



January 18, 2018

Dear Members of the DC City Council,

I write on behalf of the Brookland Neighborhood Civic Association (BNCA) in support of the Drug-Related Nuisance Abatement Amendment Act of 2017. This bill closes a significant gap in DC's existing drug-abatement law, by providing for civil enforcement against commercial tenants at properties where ongoing illicit drug activity is known to be recurring.

The inspiration for this correction in the law can be attributed to one of our own Brookland residents, Ms. Verna Clayborne, who spoke eloquently at an emergency public safety meeting organized by Councilmember McDuffie and attended by the Mayor and the Chief of Police on March 7, 2017. This meeting was called after one of several recent homicides (and also a drug overdose fatality) that have occurred in the past year in the vicinity of what Ms. Clayborne and other residents refer to as an "open air drug market." This activity is centered on a commercial strip at the intersection of Brentwood and 14th Streets NE.

Under current law, the Attorney General for the District of Columbia, and community-based organizations, may file an action against a commercial property owner to enjoin, abate, or prevent a drug, firearm, and prostitution-related nuisance. However, many times the property owner is cooperative but the tenant is not, and provisions in leasing documents may prevent the owner from taking action. This bill corrects that problem by allowing enforcement against a commercial tenant and also authorizes the Superior Court to impose civil penalties of up to \$10,000 against owners and tenants who violate this law.

This bill is an example of responsive government in action. After the City's attorneys informed the community of the gap in their enforcement authority to go after commercial tenants who knowingly shelter illicit drug activity on site, a process was set in motion to correct that deficiency, in order that effective abatement authority can be brought to bear. This bill, introduced by Ward 5 Councilmember McDuffie directly in response to those concerns, is an important milestone in that process. At the same time, by appropriately focusing on *civil* enforcement and nuisance-abatement tools, the bill, in my mind, is importantly distinguishable from separate, laudable efforts to de-criminalize drug addiction and to treat it as, fundamentally, a public health problem.

The Brookland Neighborhood Civic Association is committed to improving the quality of life for all of our residents. Critical to that is feeling safe in one's own yard, and to be able to walk by and patronize retail establishments that are purportedly open for business to all comers. Many of our residents do not feel that level of comfort or safety at

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these establishments. Commercial tenants should not be able to thwart the aims of public safety through a loophole in the law simply because they do not own the property. This bill provides at least a partial but hopefully effective remedy to these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Schramm", with a long horizontal flourish extending to the right.

Daniel Schramm
President, Brookland Neighborhood Civic Association

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