

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

DISTRICT OF COLUMBIA )  
441 Fourth Street, N.W. )  
Washington, D.C. 20001 )

Petitioner, )  
v. )

Civ. No.:

1309 ALABAMA AVENUE, LLC )  
**SERVE:** )  
C T CORPORATION SYSTEM )  
1015 15<sup>th</sup> Street, N.W. )  
Suite 1000 )  
Washington, D.C. 20005 )

and )

ALABAMA AVENUE, LLC )  
**SERVE:** )  
C T CORPORATION SYSTEM )  
1015 15<sup>th</sup> Street, N.W. )  
Suite 1000 )  
Washington, D.C. 20005 )

and )

3210 13<sup>th</sup> STREET, LLC )  
**SERVE** )  
C T CORPORATION SYSTEM )  
1015 15<sup>th</sup> Street, N.W. )  
Suite 1000 )  
Washington, D.C. 20005 )

and )

SANFORD CAPITAL, LLC )  
**SERVE:** )  
C T CORPORATION SYSTEM )  
1015 15<sup>th</sup> Street, N.W. )  
Suite 1000 )  
Washington, D.C. 20005 )

and )

OAKMONT MANAGEMENT GROUP, LLC )  
**SERVE:** )  
 C T CORPORATION SYSTEM )  
 1015 15<sup>th</sup> Street, N.W. )  
 Suite 1000 )  
 Washington, D.C. 20005 )  
 )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

**PETITION AND COMPLAINT FOR APPOINTMENT OF RECEIVERSHIP  
 AND FOR DECLARATORY AND INJUNCTIVE RELIEF**

The District of Columbia, by and through its undersigned attorneys and the Office of the Attorney General for the District of Columbia, brings this Petition and Complaint for Appointment of Receivership and for Declaratory and Injunctive Relief, and respectfully states as follows:

**Preliminary Statement**

The District of Columbia seeks appointment of a receiver for four affordable rental housing accommodations located within the District of Columbia pursuant to D.C. Code §§ 42-3651.01- 3651.08 (2015), and abatement of a public nuisance pursuant to 14 DCMR § 101. The District of Columbia has joined each of the above-named Respondents in this action because they own, operate, manage, and otherwise control rental housing accommodations within the District of Columbia that have suffered from repeated housing code violations that pose a serious threat to the health, safety, or security of the tenants.

The purpose of this action is to keep the rent-controlled housing accommodations in compliance with District of Columbia housing code laws. Each of the four rental properties suffers from a demonstrated history of neglect and indifference resulting from the actions or omissions of the Respondents. Indeed, the refusal of the Respondents to abate their housing

code violations in a timely manner is particularly egregious in light of the fact that many of their tenants have modest financial means, and therefore lack viable alternatives to the unsafe and unhealthy rental accommodations inflicted upon them by their landlord.

Respondents' repeated neglect, delayed response, or total inaction demonstrates a pattern and practice of intentionally allowing four of their buildings to deteriorate to being uninhabitable by tenants. Respondents have expressed their intention to have the subject properties vacated so that the properties can be demolished as part of a Planned Unit Development ("PUD") that includes the construction of a 446,000 square foot mixed-use project with office buildings, apartments, and ground floor shopping.

The District avers that the totality of the conditions at each apartment building—constituting numerous unabated violations of chapters 1 through 16 of Title 14 of the DCMR, and a demonstrated pattern of neglect for the property for thirty (30) consecutive days that poses a serious threat to the health, safety, or security of the tenants—is grounds for appointment of a receiver in this matter. See D.C. Code § 42-3651.02(a), (b). Additionally, the ongoing conditions at the properties owned and operated by the Respondents constitute a public nuisance, pursuant to 14 DCMR § 101.

Accordingly, the District of Columbia petitions the Court as follows:

(a) Appoint a receiver who has demonstrated to the Court the expertise to develop and supervise a viable financial and repair plan for the satisfactory rehabilitation of the multi-unit rental housing accommodations which are the subject of this lawsuit;

(b) Order that the Respondents, jointly and severally, contribute funds in excess of the rents collected from the rental housing accommodations for the purposes of abating housing code violations and assuring that any conditions that are a serious threat to the health,

safety, or security of the occupants or public are corrected pursuant to D.C. Code § 42-3651.05(f);

(c) Issue a Preliminary and/or Permanent Injunction Order ensuring the speedy abatement of the public nuisances at issue in this Complaint, including all outstanding housing code violations at the subject rental housing accommodations;

(d) Declare that the maintenance of the rental housing accommodations in violation of Title 14 of the District of Columbia Municipal Regulations constitutes a danger to the health, welfare, or safety of the occupants and that said rental accommodations are a public nuisance;

(e) Award all allowable costs; and

(f) Provide any other relief deemed appropriate by the Court.

#### **Jurisdiction**

1. The Court has subject matter jurisdiction pursuant to D.C. Code § 11-921 (2015).
2. The Court has personal jurisdiction pursuant to D.C. Code § 13-423 (2015).

#### **Parties**

3. Petitioner, the District of Columbia (“the District”), is a municipal corporation created under the laws of the United States and is capable of suing and being sued pursuant to D.C. Code § 1-102 (2015).

4. Respondent 1309 Alabama Avenue, LLC is a limited liability company organized under the laws of the state of Delaware and maintains a principal place of business at 7272 Wisconsin Avenue, Suite 325, Bethesda, Maryland 20814. 1309 Alabama Avenue, LLC is the owner of the apartment building located at 1309 Alabama Avenue, S.E., Washington, D.C.

20032 (“1309 Alabama Avenue, S.E.”). Aubrey Carter Nowell is a managing member of 1309 Alabama Avenue, LLC.

5. Respondent Alabama Avenue, LLC is a limited liability company organized under the laws of the state of Delaware and maintains a principal place of business at 7272 Wisconsin Avenue, Suite 325, Bethesda, Maryland 20814. Alabama Avenue, LLC is the owner of the apartment building located at 1331 Alabama Avenue, S.E., Washington, D.C. 20032 (“1331 Alabama Avenue, S.E.”) and the apartment building located at 1333 Alabama Avenue, S.E., Washington, D.C. 20032 (“1333 Alabama Avenue, S.E.”).

6. Respondent 3210 13<sup>th</sup> Street, LLC is a limited liability company organized under the laws of the state of Delaware and maintains a principal place of business at 7272 Wisconsin Avenue, Suite 325, Bethesda, Maryland 20814. 3210 13<sup>th</sup> Street, LLC is the owner of the apartment building located at 3210 13<sup>th</sup> Street, S.E., Washington, D.C. 20032 (“3210 13<sup>th</sup> Street, S.E.”). Aubrey Carter Nowell is a member of 3210 13<sup>th</sup> Street, LLC.

7. Respondent Sanford Capital, LLC (“Sanford Capital”) is a limited liability company organized under the laws of the state of Delaware and maintains a principal place of business at 7272 Wisconsin Avenue, Suite 325, Bethesda, Maryland 20814. Sanford Capital is a residential real estate development and investment firm based in Washington, D.C., and has an ownership interest in each above listed apartment building. Aubrey Carter Nowell is a principal and founder of Sanford Capital.

8. Respondent Oakmont Management Group, LLC is a limited liability company organized under the laws of the state of Delaware and maintains a principal place of business at 7272 Wisconsin Avenue, Suite 325, Bethesda, Maryland 20814. Oakmont Management Group,

LLC is responsible for the property management of each listed apartment building. Todd Fulmer is the founder and managing member of Oakmont Management Group, LLC.

**Facts<sup>1</sup>**

**1309 Alabama Avenue, S.E.**

9. Respondent 1309 Alabama Avenue, LLC acquired 1309 Alabama Avenue, S.E. on March 5, 2010.

10. Aubrey Carter Nowell executed the deed for this property on March 5, 2010 as a “managing member” of 1309 Alabama Avenue, LLC.

11. Respondent Sanford Capital is listed as an “owner” of the property in the Security Affidavit attached to the deed.

12. 1309 Alabama Avenue, S.E., is a three-floor brick apartment building with eleven (11) units. The building currently has three tenants occupying three units on the second and third floor, and the remaining eight units are vacant.

13. The property at 1309 Alabama Avenue, S.E., was the site of a proactive inspection by the Department of Consumer and Regulatory Affairs (“DCRA”) on October 26, 2015. During the inspection, DCRA issued Notices of Violation for numerous housing code violations.

14. These violations include, but are not limited to: inoperable fire extinguishers; inoperable fire alarms; improperly maintained exit/emergency lights; broken doors; mice and

---

<sup>1</sup> The factual allegations alleged and submitted herein are based upon the affidavits of Robert Green, hereby attached as Exhibit 2, Caroline Hennessy, hereby attached as Exhibit 3, Tujuanda Blalock, hereby attached as Exhibit 4, and Ruth Barnwell, hereby attached as Exhibit 5.

rodent infestations; bedbugs; improperly maintained plumbing facilities; and accumulation of trash. (*See Ex. 8, DCRA Notices of Violation.*)

**Notification of Violations to Owners of 1309 Alabama Avenue, S.E.**

15. The owner of 1309 Alabama Avenue, S.E., Respondent 1309 Alabama Avenue, LLC, was properly notified of the housing code violations giving rise to this Petition when Respondent, or its agent(s), was personally served by hand-delivered copies of the Notices of Violation, or was sent copies of the Notices by regular or certified mail.

**1331-1333 Alabama Avenue, S.E.**

16. 1331-1333 Alabama Avenue, S.E., is an attached brick apartment building with a total of twenty four (24) units – twelve (12) in each building.

17. Five tenants currently occupy five units on the first, second, and third floor of 1331 Alabama Ave, S.E., and the remaining seven units are vacant.

18. Two tenants currently occupy two units on the first and second floor of 1333 Alabama Avenue, S.E., and the remaining ten units are vacant.

19. The properties at 1331-1333 Alabama Avenue, S.E., were the site of two proactive inspections by DCRA on October 26, 2015 and October 27, 2015. During the inspections, DCRA issued Notices of Violation for numerous housing code violations.

20. These violations include, but are not limited to: inoperable fire extinguishers; inoperable fire alarms; improperly maintained exit/emergency lights; broken doors; mice and rodent infestations; bedbugs; improperly maintained plumbing facilities; accumulation of trash; and loose or peeling paint. (*See Exs. 9-10, DCRA Notices of Violation.*)

**Notification of Violations to Owners of 1331-1333 Alabama Avenue, S.E.**

21. The owner of 1331-1333 Alabama Avenue, S.E., Respondent Alabama Ave LLC, was properly notified of the housing code violations giving rise to this Petition when Respondent, or its agent(s), was personally served by hand-delivered copies of the Notices of Violation, or was sent copies of the Notices by regular or certified mail.

**3210 13<sup>th</sup> Street, S.E.**

22. 3210 13<sup>th</sup> Street, S.E., is a three-floor brick apartment building with twelve (12) units.

23. Five tenants currently occupy five units on the second and third floor of the building, and the remaining seven units are vacant.

24. The property at 3210 13<sup>th</sup> Street, S.E., was the site of three proactive inspections by DCRA. The first inspection occurred on October 30, 2015, and the last two occurred less than two weeks ago on December 22, 2015 and December 30, 2015. During each of the proactive inspections, DCRA issued Notices of Violation for numerous housing code violations.

25. These violations include, but are not limited to: inoperable fire alarms; improperly maintained exit/emergency lights; broken doors; bedbugs; improperly maintained plumbing facilities; and loose or peeling paint. (*See Ex. 11, DCRA Notices of Violation.*)

**Notification of Violations to Owners of 3210 13<sup>th</sup> Street, S.E.**

26. The owner of 3210 13th Street, S.E., Respondent 3210 13th Street LLC, was properly notified of the housing code violations giving rise to this Petition when Respondent, or its agent(s), was personally served by hand-delivered copies of the Notices of Violation, or was sent copies of the Notices by regular or certified mail.

### **DCRA Inspections**

27. The above-mentioned proactive inspections at each of the properties that occurred on October 26, 27, and 30, 2015, resulted in the issuance of seventy-seven (77) housing code violations within individual units and the common areas of the buildings.<sup>2</sup>

28. Although the time for compliance has passed for the above-mentioned violations, Respondents have only satisfactorily abated 2 of the 77 housing code violations.

29. Again, on December 22 and 30, 2015, DCRA performed inspections of individual units and the common areas within 3210 13<sup>th</sup> Street, S.E., and issued Notices of Violation for additional housing code violations. These violations include, but are not limited to: defective smoke detectors; lack of heat; lack of water heating facilities; defective electrical outlets; and loose or peeling paint.

30. The December 22, 2015 inspection also includes a violation for unit eight of 3210 13<sup>th</sup> Street, S.E., for a structurally unsound ceiling as a result of the ceiling collapsing on top of the tenant days earlier. (*See* Ex. 11, 12/22/15 DCRA Notices of Violation for 3210 13<sup>th</sup> Street, S.E.)

### **The Congress Heights Planned Unit Development (“PUD”)**

31. In May 2013, Sanford Capital filed an application for a Planned Unit Development (“PUD”) with the District of Columbia Zoning Commission which would require the demolition of 1309 Alabama Avenue, S.E., 1331-1333 Alabama Avenue, S.E., and 3210 13<sup>th</sup> Street, S.E. – all of which are rent-controlled.

---

<sup>2</sup> This is not the first time that Respondents have been cited by DCRA for housing code violations since they acquired ownership of the aforementioned buildings. (*See* Exs. 12-15, DCRA Property Information Verification System Lists of “Residential Cases.”)

32. In August 2013, the tenants from each building formed a Tenants' Association.

33. In November 2013, the tenants formed the Alabama Avenue/13<sup>th</sup> Street Tenants' Coalition and the Tenant Coalition released a statement of its goals and priorities regarding the proposed PUD.

34. On March 30, 2015, the Zoning Commission approved Sanford Capital's PUD application for the proposed mixed-use development above the Congress Heights Metro where the tenants now reside.

35. The PUD is intended to include more than 200 apartments, 230,000 square feet of office space, and 26,000 square feet of retail space.

#### **May 13, 2014 Notice of Necessary Repairs**

36. On May 7, 2014, the Tenant Coalition, along with agents of Sanford Capital, met to discuss the possibility of an agreement for their removal and relocation from their homes as a result of the proposed PUD. During this meeting, the tenants were presented with several options for their removal, but they made clear that they wished to remain in their homes, and would be willing to discuss these options after certain housing conditions were abated.

37. Accordingly, the tenants proposed, as a pre-condition to continuing negotiations, that Sanford Capital would be provided with a detailed list of housing condition issues that were to be abated before continuing to discuss their potential relocation.

38. All parties present at this meeting were in agreement, and the tenants were assured that the housing code violations would be remedied and the vacant units secured. (*See* Ex. 3, Aff. of Caroline Hennessy.)

39. In the days following the meeting, Caroline Hennessy of the Tenant Services Department at Housing Counseling Services, Inc., spoke with each tenant individually about

their housing conditions and assisted the residents in compiling a comprehensive list of issues that needed to be addressed.

40. On May 13, 2014, Will Merrifield, employed as an attorney with the Washington Legal Clinic for the Homeless and legal counsel for the Tenant Coalition, sent an email to Respondents' counsel at the time enclosing a list of necessary repairs.

41. Among the items listed were: unsecured doors; sewage problems; rat and mice infestations; bed bugs; leaks in the roof; and inoperative smoke detectors.

42. On May 23, 2014, Respondents' counsel acknowledged receipt of the list of repairs via electronic mail and responded, in part, that "there may be items on the list, such as repairing heating systems or replacing flooring, that may not make sense to invest money into given that the building will be vacated and demolished."

#### **Housing Conditions Cases**

43. In November 2014, many of the issues listed in the May 13, 2014 email remained unaddressed or minimal repairs were made. As a result, the tenants filed the following cases in Housing Conditions Court:

- a. *Ruth Barnwell v. Sanford Capital, LLC* 2014 CA 7067 H;
- b. *Sharise Book v. Sanford Capital, LLC* 2014 CA 7117 H;
- c. *Louise Meachum v. Sanford Capital, LLC* 2014 CA 7470 H;
- d. *Clarence Anthony Taylor v. Sanford Capital, LLC* 2014 CA 7107 H;
- e. *Robert Green v. Sanford Capital, LLC* 2014 CA 7065 H; and
- f. *Herbert Smalls v. Sanford Capital, LLC* 2014 CA 7165 H.

44. In each case, inspectors from the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”) performed initial inspections of the buildings and individual units on December 9, 2014.

45. During each inspection, DCRA uncovered housing code violations and issued Notices of Violation (“NOVs”).

46. The housing code violations included, but were not limited to: inoperable smoke detectors; rodent infestations; missing fire extinguishers; incomplete ceiling repairs; and unsafe electrical outlets.

47. Following re-inspections on January 16, 2015, Respondents performed the required repairs and the cases were subsequently dismissed.

48. However, as early as February 2015, the tenants’ living conditions again began to decline.

49. Between February 2015 and October 2015, Respondents made ineffective repairs to address the tenants’ complaints, were slow to respond, or simply failed to respond. As a result, on October 1, 2015, Caroline Hennessy sent a letter to Todd Fulmer, an agent of Sanford Capital and managing member of Oakmont Management Group, LLC, enclosing a list of housing conditions requiring remediation within individual units, hereby attached as Exhibit 7.

50. The listed housing conditions included, but were not limited to: mold; mice and roach infestations; bed bugs; lack of smoke detectors in units; insufficient heating; and unsafe electrical outlets.

51. Upon information and belief, the conditions have not been remediated to date.

### **Statutory and Regulatory Basis for Receivership**

52. Pursuant to D.C. Code § 42-3651.03, the Attorney General for the District of Columbia, in the name of the District of Columbia, may petition the Court to appoint a receiver of the rents or payments for use and occupancy for a rental housing accommodation when “a rental housing accommodation has been cited by [DCRA] for a violation of chapters 1 through 16 of Title 14 of the District of Columbia Municipal Regulations...which violation poses a serious threat to the health, safety, or security of the tenants...” and “[t]he owner, agent, lessor, or manager has been properly notified...but has failed timely to abate the violations.” D.C. Code § 42-3651.02(a).

53. A receiver may also be appointed if “a rental housing accommodation has been operated in a manner that demonstrates a pattern of neglect for the property for a period of 30 consecutive days and such neglect poses a serious threat to the health, safety, or security of the tenants.” D.C. Code § 42-3651.02(b).

54. The term “pattern of neglect” includes “all evidence that the owner, agent, lessor, or manager of the rental housing accommodation has maintained the premises in a serious state of disrepair, including vermin or rat infestation, filth or contamination, inadequate ventilation, illumination, sanitary, heating or life safety facilities, inoperative fire suppression or warning equipment, or any other condition that constitutes a hazard to its occupants or to the public.” D.C. Code § 42-3651.02(b).

55. Once appointed, the receiver shall, *inter alia*: “Take charge of the operation and management of the rental housing accommodation and assume all rights to possess and use the building, fixtures, furnishings, records, and other related property and goods that the owner or

property manager would have if the receiver had not been appointed . . . . D.C. Code § 42-3651.06 (1).

**Count I**  
**(Petition for Appointment of a Receiver of 1309 Alabama Avenue, S.E.)**

56. The District incorporates by reference herein Paragraphs 1 through 55.

57. As described above, 1309 Alabama Avenue, S.E., has been cited by DCRA for housing code violations which pose a serious threat to the health, safety, or security of the tenants. Although Respondents have been notified of the violations and the time for compliance has passed, the violations remain unabated.

58. Respondents have also operated 1309 Alabama Avenue, S.E., in a manner that demonstrates a pattern of neglect as follows:

- a. On May 13, 2014, a list of necessary repairs was transmitted to Respondents as described *supra*. Many of the issues identified for the building were unaddressed or minimal repairs were made, and the conditions are continuing.
- b. In November 2014, the tenants filed Housing Conditions cases before the Court. Upon information and belief, it was not until the Court ordered the Respondents to act, did they perform the required repairs - approximately eight months after receiving notice.
- c. In February of 2015, Respondents were notified that the tenants' living conditions had again declined.
- d. On October 1, 2015, Respondents' received notice of housing conditions requiring remediation within individual units. Upon information and belief, these conditions have not been remediated to date.
- e. Additionally, on October 26, 2015, DCRA performed proactive inspections at the property and issued Notices of Violation for housing code violations within each occupied unit. (*See Ex. 8, 10/26/15 DCRA Notices of Violation for 1309 Alabama Avenue, S.E.*) These violations remain unabated.

59. The aforementioned pattern of neglect has been established well beyond the statutory period of thirty (30) consecutive days. At a minimum, on October 1, 2015, Respondents received a list of conditions requiring remediation within the common areas and individual units. Upon information and belief, these conditions have not been remediated to date, and are among the violations found by DCRA investigators on October 26, 2015.

60. Such neglect poses a serious threat to the health, safety, or security of the tenants, as detailed *supra*. Additionally, resident Tujuanda Blalock states:

Since Sanford Capital has become the owner of the building where I live [sic] I have been forced to deal with many problems as a result of housing conditions. I have severe allergies because of the dust and dirt that comes through the vents when I turn my heat on, which prevents me from using my heat in the winter. I'm living with mildew, and I have medical records saying that it is severely affecting my health. This did not used to be a problem in our building . . . .

(See Ex. 4, Aff. of Tujuanda Blalock.)

**Count II**  
**(Petition for Appointment of a Receiver of 1331 Alabama Avenue, S.E.)**

61. The District incorporates by reference herein Paragraphs 1 through 60.

62. As described above, 1331 Alabama Avenue, S.E., has been cited by DCRA for housing code violations which pose a serious threat to the health, safety, or security of the tenants. Although Respondents have been notified of the violations the time for compliance has passed, the violations remain unabated.

63. Respondents have demonstrated that they have operated 1331 Alabama Avenue, S.E., in a manner that demonstrates a pattern of neglect as follows:.

- a. On May 13, 2014, a list of necessary repairs was transmitted to Respondents as described *supra*. Many of the issues identified for the building were unaddressed or minimal repairs were made, and the conditions are continuing.

- b. In November 2014, the tenants filed Housing Conditions cases before the Court. Upon information and belief, it was not until the Court ordered the Respondents to act did they perform the required repairs - approximately eight months after receiving notice.
- c. In February of 2015, Respondents were notified that the tenants' living conditions had again declined.
- d. On October 1, 2015, Respondents' received notice of housing conditions requiring remediation within individual units. Upon information and belief, these conditions have not been remediated to date.
- e. Additionally, on October 26, 2015, DCRA performed proactive inspections at the property and issued Notices of Violation for housing code violations within each occupied unit. (*See Ex. 9, 10/26/15 DCRA Notices of Violation for 1331 Alabama Avenue, S.E.*) These violations remain unabated.

64. The aforementioned pattern of neglect has been established well beyond the statutory period of thirty (30) consecutive days. At a minimum, on October 1, 2015, Respondents received a list of conditions requiring remediation within the common areas and individual units. Upon information and belief, these conditions have not been remediated to date, and are among the violations found by DCRA investigators on October 26, 2015.

65. Such neglect poses a serious threat to the health, safety, or security of the tenants, as detailed *supra*. Moreover, in each of the listed units within the building, there is a failure to maintain fire extinguishers in an operable condition, a failure to maintain a mechanical ventilation unit in a safe or good working condition, and a mice infestation. These conditions pose a serious threat to the health, safety, or security of the remaining tenants.

**Count III**  
**(Petition for Appointment of a Receiver of 1333 Alabama Avenue, S.E.)**

66. The District incorporates by reference herein Paragraphs 1 through 65.

67. As described above, 1333 Alabama Avenue, S.E., has been cited by DCRA for housing code violations which pose a serious threat to the health, safety, or security of the

tenants. Although Respondents have been notified of the violations the time for compliance has passed, the violations remain unabated.

68. Respondents have demonstrated that they have operated 1333 Alabama Avenue, S.E., in a manner that demonstrates a pattern of neglect as follows:

- a. On May 13, 2014, a list of necessary repairs was transmitted to Respondents as described *supra*. Many of the issues identified for the building were unaddressed or minimal repairs were made, and the conditions are continuing.
- b. In November 2014, the tenants filed Housing Conditions cases before the Court. Upon information and belief, it was not until the Court ordered the Respondents to act, did they perform the required repairs - approximately eight months after receiving notice.
- c. In February of 2015, Respondents were notified that the tenants' living conditions had again declined.
- d. On October 1, 2015, Respondents' received notice of housing conditions requiring remediation within individual units. Upon information and belief, these conditions have not been remediated to date.
- e. Additionally, on October 27, 2015, DCRA performed proactive inspections at the property and issued Notices of Violation for housing code violations within each occupied unit. (*See Ex. 10, 10/27/15 DCRA Notices of Violation for 1333 Alabama Avenue, S.E.*) These violations remain unabated.

69. The aforementioned pattern of neglect has been established well beyond the statutory period of thirty (30) consecutive days. At a minimum, on October 1, 2015, Respondents received a list of conditions requiring remediation within the common areas and individual units. Upon information and belief, the conditions have not been remediated to date, and are among the violations found by DCRA investigators on October 27, 2015.

70. The aforementioned pattern of neglect poses a serious threat to the health, safety, or security of the tenants, as detailed *supra*. Significantly, in the common area, there is a failure to maintain fire extinguishers in an operable condition, and defective outlets and smoke detectors

in the listed unit. Certainly, there can be no doubt that these conditions, standing alone, pose a serious threat to the health, safety, or security of the remaining tenants.

**Count IV**  
**(Petition for Appointment of a Receiver of 3210 13<sup>th</sup> Street, S.E.)**

71. The District incorporates by reference herein Paragraphs 1 through 70.

72. As described above, 3210 13th Street, S.E., has been cited by DCRA for housing code violations which pose a serious threat to the health, safety, or security of the tenants. Although Respondents have been notified of the violations the time for compliance has passed, the violations remain unabated.

73. Respondents have demonstrated that they have operated 3210 13<sup>th</sup> Street, S.E., in a manner that demonstrates a pattern of neglect as follows:

- a. On May 13, 2014, a list of necessary repairs was transmitted to Respondents' counsel as described *supra*. Many of the issues identified for the property were unaddressed or minimal repairs were made, and the conditions are continuing.
- b. In November 2014, the tenants filed Housing Conditions cases before the Court. Upon information and belief, it was not until the Court ordered the Respondents to act did they perform the required repairs - approximately eight months after receiving notice.
- c. In February of 2015, Respondents were notified that the tenants' living conditions had again declined.
- d. On October 1, 2015, Respondents' received notice of housing conditions requiring remediation within individual units. Upon information and belief, these conditions have not been remediated to date.
- e. Additionally, on October 30, 2015, DCRA performed proactive inspections at the property and issued Notices of Violation for housing code violations within each occupied unit. (*See Ex. 11, 10/30/15, 12/22/15, 12/30/15 DCRA Notices of Violation for 3210 13<sup>th</sup> Street, S.E.*) These violations remain unabated.

74. This pattern of neglect has been established well beyond the statutory period of thirty (30) consecutive days. At a minimum, on October 1, 2015, Respondents received a list of conditions requiring remediation within the common areas and individual units. Upon information and belief, the conditions have not been remediated to date, and encapsulate the violations found by DCRA investigators on October 30, 2015.

75. Such Neglect poses a serious threat to the health, safety, or security of the tenants, as detailed *supra*. Indeed, Tujuanda Blalock states that Respondents' neglect has threatened her own safety and that she has "had to call the police every day because of drug activity taking place in the vacant units." (*See* Ex. 4, Aff. of Tujuanda Blalock.)

**Count V**  
**(Public Nuisance – All Respondents)**

76. Petitioner incorporates by reference herein paragraphs 1 through 76.

77. The maintenance of rental housing accommodations in violation of the provisions of Title 14 of the District of Columbia Municipal Regulations, where those violations constitute a danger to the health, welfare, or safety of the occupants, is a public nuisance. *See* 14 DCMR § 101.1. (2015).

78. The District of Columbia has standing to sue to abate a public nuisance.

79. The Respondents' failure to abate the aforementioned public nuisances found within their rental housing accommodations constitutes a danger to the health, welfare, or safety of the occupants.

80. The aforementioned public nuisances additionally cause specific, immediate, irreparable and continuing harm to the occupants of the rental housing accommodations at issue.

81. It is the purpose of Title 14 to declare expressly a public policy in favor of speedy abatement of the public nuisances, if necessary, by preliminary and permanent injunction. *See*

14 DCMR § 101.5 (2015).

82. The Respondents' failure to abate the numerous housing code violations found within their buildings amply demonstrates that said housing code violations will remain unabated unless the court grants injunctive relief to abate the public nuisances.

**Relief Requested**

Wherefore, the District of Columbia respectfully petitions the Court for injunctive relief and damages against all Respondents, jointly and severally, as follows:

(a) Appoint a receiver who has demonstrated to the Court the expertise to develop and supervise a viable financial and repair plan for the satisfactory rehabilitation of the multi-unit rental housing accommodations which are the subject of this lawsuit;

(b) Order that the Respondents, jointly and severally, contribute funds in excess of the rents collected from the rental housing accommodations for the purposes of abating housing code violations and assuring that any conditions that are a serious threat to the health, safety, or security of the occupants or public are corrected pursuant to D.C. Code § 42-3651.05(f);

(c) Issue a Preliminary and/or Permanent Injunction Order ensuring the speedy abatement of the public nuisances at issue in this Complaint, including all outstanding housing code violations at the subject rental housing accommodations;

(d) Declare that the maintenance of the rental housing accommodations in violation of Title 14 of the District of Columbia Municipal Regulations constitutes a danger to the health, welfare, or safety of the occupants and that said rental accommodations are a public nuisance;

(e) Award all allowable costs; and

- (f) Provide any other relief deemed appropriate by the Court.

Respectfully Submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TAMAR M. MEEKINS  
Deputy Attorney General, Public Safety Division

/s/ Ebony M. Robinson

EBONY M. ROBINSON

Acting Chief, Neighborhood and Victim Services  
Section

Bar No. 977663

441 4<sup>th</sup> Street, N.W.

Suite 1060 North

Washington, D.C. 20001

Telephone: (202) 727-4171

Facsimile: (202) 741-8943

Email: [ebony.robinson@dc.gov](mailto:ebony.robinson@dc.gov)

Attorneys for the District of Columbia