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**Government of the District of Columbia**



**DC Department of Public Works**

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Testimony of  
**William O. Howland, Jr.**  
Director

**Joint Public Hearing**  
**"Omnibus Graffiti Reduction Act of 2007",**  
**Bill 17-0270**

December 12, 2007

Committee on Public Works and the Environment  
Jim Graham, Chairman

Committee on Public Services and Consumer Affairs  
Mary M. Cheh, Chairperson  
Council of the District of Columbia

John A. Wilson Building, Room 412  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

TESTIMONY OF WILLIAM O. HOWLAND, JR.  
DIRECTOR, DC DEPARTMENT OF PUBLIC WORKS  
JOINT PUBLIC HEARING ON THE  
“OMNIBUS GRAFFITI REDUCTION ACT OF 2007”, BILL 17-0270  
BEFORE THE COMMITTEE ON PUBLIC WORKS AND THE  
ENVIRONMENT AND THE COMMITTEE ON PUBLIC SERVICES AND  
CONSUMER AFFAIRS  
DECEMBER 12, 2007/10 AM

- Good morning. I am William O. Howland, Jr., Director of the Department of Public Works. Thank you Chairman Graham and Chairperson Cheh for this opportunity to testify on Bill 17-0270, the Omnibus Graffiti Reduction Act of 2007.
- The significance of this bill is that it clarifies what is graffiti, who is responsible for abating it, the District’s role in assisting with abatement, and when abatement must occur. It makes clear that individual property owners who are victims of graffiti will not be revictimized by bearing the cost of restoring their homes or businesses.
- Bill 17-0270 accelerates removal of graffiti from private property, thus improving the visual appeal of our neighborhoods and the community-at-large. As well, the bill accelerates the adjudication process for property owners wishing to appeal a notice of violation issued for failing to remove graffiti.

- After further discussion with our partners, the executive has decided to eliminate the provision for criminal penalties for selling spray paint or other graffiti materials to minors.
- To paraphrase Associate Justice Potter Stewart, I know graffiti when I see it; and graffiti is not art. It is vandalism. It can be a threat of gang violence, a symbol of hatred and bigotry.
- The District government does not condone graffiti on public space. Passage of this bill demonstrates that the Mayor, the Council and the public do not condone graffiti on private property.
- There are three functions associated with eliminating graffiti: prevention; enforcement and abatement. The Department of Public Works is responsible for abating or removing graffiti from public space. We also remove graffiti from private property when the owner provides a signed waiver of liability.
- The majority of graffiti in the District appears on private property and this legislation gives DPW the clear authority to abate graffiti on private property when the owner does not.
- Since FY 2005, we experienced an 80 percent increase in the number of abatement requests. In FY 2007, there were 3,169 requests for abatement, while in FY 2005, there were 1,760 requests. We also observed that the majority of these requests are made during the last six months of a fiscal

year, between April and September. For instance, last fiscal year there were more than 500 more requests made between April and September than between October and March.

- Undoubtedly, there are multiple reasons for this dramatic increase, and knowing those reasons will produce better prevention and enforcement techniques. DPW has begun to address prevention through public awareness by creating advertising directed toward adolescents and young adults. The legislation also tackles enforcement by increasing the reward for information that results in conviction for a graffiti-related offense. However, today our focus is abatement.
- As I said earlier, the majority of graffiti is found on houses, fences, garages and walls, none of which are public space. Waiting for property owners to provide the signed waiver of liability hampers our abatement efforts. In many instances, the request for abatement comes from a neighbor or someone other than the property owner. DPW has to wait for the property owner to sign the waiver before we can remove the graffiti. The result is graffiti that stays in place until eroded by the weather.
- Now, I would like to describe the process the executive will use if given the authority under this legislation.

- DPW employees, as well as other agencies, such as the Department of Consumer and Regulatory Affairs and the Mayor's Office of Community Relations and Services, travel throughout the District everyday. We see what's going on in our neighborhoods, including the appearance of graffiti on public and private property.
- These employees will attach a doorknocker on properties where graffiti appears. The doorknocker notifies the property owner that graffiti is present, it must be abated and by when the property owner must respond to the notice.
- The doorknocker also informs the owner of the options available for removing the graffiti, such as with a graffiti removal kit or paint kit from DPW. Of course, upon request, DPW will remove graffiti by painting over it or by using our powerwasher and that option also is noted on the doorknocker.
- If the property owner responds by the date on the doorknocker and wants DPW to remove the graffiti or prefers either of the removal kits, DPW will take the action requested.
- If the property owner responds timely but indicates an unwillingness to remove the graffiti or have DPW remove it, the executive may issue a notice of violation. Under these circumstances, DPW will not abate the graffiti

until the notice of violation has been upheld through the adjudication process, which is further reason for speeding up this process.

- In the instances of the property owners who do not respond timely, do not request removal assistance or express the intention to remove the graffiti, the executive will consider this to be consent to remove the graffiti. If the violation is upheld, the property owner also may be charged two and one-half times the cost of abatement as well as a \$500 penalty.
- Let me emphasize that we want to eliminate graffiti, whether that's accomplished through our own efforts or through those of property owners.
- Again, thank you for hearing my testimony. I will be happy to respond to your questions.