

D.C. residents say consumer affairs panel has failed to follow law

Data unavailable online

By [Ryan M. McDermott](#) - The Washington Times - Monday, February 29, 2016

A D.C. Council oversight committee hearing on Monday sparked outrage from dozens of residents frustrated by the Department of Consumer and Regulatory Affairs, which has failed to provide building permit tracking data online as required by law.

Council member Vincent Orange, the at-large independent whose chairs the committee that oversees DCRA, noted chronic problems with the agency — including its failure to comply with the Freedom of Information Act — but he hailed the District's recent building boom as a good sign for DCRA.

"When are you going to do your job? I'm not willing to come back here year after year. This is not the first time you heard this," Advisory Neighborhood Commissioner Denise Krepp told Mr. Orange at the hearing. "DCRA is screwed up. Who is going to hold people accountable for the screw-ups?"

Advisory Neighborhood Commissioner Kent Boese dismissed Mr. Orange's assessment, saying the city's consumer protection agency has failed to ensure that homeowners have the ability to lodge construction complaints by reviewing building permits.

"Whether you are creating new places to live or living in a pre-constructed environment, you are a consumer," Mr. Boese said. "Where is the consumer protection? Why is consumer protection a part of DCRA at all?"

Up until about a week ago, the DCRA website offered tracking of pending building permits. That Web page vanished last week after a Feb. 24 building collapse on Q Street NW in the Truxton Circle neighborhood. The building next to the collapsed residence was under construction.

Monday's oversight hearing apparently brought some progress: As late as 1 p.m., the DCRA Web page only displayed a banner that read, "This page is no longer available." By 3 p.m. during the hearing, a new message appeared, saying the permit status page was taken offline because "the information was too often unreliable and resulted in misinformation to constituents."

"We know that some constituents were disappointed about that decision," DCRA says on the website. "DCRA is hopeful that the site will eventually be restored."

But residents complained Monday about other, long-standing issues with the agency. Mark Eckenwiler said he went to DCRA to find a permit was told to come into the document reading room or file a Freedom of Information Act (FOIA) request.

He said he took his complaint to the D.C. Office of Open Government, which ruled in late January that a "necessary review of internal operations revealed systemic failures" at DCRA that have rendered the agency "woefully out of compliance" with the law.

According to the D.C. Code, all pending applications for building permits and authorized building permits must "be made available on the Internet."

"If the DCRA is issuing bad permits on the front end, the only check on that is the ability to look at these documents," said Mr. Eckenwiler, an Advisory Neighborhood Commission member.

DCRA spokesman Matt Orlin told The Washington Times in an email that the agency "DCRA is committed to transparency and is evaluating options to come into compliance. The requirement dates back to 2001, but the cost of implementing it has not been incorporated into any budget during the past six years. DCRA is unaware of whether and how the requirement was funded at the time the bill was enacted."

Council member Brianne Nadeau, Ward 1 Democrat, said during the hearing that the rate of residents finding problems with building permits is alarming and that the problem needs to be fixed. She went as far as apologizing to several residents.

"Your government failed you," Ms. Nadeau said.

The Office of Open Government recommended that DCRA pursue an "extremely aggressive agencywide FOIA education and training program."

But nothing has changed in the intervening month, and residents are worried that bad or illegal permits are being issued and going unchecked.

"There is a very strict time limit on filing an appeal," Mr. Eckenwiler said. "Why should any person who has a serious concern have to wait for five weeks and still not get an answer?"

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