Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on Bill 23-91, the "Department of Buildings Establishment Act of 2019," and the Office Inspector General's (OIG) Prospective Evaluation of Bill 23-91 and Evaluation of DCRA Business Processes. The hearing will be held on Tuesday, December 10, 2019 at 11:30 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 23-91 is to 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. On May 31, 2019, Chairman Mendelson requested that the Office of Inspector General (OIG) conduct a prospective evaluation of Bill 23-91 and analyze the business processes of DCRA to recommend where the agency and Council can improve the agency's performance. The OIG contracted with Federal Management Systems, Inc. to conduct these evaluations and produce a report that will be the subject of this hearing in addition to Bill 23-91 more generally.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Blaine Stum, Legislative Policy Advisor at (202) 724-8092, and provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, December 6, 2019. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on December 6th the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on http://lims.dccouncil.us. Hearing materials, including a draft witness list, can be accessed at, http://www.chairmanmendelson.com/circulation, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, December 27, 2019.
CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING
on
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
on
Tuesday, December 10, 2019
11:30 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

WITNESS LIST

1. Kathy Zeisel  Senior Supervising Attorney, Children’s Law Center
2. Beth Harrison  Director of Housing Law Unit, Legal Aid Society of D.C.
3. Scott Bruton  Vice President of Housing Policy, Coalition for Nonprofit Housing & Economic Development
5. Fred Hill  Gotta-go Now
7. Chuck Elkins  ANC 3D01
8. Eric Jones  Associate Director of Government Affairs, Associated Builders and Contractors of Metro Washington
9. Victoria Goncalves  Senior Organizer and Campaigns Lead, Latino Economic Development Center
10. Thomas Johnson  
   President, IUOE Local 77

11. Joshua VanDyke  
   Business Manager, IUOE Local 77

12. Ray Diaz  
   Local Assistant Business Manager, LiUNA Laborers Local 11

13. Lisa Mallory  
   CEO, District of Columbia Building Industry Association

14. Jamie Barden  
   ANC 4D04

15. Marie Drissel  
   Public Witness

16. Erika Wadlington  
   D.C. Chamber of Commerce

17. Puneet Sahni  
   Public Witness

18. Alan Gambrell  
   Public Witness

19. Joe Gersen  
   Public Witness

20. Andrew Engel  
   Public Witness

21. Laura Richards  
   Public Witness

22. Elizabeth Falcon  
   Executive Director, D.C. Jobs with Justice

23. Kate Robinson  
   Attorney, KTR Legal

24. Tomeka Gueory  
   Certified Scrum Master, Shift4 Payment

25. John Guggenmos  
   ANC 2F02

**Government Witnesses**

1. Ernest Chrappah  
   Director, Department of Consumer and Regulatory Affairs
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. 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).

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. 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. Despite years of public complaints, 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. 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. 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. 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. 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. 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.\textsuperscript{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.

\textit{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 Capitol\textsuperscript{13} 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. 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 community, 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. 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.

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, 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.

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.\textsuperscript{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.

\textbf{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 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.
Org Structure of Department of Buildings Under Bill 23-0091 (Figure 1)

Department of Buildings

Chief of Construction and Building Standards
   Chief Building Official
      (5 year term – can be reappointed)

Office of Strategic Code Enforcement
   Strategic Enforcement Administrator
      (5 year term – can be reappointed)

Permitting
   Constr. Compliance
   Zoning
   Green Building
   Building Inspection
   3rd Party Insp.
   Program
   Surveyors Office

Code Enforcement

Civil Enforcement and Fine Assessment Div

Admin Services

Office of the Director
   IT
   General Counsel
   Intergov’tal Affairs
   HR
   Comms

Office of Residential Inspection
   Chief Inspection Official

Rental Housing Inspections Div
   Housing Rehab Div
   Vacant and Blighted Property Div
Advocates’ Vision for Org Structure of Tenant Protection Agency (Figure 2)

Tenant Protection Agency

Director
5 yr term

Strategic Enforcement & Compliance Administration
(5 yr term)
Leadership level to ensure agency-wide data-driven strategic planning

General Counsel

Tenant Protection Division
Deputy Director (5 yr term)

Ombudsman
(5 yr term)

Office of the Director

Deputy GC:
Other Agency Functions

Deputy GC:
Residential Housing

Code Enforcement Div

Civil Infractions and Fine Assessment Div

See Figure 3 below

Intergov’tal Affairs
Comms
HR
Admin Services

IT
Advocates' Vision for Org Structure of Tenant Protection Division (Figure 3)

Tenant Protection Division

Director
5 year Term

- Housing Rehabilitation Div
- Vacant and Blighted Div
- Rental Housing Inspections Div
  Includes: Complaint-Based Proactive
- Public Health Div
  Includes: Mold Asbestos Lead
- Enforcement Div
Advocates' Vision for Org Structure of Department of Buildings with Tenant Protection Division (Figure 4)

Department of Buildings

Director

- Commercial Division
  - (Chief Building Official - 5 yr term)
- Strategic Enforcement & Compliance Administration
  - (5 yr term) Leadership level to ensure agency-wide data-driven strategic planning
- General Counsel
- Tenant Protection Division
  - Deputy Director - 5 yr term
  - See Figure 3
  - Ombudsman (5 yr term)
- Office of the Director
  - IT
  - Intergov'tal Affairs
  - Comms
  - HR
  - Admin Services

- Deputy GC: Other Agency Functions
- Deputy GC: Residential Housing
- Deputy GC: Commercial
  - Code Enforcement Div
  - Civil Infractions and Fine Assessment Div
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.


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.


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.


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.
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.

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.

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).

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 Ombudspersons to help address tenant concerns and ensure that there is meaningful access to the agency by DC residents.


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

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.

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


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

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


This would also be useful for agency oversight.

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.

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.
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:  


December 10, 2019

The Legal Aid Society of the District of Columbia 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. 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. 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.

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. These promises have been echoed by subsequent directors, but meaningful reform remains elusive.

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

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. 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. 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. 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. 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.

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 tortuous 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. All of these agency failures went undetected because DCRA does not maintain and its employees do not

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6 D.C. OIG Report at 4-5, 6-7.
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. 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. 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.” The District has approximately 165,000 renter-occupied housing units. 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. 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. In the case of Dahlgreen Courts, DCRA cited 105 violations and issued 24 notices of violation with potential fines

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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.


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. Alvarez & Marsal similarly found a “lack of responsibility and ownership of building safety issues across multiple agencies,” including DCRA.

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.  

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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.
Good morning Chairman Mendelson, Council Members and their staff. I am testifying as a 40 year owner of a home in Sheridan-Kalorama and owner with my husband of his 43 year medical practice and condo in the Palladium on 18th Street. I am on the fence about the reorganization and have been a vocal critic of DCRA in the past. But I have seen a marked improvement in DCRA recently and believe that we need to give Mr. Ernest Chrappah some more time for improvement.

About six months ago the Afghanistan’s embassy/chancery’s 30 foot retaining wall came crashing down at night. Part of the building is vacant and all is poorly maintained. The long-time property owner next door has a garage which is hanging over the precipice and there are other serious problems. DCRA staff were called to the scene on a weekend by the superb action of the Fire/EMS K-9 team and responded with great skill. The State Department also arrived. DCRA did come through and really applied pressure through the State Department using their procedures and coordination. This issue was on the plate of the new Director when he arrived and I am so impressed with his actions and staff as are many neighbors.

For decades I have been concerned that any renovation information such as building permits should be efficiently and speedily conveyed by DCRA to the Office of Tax and Revenue. If there is any study performed in preparation of this reorganization I suggest that an indirect measurement would be how many documents were transferred to OTR concerning renovation and how many were deemed substantial renovation. I realize the problem could be that OTR did not make the correct determination, but I have for decades testified before the Finance and Revenue Committee that assessing non-renovated properties against renovated properties is hastening unfair gentrification. I reviewed at the time and put into the Finance and Revenue Committee performance review hearings and again this spring that the famous properties for which building permits were pulled and sold at much higher than their assessed value were still now showing the assessment increases due to renovations. Those properties are former President Obama’s home, Kushner’s rental home and former Secretary Tillerson’s. They are all in only the 4th category of condition or Very Good. They should be Excellent and only used as sales comparables for homes in Excellent condition. I am no longer up to speed on this but am willing to bet the problem persists especially in areas where suspect illegal renovation is taking place.

I want to go on the record that I have seen absolutely incredible new improvements in DCRA since Director Chrappah took over and after I carefully listened to his plans during his confirmation hearing. You will be reading about Assets a new strip bar owned by the Schaeffer’s (taxi industry for 50 years in DC) at the corner of Connecticut and Florida Avenues. Coming out of the gym in September I noticed new signage going up naming the place Assets in pink and purple where Royal Palace used to be. I saw a large amount of construction workers going in and out of the property. I walked in and asked to see the building permits. There were none and this family has been doing real estate business in DC for decades. I sent an email to DCRA and two very large stop work orders were plastered on the property within a day. The owner is Jerry Schaeffer and the lease holder is his son, Jeffrey Schaeffer. This is no way to introduce a strip bar to a residential neighborhood. The stop work orders were released when the owner filed the necessary paperwork and paid for the many building permits. So in essence these new DCRA workers paid for themselves and I believe the Council should entertain much more serious fines for illegal work. There is a shower in the strip bar to watch women barely clothed taking showers in front of the customers. This was inspected by the Department of Health but no structural permit was pulled for putting a large glass shower in the bar. At our November ANC meeting a highly informed staff person from DCRA made a presentation about what is happening at Assets about permits. After that ANC meeting, Jeffrey Schaeffer told the executive board of our organization that nothing is happening on the second floor, but permits were in fact pulled before that telephonic conference call proving otherwise using DCRA’s web site. Sheridan-Kalorama Neighborhood Council, Inc, ANC 2B, ANC 2D and a group of 5 have filed protests and this place has only been in operation since the first of October with one criminal filing made by MPD against their security team for assault. Overall the work of DCRA has been excellent. And this new strip bar has cost DC Government a lot of staff work and coordination with DCRA in the foreground.
Good morning, Chairman Mendelson, Councilmembers, and staff. My name is Puneet Sahni, and I am here 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 Business Processes. I am a proud DC resident for almost 20 years, and I have seen DC change and particularly DCRA change over this period. My personal experiences have been related to obtaining a business license to applying for building permits first in 2009 and then starting last year, 2018 going into the present time, i.e. 2019.

I am here to show my support for Director Chrappah, and his team with some examples, facts, and experiences I have had first hand, which I hope can shed some light on the actual situation at hand and perhaps help with any decision making.

To keep my testimony brief, I will share my experiences as they relate to my recent series of interactions in 2019, and these fall into three categories, culture, technology and transparency.

Culture:

I have seen a major shift in culture within DCRA. Without going into details of how the past culture was, I have personally experienced that the current DCRA team is much more responsive, is much more approachable and with a general attitude of ‘trying to help’. Last year my wife and I thought of building an addition to our existing house to accommodate the growing needs of our growing family. We approached a number of builders, and all of them without exceptions tried to scare us telling us what a nightmare it was to get anything done at DCRA. Somehow we were not convinced, or rather we could not afford the high price they wanted to charge us to using the complexity of getting things done in DC as an excuse.

I went down to DCRA in the spring of 2018, and with some waiting I was able to talk to the different team members and get the correct information first hand. I was encouraged and I decided to try to get my building permit myself. I got a team of my own, an architect, engineers etc. together and in the summer, I went down to DCRA to apply for the building permit myself.
he was there not to punish, but to educate, help and ensure compliance and hence the safety of everyone involved, as a partner, as someone who wanted to help.

This is a major culture shift; a lot of my friends from Virginia and Maryland have challenged me over the years as to why we live in DC; this type of support from DCRA makes me proud, amongst other things.

I can continue on and on, but let us move on to the other two categories.

Technology and Transparency: I want to combine these two as they go hand in hand.

The example I gave above of getting my building permits, was thanks to people and technology. ProjectDox is an excellent example of bringing in technology to help streamline the process, making it more efficient and transparent.

The DC support desk is another example of being able to log in an issue and get a response with an email and an update within generally a couple of days. This helps both the residents know where things are, while also helping the management know where things are, track them, and improve upon them.

The earlier example I gave of Inspector Watkins, he told me of how much things had improved. He did not have to wait to get back to his desk to fill his report. He could do it all right from the site with the iPad he had. He mentioned how proud he was of DCRA with the changes, the technology, the training and the support from his team.

Mr. Brown mentioned how DCRA was trying to get everything online, so it would minimize folks having to come in, pay the $25 for the parking fees. He mentioned how DCRA was trying to update ProjectDox, so one would not have to submit for a new building permit, just to make any changes/revisions to an existing one.

The above examples go to show the advances made in technology and the steps taken towards creating a simple, transparent, and a responsive system by Director Chrappah, and they continue!

I sit here in front of all of you with a request. One of things I did not mention is that I am a Healthcare Quality Improvement consultant. I work with healthcare organizations, from Federally Qualified Health centers to Hospitals, helping them with their Quality Improvement efforts, etc. I cannot tell you how important it is to look at data, to help with innovation and in turn transformation. It is equally or more important to involve the team. They are the ones who will make things happen.
In this day when companies are merging to gain on economies of scale, to avoid duplication of resources and department, I am not sure if breaking up the department will help with either simplifying things for the residents or keeping the costs down, by duplicating finance, technology and other management services. I also question, the impact of breaking up an agency, that is working positively towards transformation, would have on the morale of its team members...

The current Director and his team at DCRA have achieved a lot in this short time, and it is very commendable. I urge this committee to give Director Chrappah the time and resources he needs, to continue with his transformation, to give him time to bring in more innovative practices and allow him to finish what he has so brilliantly started. I sit here with my full support and backing for Director Chrappah, his team and his plans.

I welcome any questions, if the Chair so allows.

Thank you!
Chairman Phil Mendelson  
Committee of the Whole

Andrew Engel  
539 Randolph St  
Unit No. 3  
NW Washington DC

December 10, 2019


I am a first-time home owner, having purchased a condominium unit in the District of Columbia in the fall of 2015. The building, in the Petworth neighborhood, was formerly a single family house that was converted into three units. Shortly after moving into my new home, massive water leaks appeared that signaled the beginning of a years-long process of uncovering illegal construction on the building that rendered my unit uninhabitable and untenantable.

Since 2015, and through the use of architects, master code professionals, engineers, and other residential building specialists licensed in the District of Columbia, we have uncovered violations of the District of Columbia Municipal Code, as well as building, mechanical, fuel gas, plumbing, electrical, energy, and fire code. We have uncovered the following at 539 Randolph Street generally, and my unit specifically (this list is not exhaustive):

- Water damage in every room of Unit No. 3 resulting in so much mold, water damage, and rot that the unit had to be gutted down to the studs and joists;
- Fire / Life Safety: Fire manifold not installed in a publicly accessible place and no water backflow preventer – it is uncertain if the fire sprinkler system works;
- Exterior Envelope and Detailing: None of the roof and roof penetrations for the HVAC package unit were properly counter-flashed, improperly installed metal coping, improperly installed siding, improper installation of the moisture barrier, and a roof that is not properly sloped to drain water;
- Structural and Foundation: TJI joists do not support the dead load of the house, let alone a live load to include people, furniture, and snow. Moreover, the foundation design in the blueprints is incoherent and there was never a special inspection to verify the foundation was properly constructed – there have been multiple cracks in the building and in my unit that point to the possibility of an improperly sized and installed foundation;
- Mechanical: The HVAC unit was improperly installed and does not adequately cool or heat the unit;
• **Electrical:** Electrical panels are located in closets and wiring throughout the property is improperly spliced with tape and no junction boxes;

• **Plumbing:** A leaking pipe and improperly glued PVC pipes, lack of fall for PVC sanitary pipes to allow for proper drainage, and no air admittance valves to stop sewage gases from permeating in the unit;

• **Energy:** Missing insulation and HVAC ductwork that was not insulated, resulting in the ducts giving off condensation in the summer and winter and likely contributing to mold.

All of this illegal construction was approved by DCRA and DCRA’s third party inspection program. The blueprints for the property were not created by an approved architect and do not bear an architect’s stamp (instead they have a professional engineer’s stamp), yet they were accepted by DCRA. The actual construction deviated substantially from the blueprints and with many omissions (e.g., fire annunciators on the blueprints do not exist in reality), and nearly every permit issued for this construction is problematic (demolition, build, electrical, plumbing), yet DCRA’s third party inspectors approved every stage of construction without pushback. To add insult to injury, DCRA cannot find important records pertaining to the recent construction, such as the approved fire sprinkler shop drawings.

DCRA also approved a Condo Public Offering Statement with inaccurate information. This statement should have been written by an architect, but it was not. It should have reflected current conditions at the property but it was written before construction. It should have accurately listed the developers and property owners, as well as those who worked on the property, but it did not. As a result, the Condo Public Offering Statement was used to mislead instead of inform.

This kind of unchecked illegal construction is a plague in the District. To better serve its denizens, DCRA must: (1) abandon its Third Party Inspector program, which is rife with conflicts of interest; (2) provide more resources and support to DCRA’s Illegal Construction Unit to assist those like myself who have purchased property that was illegally constructed; (3) actually enforce the laws and regulations that exist on the books (e.g., the condominium act and building code) and push back against developers and permit holders who play loose with the law and regulations.

Sincerely,

Andrew Engel
Unit Owner and HOA Treasurer
Chairman Mendelson and members of the DC Council, thank you for the opportunity to testify today. My name is Sequnely Gray and I am an organizer with DC Jobs With Justice (DC JWJ). DC JWJ is made up of labor organizations, community groups, faith-based organizations, and student groups. We have 70 members organizations represented in our coalition. Together, we are dedicated to protecting the rights of working people and supporting community struggles to build a more just society.

DC Jobs With Justice is very supportive of adoption of Bill 23-91, Department of Buildings Establishment Act of 2019.

DC JWJ is particularly enthusiastic about the use of strategic enforcement to guide the priorities of this new agency. Strategic enforcement is a best practice for prioritizing the many needs an agency faces. It allows the District to work in the greatest interest of the whole community and ensure that the most vulnerable are served. We encourage its use in this approach in DCRA and other DC agencies.

Strategic enforcement is a deliberate approach to change illegal practices that have become commonplace in certain industries. It takes account of industry-specific business models, dynamics, and regulations with the goal of creating "ripple effects" that will influence the compliance behavior of a number of employers at once. The strategy looks at entire industry sectors rather than individual workplaces alone and identifies multiple levers to hold entities, including companies at the top of supply chains, accountable for compliance. The core elements of strategic enforcement include:

- **Focusing at the top of industry structures** by mapping business relationships and reaching out to the top and coordinating investigation procedures.
- **Enhancing deterrence effects at the industry and geographic level** by focusing on deterrence by industry, using penalties as a central element of deterrence and enhancing deterrence through transparency
- **Transforming complaint investigations from reactive to strategic resources** by responding strategically to complaints, creating special complaint handling procedure for targeted industries, reaching out to the worker advocate community, and increasing protections for employees who complain
- **Enhancing the sustainability of initiatives through monitoring and related procedures** by creating new monitoring arrangements, expanding settlement agreements, and making compliance an integral part of employer monitoring activity.
Enforcing the laws that govern our buildings is no small task. However, the workers and residents in our buildings rely on that. They may not fail to file a complaint for a variety of reasons, such as a fear of losing their jobs, a lack of knowledge of their rights, a fear of deportation, or that they will not be able to make their case in their preferred language. And when complaints are filed, agencies tend to focus only on the complainant rather than any systematic problems. As a result, the agency may miss additional issues and the developer or property owner involved may get away with paying only one violation while others continue.

A case for better enforcement that could have been served by a strategic enforcement model regards the electric subcontractor Power Design, Inc. The date that DCRA should have begun investigating Power Design for possible licensing or business irregularities is August 7, 2018 — the day after the Office of the Attorney General filed suit on behalf of 535 District workers for wage and hour violations. The pattern of using misclassification as a way to evade local labor laws (as alleged by the suit) is also likely tied to out-of-bounds licensing. In fact, evidence unearthed by the OAG and reported in in the initial complaint refers to a lack of proper licensure and an allegation that Power Design encouraged labor brokers NOT to come into compliance with licensing because it would disrupt their fraudulent business model. See attached.

Instead of DCRA taking on this case at that time, numerous other avenues had to be requested by DC JWJ and IBEW 26. (Some are included in my attached documents). More importantly, Power Design continues to pull permits and continue to work in DC. We have combed through DCRA’s database looking for electrical licenses by Power Design’s contracted labor brokers and cannot find them. Right now, DC JWJ has an open complaint against Power Design, Inc. to the Board of Industrial Trades. A few weeks ago, our executive director learned that the case that is currently being investigated by DCRA staff on behalf of the Board is limited to those actions that may be taken by the Board. If we would like any action to be taken from any other authority that DCRA has, we have to formally open an additional complaint. IBEW 26 has their own timeline of delays and limited action. These reflect an ongoing limitation of a complaints-based system. In a strategic enforcement context, such a large employer with such a credible concern should have been addressed more quickly and more fully.

We look forward to the adoption of the Department of Buildings Establishment Act of 2019 and appreciate your leadership on this matter Chairman Mendelson. I am happy to answer any questions.
74. JVA, which went on to become one of Power Design's largest labor brokers, interacted on occasion with Power Design senior officers. These interactions reveal that the cultivation of the worker misclassification scheme extended to the very top of Power Design's senior management.

75. Intermittently, Power Design would summon its labor brokers to attend meetings at the company's headquarters in St. Petersburg, Florida to discuss business.

76. These meetings were usually organized by Mr. Toro, whose role overseeing Power Design's regional construction sites familiarized him with Power Design's main labor brokers. On at least one occasion, Mr. Toro scheduled such a meeting by sending a group text message to seven major labor brokers that Power Design relied on in the region, which included DDK and JVA.

77. Due to JVA's size, Mr. Garcia was a more frequent visitor to Power Design's Florida headquarters. In April 2016, Mr. Toro arranged through a phone call for Mr. Garcia to come to Power Design's headquarters for a meeting with Power Design's senior management. Present at this meeting from Power Design were Mitch Permuy (CEO and Chairman), Frank Musolino (Chief Operating Officer), Mike Place (Senior Regional Vice President), Zac Elkins (Regional Vice President), David Redden (General Counsel), and Mr. Toro.

78. The purpose of the meeting was to discuss JVA's lack of electrical licensure and the classification of its workers as independent contractors or employees.

79. Prior to the meeting, Mr. Garcia had discussed the licensure issue with an accountant. The accountant had recommended that if JVA obtained the electrical license requested by Power Design, JVA should classify its workers as employees rather than independent contractors.
80. At the meeting, Power Design representatives told Mr. Garcia that JVA was required to obtain an electrician's license in order to continue doing business.

81. Mr. Garcia responded by relaying his accountant's recommendation that if licensure was obtained, JVA should begin classifying its workers as employees rather than independent contractors. Mr. Garcia estimated that this would increase JVA's costs by about 50%.

82. Mr. Permuy, the Power Design Chairman and CEO, then responded that he felt Mr. Garcia was taking advantage of the licensure requirement as a way to obtain more money for his workers. Mr. Permuy then said that if JVA proceeded to classify its workers as employees rather than independent contractors, Power Design would need to begin looking for other business partners.

83. Mr. Garcia understood Mr. Permuy's statement to be a threat—that if JVA began classifying its workers as employees, it would lose Power Design business.

84. After the meeting, JVA continued to classify its workers as independent contractors. At no point in its time of operation did JVA classify its workers as employees.

CLAIMS FOR RELIEF

Count One: Worker Misclassification (against Defendant Power Design)

85. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

86. At all relevant times, Power Design was an “employer” as defined in the Workplace Fraud Act. D.C. Code § 32-1331.01(3).

87. At all relevant times, all workers supplied by labor brokers, including JVA and DDK, to Power Design worksites in the District of Columbia were “employees” of Power Design as defined in the Workplace Fraud Act. D.C. Code § 32-1331.01(2). Also at all relevant times,
June 27, 2019

Dear Director Briggs,

DC Jobs with Justice, a coalition of labor unions, community organizations, faith-based institutions, and student groups dedicated to protecting and advancing workers’ rights in the District of Columbia, would like to respectfully request that the Board of Industrial Trades review, and potentially revoke, Power Design Inc.’s (Power Design) D.C. business and electrical licenses.

As you may be aware, Power Design, Inc is an electrical subcontractor based in Florida which has and continues to work on dozens of DC properties. DC Jobs with Justice has previously requested that the Board of Industrial Trades revoke the company’s licenses due to Power Design’s documented and systematic use of unlicensed labor brokers and subcontractors. These unlicensed companies hire employees who they classify as contractors, who are themselves unlicensed to perform the duties of journeymen or apprentice electricians. Nationally, Power Design has a history of accusations of wage theft and misclassification of workers. The company has been the defendant in at least five (primarily class-action) lawsuits in DC and Maryland accusing the company of failure to pay overtime, paying under minimum wage, making workers labor off the clock, and misclassifying workers as independent contractors.

In August of last year, The DC Office of the Attorney General brought a lawsuit against Power Design and two subcontractors for stealing wages from over 500 workers in Washington, DC. The suit, which is ongoing, accuses the company of violating DC labor laws including sick and safe days, minimum wage, misclassification, and overtime, as well as a failure to pay local taxes.

We are writing at this time because a new lawsuit, filed in February of this year, was just brought to our attention. Power Design is now being sued by Buzzuto’s insurance company, Travelers Indemnity Company, for negligence. According to the complaint, Power Design staff failed to properly install an electrical switchboard, causing the switchboard to overheat and damaging property. This complaint is similar to a Maryland complaint against the company, where Power Design was found guilty of negligence for failing to properly install an electrical switchboard.
box and leading to an explosion which injured an electrical engineer carrying out an inspection (Schoen v. Power Design, Inc.). These unfortunate events are the inevitable result relying on electrical work which is installed by unlicensed contractors working for unlicensed labor brokers.

Notably, Power Design was also the electrical subcontractor at the Line Hotel in Adams Morgan where there have been claims of possible wage theft, various open lawsuits regarding nonpayment to contractors and from contractors to subcontractors, and current issues related to compliance with the tax abatement and local hiring agreement.

Despite a history of wage theft allegations, Power Design was awarded certification for its apprenticeship program in June 2017 and retains a license to continue practicing electrical work in the District. DC can do better. The city should not be working with a company whose business model relies on breaking our laws at every level from the companies it contracts with, to the negligent work it performs, to not paying workers what they are owed.

We urge the Board of Industrial Trade to review and revoke Power Design’s licenses in the District. We look forward to seeing any action that you take and working together to stop bad actors in DC.

Sincerely,

[Signature]

Elizabeth Falcon
Executive Director, DC Jobs with Justice

CC: Members of the DC Council, Ernest Chrappah, Acting Director, DC Department of Consumer and Regulatory Affairs

1226 Vermont Ave. NW Washington, DC 20005
Chairman Cooper and members of the board, thank you for the ability to share my comments today. My name is Elizabeth Falcon and I am the Executive Director of the DC Jobs with Justice (DC JWJ). DC JWJ is made up of labor organizations, community groups, faith-based organizations, and student groups. We have over 70 member organizations represented in our coalition. Together, we are dedicated to protecting and advancing the rights of working people and supporting community struggles to build a more just society. We are also the conveners of the DC Just Pay Coalition, which is made up of community and labor organizations who promote the enforcement of DC’s labor laws including failure to pay overtime, sick days, and wages as well as worker misclassification. It is through our experience in this arena that we began to be concerned about the practices of Power Design, Inc. in Washington, DC. About a year ago, the Office of the Attorney General initiated a lawsuit on behalf of 535 DC workers alleging failures to comply with DC worker protection in all of the areas I just mentioned. We are concerned that Power Design may be endangering workers and residents through other practices as well.

DC Jobs With Justice has filed a formal complaint with Cynthia Briggs, Executive Director of the Department of Consumer and Regulatory Affairs, alleging Power Design’s knowing and willful utilization of unlicensed subcontractors/labor brokers in the District of Columbia.

We are requesting that you reconsider your decision of May 21, 2019, that found no violations by Power Design. We are concerned that the Department of Consumer and Regulatory Affairs has not acted with sufficient urgency to seek to remedy the concerns we raise, most of which have come to light through it’s own governmental database and information made public through the lawsuit by the Office of the Attorney General. Failure to act on the extensive amount of evidence of Power Design’s pattern of violating DC licensing laws would represent a failure by the Board to fulfill its legal mandate to protect the public.

We have brought with us a thumb drive and hard copies containing extensive information establishing that Power Design has a pattern and practice of using unlicensed workers to perform electrical work in violation of DC law. This information includes contracts between Power Design and unlicensed labor brokers and time sheets and pay checks to workers from unlicensed contractors. A simple search of the names of the companies and the names of the workers in District of Columbia databases shows that these companies do not have business licenses or master electrician licenses to perform electrical work in the District of Columbia. In addition,
In response to our allegations, the Board asked Mr. George Batista, DCRA investigator, to review and verify this information. In early January, 2019, Mr. Batista visited IBEW Local 26 to review and discuss the information and to make inquiries into how the information was obtained. Mr. Batista reviewed the information and he was provided with contact information for a former Power Design employee who could also confirm the validity of the evidence provided so he could validate the information. He was also informed of the detains made public in the lawsuit filed by the Office of the Attorney General against Power Design. The OAG’s material indicates that DDK was not licensed to perform electrical work in the District of Columbia. Furthermore, DDK appeared to misclassify 34 employees as independent contractors between 2014 and 2017. The definition of misclassification is when a company classifies an employee as an independent contractor. Since these workers were not claimed as employees, they must then operate as their own independent businesses. This would mean that all 34 of the workers would have been required to hold D.C. business licenses as well as master electrician licenses. Again, D.C. databases establish that none of the alleged “independent contractors” had business licenses or electrical licenses. The misclassified employees were also required to hold either journeyman or apprentice electrical licenses, and the databases reveal that they did not. Misclassification clearly is defined and illegal in the construction industry in the District of Columbia; the violation of D.C. licensing laws falls within the purview of this Board.

DC Jobs With Justice was not able to attend previous meetings when the Board discussed Power Design. However, we are concerned that the board was not given full and accurate information by DCRA regarding the licensure of the labor brokers working with Power Design. DCRA should have no barrier to this information as this agency maintains the database, which shows that neither DDK nor JVA have licenses to perform electrical work. DDK’s owner, Juan Mejia has an operating engineer’s license, not an electrical license. The owner of JVA Services, Jose Garcia, has a license to perform asbestos work, not electrical work.

We are also concerned that there may have been statements made from the DCRA staff that Aaron Power/Priority Power was the only company on Power Design sites that was not licensed to perform electrical work, therefore Power Design was in the clear since work on the jobsite had ended. Yet Power Design has many active jobsites which continue the same pattern and practice of unlicensed work being performed. The fact that DCRA staff failed to visit other job sites, but did not even bother to check its own database or the Attorney General’s information even after being given a tip, represents a flagrant dereliction of duty.

It is disappointing that DCRA failed to provide the Board with all of the information and evidence that they had access to in previous meetings. DCRA is also missing an opportunity to utilize evidence obtained by the office of the Attorney General by not relying on the OAG’s documents and records. For this reason, we are submitting a binder with the evidence that the
Board needs to perform its required oversight and so you can make a formal decision of your own. **We encourage the board to make an independent and clear determination based on the large amount of evidence raised regarding Power Design's practices in the District.**

As the Board well knows, these licensing requirements are critically important and D.C. residents depend on the Board to enforce them. For examples of the hazards of Power Design’s pattern of using unlicensed contractors, we have provided a binder that contains information on the three unlicensed labor brokers; a lawsuit filed by Bozzuto & Associates, Inc., on February 8, 2019 for negligence for an exploded switchgear that was improperly installed; and information on a serious OSHA incident in which three workers working in live gear without personal protective equipment were hurt. (Litigation is ongoing in this case).

You will also find that we did DCRA’s work for them by using DC’s databases to look up the 34 misclassified employees referenced in the OAG lawsuit. We checked for electrical licenses (they had none) and we checked for business licenses (they had none). The binder contains independent contractor agreements signed by those individuals, as well as various contracts between Power Design and the labor brokers.

DCRA and this board are responsible for acting to preserve the safety and security of District workers and residents. This issue is front of mind for me personally, as my neighborhood has seen two major recent residential fires: on Peabody Street and Kennedy Street and DC residents experienced another fire earlier this week. Although not all residential fires are the result of poorly installed or maintained electrical work, any and all avenues must be utilized to ensure the safety of residents in their homes in Washington, DC. Ensure proper licensure is a simple and necessary step.

We respectfully request that the Board fulfill its legal mandate and protect the residents of the District of Columbia from this ongoing fraud, misclassification and safety hazard by revoking the license of Power Design.
Thank you, Chairman Mendelson, Councilmembers and Staff, for the opportunity to testify in front of you today. I'm here as a single-member commissioner from Logan Circle 2F02, a 30-year resident of the District of Columbia and as restaurant and nightclub owner that's held 10 liquor licenses over the past 29 years and in process of hopefully opening another night club, so this is timely.

**Bring out the pitch forks as DORA is everyone’s favorite agency to hate**

I have over my 30-year history I'm familiar with feeling and with DCRA. I'm the end-user or consumer of DCRA and the frontline for all of the constituent’s frustrations with the District Government. And from a multiple of experiences breaking up DCRA will not effect change and suffer from the unintended consequences of Council intervention in an effort to respond to complaints by end users like myself.

**Once the particulars of legislation details are passed,**

Agencies are left to enact and figure out the grey areas. The council could not possibly legislate on the level of detail to run an agency, the experts in the agency.

The Politically expedient thing to do is to take action as action tells the Public we tried to legislate an answer, but unless action deals with the gray areas the council can’t solve the problem, the agency implementation is the hard work is to solve the problems.

Split in two agencies doesn’t solve the problem.

I tell my manager don’t transfer a problem or have a $1000 meeting to fix a $100 problem.

**but this seems to be changing.**

The Director Chapprah is not afraid to act, I'm witnessed the action.

The culture has changed dramatically at DCRA, there's timely and consistent access to staff.

Inez routinely has answered my emails after hours and on the weekend.
Inez quickly collaborates with other DCRA staff member and departments to get the information I need and follows through inspection issues.

Collaboration that could be lost with two agencies

While the use of automation in the private sector is prevalent, the District has struggled or lagged behind how to take advantage of these technologies,

The use of Ditto copiers in the 1990s at ABRA was a stark demonstration but Director Chapprah is pushing for technological advancements that I'm concerned will be lost with two agencies not under his control.

Builders complain that permitting takes too long and code is arbitrary.

Anyone involved in the public sector will tell you that there is no blueprint for enhancing public sector efficiency. But splitting up DCRA will not necessarily improve its performance, in fact it will increase another agency into the multiple ones I have to engage to open my new venue.

As I apply for permits from my new venue, I'm looking forward to using the accelerated permit and my architect who is very familiar with the process explained that having all the trades at the table at once speeds up the process as they collaboratively solve issues.

Create more consistency in permitting decisions. Require in-house certification or divide staff into concentrating on the residential code or the building code to ensure decisions are timely and consistent across staff. That’s not solved by breaking up DCRA

Building tenants complain code violations go unenforced more inspectors on demand would

Citizens expect to be able to access information instantly. When they can't, as with private business, they feel let down and unable to trust they can get what they need. There’s difficulty for government services to keep up with current public expectations from a public that's used to mobile apps, groceries in under an hour and instant private services.
example my residents at the Willison struggled with early-morning illegal construction over the summer. They created and filed multiple 311 reports, included pictures, emailed me a copy of the report numbers. And after a number of weeks when they complained that DCRA simply didn’t care or won’t stop the afterhours construction; because their experience was it would put the 311 report in at 6:30 and at 6:31 email the report confirmation and would think an inspector would be zipping off in his car to Logan Circle, witness the violation before 7 AM. Is that realistic? Regardless if the pay the fine they can continue to work

Two agencies would not have helped like Uber-a-zion of inspectors giving residents more control over the inspection process, I know when the uber will be there, the public knows if they can do it my government can.

Two agencies would not have helped my constituents in the Newport West have their 6-month consistent hot water issue solved faster. While offering more of the inspector on demand would not require them to be home all day and schedule the inspector when they’re actually was the issue at morning when everyone was getting together or at night and everyone returned. If you don’t have hot water, then you affectively don’t have hot water and the office of tenant advocacy stated “The question is what to do when the how water is not “continuously” available. Typically, DCRA inspects code violations. Even if DCRA were brought in, DCRA would not issue a violation when the housing provider attempts to restore hot water and appears to be responsive to the issue but how long is being responsive. (strict liability is not part of the DC law, so DCRA almost always gives the housing provider an opportunity to repair and.)

Under Director Chapprah

training ANC representatives to be inspectors after hours construction; and he’s the first Director that I’ve heard talk about the values of automation and embarrassed the idea. The Director has s pragmatically view to problems so please process don’t short the budget and allow DCRA the ability to implement the automation.

Businesses complain there is too much paperwork required to get up and running.

We need to focus on more automation. Thankfully the Clean hands certificate can be obtained online for you personally, although the business clean hands certificate is much trickery, ABRA cannot check clean hands so they require the all partners and business entity to obtain their clean hands

-- if the right hand of the government is issuing the clean hands why is it necessary for me to tell the left hand of the government that I have the clean hands certificate.

The more we automate the more it allows staff to deal with real problems, we have not fully invested in automation in the professional licensing process and two agencies won’t solve this complaint.
Economy of Scale is lost

Because processes within government will be repeated, duplicated, instantly increased, the government workload requiring extra employees, even extra oversite hearings, my work load dealing with another agency created by a two agencies while not address People's biggest frustrations with the government—inefficiency, agency sluggishness, non-user-friendly or lacking service.

No Magic Bullet to improve efficiency

Improving efficiency goes beyond saving money. At its heart, it’s about how government – and its agencies – interact with its citizens at a time and a place that suits the citizens.

Efficiency refers to the entire process of turning public money into positive outcomes for individuals and society. In other words, it’s not just about back-house savings but front of house satisfaction as you’d say in my industry. It means thinking about how government funds, designs and delivers frontline services. By adopting the Directors attitude, that government agencies can keep pace with private companies, giving citizens timely access to the information they demand. Ultimately, this will help establish DCRA as a trusted agency. Splitting DCRA does not Improve efficiency for the dramatic increase in spending and doesn’t using public money in the smartest way possible. I hope the council allows the Director to continue to work across the entire agency and push the technology enabled DCRA services to deliver better outcomes for citizens, businesses and public servants themselves.
Thank you for the opportunity to testify and for your righteous work looking into these important matters. My name is John Monroe, I’m the Compliance Programs Manager for the Foundation for Fair Contracting – Mid-Atlantic Region. We are a non-profit 501(c)(5) labor-management organization that monitors construction projects for compliance with federal, state, and local prevailing wage requirements; licensing requirements; apprenticeship standards; and employee misclassification laws. Our efforts are designed to protect workers and taxpayer dollars by promoting fair, competitive contracting and by combatting the scourge of wage theft, tax fraud and licensing violations long pervasive in our region’s construction industry. Since our inception in 2014, the Foundation for Fair Contracting – Mid-Atlantic Region has monitored hundreds of public construction projects in the Baltimore and D.C metropolitan region, filed more than 60 wage complaints, and helped underpaid workers recover more than $2.5 million in restitution.

We lend our compliance expertise and resources to various government enforcement agencies through volunteer “shared” compliance programs designed to bolster education, monitoring and enforcement. To carry out this work, we draw upon our valued partnerships with community groups, craft-expert compliance volunteers from the region’s local building trades unions, and high-road contractor associations.

Today, I’ve submitted for the record debrief notes from interviews with superintendents of general contractors and subcontractors, also general foremen, as part of a successful, yet short-lived, 2-day shared compliance Pilot with DCRA in September of 2018, which consisted of sanctioned, joint site visits to 5 different Washington, DC construction projects. We interviewed superintendents and representatives from 4 different general contractors, and superintendents or general foremen from 22 different subcontractors performing work which required business and craft licenses in electrical, hvac, plumbing, and operating.

These debrief notes were transmitted via email to DCRA after the September 19th, 2018 and September 26, 2018 joint site visits. Copies of those emails, including DCRA’s responses are included in the documents that I have submitted for the record today.

In short, our joint labor compliance monitoring site visits appear to lend credibility to the argument that Washington DC’s construction scene may possibly be highly non-compliant, with some exceptions, when it comes to important craft and business licensing.

The good news is, that with sufficient government monitoring & enforcement will, we absolutely have the capacity to partner and foster a more compliant and level playing field.

John L. Lewis Monroe
Cell: 202-430-4835
office: 202-756-4635
jmonroe@ffc-mar.org
www.ffc-mar.org
1. 1100 2nd Street SE, Washington DC 20003
   - **Project Name:** Square 769N
   - **Developer:** Mid-City Urban, LLC; Forest City Residential, Inc.; DC Housing Authority
   - **General Contractor:** Bozzuto
     - [https://www.bozzuto.com/portfolio/capper-769n/](https://www.bozzuto.com/portfolio/capper-769n/)
     - [https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=130&rl=tqd](https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=130&rl=tqd)

I went back and double-checked this evening ... and while it still proved quite worthwhile, also understandable given all the nearby construction going on and conflicting GPS readings, we joint site visited the wrong job.

The job we actually visited was a different project 2 blocks north and 1 block west:

150 I St SE, Washington DC 20003
- **Project Name:** The Garrett at the Collective
- **Developer:** WC Smith
- **General Contractor:** WCS Construction (3303 Stanton Road, SE – Washington DC 20020)
  - [https://thecollectivedc.com/garrett/](https://thecollectivedc.com/garrett/)

In the GC’s trailer, we met with:

- **WCS Senior Superintendent, Kevin Cunningham**
  - Main: 202.889.3615
  - Direct: 202.903.2278
  - Cell: 301.674.4754
  - Fax: 202.889.8875
  - kcunningham@wcsconstruction.com

And subcontractor supervisors/foremen:

- **District Electrical Services** (Decatur Street Hyattsville MD)
  - Dan Bardieri
    - Said 6 electricians on site don’t have licenses

- **Inspiration Plumbing Company** aka IPC (42669 Trade West Drive, Sterling VA)
  - Eric
    - Said 4 plumbers on site, none are licensed
    - Supervisor/foreman Eric also does not have a license
- Miller & Long
  - Che
    - Said he had 1 crane operator working on site. Che showed an individual’s license via Che’s cell phone, said it belonged to the crane operator.

- Brothers Mechanical (Lorton, VA)
  - Juan Juarez
    - Said he had 4 sheetmetal workers on site (duct installation does not require a license, however HVAC Refrigeration and Air Conditioning does require a license).
    - Foreman/supervisor Juan Juarez does not have an HVAC license.

  - We did not meet with the excavation subcontractor, R.B. Hinkle. We saw they had 1 operator working on site, took a photo of the individual operating, however we elected to not interview him this visit.

**Overall Assessment of License Compliance:** Highly non-compliant.

### 2. 2228 Martin Luther King Jr. Ave, SE

- **Project Name:** Maple View Flats
- **Developer:** 2228 MLK LLC (Chapman Development)
- **General Contractor:** Bozzuto
  - https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=28&rl=ttm
  - https://dhcd.dc.gov/page/maple-view-flats-big-k-site-development-0

In the GC’s trailer, we met with:

- **Bozzuto** folks, including their internal compliance person, Andre (same individual from DHCD’s Conway Center job, which has a large FFC/DC DHCD/US DOL wage theft case in final stages of adjudication for the Sprinkler Fitting work).
  - https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=28&rl=ttm

and subcontractor supervisors/foremen:

- **Kelly Electric**
  - Jason Durbin
    - Said had 9 electricians/apprentices on site (including 3 common laborers only cleaning and/or moving materials). Believes the electricians, apprentices are all licensed/registered – said he’d double check to make sure.
    - Although workers classified as common laborers for mechanical, electrical and plumbing companies should be treated as a possible flag for craft
misclassification, this subcontractor felt the most compliant of all we interviewed today.

- **Iron Fabrication Company**
  - Devon Barnes
    - Is an iron fabrication company that performs steel erection.
    - Company had a forklift in use on site.
    - Devon Barnes did not know if his operator(s) was/are licensed. Standoff-ish.

- **CBI aka Clemons Builders, Inc.** (2520 Pennsylvania Ave SE, Washington DC 20020)
  - Jose Martinez
    - Mechanical contractor. Said 6 workers on site, 3 mechanics + 3 common laborers.
      - Said 2 were performing HVAC, neither licensed.
      - Jose Martinez does not have an HVAC license either.

- **RV Carey’s Plumbing**
  - Benjamin Garcia
    - Benjamin Garcia is not a licensed plumber. Said 6 plumbers were on site, wasn’t sure if they were licensed, sounded like they might not be.

**Overall Assessment of License Compliance:** Likely compliant on the Electrical. Not compliant on the Mechanical and Plumbing. Possibly not compliant on the operator with Iron Fabrication Company.

3. **1300 H Street, NE**
   - **Developer:** 1300 H Street NE LLC (c/o Insight Property Group LLC)
   - [https://1300hstreet.com/contact/about/](https://1300hstreet.com/contact/about/)
   - [https://insightpropertygroupllc.com/project/1300-h-street-ne/](https://insightpropertygroupllc.com/project/1300-h-street-ne/)
   - **General Contractor:** McCullough Construction (5513 Connecticut Ave. NW, Suite 200)
   - [https://www.mccullough-construction.com/portfolio-item/1300-h-street/](https://www.mccullough-construction.com/portfolio-item/1300-h-street/)

In the GC’s trailer, we met with:

- **McCullough** Senior Superintendent, Travis Heath
  - Cell: 202.528.5041
  - Office: 202.237.2415
  - Fax: 202.237.2416
  - travis@mccullough-construction.com
• Genco Masonry
  o Pete O'Donnell
  o Has 1 operator on site, forklift. Has question about which class 7 license that requires.

• Titan Mechanical
  o Richard King (540.247.4415)
    ▪ Said applied for his HVAC Masters license ~2 months ago, is pending. Claims to currently hold Masters HVAC license in MD and VA.
    ▪ Said has 3 HVAC workers on site, is not sure if they’re licensed.

• Spartan Electric
  o Todd Law
    ▪ Todd does not have a DC electricians license, I may recall him saying that he’s licensed in either Maryland or Virginia.
    ▪ Says 4 electricians were on site today, he did not know if they were licensed.

• Inspiration Plumbing
  o David Vargas
    ▪ Says he’s working on getting his DC plumbers license, in processing?
    ▪ Said has 3 plumbers and 3 helpers; none have plumbers licenses.

• McCullough Construction
  o Michael Lightner, Project Manager

Overall Assessment: Not compliant to possibly/likely not compliant. Superintendent Heath was notably cooperative, warm.
1. 1100 2nd Street SE, Washington DC 20003

- **Project Name:** Square 769N
- **Developer:** Mid-City Urban, LLC; Forest City Residential, Inc.; DC Housing Authority
- **General Contractor:** Bozzuto
- [https://www.bozzuto.com/portfolio/capper-769n/](https://www.bozzuto.com/portfolio/capper-769n/)
- [https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=130&rl=tq](https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=130&rl=tq)

In the GC's trailer, we meet with:

- **Bozzuto Employees**
  - Project Superintendent, Ali Emadi (cell 703.850.7130)
  - Engineer, Chase (will update notes later w/ business card info)
  - Engineer, Jason
  - 1 other

- **Chase and Ali Emadi** said that Bozzuto had ~9-12 total subs on site 9.26.18.
- **Provided a list of the Project's subcontractors**
  - Breeden Heating & Air — Heating, Ventilation, and Air Conditioning (HVAC)
  - Breeden Mechanical — Plumbing
    - *Breeden has the Plumbing and Mechanical package (sheet metal ductwork; HVAC; Mechanical Insulation).
  - Spartan Electric — Electrical
  - Chesapeake — Fire Protection
  - Iron Fabrication Services, Inc. — Misc. Metals
  - Advanced Window — Windows
  - Alliance Exterior Products — Roofing/Metal Panels
  - Advanced Caulking — Exterior Caulking
  - Precision Wall Tech — Painting/Wall Coverings
  - Bunting Door — Doors, Frames, Hardware
  - Chiaramonte Construction — Framing/Drywall
  - Telligent — Masonry
  - GT Contracting — Site Concrete
  - Leedo — Cabinets/Countertops
  - Western Carey DBA Tru Team — Insulation
  - Lach Tile and Marble — Tile
  - Carpet and Wood Floor Liquidators — Flooring
  - Alco Doors — Unit Millwork
In the GC’s trailer, we met with subcontractor supervisors/foremen:

- **Spartan Electric**
  - **Dave Cox**, Superintendent
    - does not have a DC license.
    - said had ~12 workers on-site, including ~3 helpers.
    - said he’s not sure if his workers are licensed electricians
  - **Bozzuto’s Chase** says the project’s helpers in general are paid correctly as Journeyman for 20% of their hours, paid as helpers for the rest.
  - **Bozzuto** says project has an unusual/bizzare arrangement where Davis-Bacon is paid on 20% of the project ... subsequently interpreted as 20% of hours worked.
    - apparently there are 2 separate contracts; 1 for the DC DHCD related public funding of ~20% project cost; 1 for the Private 80% funding. (standard practice is that the ~20% public funding would trigger Davis-Bacon rates for an entire project like this).
    - **Bozzuto’s Jason and 1 other Engineer** shared that the unusual arrangement has been a pain in ways (required them to manage 3x reporting for payroll; confusion amongst the workers re: correct pay), but that they’ve been able to streamline the 3x payroll reporting to a degree, over time.
    - **Bozzuto** also shared that the US DOL strongly disapproved of the arrangement. **Bozzuto** said that DC DHCD was okay with it.
  - said Kenny Lemere is Spartan Electric’s Master Electrician, not on site today.
    - 240.793.3088

- **Breeden Heating & Air**
  - **Isaac Bagley**, Site Foreman
    - Does not have a DC license.
    - Said has a MD license.
    - said had 5 workers on site
      - 2 performing sheet metal ductwork
      - 3 performing HVAC
        - Isaac not sure if the HVAC workers are licensed

- **Breeden Mechanical** -- Plumbing
  - **Carlos Argueta**, Foreman/Supervisor (571.233.2478)
    - Carlos is not a licensed plumber. He said he’s an apprentice plumber in Maryland.
    - said had 4 workers performing Plumbing on-site.
      - 2 plumbers; 2 helpers – none licensed.
    - Carlos said that they used 1 plumbing subcontractor, Norma West
• Said that Norma West had 10-15 plumbers working on-site at their peak. Said he wasn’t sure if they were licensed plumbers, said it was possible that they weren’t.
• Possibly worth noting that Bozzuto’s Chase, while we waited ~30 minutes for Breeden’s plumbing foreman/supervisor Carlos Arguette to arrive from another site, had told us that he thought Breeden may have used 2 plumbing subcontractors during peak, but that Carlos Arguette would know best.
• We did not inquire about the Mechanical Insulation (not a licensed craft).

• Telligent – Masonry
  o Mark, foreman/supervisor; Ricardo Raul Moscuso, operator
  o had 1 forklift operator (Ricardo), also uses a boom lift:
    • Ricardo Raul Moscuso is not a licensed operator.

Overall Assessment: Not compliant. All of Bozzuto’s employees were cooperative, pleasant, helpful, appreciative. All of the subcontractor supervisors we spoke with were also cooperative, appreciative.

• Spartan Electric not compliant/likely not compliant.
• Breeden Heating & Air not compliant/likely not compliant.
• Breeden Mechanical (Plumbing) not compliant.
  o Norma West possibly not compliant

2. 2841 Robinson Place, SE 20020
• Project Name: Parkway Overlook Apartments
• Developer: District of Columbia Housing Authority
• General Contractor: MCN/Southway joint venture
• [Website Link]
• [Website Link]

In the GC’s trailer, we met with:

• MCN
  o Dave Butler, Superintendent (will update contact info later)
• Southway
  o Ron Fisher, Superintendent (will update contact info later)
In the GC’s trailer, we met with subcontractor supervisors/foremen:

- **First Choice Masonry** (202.529.0194)
  - **Dwayne Holland**
    - Said that **Torey Harper** was operating the forklift today, was not sure if Torey is licensed operator.
    - **Telligent** (also a masonry contractor)
      - Project Manager is **Peter** (301.332.2799)

- **CBI aka Clemons Builders, Inc.** (2520 Pennsylvania Ave SE, Washington DC 20020)
  - **Wilfredo Guevara**, mechanic.
    - **Wilfredo** is not a licensed HVAC
    - said 5 workers on-site, all performing HVAC, none licensed.
    - said 0 of the 5 are employees of CBI, but rather employees of it’s subcontractor, Reyes Air Solutions, Inc.
    - **Wilfredo** was pleasant/cooperative, but initially reluctant to provide the subcontractor’s phone number, which I interpreted as defensiveness/concern.
      - **Reyes Air Solutions**
        - Johnny Reyes 571.276.8608 (name and # provided by Wilfredo)

- **Total Electric**
  - **Matthew McArthur**, foreman; **Charles Gross**, foreman
    - **McArthur** is licensed electrician in DC.
    - **Gross** is not licensed in DC.
      - **Total Electric** is a union electrical contractor signatory with IBEW #26 for it’s electricians, but **Gross** said he’s not a union member. Perhaps a recent, direct hire by the contractor not through the union hall?...his not being a member is an anomaly and likely a breach of contract between **Total Electric** and IBEW 26. It’s my sense that **Gross’** need to address his lack of DC license, also his union membership issue, may dovetail into compliance on both fronts in the days ahead. One of the additional reasons/incentives being...per IBEW #26′s initiative and contract with its signatory employers, Journeyman aka “A wireman” and Apprentices must be licensed in DC in order for them to qualify for paid vacation — a union promoted measure aimed at further incentivizing DC licensing compliance amongst members.
      - **McArthur/Gross** said they have ~30 electricians performing on site.
        - They did not know if all were licensed. They felt it was more likely that any “A Wireman” aka Journeyman electricians and any Apprentices would be licensed (per the bit above about additional incentives), *but they were less certain about their “R Wiremen” aka Residential Wiremen employed on the project. Possible some of those folks might not be licensed.
• (being under 4 stories, Parkway Overlook is governed by Davis-Bacon Residential rates, as opposed to the higher Building Construction rates). (IBEW #26 and it's signatory employers utilize sub-classifications like "R Wiremen", in addition to their "A Wiremen" and Apprentices – which affords enhanced cost competitiveness in the various markets for their signatory employers, and also allows greater flexibility in affording union entry and immediate job opportunities to a wider swath of incoming skill sets, through which individuals can progress over time and proficiency, ultimately achieving Journeyman aka "A Wiremen" status).

• Total Electric subcontracted to Benchmark for their operating engineer (mini excavator).

• Benchmark
  • Tom Falkner
    ▪ Said he has his 7A DC Operator’s license
    ▪ He wasn’t sure whether Gerardo Gudiel, the worker operating the mini excavator, was licensed.

• DeLaVega LLC - Structure Demolition + (Operators)
  • Interviewed with DCRA’s George Bautista, said had two operators, both licensed.

• Superior Mechanical (Plumbing)
  • Sergio M., foreman
    ▪ not a licensed plumber.
    ▪ Said had 10 plumbers on site today: 3 are with Superior (none licensed); 7 are employees of subcontractor JJMA (wasn’t sure if they were licensed).
    ▪ Jessie Plumbing is an additional plumbing subcontractor of Superior Mechanical’s at this job, but said that Jessie didn’t have any workers on site today.
    ▪ Said Superior is performing the mains and that the 2 subs are performing the risers.
    ▪ Sergio M. said that he would relay the information to his subcontractors that all plumbers need to be licensed, and took extra DCRA forms so that he could share with the subs.

• JJMA (1st plumbing sub of Superior Mechanical)
  • Alejandro 571.282.1008 (Sergio M. provided name and phone #)

• Jessie Plumbing (2nd plumbing sub of Superior Mechanical)
  • Jesus 571.428.9320 (Sergio M. provided name and phone #)
• R.E. Sheehi Paving (utilities contractor)
  o Athan Clemmons
    ▪ said had 1 foreman;
    ▪ 2 laborers;
    ▪ 1 operator (excavator, loader) Carlos Quinteros
  • Did not know if Carlos Quinteros is a licensed operator.
    o DCRA compliance volunteer Jose Ventura from IUOE #77 informed us that R.E. Sheehi Paving just recently signed a collective bargaining agreement with the union to become a signatory, Jose didn’t recognize Carlos Quinteros’ name as a licensed Operator.

Overall Assessment: Not compliant. MCN’s Dave Butler was warm, cooperative, not defensive. Asked that in the future, everyone please have required safety gear (protective eyewear; hardhat; steel/composite toe shoes with protective soles; safety vest). Southway’s Ron Fisher was also cooperative and mostly warm, slightly defensive, ended warmly.

  ▪ First Choice Masonry (forklift operator) inconclusive.
  ▪ Telligent (masonry) inconclusive
  ▪ CBI aka Clemons Builders, Inc. (HVAC) not compliant.
    o Reyes Air Solutions not compliant
  ▪ Total Electric moderately compliant/some non-compliance/inconclusive
    o Benchmark inconclusive
  ▪ Superior Mechanical (plumbing) not compliant
    o JJMA inconclusive/possibly not compliant
    o Jessie Plumbing inconclusive/possibly not compliant
Chief of Compliance Handy and Team,

Thank you so much for affording Tony Solis, Mario Reyes and myself the opportunity to partner yesterday on joint labor compliance site visits as volunteers! We enjoyed our time together and feel the day was successful; I’m looking forward to Day 2 on Wednesday 9/26.

In case you might find them helpful, attached and also copied below are my notes from our interviews with the GCs and subcontractors yesterday.

Thank you again for the opportunity, it’s a true honor to partner with you on this righteous pilot.

- 

1. 1100 2nd Street SE, Washington DC 20003
   - Project Name: Square 769N
   - Developer: Mid-City Urban, LLC; Forest City Residential, Inc.; DC Housing Authority
   - General Contractor: Bozzuto
   - https://www.bozzuto.com/portfolio/capper-769n/
   - https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=130&rl=tqd

I went back and double-checked this evening … and while it still proved quite worthwhile - also understandable given all the nearby construction going on and conflicting GPS readings - we joint site visited the wrong job.

The job we actually visited was a different project 2 blocks north and 1 block west:

150 I St SE, Washington DC 20003
   - Project Name: The Garrett at the Collective
   - Developer: WC Smith
   - General Contractor: WCS Construction (3303 Stanton Road, SE – Washington DC 20020)
   - https://thecollectivedc.com/garrett/
   - http://www.wcsconstruction.com/project/the-garrett-at-the-collective/

In the GC’s trailer, we met with:
   - WCS Senior Superintendent, Kevin Cunningham
     - Main: 202.889.3615
     - Direct: 202.903.2278
And subcontractor supervisors/foremen:

- **District Electrical Services** (Decatur Street Hyattsville MD)
  - Dan Bardieri
    - Said 6 electricians on site don’t have licenses

- **Inspiration Plumbing Company** aka **IPC** (42669 Trade West Drive, Sterling VA)
  - Eric
    - Said 4 plumbers on site, none are licensed
    - Supervisor/foreman Eric also does not have a license

- **Miller & Long**
  - Che
    - Said he had 1 crane operator working on site. Che showed an individual’s license via Che’s cell phone, said it belonged to the crane operator.

- **Brothers Mechanical** (Lorton, VA)
  - Juan Juarez
    - Said he had 4 sheetmetal workers on site (duct installation does not require a license, however HVAC Refrigeration and Air Conditioning does require a license).
    - Foreman/supervisor Juan Juarez does not have an HVAC license.

- We did not meet with the excavation subcontractor, **R.B. Hinkle**. We saw they had 1 operator working on site, took a photo of the individual operating, however we elected to not interview him this visit.

**Overall Assessment of License Compliance:** Highly non-compliant.

**2. 2228 Martin Luther King Jr. Ave, SE**

- **Project Name:** Maple View Flats
- **Developer:** 2228 MLK LLC (Chapman Development)
- **General Contractor:** Bozzuto
  - [https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=36&rl=tsd](https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=36&rl=tsd)
  - [https://dhcd.dc.gov/page/maple-view-flats-big-k-site-development-0](https://dhcd.dc.gov/page/maple-view-flats-big-k-site-development-0)

In the GC’s trailer, we met with:

- **Bozzuto** folks, including their internal compliance person, Andre (same individual from DHCD’s Conway Center job, which has a large FFC/DC DHCD/US DOL wage theft case in final stages of adjudication for the Sprinkler Fitting work). [https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=28&rl=ttm](https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=28&rl=ttm)

and subcontractor supervisors/foremen:

- **Kelly Electric**
  - Jason Durbin
• Said had 9 electricians/apprentices on site (including? 3 common laborers only cleaning and/or moving materials). Believes the electricians, apprentices are all licensed/registered – said he’d double check to make sure.
  • Although workers classified as common laborers for mechanical, electrical and plumbing companies should be treated as a possible flag for craft misclassification, this subcontractor felt the most compliant of all we interviewed today.

- **Iron Fabrication Company**
  - Devon Barnes
    - Is an iron fabrication company that performs steel erection.
    - Company had a forklift in use on site.
    - Devon Barnes did not know if his operator(s) was/are licensed. Standoff-ish.

- **CDI**
  - Jose Martinez
    - Mechanical contractor. Said 6 workers on site, 3 mechanics + 3 common laborers.
      - Said 2 were performing HVAC, neither licensed.
      - Jose Martinez does not have an HVAC license either.

- **RV Carey’s Plumbing**
  - Benjamin Garcia
    - Benjamin Garcia is not a licensed plumber. Said 6 plumbers were on site, wasn’t sure if they were licensed, sounded like they might not be.

**Overall Assessment of License Compliance:** Likely compliant on the Electrical. Not compliant on the Mechanical and Plumbing. Possibly not compliant on the operator with Iron Fabrication Company.

3. **1300 H Street, NE**

- **Developer:** 1300 H Street NE LLC (c/o Insight Property Group LLC)
  - https://1300hstreet.com/contact/about/
  - https://insightpropertygroupllc.com/project/1300-h-street-ne/
- **General Contractor:** McCullough Construction (5513 Connecticut Ave. NW, Suite 200)
  - https://www.mccullough-construction.com/portfolio-item/1300-h-street/

In the GC’s trailer, we met with:
- **McCullough** Senior Superintendent, Travis Heath
  - Cell: 202.528.5041
  - Office: 202.237.2415
  - Fax: 202.237.2416
  - travis@mccullough-construction.com

- **Genco Masonry**
  - Pete O’Donnell
  - Has 1 operator on site, forklift. Has question about which class 7 license that requires.

- **Titan Mechanical**
Richard King (540.247.4415)
- Said applied for his HVAC Masters license ~2 months ago, is pending. Claims to currently hold Masters HVAC license in MD and VA.
- Said has 3 HVAC workers on site, is not sure if they’re licensed.

Spartan Electric
- Todd Law
  - Todd does not have a DC electricians license, I may recall him saying that he’s licensed in either Maryland or Virginia.
  - Says 4 electricians were on site today, he did not know if they were licensed.

Inspiration Plumbing
- David Vargas
  - Says he’s working on getting his DC plumbers license, in processing?
  - Said has 3 plumbers and 3 helpers; none have plumbers licenses.

McCullough Construction
- Michael Lightner, Project Manager

Overall Assessment: Not compliant to possibly/likely not compliant. Superintendent Heath was notably cooperative, warm.

Warm regards,

John L. Monroe, Compliance Programs Manager
Foundation for Fair Contracting
cell 202.430.4835
Good morning John.

Appreciate the notes. We are looking forward to continuing to engage in a manner that is most productive in ensuring the safety of District residents and workers on site through licensure compliance.

Thanks again for you and your team’s participation.

Regards,

Timothy R. Handy  |  Chief of Compliance, Business and Professional Licensing Administration  
Department of Consumer and Regulatory Affairs  

handy.timothy@dc.gov  |  1100 4th St SW, DC 20024  
main: 202.442.4400 | desk: 202.442.8930  
mobile: 202.607.9314 | dcra.dc.gov

Chief of Compliance Handy and Team,

Thank you so much for affording Tony Solis, Mario Reyes and myself the opportunity to partner yesterday on joint labor compliance site visits as volunteers! We enjoyed our time together and feel the day was successful; I’m looking forward to Day 2 on Wednesday 9/26.

In case you might find them helpful, attached and also copied below are my notes from our interviews with the GCs and subcontractors yesterday.
Chief of Compliance Handy and Team,

Thank you for affording Juan Bonilla (electrician), Luis Gonzalez-Mendez (electrician), Jose Ventura (operating engineer) and myself the opportunity to partner this past Wednesday on joint labor compliance site visits as volunteers, for Day 2 of this righteous pilot! We had a great time partnering with George, Asia and Tim — we felt Day 2 was yet another successful and illuminating venture.

I apologize for my delay in sharing my Day 2 notes to supplement DCRA’s, and I hope it hasn’t inconvenienced you. Notes are at the bottom of this email, also attached.

On behalf of our 5 craft volunteers to date and the FFC, thank you so much again for the honor and privilege.

In regards to scheduling our next outing, is there a day the week of Monday October 15th – Friday 19th that works on your end? If not, perhaps the following week?

It might also be a good idea to meet and strategize/confer a bit prior to our next round, in regards to asks and tactics at the job sites — since I understand the nature of our visits may be a little different from the educational/heads-up tact we’ve deployed thus far. What do you think?

- - - - -

DCRA Joint Labor Compliance Pilot - Site Visits Day 2 Notes – 9.26.18

1. 1100 2nd Street SE, Washington DC 20003
   - Project Name: Square 769N
   - Developer: Mid-City Urban, LLC; Forest City Residential, Inc.; DC Housing Authority
   - General Contractor: Bozzuto
   - [https://www.bozzuto.com/portfolio/capper-769n/](https://www.bozzuto.com/portfolio/capper-769n/)
   - [https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=130&rl=tqdoct](https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=130&rl=tqdoct)

In the GC’s trailer, we met with:
   - Bozzuto Employees
     - Project Superintendent, Ali Emadi (cell 703.850.7130)
     - Engineer, Chase (will update notes later w/ business card info)
- **Chase** and **Ali Emadi** said that Bozzuto had ~9-12 total subs on site 9.26.18.

- Provided a list of the Project's subcontractors
  - Breeden Heating & Air — HVAC
  - Breeden Mechanical — Plumbing
    - *Breeden has the Plumbing and Mechanical package (sheet metal ductwork; HVAC; Mechanical Insulation).*
  - Spartan Electric — Electrical
  - Chesapeake — Fire Protection
  - Iron Fabrication Services, Inc. — Misc. Metals
  - Advanced Window — Windows
  - Alliance Exterior Products — Roofing/Metal Panels
  - Advanced Caulking — Exterior Caulking
  - Precision Wall Tech — Painting/Wall Coverings
  - Bunting Door — Doors, Frames, Hardware
  - Chiaramonte Construction — Framing/Drywall
  - Telligent — Masonry
  - GT Contracting — Site Concrete
  - Leedo — Cabinets/Countertops
  - Western Carey DBA Tru Team — Insulation
  - Lach Tile and Marble — Tile
  - Carpet and Wood Floor Liquidators — Flooring
  - Alco Doors — Unit Millwork

In the GC's trailer, we met with subcontractor supervisors/foremen:

- **Spartan Electric**
  - **Dave Cox**, Superintendent
    - does not have a DC license.
    - said had ~12 workers on-site, including ~3 helpers.
    - said he's not sure if his workers are licensed electricians
    - **Bozzuto's Chase** says that in general, "helpers" employed on the project are paid correctly as Journeyman for 20% of their hours, and paid as helpers for the rest.
    - **Bozzuto** says the project has an unusual/bizarre arrangement where Davis-Bacon is paid on 20% of the project ... subsequently interpreted as 20% of hours worked.
      - apparently there are 2 separate contracts; 1 for the DC DHCD related public funding of ~20% project cost; 1 for the Private 80% funding.
      - (standard practice is that the ~20% public funding would trigger Davis-Bacon rates for an entire project like this, all under 1 contract).
Bozzuto’s Jason and 1 other Engineer shared that the unusual arrangement has been a pain in ways (required them to manage 3x reporting for payroll; confusion amongst the workers re: correct pay), but that they’ve been able to streamline the 3x payroll reporting to a degree, over time.

Bozzuto also shared that the US DOL strongly disapproved of the arrangement.

- said Kenny Lemere is Spartan Electric’s Master Electrician, not on site today.
  - 240.793.3088

Breeden Heating & Air

- Isaac Bagley, Site Foreman
  - Does not have a DC license.
    - Said has a MD license.
  - said had 5 workers on site
    - 2 performing sheet metal ductwork
    - 3 performing HVAC
      - Isaac not sure if the HVAC workers are licensed

Breeden Mechanical -- Plumbing

- Carlos Arguetta, Foreman/Supervisor (571.233.2478)
  - Carlos is not a licensed plumber. He said he’s an apprentice plumber in Maryland.
  - said had 4 workers performing Plumbing on-site.
    - 2 plumbers; 2 helpers – none licensed.
  - Carlos said that they used 1 plumbing subcontractor, Norma West
    - Said that Norma West had 10-15 plumbers working on-site at their peak. Said he wasn’t sure if they were licensed plumbers, said it was possible that they weren’t.
    - Possibly worth noting that Bozzuto’s Chase, while we waited ~30 minutes for Breeden’s plumbing foreman/ supervisor Carlos Arguetta to arrive from another site, had told us that he thought Breeden may have used 2 plumbing subcontractors during peak, but that Carlos Arguetta would know best.
    - We did not inquire about the Mechanical Insulation (not a licensed craft).

Telligent – Masonry

- Mark, foreman/ supervisor; Ricardo Raul Moscuso, operator
- had 1 forklift operator (Ricardo), also uses a boom lift:
  - Ricardo Raul Moscuso is not a licensed operator.

Overall Assessment: Not compliant. All of Bozzuto’s employees were cooperative, pleasant, helpful, appreciative. All of the subcontractor supervisors we spoke with were also cooperative, appreciative.

- Spartan Electric not compliant/likely not compliant.
- Breeden Heating & Air not compliant/likely not compliant.
- Breeden Mechanical (Plumbing) not compliant.
o Norma West possibly not compliant

2. **2841 Robinson Place, SE 20020**
   - **Project Name:** Parkway Overlook Apartments
   - **Developer:** District of Columbia Housing Authority
   - **General Contractor:** MCN/Southway joint venture
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  - Dave Butler, Superintendent (will update contact info later)

- **Southway**
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anomaly and likely a breach of contract between Total Electric and IBEW 26. It’s my sense that Gross’ need to address his lack of DC license, also his union membership issue, may dovetail into compliance on both fronts in the days ahead. One of the additional reasons/incentives being...per IBEW #26’s initiative and contract with its signatory employers, Journeyman aka “A Wiremen” and Apprentices must be licensed in DC in order for them to qualify for paid vacation—a union promoted measure aimed at further incentivizing DC licensing compliance amongst members.

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Overall Assessment: Not compliant. MCN’s Dave Butler was warm, cooperative, not defensive. Asked that in the future, everyone please have required safety gear (protective eyewear; hardhat; steel/composite toe shoes with protective soles; safety vest). Southway’s Ron Fisher was also cooperative and mostly warm, slightly defensive, ended warmly.
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Thank you again and have a great weekend!

John L. Monroe, Compliance Programs Manager
Foundation for Fair Contracting
cell 202.430.4835

5829 Allentown Rd
From: Handy, Timothy(DCRA) <timothy.handy@dc.gov>
Sent: Thursday, September 20, 2018 8:23 AM
To: John Monroe <JMonroe@ffcchoice.org>
Cc: Batista, George (DCRA) <george.batista@dc.gov>; Dumas, Asia (DCRA) <asia.dumas@dc.gov>; Bynum, Timothy (DCRA) <timothy.bynum@dc.gov>; Mario Reyes <mreyes@UANET.ORG>; Tony Solis <tsolis@local5plumbers.org>; Stephen Courtien <scourtien@choiceworks.org>; Parker, Vincent (DCRA) <Vincent.Parker@dc.gov>; Briggs, Cynthia (DCRA) <Cynthia.Briggs@dc.gov>
Subject: RE: Thank You / Notes from 9.19.18 Site Visits

Good morning John.

Appreciate the notes. We are looking forward to continuing to engage in a manner that is most productive in ensuring the safety of District residents and workers on site through licensure compliance.

Thanks again for you and your team’s participation.

Regards,

Timothy R. Handy | Chief of Compliance, Business and Professional Licensing Administration
Department of Consumer and Regulatory Affairs

timothy.handy@dc.gov | 1100 4th St SW, DC 20024
main: 202.442.4400 | desk: 202.442.8930
mobile: 202.607.9314 | dcra.dc.gov

From: John Monroe <JMonroe@ffcchoice.org>
Sent: Thursday, September 20, 2018 8:10 AM
To: Handy, Timothy(DCRA)
Cc: Batista, George (DCRA); Dumas, Asia (DCRA); Bynum, Timothy (DCRA); Mario Reyes; Tony Solis; Stephen Courtien
Subject: Thank You / Notes from 9.19.18 Site Visits

Regards,
Chief of Compliance Handy and Team,

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In case you might find them helpful, attached and also copied below are my notes from our interviews with the GCs and subcontractors yesterday.

Thank you again for the opportunity, it’s a true honor to partner with you on this righteous pilot.

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DCRA Joint Labor Compliance Pilot - Site Visits Day 1 Notes – 9.19.18

1. 1100 2nd Street SE, Washington DC 20003
   - **Project Name:** Square 769N
   - **Developer:** Mid-City Urban, LLC; Forest City Residential, Inc.; DC Housing Authority
   - **General Contractor:** Bozzuto
     - [https://www.bozzuto.com/portfolio/capper-769n/](https://www.bozzuto.com/portfolio/capper-769n/)
     - [https://octo.quickbase.com/db/bit4krdh?a=dr&rid=130&rl=tqd](https://octo.quickbase.com/db/bit4krdh?a=dr&rid=130&rl=tqd)

I went back and double-checked this evening ... and while it still proved quite worthwhile - also understandable given all the nearby construction going on and conflicting GPS readings - we joint site visited the wrong job.

The job we actually visited was a different project 2 blocks north and 1 block west:

150 I St SE, Washington DC 20003
   - **Project Name:** The Garrett at the Collective
   - **Developer:** WC Smith
   - **General Contractor:** WCS Construction (3303 Stanton Road, SE – Washington DC 20020)
     - [https://thecollectivedc.com/garrett/](https://thecollectivedc.com/garrett/)

In the GC’s trailer, we met with:
   - **WCS Senior Superintendent, Kevin Cunningham**
     - Main: 202.889.3615
     - Direct: 202.903.2278
     - Cell: 301.674.4754
     - Fax: 202.889.8875
     - [kcunningham@wcsconstruction.com](mailto:kcunningham@wcsconstruction.com)

And subcontractor supervisors/foremen:
   - **District Electrical Services** (Decatur Street Hyattsville MD)
     - Dan Bardieri
       - Said 6 electricians on site don’t have licenses

---
• Inspiration Plumbing Company aka IPC (42669 Trade West Drive, Sterling VA)
  o Eric
    ▪ Said 4 plumbers on site, none are licensed
    ▪ Supervisor/foreman Eric also does not have a license

• Miller & Long
  o Che
    ▪ Said he had 1 crane operator working on site. Che showed an individual’s license via Che’s cell phone, said it belonged to the crane operator.

• Brothers Mechanical (Lorton, VA)
  o Juan Juarez
    ▪ Said he had 4 sheetmetal workers on site (duct installation does not require a license, however HVAC Refrigeration and Air Conditioning does require a license).
    ▪ Foreman/supervisor Juan Juarez does not have an HVAC license.
  o We did not meet with the excavation subcontractor, R.B. Hinkle. We saw they had 1 operator working on site, took a photo of the individual operating, however we elected to not interview him this visit.

Overall Assessment of License Compliance: Highly non-compliant.

2. 2228 Martin Luther King Jr. Ave, SE
• Project Name: Maple View Flats
• Developer: 2228 MLK LLC (Chapman Development)
• General Contractor: Bozzuto
• https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=36&rl-tsd
• https://dhcd.dc.gov/page/maple-view-flats-big-k-site-development-0

In the GC’s trailer, we met with:
• Bozzuto folks, including their internal compliance person, Andre (same individual from DHCD’s Conway Center job, which has a large FFC/DC DHCD/US DOL wage theft case in final stages of adjudication for the Sprinkler Fitting work). https://octo.quickbase.com/db/bit4krbdh?a=dr&rid=28&rl=ttm

and subcontractor supervisors/foremen:
• Kelly Electric
  o Jason Durbin
    ▪ Said had 9 electricians/apprentices on site (including? 3 common laborers only cleaning and/or moving materials). Believes the electricians, apprentices are all licensed/registered — said he’d double check to make sure.
    ▪ Although workers classified as common laborers for mechanical, electrical and plumbing companies should be treated as a possible flag for craft misclassification, this subcontractor felt the most compliant of all we interviewed today.

• Iron Fabrication Company
  o Devon Barnes
    ▪ Is an iron fabrication company that performs steel erection.
• Company had a forklift in use on site.
• Devon Barnes did not know if his operator(s) was/are licensed. Standoff-ish.

• CDI
  • Jose Martinez
    • Mechanical contractor. Said 6 workers on site, 3 mechanics + 3 common laborers.
      • Said 2 were performing HVAC, neither licensed.
      • Jose Martinez does not have an HVAC license either.

• RV Carey’s Plumbing
  • Benjamin Garcia
  • Benjamin Garcia is not a licensed plumber. Said 6 plumbers were on site, wasn’t sure if they were licensed, sounded like they might not be.

**Overall Assessment of License Compliance:** Likely compliant on the Electrical. Not compliant on the Mechanical and Plumbing. Possibly not compliant on the operator with Iron Fabrication Company.

3. 1300 H Street, NE
• **Developer:** 1300 H Street NE LLC (c/o Insight Property Group LLC)
  • [https://1300hstreet.com/contact/about/](https://1300hstreet.com/contact/about/)
  • [https://insightpropertygroupllc.eom/project/1300-h-street-ne/](https://insightpropertygroupllc.eom/project/1300-h-street-ne/)
• **General Contractor:** McCullough Construction (5513 Connecticut Ave. NW, Suite 200)
  • [https://www.mccullough-construction.com/portfolio-item/1300-h-street/](https://www.mccullough-construction.com/portfolio-item/1300-h-street/)

In the GC’s trailer, we met with:
• **McCullough Senior Superintendent, Travis Heath**
  • Cell: 202.528.5041
  • Office: 202.237.2415
  • Fax: 202.237.2416
  • travis@mccullough-construction.com

• **Genco Masonry**
  • Pete O’Donnell
  • Has 1 operator on site, forklift. Has question about which class 7 license that requires.

• **Titan Mechanical**
  • Richard King (540.247.4415)
    • Said applied for his HVAC Masters license ~2 months ago, is pending. Claims to currently hold Masters HVAC license in MD and VA.
    • Said has 3 HVAC workers on site, is not sure if they’re licensed.

• **Spartan Electric**
Todd Law
- Todd does not have a DC electricians license, I may recall him saying that he’s licensed in either Maryland or Virginia.
- Says 4 electricians were on site today, he did not know if they were licensed.

Inspiration Plumbing
- David Vargas
  - Says he’s working on getting his DC plumbers license, in processing?
  - Said has 3 plumbers and 3 helpers; none have plumbers licenses.

McCullough Construction
- Michael Lightner, Project Manager

**Overall Assessment:** Not compliant to possibly/likely not compliant. Superintendent Heath was notably cooperative, warm.

---

Warm regards,

John L. Monroe, Compliance Programs Manager
Foundation for Fair Contracting
cell 202.430.4835

5829 Allentown Rd
Camp Springs, MD 20746
Office: 301-899-8134
www.ffchoice.org

DC Office
815 16th Street N.W. Suite 600
Washington, DC 20006
202-756-4635

Baltimore City Office
3600 O'Donnell Street
South Tower - Suite 800
Baltimore, Maryland 21224
Greetings John.

Humble apologies for the delayed reply. I want to thank everyone for a productive first round of site visits.

We’ll be in touch shortly to convene and discuss the way forward for next round of visits. We’ll have to get back to you with a date for week of 10/15/18 that works for the team.

Looking forward to it.

Regards,

Timothy R. Handy  
Chief of Compliance, Business and Professional Licensing Administration  
Department of Consumer and Regulatory Affairs  
timothy.handv@dc.gov  |  1100 4th St SW, DC 20024  
main: 202.442.4400 | desk: 202.442.8930  
mobile: 202.607.9314 | dcra.dc.gov
Vincent,
I’m sorry to hear something that had just been started be cut short since I received very positive feedback from my affiliates and our contractors of the visits. We are still very interested in working with you and DCRA on this continued issue. We would still want to meet to discuss any next steps including anyway we maybe able to help with these broader internal issues. Thank you again.

Stephen W. Courtien
Field Representative
Baltimore DC Building Trades
(202) 756-4660

From: Parker, Vincent (DCRA) <Vincent.Parker@dc.gov>
Sent: Friday, October 26, 2018 11:41 AM
To: John Monroe <JMonroe@ffcchoice.org>; Stephen Courtien <scourtien@choiceworks.org>
Cc: Handy, Timothy(DCRA) <timothy.handy@dc.gov>; Bolling, Melinda (DCRA) <melinda.bolling@dc.gov>
Subject: RE: Thank You / Notes from 9.26.18 Site Visits

Hello Mr. Monroe and Mr. Courtien,

I think our pilot partnership was a success. With that being said, we will not be planning any additional joint site visits at this time. Discussions about the broader issue have highlighted a few points that we need to address internally.

We certainly still consider you all partners and I am hopeful that we will continue to be resources for each other in the future.

Kind regards,

VP
From: John Monroe [mailto:JMonroe@ffcchoice.org]
Sent: Wednesday, October 24, 2018 6:16 PM
To: Parker, Vincent (DCRA)
Subject: FW: Thank You / Notes from 9.26.18 Site Visits

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Administrator Parker,

Sorry to be blowing you up with emails, after hours to boot. I’m just circling back to inquire about next steps for our pilot.

Did you and Chief Handy wanna set a meeting with myself and Steve C., to confer prior to our next round of site visits?

Thanks,

John L. Monroe, Compliance Programs Manager
Foundation for Fair Contracting
cell 202.430.4835

5829 Allentown Rd
Camp Springs, MD 20746
Office: 301-899-8134
www.ffccchoice.org

DC Office
815 16th Street N.W. Suite 600
Washington, DC 20006
202-756-4635

Baltimore City Office
3600 O'Donnell Street
South Tower - Suite 800
Baltimore, Maryland 21224
From: Stephen Courtien  
Sent: Friday, October 5, 2018 1:39 PM  
To: Handy, Timothy (DCRA) <timothy_handy@dc.gov>  
Cc: John Monroe <JMonroe@ffcchoice.org>; Batista, George (DCRA) <george.batista@dc.gov>; Dumas, Asia (DCRA) <asia.dumas@dc.gov>; Bynum, Timothy (DCRA) <timothy.bynum@dc.gov>; Juan Bonilla <jbonilla@ibewlocal26.org>; Luis Gonzalez-Mendez <lgonzalez@ibewlocal26.org>; Jose Ventura <jventura@IUOElocal77.com>; Parker, Vincent (DCRA) <Vincent.Parker@dc.gov>; Briggs, Cynthia (DCRA) <Cynthia.Briggs@dc.gov>  
Subject: Re: Thank You / Notes from 9.26.18 Site Visits

Thank you.
Also wanted to know when we should sit down and discuss next steps and any concerns.

Stephen W. Courtien  
Field Representative  
B.D.C.B.T  
Baltimore/DC Building Trades  
(202) 756-4660

On Oct 2, 2018, at 3:55 PM, Handy, Timothy (DCRA) <timothy_handy@dc.gov> wrote:

Greetings John.

Humble apologies for the delayed reply. I want to thank everyone for a productive first round of site visits.

We’ll be in touch shortly to convene and discuss the way forward for next round of visits. We’ll have to get back to you with a date for week of 10/15/18 that works for the team.

Looking forward to it.

Regards,

Timothy R. Handy | Chief of Compliance, Business and Professional Licensing Administration  
Department of Consumer and Regulatory Affairs  
timothy_handy@dc.gov | 1100 4th St SW, DC 20024  
main: 202.442.4400 | desk: 202.442.8930  
mobile: 202.607.9314 | dcra.dc.gov

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Thank you for the opportunity to testify regarding our union’s longstanding and futile attempts to get DCRA to enforce licensing laws in the electrical industry. These licensing requirements are critical to ensure safety for both workers and occupants. Our union has investigated and provided extensive evidence of a pattern by certain companies of engaging in unlicensed electrical work. Despite our efforts and outreach, DCRA has taken no action to address this serious problem.

We first reached out to DCRA in January 2015, when we brought four workers in to meet with a DCRA investigator. These witnesses provided time sheets, paychecks and other documents to establish that they performed electrical work at 701 2nd St., N.W., for Power Design through a labor broker, JVA Services. These individuals disclosed that they did not have electrical licenses. (These workers came forward because they were also victimized by wage theft.)

The DCRA investigator scheduled a follow-up meeting for March 22, 2015, where we brought additional witnesses with more information about unlicensed electrical work being performed on Power Design worksites at 2112 8th St., N.W., and at 300 Riggs Rd., NE.

The investigator took all of our information and evidence and stated that she would be reaching out to the Board of Electricians and that she would be back in touch. We never heard back. We repeatedly tried to reach her at DCRA and finally were told that she had been transferred to a different division.

In 2018, in an attempt to achieve improvements in the DCRA inspection program, we engaged in a pilot program with DCRA for joint labor compliance monitoring site visits. During the site visits we learned that DCRA investigators have a policy of never walking onto job sites and observing or interviewing workers. Instead, they only speak with the superintendents in the GC’s trailer. Despite the valuable information obtained on these visits and DCRA characterizing the short-lived pilot as a success, DCRA terminated the pilot program after only two joint site visits, citing broader issues that they need to address internally.

Another attempt to get the attention of DCRA regarding the pattern of unlicensed electrical work took place in April of 2018, when we met with the Chairman of the Board of Industrial Trades to provide him with extensive evidence of unlicensed labor brokers – JVA Services, ES&R, and DDK Electric – operating on several Power Design job sites. These companies employed dozens of workers who signed “independent contractor” agreements who were also not licensed to do electrical work. We filed a formal complaint with the Board of Industrial Trades for presentation to the Director and Acting Counsel to the Board.

The Board forwarded our evidence to DCRA for further investigation and to validate our evidence. An investigator came to Local 26 where we provided him with further documentation of the lack of compliance with electrical licensing requirements including contact with a worker with direct evidence. We also shared information from the Attorney General’s lawsuit against
Power Design which identified that DDK employed a minimum of 34 workers to perform electrical work on Power Design sites between 2014 and 2017 who according to DC databases did not hold licenses.

Unfortunately, the DCRA investigator reported inaccurately to the Board of Industrial Trades that the labor brokers did hold valid licenses. They held licenses for asbestos work and for equipment operating, but not for electrical work. Nonetheless, the Board dismissed the complaint.

A complaint was refiled by DC Jobs with Justice, a community group concerned about Power Design’s pattern of using unlicensed electrical workers and the potential for grave injury to the public. These fears came to pass on February 8, 2019, when workers were seriously injured while working with energized electrical equipment without any personal safety protection.

Although DCRA has the authority to suspend licenses and to issue cease and desist orders, no action whatsoever has been taken to date to address this dangerous pattern of unlicensed electrical work.

Finally, I want to add that we have heard repeatedly that the only reason we have been raising these concerns for these past four years is because Power Design is non-union. This is absolutely false and insulting. Utilizing unlicensed electricians on construction sites is a threat to the entire public, and it is an assault on all legitimate law-abiding contractors both union and non-union.
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.
December 20, 2019

The Honorable Phil Mendelson, Chairman
Committee of the Whole
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

RE: B23-0091 Department of Buildings Establishment Act of 2019

Dear Chairman Mendelson and Members of the Council:

Please accept these comments on behalf of the Board of Directors of the Washington Chapter of the American Institute of Architects (AIA|DC). AIA|DC represents more than 2,300 architects in Washington and is the fifth-largest AIA chapter in the country.

In 2018, AIA|DC testified on an earlier version of this bill. We stated then that AIA|DC did not object to the proposed legislation, provided that meaningful performance metrics were put in place to help ensure that agency operations under the proposed new arrangement would be more efficient.

Since that testimony, however, DCRA has implemented performance metrics on its own, and is now holding itself to a much-higher standard of service and accountability than it has in the past. DCRA is now working concertedly to improve work flow, employee accountability, and transparency in areas that are important to us, including inspection, building permit processing efficiency, and workplace culture. We have been working closely with DCRA to speed up the building permit review process, and we have been very encouraged by the results to date.

In light of this important development, we now view the proposed reorganization differently: Since carrying out the proposed reorganization could absorb a significant amount of time and energy from DCRA staff for an extended period, we are concerned that it could break the current reform momentum and create a risk of derailing the reform effort. In short, given DCRA’s current reform effort, we believe the potential risks of the proposed reorganization have grown, and that priority should be given to ensuring the continuation and success of DCRA’s reform activities.

Thank you for the opportunity to contribute to this discussion. Please contact us if we can be of further assistance.

Sincerely,

Mary Fitch, AICP, Hon. AIA
Executive Director

Marc Fairbrother, AIA
President
Mr. Chairman and Members of the Committee,

We write in support of Bill 23-91, which would split DCRA into two distinct agencies.

In April 2018, ANC 6C voted unanimously to support an identical bill. Attached as Exhibit A to this testimony is a copy of ANC 6C’s 2018 testimony. We fully re-adopt that statement, both in its support of the plan to break up DCRA and in its specific recommendations for ways in which the bill could be improved. In doing so, we emphasize two points.

First, DCRA overall is a fundamentally broken, dysfunctional agency. Despite years of well-documented failures—as described on countless occasions over the past several years by ANC 6C and other organizations, not to mention the DC Auditor and Inspector General—the agency continues to fall short in its obligations to protect and serve the public.

Attached as Exhibit B is ANC 6C’s DCRA oversight testimony from February of this year. In it, we described six distinct areas (ranging from vacant building enforcement to review of construction permit applications) in which DCRA suffered, and still suffers, from systemic, ongoing failures. And beyond those six areas, episodes such as the fire at 708 Kennedy St. NW—in which two people died because of DCRA’s failure to take action against an illegal and dangerous rooming house—underscore how persistent and grave DCRA’s shortcomings are.

Our second point is to emphasize one specific problem area. As noted in ANC 6C’s testimony last February, and for many years before that, the Office of the Zoning Administrator in DCRA has long shown itself an unreliable enforcer of the District’s zoning regulations.

1 ANC 6C authorized this testimony at its duly noticed, regularly scheduled monthly meeting on December 11, 2019, with a quorum of 6 out of 6 commissioners and the public present, by a vote of 6-0.
For example, last February we pointed out that after being caught by ANC 6C issuing an improper certificate of occupancy, the Zoning Administrator revoked that C of O only to issue an identical and equally illegal C of O a month later. (See page 3 of Exhibit B.)

One might think that being caught—and called out in front of this body in public testimony—for such dereliction would have prompted reforms and improved performance at DCRA. One would be wrong.

Earlier this month, a member of ANC 6C discovered a new C of O for a property authorizing almost twice the legal maximum of non-residential floor area. This is not a complicated calculation; one need only take the applicant’s requested floor area, divide that into the lot area, and compare it to the maximum in the regulations (in this case, 0.5). (See Exhibit C for details.)

This may seem like a small slip-up. It is not minor, however, when the same error—and innumerable others like it—recurs over and over despite vocal protests from ANCs and others. There are only two possible explanations: either the Zoning Administrator, who is responsible for training and supervising his staff, doesn’t know what the zoning regulations say or doesn’t care. Neither possibility speaks well of that office or of the series of DCRA Directors who continue to tolerate this dysfunction.

That is why we urge you to revise B23-91 to strengthen the requirements for the Zoning Administrator position. As explained in ANC 6C’s testimony from last year, the ZA, like the Chief Building Official, 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. And perhaps most importantly, the incumbent should not be automatically retained in the new Department of Buildings, but should instead be subject to Council confirmation from the outset.

* * *

We thank you for the opportunity to provide testimony and welcome any followup questions the Committee may have.
Exhibit A
Mr. Chairman and Members of the Committee,

ANC 6C supports B22-669, Department of Buildings Establishment Act of 2018. As detailed below, we believe the legislation would serve the public interest by addressing several longstanding problems within the Department of Consumer and Regulatory Affairs (DCRA). At the same time, we respectfully offer several concrete suggestions for ways to improve the bill further.

Summary of the Legislation

The bill would split DCRA into two agencies:
- A new Department of Buildings (DOB) responsible for construction, zoning, and housing code administration (permitting, code maintenance/revision) and enforcement.
- The Department of Licensing and Consumer Protections, which would retain DCRA’s remaining duties.

DOB, led by a Director, would have the following components:
- Office of the Director (Human Resources, General Counsel, Communications, Information Technology)
- Administrative Services (customer service/complaint resolution; fleet management; contracting/procurement)
- Office of Construction & Building Standards, led by the Chief Building Official (CBO), with the following subcomponents:
  - Permitting operations
  - Construction compliance (code revision)
  - Inspections
  - Green Building Division

1 ANC 6C authorized this testimony at its duly noticed, regularly scheduled monthly meeting on April 11, 2018, with a quorum of 6 out of 6 commissioners and the public present, by a vote of 6-0.
Office of the Surveyor
Third-party inspections
Zoning Administration

Office of Residential Inspection (vacant/blighted; rental housing inspections; housing rehabilitation, including abatement of violations)

Office of Strategic Code Enforcement led by Strategic Enforcement Administrator (SEA)
- Code enforcement division (coordinate and monitor enforcement of cited violations; issue Notices of Infraction (NOIs))
- Civil Infractions and Fine Assessment Division (handle OAH hearings; collect fines & impose liens)

Notably, the CBO and SEA would require Council confirmation; would have fixed five-year terms; and would be removable only for cause to make them more insulated from political pressure. A CBO nominee would also be required to have certain minimum qualifications.

Section 107 requires the City Administrator to prepare and submit a detailed transition plan with timeline.

Sections 201 and 202 require the SEA, once DOB is created, to develop a yearly enforcement plan and submit a detailed annual enforcement report.

**Analysis and Main Recommendations**

On balance, this bill marks an important effort to address certain structural problems within DCRA. The current agency is so large, and its portfolio so varied, that it is unclear whether any Director is capable of running it effectively. The current Director certainly has not done so.

Creating statutory protections for key officials (and in the case of the CBO, minimum qualifications) is a positive step toward more responsible governance. That said, the legislation would benefit from several improvements:

- **CBO qualifications**: The statement of the CBO’s qualifications (lines 110-113) should include a preference for candidates with a degree in architecture or structural engineering.

- **Scope of the CBO’s authority**: The bill’s list of the CBO’s regulatory authority includes only a small number of the subtitles in Title 12, DCMR. (For example, it omits the Electrical Code, the Plumbing Code, the Mechanical Code, and the Fire Code, among other provisions.) The Council should expand this authority to cover all of the disciplines in Title 12.
Relatedly, we do not believe that there needs to be a Green Building Division under the CBO separate from the permitting, compliance, and inspection divisions. This is not to diminish the importance of the Green Building requirements; clearly, these rules serve an increasingly important function in the face of climate change. However, we are concerned that a separate Green Building Division may result in duplication of effort, organizational inefficiency, and potential conflict with other components.

Conversely, the CBO’s authority should not encompass the zoning regulations. Unlike with Title 12, the issues involved in administering zoning regulations cover other subjects (such as usage) extending well beyond the physical characteristics of structures, and thus require their own specialized set of skills and experience.

- Accordingly, we recommend that the Zoning Administrator (ZA) have authority over the subject matter described in lines 212-220. The ZA, like the CBO, 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. The Office of the ZA would not be located within the Office of Construction and Building Standards led by the CBO, as proposed at lines 212-220, but would instead be a separate peer component.

- Confirmation of term-appointed officials: The CBO, like the SEA and the ZA proposed above, should be confirmed anew. We oppose the proposal to retain the incumbent CBO without Council confirmation.

- Conflicting authorities among officials: While we support the concept of having the SEA monitor the work of the CBO’s inspections and enforcement staff—almost as a quasi-Inspector General—we are concerned that the bill does not clearly demarcate the boundaries between their duties. For example, line 145 tasks the SEA with “general administration of the Department’s enforcement efforts,” but tasks the ZA’s office (under the CBO in the bill) with “enforc[ing] zoning regulations.”

Clarity around DCRA’s current processes for inspection; enforcement; fine adjudication, reduction, and collection; and abatement of illegal conditions would provide useful guidance on how to draw these dividing lines.

- Relatedly, the legislation does not always make clear that enforcement efforts must not stop at fines for improper work, but must also pursue removal/abatement of any improper use or structure. (We have seen multiple cases in which DCRA a) assessed a fine for an addition constructed with no permit but b) failed to follow up to require the
removal of the illegal structure.) For example, line 130 refers only to the collection/enforcement of fines; likewise, lines 236-247 discuss both fines and “compel[ling] compliance through judicial orders,” but overlooks the fact that in current practice DCRA—and not OAG—is responsible for enforcing abatement orders before OAH.

- **Public access to Department records:** As the Council is well aware, DCRA has for years failed to comply with its obligations under D.C. Official Code § 2-536(a)(8A) to make building permit application files available to the public at no cost on a public website. However, lines 163-167 of the bill (describing the duties of the IT unit within the Office of the Director) make no mention of such services. Enabling and supporting public access to all relevant records must be made an explicit part of this office’s responsibilities.

- **Reporting on fines:** The fine-collection data in the required annual report (lines 310 et seq.) should also indicate whether a citation was eligible, as a second or subsequent violation, for an escalated fine. (See, e.g., the schedule of escalating fines set forth at 16 DCMR § 3201.1.) Likewise, the report should provide a reason in any case where the maximum available fine was not imposed or collected.

- **DOB charter:** The Department of Buildings charter (lines 70-74) should expressly include the zoning regulations among the regulations and codes to be enforced and administered (lines 73-74).

**Miscellaneous Corrections and Questions**

Lines 41-45: “proscribe” should be “prescribe”.

Line 127: The reference to the CIO should probably cross-reference lines 221 et seq., which describe the CIO’s duties.

Line 161: This should probably read “the Office of General Counsel” instead.

Line 185: It is unclear to us why the component responsible for writing and revising code provisions is called “Compliance” and not “Standards.”

Line 190: The Building Inspection Division is assigned responsibility to “[i]nspect commercial buildings,” but not to inspect residential or other types of buildings. This should be expanded, given that the duties of the separate Office of Residential Inspection (lines 211 et seq.) do not encompass inspections for construction or zoning code violations.
Lines 213-214: Because the Zoning Administrator reviews all significant construction permit applications, the citation should be to all of Title 11, DCMR and not only to subtitle X.

Lines 218-220: “Refers developers” should be “Refer applicants”. Strike “and the Zoning Board,” as BZA handles all non-PUD variances and special exceptions. Also, such relief is from the zoning regulations themselves and not (as implied by the current language) from the ZA’s rulings. (If the intent is to include appeals from an adverse ZA ruling—which would also be handled by BZA—then clarification is needed.)

Line 221: The section numbering skips from 106(a)(3) to 106(a)(5).

Line 223: We suggest “inspect” in lieu of “investigate.”

* * *

We thank you for the opportunity to provide testimony and welcome any followup questions the Committee may have.
Exhibit B
Written Testimony of Advisory Neighborhood Commission 6C
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. 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 letter 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.

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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.


3 A copy of that letter can be viewed online at http://www.open-dc.gov/sites/default/
files/OOG%202002_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, 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

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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 regulations—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, 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.

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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.

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.

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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.
Attachment 1
February 25, 2019

Cameron Raspet, Director of Operations - Founder
Red Bear Brewing Company
1140 3rd St NE, Ste B100
Washington, DC 20002

Re:  BZA Case #19926 regarding 209 M Street NE

Dear Mr. Raspet:

As I indicated to the DC Office of Planning in my email to Karen Thomas on February 12, 2019, after my review of your building permit and other DCRA requirements, including its certificate of occupancy application, in conjunction with your BZA Case #19926 for relief from Subtitle U 802.1 (b), I have determined that application for that special exception relief is not necessary.

In this case, since the proposed single performance space (172 sf) proposed in this application would be accessory to the principal restaurant and brewery use, and would not be a facility specifically designed for entertainment use as anticipated by the definition under Subtitle B Section 200.2 - (n) (1) - Entertainment, Assembly, and Performing Arts.

Therefore, in my opinion, you may withdraw your pending BZA application #19926.

Please let me know if you have any follow up questions or concerns.

Sincerely,

Matthew Le Grant
Zoning Administrator

File: Letter to Raspet re 209 M St NE of 2-25-19
Attachment 2
RE: BZA 19926

LeGrant, Matt (DCRA)

Tue 2/26/2019 2:42 PM
DCRA permitting

To: Eckenwiler, Mark (SMD 6C04) <6C04@anc.dc.gov>
Cc: Thomas, Karen (OP) <karen.thomas@dc.gov>; Lawson, Joel (OP) <joel.lawson@dc.gov>; Moy, Clifford (DCOZ) <clifford.moy@dc.gov>

Importance: High

Mark Eckenwiler
Commissioner, ANC 6C04

After reviewing your below email, I am in agreement that the applicant still needs Special Exception relief from U-801.1(h). In consultation with the Office of Planning, the applicant and the Office of Zoning have been informed and I understand that the BZA hearing scheduled for tomorrow will remain on the agenda.

I appreciate you bringing this to my attention and let me know if you have any further questions.

Matthew Le Grant
Zoning Administrator- Dept of Consumer and Regulatory Affairs
1100 4th St SW- 3rd Floor
Washington, DC 20024
Matthew.legrant@dc.gov
202 442-4576

From: Eckenwiler, Mark (SMD 6C04)
Sent: Tuesday, February 26, 2019 12:59 PM
To: LeGrant, Matt (DCRA)
Subject: BZA 19926
Importance: High

Matt,

I've reviewed your Feb. 25 letter in the above case (209 M St. NE) and find myself perplexed. The proposed accessory use is expressly barred under 11-U DCMR 801.1 ("Eating and drinking establishments are permitted as a matter of right, provided no part of the establishment contains a live performance ... venue."). "No part" seems quite clear, and 11-B DCMR 200.2(m) does nothing to contradict or undermine that.

Can you please explain how this conforms to the requirements of 11-U DCMR 800.3 and 801.1?
Thank you.

Mark Eckenwiler
Commissioner, ANC 6C04
Vice-Chair, ANC 6C
www.anc6c.org
DCRA actively uses feedback to improve our delivery and services. Please take a minute to share your feedback on how we performed in our last engagement. Also, subscribe to receive DCRA news and updates.
Exhibit C
Recently issued COO

Eckenwiler, Mark (SMD 6C04)
Fri 12/6/2019 6:20 PM

To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Cc: Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>

Matt,

Your office recently issued CO2000481 for a retail convenience store at 337 H St. NE. The listed area for the use is 1500sf.

This property is in the NC-10 zone, which has a FAR cap of 0.5 for non-residential uses. However, the total lot area is 1,640 sf, which would put this use at a FAR in excess of 0.91.

Can you please tell me whether you believe I'm overlooking something or whether, on the contrary, this COO was improperly issued? ANC 6C meets next Wednesday evening, and I'd appreciate a substantive response before then if at all possible.

Thanks,

Mark Eckenwiler
Commissioner, ANC 6C04
Vice-Chair, ANC 6C
www.anc6c.org
**CERTIFICATE OF OCCUPANCY**

**Address:** 337 H ST NE

**Zone:** NC-10

**Ward:** 6  **Square:** 0777  **Suffix:** 0052

**Description of Occupancy:** RETAIL CONVENIENCE STORE.

<table>
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<th>LOIS A. JONES</th>
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<tbody>
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<td>LOIS A. JONES</td>
</tr>
<tr>
<td>Address:</td>
<td>2009 FOXMEADOW WAY BOWIE, MD 20721-2616</td>
</tr>
</tbody>
</table>

| BZA/PUD Number:                 | 1500          |
| Occupied Sq. Footage:          |               |

**Occupied Sq. Footage:** 1500

**PERMIT FEE:** $82.50

**Conditions/Restrictions:**

THIS CERTIFICATE MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS MAIN ENTRANCE, EXCEPT PLACES OF RELIGIOUS ASSEMBLY. Use complies w DCMR Title 11 (Zoning) and Title 12 (Construction).

As a condition precedent to the issuance of this Certificate, the owner agrees to conform with all conditions set forth herein, and to maintain the use authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all spaces whose use is authorized by this Certificate and to require any changes which may be necessary to ensure compliance with all the applicable regulations of the District of Columbia.

**Director:** Ernest Chrappah

**Permit Clerk:** Gwendolyn Owens

**Expiration Date:** 11/13/2019
Testimony on Bill 23-91, Department of Buildings Establishment Act of 2019  
December 10, 2019

Thank you for the opportunity to submit written testimony for the Committee of the Whole’s Public Hearing on Bill 23-91, the Department of Buildings Establishment Act of 2019.

Georgetown University is the oldest Catholic and Jesuit university in the United States, and an anchor institution in the District of Columbia since 1789. The University is one of the world’s leading academic and research institutions and each year attracts thousands of top undergraduate and graduate students from more than 129 countries to the District. In the Jesuit tradition, the University’s commitment to justice inspires our community to engage in a diversity of innovative, high-quality and sustainable partnerships designed to meet the needs of our city and educate students to be people for others.

My testimony today highlights two Georgetown partnerships with the DC Department of Consumer and Regulatory Affairs (DCRA).

The first partnership, referred to as the “BBL Project”, is a collaborative effort with DCRA through the Georgetown Community Partnership (GCP). The GCP is a consensus based forum established as part of Georgetown University’s 2010 Campus Plan. Its membership is comprised of representatives from ANC2E, ANC3D, the Citizens Association of Georgetown, the Burleith Citizens Association, the Foxhall Village Citizens Association, Georgetown University, and the Georgetown University Student Association.

The BBL Project identifies group apartments rented by students off-campus and ensures that these property owners comply with basic business license requirements. Coupled with Georgetown University student volunteers that provide support, outreach, and education on tenant rights, the result of this collaboration is a more efficient and effective process for inspections — the goal of which is to ensure that students rent safe and habitable properties. This project empowers students that are first-time renters, hail from other countries and jurisdictions, or are intimidated by landlords, and improves the quality of life for the larger Georgetown community. We are grateful to DCRA for its long-standing commitment to this critically important partnership.

The second partnership with DCRA engages Georgetown graduate students in the Master of Science in Data Science for Public Policy program — a unique curriculum at the intersection of data science and quantitative public policy analysis. Throughout the Fall 2019 semester, Georgetown graduate students studied DCRA data, applied cutting-edge computational and analytical tools, and developed insights to optimize DCRA’s proactive
inspections program. This semester-long collaboration brought together students and DCRA senior staff in both data and operations, to develop predictive insights on DC rental properties that are more likely to have code violations and can be used by DCRA to prioritize resources.

Throughout these partnerships, the University has worked closely with administrators at DCRA who have exhibited a strong commitment to safety, innovation, and collaboration. With deep appreciation to Director Chrappah for his leadership, we are grateful for these partnerships and their accomplishments.

Thank you for your consideration of this testimony. Please feel to contact me should you have any further questions.

Christopher Murphy
Vice President, Government Relations and Community Engagement
Committee of the Whole Public Hearing  
Public Witness Testimony – Joe Gersen  
Support for Bill 23-91, Department of Buildings Establishment Act of 2019

Chairman Mendelson and Members of the Committee,

My name is Joe Gersen and my family lives in Bloomingdale in Ward 5. Thank you for allowing me to provide comments on the legislation to establish a Department of Buildings. I would like to start my testimony to make certain my full support of Bill 23-91 Department of Building Establishment Act of 2019.

My wife and I have testified before this Committee the last two years at DCRA oversight hearings. In 2017 a developer renovated the property adjoining to ours and during their excavation and underpinning of their basement; they did serious structural damage to our house. There is a 12 foot crack across the front façade of our house, our doors don’t work, our windows slant, and our floors are sloping. During the construction and resulting damage to our house, we have dealt with lies and fraud from the developer and a 3rd party inspector.

During the construction and resulting damage to our house, we called and pleaded for DCRA to come and inspect. During the construction they would not even come to our house to see the damage. When they finally did inspect our house they told us that our only option was to sue the developer.

Over the last two years we have continued to meet with DCRA officials updating them on our case and pleading with them to investigate. For two years, we have continued to receive the same response - “Damage to your property is a civil matter best resolved through the legal process.”

For years DCRA has recognized that there was damage to our house and continually told us that they have no options to help us and that it is all on us to pursue litigation against the developer. Director Bolling clearly stated at the July 2018 Committee on the Whole hearing that DCRA has no role in protecting adjoining properties from damage despite the building code clearly stating that “adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work.” The lack of enforcement of building codes and oversight of construction across the District is unjust and unfair to District residents. There are known bad developers and 3rd party inspectors that are unfairly ruining District resident lives and DCRA’s only response is to pursue civil litigation.

Because of my family’s experience, I want the Committee to know that I am in 100% support of the Chairman’s Department of Buildings Act. The Department’s focus on the oversight of construction and enforcing the regulations and codes governing building construction is so critical. Section 105 - Strategic Enforcement Administrator would provide the city with the proper staffing and focus to handle the rapid growth we will continue to see. The SEA’s focus on managing and tracking the enforcement history of individual projects, professionals, and properties to identify repeat violators is the key
part of this legislation in my mind. This legislation is exactly what we District residents need as the city continue to see massive redevelopment and gentrification.

In closing, please do not allow DCRA’s mismanagement to continue. The status quo is unjust and it is unfairly ruining District resident’s lives.

Thank you,

Joe Gersen
2208 Flagler Place NW
Washington, DC 20001
joegersen@gmail.com
I am writing this letter to inform you of the many benefits we as Commissioners and Residents receive in our communications with DCRA.

This Agency is exemplary in all they do, working with them is very professional and easy for the Commissioners and Residents by getting all requests done in a timely manner.

Mr. Anthony Diallo is one person among many that assist the Commissioners with completing tasks for the community. We need DCRA to remain a whole Agency, not divided into parts making it complicated for us to do our job for the community.

Please keep DCRA as is, completely whole like a full functioning Agency that is more than capable of providing the services we need as expeditious as possible.

Yours in Service,

Commissioner Robbie Woodland
1. **Appoint a Director With a Five-Year Term Only Terminable For Cause**

   The director of the agency should be appointed for a five-year term and should only be able to be terminated for cause. Insulating the director from political pressures will help to ensure a strong and independent enforcement culture.

2. **Create Separate Public Health and Enforcement & Compliance Divisions**

   The Department of Buildings Establishment Act already calls for the creation of a Strategic Enforcement Administrator to oversee enforcement activities for the entire agency. But to be effective, enforcement and compliance must be interwoven into all agency subdivisions and functions, with enforcement specialists working side-by-side with the inspectors who find the violations and the contractors who fix them when enforcement fails to bring about compliance. Creating a separate enforcement and compliance division under the director will ensure that an enforcement and compliance culture informs the work of the inspections and rehabilitation divisions. For similar reasons, a separate public health division headed by a public health official will help to ensure that policies and practices regarding inspections, rehabilitation, and enforcement all are viewed through a public health lens.

3. **Create a Deputy General Counsel for Rental Housing**

   When initial enforcement efforts fail, cases must be turned over to the agency’s attorneys and legal support staff to pursue administrative and court action. To ensure that rental housing enforcement remains a top priority, the Office of General Counsel should include a division focused solely on issuing infractions, imposing fines, and initiating administrative and court action in rental housing cases. This division also would work closely with the Strategic Enforcement Administrator to refer appropriate cases to the Office of the Attorney General.

**Other Changes in District Law Are Needed to Protect Tenants and Ensure Compliance**

Wherever housing code enforcement activities are housed, other changes are needed to ensure that tenant health and safety are protected and that landlords actually comply with the law. Legal Aid has testified about these proposals in greater detail at prior hearings:

1. Ensure DCRA employs enough government inspectors and other staff to carry out its enforcement and compliance mission. We recommend a ratio of one inspector for every 2,000 rental housing units in the District.

2. Codify and strengthen the proactive inspections program, including by using agency inspectors (not contractors), increasing the frequency and breadth of inspections, and targeting inspections based on prior violation records and other risk factors.
3. Require DCRA to provide inspectors in the Landlord and Tenant Branch of D.C. Superior Court, to ensure that tenants have easy access to the inspections process and can enforce their right to habitable housing.

4. Enact Bill 23-0132, the Indoor Mold Remediation Enforcement Amendment Act of 2019, to require DCRA inspectors to inspect, cite, and enforce violations of the District’s mold law, and expand the bill to include lead hazards.

5. Fully fund and implement the Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018 (Law 22-0287), which establishes tighter timeframes and increases penalties for abatement and enforcement of housing code violations.

Conclusion

Thank you for this opportunity to testify about our ongoing concerns about DCRA’s lapses in enforcement and our support for Bill 23-0091, the Department of Buildings Establishment Act. We look forward to working with members of the Committee of the Whole, staff, and other advocates to ensure that this and other legislation addressing DCRA’s systemic failures can be considered and moved forward this Council period.
Org Structure of Department of Buildings Under Bill 23-0091 (Figure 1)

Department of Buildings

Chief of Construction and Building Standards
Chief Building Official
(5 year term – can be reappointed)

Office of Strategic Code Enforcement
Strategic Enforcement Administrator
(5 year term – can be reappointed)

Permitting
Operations Div
Constr. Compliance Div
Zoning
Green Building Div
Building Inspection Div
3rd Party Insp. Program
Surveyors Office

Code Enforcement
Civil Enforcement and Fine Assessment Div

Office of the Director
Admin Services
IT
General Counsel
Intergov’tal Affairs
HR
Comms

Office of Residential Inspection
Chief Inspection Official
Rental Housing Inspections Div
Housing Rehab Div
Vacant and Blighted Property Div
Advocates' Vision for Org Structure of Tenant Protection Agency (Figure 2)

Tenant Protection Agency

- Director
  - 5 yr term
  - Strategic Enforcement & Compliance Administration
    - 5 yr term
    - Leadership level to ensure agency-wide data-driven strategic planning
  - General Counsel
  - Tenant Protection Division
    - Deputy Director (5 yr term)
  - Ombudsman
    - (5 yr term)
  - Office of the Director
    - IT
    - Intergov’tal Affairs
    - Comms
    - HR
    - Admin Services
  - See Figure 3 below

Deputy GC:
- Other Agency Functions
- Residential Housing
- Code Enforcement Div
- Civil Infractions and Fine Assessment Div
Advocates’ Vision for Org Structure of Tenant Protection Division (Figure 3)

Tenant Protection Division

- Director
  - 5 year Term

- Housing Rehabilitation Div
- Vacant and Blighted Div
- Rental Housing Inspections Div
  - Includes: Complaint-Based Proactive
- Public Health Div
  - Includes: Mold Asbestos Lead
- Enforcement & Compliance Div
Advocates' Vision for Org Structure of Department of Buildings with Tenant Protection Division (Figure 4)

Department of Buildings

Director

Commercial Division
(Chief Building Official – 5 yr term)

Strategic Enforcement & Compliance Administration
(5 yr term)
Leadership level to ensure agency-wide data-driven strategic planning

General Counsel

Tenant Protection Division
Deputy Director – 5 yr term

See Figure 3

Deputy Director - 5 yr term

Office of the Director

Ombudsman (5 yr term)

Deputy GC: Other Agency Functions

Deputy GC: Residential Housing

Deputy GC: Commercial

Code Enforcement Div

Civil Infractions and Fine Assessment Div

IT

Intergov'tal Affairs

Comms

HR

Admin Services
Roscoe Grant Jr.
Co-Founder
Small Business Protection 24/7
4022 Alabama Ave SE
Washington, DC 20020

Testimony

On


Before, Chairman, Phil, Mendelson,
Committee of the Whole

Tuesday, December 10, 2019
11:30 am
Room 412
John A Wilson Building 1350 Pennsylvania Ave NW
Washington, DC 20004
Good Morning,

Chairman Mendelson and Members of the Committee of the Whole,

My name is Roscoe Grant Jr., Co-Founder of Small Business Protection (SBP) 24/7. Small Business Protection 24/7 is a 501(c) six Organizations made up of local small business owners, workers and the community at large.

Our Mission: To execute a public education and engagement campaign that will stop the mistreatment of locally owned small businesses and ensure that residents and other stakeholders benefit from the correction.

Our Vision: To insure that all locally owned small businesses are hired paid for the services they provide in a timely manner and treated fairly throughout the small business contracting process.

I am here today, to support Bill 23-91. The stated purpose of the bill is to establish a Department of Building (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 on that new agency.
Mr. Chairman,

I am deeply concerned about the number of businesses operating in the District that are not licensed and or Sham Companies. Attorney General Karl Racine has submitted legislation to the Council to address these concerns and I hope that the Council act swiftly on his legislation along with other legislation that other Members may be introducing.

All businesses "are required" by law to have at least a Basic Business License. SBP 24/7 has reported to the Mayor, Council, DCRA, DSLBD, OAG, and the Inspector General Office on numerous businesses that do not have licenses.

DCRA gave some companies 10 days to come into compliance with their license. When this did not happen, DCRA gave these same companies another 10 days. Based on high profile events like the Cannabis Feast at RFK on April 19, 2019, Nationals Parade for the World Series, and the Water problems at Saint Elizabeth Hospital, some of these same companies got licenses; however, these licenses where backdated.

DC companies and the city have lost a lot of money having to compete against unlicensed companies that pay no taxes, hire or train no residents, and under cut our local businesses pricing on projects.

- How many fines and dollar values has DCRA levied against unlicensed companies?
- How many projects where stopped because of companies operating without a license?

- How many "Debar Notices" where issued by the city for flagrant violators of the law?

Thank you Mr. Chairman for allowing me to appear before your Committee.
Thank you for allowing me to give testimony once again regarding the continued corruption hosted by this agency. From 2012 to now, I am still the only company that provides portable sanitation in the District who, is legally, licensed to do so. In 2012, I gave testimony to the Council regarding illegal and sham companies working in the District on city funded and privately funded projects, without the required licensing and registrations in order to conduct business in the District. There were 12 companies, which were not licensed before 2012, several have remained unlicensed and are still working in the District. For those who have forgotten the names, they are United Site Services, Dons Johns, five Star Septic, Gotugo, On Site Services, Sani John, and Bio – Clean. Keep in mind, none of these companies, paid any taxes for all the revenue they extracted from the District before my testimony or after. Of those companies that did obtain a license, I will show how it was a fraudulent issuance from DCRA. The Mayor extended waivers to these companies twice, once in 2017 and again in 2019 and they still have not complied with law. In particular, I want to point out Dons Johns, United Site Services and Gotugo.

United Site Services has had two owners in the last 5 years; neither of them registered the company with DCRA. This company has been conducting business in the District for over 15 years without a license and not paying taxes. Because they are using the same name, they also assume all liabilities of that company. This Company has purchased Dons Johns over the last year, whom the previous owner had also worked in the District, unlicensed and not paying taxes prior to obtaining a license in 2017. In January of 2019, I brought it to the attention of DCRA; again, about some companies that do not comply with the law, yet were on 98% of the DGS projects and a multitude of private projects in the city.

The agency extended a 10-day waiver to allow these companies, to comply and this went on until June 2019. Dons Johns mysteriously received a license back dated to January 2019. I pointed out, this was the license number of the previous owner and it is not transferrable, and no one has done or said anything since my report. This has spilled into Government employees and contractors believing that since United owns Dons Johns, it’s okay for United to conduct business under an already fraudulent License issued to Dons Johns by DCRA staff. The law is clear; everyone who conducts business in the District must at least have a Basic Business License. This also the only way the Office of Tax and Revenue can track taxes owed, which with just these two companies over the last 15 years results in over 10 million dollars in unpaid taxes.

The Company Named Gotugo is based in Glen Burnie, MD. This company was issued a license despite my request for denial in 2012, because the name is too close to my name Gotta Go Now, LLC. This company has committed identity theft among other crimes using my name. I have Agency employees, clients and contractors say they thought when they ordered services, it was from me. DCRA, ignored my request, and has assisted Gotugo, in a fraudulent presentation, that now is part of Federal investigation, due to the
crimes committed. They should have, requested the company file under a different name with a doing business as (dba) status. In addition, this company received a license by committing fraud on the application submitted.

The Agency has failed District taxpayers and legitimate businesses by allowing sham companies to operate in the District. As A Certified Business Entity, that has performed exceptionally for 15 years, I find it appalling, that after 15 years of notice given to the City officials, from the Council, The Mayor and Office of the Inspector General, that no one has done anything to correct this corruption. I find it equally appalling, that I have been blocked from contract opportunities for compliance matters that none of these companies shares the same scrutiny or requirements, because they are not licensed. I believe there is a deliberate attempt by members of this government and contractors to retaliate against me because I refuse to bow down to the illegal practices that hurt so many residents and legitimate businesses. Jobs are eliminated, tax dollars go uncollected, and contract opportunities for local businesses are stripped away because of these same sham companies repeatedly get all the work.
Testimony Before
the
Committee of the Whole
On
B23-91, the “Department of Buildings Establishment Act of 2019”
Office of Inspector General Prospective Evaluation of Bill 23-91

December 10, 2019

Presented by:

Randi Marshall
Vice President of Government Affairs, D.C. – Residential
Apartment and Office Building Association of Metropolitan Washington
Good Afternoon, Chairman Mendelson, Committee members and staff. I am Randi Marshall, Vice President of Government Affairs for the Apartment and Office Building Association of Metropolitan Washington (AOBA). Established in 1974, AOBA is a non-profit trade association that represents the owners and managers of more than 360,000 apartment units and 185 million square feet of commercial office space in The District, Maryland, and Virginia. We are pleased to appear before the Committee today to testify regarding Bill 23-91, the “Department of Buildings Establishment Act of 2019.”

This bill, which is identical to a bill introduced last Council Period (B22-669), would establish a new Department of Buildings under the executive branch, where all authority, services, and programs tasked with the regulation of built structures and buildings in the District would be transferred from the Department of Consumer and Regulatory Affairs (DCRA). Additionally, under the bill DCRA would continue providing the services and programs remaining under its authority, such as business and professional licensing, but would be redesignated as the Department of Licensing and Consumer Protection.

AOBA and its members engage with DCRA more than any other DC government executive agency. Virtually all business regulations and licensure, issuance of permits, enforcement of building and housing code, and consumer education are overseen by DCRA. For the commercial and multifamily real estate industries, as well as for the various service providers who assist us, the ability to do our jobs effectively is directly related to how well DCRA does its job. DCRA’s primary mission is, “to protect the health, safety, economic interests and quality of life of residents, businesses, and visitors in the District of Columbia.”

The critical challenge to meet this mission is one that requires strong enforcement; excellent customer service; swift and transparent transaction processing; identifying, repairing, or eliminating unnecessary obstacles to compliance; and certainly, a willingness to truly listen to all stakeholders. However, when AOBA felt that the agency had not addressed those critical challenges, over the years we have been vocal about the obstacles our members have had with DCRA. We have does so by both participating in the Council’s
public oversight of the agency and reaching out to the agency directly to resolve minor one-off occurrences or address larger systemic matters.

Despite this history, the last time AOBA testified in front of this Committee regarding the previous iteration of this bill, we requested that the Committee engage in thoughtful and comprehensive analysis before advancing legislation that would break-up the agency. We felt that it was important and would be a disservice not to first acknowledge or attempt to address the issues DCRA faces. So, we were pleased to learn that the Committee heeded that suggestion and reached out to the Office of the Inspector General (OIG) to procure an analysis of the bill’s objective by a third party.

Last Friday, the OIG released a prospective evaluation on the achievability of the referenced bill’s objective and implementation. Surprisingly, the evaluation produced more questions than answers, and ultimately determined that “meaningful insight” could not yet be found until additional analysis was completed. Instead of generating recommendations on how to implement the bill, the OIG evaluation identified seven analyses that should be conducted to better understand and meet the bill’s intended objectives. The suggested analyses, include a human capital assessment, business process analysis, information technology assessment, and a fiscal impact analysis.

Considering OIG’s findings, AOBA supports the conclusion and recommendations made in the prospective evaluation, and request that the Committee commit to conducting the suggested additional analysis before advancing the bill further.

* * *

AOBA wants to thank the Committee for the opportunity to discuss Bill 23-91, the “Department of Buildings Establishment Act of 2019,” and will be happy to answer any questions.
Testimony on the Department of Buildings Establishment Act of 2019
November 10, 2019

ORAL TESTIMONY

Council members: My name is Chuck Elkins, Chair of ANC3D. Today I am testifying on my own behalf.

I realize that the Council does not undertake reorganizations lightly and that this bill is a major step. However, I came here today to suggest to you that this bill simply does not go far enough. This is a bold statement on my part, but I speak from my experience in helping to write the reorganization plan that created the U.S. Environmental Protection Agency and then running a number of its major programs in the ensuing 25 years. I conclude that you will be sorely disappointed with the results of this bill if you enact it in its present form, and worse than that, the people who live in these substandard rental units will be left high and dry again.

But the bill’s shortcomings are easily fixed

The rental unit enforcement program is a disgrace

I want to focus particularly on DCRA’s rental housing program. I start from where I hope most of you are—namely, that the number of people who are forced to live in unhealthy and unsafe apartments in this city is shameful and a disgrace to our city. The current situation is a symbol of the long-standing racism in the District’s housing stock and of the unnecessary consequences of income inequality.

A Reorganization is not enough

This problem of unhealthy rental units is too important for just some tinkering around the edges as this bill does. We need a comprehensive effort to fix this problem—one that will actually result in a culture change within the administering agency, ensures the adoption of a compliance strategy, not just the current enforcement strategy, and that gives the new agency

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1 I was a primary author of the reorganization plan that created the U.S. Environmental Protection Agency in 1970. I then went to work for the first Administrator of EPA, Bill Ruckelshaus, to help implement this reorganization. I stayed for 25 years and during that time I think I learned about how to create and run an effective regulatory agency—I served at various times as the Director of several of EPA’s national regulatory programs, including air pollution, pesticides, toxic chemicals, and noise control.
the necessary additional statutory authority it needs to do its job. I fear that if this reorganization bill is passed without amendment, it will fail, but still be used as an excuse for years for not taking the other necessary steps because people will say “we just reorganized them; give them a chance to get on their feet.”

**Changing the Culture:**

I have heard a number of you express the need for us to change the culture of this rental compliance program in DCRA. I agree, but reorganizations, per se, do not change culture; they just offer a new opportunity to change it.  

**A Separate Compliance and Enforcement Agency for Rental Housing**

To change that culture, this bill needs to carve out the rental housing program and put it into a separate title of this bill, and then direct that it be placed in a separate agency. Then the bill needs to hand the leadership of this new agency over to lawyers with enforcement/compliance experience and give it a compliance mission, not just an enforcement mission. We learned early on at EPA that the new agency needed to concentrate on compliance, not just enforcement and to do that compliance needed to have its own separate organization.  

DCRA does not have a strong compliance and enforcement mentality, and I believe that these portions of DCRA never will, if you just move them to a new organization and call it the Department of Buildings.

**New Statutory Authority based on a Compliance Strategy**

As I have testified in the past, enforcement is only a small part of any good compliance, or prevention program. The current rental housing program consists only an enforcement program. Instead, it needs a strong compliance program that focuses on prevention, component with new statutory authority. By analogy, back in 1970, when we were writing the reorganization bill for EPA, we were simultaneously writing the Clean Air Act so that the new agency would have the broader mission and authority to do its job.  

3 In a similar fashion, we

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3 When Bill Ruckelshaus took over as Administrator of EPA, he inherited the cultures of the various component offices. Calling the combined agency the Environmental Protection Agency did not change that culture. However, Ruckelshaus, as a lawyer and an experienced enforcement and compliance official, knew he needed to show everyone—including HIS OWN EMPLOYEES—that there was a “new sheriff in town.” So he announced that he was suing the City of Atlanta and several other cities for non-compliance. Everyone in the country, including the employees, woke up to a new day. That is what this city needs in terms of tenant housing code enforcement. However, in my view, this bill will not achieve that reform.

3 In creating EPA we knew that a reorganization is just a hollow shell. It needed to be filled with enactment of new authority and a much larger vision—in the case of rental housing case, a compliance vision—to accomplish the new mission. I have attached my previous testimony to refresh your memory of some of my recommendations for turning the current enforcement-only program into a full-blown compliance program. Additionally, you could take a big step in this direction by moving the mold and lead paint enforcement programs out of DOEE and over to this new agency for tenant code compliance.
need to ask this city's subject matter experts on rental housing to sit down now and design a strong compliance and enforcement strategy for this new rental housing agency and to identify what new authorities the Council needs to enact as part of this bill to enable this new Agency to prevent most of these violations before they even happen. Chasing these violations after they occur is both expensive and ineffective as the current program shows.

Conclusion

I urge you to amend this bill to give the rental housing program the special attention and separate agency it deserves and to ask the subject matter experts in this town to work together now to create the needed compliance strategy in incorporate into this bill. The Council needs to do this now if we ever want to provide meaningful relief for the disadvantaged citizens who currently are forced to live in these blighted units.
Mr. Chairman and Members of the Committee,

I come before you today to testify in support of Bill 23-91, which would split DCRA into two distinct agencies.

As I will discuss shortly, ANC 6C voted unanimously last April to support an identical bill in April 2018. We meet again tomorrow evening, at which time I fully expect my colleagues to join me in repeating that support. For the moment, however, today’s testimony does not officially represent views other than my own.

Attached as Exhibit A to this testimony is a copy of ANC 6C’s 2018 written submission on last year’s bill. I fully adopt that statement, both in its support of the plan to break up DCRA and in its specific recommendations for ways in which the bill could be improved.

I will not take up your time today repeating all of those suggestions. Instead, I’d like to emphasize two points.

First, DCRA overall is a fundamentally broken, dysfunctional agency. Despite years of well-documented failures—as described on countless occasions over the past several years by ANC 6C and other organizations who are here, once again, today, not to mention the DC Auditor and Inspector General—the agency continues to fall short in its obligations to protect and serve the public.

Attached as Exhibit B is ANC 6C’s DCRA oversight testimony from February of this year. In it, we described six distinct areas (ranging from vacant building enforcement to review of construction permit applications) in which DCRA suffered, and still suffers, from systemic, ongoing failures. And beyond those six areas, episodes such as the fire at 708 Kennedy St. NW—in which two people died because of DCRA’s failure to take action against an illegal and dangerous rooming house—underscore how persistent and grave DCRA’s shortcomings are.

My second point is to emphasize one specific problem area. As noted in ANC 6C’s testimony last February, and for many years before that, the Office of the Zoning
Administrator in DCRA has long shown itself an unreliable enforcer of the District’s zoning regulations.

For example, last February we pointed out that after being caught by ANC 6C issuing an improper certificate of occupancy, the Zoning Administrator revoked that C of O only to issue an identical and equally illegal C of O a month later. (See page 3 of Exhibit B.)

One might think that being caught—and called out in front of this body in public testimony—for such dereliction would have prompted reforms and improved performance at DCRA. One would be wrong.

Just last week, I discovered a new C of O for a property in my SMD authorizing almost twice the legal maximum of non-residential floor area. This is not a complicated calculation; one need only take the applicant’s requested floor area, divide that into the lot area, and compare it to the maximum in the regulations (in this case, 0.5). I have asked the Zoning Administrator for an explanation but have yet to receive one. (See Exhibit C for details.)

This may seem like a small slip-up. It is not minor, however, when the same error—and innumerable others like it—recurs over and over despite vocal protests from ANCs and others. There are only two possible explanations: either the Zoning Administrator, who is responsible for training and supervising his staff, doesn’t know what the zoning regulations say or doesn’t care. Neither possibility speaks well of that office or of the series of DCRA Directors who continue to tolerate this dysfunction.

That is why I urge you to revise B23-91 to strengthen the requirements for the Zoning Administrator position. As explained in ANC 6C’s testimony from last year, the ZA, like the Chief Building Official, 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. And perhaps most importantly, the incumbent should not be automatically retained in the new Department of Buildings, but should instead be subject to Council confirmation from the outset.

* * *

I thank you for the opportunity to provide testimony and welcome any followup questions the Committee may have.
Exhibit A
Mr. Chairman and Members of the Committee,

ANC 6C supports B22-669, Department of Buildings Establishment Act of 2018. As detailed below, we believe the legislation would serve the public interest by addressing several longstanding problems within the Department of Consumer and Regulatory Affairs (DCRA). At the same time, we respectfully offer several concrete suggestions for ways to improve the bill further.

**Summary of the Legislation**

The bill would split DCRA into two agencies:
- A new Department of Buildings (DOB) responsible for construction, zoning, and housing code administration (permitting, code maintenance/revision) and enforcement.
- The Department of Licensing and Consumer Protections, which would retain DCRA’s remaining duties.

DOB, led by a Director, would have the following components:
- Office of the Director (Human Resources, General Counsel, Communications, Information Technology)
- Administrative Services (customer service/complaint resolution; fleet management; contracting/procurement)
- Office of Construction & Building Standards, led by the Chief Building Official (CBO), with the following subcomponents:
  - Permitting operations
  - Construction compliance (code revision)
  - Inspections
  - Green Building Division

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1 ANC 6C authorized this testimony at its duly noticed, regularly scheduled monthly meeting on April 11, 2018, with a quorum of 6 out of 6 commissioners and the public present, by a vote of 6-0.
o Office of the Surveyor
o Third-party inspections
o Zoning Administration

- Office of Residential Inspection (vacant/blighted; rental housing inspections; housing rehabilitation, including abatement of violations)
- Office of Strategic Code Enforcement led by **Strategic Enforcement Administrator (SEA)**
  o Code enforcement division (coordinate and monitor enforcement of cited violations; issue Notices of Infraction (NOIs))
  o Civil Infractions and Fine Assessment Division (handle OAH hearings; collect fines & impose liens)

Notably, the CBO and SEA would require Council confirmation; would have fixed five-year terms; and would be removable only for cause to make them more insulated from political pressure. A CBO nominee would also be required to have certain minimum qualifications.

Section 107 requires the City Administrator to prepare and submit a detailed transition plan with timeline.

Sections 201 and 202 require the SEA, once DOB is created, to develop a yearly enforcement plan and submit a detailed annual enforcement report.

**Analysis and Main Recommendations**

On balance, this bill marks an important effort to address certain structural problems within DCRA. The current agency is so large, and its portfolio so varied, that it is unclear whether any Director is capable of running it effectively. The current Director certainly has not done so.

Creating statutory protections for key officials (and in the case of the CBO, minimum qualifications) is a positive step toward more responsible governance. That said, the legislation would benefit from several improvements:

- **CBO qualifications**: The statement of the CBO’s qualifications (lines 110-113) should include a preference for candidates with a degree in architecture or structural engineering.

- **Scope of the CBO’s authority**: The bill’s list of the CBO’s regulatory authority includes only a small number of the subtitles in Title 12, DCMR. (For example, it omits the Electrical Code, the Plumbing Code, the Mechanical Code, and the Fire Code, among other provisions.) The Council should expand this authority to cover all of the disciplines in Title 12.
Relatedly, we do not believe that there needs to be a Green Building Division under the CBO separate from the permitting, compliance, and inspection divisions. This is not to diminish the importance of the Green Building requirements; clearly, these rules serve an increasingly important function in the face of climate change. However, we are concerned that a separate Green Building Division may result in duplication of effort, organizational inefficiency, and potential conflict with other components.

Conversely, the CBO’s authority should not encompass the zoning regulations. Unlike with Title 12, the issues involved in administering zoning regulations cover other subjects (such as usage) extending well beyond the physical characteristics of structures, and thus require their own specialized set of skills and experience.

- **Accordingly, we recommend that the Zoning Administrator (ZA) have authority over the subject matter described in lines 212-220.** The ZA, like the CBO, 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. The Office of the ZA would not be located within the Office of Construction and Building Standards led by the CBO, as proposed at lines 212-220, but would instead be a separate peer component.

- **Confirmation of term-appointed officials:** The CBO, like the SEA and the ZA proposed above, should be confirmed anew. We oppose the proposal to retain the incumbent CBO without Council confirmation.

- **Conflicting authorities among officials:** While we support the concept of having the SEA monitor the work of the CBO’s inspections and enforcement staff—almost as a quasi-Inspector General—we are concerned that the bill does not clearly demarcate the boundaries between their duties. For example, line 145 tasks the SEA with “general administration of the Department’s enforcement efforts,” but tasks the ZA’s office (under the CBO in the bill) with “enforcing zoning regulations.”

Clarity around DCRA’s current processes for inspection; enforcement; fine adjudication, reduction, and collection; and abatement of illegal conditions would provide useful guidance on how to draw these dividing lines.

- Relatedly, the legislation does not always make clear that enforcement efforts must not stop at fines for improper work, but must also pursue removal/abatement of any improper use or structure. (We have seen multiple cases in which DCRA a) assessed a fine for an addition constructed with no permit but b) failed to follow up to require the
removal of the illegal structure.) For example, line 130 refers only to the collection/enforcement of fines; likewise, lines 236-247 discuss both fines and "compel[ling] compliance through judicial orders," but overlooks the fact that in current practice DCRA—and not OAG—is responsible for enforcing abatement orders before OAH.

- **Public access to Department records:** As the Council is well aware, DCRA has for years failed to comply with its obligations under D.C. Official Code § 2-536(a)(8A) to make building permit application files available to the public at no cost on a public website. However, lines 163-167 of the bill (describing the duties of the IT unit within the Office of the Director) make no mention of such services. Enabling and supporting public access to all relevant records must be made an explicit part of this office’s responsibilities.

- **Reporting on fines:** The fine-collection data in the required annual report (lines 310 et seq.) should also indicate whether a citation was eligible, as a second or subsequent violation, for an escalated fine. (See, e.g., the schedule of escalating fines set forth at 16 DCMR § 3201.1.) Likewise, the report should provide a reason in any case where the maximum available fine was not imposed or collected.

- **DOB charter:** The Department of Buildings charter (lines 70-74) should expressly include the zoning regulations among the regulations and codes to be enforced and administered (lines 73-74).

**Miscellaneous Corrections and Questions**

Lines 41-45: “proscribe” should be “prescribe”.

Line 127: The reference to the CIO should probably cross-reference lines 221 et seq., which describe the CIO’s duties.

Line 161: This should probably read “the Office of General Counsel” instead.

Line 185: It is unclear to us why the component responsible for writing and revising code provisions is called “Compliance” and not “Standards.”

Line 190: The Building Inspection Division is assigned responsibility to “[i]nspect commercial buildings,” but not to inspect residential or other types of buildings. This should be expanded, given that the duties of the separate Office of Residential Inspection (lines 211 et seq.) do not encompass inspections for construction or zoning code violations.
Lines 213-214: Because the Zoning Administrator reviews all significant construction permit applications, the citation should be to all of Title 11, DCMR and not only to subtitle X.

Lines 218-220: “Refers developers” should be “Refer applicants”. Strike “and the Zoning Board,” as BZA handles all non-PUD variances and special exceptions. Also, such relief is from the zoning regulations themselves and not (as implied by the current language) from the ZA’s rulings. (If the intent is to include appeals from an adverse ZA ruling—which would also be handled by BZA—then clarification is needed.)

Line 221: The section numbering skips from 106(a)(3) to 106(a)(5).

Line 223: We suggest “inspect” in lieu of “investigate.”

* * *

We thank you for the opportunity to provide testimony and welcome any followup questions the Committee may have.
Exhibit B
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 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. 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 letter 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.

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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.


3 A copy of that letter can be viewed online at http://www.open-dc.gov/sites/default/files/OOG%20021.29.16%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, 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

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*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 regulations—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, 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.

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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.
Attachment 1
February 25, 2019

Cameron Raspet, Director of Operations - Founder
Red Bear Brewing Company
1140 3rd St NE, Ste B100
Washington, DC 20002

Re: BZA Case #19926 regarding 209 M Street NE

Dear Mr. Raspet:

As I indicated to the DC Office of Planning in my email to Karen Thomas on February 12, 2019, after my review of your building permit and other DCRA requirements, including its certificate of occupancy application, in conjunction with your BZA Case #19926 for relief from Subtitle U 802.1 (b), I have determined that application for that special exception relief is not necessary.

In this case, since the proposed single performance space (172 sf) proposed in this application would be accessory to the principal restaurant and brewery use, and would not be a facility specifically designed for entertainment use as anticipated by the definition under Subtitle B Section 200.2 - (n) (1) - Entertainment, Assembly, and Performing Arts.

Therefore, in my opinion, you may withdraw your pending BZA application #19926.

Please let me know if you have any follow up questions or concerns.

Sincerely,

Matthew Le Grant
Zoning Administrator

File: Letter to Raspet re 209 M St NE of 2-25-19
Attachment 2
After reviewing your below email, I am in agreement that the applicant still needs Special Exception relief from U-801.1(h). In consultation with the Office of Planning, the applicant and the Office of Zoning have been informed and I understand that the BZA hearing scheduled for tomorrow will remain on the agenda.

I appreciate you bringing this to my attention and let me know if you have any further questions.

Matthew Le Grant
Zoning Administrator- Dept of Consumer and Regulatory Affairs
1100 4th St SW, 3rd Floor
Washington, DC 20024
Matthew.legrant@dc.gov
202 442-4576

I've reviewed your Feb. 25 letter in the above case (209 M St. NE) and find myself perplexed. The proposed accessory use is expressly barred under 11-U DCMR 801.1 ("Eating and drinking establishments are permitted as a matter of right, provided no part of the establishment contains a live performance ... venue."). "No part" seems quite clear, and 11-B DCMR 200.2(m) does nothing to contradict or undermine that.

Can you please explain how this conforms to the requirements of 11-U DCMR 800.3 and 801.1?
Thank you.

Mark Eckenwiler
Commissioner, ANC 6C04
Vice-Chair, ANC 6C
www.anc6c.org

DCRA actively uses feedback to improve our delivery and services. Please take a minute to share your feedback on how we performed in our last engagement. Also, subscribe to receive DCRA news and updates.
Exhibit C
Recently issued COO

Eckenwiler, Mark (SMD 6C04)
Fri 12/6/2019 6:20 PM
To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Cc: Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>

Matt,

Your office recently issued CO2000481 for a retail convenience store at 337 H St. NE. The listed area for the use is 1500sf.

This property is in the NC-10 zone, which has a FAR cap of 0.5 for non-residential uses. However, the total lot area is 1,640 sf, which would put this use at a FAR in excess of 0.91.

Can you please tell me whether you believe I'm overlooking something or whether, on the contrary, this COO was improperly issued? ANC 6C meets next Wednesday evening, and I'd appreciate a substantive response before then if at all possible.

Thanks,

Mark Eckenwiler
Commissioner, ANC 6C04
Vice-Chair, ANC 6C
www.anc6c.org
# Certificate of Occupancy

**Government of the District of Columbia**  
**Department of Consumer and Regulatory Affairs**  
1100 4th Street SW  
Washington DC 20024  
(202) 442 - 4400  
dcra.dc.gov

## Certificate of Occupancy

**Permit No.**: CO2000481  
**Issued Date**: 11/13/2019

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<th>Address:</th>
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### Description of Occupancy:
RETAIL CONVENIENCE STORE.

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<th>Occupant Load:</th>
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<td>NA</td>
<td>1ST FLR.</td>
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<th>BZA/PUD Number:</th>
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<td>2009 FOXMEADOW WAY BOWIE, MD 20721-2615</td>
<td>1500</td>
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### Building Permit Number (if applicable)

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<td>Approved Zoning Code Use Retail establishment</td>
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<td>Approved Zoning General Use Retail</td>
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<table>
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<th>Conditions/Restrictions:</th>
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<td>THIS CERTIFICATE MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS MAIN ENTRANCE, EXCEPT PLACES OF RELIGIOUS ASSEMBLY. Use complies with DCRR Title 11 (Zoning) and Title 12 (Construction). As a condition precedent to the issuance of this Certificate, the owner agrees to conform with all conditions set forth herein, and to maintain the use authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all spaces whose use is authorized by this Certificate and to require any changes which may be necessary to ensure compliance with all the applicable regulations of the District of Columbia.</td>
</tr>
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</table>

**Director**: Ernest Chrappah  
**Permit Clerk**: Gwendolyn Owens  
**Expiration Date**: 11/13/2019

**TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-621-1639**
Good morning Chairman Mendelson and the members of the Committee of the Whole, my name is Eric J. Jones and I am here today on behalf of the nearly 600 Contractors, Subcontractors, Suppliers and Construction related companies who are members of the Associated Builders & Contractors (ABC) of Metro Washington. ABC Metro Washington is the pre-eminent advocate for fair and open competition and the merit shop philosophy, and the premiere trade association in the Metropolitan Washington, D.C, construction industry. I am here today to express our concerns with the concepts of this hearing and our opposition to Bill 23-91, the Department of Buildings Establishment Act of 2019.

Today we are here to discuss the Department of Buildings Establishments Act and the subsequent report supporting the implementation of this bill. Considering that a hearing was held within the last 18 months on the same legislation with no substantial changes without the support of the largest users of DCRA, we believe that this hearing is truly inappropriate. Further, we are concerned that the public has not been able to see the aforementioned report. While we could all wonder about the reasoning behind this, it could only be one of two reasons (1) the report has not been completed, which means that we are wasting time and money or (2) the report does not provide the justification required for this legislation. Either way it is clearly irresponsible for us to have this hearing without the public being able to first review this report and to even discuss the concept of creating two government agencies and additional levels of government bureaucracy.

As it relates to the actual legislation itself, we continue to stand in opposition for the reasons outlined during our testimony in 2018, which is attached. In the matter of time, I will not read it again, but am available to answer any questions you may have and go into detail about any aspects of the legislation or our recommendations to improve DCRA.
Testimony on
Bill 22-0669, the “Department of Buildings Establishment Act of 2018”

By

Eric J. Jones, MSF, Associate Director of Government Affairs
Associated Builders and Contractors (ABC) of Metro Washington

Good afternoon Chairman Mendelson and the members of the Committee of the Whole, my name is Eric J. Jones and I am here today on behalf of the nearly 600 Contractors, Subcontractors, Suppliers and Construction related companies who are members of the Associated Builders & Contractors (ABC) of Metro Washington. ABC Metro Washington is the pre-eminent advocate for fair and open competition and the merit shop philosophy, and the premiere trade association in the Metropolitan Washington, D.C, construction industry. I am here today to express our opposition to Bill 22-0669, the Department of Buildings Establishment Act of 2018.

As an organization, we represent nearly 80% of the local construction industry and as an industry, we are one of the largest users of the Department on Consumer and Regulatory Affairs (DCRA). While we agree that the agency is not perfect, we have seen great strides over the last decade and believe that the agency is in a better position than it was just 10 years ago. Looking at the current leadership of the agency under Mayor Muriel Bowser and Director Melinda M. Bolling, we have worked with DCRA on several issues that are important to our industry and have made great strides. Just recently, we worked with our partners at the District of Columbia Building Industry Association (DCBIA) to address an issue related to construction inspections and the presence of Master Trade Persons that was left over from the previous administration. In addition, just two weeks ago, our association had to update our licensing within the District to insure that we are able to partner with another government agency to provide training and educational services to District residents. Yet again, we were able to go through the licensing process in less than 24 hours from start to finish. Items, such as this, give us some comfort that the agency is largely still working to be as responsive as possible to community stakeholders.

At the same time, we understand the concerns of the councilmembers who signed on to this legislation, as well as those within the business community and residents who must interact with the agency. As a fourth generation Washingtonian and homeowner within the District, I know first hand what it is like to stand on the second floor to obtain permits to start a business, make modifications and/or improvements to my home, and report illegal construction. Furthermore, I am the first call that many of our members make when they have an issue with business and/or general contracting licensing, inspections, occupational licensing for their employees or permitting. I am also the intermediary between our members and the agency as it relates to these
aforementioned items, updates to the construction codes, reciprocity for trades persons, and alignment to regional and industry best practices.

Based on the experiences mentioned previously, we do not believe that this legislation is in the best interest of residents and/or the local business community. Further, we believe that it will actually have a negative impact, as the legislation will create multiple levels of bureaucracy through the creation of two new agencies and further deplete the department’s resources. We instead believe that it would be more advantageous to make some changes to the way in which the current agency operates and provide additional resources to allow them to achieve their goals.

**Recommendations**

To obtain the best results for the agency and deal with the issues outlined in the legislation as introduced, we feel that it would be best to focus on four key areas:

1) **Plan Review** – One of the largest issues with the agency currently, is the inconsistency in the plan review process. Currently, the agency doesn’t have a standard set of guidelines, performance standards, and blueprint for plan review. To better address this issue, we believe that resources should be targeted at providing:
   a. A set standard of time and guidelines related to plan review
   b. An electronic system that allows DCRA to seamlessly communicate with its sister agencies related to plan review including
      i. The Zoning Administrator
      ii. DDOT
      iii. DOEE
      iv. DPW
      v. DC Water
   c. An electronic system that will allow external customers to review the status of plan review and identify any potential issues that needs to be addressed.

2) **Process and Inspections** – Similar to the plan review process, inconsistencies exist in the inspection process. To better address the issues, we feel that the agency could focus on improving the inspections process by following some of the recommendations within the proposed legislation, including:
   a. Reorganizing the inspections office to establish a group specifically dedicated to commercial construction (this would include residential projects with more than 8 domiciles or dwellings).
   b. Establishing a separate inspections office for residential customers and commercial projects with less than 8 individual domiciles or dwellings.
c. Create an electronic system that allows individuals to seamlessly track the inspections process from the request of inspections to the follow up on inspections.

DCRA has created some pilot programs that have shown potential and created best practices on the commercial side. The programs allow developers and builders to pay an increased fee to have a specified group handle their entire process.

3) Public Interest and Residential Concerns – One of the largest issues around the current configuration of DCRA is the perception (real or perceived) of a lack inspections and enforcement in three main areas:
   a. Permit Inspections – We believe that by creating a specified group to deal with the issuance of building permits and inspections for residential only that it would address this issue;
   b. Illegal Construction – The group needs to have a beefed up illegal construction and enforcement organization that includes regulatory experts
   c. Rental Housing Issues – In addition, to a specified regulatory and inspections group for residential, the agency should consider reorganizing their group to create a specified group for rental housing dwellings

4) Professionalism – One of the overarching issues with the agency is that the group needs to continue to push training and continuing education within the agency. This would include:
   a. Creating an official Ombudsman who would serve as the public advocate within the agency and oversee the resolution of issues and complaints;
   b. Mandate that all building inspectors are cross trained in multiple disciplines
   c. Create a rotational process in which plan reviewers and inspectors rotate between groups within the agency;
   d. Require bi-annual review of agency performance by the Office of Inspector General

In addition, the agency needs to beef up its regulatory control to better enable the agency respond to changes in regulations. This would include the mandatory interactions between the agency and quasi-independent groups such as the Board of Industrial Trades.

Conclusion
While we understand that these recommendations alone will not solve all of the problems within that the agency, we believe that they are the best way to deal with the day-to-day issues that the agency and its customers face. We truly feel that to be the agency that our city needs, there needs to be additional investments from the city along with the opportunity to see the results of the new online permitting program that launched last spring as well as the new Velocity
program. We truly believe that these items will not only help us to move forward, but to also continue to be a regional and national leader. With that I thank you for allowing me to testify today and am available to answer any questions you may have.
Mr. Chairman,

My name is Thomas Johnson and I am the President of the International Union of Operating Engineers local 77. Local 77 represents over 1,500 heavy equipment operators in the Washington DC Metro area. Local 77 was established in 1901 and we have meeting minutes from 1901 that reference the need for an operator's license, and we have a copy of a collective bargaining agreement negotiated in 1941 that requires our members to have a current District of Columbia operator's license. Our current heavy and building agreement require engineers to have a Class 7 license. Local 77's involvement in and advocacy for the District's heavy equipment operator's license has been long held and continues today.

The DCRA license that affects heavy equipment operators is the Class 7 license. There are five different licenses under the Class 7 which are Class 7, 7A, 7B, 7C and 7D. The different licenses cover different types of equipment such as cranes, bulldozers, loader and excavators. There is a written test specific to each type of equipment that has to be passed by the applicant in order to qualify for the license.

I have been a business representative for local 77 since 1996 and have had many meetings with DCRA leadership over the years in an attempt to clarify issues and make improvements to the DCRA Class 7 License. I would like to review some of the issues we have talked to DCRA about over the years and update you from the last time I testified before the Council.

Some of our suggestions that I have previously testified about and spoken with staff at DCRA about were to strengthen the material the Class 7B license tests to include OSHA and ANSI regulations that are standard in the industry. According to OSHA dozens of construction workers are injured and killed every year because of trench collapses. A well-trained excavator operator knows what slopes and benches are required by OSHA and will make the excavation jobs in DC safer. The current test does not go into enough detail to assess the operator’s knowledge of these life and death issues. We ask the council to ensure the test given for the DCRA Class 7B license be thorough enough to ensure only well trained operators are working in the District of Columbia.

We also asked that an ANSI accepted Crane Certification such as the National Commission for the Certification of Crane Operators, commonly referred to as the “CCO”, be accepted and recognized by DCRA. Many states that have state crane licenses recognize the CCO such as West Virginia and Pennsylvania. In these jurisdictions the applicant brings in their test results and certification from CCO and this is accepted in place of taking the State’s test. A fee is still paid for the State’s license. The CCO test is respected as it includes a written test as well as a practical exam where the applicant operates the crane and maneuvers through a course with weights and other objects to show their proficiency. The CCO test is the standard in the industry and I am not aware of a major
contractor who would employ a crane operator who does not have one. NCCCO has met with DCRA in the past and is willing to do so again.

We would like to assist in strengthening enforcement. We can help with this as we are a constant presence in the District of Columbia making job visits. As we talk to contractors and operators both union and nonunion, we are often aware of out of town contractors who are unaware of the license requirement and therefore most likely not in compliance with the licensing requirement. Often out of town operators will even tell us they do not have the DCRA license.

In our previous conversations with DCRA we have suggested a “hot line” for individuals to call when they see operators operating in an unsafe manner which could indicate they are unlicensed. Often, we talk to the unlicensed operator and know they are unlicensed by their own admission. I would also ask there be an email “hot line” where we can send a detailed message and pictures to the office of enforcement when we know about unlicensed operators in the District.

Again, IUOE Local 77 has been a supporter of the District’s heavy equipment operators license for over a century and we look forward to supporting the DCRA going forward.

I thank the board for their time today and look forward to answering any question you might have.

Thomas “TJ” Johnson
President
IUOE Local 77
Thank you Chairman Mendelson for holding this hearing on Bill 23-91 and the evaluation of DCRA's business processes. My name is Ra)miin Diaz. I am an organizer with the Baltimore Washington Laborers' District Council, which is part of the Laborers' International Union of North America, or LiUNA for short. LiUNA represents more than five hundred thousand construction and public service workers across the United States. We have more than seven thousand, four hundred members in the Washington, DC area, about a third of whom live in the District.

On behalf of LiUNA, I am here today to testify in favor of Bill 23-91, which will split DCRA into the Department of Buildings and the Department of Licensing and Consumer Protection. A separate Department of Buildings with responsibility for construction compliance will be a great benefit to the District of Columbia. Part of construction compliance is checking and ensuring that trades people are properly licensed and that journeyperson-to-apprentice ratios are being followed. Without strong construction compliance, low road contractors who hire unlicensed trades people and don’t adhere to the ratios are able to win work, which puts the safety of the construction workforce and the general public at risk.

As a union organizer, I have come across instances where asbestos workers are on the job with fake licenses and where laborers are operating bobcats without licenses. What is needed is for there to be regular, routine license inspections on construction job sites so that workers can’t get on the site without the appropriate license. Because of the large volume of public and private construction work occurring in the District, a smaller, more nimble, and more narrowly focused agency like the Department of Buildings is really needed to conduct these construction compliance inspections.

Thank you again Chairman Mendelson for the opportunity to testify in favor of Bill 23-91. I am happy to answer any questions that you and the Committee may have.
Testimony of the District of Columbia Building Industry Association

Before the

Committee of the Whole

Chairman Phil Mendelson, Chair

Public Hearing

on


The John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Room 412
Washington, D.C. 20004
December 10, 2019
11:30 am
Good morning Chairman Mendelson, members of the Committee, and staff. My name is Lisa Mallory, and I am Chief Executive Officer of the District of Columbia Building Industry Association (“DCBIA”). I am also a longtime resident of Ward 4. DCBIA is the leading voice of real estate development in the District of Columbia.

DCBIA members are major customers of the Department of Consumer and Regulatory Affairs (“DCRA”) with a direct stake in its effectiveness. I open with this point because while the agency of course serves everyone who lives or works in the District, a large portion of DCRA’s work is with businesses like DCBIA members, who engage with the agency on a daily basis. Accordingly, we have testified to this Committee on at least three other occasions over the past two years regarding the Department of Buildings Establishment Act (“Act”), which would transfer DCRA’s building functions into a separate agency. We like many in this room are interested in having time to review the Office of Inspector General report. This morning we are testifying once again to make the same fundamental point: for the Council to make meaningful, lasting improvements at DCRA, the Council must focus on directly addressing the underlying impediments to the agency’s effectiveness.

In my testimony, I want to offer three principles that should guide the Council’s review of DCRA.
First, the Council needs to directly address the agency’s core performance issues as part of any reform. It would be counterproductive to the goal of improving the agency to simply shuffle DCRA’s longstanding challenges from one agency to another. However, DCBIA is concerned that this will be the result if the Act is enacted. Instead of reorganizing the agency in the hopes that it will yield improvement, we think there are initiatives that the Council and DCRA can undertake right now that will directly begin a long-term strategy for improvement. As you know, in previous DCBIA testimony, we enumerated specific recommendations to improve three core areas—technical competence and staffing, accountability, and customer service. I have attached our earlier testimony detailing these recommendations and would be happy to discuss them with you further.

We understand that DCRA believes it has made progress, based on its own internal performance measures. However, our members report that in the three core areas noted above, there has not yet been impactful improvement. We are working closely with Director Chrappah to provide the agency with real-time feedback on DCRA’s pilot Customer Relationship Management system – a new way to submit and escalate concerns directly to the attention of agency decision makers. The goal with our feedback to Director Chrappah and his senior team through the system – and through our Agency Working Group meetings – is to better ensure the
usefulness of case responses from the agency. Getting a true sense of which cases are considered resolved or closed requires regular engagement with agency employees and the Director which we continue to do as this pilot system evolves.

Second, the Council should ensure that the agency’s core mission guides any changes that it makes to the agency. DCRA’s mission is to “support[] a thriving community of residents, businesses, and visitors through diligent protection of health and safety and equitable administration of regulation and compliance.” Whenever the Council considers changes, or evaluates the agency’s performance, it should be asked whether the agency’s mission is being directly supported. We believe that there is a direct link between protecting health and safety and equitable administration and the prosperity of the District as a whole. The more DCRA is committed to health, safety, and equitable administration, the more efficiently customers can come into compliance. And the more efficiently customers can come into compliance, the sooner they can be open for business and become productive tax contributors to the District’s revenue.

This is critical not only for the District’s economic security, but also at a time when it is committed to building 36,000 housing units by 2025 so that it can be a truly inclusive city. An efficient DCRA will make the District of Columbia truly open for business and residents, which will yield lasting, long-term benefits for everyone.
At all times, we need to remember that this is the Department of Consumer and Regulatory Affairs, and not the Department of Fees and Fines. To say it another way, DCRA should not be looked at as a profit center, but an agency that solely focuses on life, safety, and general welfare.

**Finally, if the Council’s top priority is consumer protection, it should act with precision.** The Council is rightfully concerned about years of media reports about unscrupulous house flippers taking advantage of residents, and DCRA failing to protect them. As a result, there is significant public pressure to undertake high-profile reforms. We should keep in mind, however, that these reports invariably involve lone rogue actors exploiting purchasers and owners of single-family homes. This issue involves a narrow slice of DCRA’s functions that does not require—and certainly would not be fixed by—transferring building matters to a new agency. Creating two agencies could make this problem worse by increasing District government costs and discourage good DCRA employees to leave. To address this unscrupulous house flipper problem, the District needs to act with a scalpel—not reorganize the agency, which will leave the underlying problem—and many others—untouched.

* * *

DCRA is a vital agency for the prosperity of all District residents and businesses, and it is critical that reforms undertaken by the Council are lasting and
meaningful by striking at the agency’s core, underlying issues. We appreciate working closely with DCRA and it is important to note that they agree with the recommendations we outlined last year. We continue to work together to find the right solutions that allow implementation of these recommendations.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.
Testimony of the District of Columbia Building Industry Association

Before the

Committee of the Whole

Honorable Phil Mendelson, Chair

Public Oversight Hearing

on

The Department of Consumer and Regulatory Affairs: What Issues Should the Committee Pursue?

The John A. Wilson Building
1350 Pennsylvania Avenue, N.W. Room 123
Washington, D.C. 20004
February 6, 2019
11:00 am
Good morning Chairman Mendelson, members of the Committee, and staff. My name is Lisa Mallory, and I am Chief Executive Officer of the District of Columbia Building Industry Association ("DCBIA"). I am also a longtime resident of Ward 4. DCBIA is the leading voice of real estate development in the District of Columbia. Our more than 425 members comprise professionals involved in all areas of real estate development, including builders, developers, general contractors, subcontractors, engineers, brokers, attorneys, and other key real estate professionals. Thank you for the opportunity to testify on the Committee’s oversight priorities for the D.C. Department of Consumer and Regulatory Affairs ("DCRA").

As you know, DCBIA members are major customers of DCRA with a direct stake in its effectiveness. Over the years, DCBIA has established a great working relationship with DCRA resulting in several joint partnerships, educational seminars, and highly technical training programs that have helped educate DCRA employees and the development industry on DCRA’s various processes. This relationship extends to the present and current Director Ernest Chrappah. We are pleased to have been invited to participate in DCRA’s new working group on regulatory reform, and we look forward to working collaboratively with the agency and other stakeholders in the coming months.
In my testimony today, I will outline three areas where this Committee should focus its oversight of DCRA, specifically regarding its construction-related functions: (1) technical competence and staffing, (2) accountability, (3) and customer service. I will identify specific actions in each of these areas that the Council and DCRA can take now as part of a long-term strategy toward improvement. DCBIA is happy to follow up with you on these recommendations.

1. Lasting Reform Will Require a Long-Term Effort.

I first want to give the Committee a high-level overview of considerations when looking to reform DCRA. The DCRA of today is a vast improvement from the DCRA of one or two decades ago. Nonetheless, it is still the case that consumers feel that DCRA is just there to say “no” instead of working with them to find a solution. DCRA’s focus should be on how we can achieve what the consumer is trying to accomplish while ensuring proper oversight and inspection.

We applaud this Committee for its continued interest in improving DCRA. Committee staff met with DCBIA in advance of this hearing, and we were encouraged that the Committee plans to prioritize communication with Director Chrappah and conduct regular oversight hearings on various agency issues. This demonstrates that the Committee recognizes that lasting, meaningful reform at DCRA will not occur overnight. It will take time, money, and coordination. Although the Committee is again considering transferring some of DCRA’s
functions to a new agency through the Department of Buildings Establishment Act, reform will not occur by one piece of legislation. As I testified on this bill last year, restructuring alone will not improve DCRA. The Council, DCRA, and the Mayor must first address the agency’s many underlying issues.

As a start in that direction, I will provide some possible solutions under the three suggested oversight areas. Many of our suggestions overlap with concerns and ideas that this Committee is already discussing, and with Director Chrappah’s “Vision 2020” initiative now underway within the agency.

2. Recommendations for Improving Technical Competence and Staffing

The first area where Committee should focus is ensuring that DCRA staff are trained in the many technical parts of the D.C. building code and related laws to ensure that they are equipped to make well-vetted and timely decisions. As you know, there is currently a lack of consistency in decision-making among staff. Staff often make two different decisions when reviewing similar projects, due in part to varying interpretations of the building code. Moreover, there is bottlenecking in the review process, which slows down projects and increases costs.

To address these problems, we recommend the following:

- DCRA should require in-house certification standards to empower staff and mid-level managers to make decisions that will be consistent across projects.
• DCRA should develop employee expertise by dividing line review employees between residential code and building code reviewers. This breakdown would focus employees on one type of project and assist them in garnering more technical expertise.

• Mid- and upper-level managers should receive cross-training to prevent slowdown in workflow. A different set of eyes can also help ensure mistakes or review lags are noticed and corrected.

• DCRA should be given the flexibility through the budget to adjust staffing in response to periods of increased workload. This could be done through new full-time, part-time, and/or contract employees. DCRA would also benefit from adding in-house counsel staff.

• The District should ensure that DCRA is able to attract a wide range of talent. Currently, individuals may be concerned that working at DCRA will limit future employment options. To address this, the District should consider reducing the length of restrictions on post-government-employment activities. It might also consider a public-private partnership where experts can participate in a three- to six-month peer-to-peer review program to assist DCRA with improving its review program.

• DCRA should retain a certain percentage of revenue from the Velocity program for quick staff additions in the event of inevitable workload
increases. The Velocity program has made the need for staffing flexibility even more apparent. If staff are focused on a project where a customer has paid for an accelerated review, then other projects for which no premium is being paid will necessarily be delayed.

- DCRA should ensure that it promptly reviews work that has already completed Third Party Program review. Since work has already been vetted by DCRA-certified professionals, review at the agency level should take less time.

- Finally, more time and effort must be spent on addressing the residential concerns that have been raised in recent years at hearings in this building and through the local media. DCRA should expand the Homeowner’s Center and provide it dedicated staff to assist D.C. residents with their projects.

3. Recommendations for Improving Accountability

The Committee should also examine DCRA’s accountability framework. The agency faces a lack of consistent, regularly reviewed and updated standard operating procedures for its units. To address these issues, we suggest the following:

- DCRA must create a standard operating procedure manual for each department that is available to both staff and property owners. These procedures must be regularly reviewed and updated and will ensure that
everyone is working off the same standards, especially with respect to plan
review and inspection.

- DCRA’s current communication matrix also hinders employee
accountability. Accountability can be improved by creating a publicly
available electronic phone list for all DCRA employees, so that property
owners are able to reach the correct person to answer their questions.

- DCRA should establish performance measures to encourage agency
accountability to property owners. If a project has not been moved in a
certain number of days, a manager should conduct a review. Property
owners must also be informed why any delay occurred and when a
resolution is expected.

- Lastly, the D.C. Auditor, as an independent body, should issue annual
reports for at least the next five years on DCRA’s timeliness of permits,
excluding postcard permits, and other performance metrics.

4. Recommendations for Improving Customer Service

Finally, we believe the Committee should focus on improving DCRA’s
customer service. We suggest the following changes in this area:

- DCRA must have the technological resources to communicate with other
agencies on building permits. If agencies do not have enough reviewers to
cover the workload, the logjam intensifies, and the lack of acknowledgement to the applicant produces anxiety about the entire process.

- A DCRA ombudsman should be established to advocate for property owners and oversee the resolution of complaints.

- Additional staff positions should be created within Office of the Chief Technology Officer to revamp the technology used by all agencies for building permits to ensure it is useful for both staff and property owners and their designees.

- DCRA should also make its Acela and FileNet documents available to the public. Making these records readily accessible by the public will relieve DCRA staff, allowing them to work on new permits and certificates of occupancy instead of responding to research requests.

- Finally, we need to empower DCRA employees. They must be provided training, incentive bonuses, and clear reviews tied to raises. DCRA can work with the union to ensure employee accountability.

    *    *    *

DCBIA’s members remain committed to working with you, the Mayor, and DCRA on resolving the issues the agency faces so that the entire public can benefit. Thank you for convening today’s hearing. I am available to answer any questions you may have.
Jamie Barden ANC4D Testimony Committee of the Whole Hearing on Bill 23-91

Department of Building Establishment Act of 2019

Thank you Chair Mendelson and the Committee of the Whole. My name is Jamie Barden, I am an advisory neighborhood commissioner from ANC4D, which includes the Kennedy Street address where we lost two residents to a fatal fire.

Director Chrappah in his November 14th testimony made a number of claims of reform including:

1. Tighter timeframes for rental housing complaints
2. "When access to a building...is not granted...our investigators will work...to seek an administrative search warrant."
3. Customer Relationship Management (CRM) System

Today, I will share one resident complaint that illustrates that reforms at DCRA since the fire have produced little change on the ground. As a result, I support passage of Bill 23-91.

ANC4D, ANC4C, and ANC4B have all passed resolutions to this effect, which should be given great weight.

At the end of August, I sent Director Chrappah a resident complaint about an address on Illinois Avenue. Unfortunately, the handling of this complaint resembled the handling of the fatal fire address on Kennedy Street, as did the facts of the complaint itself:

1. illegal boarding house in a town house
2. a business license was claimed on the premises as cover for high pedestrian traffic
3. a business license means a business license inspector goes out first, warning the landlord
4. DCRA had professional knowledge of housing code violations
5. nevertheless, once access was denied, the matter was dropped

Here is a timeline of my complaint:

August 30th, I first communicated the issues at this address directly to Director Chrappah.
September 3rd, Director Chrappah told me the case would be entered into the new CRM.

September 9th, I indicated to a DCRA staffer that the neighbor who entered the complaint feared for her safety. I was told that it was not possible to protect her name within the CRM.

September 19th, a DCRA Commercial Business inspector entered the home and reported, in writing, a basement unit with only one external egress, where someone was living, and which had a kitchen and bedroom. A clear fire code violation, but no citations were issued.

September 23rd, a DCRA Building Code Inspector was denied access ONCE.

The CRM ticket was closed!

I wrote to request that the case be re-opened:

"Closing cases EXACTLY LIKE THIS was one of many mistakes that resulted in the fatal fire in my commission area ANC4D..."

...I am disappointed to see Case #11457, prematurely closed. A DCRA commercial license inspector was inside the premise maybe two weeks ago and saw in person that there was reason to believe there were violations in the home itself. For example, the basement is not a legal rental, the living room had been converted to a bedroom, there were insufficient bathrooms. Am I missing something? Is that not the strongest probable cause/evidence for a warrant if you are not being offered entry to the address?"

[NO RESPONSE FOR A MONTH]

October 30th, these conditions have persisted for TWO MONTHS since the original complaint.

I am 5 phone calls and 6 e-mails in, and about ready to give up.

I write a SECOND time to Director Chrappah. This time I make a PR argument, I point out all the similarities with the house with the Kennedy Street house with the fatal fire.

Only now, DCRA starts pursuing an Administrative Warrant, and the owner allows access.

$4,150 in infractions were found, including those found by the commercial building inspector:

-a basement with only one exit, low ceiling height, obstructed egress, a basement kitchen.
If I had not pursued it, this property could STILL have a potentially deadly situation.

On November 15th, I e-mailed a DCRA staffer who was coming to our ANC meeting, to give a heads up of the issues with dealing with the Illinois Avenue address.

In the staffer’s response, they communicated that I had pushed the agency too hard: “In fact, the owner believes that he and his family are being harassed by their neighbors and are considering hiring an attorney.”

Note, even AFTER these dangerous violations, the rights of landlords and owners are ALWAYS paramount at DCRA rather than the safety of residents.

The scariest part, this staffer is from the so-called Consumer Protection Unit!

I reminded the staffer, “If the owner of this address feels singled out, that is likely because word has gotten around that DCRA doesn’t usually follow through when:

(1) denied entry just a single time, or (2) when the possibility of a lawsuit is mentioned verbally, or (3) when someone claims all the residents are family members, or (4) when the number of people that are going in and out is explained by a commercial business.”

With another 4 minutes, I would regale you with stories of failures in the area of blighted and vacant properties. Again, DCRA elevates the rights of developers and commercial interests over the suffering of next door neighbors, and bureaucratic confusion plays a role.

I have personally scheduled afternoons to follow vacant property inspector to make sure he visits the properties in question. My being there, pointing out the broken windows and open access points at the back door was the only reason properties were listed as blighted rather than vacant. After 5 years of asking for it through two different directors and yearly promises, there is STILL no reliable place for up-to-date information on blighted and vacant properties, including whether they are actually being taxed at a higher rate. DCRA is unable to tell you what properties are being taxed at a higher rate, but will supply a revolving set of potential reasons for why that might be the case.

Given clear failures to change the culture and practices within DCRA, I request that the council pass Bill 23-91.
Background Materials for
Jamie Barden ANC4D Testimony
Committee of the Whole Hearing 12/9/2019 at 11:30am

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

Relevant E-mails

August 29th 2019: Resident complaint to me as ANC

From: [Redacted]
Sent: Thursday, August 29, 2019 5:18 PM
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>
Subject: Re: Free Film in Larry’s Park, this Friday at 8:00pm!

This is heartbreaking. Quite frankly I have been concerned about this as my neighbor in 5218 Illinois has a similar operation. The city has been called and he has been fined, but then just goes back to running his boarding house. I understand from a contractor that went in there they have multiple families in a room and even cook in the basement. I have been very concerned that this could result in a similar situation. I have [Redacted] and [Redacted] at home. Please advise. Thanks.

August 30th 2019: Resident complaint forwarded to DCRA

Barden, Jamie (SMD 4D04)
Fri 8/30/2019 3:08 PM
To: Chrappah, Ernest (DCRA); EMS, FIRE (FEMS)
Cc: Todd, Brandon (COUNCIL); [Redacted] Bowser, Renée L. (SMD 4D02); Benab, Jasmin (EOM)

Dear Director Chrappah and Fire/EMS,

[Redacted], a resident, who I know to be a leader in our community, identifies 5218 Illinois avenue as an illegal boarding house that poses a danger to the residents and the adjacent homes.

In light of the recent tragic fire fatalities in our neighborhood, please make sure that Fire/EMS and DCRA persist until the living circumstances of these individuals are made safe.

I understand and agree that the dignity and rights of the residents should be respected at all times, but we must hold the owners accountable for these conditions.

Jamie Barden
ANC 4D04
(202) 656-8164
Facebook Page

September 3rd, 2019:

From: Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>
Sent: Tuesday, September 3, 2019 10:17 PM
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>; Peace, Donise (DCRA) <donise.peace@dc.gov>
Cc: EMS, FIRE (FEMS) <fire.ems@dc.gov>; Todd, Brandon (COUNCIL) <BTodd@DCCOUNCIL.US>; Bowser, Renée L. (SMD 4D02) <4D02@anc.dc.gov>; Aleta Williams <aletawilliams@hotmail.com>; Benab, Jasmin (EOM) <Jasmin.Benab@dc.gov>

Subject: Re: Another boarding house address susceptible to deadly fire: 5218 Illinois.

Dear Commissioner Barden - thank you so much for your email and the tip from a neighbor. Through this email I am looping in our customer service manager, Donise, to initiate a service request on your behalf. I will kindly ask that any future service request should be emailed to dcra@dv.gov or submitted to our customer relationship management database https://octo.quickbase.com/db/bpan4925f?a=dbpage&pageId=12 to reduce the chance that the email is missed and to ensure a case number is assigned.

Cheers
Ernest Chrappah
Director DCRA
Sent from my iPhone

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From: Barden, Jamie (SMD 4D04)
Sent: Friday, September 6, 2019 3:49 PM
To: Britt, Deborah (DCRA) <deborah.britt@dc.gov>
Subject: Re: DCRA Complaint RE: 5218 Illinois Avenue NW

Dear Deborah Britt,

I am putting the text below of the e-mail of the constituent who contacted me regarding 5218 Illinois. I will communicate to my constituent that I have heard back from the commercial license inspector that he saw the property and has referred it to a building inspector who can assess fire safety related to the building code, since I did just receive that phone call from the commercial license inspector.

Subsequent to sending the email I include below the signature line, my constituent expressed safety concerns if information of where the complaint came from got back to those associated with 5218 Illinois. Please keep my constituent's name out of any paperwork or further correspondence. You can feel free to refer to this complaint as originating from me. You have my word that I will keep my constituent posted on updates.

I appreciate your agency's swift action on this matter,

Jamie Barden
ANC 4D04
(202) 656-8164
Facebook Page

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From: Britt, Deborah (DCRA) <deborah.britt@dc.gov>
Sent: Monday, September 9, 2019 8:18 AM
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>
Cc: Britt, Deborah (DCRA) <deborah.britt@dc.gov>
Subject: RE: DCRA Complaint RE: 5218 Illinois Avenue NW

Good morning,
Appreciate your concern, but the complaint can be read by anyone who has access to the CRM system. However, I will inform the assigned investigator of your request. Your below email referred to a “commercial license inspector”. Upon receipt by this office, your complaint was referred to the Inspections and Compliance Administration for response. Can you provide the contact information for the commercial license inspector? If not, the office will proceed with an investigation to determine whether the property is being used for rental housing purposes.

Thank you,

Deborah Britt, Investigator
Regulatory Investigations
Department of Consumer and Regulatory Affairs
deborah.britt@dc.gov | 1100 4th Street, SW, D.C. 20024
main: 202.442.8676 | desk: 202.442.9544
mobile: 202.439.2841 | dcra.dc.gov

From: Brooks, Derek (DCRA) <Derek.Brooks@dc.gov>
Sent: Wednesday, September 18, 2019 10:56 AM
To: Britt, Deborah (DCRA) <deborah.britt@dc.gov>; Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>
Cc: Watkis, Michelle (DCRA) <Michelle.Watkis@dc.gov>
Subject: RE: DCRA Complaint RE: 5218 Illinois Avenue NW

Here is an update from the investigator:
9/6/19-Inv Coward contacted the owner who met Inv. Coward at the property and granted entry for an inspection. Inspection revealed 2 rooms on the 1st floor (both were locked/owner said he did not have the keys); 3 rooms on the 2nd floor (owner stated that one of the rooms was his room and the other 2 belonged to family members). There was also a kitchen on the 1st floor. I did not observe a living room on the 1st floor. There was also a basement unit that could only be accessed from the rear yard. The owner stated that his female family member is staying in the basement. I observed a kitchen, living room area, and a bedroom in the basement unit.
The owner claimed that everyone residing in his home are "family members" from Ethiopia that his "helping," and none of them are paying him any money for rent.
According to the CRM, an inspection was scheduled for 9/17/19.
Thanks,
Derek V. Brooks | Program Officer
Department of Consumer and Regulatory Affairs
derek.brooks3@dc.gov | 1100 4th St SW, DC 20024
dcra.dc.gov

From: Watkis, Michelle (DCRA) <Michelle.Watkis@dc.gov>
Sent: Monday, September 23, 2019 6:32 PM
To: Brooks, Derek (DCRA) <Derek.Brooks@dc.gov>; Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>
Subject: RE: DCRA Complaint RE: 5218 Illinois Avenue NW

Good afternoon Jamie,

Our inspector attempted an inspection on 9/18/2019. He called the owner twice with no answer, and left Voicemails both time. He arrived at the house at 10:15am, a woman answered the door and denied access for him to inspect the
house for possible housing code violations. Without proof that the garage is being used as a living space or cooperation from the owner/tenant/inhabitants we are unable to do an inspection. DCRA has the ability to obtain a search warrant however DCRA must establish cause from proof of illegal activity/lack of compliance or a witness to cooperate with our investigation.

Respectfully,

Michelle A. Watkis
Administrative Officer
Inspections and Compliance
michelle.watkis@dc.gov 1100 4th St SW, DC 20024
main: 202.442.4400 desk: 202.299.2064
dcra.dc.gov

Barden, Jamie (SMD 4D04)
Mon 9/23/2019 10:30 PM

Watkis, Michelle (DCRA); Brooks, Derek (DCRA); Bowser, Renée L. (SMD 4D02)

Mr. Watkis,

I appreciate your follow-up with me via e-mail. However, I am disappointed to see Case #11457, prematurely closed. Closing cases EXACTLY LIKE THIS was one of many mistakes that resulted in the fatal fire in my commission area ANC4D.

A DCRA commercial license inspector was inside the premise maybe two weeks ago and saw in person that there was reason to believe there were violations in the home itself. For example, the basement is not a legal rental, the living room had been converted to a bedroom, there were insufficient bathrooms. Am I missing something? Is that not the strongest probable cause/evidence for a warrant if you are not being offered entry to the address?

In addition, I am reporting to you that a resident, who prefers not to be identified for his or her safety, has seen an older man leaving that garage in the morning hours, as if he was getting up in the morning. Again, given what your inspector already observed previously, that should be sufficient.

Please re-open Case #11457 and obtain the necessary search warrant and have one of your building code inspectors thoroughly inspect all of the buildings on the premises.

Jamie Barden
ANC 4D04
(202) 656-8164
Facebook Page

...No response for over a month...
Dear Director Chrappah,

I have waited for a month now for a response from DCRA to my e-mail of September 23rd below regarding a suspected boarding house at 5217 Illinois avenue, which is within 5 blocks of the fatal fire at a row house here in Brightwood where two Ethiopian Immigrants lost their lives.

This 5217 Illinois Avenue case is being mishandled in exactly the same way as the case that resulted in the fatal fire. Here are the parallels between the two:

(1) closing out the ticket without a warrant being issued once access is denied
(2) DCRA knowing that there are housing code violations in the home (see Derek Brooks’ email below my signature below)
(3) violations including an illegal basement apartment without sufficient egress
(4) a business license is claimed on the premises as cover for the illegal boarding house activity
(5) the location and having a boarding house in a townhouse

DCRA needs to change, particularly when we have deadly conditions in these homes due to fire hazard. Please use your leadership role to effect the changes necessary so that these conditions do not persist.

Low-income renters and especially immigrants deserve to have safe housing, because they a human beings just like you or me.

The DCRA staffers I have been corresponding with are included here so they know this has been communicated to you. I do appreciate their responsiveness to my inquiries, but am extremely disappointed in the follow-through on the ground and the dropping of contact for the last month.

I also include a number of commissioners who have authored and signed resolutions regarding the fatal fire earlier this year so that they can also be privy to your response.

Jamie Barden
ANC 4D04
(202) 656-8164
Facebook Page

From: Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>
Sent: Wednesday, October 30, 2019 10:31 PM
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>; Careiro, Vanessa (DCRA) <vanessa.careiro@dc.gov>
Cc: Bowser, Renée L. (SMD 4D02) <4D02@anc.dc.gov>; Watkis, Michelle (DCRA) <Michelle.Watkis@dc.gov>; Brooks, Derek (DCRA) <Derek.Brooks@dc.gov>; Polkey, Aaron (SMD 4D03) <4D03@anc.dc.gov>; Goodman, Jonah (SMD 4C10) <4C10@anc.dc.gov>; Hilley, Bennett (SMD 4C06) <4C06@anc.dc.gov>; Palmer, Erin (SMD 4B02) <4B02@anc.dc.gov>; Johnson, Tiffani (SMD 4B06) <4B06@anc.dc.gov>; Yeats, Evan (SMD 4B01) <4B01@anc.dc.gov>; Crowe, Tiffany (DCRA) <Tiffany.Crowe@dc.gov>; Nyabagosi, Peter (DCRA) <peter.nyabagosi@dc.gov>
Subject: Re: DCRA Complaint Without Follow-up Boarding House at 5218 Illinois Avenue NW
Good evening Jamie - thanks for elevating your concerns. I share your concern and directing Vanessa, Program Manager for Consumer Protection Unit, to re-examine this case and communicate back to the group additional steps we are taking to get to the bottom of the issue.

Cheers

Ernest Chrappah | Director
Department of Consumer and Regulatory Affairs
ernest.chrappah@dc.gov | 1100 4th St SW, DC 20024
office: 202.442.8947 | dcra.dc.gov

From: Careiro, Vanessa (DCRA) <vanessa.careiro@dc.gov>
Sent: Friday, November 1, 2019 6:57 PM
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>
Cc: Bowser, Renée L. (SMD 4D02) <4D02@anc.dc.gov>; Watkis, Michelle (DCRA) <Michelle.Watkis@dc.gov>; Brooks, Derek (DCRA) <Derek.Brooks@dc.gov>; Polkey, Aaron (SMD 4D03) <4D03@anc.dc.gov>; Goodman, Jonah (SMD 4C10) <4C10@anc.dc.gov>; Hilley, Bennett (SMD 4C06) <4C06@anc.dc.gov>; Palmer, Erin (SMD 4B02) <4B02@anc.dc.gov>; Johnson, Tiffani (SMD 4B06) <4B06@anc.dc.gov>; Yeats, Evan (SMD 4B01) <4B01@anc.dc.gov>; Crowe, Tiffany (DCRA) <Tiffany.Crowe@dc.gov>
Subject: RE: DCRA Complaint Without Follow-up Boarding House at 5218 Illinois Avenue NW

All - We are beginning the process to obtain an administrative search warrant for 5218 Illinois Ave NW to address any housing code violations. In the meantime, however, we have reached out to the owner again to seek permission to enter the premises for an inspection. An inspector is scheduled to visit the property again on Monday, regardless of whether we hear from the owner before then.

Thank you,
Vanessa

Vanessa Careiro | Program Manager, Consumer Protection
Department of Consumer and Regulatory Affairs
vanessa.careiro@dc.gov | 1100 4th St SW, DC 20024 | Office 5217
dcra.dc.gov

From: Careiro, Vanessa (DCRA) <vanessa.careiro@dc.gov>
Sent: Tuesday, November 5, 2019 9:45 AM
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>
Cc: Bowser, Renée L. (SMD 4D02) <4D02@anc.dc.gov>; Watkis, Michelle (DCRA) <Michelle.Watkis@dc.gov>; Brooks, Derek (DCRA) <Derek.Brooks@dc.gov>; Polkey, Aaron (SMD 4D03) <4D03@anc.dc.gov>; Goodman, Jonah (SMD 4C10) <4C10@anc.dc.gov>; Hilley, Bennett (SMD 4C06) <4C06@anc.dc.gov>; Palmer, Erin (SMD 4B02) <4B02@anc.dc.gov>; Johnson, Tiffani (SMD 4B06) <4B06@anc.dc.gov>; Yeats, Evan (SMD 4B01) <4B01@anc.dc.gov>; Crowe, Tiffany (DCRA) <Tiffany.Crowe@dc.gov>
Subject: RE: DCRA Complaint Without Follow-up Boarding House at 5218 Illinois Avenue NW

All —
After speaking with one of our assistant general counsels, the owner of the property agreed to allow an inspection yesterday. That inspection was completed, and Notices of Infraction totaling $4,150 have been issued. The owner communicated his plan to abate the two cited issues within the 7 days required, after which the housing inspector will return to re-inspect the premises.

Please let me know if you have any questions or would like to discuss further.

Best,
Vanessa

Vanessa Careiro | Program Manager, Consumer Protection
Department of Consumer and Regulatory Affairs
vanessa.careiro@dc.gov | 1100 4th St SW, DC 20024 | Office 5217
dcra.dc.gov

From: Careiro, Vanessa (DCRA) <vanessa.careiro@dc.gov>
Sent: Thursday, November 7, 2019 1:05 PM
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>
Cc: Bowser, Renée L. (SMD 4D02) <4D02@anc.dc.gov>; Watkis, Michelle (DCRA) <Michelle.Watkis@dc.gov>; Brooks, Derek (DCRA) <Derek.Brooks@dc.gov>; Polkey, Aaron (SMD 4D03) <4D03@anc.dc.gov>; Goodman, Jonah (SMD 4C10) <4C10@anc.dc.gov>; Hilley, Bennett (SMD 4C06) <4C06@anc.dc.gov>; Palmer, Erin (SMD 4B02) <4B02@anc.dc.gov>; Johnson, Tiffani (SMD 4B06) <4B06@anc.dc.gov>; Yeats, Evan (SMD 4B01) <4B01@anc.dc.gov>; Crowe, Tiffany (DCRA) <Tiffany.Crowe@dc.gov>; Nyabagosi, Peter (DCRA) <peter.nyabagosi@dc.gov>
Subject: RE: DCRA Complaint Without Follow-up Boarding House at 5218 Illinois Avenue NW

Thank you, Commissioner. I can address some of your questions, though as this is an ongoing investigation, there is limited information that I can share at this stage.

Nature of Violations: In the home itself, the inspector found five sleeping rooms, all of which were habitable except for the basement (ceiling height/obstructed egress) (violation #1). The owner stated that he would make this room a storage room, and it would cease to be used as a bedroom. All other sleeping rooms had proper means of egress. Two non-bedroom doors require a modification (violation #2), which the owner has indicated he will complete. The housing inspector issued the NOI, and did not deem these issues serious enough to warrant displacement of the residents. The fines will stand regardless of mitigation unless the owner successfully appeals to OAH. As noted above, other aspects of this investigation are ongoing.

Licensing Issues: There were two residents on the premises during the inspection, who indicated that they were family members of the owner, not tenants. DCRA has no legal authority to compel proof of family status, and if residents do not wish to cooperate with requests to establish that they are tenants, unfortunately, there is not enough evidence to write an NOI for an unlicensed rental property. The business license issue is not germane to this determination, as residents may both operate a business out of their homes and rent the premises. The issue here is that we do not have sufficient evidence that he is, in fact, renting the premises. We share your frustration and we welcome any further information or evidence that we could consider or could gather by appropriate means.

Best,
Vanessa

Vanessa Careiro | Program Manager, Consumer Protection
Department of Consumer and Regulatory Affairs
vanessa.careiro@dc.gov | 1100 4th St SW, DC 20024 | Office 5217
From: Careiro, Vanessa (DCRA) <vanessa.careiro@dc.gov>  
Sent: Friday, November 15, 2019 9:13 AM  
To: Barden, Jamie (SMD 4D04) <4D04@anc.dc.gov>; Saki-Tay, Inez (DCRA) <Inez.Saki-Tay@dc.gov>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>; Bowser, Renée L. (SMD 4D02) <4D02@anc.dc.gov>; Polkey, Aaron (SMD 4D03) <4D03@anc.dc.gov>; Branton, Krystal (SMD 4D05) <4D05@anc.dc.gov>; Tabor, Peter (SMD 4D01) <4D01@anc.dc.gov>; Nobil, Jonathan (SMD 4D06) <4D06@anc.dc.gov>  
Cc: Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>; Bowser, Renée L. (SMD 4D02) <4D02@anc.dc.gov>; Polkey, Aaron (SMD 4D03) <4D03@anc.dc.gov>; Branton, Krystal (SMD 4D05) <4D05@anc.dc.gov>; Tabor, Peter (SMD 4D01) <4D01@anc.dc.gov>; Nobil, Jonathan (SMD 4D06) <4D06@anc.dc.gov>  
Subject: RE: DCRA Complaint Without Follow-up Boarding House at 5218 Illinois Avenue NW

Commissioner Barden,

Thank you for your email. I wanted to follow-up to clarify a few points before next week's ANC4D meeting. First, please know that we take tenant safety issues very seriously. The issue in this instance is that DCRA does not have any actionable proof that a landlord/tenant relationship exists at this property. In fact, the owner believes that he and his family are being harassed by their neighbors and are considering hiring an attorney. I can also share that the violations that were cited were not the same or as serious as those at the Kennedy Street property. If any imminent health/safety issues had been found, DCRA would have closed the building.

As the eyes and ears in your neighborhood, flagging potentially unsafe living conditions is something we encourage from our ANC partners—thank you for your help, and please know that it is appreciated.

Thank you,
Vanessa

Vanessa Careiro | Program Manager, Consumer Protection Unit  
Department of Consumer and Regulatory Affairs  
vanessa.careiro@dc.gov | 1100 4th St SW, DC 20024 | Office 5217  
dcra.dc.gov

Barden, Jamie (SMD 4D04)  
Mon 11/18/2019 5:46 AM  
Careiro, Vanessa (DCRA); Saki-Tay, Inez (DCRA); Chrappah, Ernest (DCRA); Bowser, Renée L. (SMD 4D02)

Dear Vanessa Careiro,

I am glad to hear that you take tenant safety issues very serious. The fatal Kennedy Street fire SHOULD BE an opportunity for DCRA to change its culture and approach to refocus on this issue. However, as you see with 5218 Illinois Avenue NW, the same approach as with Kennedy Street would have taken place had I not intervened multiple times and insisted. Even now, with clear violations in the basement that endanger residents, DCRA seems focused on the owner's interests (claims of harassment) rather than on resident safety. I address that point below.

Wednesday is an opportunity to SHOW 4D that DCRA takes fire safety seriously. Director Chrappah is quoted in the Washington Post August 31st as saying that based on DCRA review following the less than vigorous inspections at the Kennedy Street address, 67 or more addresses would have to be reviewed. Were these follow-up inspections undertaken? What can you tell us about the outcomes of these reinspections? When access to these addresses was
denied, were administrative warrants requested? What kinds of violations were found for any of these 67 or more properties?

If the owner of this address feels singled out, that is likely because word has gotten around that DCRA doesn't usually follow through when: (1) denied entry just a single time, or (2) when the possibility of a lawsuit is mentioned--even just verbally, or (3) when someone claims all the residents in a home are family members without proof, or (4) when the number of people that are going in and out is explained by there being a commercial business at the residence.

The challenge to DCRA is to change this perception that there will be no follow-through under any and all of these conditions. As 5218 Illinois Avenue NW clearly shows, dangerous conditions are missed due to this lack of thoroughness.

Jamie Barden
ANC 4D04
(202) 656-8164
Facebook Page
E-mail requesting Oversight Hearing

Mon 10/21/2019 9:35 AM

To: Mendelson, Phil (COUNCIL); Todd, Brandon (COUNCIL); Cheh, Mary (COUNCIL); dgrosso@dccouncil.us; Evans, Jack (COUNCIL); McDuffie, Brenda (Council) bmcduffie@DCCOUNCIL.US>; Allen, Charles (COUNCIL); vgray@dccouncil.us; bnadeau@dccouncil.us; twhite@dccouncil.us; Silverman, Elissa (Council) <ESilverman@DCCOUNCIL.US>; abonds@dccouncil.us; White, Robert (Council) <rwhite@dccouncil.us>
Cc: Hilley, Bennett (SMD 4C06); Goodman, Jonah (SMD 4C10); Brown, Tiffany L. (SMD 7B02); Palmer, Erin (SMD 4B02); Bowser, Renée L. (SMD 4D02); Tabor, Peter (SMD 4D01)

Dear Chairman Mendelson,

ANCs in Ward 4, ANC4B, ANC4C, and ANC4D have all passed resolutions, with unanimous votes, highlighting the gross failures within the Department of Consumer and Regulatory Affairs (DCRA), DC Fire and Emergency Medical Services (DC FEMS), the Office of Unified Communications (OUC), and the Metropolitan Police Department (MPD) as well as failures of inter-agency communication which led to the fatal house fire on August 18th 2019 at 708 Kennedy Street NW.

Yafet Solomon, a 9-year-old Barnard Elementary School Student, and Fitsum Kebede, 40 years old, Ethiopian immigrants and residents of ANC4D, died in this fire.

Since this fire, NOTHING HAS CHANGED to prevent the multiple failures at DCRA that contributed to this tragedy. I include evidence from one example of another suspected boarding house where DCRA failed to obtain a warrant in exactly the same way as 708 Kennedy, and other commissioners have further cases they can share at a hearing.

Illinois Avenue Example: A resident identified a suspected illegal boarding house to me and I asked DCRA to follow up multiple times (see attached e-mail chain). One of DCRA’s own commercial license inspectors (referred to by DCRA as Inv. Coward) found a basement unit with only one exit, a clear violation of building code due to fire danger. DCRA had to request a DIFFERENT INSPECTOR, who could officially evaluate whether building codes had been violated, including fire hazards. When the building inspector was refused entry to the building, DCRA CLOSED THE TICKET WITHOUT SEEKING A WARRANT (see attached notification of the closed ticket). This is exactly the type of failure of follow-up and unwillingness to obtain a warrant that resulted in the conditions in 708 Kennedy Street NW that resulted in a preventable fatal fire. If DCRA’s own commercial license inspector has observed an illegal basement unit and a neighbor further reports the use of an illegal garage unit, how are these not probable cause for a warrant? My request to reopen the ticket has been met with silence for a month.

We urgently request that you CALL AN OVERSIGHT HEARING to ask the above mentioned agencies, and any relevant agencies not mentioned to answer questions about what happened and what corrective actions have been or are in the process of being made to ensure this horrific lapse in governmental oversight doesn’t happen again. The multiple and cascading failures in agencies tasked with keeping the public safe, which led to the fatal fire, are unacceptable and are far from isolated. An oversight hearing is the only way we can make sure that we understand exactly what went wrong and insist that it be corrected in all the relevant agencies.

Respectfully,

Jamie Barden
ANC 4D04
(240) 599-6526
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 boarding 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 MOCR's 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 that 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 ___ in favor, ___ against and ___ present the Resolution. The Resolution is passed.

Signed by (Renee Bowser), Chair of ANC 4D on ___/____/___

Sources

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


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