

NOTES

Strategic Housing Code Enforcement: A Multidisciplinary Approach to Improving Habitability

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ABSTRACT

The rising cost of rent in many urban areas has forced low-income tenants to live in substandard housing. This substandard housing is connected with numerous health issues like asthma and cardiovascular disease. While more robust housing code enforcement might help alleviate this problem, many cities' housing code enforcement agencies are too understaffed and lack the organizational structure to effectively enforce their codes. In addition to discussing the impact that increased funding and better leadership can have, this paper proposes a new method of enforcement where regulators draw from different disciplines to proactively assess and remedy housing conditions across urban areas. In particular, this paper focuses on the use of medical-legal partnerships to identify substandard housing.

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The shrinking supply of affordable housing in our nation's capital has forced low-income renters into an ever-worsening situation. In a city that was projected to add 9,300 new apartment units in 2019,¹ low-income renters are forced to live in dilapidated apartments with mold, lead, vermin, sewage problems, structural issues, and numerous other health hazards.² Lengthy exposure to these hazards through residency in unsafe buildings can aggravate existing health conditions and cause new ones.³ These issues have only been exacerbated by the Covid-19 pandemic, as low-income landlords facing a financial crunch have frequently deferred maintenance on their properties to save money.⁴

Historically, the majority of code enforcement has been built around responding to complaints.⁵ Unfortunately, this model has, for a variety of reasons explored later in this paper, failed to deliver the kind of systematic change that permanently helps tenants in substandard housing. A 1995 paper on the topic of housing codes refers to their enforcement as “law in action”⁶ – meaning, on-the-ground enforcement of code violations demands flexibility and discretion.⁷ This axiom is still true today, and the challenge of improving the standard of housing for low-income tenants demands different tools and a different approach than what has traditionally defined housing code enforcement.

This paper explores how modern housing code enforcement should be reformed to accomplish the broader goal of raising the overall standard of housing. Through the lens of housing code enforcement in Washington, D.C., this paper examines different models of enforcement, necessary bureaucratic changes, new tools available to regulators and inspectors, and innovative partnerships that enforcement agencies should pursue. Ultimately, the point of this paper is to suggest that regulatory agencies take a more holistic and strategic view of the housing landscape to better accomplish enforcement without harming vulnerable tenants.

This paper is comprised of five parts. Part I describes the linkages between health and substandard housing, outlining how housing is one of the predominant social determinants of health. Part II contains a brief history of housing codes, a discussion of how housing code enforcement affects the supply of affordable

1. Andrew Giambrone, *Apartment construction is cooling in the D.C. metro area, study says*, CURBED (Aug. 29, 2019), <https://dc.curbed.com/2019/8/29/20838868/dc-metro-area-apartment-construction-development-slowdown>.

2. *Id.*; Delia Goncalves, ‘Families are living in squalor’ | High cost of rent in DC forces families to live in dangerous conditions, WUSA9 (Nov. 14, 2019), <https://www.wusa9.com/article/news/local/gentrification-high-cost-of-dc-rent-forcing-families-to-live-in-unsafe-homes/65-3b3fd1e4-75ec-43ec-8846-7247255abd74>.

3. CHRISTINA STACY ET AL., URB. INST., STRATEGIC HOUS. CODE ENF’T AND PUB. HEALTH 4, 4 (2018), <http://npimemphis.org/wp-content/uploads/2018/10/Strategic-Code-Enforcement-and-Public-Health.pdf>.

4. *Survey Finds Small Landlords Deferred Maintenance Due to Financial Strains during COVID-19 Pandemic*, NAT’L LOW INCOME HOUS. COAL. (Mar. 22, 2021), <https://nlihc.org/resource/survey-finds-small-landlords-deferred-maintenance-due-financial-strains-during-covid-19>.

5. STACY, *supra* note 3, at 12.

6. H. Laurence Ross, *Housing Code Enforcement as Law in Action*, 17 L. POLICY 133 *passim* (1995).

7. *Id.* at 154–55.

housing, and an analysis of some of the costs of ineffective enforcement. Part III covers housing enforcement in D.C., examining the administrative processes inspectors and regulators use, as well as the issues the D.C. enforcement agency has experienced. Part IV addresses new models for housing code enforcement, contrasting a complaint-based model with a more holistic and strategic approach. Part V analyzes the promise of medical-legal partnerships as a tool to better, and more strategically, enforce housing codes using existing medical data. Part VI considers the role of tenants in the enforcement process and covers the powers and tools they have to aid, or hinder, enforcement.

PART I

Substandard living conditions have a deep effect on an individual's health.⁸ Housing issues manifest in health problems that may appear unrelated. For example, living in cold housing has been associated with an increased risk of cardiovascular disease, lower general health status, and the increased use of health services.⁹ Housing inhabited by low-income families and individuals shows a particular connection to health issues.¹⁰ Poorer families who lived in buildings with physical habitability issues reported sleeping far less than families in safer housing.¹¹

A major issue afflicting low-income housing is the prevalence of household pests and the lasting health issues they can cause.¹² As an example, children in Washington, D.C. who reside in the poorest ward in the city have ten times the number of emergency room visits for asthma as do children residing in wealthier areas of the city.¹³ A major cause of asthma? The presence of household pests like cockroaches and mice, both of which cause asthma sensitivity and an increased risk of asthma related hospitalization and morbidity.¹⁴ Doctors at the Children's National Health System's asthma clinic point to housing conditions as one of the predominant factors exacerbating these socio-economic health disparities.¹⁵ Indeed, a different study suggests a link between the existence of a high level of housing code violations in a neighborhood and the hospitalization of children for asthma.¹⁶

8. James Krieger & Donna Higgins, *Housing and Health: Time Again for Public Health Action*, 92 AM. J. PUB. HEALTH 758, 758 (2002).

9. *Id.* at 759.

10. *See id.*

11. Wendy M. Troxel et al., *Broken Windows, Broken Zzs: Poor Housing and Neighborhood Conditions Are Associated with Objective Measures of Sleep Health*, 97 J. URB. HEALTH 230, 235 (2020).

12. Krieger & Higgins, *supra* note 8, at 760.

13. Morgan Baskin, *Doctors Blame D.C.'s High Asthma Rates in Part on Poor Housing*, WASH. CITY PAPER 1, 2 (May 22, 2019), <https://washingtoncitypaper.com/article/180182/doctors-blame-dcs-high-asthma-rates-in-part-on-poor-housing/>.

14. Krieger & Higgins, *supra* note 8, at 758–59.

15. Baskin, *supra* note 13.

16. Andrew F. Beck et al., *Housing Code Violation Density Associated with Emergency Department and Hospital Use by Children with Asthma*, 33 HEALTH AFFS. 11 at 6 (2014).

While housing plays a role in the quality of health across the socio-economic spectrum, housing-related health issues are endemic to low-income neighborhoods.¹⁷ Low-income renters are facing an affordability crisis.¹⁸ This affordability crisis has in turn created a public health crisis, as renters face a housing squeeze that limits their options and forces them to live in substandard housing with overcrowded conditions and physical issues like cracks and mold.¹⁹ In New York City, areas with predominantly low-income populations had housing code violation rates nearly three times as high as in higher-income neighborhoods.²⁰ Other neighborhood-level factors exacerbate the issues caused by substandard housing. A study in Chicago found that neighborhood median income, eviction rate, and overcrowding were significant predictors of the prevalence of bedbugs in an area.²¹ Neighborhood-level characteristics beyond the built environment create a cascading series of consequences that have serious health impacts. As one example, increased rates of crime can limit parents' willingness to let their kids play outside, forcing increased exposure to indoor allergens.²² All of these various housing-related characteristics combined to create lower levels of health.

PART II

Housing codes are concerned with what makes a residence habitable.²³ While health and safety-based restrictions have been present in America since colonial times,²⁴ the first systematic housing code in the country was New York City's Tenement Housing Act of 1867.²⁵ This act introduced safety and health standards, including ventilation and emergency exit requirements.²⁶ This first code was refined and expanded over time, as both federal and local policy began to adopt a new perspective on the desirability of standards across housing developments.²⁷ By the middle of the 20th century, housing codes and the agencies responsible for their enforcement were a ubiquitous feature of municipal urban planning.²⁸ Around the same time period, several federal laws, including housing codes,

17. Ernie Hood, *Dwelling Disparities: How Poor Housing Leads to Poor Health*, 113 ENV'T. HEALTH PERSP. 310, 316 (2005).

18. *The Problem*, NAT'L LOW-INCOME HOUS. COAL., <https://nlihc.org/explore-issues/why-we-care/problem> (last visited Dec. 6, 2021).

19. Paula Braveman et al., *How Does Housing Affect Health?*, ROBERT WOOD JOHNSON FOUND. (May 1, 2011), <https://www.rwjf.org/en/library/research/2011/05/housing-and-health.html>.

20. Samuel Dastrup & Ingrid Gould Ellen, *Linking Residents to Opportunity: Gentrification and Public Housing*, 18 CITYSCAPE 87, 95 (2016).

21. Chris Sutherland et al., *Socioeconomic Drivers of Urban Pest Prevalence*, 2 PEOPLE AND NATURE 776, 779–780 (2020).

22. Hood, *supra* note 17, at 316.

23. Ross, *supra* note 6 at, 134.

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. Otto J. Hetzel, *The Search for Effective and Cost-Efficient Housing Strategies: Enforcing Housing Condition Standards Through Code Inspections at Time of Sale or Transfer*, 36 WASH. UNIV. J. URB. & CONTEMP. L. 25, 26 (1989).

kicked off the urban renewal movement.²⁹ Congress began to fund the creation and enforcement of local housing codes, with the belief that housing codes could reduce urban blight and reverse the deterioration of inner-city housing stocks.³⁰ Housing codes were an attempt to create a specific vision of middle-class prosperousness and cleanliness in urban areas.³¹

A key feature embedded in almost all housing codes is the discretion afforded individual inspectors and investigators.³² Housing codes are often written with imprecise terms that nod to the aforementioned middle-class ideals of personal space and cleanliness.³³ Housing inspectors conducting rounds out in the cities they serve are tasked with putting the vague standards into action.³⁴ Vague language leads to increased discretion for the on-the-ground inspectors.³⁵ These inspectors often have considerable leeway over what to inspect, what evidence to look at, and what formal action to take against the building.³⁶ While they often have set schedules for proactive investigations, these schedules are frequently limited in scope.³⁷ Factors affecting code enforcers' decision-making processes include the demands of the complainant, the neighborhood context of the alleged violation (minor violations might be treated differently in neighborhoods of differing socio-economic levels), and whether the violation might actually be abated.³⁸ Traditionally, the majority of inspections were initiated in response to a complaint, while a much smaller portion were proactive investigations based on a schedule or some other system.³⁹ Housing inspectors then had to go out and use their discretion to assess the complaint and make a decision on how to proceed.⁴⁰

If a violation is found, the landlord is required to abate the issue, even if it is possible that a tenant's behavior caused or worsened the issue.⁴¹ In many locales, tenants can be granted the right to stop paying rent if a building is deemed to be in severe violation of the housing code.⁴² This puts added pressure on landlords, which can be a positive factor leading to better living conditions, but can also

29. Ross, *supra* note 6, at 31.

30. *Id.*

31. H. Laurence Ross, *Housing Code Enforcement and Urban Decline*, 6 J. AFFORDABLE HOUS. & CMTY. DEV. L. 29, 32 (1996).

32. *Id.*

33. *Id.*; see, e.g., D.C., *Housing Code Standards*, DCRA <https://dcra.dc.gov/service/dc-housing-code-standards> (last visited Dec. 6, 2021) (requiring the interior surfaces of a property to "be maintained in good, clean, dry, and sanitary conditions.").

34. Ross, *supra* note 6.

35. *Id.*

36. *Id.* at 32–33.

37. Katharine Robb, *Hiding in Plain Sight: Tackling Housing-Related Public Health Problems Using Existing City Data and Machine Learning*, HARV. KENNEDY SCH. (Mar. 22, 2021), <https://datasmart.ash.harvard.edu/news/article/hiding-plain-sight#>.

38. Ross, *supra* note 31, at 33.

39. *Id.*

40. *Id.*

41. *Id.* at 32.

42. Lee Harris, *Judging Tenant Protections: The Evidence from Enforcement of Landlord Penalties*, 42 UNIV. MEM. L. REV. 149, 151 (2011).

raise rents and potentially reduce the supply of affordable rental housing in the long-term.⁴³ There is a fear that overly strict code enforcement will create excess costs that will be borne by low-income tenants.⁴⁴ This can have a cyclical effect on enforcement, where strict code enforcement engenders a backlash from landlords who then threaten to raise rents, which itself results in enforcement leniency to protect low-income renters.⁴⁵ Unfortunately, this enforcement leniency, although potentially stemming from the desire to help low-income tenants, can lead to many negative externalities for tenants and neighborhood residents, all of whom have to bear the cost of substandard housing.⁴⁶ Even further, inadequate housing code enforcement can distort rental markets, as low-income renters are forced to pay high percentages of their income for housing that does not meet their basic needs.⁴⁷

However, the promise of housing codes is still great and important. Effectively enforced housing codes can actually deliver value for low-income renters by improving the quality of a unit without directly affecting the price.⁴⁸ Even better for renters and believers in housing code enforcement alike, there is evidence that the more comprehensive the enforcement scheme, the less effect it will have on rent prices in a given area.⁴⁹ A strong code and effective enforcement schemes can also protect against horrifying disasters. The Ghost Ship warehouse fire in Oakland California is one such tragedy.⁵⁰ In 2017, a massive fire in a converted warehouse in Oakland led to the deaths of thirty-six people. Insufficient code enforcement was at least partially responsible for the lack of working sprinklers and alarms, flammable materials around the space, and a dearth of emergency exits.⁵¹ It is in this complicated environment that the modern housing code enforcement exists. In Washington, D.C., the Department of Consumer and Regulatory Affairs (DCRA) is the agency tasked with enforcement of the housing code. DCRA primarily relies on tenant tips and reports to conduct inspections, although it does additionally have a limited proactive investigation schedule.⁵² If

43. RICHARD POSNER, *ECONOMIC ANALYSIS OF LAW* 482–85 (Aspen, 6th ed. 2003).

44. Bruce Ackerman, *Regulating Slum Housing Markets on Behalf of the Poor: Of Housing Codes, Housing Subsidies and Income Redistribution Policy*, 80 *YALE L.J.* 1093, 1095 (1971).

45. *Id.*

46. See Draft Memorandum from Angus Corbett to the Temple Univ. Ctr. for Pub. Health L. Rsch., *A Review of Three Models for Enforcing Housing Codes*, 14 (Apr. 4, 2017).

47. *Id.* at 12.

48. Ackerman, *supra* note 44, at 1096.

49. *Id.* at 1108.

50. Roger Lewis, *Ghost Ship warehouse fire is tragic reminder of building codes' importance*, *WASH. POST* (Jan. 6, 2017), https://www.washingtonpost.com/realestate/ghost-ship-warehouse-fire-is-tragic-reminder-of-building-codes-importance/2017/01/05/79b06f34-c09d-11e6-897f-918837dae0ae_story.html.

51. *Id.*

52. See *Lifecycle of a Housing Code Inspection*, D.C. DEP'T OF CONSUMER AND REGUL. AFFS., <https://dcra.dc.gov/service/lifecycle-housing-code-inspection> (last visited Dec. 6, 2021).

investigators find a problem, DCRA can issue a Notice of Violation (NOV).⁵³ A NOV orders a property owner to abate whatever violation or violations that have been cited within a specific time period.⁵⁴ DCRA is statutorily empowered to order landlords and property owners to fix violations.⁵⁵ DCRA can then conduct a re-inspection of the property to see if the issue has been abated.⁵⁶ If the cited violation has not been abated within the mandatory time period, DCRA then issues a Notice of Infraction (NOI).⁵⁷ An NOI carries with it a civil penalty (a fine) and the matter may be referred to the Office of the Attorney General for criminal prosecution.⁵⁸ Property owners do have the right to appeal any fines to the Office of Administrative Hearings (OAH).⁵⁹ Additionally, DCRA has the right to step in and fix any health or safety related violations after the property owner has received an NOI.⁶⁰ Any costs incurred during these repairs are paid for via a tax on the property, and DCRA is further empowered to place a lien on the property if the repair costs remain unpaid.⁶¹

Unfortunately for District tenants, DCRA has not been able to effectively enforce the Housing Code, even in instances where the agency has found that a violation exists.⁶² In 2019, the District's Office of the Inspector General published a report that excoriated DCRA's internal systems and overall ability to carry out their enforcement function. The Inspector General found that DCRA lacked *any* internal system for tracking violations that had been reported by tenants and verified by inspectors.⁶³ Additionally, DCRA failed to follow up on unpaid NOIs, allowing landlords to get away without paying the assessed fine or abate any of the issues cited in the NOI.⁶⁴ In short, the Inspector General found that it was reasonable to conclude that a “respondent could ignore an NOI and the subsequent OAH final order, and continue to operate in the District without consequence.”⁶⁵

The Office of the District of Columbia Auditor came to a similar conclusion regarding DCRA. In 2018, the Office of the District of Columbia Auditor released a case study that examined how DCRA was conducting housing code enforcement activities at a single apartment building, Dahlgreen Courts, in the

53. *See id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.*

62. DANIEL LUCAS, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.: CIVIL INFRACTIONS PROGRAM LACKED A STRONG INTERNAL CONTROL ENVIRONMENT 16–17 (2019), <http://app.oig.dc.gov/news/view2.asp?url=release10%2FOIG+Final+Report+No%2E+19-I-02CR+DCRA+Civil+Infractions+Program%2Epdf&mode=iande&archived=0&month=00000&agency=0>.

63. *Id.* at 16–17.

64. *Id.* at 9.

65. *Id.* at 17.

Brookland neighborhood of Washington, D.C.⁶⁶ An acutely shocking discovery was the lengthy DCRA abatement process.⁶⁷ In one instance, a DCRA inspector found four violations in a Dahlgreen Court apartment, all having to do with cracked ceilings, walls, or floors.⁶⁸ These violations carried a potential \$400 fine to the landlord.⁶⁹ After 196 days and three re-inspections, the violations were abated and the landlord was not assessed any amount in fines.⁷⁰ Low monetary fines and the likely ineffectiveness of the current punishment regime is a major issue.⁷¹ According to the District's Auditor, "DCRA does not exercise its current authority to provide the strongest possible deterrent to housing code violations."⁷² Like the Inspector General, the Auditor also noted that DCRA failed to create clear records of enforcement activity and that the lack of organization could allow cases to fall through the cracks.⁷³ The dysfunction highlighted in the report made it clear that DCRA was letting landlords off the hook when it came to enforcement.⁷⁴ Mandatory violation fixes were not followed through on by landlords in a timely manner, and even when fines were levied on landlords, they were not high enough or a frequent enough occurrence to actually act as a deterrent.⁷⁵

The picture painted by the Inspector General and the D.C. Auditor is of an agency that is woefully failing at completing one of its core functions and purposes.⁷⁶ This leaves tenants in a terrible spot. They report violations, only to see them languish within DCRA while the offending landlords feel no pressure to remedy any issues or pay a fine. Even worse, DCRA has failed to take advantage of tools it does possess, and continues to fail to assess fines to the highest level it is statutorily allowed.⁷⁷ Additionally, DCRA does not assess a fine for each day that a violation remains unabated, despite possessing the statutory ability to do so.⁷⁸

These failures of revenue collection are relevant for another tool DCRA has not taken full advantage of: DCRA's Nuisance Abatement Fund. DCRA has the power to abate housing code violations, either immediately, if the issue threatens the health or safety of tenants, or after the landlord has failed to fix the violation

66. KATHLEEN PATTERSON, HOUSING CODE ENFORCEMENT: A CASE STUDY OF DAHLGREEN COURTS 1 (2018).

67. *Id.* at 16.

68. *Id.*

69. *Id.*

70. *Id.*

71. *Id.* at 19.

72. *Id.*

73. PATTERSON, *supra* note 66, at 1; LUCAS, *supra* note 62, at 16.

74. PATTERSON, *supra* note 66, at 23.

75. *See id.* at 23; LUCAS, *supra* note 62 at 4.

76. DCRA lists housing code enforcement among its main summary of services. *See About DCRA*, D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, <https://dcra.dc.gov/page/about-dcra-new>, (last visited Dec. 6, 2021).

77. PATTERSON, *supra* note 66, at 20.

78. *Id.*

after a specified period of time.⁷⁹ The Fund is replenished through the assessment of fines and other recovery actions undertaken by the Office of the Attorney General or other agencies.⁸⁰ In practice, administration of this Fund has been plagued with issues.⁸¹ Insufficient funding and incorrect usage have prevented the Fund from making a meaningful difference in tenants' lives or abating a significant portion of issues discovered, investigated, and cited by DCRA.⁸²

Due in large part to the issues outlined in this section, DCRA has seen a number of proposals for reform. Arguably the most notable has come from the D.C. City Council, which has passed legislation that would separate DCRA's housing code enforcement responsibilities into a second agency.⁸³ This new "Agency of Buildings" would be responsible for housing code investigation and enforcement, along with other real property associated responsibilities like construction permitting, while the agency's other duties like business licensing would remain housed with the original agency.⁸⁴ Proponents of this reform, including Council Chairman Phil Mendelson, argue that this change would allow the new agency to spend more time and effort on housing code enforcement.⁸⁵ It is notable though that Mayor Muriel Bowser vetoed the proposed legislation, even though her veto was overridden,⁸⁶ because she believed the legislation was too costly and that legislators had not allowed DCRA enough time to improve itself after her own overhaul efforts were put into place.⁸⁷ The legislation has not taken effect because efforts to pay for the new agency have so far been unsuccessful.⁸⁸

PART III

Though the proposed housing code enforcement reforms are a good start, they do not address the deeper question of how code enforcement can be structurally improved. In other words, how can enforcement be reconceptualized to leave behind outdated systems and deliver better results? The following section discusses two models of code enforcement to analyze how the agencies and regulators tasked with their enforcement can create more effective regulatory schemes.

79. *How We Use Nuisance Abatement Fund*, D.C. DEP'T OF CONSUMER AND REGUL. AFFS., (last visited Dec. 6, 2021), <https://dcra.dc.gov/service/how-we-use-nuisance-abatement-fund>.

80. D.C. CODE ANN. § 42-3131.01(b)(2) (West, 2021).

81. *Public Oversight Hearing on the Department of Consumer & Regulatory Affairs*, (Feb. 27, 2019) (written testimony of Beth Mellen Harrison), <https://www.legalaiddc.org/wp-content/uploads/2019/02/Legal-Aid-FY18-19-DCRA-Oversight-Testimony-FINAL.pdf>.

82. *Id.*

83. Martin Austerhuhle, *D.C. Council Easily Overrides Bowser's Veto Of Bill To Break Up DCRA*, DCIST (Feb. 2, 2021), <https://dcist.com/story/21/02/02/dc-council-overrides-bowsers-veto-dcra-break-up/>.

84. Department of Buildings Establishment Act of 2018, COUNCIL OF D.C., B22-0669, 22nd Council (D.C. 2018), <https://lims.dccouncil.us/downloads/LIMS/39619/Introduction/B22-0669-Introduction.pdf>.

85. See Austerhuhle, *supra* note 83, at 2.

86. *Id.*

87. *Id.*

88. See *id.*

The two models are deterrence and strategic code enforcement. Each model has been applied by regulators with varying degrees of success.⁸⁹

The deterrence model focuses on “one-by-one” application of sanctions, with the hope of enforcing compliance through the deterrence effect of sanctions.⁹⁰ The idea is that sufficient punishment can change the decision-making process of specific bad actors and act as a general deterrent for other landlords operating in the same market.⁹¹ This model operates with a more targeted approach, where relying on complaints allows inspectors to focus on, theoretically, the worst offending landlords, without wasting time and effort inspecting properties where no tenants have complained.⁹² Above all else, this model is concerned with enforcement actions that incentivize following the rule of law.⁹³

One of the main factors that dictates whether this model can be successful is the capacity of inspectors to identify violations or respond to complaints, and then adequately punish violations of the housing code.⁹⁴ This poses a challenge for regulators everywhere but is especially problematic in Washington, D.C., where DCRA has proven ineffective at this very task due to a lack of bureaucratic competence.⁹⁵ Landlords in the District have no fear of sanctions, since DCRA has not demonstrated an ability to effectively levy them.⁹⁶ Additionally, when monetary sanctions are not sufficient to induce compliance, landlords may find it is cheaper to leave violations unabated.⁹⁷ Noncompliance further reduces the power of this model because neglectful landlords without fear of sanctions will not abate the cited issues, as they know nothing will happen.⁹⁸ An emphasis on sanctions above widespread abatement of violations may also focus on higher profile violations that yield larger and more public victories, without affecting the overall level of substandard housing in the city.⁹⁹

The next model of enforcement, strategic code enforcement, can be seen as a change and adaptation of the deterrence model.¹⁰⁰ Strategic code enforcement takes a broader view than deterrence, in that it employs different strategies to protect tenants from substandard housing, other than just sanctions.¹⁰¹ A key aspect of this model is moving beyond a system that relies heavily on complaint response

89. Corbett, *supra* note 46, at 20.

90. *Id.* at 21.

91. *Id.*

92. Alan Mallach, *Raising the Bar: Linking Landlord Incentives and Regulation Through Rental Licensing: A Short Guide for Local Government Officials*, CTR. FOR CMTY. PROGRESS (Nov. 2015), at 13, <https://www.metroplanning.org/uploads/cms/documents/raising-the-bar.pdf>.

93. Corbett, *supra* note 46, at 21.

94. *Id.* at 21.

95. *See supra* Part II.

96. *See supra* Part II.

97. Corbett, *supra* note 46, at 23.

98. *Id.*

99. Marilyn L. Uzdavines, *Barking Dogs: Code Enforcement Is All Bark and No Bite (Unless the Inspectors Have Assault Rifles)*, 54 WASHBURN L.J. 161, 173 (2014).

100. Corbett, *supra* note 46, at 29.

101. *Id.* at 30.

to instead set overall targets for the standard of housing in an area and then use enforcement to move towards those goals.¹⁰² Part of this broader outlook is to take a proactive approach to code enforcement.¹⁰³ While responding to complaints is always an aspect of code enforcement, this model seeks to incorporate a more preventative approach, rather than one based solely on reaction.

Proactive rental inspection programs involve inspecting all the rental units in a given area within a set period of time.¹⁰⁴ The frequency of inspection or how short the interval is between inspections is a function of the resources available in that city.¹⁰⁵ However, every few years is generally what most cities engaging in this model set as a requirement.¹⁰⁶ While some cities require all units to permanently remain in the set proactive schedule, other cities establish a baseline, and then adjust the frequency of visits based on the property owner's record of compliance.¹⁰⁷ This flexibility makes sense as it frees up resources to focus on more problematic repeat offender landlords. A fixed schedule of investigations also encourages preventative maintenance to prevent code violations, as property owners are on notice that inspectors will be coming by.¹⁰⁸ Of course, that assumes the schedule is obeyed and inspectors actually follow through on levying fines for cited issues. This sort of proactive investigation schedule can be tremendously successful. In Los Angeles between 1998 and 2005, the Systematic Code Enforcement Program inspected over 90% of the city's multifamily housing units and corrected over 1.5 million code violations.¹⁰⁹ This had the effect of forcing property owners to invest over \$1.3 billion in fixes that left the city's overall housing stock more habitable and of higher quality for tenants.¹¹⁰

This model has the added benefit of reducing the enforcement burden on tenants themselves. A system that relies on complaints to initiate investigation risks missing issues brought by low-income tenants who may fear retaliation from a landlord or who might be undocumented and wary of reaching out to a government agency.¹¹¹ If a particular area contains a disproportionate amount of low-income housing or otherwise vulnerable tenants, enforcement agencies could specifically target that area for a proactive inspection scheme.¹¹² This can be

102. *Id.* at 29–30.

103. *Id.* at 31.

104. AMY ACKERMAN, A GUIDE TO PROACTIVE RENTAL INSPECTION PROGRAMS 4 (2014), https://www.changelabsolutions.org/sites/default/files/Proactive-Rental-Inspection-Programs_Guide_FINAL_20140204.pdf.

105. *Id.* at 11.

106. *Id.* at 12.

107. *Id.*

108. *Id.* at 5.

109. *Id.*

110. *Id.*

111. *Id.*

112. See Katharine Robb et al., *Using Integrated City Data and Machine Learning to Identify and Intervene Early on Housing-Related Public Health Problems*, 00 J. OF PUB. HEALTH MGMT. & PRAC. (forthcoming 2021) (manuscript at 6–7) (Explaining how proactive inspection schemes can use models to target areas that are more likely to have housing-quality related issues).

especially true if enforcement resources are limited.¹¹³ If a proactive inspection scheme is used to specifically target a low-income area, regulators and inspectors should be extra careful to not actively harm the affected tenants through their enforcement activities.¹¹⁴ One risk is tenant displacement and the potential acceleration of gentrification in that area. Displacement can occur if rents are raised to cover the cost of required repairs.¹¹⁵ If the repairs required to abate the code violations are significant, the owner may be forced to sell the property which could result in higher rents, especially in a neighborhood already experiencing gentrification.¹¹⁶ Targeted strict enforcement can also more directly cause gentrification.¹¹⁷

A targeted proactive inspection program can exist not only for a specific area, but also for a specific vulnerable population. One commonly protected population is children, who are especially affected by elevated levels of lead in the home.¹¹⁸ Multiple cities have lead paint laws that require proactive inspections when children are residing in homes that may contain lead paint.¹¹⁹ The city of Rochester, New York has a particularly effective strategic code enforcement program in this area.¹²⁰ As one part of that program, the city utilizes county health data on the location of children with elevated blood levels to designate certain areas as high-risk.¹²¹ It then requires extra proactive testing in those areas.¹²² In the first six years of the program, the number of children with elevated levels of lead in their blood dropped by an estimated almost eighty-three percent.¹²³ The program also saw evidence that landlords were abating lead issues before inspections occurred.¹²⁴ Housing code enforcement is often viewed as a siloed practice with limited coordination outside of the agency responsible for inspections.¹²⁵ Strategic code enforcement seeks to promote more collaboration. It is vitally important that enforcement agencies engage with community organizations,

113. *See id.* at 6-7.

114. Joe Schilling, *Stabilizing Neighborhoods through Strategic Code Enforcement*, URB. INST. (Mar. 13, 2019), <https://housingmatters.urban.org/articles/stabilizing-neighborhoods-through-strategic-code-enforcement>.

115. DIANE LEVY ET AL., *KEEPING THE NEIGHBORHOOD AFFORDABLE: A HANDBOOK OF HOUSING STRATEGIES FOR GENTRIFYING AREAS* 13 (2006), <https://www.urban.org/sites/default/files/publication/50796/411295-Keeping-the-Neighborhood-Affordable.PDF>.

116. *Id.* at 15.

117. POLICYLINK, *EQUITABLE DEVELOPMENT TOOLKIT: CODE ENFORCEMENT* 5 (Mar. 2002), <https://www.policylink.org/sites/default/files/code-enforcement.pdf>.

118. *Lead Exposure in Children*, AM. ACAD. OF PEDIATRICS, <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/lead-exposure/Pages/Lead-Exposure-in-Children.aspx> (last visited Dec. 6, 2021).

119. Corbett, *supra* note 46, at 38-41.

120. *Id.* at 39-41.

121. *Id.* at 39-40.

122. *Id.* at 40.

123. *Id.* at 39-40.

124. *Id.* at 40.

125. STACY, *supra* note 3, at 12.

nonprofits, and other government agencies.¹²⁶ One area where engagement can yield positive outcomes is in preparing tenants for inspection. Inspectors often have to gain consent in order to physically enter the tenant's home to conduct a thorough investigation and search for potential code violations.¹²⁷ To ensure this experience is a positive and successful one for all the parties involved, code enforcement agencies can work with community organizations to educate tenants and prepare them for an inspection.¹²⁸ Los Angeles maintains this type of partnership with an association of community organizations; the association pre-visits units before inspections, makes sure that tenants are fully briefed on what is going to occur, and informs the tenants about how they can work with the inspector to identify potential code violations.¹²⁹ This collaboration has drastically improved the rate at which inspectors have voluntarily gained entry into homes.¹³⁰

Since the goal of strategic code enforcement is not simply to punish bad landlords but instead to raise the overall standard of housing quality in a city, it is imperative to work directly with landlords and other government agencies that operate in the space. Enforcement agencies can set up training programs run by community organizations for landlords who might lack the technical knowledge or ability to abate code violations.¹³¹ Agencies might also set up safe harbor programs for landlords who self-report code violations that they are unable to fix on their own. To support those programs, and other efforts to help landlords repair properties, enforcement agencies should work with different government entities to identify funding and resources. A starting point might be the Department of Housing and Urban Development's Community Development Block Grants, under which code enforcement is an eligible expense.¹³²

Partnerships with government legal entities are also extremely important. In the District, the Office of the Attorney General (OAG) has been an active presence in this area, filing numerous cases against landlords who own properties with a multitude of cited issues.¹³³ When a property's management and habitability is in dire condition, the OAG can petition a court for the appointment of a judicial receiver who is empowered to take control of the property for the purpose of abating all cited issues.¹³⁴ DCRA plays a vital role in that process, providing the factual basis for the petitions.¹³⁵ One partnership that the D.C. agencies should look at for guidance is the Cities for Responsible Investment and Strategic

126. Schilling, *supra* note 114.

127. Corbett, *supra* note 46, at 34.

128. *Id.* at 34–35.

129. Ackerman, *supra* note 104, at 26.

130. *Id.*

131. Mallach, *supra* note 92, at 16.

132. Ackerman, *supra* note 104, at 19.

133. Martin Auster Muhle, 'Slumlords' Have A New Foe: D.C.'s Attorney General, WAMU (Apr. 8, 2019), <https://wamu.org/story/19/04/08/slumlords-have-a-new-foe-d-c-s-attorney-general/>.

134. *Tenant Receivership Act Information*, OFF. OF THE ATT'Y GEN. FOR D.C. (2009), <https://oag.dc.gov/tenant-receivership-act-information>.

135. *Id.*

Enforcement program in New York state.¹³⁶ In that program, the New York Attorney General has invested \$12 million dollars recouped from settlements into code enforcement and neighborhood stabilization.¹³⁷

DCRA should consider adopting many of the practices incorporated into strategic code enforcement. As a crucial starting point, the agency needs to hire significantly more inspectors in order to implement a proactive inspection schedule that does not leave too long of a gap in between inspections. In 2020, DCRA employed about twenty-five investigators to cover roughly 207,421 potential rental units in Washington, D.C.¹³⁸ At nearly 8,300 possible units per inspector, this gargantuan caseload makes it nearly certain that substandard housing units will escape inspection and abatement. A proposed piece of legislation, the Tenant and Homeowner Accountability and Protection Amendment Act of 2019, would mandate that DCRA employ, at minimum, one residential housing inspector per every 2,000 occupied residential housing units.¹³⁹ This increased capacity for investigation, coupled with increased bureaucratic competency and management, would decrease the time gap between proactive inspections while not diminishing the agency's ability to respond to complaints. This act has yet to be passed or funded.¹⁴⁰ An investment in increased inspection capacity is, of course, costly, especially at a time when budget dollars are stretched thin. However, this investment can be a catalyst for generational impact. Finally, DCRA should begin to build bridges to organizations focused on low-income communities. This will help the agency better anticipate potential issues and build trust with the communities they interact with frequently.

PART IV

One of the most important collaborations housing code enforcement agencies can undertake is with public health and medical professionals. Medical-legal partnerships, as these collaborations are widely known, acknowledge that many social determinants of health stem from legal issues.¹⁴¹ Medical-legal partnerships integrate medical and health professionals with lawyers to identify overlapping

136. See Schilling, *supra* note 114.

137. *Id.*

138. See *Responses to FY 2020 and FY 2021 to date Performance Oversight Hearing Questions*, DEP'T. CONSUMER & REGUL. AFFS. 2, 78 (Mar. 12, 2021), http://chairmanmendelson.com/wp-content/uploads/2021/03/DCRA-FY20-to-FY21-YTD-Performance-Oversight-Pre-Hearing-Questions-and-An.._.pdf; see also Yesim Sayin Taylor, *Appraising the District's rentals – Landscape of Rental Housing*, D. C. POLICY CTR. (Apr. 1, 2021), <https://www.dcpolicycenter.org/publications/appraising-the-districts-rentals-chapter-ii/>.

139. Council of D.C. B23-0394, 23rd Council (D.C. 2019), <https://lms.dccouncil.us/downloads/LIMS/43044/Introduction/B23-0394-Introduction.pdf>.

140. *See id.*

141. Judy Rollins, *Medical-Legal Partnerships: Making A Difference in Children's Health Care*, 41 PEDIATRIC NURSING 8, 8–9 (Jan.–Feb. 2015).

medical and legal problems in society.¹⁴² The ultimate goal is to improve overall population health by leveraging medical and legal interventions to address those very problems at their root causes.¹⁴³ By working together, advocates and professionals from both fields can better serve their clients and patients.¹⁴⁴ This type of partnership has become more common since the first medical-legal partnership was developed in Boston in 1993;¹⁴⁵ there are now over 330 hospitals and health centers in forty-six states that have active programs.¹⁴⁶

This endeavor has a major focus on preventative care.¹⁴⁷ Medical professionals treating clients have the ability to identify health problems that are likely caused by social determinants of health related to unmet legal needs.¹⁴⁸ They can either refer an individual patient to legal services or work with lawyers to solve broader, systemic legal or policy issues.¹⁴⁹ By highlighting how legal issues affect community health, medical-legal partnerships can use their unique perspectives to effect changes that might otherwise not occur.¹⁵⁰ Additionally, data collected by public health and medical professionals can help set priorities for reform, an especially important factor in situations where resources are limited.¹⁵¹ This idea of preventative law, supported by medical reality, better supports long-term positive change for low-income individuals and families.¹⁵² One area where medical-legal partnerships have shown positive outcomes and increased utilization is at the intersection of public health and housing law.¹⁵³ As discussed in Part I of this paper, substandard housing causes a lengthy list of health issues.¹⁵⁴ This makes it a particularly ripe area for cooperation and collaboration between health professionals and lawyers. For example, these partnerships have and will continue to be a powerful tool in the fight against childhood illnesses caused by substandard housing, helping to identify and alleviate illnesses like asthma,¹⁵⁵ elevated blood lead levels,¹⁵⁶ and developmental

142. *Id.*

143. Bharath Krishnamurthy et al., *What We Know and Need to Know about Medical-Legal Partnership*, 67 S.C.L. REV. 377, 379 (2016).

144. *Id.* at 380.

145. Rollins, *supra* note 141, at 8.

146. Elizabeth Tobin-Tyler & Joel B. Teitelbaum, *Medical-Legal Partnership: A Powerful Tool for Public Health and Health Justice*, 134 PUB. HEALTH REPS. 201, 201 (2019).

147. Krishnamurthy et al., *supra* note 143, at 385.

148. Elizabeth Tobin-Tyler, *Aligning Public Health, Health Care, Law and Policy: Medical-Legal Partnership as a Multilevel Response to the Social Determinants of Health*, 8 J. HEALTH & BIOMEDICAL L. 211, 234 (2012).

149. *Id.* at 237.

150. *Id.*

151. Krishnamurthy et al., *supra* note 143, at 387–88.

152. *Id.* at 386.

153. *See, e.g.*, Rollins, *supra* note 141, at 8.

154. *See supra* Part I.

155. Ted Kremer et al., *Public/Private Partnership to Address Housing and Health Care for Children with Asthma*, HEALTH AFFS. (July 22, 2015), <https://www.healthaffairs.org/doi/10.1377/hblog.20150722.049466/full>.

156. *See* Tobin-Tyler, *supra* note 148, at 202.

delays,¹⁵⁷ and their housing-related causes.

Medical-legal partnerships even have the potential to identify specific bad actors within the housing system. In Cincinnati, a medical-legal partnership identified a pattern of children from a certain low-income area suffering from asthma and other illnesses that had a strong connection to substandard housing.¹⁵⁸ After the patients were referred to legal advocates, it was discovered that those children, along with other referrals, all lived in buildings owned and managed by the same landlord.¹⁵⁹ As a result of that discovery, multiple families were removed from the housing, while a tenant association was formed and given legal representation.¹⁶⁰ The association worked with lawyers and the Cincinnati Health and Building Departments to force the property owner to conduct significant repairs that abated the housing issues, which were the root causes of the tenants' health problems.¹⁶¹ This successful result would not have been possible without the collaborative process.

Code enforcement agencies should heed the successes of these medical-legal partnerships. The accomplishment of the medical-legal partnership in Cincinnati demonstrates how code enforcement agencies can use existing medical-legal partnerships as a sort of “eyes and ears” on the ground to help identify potential issues before they spread or cause further harm. Cities might even consider funding these partnerships for that very purpose, as they can form part of the overall ecosystem that supports effective strategic code enforcement. However, code enforcement agencies can do more to emulate medical-legal partnerships by directly partnering with public health officials, doctors, and other medical professionals to collect as much data as possible on the prevalence of certain illnesses and ailments associated with substandard housing. DCRA may be able to conduct this type of program in Washington, D.C., where physicians are already identifying and reporting high levels of childhood asthma.¹⁶² DCRA should be using every tool available to design a code enforcement program that best serves the most vulnerable population.

PART V

In designing and implementing a strategic code enforcement program, regulators must consider the needs and situations of the tenants they serve. Tenants have their own priorities and powers within the general housing system, and specifically in relation to enforcement of the housing code. Assuaging the concerns

157. Daniel R. Taylor et al., *Keeping the Heat on for Children's Health: A Successful Medical-Legal Partnership Initiative to Prevent Utility Shutoffs in Vulnerable Children*, 26 J. HEALTH CARE FOR POOR AND UNDERSERVED 676, 678 (2015).

158. Andrew F. Beck et al., *Identifying and Treating a Substandard Housing Cluster Using a Medical-Legal Partnership*, 130 PEDIATRICS 831, 833 (2012).

159. *Id.*

160. *Id.*

161. *Id.* at 833–34.

162. Baskin, *supra* note 13, at 2.

and fears of this key group without creating unnecessary animosity and resistance to enforcement should be a key concern for regulators and inspectors.

Tenants bear the brunt of the pain when housing code enforcement is ineffective and substandard housing is allowed to persist unabated.¹⁶³ Tenants play an important role in many housing code enforcement schemes, especially those reliant on a complaint-based model of enforcement.¹⁶⁴ But when enforcement fails, tenants still have other options available. One way tenants can use their power to effectuate improvements to their units or buildings is through a rent strike. A rent strike can occur when landlords have repeatedly failed to fix housing code issues.¹⁶⁵ In the words of one D.C. housing organizer, “if you’re not getting the things that you’re paying for, why would you pay?”¹⁶⁶ During a rent strike, tenants, either acting in their individual capacity or through a tenant association or other group, forgo paying rent until the landlord agrees to upgrade housing conditions.¹⁶⁷ Tenants can pay their rent into an escrow account over the course of the strike, an act of good faith which also creates a potential funding source for repairs if a landlord acquiesces to tenant demands.¹⁶⁸ Maryland allows for a variation of this escrow system, where tenants may file a rent escrow case in court if problems related to housing conditions are substantial and threaten health and safety.¹⁶⁹ The court then holds the money until a decision is made regarding the property and how much of the rental income is needed for repairs, or whether a portion of the money can be returned to tenants.¹⁷⁰ Rent strikes have become more common nationwide¹⁷¹ and have led to some instances where landlords have reacted by fixing housing issues.¹⁷² Housing code enforcement agencies can work with tenants before and during these strikes to conduct inspections and provide the legal basis that tenants need to withhold rent.¹⁷³

Tenants can also fight against enforcement, especially if the enforcement is deemed to be overly strict or occurring in bad faith. Tenants living in five properties in Columbia Heights, one of the most rapidly gentrifying neighborhoods in

163. Fenit Nirrapil et al., *Tax dollars keep flowing to landlord D.C. is suing over housing conditions*, WASH. POST (Feb. 26, 2017), https://www.washingtonpost.com/local/dc-politics/tax-dollars-keep-flowing-to-landlord-dc-is-suing-over-housing-conditions/2017/02/26/541bb0b2-b8af-11e6-959c-172c82123976_story.html.

164. *See supra* Part II.

165. Eliza Berkon, *When Tenants Take On Landlords Over Bad Conditions: A Rent-Strike Explainer*, WAMU (Feb. 27, 2020), <https://wamu.org/story/20/02/27/when-tenants-take-on-landlords-over-bad-conditions-a-rent-strike-explainer/>.

166. *Id.*

167. *Id.*

168. *Id.*

169. *Rent Escrow*, MD. JUDICIARY (Oct. 2017), <https://www.mdcourts.gov/sites/default/files/import/video/docs/tipsheetrentescrow.pdf>.

170. *Id.*

171. Rachel Kaufman, *Rent Strikes Heating up Nationwide, Say Tenant Organizers*, NEXT CITY (Jun. 11, 2018), <https://nextcity.org/daily/entry/rent-strikes-heating-up-nationwide-say-tenant-organizers>.

172. Rick Paulas, *Do Rent Strikes Actually Work?*, VICE (July 13, 2018), <https://www.vice.com/en/article/a3qg3k/do-rent-strikes-work>.

173. Berkon, *supra* note 165.

Washington, D.C.,¹⁷⁴ that had been targeted by DCRA for intensive code enforcement contended that the proposed condemnation of their buildings was an intentional act, done so that developers could build higher end properties for newer residents.¹⁷⁵ Those tenants sued DCRA, contending that the District was both singling out their properties and that the city had failed to alleviate the housing code issues before issuing orders for condemnation.¹⁷⁶ Another problem raised by the tenants was that of displacement; they were worried that rising rent levels in the area would preclude them from finding a new place to live in the neighborhood.¹⁷⁷ Tenants were able to use the legal process and their own organizing to gain title from the city and force the previous landlord to pay for some repairs.¹⁷⁸ By taking steps to build trust with tenants, like levying fines against the landlord before condemnation, assisting in the repairs process, and providing tenants with alternate living arrangements if necessary, housing code enforcement agencies can better protect housing without negatively affecting the very people they hope to serve.

CONCLUSION

Each city in America contains a powerful tool for the preservation of quality affordable housing: the housing code. Where housing code enforcement is lacking, neglectful landlords can get away with letting their properties fall into disrepair, which primarily impacts low-income tenants who lack the means to relocate due to a lack of quality affordable-housing properties. The goal of this paper has been to explore the ways in which code enforcement can be improved and modernized through the lens of how DCRA conducts code inspections. Housing code enforcement is an incredibly impactful, albeit often overlooked, tool that regulators and governments possess in their fight to preserve and protect the quantity and quality of the affordable housing stock in their city. It is incumbent upon code enforcement agencies to adjust their goals to reflect a broader duty of prevention and protection. Working to not just punish violators but instead ensure broad compliance through education and proactive action will yield better results.

Strategic code enforcement brings together different areas of law, policy, and regulation to create a holistic plan that targets those who need help the most without over-zealously enforcing the code in a way that hurts low-income tenants. Code enforcement is part of a larger housing ecosystem, and partnerships with

174. J.B. Wogan, *Why D.C.'s Affordable Housing Protections Are Losing a War with Economics*, GOVERNING (Jan. 26, 2015), <https://www.governing.com/archive/gov-washington-affordable-housing-protections-gentrification-series.html>.

175. Kathryn Howell, *Planning for empowerment: Upending the traditional approach to planning for affordable housing in the face of gentrification*, 17 PLAN. THEORY & PRAC. 210, 220 (2016).

176. Carla Dorsey, *It Takes a Village: Why Community Organizing Is More Effective than Litigation Alone at Ending Discriminatory Housing Code Enforcement*, 12 GEO. J. ON POVERTY L. & POL'Y 437, 453 (2005).

177. *Id.* at 454.

178. *Id.*

public health officials, medical professionals, community organizations, tenants, and landlords are crucial to the success of that ecosystem. Code enforcement agencies do not need to reinvent the wheel; rather, they need to coordinate with other actors already involved in the same work and unify efforts to provide a more informed and targeted solution. In Washington, D.C., some steps have been proposed to start that process, but much work remains to be done for DCRA to fully employ a strategic code enforcement framework. At a basic level, organizational improvements are required to improve the implementation of fines and ensure that landlords cannot leave code violations unabated without fear of punishment. Further improvements in the areas of staffing levels, coordination with other agencies, and enactment of a regular proactive inspection schedule would significantly increase DCRA's enforcement capacity. But the problem is not DCRA's alone to solve. Other agencies and the D.C. City Council all must be willing participants in a potential strategic code enforcement regime.

All of these reforms and changes need to be incorporated with one key group in mind: tenants, especially low-income tenants. As the party dealing with the repercussions of code enforcement on a daily basis, tenants have a key role to play in effective enforcement and regulation. Their voice should be acknowledged, and enforcement agencies should bring them in to the planning process. Enforcement agencies should understand the impact their decisions have upon gentrification, displacement, and the general health and well-being of low-income communities. Housing code enforcement agencies, in the District and across the country, should take the time to reevaluate their goals through this lens of tenant protection.