

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF BUILDINGS



District's Code and Inspection Process Hearing

Testimony of
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Before the Committee of the Whole
Council of the District of Columbia
The Honorable Phil Mendelson, Chairman

Via Virtual Platform

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Good afternoon, Chairman Mendelson, Chair Lewis George, Councilmembers, staff, and members of the public. I am Keith David Parsons, the Strategic Enforcement Administrator at the Department of Buildings (DOB), and I am delighted to join you to discuss the important work done by the Office of Residential Inspections (ORI). This office is part of the larger Office of Strategic Code Enforcement, and reports through me to DOB Director Brian Hanlon. First, I would like to thank the Chairs for convening this hearing. The work of the Residential Inspections team is a crucial piece of DOB's larger mission to maintain a safe and dynamic built environment within the District of Columbia to serve and protect our residents.

Similarly, the work of this agency is just one crucial piece of the larger work of other District agencies, the Council, and our partners and customers: the tenants, occupants, and housing providers of the District. This work is a complicated collaboration of many moving parts, and I look forward to providing more insight on DOB's portions of the regulatory structure during this hearing today. Before we delve into the specific issues of focus for this hearing, let me reiterate that DOB will continue to, under the leadership of Director Hanlon, focus on clarity, communication, and collaboration. We will continue to look for ways to make our processes clearer and more accessible. Additionally, we will continue to elevate the level of our communication to achieve better outcomes. Lastly, we will look for ways to more effectively collaborate with our sister agencies and external stakeholders to achieve the outcomes we agree are essential.

DOB's Office of Residential Inspections has a challenging but essential role in this ecosystem: making sure existing occupied properties are maintained by their owners according to the housing and property maintenance codes. As the name of the program suggests, most of this work is focused on properties that are used as homes—apartments, condominiums, and individual houses. However, the property maintenance code also applies to commercial and mixed-used properties. While much of the program's work is done on behalf of tenants in rental units, DOB can also cite violations on owner-

occupied property. There are two important markers of the program's focus. First, our team focuses on **existing completed** buildings; this distinction is important, as buildings that are under construction are handled by the Illegal Construction program. Secondly, it focuses on **occupied** buildings; vacant buildings are handled by the Vacant and Blighted Property program. Within this focus on completed occupied buildings, the Office of Residential Inspections conducts three different types of inspections: Basic Business License inspections, proactive inspections, and complaint-based inspections, the last of which is the primary focus of this testimony and today's hearing.

When a property owner wants to start the business of renting their property, they must secure a Basic Business License, or "BBL" from the Department of Licensing and Consumer Protection (DLCP). DLCP is the sister agency to DOB that was created on October 1, 2022, when the former Department of Consumer and Regulatory Affairs (DCRA) was split into two separate entities. Before DLCP will issue a BBL to a property owner, DOB's Office of Residential Inspections must conduct an inspection to ensure the property meets minimum standards for rental use. These inspections look for a certain limited set of issues to make sure that tenants in the property will be safe and comfortable. Until these issues are addressed, the property does not pass the inspection and the BBL will not be issued. Once the property passes inspection, DOB provides the owner with a document that can be presented to DLCP so that they can move forward in the licensing process.

Later, if the conditions of the property deteriorate, ORI can conduct an inspection at the tenant's request. These are commonly referred to as "complaint-based" inspections. Tenants are required by law to first inform their landlord and management company about the issues. If the landlord or management company fails to remediate the complaints, ORI will send a team member to inspect the property and identify any issues that are violations of the housing or property maintenance code. Any violations identified are memorialized in a report, called a Notice of Infraction (NOI), that is issued to the property

owner. The NOI serves as a guide for the property owner detailing what needs to be fixed to satisfy code requirements and to avoid paying a fine.

In addition, ORI includes DOB's Proactive Inspection Program. This team of dedicated inspectors reaches out to and inspects residential buildings with three or more units based on an algorithm that identifies the properties most likely to have violations. The proactive inspections team works with the tenants and property owners to inspect as many parts of the identified properties as possible. As with complaint-based inspections, any violations identified are memorialized in an NOI that is provided to the property owner as a roadmap to bringing the property into compliance.

Complaint-based inspections tend to find more violations than proactive inspections. This is not surprising, as the entire reason a complaint-based inspection occurs is because a member of the public is reporting a condition that they believe violates the code. In FY 2023, complaint-based inspections resulted in almost 7,000 NOIs, which was more than twice as many as the proactive program. In FY23, each NOI had 3.2 housing code violations on average. For cases opened in FY23, DOB has confirmed abatement of almost 8,400 violations identified by the complaint-based program. This means that for every NOI issued by the complaint-based program, 1.2 violations are confirmed abated for District residents. The remaining two violations per NOI both may be confirmed abated in coming months as the NOIs work through the resolution process and represent room for DOB's team to grow its abatement confirmation effectiveness.

In short, the complaint-based housing and property maintenance inspection program is effective and makes a positive difference for District residents. The program has consistently exceeded its Key Performance Indicators, or KPIs. In FY23, it performed 96.4% of inspections within 15 business days of the customer's complaint, as compared to a target of 80%. On the enforcement side, the program initiated 99.6% of NOIs within two business days of conducting the inspection, exceeding the target of 90%. Both KPIs are displayed on DOB's public dashboard at dob.dc.gov, where District residents can

follow them live, updated daily. In addition, internal workload measures indicate that DOB responds within 72 hours to complaints where the complainant indicates there is a potential life-safety violation.

DOB promotes cross training opportunities across our inspector pool, and as a result, inspectors at times work in teams and have a varied workload. BBL inspections can often be done by less-experienced inspectors, whereas proactive inspections are usually led by the most experienced inspectors on the team. Complaint-based inspections fall in between the other two types in terms of complexity and are performed by a variety of team members. There are four levels of housing code inspector, ranging from “specialist” to certified inspector, with escalating requirements for training and certification at each level. Our Housing Code Specialists are entry-level and require no certification. Housing Code Inspector I’s require International Property Maintenance Code (IPMC) certification from the International Code Council (ICC), while our Housing Code Inspector II’s and III’s require additional ICC certifications, such as commercial certification, or specialized certifications such as plumbing, electrical, and mechanical.

DOB provides live ICC certification training to the team throughout the year both to increase skillsets and to maintain current certification credentials. DOB reimburses our inspectors whenever they pass a final exam. In addition, DOB provides onboarding training, including detailed explanations and overviews of every aspect of the agency and its mission. These are archived in our digital Training Academy platform, Trainual, that all DOB team members have access to, and can review as often as needed. These trainings are also offered live and in-person, when needed. Each training involves interactive quizzes to gauge comprehension, and DOB’s training team solicits direct feedback from the trainees to assess if training met staff needs and to capture continual improvement opportunities. With this support, members of the Office of Residential Inspections may enter as a Housing Code Specialist and climb the ranks to Housing Inspector III within three years.

DOB is strengthening its training protocols in line with the Committee Report’s recommendation, and always welcomes constructive feedback from our community partners. A well-trained workforce can provide better customer service and deliver better results for the District. Our training team consistently tracks best practices in the training arena, including among neighboring jurisdictions, to help better prepare our team.

ORI is currently going through the “DOB-STAT” process. Based on techniques and best practices developed in New York City, Baltimore, and the State of Maryland, the STAT is an exhaustive look at the entire program to identify gaps and craft solutions. Although the process is broader than just training, the STAT process will also serve as a comprehensive assessment of training needs for the team.

Using the STAT process as a tool, Director Hanlon’s vision for ORI is to emphasize quality of inspections over quantity. Inspections should be thorough, accurate, and timely. Quality inspections lead to quality customer experiences, improved customer satisfaction, and better outcomes for the District.

At their core, inspections are fact-finding missions. ORI is focused on generating thoughtful and thorough documentation of the facts on the ground so that the property owner becomes aware of the violations that need to be abated. Swift abatement allows property owners to take advantage of DOB’s “Deferred Enforcement” program. If a property owner abates emergency violations within 24 hours, and all violations within 60 days, NOIs related to those violations operate as warnings without fines. Property owners can confirm abatement using a portal located on DOB’s website to upload conforming evidence. A special team of advanced housing inspectors reviews and confirms the submitted evidence. If any doubt exists as to the veracity of abatement, the case is not resolved until sufficient evidence of abatement is provided. Property owners can identify each open violation on DOB’s Public Dashboard using the Landlord Violations Tool. There is a link to the abatement portal directly from the tool. If abatement evidence is not submitted, or if the evidence is insufficient, DOB will reinspect to confirm abatement, or confirm that the case needs to be prosecuted.

Communication is key to this entire process. DOB does not abate most housing code violations singlehandedly. The tens of thousands of violations that ORI highlights each year are abated through cooperation with property owners, property managers, and other responsible individuals. To abate these violations, individuals need to understand what is wrong with the property. Making sure more NOIs are reliably delivered to the correct person is a key agency priority. To that end, DOB identified a Housing Complaint Clearinghouse as a strategy in its FY23–FY25 Strategic Enforcement Plan. This plan builds on DOB’s current database of contacts associated with the Proactive Inspection Program and creates a master list for use across the entire ORI caseload. Landlords, management companies, and property owners will continue to be encouraged to update their license contact information using DOB’s Housing Registry Portal, which is included in the Violations and Abatement Tool on our dashboard, to ensure that DOB has the best possible contact information data for the clearinghouse.

I will now provide brief updates on what DOB has done in direct response to the recommendations of the Committee’s report.

IV. Training and Organizational Culture

I will start with the Committee’s recommendations on Training and Organizational Culture. In Section IV of the report the Committee recommends that DOB provide more hybrid and in-person training; make training more interactive; emphasize the connection between code compliance and public health outcomes; conduct a training needs assessment; collect more staff input before making technology or policy changes; and continue reimbursing employees who study for and pass International Code Council Certifications.

First, we appreciate the complexities involved with this issue, share the Chairman’s concern, and are grateful for the recommendations. We embrace positive change and agree that elevating subject matter expertise aligns with an effective training program that delivers positive outcomes.

1. DOB does offer hybrid and in-person training and will offer more going forward. For example, DOB's training coordinator and public health analyst are working to arrange for members of sister agencies focusing on public health to come speak to DOB's inspectors in person later this year. On top of this, DOB's Office of Residential Inspections has implemented a six-month course of hands-on training and mentoring for its newest cohort of inspectors. The first three months are in-office and focus on the procedural and book-learning side of the business. The next three months are field training with senior inspectors and supervisors. We look forward to quickly bringing these new inspectors up to speed on the complex duties of housing code enforcement.
2. DOB's training has always offered interactivity, training, and quizzes, and we agree that we can continue to look for ways to make our training more engaging. For example, I gave a training to our inspectors earlier this month that incorporated live interactive exercises based on actual prior DOB cases. We will continue to look wherever else we can to increase engagement in the future.
3. DOB will increase the emphasis on how code compliance has a direct impact on achieving positive public health outcomes. We shall do this internally by developing a public health module in Trainual and through enhanced collaboration with our sister agencies as previously mentioned.
4. While DOB did perform a comprehensive training assessment when it developed Trainual, at the Committee's recommendation we are performing another, which was circulated to our inspectors on January 11, 2024, and will inform training going forward. In addition, the ongoing DOB-STAT process provides an invaluable source of comprehensive deep-dives into DOB's programs to find gaps, including training needs.

5. Similarly, the DOB-STAT process put in place by Director Hanlon develops new processes and rolls out new technology from the ground-up, emphasizing and prioritizing the needs of line employees, as heard from those employees directly.
6. Finally, DOB is proud to continuing reimbursing employees who pass International Code Council Certification tests. Code certification is an important part of developing our workforce and making sure they have the expertise to provide effective enforcement.

V. Complaint Intake

In the Complaint Intake Section of the Report, the Committee recommended that DOB revise its intake form for residential inspections and provide more training for staff to ensure consistent intake.

1. DOB was reviewing and revising its intake form for this program before receiving the Committee Report. DOB's team worked to integrate the Committee's feedback into that process, and the new form will go live soon. The new form incorporates language access elements and is readable at a 9th grade level.
2. In addition, DOB is looking to build our workforce through improved training. Notably, many of the intake consistency issues observed by the Committee were because complainants, as individuals, provide different types of information to DOB in response to similar questions. DOB's form attempts to guide complainants as much as possible, while securing necessary information, and without burdening the complainant.

I would invite the Council and all of DOB's customers and partners to review the new form and give us any feedback. We are always open to suggestions.

VI. Scheduling and Conducting Inspections

On the Scheduling and Conducting Inspections portion of the report, the Committee recommended that DOB allow complainants to schedule initial housing code inspections outside of DOB's 15-day Service Level Agreement (SLA) without filing a new request; continue its prompt inspection

of housing code cases within the 15-day SLA; work to create more standardization in inspections; and stop reinspecting properties unless and until an external customer requests it.

1. At the Committee's suggestion, DOB will stop requesting customers submit new inspection requests to accommodate rescheduling. This practice was put in place because DOB's 15-day SLA for housing code inspections, and the KPI that monitors compliance, are supposed to show the program's *capability* to conduct the work in that time frame. A customer requesting an inspection outside that time frame does not reflect DOB's capabilities and should be outside the scope of the KPI. Asking the customer to submit another request when they are ready for an inspection was a simple way to preserve the integrity of this KPI. However, DOB will discontinue the practice and will find another way to make sure the KPI is accurately reflected.
2. Notwithstanding the previously mentioned change, DOB will continue to promptly inspect, and appreciates the Committee's acknowledgement that initial inspections by the Office of Residential Inspections occur in a timely manner.
3. DOB's inspectors already conduct their inspections by using an app on an iPad to guide them through the necessary steps. The app functionally contains checklists of all the steps in the process and the various code choices. With that being said, DOB will examine whether additional tools, guidance, or checklists may be helpful.
4. DOB's current housing reinspection policy is that every emergency violation is reinspected automatically after 24 hours and every routine violation is automatically inspected after 60 days. This both helps DOB confirm abatement, which is the program's most important deliverable, and can qualify the landlord for deferred enforcement, which dismisses the NOIs without fines. Against this backdrop, the Committee's suggestion that DOB discontinue this practice must be carefully considered. Waiting for either the tenant or landlord to call DOB back to confirm abatement will result in many cases where DOB is simply never called back, the violation

persists, and the housing stock continues to degrade. However, in response to the Committee report, DOB is conducting an analysis of the impact of automatic reinspection in confirming abatement. The results will guide how DOB proceeds.

VII. Initiating and Issuing NOIs

On the Initiation and Issuance of NOIs portion of the report the Committee recommends the agency improve its ability to verify contact information for property owners; establish a KPI that measures the time between an initial inspection and the service of an NOI; more heavily promote deferred enforcement in its notices; and revise deferred enforcement so that “fines are not automatic but applied after a specific period of time.”

1. The Committee has correctly realized that locating a responsive owner is one of the biggest challenges that the agency faces. DOB has, and has always had, procedures for investigating and verifying contact addresses for owners. However, this process is difficult given that property owners often do not update information about their properties in official records. DOB routinely consults the Office of Tax and Revenue’s records, the Recorder of Deeds, research tools such as Lexis, and its own internal databases to find contact information for respondents. DOB is, of course, always looking to improve these processes, and development of the Housing Complaint Clearinghouse identified in DOB’s Strategic Enforcement Plan is aimed at addressing this problem.
2. For NOI service DOB already has a KPI available on the Agency Dashboard at dob.dc.gov that shows the percentage of NOIs processed and served within 30 days. The Committee suggests that this KPI be refined to show the actual processing time, while acknowledging that fully 61% of the NOIs it reviewed were served in two days or less. DOB will examine whether refinement of this KPI will be useful, especially since the current KPI arguably obscures how quickly DOB’s housing inspection program effectuates service.

3. Deferred Enforcement is an important DOB policy because it allows landlords who do the right thing and abate violations in a timely fashion to avoid fines. As a result, DOB whole-heartedly agrees with the Committee that it should be heavily promoted. DOB's current NOIs are served with a full-page letter explanation of deferred enforcement. This is a relatively recent change, predating the Committee Report, but the NOIs reviewed by the Committee may not have included this innovation. The Office of Residential Inspections (and the whole Office of Strategic Code Enforcement) are also in the process of revising their program web pages. Among other changes, more prominent information about Deferred Enforcement will be included.
4. The Committee's suggestion that Deferred Enforcement be changed so that "fines are not automatic but applied after a specific period of time" is confusing, because that is exactly how Deferred Enforcement works. Fines displayed on any NOI do not apply until adjudication, and the Deferred Enforcement timelines are quicker than adjudication. As a result, the landlord has the entire Deferred Enforcement period to abate without fines, and then has the entire rest of the adjudication period, if the NOI was appealed and not resolved by Deferred Enforcement, before fines apply. To the extent there may be semantic changes in messaging that will better inform customers about this important program, DOB is happy to consider them.

VIII. Abatement of Violations

On the Abatement of Violations portion of the report the Committee recommends DOB send courtesy letters to landlords other than the NOIs that are already sent and that DOB no longer accept abatement evidence through its online portal.

1. DOB already sends "nudge" letters to landlords and plans to send more. Landlords are contacted before inspection, during the scheduling process, and notified of a pending inspection. This is the earliest point in time DOB can "nudge" a landlord. DOB also plans to implement additional

post-NOI nudges to continue to drive abatement numbers up. These capabilities will be enhanced by the Housing Complaint Clearinghouse.

2. Because abatement is such an important deliverable, and confirmation of abatement is, as the Committee points out, currently incomplete, DOB has no plans to discontinue the use of the online portal for submission of abatement evidence. This is an important tool that gives property owners options and saves District resources. The Office of Strategic Code Enforcement is alert to the possibility of abatement portal fraud, and DOB believes a better solution is to refer these actors to the Office of the Attorney General as a false claims case. False claims cases carry treble damages and award OAG its attorneys' fees.

IX. Settlement and Adjudication of Infractions

The Committee makes two recommendations about Settlement and Adjudication of Infractions in the report. It suggests DOB establish a KPI for when NOIs are filed at the Office of Administrative Hearings (OAH) and it suggests DOB provide more information about the Alternative Resolution Program.

1. While DOB does not have an external KPI measuring how long before NOIs are filed at OAH, this process is measured and tracked internally. As part of its commitment to transparency, DOB will consider whether it would be useful to have a public KPI focusing on this area.
2. The same full-page letter that accompanies every NOI and explains the Deferred Enforcement process also explains the Alternative Resolution process. DOB enthusiastically agrees these programs should be widely promoted, is taking steps to do so, and appreciates the Council giving them visibility at this hearing.

Making the progress outlined above and elevating the quality of housing code inspections requires increased resources. In addition, while higher-quality inspections should eventually lead to lower complaint-based demand for DOB services, DOB will not directly control that public demand and

will have to continue to respond whenever called upon. Even further, because ORI also performs numerous BBL and proactive inspections, the needs are compounded.

It is important to remember that every additional inspector hired by DOB requires a corresponding investment in additional non-inspector full-time employees to support their work. Scheduling, notice of infraction generation, abatement confirmation, fine settlement, adjudication, and management of growing teams all generate additional work beyond the fieldwork done by inspectors.

However, with appropriate resources, DOB looks forward to continued collaboration with the Council and our other stakeholders to improve the effectiveness of the Residential Inspections team. Our team does valuable work, and we are dedicated to continuing to elevate our service delivery to make our homes happier, our families safer, and advance the District's Comeback Plan.

Thank you again, and with that I look forward to answering your questions and continuing this important discussion.