



November 24, 2023

700 Pennsylvania Avenue SE  
Ste. #2032  
Washington, DC 20003-2141  
6B@anc.dc.gov

Ward 6 Council Member Charles Allen and all DC Councilmembers  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

RE: Protecting Historic Homes Amendment Act of 2023

Dear Councilmember Allen and DC Councilmembers:

Thank you for sharing the draft legislation for this important amendment. ANC6B Commissioners have had an opportunity to discuss the legislation in our Planning and Zoning Committee on November 9 and at the regularly scheduled Commission meeting on November 14, 2023; the Commission voted 8-0-1 to send this letter.

Our Commission supports and welcomes this legislation. Raising the fines for violations of building permits is, as noted in your commentary, long overdue and we believe the proposed schedule of fines will help preserve homes in our historic district. However, we want additionally to elaborate on one concern not recognized in the proposed amendment, and to offer two suggestions for addressing this concern.

Our concern is reflected in analysis of the data provided to you by the Office of Planning in August. It is important to note that you had to request this information and that it was otherwise not available. Our analysis of this information suggests that even the very low fines initially assessed by OP are frequently reduced by the Office of Administrative Hearings (OAH) -- and often are not collected. For example:

-- Of 34 reported instances of fines having been assessed as a penalty for violation of building permits in Ward 6, the amount of the fine was reduced by the OHA in 10 instances. In one instance the initial fine was reduced from \$4600 to \$500.

-- In 14 instances penalties invoked by OP for permit violation were not collected.

We do not understand the dynamics of the fee reduction process used by OP to assign and collect penalties. It is clear, however, that raising the fees will not be a deterrent to permit violation unless the program is properly administered.

We offer two recommendations for addressing what we view as an under-assessment issue:

- 1) A legislative hearing would provide an opportunity to seek full understanding of the process of assigning fees, moderating them, and collecting them.
- 2) We recommend one specific change in the legislation: OP should be required to provide data about penalty violations, and the resulting consequences of discovered violations, to the Council annually. The information to be provided should be similar to that which the agency developed in response to your request.

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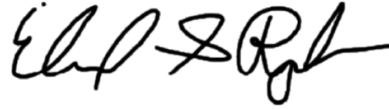
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Please call on our ANC if we can be of additional assistance regarding this legislation. Commissioner Jerry Sroufe (6B02) will serve as our primary contact regarding this legislation.

Sincerely,



Edward Ryder  
Chair, ANC 6B

CC:

DC Council Members

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