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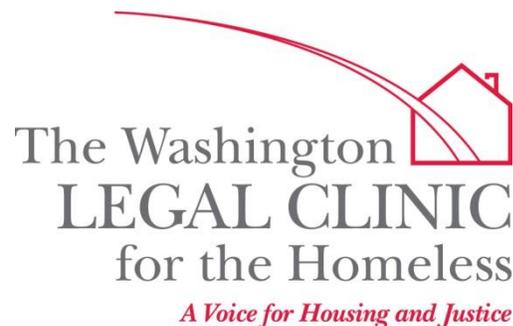
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Testimony of Will Merrifield, Staff Attorney- The Washington Legal Clinic for the Homeless Public Roundtable Housing Affordability at the Congress Heights Metro Station Development Project February 2, 2016

Good afternoon and thank you for this opportunity to testify. My name is Will Merrifield and I am a Staff Attorney with the Affordable Housing Initiative at the Washington Legal Clinic for the Homeless. I am here today in my capacity as the Attorney representing the Alabama Ave/13th Street Tenant Coalition. All members of the Coalition are current tenants of Sanford Capital and live in buildings that Sanford seeks to demolish as part of a planned redevelopment. The developers proposing this redevelopment consists of their current owner, Sanford Capital, as well as City Partners LLC whose managing member is Geoff Griffis.

I have been representing the Tenant Coalition for a little over two years now. In that time, I have witnessed first-hand the deplorable living conditions that the tenants have been forced to stay in. Since I have been involved, there have been instances of raw sewage back-ups in the basement of the properties, a lack of heat in the apartments during the winter months, no hot water for days at a time as well as rodent and bed bug infestation. Recently, the ceiling collapsed in the apartment of one the tenants living in the building. Currently, there are two active lawsuits filed against Sanford Capital based on these conditions. One of those lawsuits was filed by The Washington Legal Clinic for the Homeless and the other was filed by the Attorney General's Office. The Attorney General's suit, which I have submitted for the record, asks that the property be put into receivership due to Sanford's pattern of neglect at the properties and the health and safety issues the tenants face on a daily basis stemming from that neglect.

I want to make something very clear in this testimony. I firmly believe that Sanford's neglect of these properties is **absolutely intentional**. Over the course of my representation there has been a clear pattern engaged in by Sanford Capital whereby once pressure is applied to them they make very modest repairs in order to make it seem like issues have been addressed only to intentionally allow things to fall apart a few months later. It is clear that they are trying to wear the tenants down and effectively constructively evict them from the buildings.



What has been equally disturbing and eye opening to me is the way in which Sanford is aided in their efforts by the institutions and agencies in this town that are supposed to prevent this type of thing from happening. For example, documents I received via a FOIA request show that the Office of Planning was working with Sanford to design their PUD in a way would get it approved by the zoning commission, then the Zoning Commission despite expressing shock and outrage at the conditions at the property, nearly unanimously approved Sanford's Development plan, and now- just today- I received word that DCRA plans to testify at the Attorney General's receivership hearing on Monday that Sanford has made most of the necessary repairs at the property. If that is true, it will severely undercut the Attorney General's case and make it very difficult to get a receiver appointed in order to ensure that the properties are maintained moving forward. If a receiver is not appointed, Sanford will continue to slowly and methodically try to wear people down in an attempt to constructively evict them.

The reason that Sanford is engaging in this disgusting and illegal behavior is to deprive the tenants of their rights under the Tenant Opportunity to Purchase Act. Sanford knows that if tenants remain in the buildings that Sanford will eventually have to give tenants the right to Purchase those buildings- or alternatively- give the tenants the Opportunity to find a third party developer whom they would assign their TOPA rights to in exchange for the property being developed in line with the tenants goals and interests. Specifically, those goals are that any new redevelopment above the Congress Heights Metro be broadly affordable and benefit the existing Congress Heights Community as well as the tenants being assured that they will be taken care of during the redevelopment process and ultimately be able to return to the redeveloped site. Sanford Capital's behavior to this point makes clear that none of those goals will be able to be accomplished as long as the current development team is in charge of the project. So what this specific case ultimately comes down to is a battle of wills over TOPA notices. All the tenants are asking for is that they be able to live in safe and habitable conditions until they receive TOPA notices so that they can ultimately exercise their rights afforded to them under District Law. A law that was created for the express purpose to allow District residents to prevent their own displacement and preserve affordable housing in the District of Columbia.

What this case more broadly illustrates is how development is done in Washington DC. It is a rough and dirty process that benefits a lot of people at the top of the food chain and is devouring people below. What is happening here is not unique but instead is an illustration of one of many factors that make up the affordable housing crisis that the District finds itself in today.

However, what is unique about these buildings is that a group of tenants have said ENOUGH and have refused to be discarded and displaced by the system. Therefore, what we expect as a Tenant Coalition is that when we get these TOPA notices that the District step up to the plate- and through DMPED and DHCD- be a willing Development Partner. We further expect that the District understand that this property is to be developed in line with the tenants goals and that it is their vision- and the vision of their community- that drives this redevelopment. Furthermore, I would implore that the District get serious about prosecuting slumlords and that it be made clear that the District will punish as opposed to reward this type of behavior. Thank you for your time and thank you for hearing us today.