
Government of the District of Columbia



Department of Consumer and Regulatory Affairs

Testimony of

Linda K. Argo
Director

***Public Roundtable on the
Department of Consumer and Regulatory Affairs
Proactive Housing Inspections Program***

Council of the District of Columbia
Committee on Public Services and Consumer Affairs
Muriel Bowser, Chair

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John A. Wilson Building
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I. Introduction

Good afternoon, Chairperson Bowser, members, and staff of the Committee on Public Services and Consumer Affairs. I am Linda Argo, Director of the Department of Consumer and Regulatory Affairs. I'm here today to testify on DCRA's proactive housing inspections program during the 2009 calendar year.

DCRA has one critical mission: to protect the health, safety, economic interests, *and* quality of life of residents, businesses, and visitors in the District of Columbia – by issuing licenses and permits; conducting inspections; enforcing building, housing, and safety codes; regulating land use and development; and providing consumer education and advocacy services.

II. The Need for Proactive Inspections

For decades, DCRA operated on a system based on simply responding to housing service requests. I have no doubt that this system contributed to conditions that necessitated various slumlord lawsuits initiated by the Attorney General. A reactive-only system meant we found out about a building's housing code violations only when we received a complaint from an aggrieved tenant. Why is this important?

For the vast majority of properties named in the slumlord lawsuits, DCRA had not received any recent complaints from residents of those buildings. And for the worst of the properties, we never received a single complaint.

There are many reasons why – intimidation by landlords, fear of rising rents or other retribution, lack of knowledge of the District's inspections laws, or language barriers.

It's quite clear that a complaint-based system is no longer sufficient if we want to maintain safe housing conditions for all residents, especially our most vulnerable – the poor, the elderly, the non-English speakers.

It was for that reason that we implemented a new proactive inspections program to ensure that all multi-family residential apartment buildings in the District are inspected on a regular schedule.

Each of the District's 4,800 licensed multi-family buildings has been placed on a five-year inspection cycle. If inspectors find substantial code violations in common

areas, exterior premises, or within apartment units, the building will be moved into a two-year inspection cycle.

Failure to pass an inspection will result in notices of violation, fines, and potential civil penalties or criminal prosecution. DCRA rolled out a pilot proactive inspections program in May 2009. Based on that pilot program, we made some modifications to the program and officially launched it on October 1.

The proactive inspection program does not replace and in no way affects the housing inspection request-based system. Tenants can always call us at 202-442-9557 or email us at dcra.housingcomplaints@dc.gov to schedule an inspection. The proactive program is designed to fill an important enforcement gap – where tenants either do not know how or where to contact us, or won't contact us for some of the reasons I've mentioned.

III. How Proactive Works

During the pilot phase of the program, DCRA selected multi-family rental buildings based on our records of housing and building code violations, as well as by soliciting the invaluable input of housing advocates like the Washington Legal Clinic for the Homeless, Bread for the City, the Latino Economic Development Corporation, the Office of the Tenant Advocate, and the Office of the Attorney General.

Once we selected a building for a proactive inspection, we mailed the property owner or management company a notice at least 21 days before the scheduled inspection date. The property owner or manager then contacted the DCRA Inspections Division to either confirm the date or identify a new date and time. Once a date was confirmed, DCRA posted a notice – written in English and Spanish – in the common areas and under tenants' doors advising of the date and time of the inspection. We also post on the DCRA website – dcra.dc.gov – and share with housing advocates a list of the buildings scheduled for inspections for the current and next month.

We gave property owners a set number of units that we wanted to inspect, based on the building's total number of units according to the following schedule: Up to 4 units – 50% of the units at the property are scheduled to be inspected; 5 to 49 units – 30%; and 50 units and above – 15%.

After the posting of the notice, tenants were advised that they could contact DCRA

to request their unit be inspected. And, during the actual proactive inspection, DCRA inspectors always have with them extra tenant consent forms in case any additional tenants want their own housing units inspected. The consent forms are printed in English, Spanish, Amharic, Chinese, Korean, and Vietnamese.

After conducting the inspection, we sent a notice to the property owner or manager detailing any building or housing code violations. We then scheduled a reinspection to ensure the owner or manager had corrected all identified violations. Property owners or managers that successfully abated all violations were then issued a certificate of compliance.

IV. Statistics
A. Buildings/Units Inspection/Reinspection

During the pilot phase, we inspected 606 residential units in 264 buildings in every ward in the District. After identifying housing and building code violations and giving the property owner an opportunity to correct those violations, we then conducted reinspections of 274 units in 208 buildings. Thirty-two certificates of compliance were issued to property owners or managers of buildings where all identified housing code violations had been corrected.

In the two months since the official launch of the program, DCRA has inspected 182 residential units in 75 buildings in every Ward (these statistics are as of December 9). We conducted reinspections of 112 units in 79 buildings, and have not yet issued any certificates of compliance.

Another way to review these numbers is by looking at the FY2009 and FY2010 totals. A total of 788 residential units in 339 buildings have been inspected. We’ve reinspected 287 units in 386 buildings and issued 32 certificates of compliance.

A chart with a breakdown of these numbers is included below:

Table 1: Proactive Housing Inspections			
	Pilot Phase (May 1- September 31)	Official Phase (October 1 – December 9)	FY2009 & FY2010 Totals (as of December 9)
Buildings Inspected	264	75	339
Units Inspected	606	182	788
Buildings	208	79	287

Reinspected			
Units Reinspected	274	112	386

B. Violations Cited/Fines

During the pilot phase, we cited 4,074 violations for housing or building code violations at 264 properties, and issued a total of \$30,500 in fines. Those fines are currently in the adjudication process with the Office of Administrative Hearings.

While we are still processing all of the data on abatement of violations, our experience has been that property owners or managers have been quite responsive in quickly correcting critical violations. We will have final violations abatement numbers on the pilot program in the first quarter of 2010.

DCRA inspectors also check that each building is properly licensed and has a valid certificate of occupancy. Failure to have a valid business license or failure to have a valid certificate of occupancy can each result in a \$2,000 fine.

V. Lessons Learned from Pilot

Our experiences with the pilot phase resulted in several changes to the program.

The first change was to revise our goal of inspecting each of the 4,824 licensed multi-family buildings from four years to five. We found that inspecting and reinspecting each building and unit has taken longer than we initially assumed. During FY2010, we plan on inspecting an average of 70-80 buildings a month, resulting in 800 to 950 inspected buildings a year.

We also changed how we determined which units in a building would be inspected. During the pilot phase, property owners or managers would let us know which units' residents had signed consent forms to allow us to inspect. In response to concerns raised by housing advocates, and by you, Chairperson Bowser, at a hearing earlier this year, we changed this process. We now review each building's certificate of occupancy to determine the number of units and randomly select the required number for inspection.

I want to also point out that simply because we identified specific units to be inspected, it did not preclude tenants in non-selected units from also having an inspection.

Perhaps the most significant lesson learned, and one of the reasons we have increased the inspection program from four years to five, is the challenge our inspectors are having with reinspecting individual units. Unless each inspected unit is reinspected to ensure that identified violations are corrected, the housing provider will not be issued a certificate of compliance. The problem is that if we cannot gain access to each unit, we can't certify that all housing and building code violations have been abated.

Originally the tenant consent form authorized DCRA and the property owner or manager to enter the tenant's unit for the initial inspection. We have modified the consent form to also authorize the *reinspection* of a unit. Our partners in the housing advocate community have played a significant role in working with tenants to help us get back into units to conduct reinspections.

I want to take this opportunity to thank them for their efforts – and for staying on us to ensure that we provide tenants with the high level of services they are entitled to. I believe our regular meetings have greatly increased the flow of information – and trust levels – between them and our inspectors. We will continue to build upon that relationship as we move ahead with the proactive program.

Finally, we were also somewhat surprised by the high frequency with which we see the same types of violations: missing or non-working smoke detectors; defective electrical ceiling light fixtures and outlets; walls with holes; and failure to maintain fire escapes, stairways, and other means of egress. This information will be very helpful in our ongoing outreach to property owners and managers, and will assist them in providing code-compliant accommodations to their tenants – as well as avoiding DCRA citations.

I have included a chart with the top ten violations identified during the pilot phase:

Type of Violation	Frequency of Violation
No smoke detector	148
Failure to properly or safely install, or maintain in a safe working condition, a required facility	121
Defective electrical ceiling light fixture	121
Failure of property owner to provide and maintain facilities, services, and utilizes as required by DCMR Title 14	103
Walls with holes	95

Defective electrical outlets	94
Failure to maintain fire escapes, stairways, and other egress facilities free from obstruction	88
Wall has loose or peeling paint	87
Improperly placed smoke detector	78
Ceiling has loose or peeling paint	73

VI. Conclusion

I'd like to conclude my testimony on a positive note that really illustrates the importance of this program. Last week, our proactive team conducted an inspection of a 4-unit property on V Street, SE in Ward 8. At that inspection, our inspectors found dangerous levels of carbon monoxide buildup in a mechanical room, as well as a potentially explosive gas leak in a resident's unit. We took immediate actions to abate both hazardous conditions and, I'm very glad to say, the building's owner was both cooperative and responsive. Had we not conducted a proactive inspection of this building – a building which we had not received any complaints about housing conditions – we could have been responding to a far worse, and potentially deadly, situation.

This example, and there are several others where serious conditions were identified and corrected in their early stages, show the benefit of this program and the very significant impact it is having on the lives of our residents.

Chairperson Bowser, thank you for providing us this opportunity to report on DCRA's proactive housing inspections program. My staff and I are prepared to answer any questions you may have at this time.