



**Statement of Argatonia Weatherington  
Assistant Attorney General for the District of Columbia  
Housing & Community Justice Section**

**Before**

**The Committee on the Judiciary & Public Safety  
The Honorable Charles Allen, Chair**

**Public Oversight Hearing  
on**

**Bill 22-189, the “Drug Related Nuisance Abatement Amendment Act of 2017”**

**January 25, 2018  
9:30 am  
Room 120  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, District of Columbia 20004**

## **Introduction**

Greetings Chairman Allen, Councilmembers, staff, and residents. My name is Argatonia Weatherington, and I am an Assistant Attorney General in the Housing and Community Justice Section of the Public Advocacy Division in the Office of the Attorney General (OAG). I am pleased to appear on behalf of Attorney General Karl Racine to testify at this public hearing on Bill 22-189, the “Drug Related Nuisance Abatement Amendment Act of 2017.”

## **Bill 22-189**

The purposes of the bill are to: (1) clarify that a civil action may be brought against an owner or tenant of a property alleged to be a drug, firearm and prostitution related nuisance, and (2) establishes a civil penalty of up to \$10,000 if a defendant is found liable. While current law focuses mostly on property owners, there is a fairly recent example<sup>1</sup> of when the District took action against both a landlord and a tenant for maintaining a prostitution-related nuisance on a property. However,

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<sup>1</sup> *Thanos v. District of Columbia*, 109 A.3d 1084 (DC 2014)

there does not appear to be any harm in clarifying that cases may be brought against tenants as well as owners.

Therefore, the Office of the Attorney General supports the goal of this legislation and greatly appreciates the Council's consideration of Bill 22-189. However, we recommend that it be made clear that the legislation's focus will be on businesses in commercial properties. In our discussions with this Committee, and with staff from Councilmember McDuffie's office, we appreciate that limiting this expanded authority to commercial properties was indeed the Council's intent. In my experience, most unresolved challenges exist in our cases with commercial tenants. For example, in a recent case that my colleague filed against a "dollar store," the court would not allow the case to proceed without adding the commercial property owner as a defendant, despite the owner being supportive of the suit and willing to testify as a witness. In many of our cases the commercial property owner is compliant, however, because commercial tenants have greater autonomy than residential tenants, it is often difficult to get commercial

tenants to address the problem by taking the necessary security measures – hiring security, installing lights, etc.

In fact, three of the last four cases that our office has filed have been against commercial properties: *D.C. v. William Early*, *D.C. v. Budget Motor Inn*, and *D.C. v. Dollar Plus Store*. It is for this reason we appreciate and support expanded authority regarding commercial tenants.

### **Amendment Request**

OAG respectfully requests an additional amendment to the *Drug-Related Nuisance Property Act of 1998*. As we investigate alleged slumlord properties, one of the more common complaints we receive is of harmful mold in the units. Unfortunately, many of the residents that are forced to live in these substandard conditions do not have the finances to pay for the necessary mold inspections. Moreover, there is no District agency with dedicated funds for mold inspections. Without these reports, it is nearly impossible to make a successful claim in the courts. OAG would appreciate the opportunity to work with the Committee on language allowing for the *Drug, Firearm, or Prostitution-*

*Related Nuisance Abatement Fund* to be used in our slumlord/mold investigations to better protect vulnerable District residents.

## **Conclusion**

In conclusion, Attorney General Racine is committed to making sure the public interest is protected regarding nuisance properties, and OAG looks forward to working with the Council and the Executive on these efforts. Moreover, OAG greatly appreciates the input and concerns expressed by the community in how enforcement takes place. We take this responsibility seriously. We will ensure that procedures continue to be in place to protect the rights of everyone involved. We are also happy to meet with any group that would like to learn more about our Housing and Community Justice work. Thank you for hosting today's hearing and offering us the opportunity to speak on the "Drug Related Nuisance Abatement Amendment Act of 2017." I am happy to answer any questions that you may have.