



# OFFICE OF STRATEGIC CODE ENFORCEMENT

## FISCAL YEAR 2023 ANNUAL REPORT

## **Table of Contents**

Executive Summary .....	iii
Introduction .....	iv
Complaints .....	1
Violations .....	2
Fine Collection .....	3
DOB Abatement Efficacy .....	5
Enforcement Escalation.....	7
Collections Escalation .....	9
Strategic Enforcement Plan Update .....	10
Conclusion.....	12

## **Appendices**

Appendix 1: Strategic Enforcement Plan FY 23 – FY 25

Appendix 2: Department of Buildings Establishment Act of 2020; effective April 5, 2021 (D.C. Law 23-269; D.C. Official Code § 10-561.01 *et seq.*).

Appendix 3: Glossary of Terms



## Executive Summary

Dear Stakeholder:

This is the first Annual Enforcement Report produced by the Department of Buildings (DOB). The goal of this Report is to show how DOB is working for you on all aspects of enforcement. Communicating our impact is a key initiative for DOB as the agency plays its part in the District's Comeback Plan.

This Report examines six broad topics: complaints, violations, fine collection, abatement efficiency, enforcement escalation, and collections escalation. These topics will provide a window into the enforcement work the agency performed in Fiscal Year 2023 and will provide a comparison baseline for future versions of this Report.

To prepare this report, DOB's Office of Strategic Code Enforcement (OSCE) worked closely with DOB's Performance Team in the Office of the Director to analyze data from each of the agency's primary enforcement programs: housing, illegal construction, vacant buildings, and zoning. The team also reviewed OSCE records on escalations and the collection of fines. This data was reviewed, compiled, and analyzed under the requirements set out in the Department of Buildings Establishment Act of 2020.

The result is a compelling picture of a new agency that hit the ground running immediately after it was created on October 1, 2022, the first day of FY 2023. Over the course of the fiscal year, we received nearly 20,000 requests for help from the public, inspectors identified more than 30,000 violations, 44% of those violations were confirmed abated, and the agency made more than 300 referrals to sister agencies. Ultimately, DOB's efforts meant the collection of \$730,000 in fines and \$3.7 million referred to District Central Collections.

DOB enforcement is working hard for you. We look forward to using this Report as a basis for dialogue about DOB enforcement with all of our customers and stakeholders.

Sincerely,



Brian J. Hanlon  
Director  
DC Department of Buildings



Keith David Parsons  
Strategic Enforcement Administrator  
DC Department of Buildings

## Introduction

The Department of Buildings (DOB) was created on October 1, 2022 under the Department of Buildings Establishment Act of 2020 (the Act). DOB aims to be a national model for customer service and value creation; a catalyst for responsible economic development, social diversity, and environmental sustainability; and essential to a thriving and resilient city. DOB's mission is to protect the safety of District residents, businesses, and visitors while advancing the development of the built environment through permitting, inspections, code enforcement, addressing vacant and blighted properties, and zoning administration. DOB proactively seeks solutions for customers and is proud to update the public on its progress in the prior fiscal year.

### About This Report

The Act established the requirements for this Annual Enforcement Report, which covers the prior fiscal year (October 1, 2022, through September 30, 2023). The metrics included in this report are:

- **Complaint data** – What requests come in from the public and what DOB does with them;
- **Violation data** – What is cited by DOB and the status of those citations;
- **Fine collection data** – How much money DOB collected and how much is still due;
- **Abatement efficacy data** – Which items DOB's abatement team fixed, items still in the pipeline, and items left for the owner to abate;
- **Enforcement escalation data** – What DOB referred to the Office of the Attorney General (OAG) for prosecution; and
- **Collections escalation data** – What fines DOB referred to the Office of the Chief Financial Officer's (OCFO) Central Collection Unit (CCU) for further collections activity.

This report assesses DOB's progress against the published Strategic Enforcement Plan (SEP) FY 23 – FY 25 that is available for review on [DOB's website](#) and attached to this report as Appendix 1.

## Complaints

Every day, customers reach out to DOB requesting multiple types of services regarding potentially non-compliant properties. Customers in this context may be anybody reaching out about enforcement but does not include anybody reaching out for a permit or similar service. “Complaints” are made by customers requesting inspection or verification of an issue they believe is in violation of District of Columbia laws and regulations that are enforced by DOB. There are four broad categories of complaints: housing conditions, illegal construction, vacant property, and zoning. Resolving each of these complaint types involves different teams within DOB. There are three outcomes for any complaint: (1) the appropriate DOB team member inspects, and then DOB performs appropriate follow-up work to ensure any violations are abated by the responsible party, which may include assessment of fines; (2) DOB determines that the complaint does not require follow-up; or (3) the complaint was received and is pending further action. The chart below lists the outcomes for each of the complaints in FY 2023.

*Chart 1: Complaints and Outcomes by DOB Program Area FY 2023*

Category	Outcome 1: Inspection Performed	Outcome 2: No Cause for Action	Outcome 3: Pending Further Action	Totals
<b>Housing</b>	7,098	609	623	8,330
<b>Illegal Construction</b>	3,503	499	222	4,224
<b>Vacant and Blighted Properties</b>	5,765	1,530	25	7,320
<b>Zoning</b>	8	0	3	11
<b>Totals</b>	<b>16,374</b>	<b>2,638</b>	<b>873</b>	<b>19,885</b>

There were approximately 20,000 requests in FY 2023 for DOB to inspect potentially non-compliant properties.

Of these, approximately 80% warranted citations for some issue and 15% did not require inspection (largely due to the complaint being duplicative of prior inspections or enforcement activities). For example, it is common for the public to call about a building that DOB has already identified as vacant and/or blighted. Under the D.C. Code, once DOB identifies a property as vacant and/or blighted, the property retains that designation until confirmed otherwise. Customers should always consult DOB’s [Public Dashboard](#) under the “Vacant Properties” tab to ensure the property is not already tagged for a vacant property inspection. Although less frequently, similar situations do occur in the agency’s Illegal Construction and Residential Housing divisions.

The remaining 5% of cases are post-complaint but pre-inspection and pre-determination. All of these cases should ultimately resolve into one of the prior two categories as DOB’s processes move forward.

## Violations

When DOB inspectors conduct an inspection, there is the possibility of finding a violation. The enforcement action taken depends on the violation type and program involved:

***Complaint-Based Housing and the Proactive Inspection Programs*** – Any violation identified by these programs is a housing or property maintenance code violation that was cited in a Notice of Infraction Emergency or Notice of Infraction Routine and is sent for resolution or adjudication. Until the program receives confirmation that the violation was fixed, the violation remains open for the purpose of this report and will show up on DOB’s [Public Dashboard](#) under the “Landlord Violations Tool.”

***Illegal Construction*** – This program uses several types of enforcement tools: Stop Work Orders, Correction Orders, and Notices of Infraction. All of these are considered as violations for the purpose of this report.

***Vacant and Blighted Properties*** – These violations are generally property maintenance code issues that the vacant property team encounters when surveying a vacant or blighted property.

DOB’s abatement team will abate certain issues if the owner fails to correct the identified issues in a timely manner. Chart 2 includes violations abated by DOB’s abatement team in the column “Violations Resolved (Abated).” For more information on the work of DOB’s abatement team, see the section on DOB Abatement Efficacy later in this report.

***Zoning*** – This program generally reviews complicated disputes over compliance with an order from the Board of Zoning Adjustment. Resolution of these violations is often time-consuming due to the many involved stakeholders.

*Chart 2: Violations and Resolution (Abatement) by DOB Program Area, during FY 2023*

DOB Program	Violations Identified	Violations Resolved (Abated)	Resolved Percentage
<b>Housing — Complaint Based</b>	22,338	8,489	38.00%
<b>Housing — Proactive Inspection</b>	5,693	3,614	63.48%
<b>Illegal Construction</b>	777	295	37.97%
<b>Vacant Property</b>	1,599	1,009	63.10%
<b>Zoning</b>	8	3	37.50%
<b>Totals</b>	<b>30,415</b>	<b>13,410</b>	<b>44.09%</b>

The property owner is generally responsible for fixing all violations identified by DOB and paying associated fines. If the property owner pays the fine, but does not remediate the violation, the violation may persist without resolution. Furthermore, depending on the pace of fine adjudication (i.e., the act or process of resolving a legal dispute) and when in the fiscal year the fine is identified, many violations are not resolved in the fiscal year they are cited. It should be noted that these 44% of cases are positive resolutions confirmed by DOB. Not every case has

such a positive resolution, and eventually if the owner does not confirm abatement the case will be adjudicated and sent to the Central Collection Unit for further collection activity.

## Fine Collection

When DOB issues a Notice of Infraction (NOI) based upon a violation, the responsible party may be assessed a fine by the agency. For DOB to have legal authority to collect the fine, the NOI must go through an appeal and adjudication process. This adjudication process is administered by judges at the District's Office of Administrative Hearings (OAH), an independent agency. While every case is different, OAH adjudications routinely take about six (6) months and many take longer.

Because of this process, collecting fines from responsible parties often takes many months, if not longer. Chart 3 compares these processes, including fines collected, for FY 2022 to FY 2023.

*Chart 3: Fines Assessed vs. Fines Collected by DOB Year Over FY 2022 and 2023 Showing How Final Order Issuance Time-Shifts Fine Collection*

Fiscal Year	Adjudication Status	# Case Count	Fines Assessed	Fines Invoiced	Total Paid Collected
<b>2022</b>					
Q1	PRE FINAL ORDER AND/OR RESOLVED	682	\$2,462,366	\$219,699	\$171,037
Q2		663	\$2,706,314	\$137,789	\$108,080
Q3		1,476	\$4,921,543	\$243,793	\$154,570
Q4		2,021	\$5,759,088	\$207,333	\$200,234
<b>Total</b>		<b>4,842</b>	<b>\$15,849,311</b>	<b>\$808,614</b>	<b>\$633,921</b>
Q1	FINAL ORDER RECEIVED	770	\$2,877,108	\$4,440,591	\$244,209
Q2		741	\$3,148,512	\$3,860,572	\$172,206
Q3		1,607	\$5,710,144	\$7,340,785	\$387,330
Q4		2,412	\$7,066,324	\$8,992,847	\$369,115
<b>Total</b>		<b>5,530</b>	<b>\$18,802,088</b>	<b>\$24,634,795</b>	<b>\$1,172,860</b>
<b>2022 Total</b>		<b>10,372</b>	<b>\$34,651,399</b>	<b>\$25,443,409</b>	<b>\$1,806,780</b>
<b>2023</b>					
Q1	PRE FINAL ORDER AND/OR RESOLVED	2,335	\$6,719,933	\$139,742	\$108,723
Q2		2,079	\$6,661,163	\$189,612	\$124,254
Q3		2,175	\$5,983,132	\$123,791	\$141,703
Q4		3,355	\$8,773,640	\$38,324	\$61,415
<b>Total</b>		<b>9,944</b>	<b>\$28,137,868</b>	<b>\$491,469</b>	<b>\$436,094</b>
Q1	FINAL ORDER RECEIVED	700	\$2,035,629	\$356,629	\$120,208
Q2		671	\$2,117,696	\$127,041	\$106,331
Q3		568	\$1,580,200	\$564,099	\$48,298
Q4		142	\$477,034	\$66,862	\$19,821
<b>Total</b>		<b>2,081</b>	<b>\$6,210,559</b>	<b>\$1,114,631</b>	<b>\$294,658</b>
<b>2023 Total</b>		<b>12,025</b>	<b>\$34,348,427</b>	<b>\$1,606,100</b>	<b>\$730,752</b>
<b>Grand Total</b>		<b>22,397</b>	<b>\$68,999,826</b>	<b>\$27,049,509</b>	<b>\$2,537,532</b>

Under most circumstances, DOB does not collect fines until a final order has been issued in an adjudicated OAH case. Once a final order has been issued, DOB invoices the final amount for payment. One exception would be cases where customers immediately admit guilt and pay a fine



through [DOB's payment portal](#). In that case, the payment is not separately invoiced. After invoicing, received payments are tracked. The blue rows in Chart 3 (Pre-Final Order) show collections that occurred voluntarily before issuance of a final order. The green rows show collections that occurred after a final order issued. DOB generally anticipates that FY 2023 fines that are not currently invoiced will be invoiced in future fiscal years as they go through the adjudication process.

Chart 3 demonstrates how the pace of the adjudication process increases DOB's collections. For FY 2022 cases, DOB received final orders for 5,530 of its 10,372 cases, which resulted in a total collection of \$1,806,780 (including the collections before final order, discussed above) in fines. In FY 2023, on the other hand, OAH has only issued 2,081 final orders (out of 12,025 cases). As a result, DOB has only collected \$730,752 of those fines (including some collections before final order) thus far. The issuance of additional final orders will move the collections process further and increase recovery. When the adjudication process moves more quickly, DOB's fine collections increase. In addition, unpaid adjudicated fines are eventually referred to the Office of the Chief Financial Officer's (OCFO's) Central Collections Unit (CCU), 180 days after the issuance of the final order, as discussed later in the Collections Escalation section.

Another illustration of the way the adjudication process affects the collection of fines can be found in the "Enforcement" tab on the DOB [Public Dashboard](#). This tab allows the public to track the enforcement and collection of fines with additional detail. For instance, within this tab, one can see that approximately \$50 million in fines are in the "pre-adjudication" stage (including NOIs from present time dating back to 2018) as of January 18, 2024.

## DOB Abatement Efficacy

The property owner is the primary party responsible for abating violations identified by DOB. However, the Vacant and Blighted Properties Program has an abatement team which routinely corrects violations under three limited types of conditions:

1. If a vacant property is open and accessible or has exterior violations such as tall grass and weeds or trash and the property owner has failed to respond to DOB's Notice of Infraction;
2. If an occupied unit of housing is deemed unsafe such that it must be closed, absent simple fixes (for example, if replacing fire extinguishers or smoke detectors can prevent a tenant from being moved into temporary housing, DOB's abatement team will conduct those repairs); and/or
3. If a vacant property threatens the health and safety of the community, such as by posing an imminent risk of collapse onto a public right of way, as identified by local public safety organizations.

For the third condition, contractor resources will be utilized to correct the violation(s) so that it does not present an immediate hazard to the public. These resources are paid for out of DOB's nuisance abatement fund. Chart 4, below, summarizes the abatement team's work broken down by referral source:

*Chart 4: Abatement Team Impact in FY 2023 by Referral Source*

Referral Source to DOB Abatement Team	DOB Abated (including through DOB Contractors)	Owner Abatement
<b>Housing — Complaint Based</b>	281	93
<b>Housing — Proactive Inspection</b>	36	12
<b>Vacant and Blighted Property</b>	885	130
<b>Totals</b>	<b>1,202</b>	<b>235</b>

For these services, it is important to capture how quickly the identified issues have been fixed once a case has been referred for abatement. Chart 5 shows the average abatement time (business days) for the various abatement methods.

*Chart 5: Average Abatement Time in Business Days by Abatement Method*

Abatement Method	Abatements	Average Time (Business Days)
<b>DOB Abatement Team</b>	836	5.78
<b>DOB Contractor</b>	18	68.89
<b>DOB Associated, Likely Contractor*</b>	348	68.54
<b>Owner</b>	235	34.06
<b>Totals</b>	<b>1,437</b>	<b>26.39</b>

\*DOB's data does not definitively show whether a contractor was used, and that could not be known without manual review of all 348 records. Given the abatement timeframe is similar to the known contractor case files, these are likely also contractor cases.

For cases where DOB's internal team completes the abatement, many occur in under a week. In cases where DOB uses a contractor, abatement times may take longer because DOB must define the scope of work (complexities vary by property) and reach an agreement with the selected contractor, after which the contractor must perform the work. Cases where the owner abates the violation(s) may take less time in part because the owner is incentivized to "beat the clock" and fix the problem before DOB's contractor does so. If a DOB contractor fixes the problem, the property would ultimately face a tax assessment. The abatement team also has an extremely limited budget, and as a result abatements by DOB are rare.

## Enforcement Escalation

DOB routinely works with external enforcement partners and sister agencies to hold violators accountable. There are multiple avenues for these referrals to occur:

**First**, DOB has a system where inspectors leave a note in the system of record with a “hashtag” for a sister agency, which will generate an automatic e-mail to the appropriate point of contact at that sister agency with information that allows them to assume responsibility for part of or the entire case. Typical examples would include a housing inspector referring a case to the Department of Energy and Environment (DOEE) if they see evidence of mold, or to the Department of Public Works if there is an abandoned vehicle.

*Chart 6: DOB Referrals to Sister Agencies using Database Hashtags from February 2023 through November 2023<sup>2</sup>*

Sister Agency	Type of Referral	Number of Referrals
Office of the Tenant Advocate	Support for tenant occupant, often temporary housing	144
Department of Energy and Environment	Mold, drainage, or another item in DOEE’s purview	118
DC Health	Support for occupant, rodent abatement	9
Metropolitan Police Department	Criminal issue identified for MPD follow-up	9
Department of Aging and Community Living	Support for senior occupant	6
Department of Behavioral Health	Support for occupant with behavioral health needs	6
Department of Human Services	Support for occupant	3
Fire and Emergency Medical Services	Emergency services	1

<sup>2</sup>This process was started in February 2023, so DOB had not yet amassed a full fiscal year’s worth of referral data at the time of this report.

**Second**, DOB’s Office of Strategic Code Enforcement maintains robust cooperation with OAG to refer and support several types of cases litigated by OAG. The main types of cases are: (1) receivership actions where OAG asks the Court to appoint a “receiver” to take over control of a rental property where the landlord or management company is failing to maintain it; (2) cases where OAG is seeking to enforce a correction order or other DOB-issued directive against a

respondent who will not comply; and (3) nuisance cases where a property is being used for drugs, prostitution, or gun-related crimes. OAG has limited resources, and these cases are resource intensive. While there are relatively few of these cases, they can be very impactful due to their nature.

*Chart 7: DOB Support for Cases at OAG FY 2023*

Type of Case	Cases Initiated FY 2023	Status
<b>Receivership</b>	3	Ongoing
<b>Nuisance</b>	2	Ongoing
<b>Enforcement of DOB Order</b>	1	Ongoing
<b>Consumer Mediation</b>	1	Ongoing

DOB support of these cases can include providing copies of all NOIs related to a property or customer, performing building-wide follow-up inspections to allow OAG to provide a comprehensive update on the property to the court, and providing testimony in court both to authenticate documents and establish underlying facts.

**Third,** DOB's Office of Strategic Code Enforcement conducts investigations related to fraud or abuse of the agency's processes. These investigations may result in referrals to external partners if the potential violations are outside the scope and authority of DOB. These referrals commonly involve either business licensing referrals to the Department of Licensing and Consumer Protection (DLCP) or to one of the licensing boards and commissions supported by DLCP.

*Chart 8: OSCE Investigation Referrals FY 2023*

Type of Referral	Number
<b>DLCP – Unlicensed Activity</b>	14
<b>DLCP – Boards and Commissions</b>	3
<b>DLCP – Other</b>	4
<b>Federal Bureau of Investigation</b>	1
<b>D.C. Office of the Attorney General</b>	1
<b>D.C. Office of the Inspector General</b>	1
<b>D.C. Office of Tax and Revenue</b>	1



## Collections Escalation

DOB is not a collections agency. For that reason, DOB refers uncollected fines to OCFO's CCU. The CCU is operated by an OCFO contractor who engages in collection activities on behalf of DOB and other District agencies. The CCU only pursues collection of settled debts, so DOB does not refer items for collection until they are adjudicated by OAH and about three months (that is, 90 days) have passed since the issuance of the Final Order. This collections escalation is separate from any potential tax sale that the Office of Tax and Revenue (OTR) may conduct if a property has delinquent tax bills.

Referral to CCU can be tracked directly on DOB's [Public Dashboard](#) under the "Enforcement" tab, under "Transfer to District Central Collections."

*Chart 9: Types of Outstanding Cases Referred to CCU and Dollar Value During FY 2023*

NOIs Transmitted to Central Collection Agency (CCU) FY23		
NOI Type	Total Owed	Count of NOIs
Housing	\$3,414,535	189
Illegal Construction	\$162,311	7
Vacant Registration	\$156,285	34
<b>Total</b>	<b>\$3,733,132</b>	<b>230</b>

Not all adjudicated cases that are more than 180 days old have been referred to CCU at the date of this report. DOB is actively working to reconcile its older data before referring to CCU. The number of cases referred to CCU will likely increase substantially as this project moves forward in FY 2024.

## Strategic Enforcement Plan Update

In 2023, DOB issued its Strategic Enforcement Plan (SEP) for FY 2023 – FY 2025. The SEP is attached as Appendix 1. DOB made considerable progress on each of the goals in the SEP during FY 2023. However, some items have been re-prioritized due to a refined focus brought by the agency's new Director. An area of emphasis from Director Hanlon has been collaborating with other agencies to bring vacant and blighted properties into productive use.

This is in direct alignment with a Key Performance Indicator (KPI) established when DOB was formed. DOB met the target established for this metric by facilitating the process of bringing more than 1,500 properties back to productive use in FY 2023. Here is a summary of DOB's progress:

*Chart 10: DOB Progress or Recalibration of SEP Goals for FY 2023*

Original SEP Goal	Original Timeline (FY 23)	Current Status
Recruit, train, and retain additional housing code inspectors (continues in Q2 FY 2023)	Q1 – Q2	Partially complete. DOB continues to aggressively recruit qualified housing code inspectors.
Community outreach on strategic enforcement through Thought Exchange event	Q1	Complete , December 15, 2022, zoom meeting.
First meeting of Built Environment Enforcement Working group	Q2	Complete , March 28, 2023, Microsoft Teams meeting.
Providing additional information for owners concerning vacant property status	Q2	Complete. Among other changes, the vacant property dashboard was enhanced with information about exempt properties.
Increase vacant property enforcement operations capabilities	Q3	Complete. Vacant property unit hired additional staff, and subsequently completed almost 10,000 inspections in FY 2023
Launch private litigation guide project/release private litigation guide	Q3 – Q4	This project has been re- prioritized but has not been cancelled. New target launch: Q4 FY 2024.
First report from Built Environment Enforcement Working Group	Q3	The Built Environment Enforcement Working Group remains active but has not produced any written reports.
Add unit-level information to DOB housing registry and supporting systems	Q4	Complete
Gather information and conduct research to support District-wide housing complaint clearinghouse project	Q4	Project in progress

The most significant deviation from the SEP has been the delay of the private litigation guide project, a resource that will let citizens know how they can use DOB products and information in potential legal disputes, in consultation with their own attorneys. Additional time was needed to ensure the project aligned with the new vision for DOB developed by Director Hanlon. Given the confirmation of Director Hanlon and other members of the senior leadership team in Q1 of FY 24, this project will be relaunched in Q4 of FY 24. All other milestones in the SEP are either complete or in-progress.

We continue efforts to fully staff the housing code team. DOB vigorously recruited and hired housing inspectors during FY 2023, increasing the size of the team. DOB is continuing to work towards this goal through additional strategies including:

- Updating inspector position descriptions to maintain high standards but allow more flexibility for applicants to train into requirements during the probationary period; and
- Shifting positions towards more entry-level inspectors who can be trained into higher-credentialed positions as their careers progress.

DOB also continues to develop and procure high-quality training to hone the skills of existing team members. These initiatives will continue as the work on the SEP progresses.

Finally, the Built Environment Enforcement Working Group, a set of community stakeholders who advise DOB's Office of Strategic Code Enforcement on matters related to its work, remains active, with the potential of forming subcommittees that might produce a written deliverable.

Overall progress towards completion of the SEP remains on-track.

## Conclusion

The DOB is proud to present this summary of our enforcement work for the past year, as performed under the SEP. The SEP is a living document. The SEP and future Annual Enforcement Reports will explain to the D.C. Council and public how the SEP adapts and grows, along with the agency. Similarly, the Annual Enforcement Report will continue to advance and develop as we expand our data assets. In addition, this report will provide a baseline comparison to assess the metrics and outcomes of DOB's future efforts.

Customers who have additional interest in DOB's data should review [dob.dc.gov](https://dob.dc.gov) and review the [Agency Dashboard](#).

## **Appendix 1**

### **DC Department of Buildings Strategic Enforcement Plan FY 23 – FY 25**

#### **Foundation for the Future**

##### **Message**

Beginnings are special. This is the first Strategic Enforcement Plan for the brand-new DC Department of Buildings (DOB). The new agency has a singular focus: the built environment of the District of Columbia. But what a focus! Every District resident, commuter, or tourist lives, works, or visits a building under the protection of DOB. As a result, DOB has the power to affect every District stakeholder's life for good.

The built environment that is regulated by DOB includes most buildings and grounds in the District. It includes things like steps, sidewalks, landscaping, and outbuildings. There are some areas that DOB does not control. For example, the District Department of Transportation (DDOT) controls public areas such as roads and sidewalks. The federal government also controls many areas. In addition, there are also many areas of concurrent jurisdiction. For example, the Department of Energy and Environment (DOEE), DDOT, and other agencies, weigh in on approval of certain DOB permits. But still, DOB is an essential guard for our urban fabric.

Unlike the DOB, many of the buildings it serves have been storied parts of the District's environment for many years. Buildings can be time machines—windows into the past and vehicles into the future. Just as this Strategic Enforcement Plan lays out the next few years, as a community we must all consider that our buildings will be with us for decades. The decisions we make now will lay the foundation for our built environment for years to come.

##### **Executive Summary**

Strategy is key to enforcement. Instead of only committing resources to an issue, or equally spreading resources to all areas of an agency's jurisdiction, strategy uses prioritization within a given issue and focus on specific issues to maximize results. Strategy crafts solutions out of component parts, such as innovative ideas, clever technology, and wise investment in human capital. In this Strategic Enforcement Plan DOB uses small components and builds public outcomes that are greater than the sum of their parts. In this way, three of the four goals outlined in this plan: Protection, Partnership, and Communication, serve as a foundation for the fourth goal: Consequences. Strategic enforcement means that the DOB will use its focus on the built environment to build consequences that matter for District residents. Here's how that works.



## Appendix 1

### Table of Contents

#### **Goal I:** **Protection ..... 3**

Strategy 1: Focus on Abatement of Housing Life-Safety Violations

*Chart A: Housing Inspection NOI Increase FY 2020 – FY 2022*

Strategy 2: Protection of Neighboring Properties During Construction

*Chart B: Illegal Construction and Permit Construction Inspections FY 2019 – FY 2021*

Strategy 3: Increase the Use of Notices of Infraction to Address Zoning Violations

Strategy 4: Expanded Enforcement and Information About Vacant Properties

*Chart C: Vacant Buildings by Category*

#### **Goal II:** **Partnership ..... 5**

Strategy 5: Partner with Legislators on Needed Tools and Solutions

Strategy 6: Work with Adjudicators to Streamline Outcomes

*Chart D: Workload Increase at Office of Administrative Hearings, DCRA Cases*

Strategy 7: Work with Other Enforcers to Compound Consequences

Strategy 8: Enlist Public Stakeholders in the Enforcement Process

*Chart E: Total Public Participation in Event to Develop Strategic Enforcement Plan*

*Chart F: Public Participation by Stakeholder Type in Event to Develop Strategic Enforcement Plan*

#### **Goal III:** **Communication ..... 8**

Strategy 9: Developing a District-wide Housing Complaint Clearinghouse

## Appendix 1

Strategy 10: Create Built Environment Enforcement Working Group

**Goal** **IV:**  
**Consequences** .....10

Strategy 11: No Threats, Just Promises

Strategy 12: Escalation that Matters

Strategy 13: Actions and Accountability

**Implementation**  
**Timeline** .....11

## Appendix 1

### Goal 1: Protection

Everyone wants to feel safe and protected. A person’s home—owned or rented—is a castle. The ability to be safe in one’s home is of paramount importance to a thriving and vibrant community. That is why the DOB’s first goal in this Strategic Enforcement Plan is to protect the homes and habitations in the District.

#### Strategy 1: Focus on Abatement of Housing Life-Safety Violations

DOB’s ability to protect housing lies in a robust system of both proactive and complaint-based housing inspections. Notices of Infraction (NOIs) for housing inspections by DOB’s predecessor agency increased by 230% in Fiscal Year (FY) 2022, relative to FY 2020.

*Chart A: Housing Inspection NOI Increase FY 2020 – FY 2022*

Category	FY 2020	FY 2021	FY 2022
Complaint-Based	2,050	3,081	5,590
Proactive	N/A*	N/A*	1,182
Total	2,050	3,081	6,772
Percent Increase	Base	+50.3%	+230.3%

\*Prior to FY 22 the legacy system didn't support issuance of fines for unaddressed housing code violations from proactive inspections, but the system was improved in FY 22 to hold landlords accountable.

Source: DOB Agency Dashboard, Enforcement Tab, [dob.dc.gov/page/agency-performance-dob](https://dob.dc.gov/page/agency-performance-dob), last refreshed 1/20/2023.

This large increase in the volume of NOIs puts increased stress on other parts of the NOI adjudication system. As a result, DOB must prioritize its resources to best protect the citizens of the District and focus its efforts on the most impactful violations.

To accomplish this, DOB has implemented, and continues to develop, a system that identifies violations that are a danger to the life, health, and safety of residents. These “life-safety” violations are subject to special emergency infraction notices and accelerated abatement timelines. DOB will continue this focus on life-safety violations identified in housing inspections by:

- Recruiting, training, and retaining additional highly qualified housing inspectors;
- Maintaining rigorous agency follow-up on life-safety violations before adjudication;
- Expanding DOB’s existing housing registry to include unit-level information; and
- Incentivizing prompt abatement of life-safety violations through the adjudication process with alternative resolution policies that secure tenant demands while being fair to responsible property owners.

## Appendix 1

Responsible stewardship of the District’s built environment considers that different types of violations pose different levels of risk. Safe and structurally sound houses and apartments are essential to protecting the lives of their occupants and the public at large. Resolving other types of issues improves quality of life and may be pursued with more deliberation. DOB will protect residents by focusing attention on the life-safety issues first.

### Strategy 2: Protection of Neighboring Properties During Construction

Construction and illegal construction inspections are essential tools in DOB’s toolbox to make sure the District’s dense and dynamic built environment grows in a safe and sustainable way.

*Chart B: Illegal Construction and Permit Construction Inspections FY 2019 – FY 2021*

Category	FY 2019	FY 2020	FY 2021
<b>Illegal Construction Inspections</b>	2,850	4,913	5,403
<b>Permit Construction Inspections</b>	25,481	26,442	26,891

Source: FY 2022 DCRA Performance Plan, available at [oca.dc.gov/page/performance-plans-and-reports-agency](https://oca.dc.gov/page/performance-plans-and-reports-agency), Workload Measure, p. 2.

Inspections identify violations, but they do not provide affirmative relief to District residents when things go wrong. In the District, many residents live in settings where construction on another property can damage their home or affect their safety and comfort. Common walls, boundary walls, fences, and yards can all be damaged by construction on a neighboring property. The most egregious construction failures can cause damage even in parts of structures far from property lines. For this reason, DOB and the Executive Office of Mayor recently worked with the D.C. Council to pass legislation requiring additional insurance when a builder takes out certain types of permits. DOB strategic enforcement will focus on creating relief for residents as this law becomes effective by:

- Developing regulations to implement and enforce the adjacent and adjoining insurance requirement for permit issuance for neighboring properties in legislation recently passed at the request of the Mayor by the D.C. Council.
- Strengthening scrutiny of permit applicants who submit false or misleading information on any permit application by referring those applicants to partner agencies for potential prosecution.

DOB is dedicated to making sure safe and code-compliant housing is built in the District. Insurance coverage for adjoining and adjacent property owners for permits that may affect a neighboring property, enforced by effective implementing regulations, means that if something

## Appendix 1

unexpected happens, there are resources available to assist the adjoining or adjacent property owner recover and rebuild. These regulatory changes, in conjunction with DOB's internal scrutiny, will help protect the District's neighboring properties during construction, as well as entire neighborhoods.

### **Strategy 3: Increase the Use of Notices of Infraction to Address Zoning Violations**

DOB enforces zoning laws and regulations. Notices of Infraction (NOI) can be an effective way that DOB can respond to zoning violations; the use of NOIs has been underutilized. Increasing the use of this tool will improve the agency's responsiveness and increase compliance. This program growth will include:

- Increased scrutiny of known issues where zoning non-compliance is common, such as where illegal construction NOIs indicate a possible zoning violation;
- Stepped-up use of NOIs as a response to zoning non-compliance, where appropriate; and
- Escalated zoning enforcement through targeting Certificates of Occupancy in cases of non-conforming use.

Building a robust zoning infraction and escalation process will help standardize zoning enforcement and customer experiences with the agency, no matter what area of compliance is being enforced.

### **Strategy 4: Expanded Enforcement and Information About Vacant Properties**

District laws require vacant properties to be registered and maintained so they do not become blighted. They also require higher tax classification to incentivize returning a property to productive use. DOB's role in these laws focusing on the categorization of a property as vacant or blighted and informing the Office of Tax and Revenue (OTR) about the categorization. DOB relies on complaints to locate vacant buildings, and cannot force a property to be re-occupied, or sold. Further, it is always the property owner's responsibility to affirmatively comply with the District's vacant property laws.

Failure to comply results in civil penalties for the property owner. However, the law only requires notices about vacant properties to be sent to the actual property. This has historically resulted in missed communication opportunities. DOB will address this issue by developing a vacant building information portal to:

- Allow owners of unoccupied properties to easily know the current vacancy status of their property as determined by DOB; and
- Notify owners of unoccupied properties about their current obligations with respect to their property.



## Appendix 1

*Chart C: Vacant Buildings by Category*

Category	FY 2019
Vacant Building (not blighted or exempt)	3,274
Vacant Lot (not blighted or exempt)	630
Vacant Exempt	379
Vacant Blighted	271
Survey Scheduled (status pending)	14
<b>Total</b>	<b>4,568</b>

Source: DOB Agency Dashboard, Vacant Building Map, [dob.dc.gov/page/agency-performance-dob](https://dob.dc.gov/page/agency-performance-dob), last refreshed 1/20/2023.

In conjunction with this new tool for property owners, DOB will increase staffing and improve workflow around analysis of vacant properties to bring property owners who do not avail themselves of the new tool into compliance, and make sure the vacant properties of the District are appropriately categorized so that OTR can issue the correct tax assessments.

## **Appendix 1**

### **Goal 2: Partnership**

An agency that is laser-focused on the built environment needs partners and allies to create the most effective enforcement outcomes for the District. While DOB has many effective tools, cross-jurisdictional problems and non-responsive violators require cooperative solutions. For that reason, DOB's second strategic enforcement goal is to build and maintain strategic partnerships with all parts of government and the community that are relevant to our enforcement efforts.

#### **Strategy 5: Partner with Legislators on Needed Tools and Solutions**

Some of the most detrimentally affecting problems require legislative solutions. DOB can only act within the authority lawfully granted to it. If a sensible idea is outside the legal authority of DOB to implement through process changes or rulemaking, then that idea requires a change in the law. The DOB will continue to work with the D.C. Council and staff to pass legislative priorities, including:

- Requiring commercial registered agents to accept e-mail service of regulatory enforcement documents; and
- Requiring or incentivizing participation in a District-wide housing complaint clearinghouse by both property owners and tenants.

The Council is a vital partner in regulating the built environment of the District, and DOB will use its expertise to provide feedback on necessary and sensible legislative solutions.

#### **Strategy 6: Work with Adjudicators to Streamline Outcomes**

DOB litigates before the Office of Administrative Hearings (OAH), professional licensing boards and commissions, the Real Property Tax Appeals Commission, and many other decision-making bodies to adjudicate violations identified by DOB staff. DOB builds and presents the case, and the adjudicating body has the final say on the consequences for the violator. In addition, the adjudication forum controls the timeline of adjudication. This means that DOB will have to work with these adjudicatory bodies on initiatives such as:

- Revolutionizing end-to-end prosecution of NOIs before the OAH to reduce hearing workloads and decrease time to resolution;
- Increasing incentives for abatement, resolution, and settlement of housing infractions by focusing on life-safety violations while working with owners to abate the other violations; and
- Reconfiguring the pipeline for referring licensed professionals to appropriate boards and commissions by working with the support staff for those boards in the newly created

## Appendix 1

Department of Licensing and Consumer Protection (DLCP) to streamline this process for the new multi-agency environment.

*Chart D: Workload Increase at Office of Administrative Hearings, DCRA Cases*

Category	FY 2019	FY 2020	FY 2021	FY 2022
<b>DCRA Cases Docketed</b>	<b>2,981</b>	<b>3,178</b>	<b>4,269</b>	<b>8,024</b>

Source: Office of Administrative Hearings, E-Court, accessed 1/20/23.

DOB is mindful of its obligations to afford violators due process under the United States Constitution, while at the same time robustly enforcing violations. The success of enforcement turns in part on adjudicatory bodies, so as the workload emanating from expanded DOB enforcement occurs, resources allocated to OAH must correspondingly expand or its systems must otherwise be streamlined to provide due process expeditiously.

### Strategy 7: Work with Other Enforcers to Compound Consequences

Some problems grow beyond the jurisdiction of DOB, such as when a non-compliant actor commits civil fraud against the District or even a potential criminal offense. In these cases, strategic enforcement requires referral to outside enforcers to impose additional consequences for violators. DOB will focus on these vital partners as part of this plan:

- Department of Licensing and Consumer Protection – DOB’s sister agency that was also created by the Department of Buildings Establishment Act of 2020, remains an essential partner on enforcement related to business licensing, occupational and professional licensing boards and commissions, and its Consumer Protection Unit is trained and ready to receive referrals from DOB for violations under its purview. DOB will maintain and refine the connection with DLCP on referral of licensing violations in the built environment, Certificate of Occupancy issues, and District of Columbia Consumer Protection Procedures Act violations.
- Office of the Attorney General (OAG) – OAG has the sole authority to litigate matters before local and federal courts. DOB will continue a robust practice of referring problem landlords to OAG for receivership actions. DOB will also continue to refer developers or other applicants who fraudulently obtain permits, vacant building exemptions, certificates of occupancy or other documents, for prosecution under the False Claims Act. DOB will work tirelessly to investigate other ways local and federal court litigation, in partnership with OAG, can advance the well-being of District residents.

Additionally, DOB will work with other District agencies and public bodies. Cultivating these vital partnerships will allow DOB to develop the most effective referral and feedback processes to produce significant outcomes for the District.

## Appendix 1

### Strategy 8: Enlist Public Stakeholders in the Enforcement Process

DOB relies on complaints and referrals from the public for many of its enforcement actions. Housing, vacant building, and illegal construction issues are commonly brought to DOB's attention by observant and engaged members of the public. In addition, many of the actors in the District's built environment space belong to organizations, advocacy groups, and professional associations whose expertise is invaluable in informing DOB policy and process decisions. DOB will bring public stakeholders into the enforcement process with innovative interactions and communication, for example:

- Creating a built environment enforcement working group, including institutional representatives and members of the public, to advise DOB on the implementation of this strategic plan and future initiatives.
- Supporting private legal actions. Many issues in the built environment cannot be addressed by DOB, and instead must involve property owners or other stakeholders pursuing private causes of action. DOB will not just inform stakeholders when this option is necessary, it will develop a support guide for private litigants on how to best access DOB information in the context of potential litigation.
- Developing greater ability to move from public complaint to NOI or other enforcement action without a physical site visit. DOB's focus on the built environment still requires monitoring of all buildings and construction in the District. Empowering the public to provide DOB with the evidence it needs to issue an infraction without a site visit both increases responsiveness and saves District resources.

The public has an essential role and is a vital partner in this Strategic Enforcement Plan. DOB strategic enforcement is an idea-positive space, as shown by the public engagement related to an event to develop the plan. DOB looks forward to more great interactions and public ideas over the next three years this plan will be in place.

*Chart E: Total Public Participation in Event to Develop Strategic Enforcement Plan*

Participants	Ideas Proposed	Individual Ratings of Ideas*
165	197	3,065

\*This event allowed participants to submit ideas which were then shown to other participants who rated those ideas on a five-point scale. Participants could rate as many ideas as they wished.  
*Source:* Exchange Summary, DOB ThoughtExchange event, December 2022.

## Appendix 1

*Chart F: Public Participation by Stakeholder Type in Event to Develop Strategic Enforcement Plan*

Stakeholder Type	Number	Percent**
Resident	109	67%
Business Owner	53	32%
Licensed Professional	35	21%
Other	22	13%
Media	3	1%
DOB Staff	3	1%
Trade Association	3	1%
Council Member or Staff	2	1%
Advisory Neighborhood Commissioner	1	<1%
Third-Party Inspector	1	<1%

\*\*Percent adds up to greater than 100 because participants could select multiple identifications.

Source: Exchange Summary, DOB Thought Exchange event, December 2022.



## **Appendix 1**

### **Goal 3: Communication**

Effective enforcement requires communication. DOB is committed to being transparent to the public about what the agency is doing and why. Alleged violators need to know what actions DOB is proposing to take against them. Complainants want to know what DOB is doing to resolve their concerns. Even more importantly, the public benefits from understanding the goals DOB is working towards so that everybody can be on the same page.

#### **Strategy 9: Developing a District-wide Housing Complaint Clearinghouse**

Tenants and property owners both have the obligation under the housing codes to work together, consistent with their lease or rental agreement, to make sure the property in question is well-maintained, safe, and protected. In the case of housing property maintenance, the tenant must request any required maintenance from the property owner prior to requesting an inspection for DOB. Similarly, DOB expects property owners to proactively maintain their properties and secure permission and access to fix any issues. However, sometimes communication between the parties fails. To facilitate this process, DOB will set up an authoritative housing complaint clearinghouse, District-wide, where tenant complaints can be logged with DOB and then referred to the property owner or management company for resolution. This will potentially provide numerous benefits including:

- Improvement over current systems, that rely on separate communications between tenant and property owner, property owners and DOB, and DOB and tenant, by linking all three legs;
- Conclusively establish prior notification to management about potential violations and allow the property owner a chance to correct;
- Allow DOB to collect and collate additional customer contact information from both property owners and tenants;
- Allow DOB to better follow up on housing violations before adjudication to streamline the abatement and resolution process; and
- Create the chance for additional data tracking and quality control for DOB systems.

So much comes down to communication! If a property owner does not know about a violation, then it will not be fixed. If a property owner does not know about a notice of infraction, the adjudication process becomes less efficient. This clearinghouse will help DOB make and document the connections to maintain safe housing in the District.

#### **Strategy 10: Create Built Environment Enforcement Working Group**

DOB's focus on the built environment of the District overlaps with numerous other government jurisdictions. It also affects numerous private stakeholders, including property owners, tenants,

## Appendix 1

contractors, developers, and advocates. An inter-agency working group with public and institutional members from advocacy and industry groups will be an essential tool in helping DOB focus enforcement efforts over the course of this plan. The working group's input will be especially critical in:

- Outreach to the public and other stakeholders about DOB enforcement initiatives;
- Education of the public and other stakeholders about DOB enforcement priorities;
- Interaction with the public and other stakeholders to solicit feedback about DOB enforcement programs; and
- Development of ideas for the future from the community.

An effective working group will be an invaluable resource for DOB in pursuing strategic enforcement goals across this plan, and into the future.

## **Appendix 1**

### **Goal 4: Consequences**

Everything in the DOB's enforcement is focused on creating actual consequences that benefit the District and bring accountability to those who are failing to do their part to secure and beautify the built environment. NOIs need to lead to actual abatement of violations. Orders to correct need to result in actual correction of identified problems. Actors who operate outside the law must be brought into compliance. While DOB operates within significant jurisdictional and role constraints, the fourth goal of this Strategic Enforcement Plan is to allow the DOB to play its part in creating effective outcomes for the District.

### **Strategy 11: No Threats, Just Promises**

Smart enforcement means that an agency speaks with authority in its areas of jurisdiction. Outreach to non-compliant actors is designed to achieve compliance. Successful enforcement communications lay out the ask for the customer and gives them the tools to know they have done what is right. For the duration of this Strategic Enforcement Plan, DOB promises to be deliberate and clear in its enforcement outreach, to set expectations and produce results within its areas of direct authority.

### **Strategy 12: Escalation that Matters**

Once expectations have been set, smart enforcement follows up with escalations that matter to incentivize compliance if the customer is hesitant. This starts with the basics, like NOIs. But it also includes escalation, harnessing relationships with adjudicators and other agencies to use their own special tools to enforce DOB's and the District's built environment prerogatives. DOB strategic enforcement will continuously work to make sure no regulated customer can ignore the rules or attempt to pay their way out of full compliance with the law and will give partner agencies the tools to do likewise. Escalation that matters will make sure every actor in the built environment of the District has skin in the game, and DOB is a strong partner to other District enforcement agencies.

### **Strategy 13: Actions and Accountability**

Being strategic about enforcement focus also means being accountable to stakeholders. In addition to the projects and initiatives outlined elsewhere in this Strategic Enforcement Plan, DOB will redouble its commitment to transparency and accountability to all stakeholders. New tools will be shared with the public. New data will be incorporated into dashboards. Updates and news will be shared through public letters, hearings, working groups, and other methods. In the end, this Strategic Enforcement Plan is only the first step. DOB looks forward to remaining accountable to all its stakeholders as we make this journey together.

## **Appendix 1**

### **Implementation Timeline**

#### **Fiscal Year 2023 (October 1, 2022 – September 30, 2023)**

##### **Q1**

Recruit, train, and retain additional housing code inspectors (continues in Q2 FY 23).  
Begin planning for built environment enforcement working group, identify potential members.  
Community outreach on strategic enforcement through Thought Exchange event.

##### **Q2**

Recruit, train, and retain additional housing code inspectors.  
First meeting of Built Environment Enforcement Working group.  
Additional information for owners concerning vacant building status becomes available.

##### **Q3**

Vacant building operations increased enforcement roll-out begins.  
Launch private litigation guide project.

##### **Q4**

First report from built environment enforcement working group.  
Unit-level information added to DOB housing registry and supporting systems updated.  
Information gathered and research conducted to support District-wide housing complaint clearinghouse project.  
Release private litigation guide.

#### **Fiscal Year 2024 (October 1, 2023 – September 30, 2024)**

##### **Q1**

Start of District-wide housing complaint clearinghouse project.  
Draft regulations to support protection of adjoining properties by requiring insurance for certain permits, if legislation has been passed and funded.

##### **Q2**

Second report from built environment enforcement working group.

## **Appendix 1**

### **Q3**

### **Q4**

Third report from built environment enforcement working group.  
Launch of District-wide housing complaint clearinghouse.

## **Fiscal Year 2025 (October 1, 2024 – September 30, 2025)**

### **Q1**

Outreach campaign to inform tenants and property owners in support of District-wide housing complaint clearinghouse.

### **Q2**

Fourth report from built environment enforcement working group.

### **Q3**

### **Q4**

Fifth report from built environment enforcement working group.

## Appendix 2

The Department of Buildings Establishment Act of 2020

AN ACT  
**D.C. ACT 23-616**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 2, 2021**

To establish the Department of Buildings as a subordinate agency within the executive branch of the District of Columbia government with oversight of construction compliance, rental housing safety, and residential property maintenance activities in the District, to enumerate the functions of the Department, to provide for a Director to head the Department, to provide for a Chief Building Official, to provide for a Strategic Enforcement Administrator, to provide for a Zoning Administrator, to provide for the organization of the Department, to require an implementation and transition plan for the establishment of the Department, to provide a timeline wherein the Executive is required to plan and implement establishment of the Department, to require a Strategic Enforcement Plan and prescribe its content, to require an annual Enforcement Report and prescribe its content, to provide rulemaking authority, to amend existing law to conform to the establishment of the Department, and to redesignate the Department of Consumer and Regulatory Affairs as the Department of Licensing and Consumer Protection.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Buildings Establishment Act of 2020".

**TITLE I. ESTABLISHMENT OF THE DEPARTMENT OF BUILDINGS**

Sec. 101. Definitions.

For the purposes of this act, the term:

- (1) "Chief Building Official" or "CBO" means the lead administrator of the Office of Construction and Building Standards, whose appointment is provided for by section 104.
- (2) "Construction Codes" means all codes as defined in section 101.1 of Title 12A of the District of Columbia Municipal Regulations (12-A DCMR § 101.1).
- (3) "Department" means the Department of Buildings established by section 102.
- (4) "Director" means the director of the Department of Buildings, whose appointment is provided for by section 103.
- (5) "International Code Council Family of Codes" means the body of standards promulgated by the International Code Council to the extent the standards are adopted by the District of Columbia and codified into the District of Columbia Code of Municipal Regulations.



(6) "Strategic Enforcement Administrator" or "SEA" means the lead administrator of the Office of Strategic Code Enforcement, whose appointment is provided for by section 105.

(7) "Zoning Administrator" or "ZA" means the lead administrator for the Office of Zoning Administration, whose appointment is provided for by section 106.

Sec. 102. Establishment of the Department of Buildings.

(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), there is established, as a subordinate agency within the executive branch of the District of Columbia government, the Department of Buildings, which shall be headed by a Director who shall carry out the functions and authorities assigned to the Department.

(b) The Department is charged with promoting the health, safety, and quality of life of residents and visitors in the District of Columbia by reviewing proposed plans for technical sufficiency, issuing permits to ensure competent construction, inspecting the built environment, regulating land use and development, and enforcing the regulations and codes governing building construction, rental housing conditions, building maintenance, building safety, and zoning.

(c) The functions of the Department shall be to:

(1) Ensure that the physical environment and structure of all buildings in the District of Columbia meet all applicable regulations and codes for preservation or for the use to which the space or structure is to be put;

(2) Ensure that the habitability and sanitary condition of all rental housing units in the District of Columbia meet all applicable regulations and codes, except those that are under the exclusive jurisdiction of the United States; and

(3) Ensure that public and private land and structures meet adequate health, safety, and environmental standards.

Sec. 103. Director.

(a) The Director shall manage and administer the Department and all functions and personnel assigned thereto, including the power to redelegate to other employees and officials of the Department such powers and authority as in the judgment of the Director is warranted in the interests of efficiency and sound administration, excluding the ability to alter the duties and functions of the Chief Building Official or the duties and functions of the Strategic Enforcement Administrator.

(b) The Director shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

Sec. 104. Chief Building Official.

(a) There shall be, subordinate to the Director, a Chief Building Official within the Department with primary authority for the administration of and determination of compliance with the Construction Codes and the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*).

(b) The Chief Building Official shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(c) Upon the applicability date of this act, the individual then serving in the position of Chief Building Official at the Department of Consumer and Regulatory Affairs ("Incumbent CBO") shall serve as the CBO until the expiry of a 5-year term to be calculated from the applicability date of this act. If the Incumbent CBO is unable to serve as CBO, the deputy to the Incumbent CBO shall serve as acting CBO until a new CBO is appointed by the Mayor pursuant to subsection (b) of this section.

(d) The CBO shall have not less than 8 years of senior-level experience in administering building standards and shall have demonstrated, through knowledge and experience, the ability to administer a building standard system of the size and complexity of the responsibilities covered by this act.

(e) The CBO shall serve for one 5-year term and may be reappointed pursuant to subsection (b) of this section.

(f) The CBO shall not be required to resign at the end of a mayoral term or administration.

#### Sec. 105. Strategic Enforcement Administrator.

(a) There shall be, subordinate to the Director, a Strategic Enforcement Administrator within the Department.

(b) The SEA shall have the following responsibilities:

(1) Developing and implementing strategic and data-driven deployment of the Department's enforcement efforts and advising the CBO and the Chief Inspection Official ("CIO"), provided for in section 107(a)(4), accordingly;

(2) Monitoring violations to ensure that the CBO and CIO are scheduling timely reinspections and that the appropriate documentation and data are being captured;

(3) If, and when, fines are levied, tracking and enforcing collection of the fines and making referrals to the Office of the Attorney General for the District of Columbia when necessary;

(4) Developing and implementing consistent enforcement procedures and standards in coordination with the CBO and CIO;

(5) Advisory responsibility for managing the assignment of the Department's enforcement staff to ensure enforcement efforts regarding the built environment of the District of Columbia are effectively assigned;

(6) Managing and tracking the enforcement history of individual projects, professionals, and properties to identify repeat violators or trends in construction, housing code, or maintenance violations and developing plans to detect and deter future violations;

(7) Monitoring and tracking the number, type, and severity of violations, abatement history, impact on neighboring properties, previous enforcement actions taken, and the results of such enforcement actions to inform a consistent application of abatement standards; and

(8) General administration of the Department's enforcement efforts.

(c) The SEA shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(d) The SEA shall serve for one 5-year term and may be reappointed pursuant to subsection (c) of this section.

(e) The SEA shall not be required to resign at the end of a mayoral term or administration.

#### Sec. 106. Zoning Administrator.

(a) There is established, subordinate to the Director, a Zoning Administrator within the Department with primary authority for the administration of and determination of compliance with the Zoning Regulations of the District of Columbia (11-A DCMR § 100.1 *et seq.*) ("Zoning Regulations").

(b) The ZA shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(c) The ZA shall have not less than 8 years of senior-level experience in interpreting and enforcing zoning regulations.

(d) The ZA shall serve for one 5-year term and may be reappointed pursuant to subsection (b) of this section.

(e) The ZA shall not be required to resign at the end of a mayoral term or administration.

#### Sec. 107. Department organization.

(a) There are established within the Department the following offices and divisions:

(1) The Office of the Director with subordinate staff responsible for:

(A) Human Resources;

(B) Intergovernmental Affairs;

(C) General Counsel;

(D) Communications; and

(E) Technology and Information Services, including the development and maintenance of, in coordination with the Office of the Chief Technology Officer, the systems



necessary to enable the efficient and accurate maintenance of digital records management, electronic plan submission, electronic plan review, permit issuance, and enforcement records.

(2) Administrative Services, with subordinate staff responsible for:

(A) Customer Service and Complaint Resolution;

(B) Logistics and Fleet Services, including the management of the equipment necessary to support an inspection workforce that deploys to inspect construction sites in coordination with the subordinate staff responsible for Technology and Information Services;

(C) Risk Management; and

(D) Contracts and Procurement;

(3) The Office of Construction and Building Standards, headed by the CBO, with subordinate staff responsible for:

(A) The Permitting Operations Division, which shall:

(i) Accept permit applications for review and coordinate the review of such applications by the relevant offices and entities;

(ii) Evaluate submitted plans and certify their compliance with the Construction Codes or provide instructions to obtain compliance for non-compliant submissions;

(iii) Issue building permits for private and District construction projects;

(B) The Construction Compliance Division, which shall manage and coordinate revisions to the Construction Codes to meet current demands for adequate and safe construction and the maintenance of new and existing building structures as outlined by the International Code Council Family of Codes;

(C) The Building Inspection Division, which shall:

(i) Inspect commercial buildings;

(ii) Manage permit-related inspection requests;

(iii) Issue citations for violations of the Construction Codes to correct violations; and

(iv) Conduct building and structure assessments for emergency and disaster response in coordination with the Homeland Security and Emergency Management Agency;

(D) Green Building Division, which shall regulate construction relevant to the green codes, which includes the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), the Green Construction Code (12-K DCMR), and the Energy Conservation Code (12-I DCMR). The Division shall coordinate services with the Permitting Operations Division and Construction Compliance Division, such as conducting plan review, building inspections, and collaborating with sister agencies, the building industry, and the community to increase the sustainability of the built environment;

(E) Surveyor's Office, which shall produce and maintain the legal records of all land plats and subdivisions of private and District government property within the District of Columbia;

(F) Third-Party Inspection Program, which shall provide supplemental staff for the Department's plan review and inspection divisions, and shall ensure the suitability and quality of, and authorize private entities to perform, inspections and plan reviews and to certify to the Department that such work complies with the Construction Codes.

(4) The Office of Residential Inspection, headed by a Chief Inspection Official ("CIO"), with subordinate staff responsible for:

(A) Vacant and Blighted Property Division, which shall inspect and classify vacant and blighted buildings;

(B) Rental Housing Inspections Division, which shall protect District tenants by ensuring habitable housing by conducting both proactive and complaint-based residential housing inspections of violations of the Residential Code (12-B DCMR) and the Property Maintenance Code (12-G DCMR);

(C) Housing Rehabilitation Division, which shall:

(i) Abate violations of the Residential Code (12-B DCMR) and the Property Maintenance Code (12-G DCMR);

(ii) Process abatement contracts; and

(iii) Collect unpaid abatement costs;

(5) The Office of Strategic Code Enforcement, headed by the SEA, with subordinate staff responsible for:

(A) Code Enforcement Division, which shall:

(i) Coordinate and monitor enforcement of violations cited by the Department's regulatory programs;

(ii) Work closely with the Office of the Attorney General to compel compliance through judicial orders;

(iii) Conduct compliance surveys; and

(iv) Issue Notices of Infraction for violations;

(B) Civil Infractions and Fine Assessment Division, which shall:

(i) Process all civil infractions with the Office of Administrative Hearings;

(ii) Collect fines; and

(iii) Place property liens for unpaid fines.

(6) The Office of Zoning Administration, headed by the ZA, with subordinate staff responsible for:

(A) Reviewing applications for conformity with the Zoning Regulations of the District of Columbia (11-A DCMR § 100.1 *et seq.*) ("Zoning Regulations");

(B) Enforcing the Zoning Regulations;

(C) Writing letters of determination or of denial regarding the relevant portions of the Zoning Regulations applicable to specific development proposals; and

(D) Referring applicants to the Board of Zoning Adjustment if they want to seek special exceptions or zoning variances to the ZA's rulings.

Sec. 108. Implementation and Transition Plan.

(a) The City Administrator shall prepare and submit to the Council a comprehensive transition plan and timeline to facilitate the implementation of this act.

(b) The transition plan shall include:

(1) A proposed organizational plan, including an organization chart, which reflects the proposed reporting structure for the Department consistent with this act, due 60 days after the applicability date of this act;

(2) A strategic human capital plan, which identifies the skills and personnel necessary for the functions covered by this act, identifies current available human resources, identifies the training necessary to ensure staff are prepared to perform, outlines steps to engage and bargain with labor organizations currently certified to represent employees who may be transferred from the former Department of Consumer and Regulatory Affairs, and identifies recruiting priorities and efforts, due 120 days after the applicability date of this act;

(3) A communications strategy, which articulates the methods by which the Executive will share the mission and scope of the Department with the public, stakeholders, and the regulated community, metrics by which to judge the success of the plan, and alternative outreach options to improve success of the plan, due 120 days after the applicability date of this act;

(4) A comprehensive document control inventory, which identifies the documents, collateral, and assets that must be revised to reflect the change in responsibility to the Department of Buildings and the change in name of the former Department of Consumer and Regulatory Affairs to the Department of Licensing and Consumer Protection, due 180 days after the applicability date of this act;

(5) A business process analysis and reengineering assessment, which identifies the processes by which the Department of Consumer and Regulatory Affairs currently performs each of the functions covered by this act, evaluates the effectiveness of each existing process, identifies potential process improvements, prioritizes eliminating process inefficiencies, and provides redesigned operational processes for the Department of Buildings to adopt these functions, due one year after the applicability date of this act; and

(6) An information technology needs assessment, which identifies the resources and tools necessary to enable operations over a single system, or a minimal number of fully integrated systems, facilitate plan review, enforcement, and records management across all relevant review and enforcement agencies, due one year after the applicability date of this act.



(c) The timeline shall include progress points by which the Council may track the implementation of this act.

(d) As of the applicability date of this act, the Mayor shall provide quarterly updates on the progress of developing the deliverables identified in subsection (b) of this section.

## **TITLE II. AGENCY PLANNING AND REPORTING REQUIREMENTS**

### **Sec. 201. Strategic Enforcement Plan.**

(a) On or before January 1, 2022, and January 1 of every third year thereafter, the SEA shall submit to the Council a Strategic Enforcement Plan that:

- (1) Establishes priorities;
- (2) Identifies available and needed resources while integrating the Department's enforcement functions; and
- (3) Identifies instances in which the Department can leverage the enforcement efforts of sister agencies with which the Department has adjacent, overlapping, or shared authority.

(b) The plan required under subsection (a) of this section shall rely on existing data and industry best practices to determine enforcement priorities for the duration of the plan.

(c) In developing the plan required under subsection (a) of this section, the SEA shall afford great weight to available complaint data and community sentiment.

### **Sec. 202. Annual Enforcement Report.**

(a) On or before January 1, 2023, and January 1 of every year thereafter, the Director shall submit to the Council an annual report detailing the enforcement activities of the Department in the prior fiscal year.

(b) The report required under subsection (a) of this section shall assess the Department's progress against the Strategic Enforcement Plan required under section 201 and identify any changes to operations necessary to implement the Strategic Enforcement Plan.

(c) The report required under subsection (a) of this section shall also include the following data for the prior fiscal year:

- (1) Complaint data, detailing the number, type, method, determination of validity, and resolution of complaints received by the Department;
- (2) Violation data, detailing the violations identified and cited in the prior fiscal year and their status as abated or unresolved as of the date of the report;
- (3) Fine collection data, detailing the dollar value of the fines assessed, dollar value of the fines assessed versus the fines collected, violations for which the fines were issued, and identifying any reduction in fine amount due to an action by an administrative judge to reduce the assessed fine, adverse judgment at an administrative hearing, administrative settlement or dismissal by the Department, or other means resulting in a collection of less than the levied amount, and any fines not yet collected as of the date of the report;



(4) Abatement efficacy, detailing the number and nature of abatement orders, the number of days taken to abate each order, the number of extensions granted by type of abatement order, the justification for each extension, and the location of each abatement order, and its status as abated or unresolved as of the date of the report;

(5) Enforcement escalation data, detailing the number of violations referred to the Attorney General for the District of Columbia, the aggregate dollar amount assessed, and a description of the matters referred; and

(6) Collections escalation data, detailing the number of violations referred to the Central Collections Unit.

### **TITLE III. AGENCY REDESIGNATION AND TRANSITION**

#### **Sec. 301. Redesignation.**

(a) The Department of Consumer and Regulatory Affairs shall be redesignated as the Department of Licensing and Consumer Protection.

(b) The following functions and duties shall be transferred to the Department of Buildings by October 1, 2021:

(1) The functions of the Department of Consumer and Regulatory Affairs set forth in section III(A)(4 and 5) and (B)(3, 6 through 11) of Reorganization Plan No. 1 of 1983, effective March 31, 1983; and

(2) The functions and duties set forth in the Boiler Inspection Act of the District of Columbia, approved June 25, 1936 (49 Stat. 1917; D.C. Official Code § 2-101 *et seq.*).

(c) All staff, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the duties and functions assigned in Title I of this act shall be transferred to the Department of Buildings by October 1, 2021.

(d) Notwithstanding any other law, rule, or regulation, the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), shall be fully applicable to employees of the Department of Buildings.

### **TITLE IV. RULEMAKING AUTHORITY; SAVINGS CLAUSE**

#### **Sec. 401. Rules.**

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules as necessary to implement the provisions of this act, including establishing fines, permit fees, and other fees necessary to support the implementation of this act.

(b) Proposed rules promulgated pursuant to subsection (a) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed

rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed to be approved.

Sec. 402. Savings clause.

The rules that any agency, department, or administration, the functions of which are transferred by this act to the Department of Buildings, has promulgated that do not conflict with this act shall remain in effect until amended or repealed by rules promulgated in accordance with this act.

**TITLE V. CONFORMING AMENDMENTS**

Sec. 501. Conforming Amendments.

(a) The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(1) Section 26 (D.C. Official Code § 6-225) is amended as follows:

(A) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place;

(B) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place;

(C) A new paragraph (7) is added to read as follows:

“(7) The Department of Buildings.”

(2) Section 26g(b)(2)(M) (D.C. Official Code § 6-232(b)(2)(M)) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(b) The District of Columbia Applications Insurance Implementation Act, effective May 26, 1976 (D.C. Law 1-64; D.C. Official Code § 6-501 *et seq.*), is amended by adding a new section 6B to read as follows:

“Sec. 6B. The Mayor shall delegate the functions enumerated in this act to the Director of the Department of Buildings.”

(c) Section 5(h) of An Act To regulate the height of buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.05(h)), is amended by striking the phrase “Office of the Inspector of Buildings of the District of Columbia” and inserting the phrase “Department of Buildings” in its place;

(d) An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and used of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*), is amended as follows:

(1) Section 8 (D.C. Official Code § 6-641.07) is amended as follows:

(A) Subsection (f) is amended by striking the phrase “Inspector of Buildings” and inserting the phrase “Director of the Department of Buildings” in its place;



(B) Subsection (g)(1) is amended by striking the phrase "Inspector of Buildings" and inserting the phrase "Director of the Department of Buildings" in its place.

(2) Section 10 (D.C. Official Code § 6-641.09) is amended as follows:

(A) Subsection (a) is amended as follows

(i) Strike the phrase "Inspector of Buildings" and insert the phrase "Director of the Department of Buildings" in its place;

(ii) Strike the word "Inspector" and insert the word "Director" in its place;

(iii) Strike the phrase "Corporation Counsel" both times it appears and insert the phrase "Attorney General for the District of Columbia" in its place; and

(B) Subsection (b) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(c) Paragraph 7 of the General Expenses title of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689; D.C. Official Code § 6-661.01), is amended by striking the phrase "Inspector of Buildings" both times it appears and inserting the phrase "Director of the Department of Buildings" in its place.

(f) Section 2(a-1)(1) of An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-902(a-1)(1)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(g) Section 4(c)(2) of the Foreign-Government-Owned Vacant and Blighted Building Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-254; D.C. Official Code § 6-1331(c)(2)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(h) Section 2 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Paragraph (6) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(3) Paragraph (7) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(i) The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(1) Section 2 (D.C. Official Code § 6-1451.01) is amended as follows:

(A) Paragraph (9) is amended by striking the phrase ““DCRA” means the Department of Consumer and Regulatory Affairs” and inserting the phrase ““DOB” means the Department of Buildings” in its place.

(B) Paragraph (10) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(2) Section 4(b)(1)(A) (D.C. Official Code § 6-1451.03(b)(1)(A)) is amended by striking the abbreviation “DCRA” and inserting the abbreviation “DOB” in its place.

(3) Section 8(b)(2)(A) (D.C. Official Code § 6-1451.07(b)(2)(A)) is amended by striking the abbreviation “DCRA” and inserting the abbreviation “DOB” in its place.

(4) Section 10 (D.C. Official Code § 6-1451.09) is amended as follows:

(A) Subsection (c)(1)(D) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(B) Subsection (h)(2)(C) is amended by striking the abbreviation “DCRA” and inserting the abbreviation “DOB” in its place.

(j) Section 206(b) of An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2231.06(b)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(k) Section 4a(a)(9) of the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code § 8-403.01(a)(9)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(l) Section 412(b)(8) of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2001 (D.C. Law 13-275; D.C. Official Code § 9-204.12(b)(8)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(m) Title 25 of the District of Columbia Official Code is amended as follows:

(1) Section 25-374(a)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(2) Section 25-791(c)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(3) Section 25-804 is amended as follows:



(A) The section heading is amended by striking the abbreviation "DCRA" and inserting the abbreviation "DLCP" in its place.

(B) Subsection (a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(n) Title 28 of the District of Columbia Code is amended as follows:

(1) Section 28-3817(c)(1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(2) Section 28-3901(a) is amended as follows:

(A) Paragraph (8) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Paragraph (9) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(3) Section 28-3902 is amended as follows:

(A) The section heading is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Subsection (a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(C) Subsection (c) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(D) Subsection (i) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" both times it appears and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(4) Section 28-3905(i)(3)(B) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" wherever it appears and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(5) Section 28-4001(13) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(o) Section 29-102.13(b) of the District of Columbia Official Code is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(p) Section 101(2) of the Short-Term Rental Regulation Act of 2018, effective April 25, 2019 (D.C. Law 22-307; D.C. Official Code § 30-201.01(2)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(q) The District of Columbia Public Utility Environmental Impact Statement Requirement Act of 1989, effective October 19, 1989 (D.C. Law 8-45; D.C. Official Code § 34-2601 *et seq.*), is amended as follows:

(1) Section 2 (D.C. Official Code § 34-2601) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 4(b) (D.C. Official Code § 34-2603(b)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(r) Section 105(b)(4)(E) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1505(b)(4)(E)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(s) Section 3 of an Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes, approved March 3, 1879 (20 Stat. 408; D.C. Official Code § 38-402), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(t) Chapter 40 of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1384; D.C. Official Code § 40-301.01 *et seq.*), is amended as follows:

(1) Section 1238(b)(7)(A) (D.C. Official Code § 40-301.02(b)(7)(A)(i)) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(2) Section 1238a(2) (D.C. Official Code § 40-301.03(2)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(u) Section 3a of the District of Columbia Uniform Conservation Easement Act of 1986, effective March 17, 1993 (D.C. Law 9-233; D.C. Official Code § 42-202.01), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.



(v) Section 220(b)(3)(B) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1902.20(b)(3)(B)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(w) Section 2234(3) of the Common Interest Community Repairs Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 42-2073(3)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(x) An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(1) Section 10(a) (D.C. Official Code § 42-3131.10(a)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 18 (D.C. Official Code § 42-3131.18) is amended as follows:

(A) The section heading is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(B) The lead-in language is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(3) Section 19(a) (D.C. Official Code § 42-3131.19(a)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(y) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(1) Section 103(9)(B) (D.C. Official Code § 42-3501.03(9)(B)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 203c(a) (D.C. Official Code § 42-3502.03c(a)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(3) Section 208 (D.C. Official Code § 42-3502.08) is amended as follows:

(A) Subsection (a)(1)(A) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(B) Subsection (b) is amended as follows:



(i) Paragraph (1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" wherever it appears and inserting the phrase "Department of Buildings" in its place.

(ii) Paragraph (2) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(C) Subsection (c) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" both times it appears and inserting the phrase "Department of Buildings" in its place.

(4) Section 212(b)(1)(A)(vii) (D.C. Official Code § 42-3502.12(b)(1)(A)(vii)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(5) Section 222(b)(1)(F) (D.C. Official Code § 42-3502.22(b)(1)(F)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(6) Section 501(f)(1)(A)(iii) (D.C. Official Code § 42-3505.01(f)(1)(A)(iii)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(7) Section 505(c) (D.C. Official Code § 42-3505.05(c)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(8) The lead-in language of section 705 (D.C. Official Code § 42-3507.05) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(z) The Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3651.01 *et seq.*), is amended as follows:

(1) Section 502(a)(1) (D.C. Official Code § 42-3651.02(a)(1)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 504(a)(3)(B) (D.C. Official Code § 42-3651.04(a)(3)(B)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(3) Section 507(a)(2) (D.C. Official Code § 42-3651.07(a)(2)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(aa) Section 2(5) of the Lease-Purchase Agreement Act of 2002, effective April 13, 2002 (D.C. Law 14-99; D.C. Official Code § 42-3671.01(5)), is amended striking the phrase

“Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(bb) Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-813(d-1)(5)(A-i) is amended as follows:

(A) Sub-subparagraph (i)(I) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” both times it appears and inserting the phrase “Department of Buildings” in its place.

(2) Section 47-895.21(9)(B) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(3) Section 47-1341 is amended as follows:

(A) Subsection (a)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(B) Subsection (b-1)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(4) Section 47-1353.01(b) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(5) Section 47-2844(a-2)(1A) is amended as follows:

(A) Subparagraph (A)(iii)(II) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(B) Subparagraph (E) is amended as follows:

(i) The lead-in language is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(ii) Sub-subparagraph (v) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(6) Section 47-2851.01 is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(B) Paragraph (3) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(C) Paragraph (4) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(7) Section 47-2851.02a is amended as follows:

(A) Subsection (b)(1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Subsection (c) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(ii) Paragraph (2) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(8) Section 47-2851.05(a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(9) The lead-in language of section 47-2853.04(c) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(10) Section 47-2853.76b(a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(11) Section 47-2853.96(b)(2)(D) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(12) Section 47-2853.197(34) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(13) Section 47-2855.01 is amended as follows:

(A) Paragraph (2) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Paragraph (3) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.



(14) Section 47-2866(a)(1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(cc) Section 48-313(h)(3) of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-313(h)(3)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

**TITLE VI. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

**Sec. 601. Applicability.**

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

**Sec. 602. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 603. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

**ENROLLED ORIGINAL**

24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

A handwritten signature in blue ink, appearing to read "Phil Murrell", is written over a horizontal line.

Chairman  
Council of the District of Columbia

VETO

\_\_\_\_\_  
Mayor  
District of Columbia  
January 13, 2021

COUNCIL OVERRIDE: FEBRUARY 2, 2021

## Appendix 3 Glossary of

### Terms

**Source: Standard Operating Procedures, Office of Strategic Code Enforcement, DC Department of Buildings**

Terms	Definitions
Affidavit	A written statement confirmed by affirmation that Notices of Infraction (NOI) filed with the Office of Administrative Hearings (OAH) have not been returned undelivered prior to filing them with OAH.
Alternative Resolution Team (ART)	A team that negotiates settlements with DOB customers to achieve case (Notice of Infraction) resolution without litigation.
Blighted Property	Means a vacant building that is determined by the mayor to be unsafe, insanitary, or which is otherwise determined to threaten the health, safety, or general welfare of the community. D.C. Official Code § 42-3131.05(1)(A).
Building-wide Inspections	Building-wide inspection is triggered by multiple customer complaints on a property because of a fire incident, a request from a council member, or a request from a community-based organization (CBO). DOB's approach is to post notification to the tenants and inspect 100% of all eligible units.
Business Units	General term used to identify the DOB offices, division, units, to include Illegal Construction, Residential Inspections, Vacant Buildings, and Zoning.

Terms	Definitions
CAP ID	A unique number used to designate particular cases in Accela. The format of the CAP ID changes depending on the DOB program area. Typical CAP ID formats include parent CAPs: 21ENF-HOUS-01234 (housing case); There are two child CAP IDs that are linked to the Housing parent CAP if violations are identified. Their formats include: 22NOIE-INS-01234 (emergency); and 22NOIR-INS-01234 (routine).
Dispatch	The DOB's online inspections-on-demand system accommodates the most common inspection requests. Designed with customers in mind, Dispatch allows automatic scheduling and provides real-time updates on inspection requests, including arrival times and completion.
DOB Mobile App (CityGov)	DOB's handheld application for conducting inspections.
Fine	A penalty of money that the District of Columbia levies for punishment for an offense.
Illegal Construction Unit	DOB office responsible for enforcing the District of Columbia's construction regulations.
<a href="#">Kustomer (KRM)</a>	DOB's enterprise Customer Relationship Management (CRM) platform that consolidates and manages interactions between DOB and customers—whether by phone, email, or website—routing the issues to the appropriate division or team member.
Life Safety	Life safety violations are violations that pose a particular danger to the physical health, safety, and wellbeing of the public. Common life safety violations include broken or missing smoke detectors or carbon monoxide detectors, missing fire extinguishers, and non-functional/inoperable heating equipment during the winter.
Motion	A request of the OAH to rule on a specific issue.
Notice of Infraction (NOI)	A type of civil infraction which contains information required by statute to put Respondents on notice that they have violated a District of Columbia (DC) law or regulation and are subject to fines. DOB issues NOIs to entities or individuals who violate the housing, construction, and/or property maintenance codes or otherwise violate DC laws, rules, or regulations under the enforcement authority of DOB.



Terms	Definitions
Occupied	<p>A) For purposes of a dwelling unit, the use of one's residence in improved real property on a regular basis D.C. Official Code § 42-3131.05(3)(A); and</p> <p>(B) For purposes of a commercial unit, use consistent with zoning regulations, for which there is a current and valid certificate of occupancy, and (i) paid utility receipts for the specified period, executed lease agreements, or sales tax return, or (ii) other evidence of use of the building that the mayor may require by rule. D.C. Official Code § 42-3131.05(3)(B).</p>
Office of Administrative Hearings (OAH)	An administrative court that provides centralized adjudication services for several District agencies. As an independent agency, OAH is a neutral, impartial tribunal that holds hearings and decides appeals from government decisions. The OAH decides cases involving unemployment compensation, Medicaid and other public benefits, public space, rent control, professional licenses, business licenses, and Building, Health, and Fire code violations, amongst others.
Office of the Attorney General (OAG)	The chief legal office of the District of Columbia.
Office of the General Counsel (OGC)	Provides legal oversight to DOB. Currently, its office consists of full-time attorneys and supporting administrative staff.
Office of Information Services (OIS)	A DOB office responsible for agency management of computing technology.
Office of Tax and Revenue (OTR)	District government agency responsible for administering the District of Columbia's tax laws.
<a href="#">Office of Tax and Revenue (OTR) Property Detail</a>	A property report provided from the <a href="#">Office of Tax and Revenue Real Property Tax Database</a> .
Proactive Inspection Program	Managed and facilitated through DOB, a method of scheduling regular inspections of multi-unit rentals in the District of Columbia.

<b>Terms</b>	<b>Definitions</b>
Property Maintenance Inspections Program	The Property Maintenance Inspection Program conducts complaint-based inspections created because of resident complaints. The program is also responsible for conducting Basic Business License inspections for one (1) and two (2) dwelling units before a license is issued. A license shall only be issued upon a Passing inspection result.
Resident Inspector Program	The DOB Resident Inspector Program is an innovative approach that applies successful elements of the on-demand, gig economy to the most requested types of inspections performed by DOB. DOB trains District residents to perform housing, illegal construction, and vacant building inspections, and then pays the trained inspectors whenever they successfully complete an inspection.
Residential Inspections	A unit in the DOB Office of Strategic Code Enforcement responsible for conducting complaint-based property maintenance inspections resulting from complaints and Proactive inspections for rental units registered to participated in routine inspections. Also responsible for conducting Basic Business License inspections for one (1) and two (2) dwelling units before a license is issued.
Respondent	The recipient of a NOI issued by the DOB, usually a property or business owner, their agent or representative.
Service Level Agreement (SLA)	An expectation that is communicated to customers to help manage their expectations. Vacant Building complaints have an SLA of 103 business days ranging from complaint intake to submission of Notice of Infraction package at the Office of Administrative Hearings. Internal SLA with the agency is to schedule a complaint for response within three (3) calendar days. Complete initial inspection within 14 calendar days.
Settlement	A written agreement signed by the DOB and a Respondent to resolve a Notice of Infraction (NOI) without a hearing at the Office of Administrative Hearings (OAH).
Special Assessment	Charges for the associated labor and material costs incurred to correct violations.
Strategic Code Enforcement Administrator	Executive manager of the DOB Office of Strategic Code Enforcement of which the Civil Infractions Unit is a part.
Superior Court	The trial court of the District of Columbia, it hears cases involving criminal and civil law, as well as family court, landlord and tenant, probate, tax and driving violations.

Terms	Definitions
Tax Classification	<p>Refers to the set of rules governing how individuals, businesses and other entities are taxed. Tax classifications utilized for the purpose of vacant building are:</p> <p>(A) Class 1= Residential Occupied: \$0.85 per \$100 in assessed value</p> <p>(B) Class 2= Commercial Occupied: \$1.65-\$1.77 per \$100 in assessed value</p> <p>(C) Class 3= Vacant: \$5.00 per \$100 of the assessed value</p> <p>(D) Class 4= Blighted: \$10.00 per \$100.00 of assessed value</p>
Thirty to Sixty Day Violations	Violations deemed non-life safety in nature.
Vacant building	<p>Real property improved by a building which, on or after April 27, 2001, has not been occupied continuously; provided, that in the case of residential buildings, a building shall only be a vacant building if the mayor determines that there is no resident for which an intent to return and occupy the building can be shown. When determining whether there is a resident, the mayor shall consider the following: Electrical, gas, water meter either not running or showing low usage; Accumulated mail; Neighbor complaint; No window covering; No furniture observable; Open accessibility; Deferred maintenance, including loose or failing gutters, severe paint chipping, or overgrown grass; and The dwelling is boarded up. D.C. Official Code § 42-3131.05(5).</p>
Vacant Property Exemption	A limited waiver from the District of Columbia's Class 3 property tax rate. The law allows for exemptions of vacant residential or commercial properties for which they qualify. The list of Vacant Property Exemptions can be found in D.C. Official Code § 42-3131.06(b).
Vacant Buildings Division	A unit within the DOB Office of Strategic Code Enforcement responsible for the enforcement of the District of Columbia's vacant building regulations.
Zoning Administration	An office within DOB that reviews applications for conformity with DC Zoning Regulations (Title 11 DCMR); including building permit applications, Certificate of Occupancy (C of O) applications, occupancy load, verification of address and lot and square, subdivision applications, and Home Occupation Permit (HOP) applications.
311	District of Columbia government's portal that allows people in the District of Columbia to request assistance with city services and obtain information via email, phone, mobile application, text, or tweet.



