



www.legalaiddc.org
1331 H Street, NW
Suite 350
Washington, DC 20005
(202) 628-1161

**Testimony of Susannah Loumiet
Senior Staff Attorney, Housing Law Unit
Legal Aid DC**

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

Budget Oversight Hearing Regarding the Department of Buildings

May 6, 2026

Legal Aid DC¹ welcomes the opportunity to share our thoughts on ways to ensure that the Department of Buildings (DOB) is adequately staffed and funded to protect District residents from unsafe and unhealthy living conditions.

Every day, Legal Aid attorneys and staff meet with District tenants dealing with unacceptable living conditions like leaks, mold, and pest infestations. Often landlords are unresponsive, perform superficial repair work, or simply ignore tenants' requests for repairs. The burdens of these unsafe and unhealthy living conditions fall hardest on Legal Aid's client population, who often are forced to make a choice between enduring poor living conditions and seeking new housing in a market with vanishing affordable options.

To ensure that DC renters have a safe and sanitary place to call home, and to genuinely advance DOB's obligation to protect District residents through code enforcement, we ask the Council to focus on the following priorities:

- Maintain funding to the Strategic Code Enforcement Program;

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.

- Ensure DOB consistently spends down funds to abate housing code violations, especially life-safety violations;
- Fund the Proactive Inspection Act of 2023

The Council Should Maintain Funding for the Strategic Enforcement Program

Legal Aid appreciates steps taken in recent years by DOB in advancing transparency, increasing housing inspections, and collecting fines. We remain concerned that DOB's ineffective enforcement of the housing code prevents it from carrying out a crucial part of its mission: to protect the safety of residents through code enforcement. The Mayor's proposed cuts to the Strategic Enforcement Division – responsible for code enforcement and fine assessment – is a step in the wrong direction.

Recently, DOB has been transparent about its efforts to move away from enforcing the housing code through adjudication. In his FY2025 Performance Oversight Testimony, Director Brian Hanlon testified that “DOB is successfully moving away from the time- and resource-intensive adjudication process and, instead, resolving violations more quickly and efficiently through settlements and alternative resolution methods.”² As an example, in FY2025, the Alternative Dispute Resolution Program allowed DOB to settle with landlords and collect over half of the fines collected that year before adjudications from OAH.³

While DOB's efforts to collect fines is applauded, these settlements resulted in significant reductions in fines - from \$9,932,078 to \$193,353⁴ – and increased the rate of collection by only 2 percent.⁵ More importantly, while the number of inspections conducted and violations issued continues to increase, the overall number of uncorrected violations continues to increase as well. From FY2024 to FY2025, the percentage of uncorrected

² See Written Testimony of Brian J. Hanlon, Director, Department of Buildings, Public Oversight Hearing on the Department of Buildings, at p. 6, available at <https://lims.dccouncil.gov/Hearings/hearings/2159>

³ *Id.*

⁴ See DOB 2026 Performance Oversight Hearing Questions, p. 72, available at <https://lims.dccouncil.gov/Hearings/hearings/2159>

⁵ See Written Testimony of Brian J. Hanlon, Director, Department of Buildings, Public Oversight Hearing on the Department of Buildings, at p. 6.

violations increased from approximately 51% to 60%.⁶ For proactive inspections, the percentage of uncorrected violations increased from approximately 25% to 45%.⁷

To be effective, alternative resolutions must serve as a tool to incentivize quick abatements within a larger enforcement framework that includes Office of Administrative Hearings (OAH) adjudications. That larger enforcement framework is missing at DOB. We are concerned that DOB is inadequately staffed and funded for enforcement. In FY2025, the Strategic Enforcement Division had only 20 full time equivalents (“FTEs”).⁸ Compare that number to the Inspection Division’s 96 FTEs.⁹

The Mayor has proposed cuts of \$327,000 to Strategic Code Enforcement and a decrease of three FTEs.¹⁰ We propose that the Council reverse the Mayor’s cuts to the Strategic Enforcement Division.

DOB Must Spend the Nuisance Abatement Fund on Abatements

The Nuisance Abatement Fund is a special purpose revenue fund maintained by DOB. Its purpose is to enable the District to take corrective action on code violations when owners fail to abate them.¹¹ Because the enabling legislation allows DOB to tax and

⁶ In FY2024, there were 21,169 violations issued after complaint-based inspections, 10,969 of which were not abated. In FY 2025, there were 25,976 violations issued, 15,645 of which were not abated. See DOB 2026 Performance Oversight Hearing Questions, p. 52.

⁷ In FY2024, there were 11,505 violations issued after proactive inspection. Of issued violations, 2853 were not abated. In FY2025, there were 12,232 violations issued after proactive inspection, of which 5500 were not abated. *Id.* at 53.

⁸ See Department of Buildings, Schedule A – as of January 1, 2026, available at <https://lirms.dccouncil.gov/Hearings/hearings/2159>.

⁹ *Id.*

¹⁰ Government of the District of Columbia, FY2027 Proposed Budget and Financial Plan, Volume 4 (Department of Buildings), F-102. This is compared to 19.1 FTEs in FY2024, 21.9 FTEs in FY2025, and 23 FTEs in FY2026.

¹¹ The funds are required to be used for the “purpose of paying the costs of correction of any condition, and all expenses incident thereto[.]” Any unused funds are supposed to be used in subsequent years for the purpose of the fund. See D.C. Code 42-3131.01.

assess fines against the owner for the cost of corrective measures,¹² it provides an opportunity for DOB to increase collections.

Given the number of unabated violations, there should be ample opportunity for DOB to spend down the Nuisance Abatement Fund on direct abatements to improve living conditions for tenants. Yet, in FY2025, over \$4 million in funds went unused.¹³ More importantly, of the \$6,274,551 in expenditures for FY2025, only \$1,090,592 was spent on direct abatements. Similarly, in FY2024, of the \$6,237,391 in expenditures,¹⁴ \$1,515,536 was spent on abatements.¹⁵

The potential of the Nuisance Abatement Fund to positively impact living conditions for families in the District cannot be overstated. We recently helped an elderly client with arthritis who lives on the top floor of her building. That building had persistent elevator outages. The building was nine floors tall, and going up and down the stairs to leave and enter was not feasible for our client. After the elevators had been out for three weeks, DOB did an inspection and issued a Notice of Infraction (NOI). Still, the landlord did not repair the elevators for nearly a month. In total, six weeks went by without working elevators. Because this should have been considered a “life or health-threatening condition,” DOB could have taken summary corrective action and used the fund to repair the problem, then assessed costs and fines against the owner to recoup the funds.

The Council should take measures to ensure that DOB deploys the fund for its intended purpose. This might include increasing the proposed budget for the Nuisance Abatement

¹² See D.C. Code 42-3131.01; see *Agbaraji v. Aldridge*, 836 A.2d 567, 568 (D.C. 2003) (noting that the District was entitled to correct violations itself under DC Code 42-3131.03 after landlord failed to correct them and tax the landlord).

¹³ There was a beginning balance in the Nuisance Abatement Fund of \$3,397,146, revenue of \$7,025,595, and expenditures of \$6,274,551 in FY2025. See DOB 2026 Performance Oversight Hearing Questions, p. 8, available at <https://lims.dccouncil.gov/Hearings/hearings/2159>.

¹⁴ DOB 2025 Performance Oversight Hearing Questions, p. 6, available at <https://lims.dccouncil.gov/Hearings/hearings/657>.

¹⁵ See DOB Nuisance Abatement Fund Expenditures FY24-FY25 (Feb. 25, 2025), available at <https://lims.dccouncil.gov/Hearings/hearings/657> (submitted as an attachment for DOB FY25 Performance Oversight Hearing).

Fund in FY2027¹⁶ and directing DOB in the Budget Support Act to use a specific percentage of the fund on abatements. Consistent use of the fund would have the added benefit of discouraging the Mayor from sweeping the funds and allocating them elsewhere.¹⁷ For FY2027, the proposed budget for the Nuisance Abatement Fund is \$7,749,000 with 50 FTEs.¹⁸ The Council should review the budget and expenditures for previous years to determine whether an increase is warranted.

The Council Should Fund the Proactive Inspection Program Act¹⁹

The Committee should fully fund the Proactive Inspection Program Act of 2023 (B25-0048), which is subject to appropriations.²⁰ The unfunded cost of the Act is 1.2 million in fiscal year 2026 and 8.5 million over the financial plan.²¹ For years, Legal Aid has testified about the need to legislate a proactive inspections program based on national best practices in advancing healthy housing.²² A key advantage of a proactive inspection

¹⁶ The number and type of abatements performed and funded any given fiscal year is dependent on the authorized annual budget. See DOB 2025 Performance Oversight Hearing Questions, p. 71.

¹⁷ There was a fund balance sweep of \$1,132,201 in FY25. See DOB 2026 Performance Oversight Hearing Questions, p. 8.

¹⁸ See FY2027 Proposed Budget for the District of Columbia, Agency Summary by Revenue, Schedule 80, F-21 available at https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/cu0_dob_tables_2027a.pdf.

¹⁹ Effective March 23, 2024 (D.C. Law 25-141; D.C. Official Code 10-571.01 et.seq.).

²⁰ Available at <https://lims.dccouncil.gov/Legislation/B25-0048>; DC Council Budget Office, Legislation Passed Subject to Appropriation, <https://dccouncil.gov/wp-content/uploads/2026/04/2026-04-15-Subject-to-Funding-Legislation-quarterly-report.pdf>.

²¹ Ofc. of the Chief Fin. Ofcr., Fiscal Impact Statement - Housing with Integrity Amendment Act of 2026, p. 3, available at https://lims.dccouncil.gov/downloads/LIMS/57982/Other/B26-0287-FIS_Housing_with_Integrity_Amendment_Act_of_2026.pdf?id=237028.

²² See, e.g., Written Testimony of Shavannie Braham and Beth Mellen Harrison, Performance Oversight Hearing on the Department of Consumer and Regulatory Affairs

program is that it can catch unsafe properties where tenants with language barriers, with disabilities, or who fear retaliation are being underserved by the existing complaint-based system.²³

The final version of the law represents a compromise that still gives DOB discretion and leaves room for further refinement. It appropriately relies on data and health-related risk factors to target properties most likely to have poor housing conditions for more frequent inspection. Finally, it fills the longstanding need to codify a proactive inspection program into law. Funding this law would add positions for approximately seven housing inspectors/managers, five support staff, two attorneys, and a program manager, at an estimated cost of \$2 million in the first fiscal year and \$7.2 million over a four-year period.²¹ We urge the Council to fund this law, which will ensure an equitable and effective inspection framework and promote the preservation of DC's existing affordable housing stock.

Conclusion

Thank you for the opportunity to provide this testimony on the proposed budget for DOB. We urge the Council to fund duly enacted legislation that will advance public health and preserve critically needed affordable housing in the District. We look forward to working with this Committee and the Council to pass a budget that prioritizes these goals.

(March 8, 2018), available at <https://www.legalaiddc.org/media/675/download>;
Written Testimony of Beth Mellen Harrison, Performance Oversight Hearing on the Department of Consumer & Regulatory Affairs (March 3, 2020), available at <https://www.legalaiddc.org/media/561/download>;
Written Testimony of Beth Mellen and Eleni P. Christidis, Budget Oversight Hearing on the Department of Buildings (March 24, 2022), available at <https://www.legalaiddc.org/media/273/download>.

²³ See ChangeLab Solutions, "A Guide to Proactive Rental Inspections Programs," at p. 13, available at https://www.changelabsolutions.org/sites/default/files/2022-11/A-Guide-to-Proactive-Rental-Inspections_FINAL_20221031A.pdf.