOB declined the Committee's recommendation to improve service of NOIs in favor of its informal system of "working with landlords." DOB's numbers indicate that its current systems are not working. DOB has stated that the reason fine collection takes so long is because adjudications at OAH take six months or longer.¹⁰ While the backlog at OAH might be one part of the problem, DOB has been reluctant to prosecute NOIs to the fullest extent of the law.

⁵ DOB Oversight Prehearing Responses 2025, p. 41.

⁶ See <https://dob.dc.gov/art>. Alternative Resolution is described as an alternative to Deferred Enforcement for customers "providing proof of violation abatement that would otherwise not qualify for Deferred Enforcement." Deferred Enforcement is described as a program for customers providing proof of abatement in a timely manner.

⁷ *Id.* "Settlement almost always includes payment of some amount of the fine, but ART has wide discretion to make a fair decision."

⁸ <https://washingtoncitypaper.com/article/758128/dc-landlords-owe-millions-in-unpaid-housing-violations/>

⁹ See D.C. Council, Committee of the Whole, "Report on The District's Housing Code Inspections Process: Broken and In Need of Repair" (January 18, 2024), available at <https://chairmanmendelson.com/wp-content/uploads/2024/01/The-Districts-Housing-Code-Inspection-Process-Broken-and-In-Need-of-Repair-Committee-Report.pdf>.

¹⁰ See Department of Buildings, Office of Strategic Code Enforcement, Fiscal Year 2024 Annual Report (RC26-0027) ("DOB Annual Report"), p. 9, available at <https://lims.dccouncil.gov/Legislation/RC26-0027>.

The Committee should therefore consider implementing reforms to tighten timelines and require proper protocols. An alternative resolution team should be part of a robust enforcement system, rather than a preferred alternative. Proper service of NOIs should be a requirement, not a recommendation.

Conclusion

DOB continues to make improvements in response time and accessibility of complaint-based inspections. However, without enforcement of the housing code through prosecution of NOIs, low-income tenants are left with few options outside of litigation in Landlord Tenant Court. The Committee should consider implementing reforms with timelines and protocols that curtail DOB's discretion to work with landlords outside of an enforcement framework.