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CHEVY CHASE, BARNABY WOODS, HAWTHORNE

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5601 Connecticut Avenue N.W.  
P.O. Box 6252 Washington, D.C. 20015  
Chevy Chase ANC 3/4G@verizon.net  
<http://www.anc3g.org>  
YouTube: ANC3G  
202.363.5803

**ANC 3/4G Testimony Before the**  
**Committee of the Whole**  
**Performance Oversight Hearing on the**  
**Department of Consumer and Regulatory Affairs**  
**March 5, 2020**

Chairperson Mendelson and Councilmembers, I am Randy Speck, Chair of ANC 3/4G (Chevy Chase), and I am testifying on behalf of our Commission, which authorized this testimony at its February 24, 2020 meeting by a vote of 4 to 0 (a quorum being 4).

Our ANC's experience with the Department of Consumer and Regulatory Affairs (DCRA) over the past year has been mixed. On some occasions, DCRA has been responsive to address violations and assess fines. Often with respect to the same property, however, DCRA has been ineffective in resolving a persistent blight on the neighborhood. DCRA should be using the full extent of its authority to abate hazardous conditions and to restore deteriorated or abandoned properties. To the extent that DCRA lacks the necessary authority, there may be a need for a legislative solution.

One notorious example has been at 2900 Military Road, NW. A developer, Taja Investments, LLC, acquired this property after the long-time resident passed away, and in February 2019, DCRA issued a permit for “interior renovation only.” That month, the developer began demolishing the interior of the house, completely gutting it to the studs and removing all of the windows. After this initial spurt of activity, all work stopped in April. The property, which was not secured, quickly became overgrown with weeds, and the missing windows left it open to the elements and to potential intruders.

In June 2019, I submitted a 311 request that DCRA take enforcement action against the developer for multiple code violations. I also contacted the developer who said that he was awaiting permit approvals so that work could continue (an inaccurate refrain that he would repeat over several months). On June 28, 2019, DCRA issued a Notice of Violation for “excessive vegetative growth” over the “entire property” and for an “unsecured property” with “open 2nd level windows.” DCRA trimmed the hedges and notified the owner that it would be responsible for those costs. Multiple calls and emails to the developer were met with the same apparent ruse — they were waiting for DCRA permit approvals, and work would begin when they had permits.

On August 8, 2019, I alerted the Mayor’s Office of Community Relations and Services to this ongoing problem, but still nothing happened, and the untrimmed hedges became a hazard for cars attempting to turn from 29th Street, NW on to Military Road, NW. On September 6, 2019, I asked DCRA for another inspection since the fence securing the property had been removed after the developer failed to pay the rental fee. On September

11, 2019, DCRA cited the owner for “open windows, excessive growth, entire,” issued a “Notice of Immediate Abatement,” and then boarded up the first-floor open windows and doors to make the house a bit more secure (though the second floor window remained open to the elements). The owner was to be responsible for the cost of this abatement.

At the Commission’s September 23, 2019, Donald Sullivan, DCRA’s Program Manager, Vacant Building Enforcement, reported that DCRA had classified the building as vacant, that it would conduct a follow-up investigation of the property, and that it was levying the maximum possible fines against the property owner.<sup>1</sup> Mr. Sullivan stated that the property would be made weather-tight and that multiple liens had been placed on the property. Mr. Sullivan said that DCRA had issued all necessary permits, and that was not the reason for any delay. He reported that the vacant property tax rate was being assessed. In response to a question about what would happen if owner is unable to pay fines or goes out of business, Mr. Sullivan said that Department of Community and Housing Development works with DCRA to find a buyer for properties that are vacant, but if another developer purchases the property, it will often end up starting a new cycle of problems. He said that DCRA’s objective is to get families into vacant homes.

DCRA issued another notice of abatement on September 26, 2019, again citing “Entire property Open Windows/growth.” While DCRA did board up the first-story windows, it took no steps, however, to abate the open windows on the second floor, where

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<sup>1</sup> The Commission invited the principle of Taja Investments, Michael Watson, to this meeting, but he did not attend. See the September 23, 2019 meeting minutes at <http://bit.ly/328jHLW>.

the house was open to damage from rain or wind. In October 2019, I spoke with the owner, and he finally conceded that he had the necessary permits to continue work but did not have the required financing. On November 25, 2019, DCRA again posted the property for immediate abatement because the property was still “out of compliance with the vacant property maintenance standards by the upstairs windows being open to the public.”

On December 4, 2019, DCRA finally closed the 311 request from June, even though the property remained out of compliance, particularly the open second-floor windows. On January 7, 2020, DCRA’s Mr. Sullivan advised the Commission that “although the property owner cannot be compelled to develop, continued citations can be levied.” He said that “the steps that DCRA can take to abate the property have been limited by the availability of resources,” and “DCRA actions are guided by the parameters of the applicable DC Codes.” The house at 2900 Military Road today remains in the same, unlawful condition and deteriorates further every day that it remains open to the weather.

This developer is notorious for its construction practices. See <http://bit.ly/2SEAZx6> (roofless house in Brightwood owned by Taja Investments); <http://bit.ly/38J89B6> (dumping on Trinidad property by Taja Investments); <http://bit.ly/2V3o6yc> (Taja Investments responsible for workmanship defect causing collapse of Capital Hill row house wall). In our ANC, the developer has partially demolished a desirable, structurally sound home and left it to deteriorate to the point that, if not remedied, the house may have to be razed. At a time when District policy promotes preservation of its housing stock, in this instance, DCRA has watched a home fall into ruin because of a developer

that cannot or will not develop or even preserve this property. The District must have a way to counter the pernicious impact of a delinquent developer.

At a minimum, DCRA should have boarded up the open second-story windows so that the house would be protected from the elements. If fines and vacant property tax rates do not provide an incentive for development — or may even pose an impediment — the District must find a solution that will preserve valuable housing stock before it is irreparably damaged. If DCRA is powerless to take any further action to protect properties like this, the Committee should consider legislation that would allow the District to sell the property to a reputable buyer that will complete its restoration and occupancy by a family.

This is not the only instance of DCRA's seeming ineffectiveness in addressing a developer that persistently violates the law. The Commission has repeatedly raised similar concerns at DCRA's 2019 performance oversight hearing about the property at 5301 and 5303 Connecticut Avenue, NW.<sup>2</sup> In that instance, it took over two years to get the developer to finish clearing the half demolished building on the 5303 site. But for DCRA's foot-dragging, this could have been resolved in much less time. The Commission urges the Council to work with DCRA to find a solution that will keep vacant properties safe and that will preserve crucial housing stock.

Thank you.

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<sup>2</sup> ANC 3/4G's February 27, 2019 testimony before the Committee of the Whole is available at <http://bit.ly/2wnRtRf>.