



January 24, 2023

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Mr. Brian Hanlon
Director
Department of Buildings
1100 4th Street, SW
Washington, DC 20024

VIA Email: brian.hanlon@dc.gov;

RE: Alleged Illegal Construction at 319 9th Street SE and Illegal Construction Enforcement Across Capitol Hill

Dear Director Hanlon:

At its regularly scheduled, properly noticed meeting on January 9, 2024, with a quorum of Commissioners present, Advisory Neighborhood Commission 6B voted 9-0-0 to support sending this letter to the Department of Buildings (DOB). This letter refers to alleged illegal construction at 319 9th Street, SE and illegal construction enforcement across Capitol Hill.

It has come to our attention (through the owner of the abutting property) that there is alleged illegal construction at 319 9th Street SE. There are at least two major projects that were possibly undertaken without proper permits: the excavation of a basement and the construction of a covered porch at the rear of the property. The date of the basement construction is unknown, and the porch was constructed around 2016.

The neighbor in question did not suspect that the construction was illegal until around 2018 at which time he submitted an illegal construction request to (what was then called) DCRA. The inspector assigned to that request concluded that the porch did not exist prior to 2015 and had not been permitted. However, the inspector declined to issue a violation or take further action because he was unable to determine whether the current owner of the home was the one who had, in fact, constructed the porch. This information would seem to have been readily available by a simple public records search, but this was, for reasons unknown, not performed.

This neighbor has submitted multiple additional inspection requests since 2018 for both the porch and the basement excavation without satisfactory resolution. In response to some of those requests, the assigned inspectors declined to issue violations because the homeowner refused to allow access. The alleged illegal porch is, however, viewable from both the neighbor's patio and from the adjacent alley. The most recent inspection requests (Ref. #'s:8OQ-H081P and D3R-O5BA1) were submitted in the Fall and Winter of 2023. The neighbor spoke to the assigned inspector, who took pictures of the porch structure from his patio. It took weeks to get a response regarding the outcome of the investigation and it was ultimately denied by DOB because DOB

researchers could not determine whether the porch existed prior to 2015. This is, however, in direct contradiction to the 2018 inspector's report which specifically concluded that the porch had, in fact, not existed prior to 2015. Both things cannot be true and the contradicting answers and shifting rationales have left the owner understandably frustrated.

The inspectors from DOB have not commented on the basement excavation, the history of which is a bit murky. Nevertheless, a search of the Scout system appears to show that DOB does not have any records regarding the excavation of the basement. It may be the case that non-digital records are available, but this research does not seem to have been done by DOB. Again, the owner of the adjacent property was left with unsatisfactory answers.

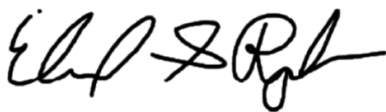
The home was listed for sale over the summer of 2023 and sold in or around November 2023. The current owners are now applying for construction permits related to additional interior renovations which makes it an opportune time for DOB to work with the current homeowners to get to the bottom of the issues at hand, make firm determinations and provided a definitive resolution. This should include, if needed, any inspections necessary to make sure all construction is code compliant, soundly built and poses no risk to the current occupants or abutting properties and their occupants.

This matter has brought to light ongoing infirmities in DOB's illegal construction inspection processes across Capitol Hill. You have just received a letter from ANC 6B detailing another illegal inspection process that was less than ideal at Archibald Walk SE. There was also recently an incident where a house's foundations were potentially undermined where the inspection process left much to be desired. In all cases, the inspections process seemed to suffer from delayed inspection timelines, lack of robust follow-up, residents who felt their concerns were not adequately addressed and a lack of clear resolution of the problems identified.

To be frank, these lapses are not acceptable especially when the public health, safety and welfare are at stake. DOB can, and needs to, do better. We would like to understand better what DOB's process are for investigating extant illegal construction (which is a not uncommon occurrence in a historic district such as Capitol Hill) and what DOB will do to improve those existing process to ensure illegal construction is dealt with quickly and resolved appropriately.

We ask for a response from DOB on the issues raised in this letter. Please also confirm your receipt of this letter.

Respectfully,



Edward Ryder
Chair, ANC 6B

Cc:

The Honorable Charles Allen, Ward 6 Councilmember
Kimberly Kennedy, Ward 6 Councilmember Staff
Mark-Anthony Tynes, Department of Buildings
Francis D'Andrea, SMD 6B04