

## Tenants Say Neglect Caused Mold, Gas Leaks At DC Complex

By Nate Beck

*Law360 (September 19, 2023, 7:08 PM EDT)* -- A group of tenants has argued in a Washington, D.C., court that the owner and property manager of a low-income apartment complex have refused to maintain the building for years, causing gas leaks, pest infestations, toxic mold and a series of other threats to residents.

Five plaintiffs on Friday argued that building owner Brookland Investments I LLC and property manager Novo Management Corp., both of Washington, D.C., repeatedly ignored their calls to make repairs to the 54-unit complex called Franklin Arms in the city's Langdon neighborhood. The plaintiffs are residents Shanta Rodriguez, Taniya Rogers, Carolina Nunez, Tappi Small and Kiansa McLean-Spivey.

The residents argue that windows in the building leak when it rains, broken locks allow access to squatters and frequent natural gas leaks have hurt the health of tenants and forced evacuations and heat shut-offs, among other problems. They seek a court order compelling the companies to make repairs, along with restitution for the harm residents suffered as a result of their neglect and penalties for violations of D.C. law.

"The Franklin is a clear and present danger to its residents," said Kelechi Agbakwuru, counsel for the tenants, in a statement.

The residents claim Brookland has owned the more than century-old apartment building since 2002. For years, the building has shown signs of disrepair and neglect, with the owner and manager ignoring complaints from tenants and repeated code violations from numerous agencies.

Residents point to extensive problems with the building in their Friday complaint. In particular, Small claims she reported a carbon monoxide leak to the building manager, who blamed a faulty meter.

Small, however, was suffering from a headache and chest pain, and called Washington Gas to investigate. The utility found high levels of carbon monoxide, and Small was treated for exposure to the gas by an ambulance on site. She claims a D.C. fire chief later told her she would likely have died if she had listened to management and ignored the gas leak.

Each of the five plaintiffs points to festering mold and water damage as evidence of Brookland and Novo's neglect. In Rogers' apartment, water and mold damage have worn a hole in the bedroom ceiling, with management ignoring her repeated requests to address the problem.

The D.C. Department of Energy & Environment, during a May 2020 inspection of Rodriguez's apartment, found mold throughout her kitchen cabinets. In response, Novo dispatched a worker with a disinfectant spray and a rag — a fix she claims won't stop the mold from coming back.

In Nunez's apartment, rats and mice found across the building enter through a hole in the floor of her daughter's bedroom. After she complained to Brookland and Novo more than a year ago, without a response, Nunez said, rodents have destroyed food in her cabinets, left droppings on her bedding and wrecked her furniture. She said she cannot keep food or cook in her apartment because of the pests.

The building is plagued with a cockroach infestation, too, residents argue. After a cockroach fell from the ceiling of Rogers' apartment onto her 9-year-old son while he was in the shower, she moved her children out of the apartment in November.

Rogers and her children slept in her car outside the apartment building. In January, Rogers moved back in — but only after paying exterminators to treat the apartment out of her own pocket. Brookland and Novo have ignored Rogers' complaints, and she is still battling the infestation, she said.

"Without delay, the families and children living at the Franklin need relief from the hazardous conditions," said Daniel Wolff, an attorney for the residents, in a statement. "Residents should not be required to pay rent until repairs are made."

Counsel information for Novo and Brookland was not available.

The residents are represented by Kelechi Agbakwuru and Mirela Missova, of the Washington Lawyers Committee for Civil Rights and Urban Affairs, and Daniel W. Wolff, Marie Sage Dennis, Felicia L. Isaac and Kyle Lyons-Burke of Crowell & Moring LLP.

The case is Shanta Rodriguez et al. v. Brookland Investments I LLC et al., case number 2023-CAB-005703, in the Superior Court of the District of Columbia.

--Editing by John C. Davenport.