

# The Committee of 100

on the Federal City



## **The Committee on Judiciary and Public Safety**

### **Testimony of Sondra L. Mills on behalf of the Committee of 100 on the Federal City**

#### **Performance Oversight Hearing on the Office of Attorney General, February 28, 2024**

My name is Sondra Mills, and I am testifying on behalf of the Committee of 100 regarding the performance of the Office of Attorney General (OAG) in the area of housing.

The importance of the Attorney General's role in securing safe, affordable, and fair housing for DC residents cannot be overestimated. This testimony will address the performance of litigation conducted by OAG's Public Advocacy Division. My colleague on the Committee of 100, Laura Richards, is separately addressing the performance of OAG's Equitable Land Use Division.

Through its Public Advocacy Division, OAG can and does bring lawsuits to halt and remedy unlawful, even abusive, practices that harm DC residents. Since Brian Schwalb became the new Attorney General a little over a year ago, the Public Advocacy Division has pursued cases against both private and public housing providers.

**Private housing providers:** OAG has brought important new cases against private landlords, resolved pending ones, and achieved impressive results in the cases that are described at the end of this written testimony. To briefly summarize them in the interest of time, they include cases in which OAG obtained restitution and property repairs for tenants where landlords had failed to remedy dangerous conditions. They also include two cases brought under the new DC Human Rights Act for unlawful discrimination against tenants and a major antitrust suit alleging a price-fixing conspiracy involving 14 landlords that illegally raised the rents of thousands of DC residents. We applaud this vigorous litigation and look forward to more in the coming years.

**Public housing:** In the area of public housing, however, we have concerns. During the past year, OAG has continued litigating the case brought in June, 2022 against DCHA for failing to give disabled residents housing that is safe and accessible and instead trapping them in a dysfunctional bureaucracy for years with no place to go.

Unfortunately, this was not the first time OAG had sued DCHA. In 2020, OAG alleged that DCHA failed to make critical security enhancements to 10 properties despite many instances of homicides, assaults, and drug arrests. On September 15, 2020, DCHA settled the case and agreed to numerous conditions, including improving security at 10 properties.

While we commend OAG's efforts to compel DCHA to provide safe, fair, and affordable public housing, the scathing report issued by the U.S. Department of Housing and Urban

Development (HUD) in September, 2022 detailing DCHA’s gross mismanagement of its properties has made it clear that the cases OAG has filed do not seem to have made much of a difference. We have found no public information indicating that OAG has secured DCHA’s compliance with the promises it made in settling the 2020 lawsuit. And the 2022 case now in litigation does not appear to have compelled DCHA to remedy its practices.

We therefore urge greater transparency by OAG regarding its efforts to secure DCHA’s compliance with the law. The public needs to know whether OAG’s cases have achieved *any* real change in DCHA’s practices. If they have not, then we urge OAG to take further steps to hold DCHA accountable. If that requires seeking appointment of a receiver, then OAG may need to consider that option. Too much is at stake for DC residents in need of affordable public housing that is safe and fair to allow DCHA’s mismanagement to continue.

Thank you for considering this testimony.

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### **Cases brought by OAG against Private Landlords**

- **Lawsuit against Winn Managed Properties**, the owner of Southern Hills Apartments, low-income properties in Ward 8. In September 2023, OAG obtained restitution of \$850,000 for more than 400 tenants who lived in dangerous, health-threatening conditions for several years.
- **Lawsuit against RealPage and 14 of the largest residential landlords**, a major antitrust case, alleging price-fixing for illegally raising thousands of DC residents’ rents and colluding to artificially inflate rent prices. Litigation ongoing.
- **Settlements of four housing investigations into violations of the nuisance abatement statute**: OAG obtained restitution, renovation, and repairs of properties where residents were besieged by code violations like lead paint, mold, and crime.
- **Lawsuit against UDR, Inc.**, manager of Waterside Towers Apartments in Ward 6, for facilitating a hostile housing environment for Black female tenants. UDR allowed abusive attacks by a White male tenant to continue, despite his having already been convicted of a hate crime for his abusive behavior. Litigation ongoing.
- **Lawsuit Bailey Real Estate Holdings, LLC and 1537 Gales Street NE, LLC and two individuals who operate those companies** for illegally discriminating against voucher holders based on their prior rental history and stating a preference for certain types of vouchers over others. The lawsuit also claims that the defendants refused to accept housing vouchers at some properties, falsely telling prospective tenants with vouchers that apartments were unavailable. Litigation ongoing.

OAG brought this case as well the UDR, Inc. case under the DC Human Rights Act, the law passed by the Council last year clarifying the authority of OAG to bring civil rights cases directly in DC Superior Court. AG Schwalb has in fact established a unit within the Public Advocacy Division to work on civil rights cases.