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Clerk of the Court

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA,	)
Plaintiff,	) Case No. 2021 CA 002209 B) Calendar # 12 – Civil 2
v.	) Judge Heidi M. Pasichow) Next Event: Status Conference
MP PPH, LLC, *et al.*,	) October 31, 2022
Defendants.	)

EIGHTH MONTHLY REPORT OF DEFENDANT MP PPH, LLC PURSUANT TO THE CONSENT ORDER ENTERED BY THE COURT ON MARCH 2, 2022

Defendant MP PPH, LLC (the "Owner") hereby submits its Eighth Monthly Report pursuant to the Consent Order agreed to by Plaintiff District of Columbia (the "District") and the Owner and entered by this Court on March 2, 2022.

1. The Consent Order requires the Owner to provide monthly updates regarding its compliance with the agreed terms. *See* Consent Order ¶ 14.

2. In accordance with the parties' agreement, pending submission of the proposed Consent Order to the Court, the Owner submitted its First Monthly Report on January 5, 2022. The Owner submitted a supplement to the First Monthly Report on January 11, 2022.

3. The Court held a status hearing in this case on January 28, 2022, and the District filed the proposed Consent Order for the Court's consideration on February 1, 2022. Pending entry of the proposed Consent Order, and in accordance with the parties' agreement, the Owner submitted its Second Monthly Report on February 10, 2022.

4. This Court entered the Consent Order on March 2, 2022.

5. The Owner submitted its Third Monthly Report on March 25, 2022, its Fourth Monthly Report on April 29, 2022, its Fifth Monthly Report on May 27, 2022, its Sixth Monthly Report on June 30, 2022, and its Seventh Monthly Report on July 29, 2022.

6. The Owner submits this Eighth Monthly Report to demonstrate further significant progress made since the Seventh Monthly Report.

7. This Eighth Monthly Report covers the period from July 29, 2022 – August 31, 2022.

8. Categorized in the table below are the pertinent items set forth in the Consent Order, together with status updates from July 29, 2022 – August 31, 2022, which are highlighted in bold. The Owner reserves the right to supplement or amend this Eighth Monthly Report as necessary.

Para.	**Requirement**	**Date**	**Status**
2(a)	"Per the agreement with KenMORE Pest Control and Termite Services, complete the extermination work in 100% of the Property's units and selected common areas, as well as perform exclusion treatments to prevent the ingress and egress of rodents, insects, and vermin from the Property, in compliance with District of Columbia law. KenMORE will continue to provide monthly treatments of the Property's units and selected common areas for at least (6) months and continue to provide monthly treatments for living units who request service thereafter."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	As stated in prior monthly reports, American Pest Control completed the clean-out extermination work, with the exception of tenants who refused access. The Owner has provided notice and evidence of these issues to the District, which has declined to provide any assistance. As stated in prior monthly reports, American Pest Control continues to provide ongoing treatment in living units and common areas, and on an ongoing basis to tenants who request service. This treatment includes exclusion services such as installation of smart boxes and use IGI CO2, which is released into the burrows.
2(b)	"Provide the District with the current schedules for security officers at the Property."	Within 30 days of Effective Date (i.e., on	Completed. The Owner produced the current schedules for security officers at the Property to the District on March 7, 2022.

		or before April 1, 2022)	
3(a)	"[C]onduct full assessment of . . . all plumbing at the Property including water infiltration issues, water heating issues, and any drywall work that are found as a result of the inspection."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	Completed. From November 30, 2021 to December 8, 2021 and January 31, 2022 to February 1, 2022, U.S. Inspection Group, Inc. ("USIG") performed assessments and prepared a very lengthy Comprehensive Uniform Physical Condition Standard ("UPCS") Reports for use by the property manager to address all of the issues described in the Order, including all accessible plumbing at the Property, and including water infiltration issues, water heating issues, and any drywall work. The assessments did not include some individual units, which were inaccessible due to tenant/occupant refusal, hazardous conditions, or unavailability of keys. The Owner produced the USIG UPCS Reports to the District on March 7, 2022. The assessments were performed by qualified professionals. The Owner produced the USIG contract on April 13, 2022. The Owner can provide a complete copy of the UPCS Reports for the Court's review, as needed; the District has chosen to selectively, and in a materially misleading manner, to provide incomplete related references and submissions to this Court outside of the process provided for by the Consent Order. The Owner reserves the right to further object and address these issues with the Court, as appropriate.

3(b)	"[C]onduct full assessment of . . . the Property's HVAC systems."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	Completed. The USIG assessments and UPCS Reports discussed in response to paragraph 3(a) above addressed all of the issues described in the Order, including the Property's HVAC systems. The assessments did not include some individual units, which were inaccessible due to tenant/occupant refusal, hazardous conditions, or unavailability of keys. The Owner produced the USIG UPCS Reports to the District on March 7, 2022. The assessments were performed by qualified professionals. The Owner produced the USIG contract on April 13, 2022.
3(c)	"[C]onduct full assessment of . . . the Property's elevators and chairlifts."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	Completed. On or about October 25, 2021, Lerch Bates surveyed all of the Marbury Plaza elevators. On October 27, 2021, Lerch Bates provided to the Owner a report including its observations, findings, and recommendations regarding the existing elevator equipment at Marbury Plaza. During the month of January 2022, the Owner solicited bids to perform extensive elevator modernization services based on the Lerch Bates report. On February 22, 2022, the Owner contracted with TK Elevator Corporation ("TK Elevator") to perform elevator modernization services at Marbury Plaza. The Owner produced the Lerch Bates report and the TK Elevator contract to the District on March 7, 2022. The wheelchair lift was purchased and installed in 2018. It was inspected and received final acceptance from the Department of

			Consumer and Regulatory Affairs on or about August 21, 2018. Since that time, the lift has been repeatedly misused by residents, resulting in the need for several repairs. It was repaired and functioning as of approximately November 29, 2021. It has been repaired twice since that time. By January 27, 2022, the wheelchair lift had again been damaged due to apparent misuse. The Owner engaged TK Elevator to again repair the wheelchair lift, and needed parts were ordered on March 2, 2022. The necessary parts were received and installed. The Owner would like to install an access control fob to prevent unauthorized access and the related damage that has occurred in the past in order to facilitate maintaining the lift in working order. However, the fob may not be a feasible option due to the fact that the wheelchair lift is a means of egress during an emergency, so TM Associates is checking ADA requirements and exploring options. It was determined that the lift did not need to be replaced at this time after the parts were accessible and obtained. Since the new parts were installed, the wheelchair lift has been functional. A preventative maintenance contract has been entered into with Area Access. A copy of that contract was produced to the District on May 27, 2022. The Owner has just learned that there was an issue with the chairlift in early June 2022. It was corrected, but then the chairlift was vandalized and rendered inoperable

			as a result, on or about July 14, 2022. **The chairlift is operational, DCRA inspected it, and it has been returned to service.**
3(d)	"[C]onduct full assessment of . . . all living units, unoccupied units, and common areas for mold."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	ARC Services, Inc. ("ARC") is performing the assessment. The work is ongoing. The Owner will produce the final assessment report to the District when it is completed. The Owner produced ARC's proposal to perform microbial assessments and develop subsequent remediation protocols, which includes all living units, unoccupied units, and common areas, to the District on March 7, 2022. The assessment performed in August of 2021 is separate and apart from the assessment being performed now. As of April 29, 2022, ARC has completed 40% of the mold assessment. 35% of residents have denied access to their units. As of May 27, 2022, ARC continues to perform assessments and continues to encounter access issues by tenants who curse, slam their doors and otherwise indicate their refusal to allow access. As of June 29, 2022, ARC continues to perform assessments and continues to encounter access issues by tenants who indicate their refusal to allow access. As of July 28, 2022, ARC continues to perform assessments and continues to encounter access issues by tenants who indicate their refusal to allow access. The Owner

			has provided notice and evidence of these issues to the District, which has declined to provide any assistance. In addition, on or about January 25, 2022, the Owner contracted with ACM Services, Inc. ("ACM") to provide management, selective demolition, asbestos/mold abatement, decontamination, and application of mold resistant coatings. ACM is performing the required services in the units that have been inspected by ARC. The Owner produced ACM's proposal to the District on March 7, 2022. As of April 29, 2022, 30 units had been completed. In the month of May 2022, 54 units were scheduled for remediation or abatement. 37 were completed; 18 tenants refused access. In the month of June 2022, 49 units were scheduled for remediation or abatement. 25 were completed; 23 tenants refused access and 1 tenant was sick so the remediation in that unit will be rescheduled. In the month of July 2022, 17 units were scheduled for remediation or abatement. 12 were completed; 4 tenants refused access. The Owner has provided notice and evidence of these tenant access issues to the District, which has declined to provide any assistance. 1 tenant now requires a hospitality suite. ACM is waiting for hospitality suites for 33 units due to the need for multiple days of work. **In the month of August 2022, 13 units were scheduled for remediation or abatement. 10**

			were completed; 3 require hospitality suites. The B1/B2 Parking garage ceilings and pipe insulation above are being abated as well.
3(e)	"[C]onduct full assessment of . . . all living units, common areas, and outdoor areas for electrical hazards and fire and safety hazards."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	Completed. An assessment of all accessible living units, common areas, and outdoor areas for electrical hazards and fire and safety hazards was performed as a part of USIG's November 30, 2021 to December 8, 2021 and January 31, 2022 to February 1, 2022 inspections (described in response to paragraph 3(a) above). The Owner produced the USIG Notifications of Exigent Health and Safety Hazards to the District on March 7, 2022. The Owner produced the USIG contract on April 13, 2022. The assessments were performed by qualified professionals.
3(f)	"[C]onduct full assessment of . . . the sufficiency of exterior lighting throughout the Property."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	Completed. Hands on Electric, a Washington D.C. electrical services company, inspected the exterior lighting at the time(s) when indicated repairs were made. Exterior lighting was deemed to be sufficient. The Owner produced invoices from Hands on Electric reflecting the completion of certain exterior lighting repairs to the District on March 7, 2022. In addition, TM Associates contacted the District of Columbia Sustainable Energy Utility ("DCSEU"), who sent three electric/lighting vendors to assess the exterior lighting at the Property on February 22, 2022. All three vendors (Artifex Terra, Greenscape Energy, and Rife International)

			reported back to DCSEU that the Property had already been updated with LED lighting and no further upgrades are needed.
4(a)	"MP PPH shall also cause TM Associates to[] certify in writing that it has been trained on fair housing practices in the District of Columbia, including the prohibition on discrimination based on source of income."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	Completed. The Owner contracted with Yardi Systems, Inc. to provide fair housing training. The training provided included training on the prohibition on discrimination based on source of income. Specifically, the training addressed the prohibition on "discrimination based on the inability to pay rent on time or a poor background check" and that "it is illegal to refuse to rent, 'negotiate for the rental of, or otherwise make unavailable or deny,' a rental unit." The Owner produced the Yardi *Fair Housing Training Manual Transcript*, taken from the TM University Online Learning Management System, to the District on March 7, 2022. TM underwent a second training that was completed on April 15, 2022. Certificates of completion were provided to the District on April 29, 2022.
4(b)	"MP PPH shall also cause TM Associates to[] provide the Property's tenants with the protocols for complaints, maintenance requests, meetings with management, and unit inspections."	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	Completed. TM Associates provided notice to the tenants regarding the protocols for complaints, maintenance requests, meetings with management, and unit inspections starting on January 18, 2022. The Owner produced copies of those notices and protocols to the District on April 13, 2022.
5(a)	"Fully resolve all Notices of Infraction ("NOIs") issued by the District's Department of Consumer and Regulatory Affairs ("DCRA") which, as of the Effective Date, are set for	Within 30 days of Effective Date (i.e., on or before April 1, 2022)	In progress. As of the date of this filing, an estimated 63 of 64 NOIs that were served on the Owner, dating back to December 18, 2019, have been abated and fully resolved. The remaining unresolved NOI is an ongoing matter with

	hearing before the District's Office of Administrative Hearings ("OAH"), and furnish evidence thereof to the District in such form and substance as is regular for the business before the OAH."		ongoing developments. The Owner is working towards the prompt resolution of the remaining NOI but the tenant has refused access three times. The Owner has provided notice and evidence of these tenant access issues to the District, which has declined to provide any assistance.
5(b)	"Complete all CTI inspection repairs."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	CTI inspection repairs were completed on January 31, 2022. The Property Manager was unable to access twelve (12) of the units noted in the CTI report.
5(c)	"Secure all points of entry to all buildings on the Property so only those with key access may enter the Property."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	**Complete as to the garden buildings.** **As for 2300 and 2330, they are nearly complete. The access control readers are installed. Fire unlock relay switches were installed. TM coordinated the distribution of approximately 1000 fobs to the residents. An additional part had to be ordered, which is on back order.**
5(c)	"Add access control readers and electronic locks at exterior door locations currently without controls: • 2300 – two exterior doors • 2330 – two exterior doors"	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	**Complete as to the garden buildings.** **As for 2300 and 2330, they are nearly complete. The access control readers are installed. Fire unlock relay switches were installed. TM coordinated the distribution of approximately 1000 fobs to the residents. An additional part had to be ordered, which is on back order.**
5(c)	"Add CCTV cameras at new access control doors: • 2300 two cameras • 2330 two cameras"	Within 60 days of Effective Date (i.e., on	Completed.

		or before May 1, 2022)	
5(c)	"Integrate access system to record guard tours to insure that all exterior doors are patrolled 2 to 3 times per night shift: • Add door controls at each exterior door to give audible alarm at the door • Add an alarm indication on the access system main desk computer if door is propped open."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	**Complete as to the garden buildings.** **As for 2300 and 2330, they are nearly complete. The access control readers are installed. Fire unlock relay switches were installed. TM coordinated the distribution of approximately 1000 fobs to the residents. An additional part had to be ordered, which is on back order.**
5(d)	"Install and maintain security cameras in all laundry rooms at the Property."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	Completed.
5(e)	"Ensure exterior lighting throughout the Property is sufficient pursuant to the assessment in Paragraph 3."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	Completed. See response to paragraph 3(f) above.
5(f)	"Ensure that all laundry facilities in the Property are operational."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	Completed. As a result of the fire in building 2300, the laundry rooms had to be closed temporarily. A contractor is going to do the build-back. The space was just recently released to the engineer and TM. The insurance company for the contractor that caused the fire has hired a contractor. That contractor is waiting on permits from the city.
5(g)	"Maintain a number of hours and schedule of security personnel pursuant to the existing Security Contract."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	Completed. See response to paragraph 2(b) above.

5(h)	"Permit a representative of the Metropolitan Police Department to assess the adequacy of revised security measures including, but not limited to, exterior lighting, unauthorized access to the Property, and number and type of security incidents. The Parties shall convene to discuss those findings, as well as tenant feedback."	Within 60 days of Effective Date (i.e., on or before May 1, 2022)	Pending completion of items listed in paragraphs 5(c), (d), (e) and (g). This will occur after all hardware and cameras are installed. The Owner, through counsel, offered to assist in the scheduling of an MPD officer to come to the property on or about May 1, 2022, as that was the original projected completion date for the installation of the items in paragraphs 5(c), (d), (e) and (g). Due to the delays with the installation of those items, the Owner has asked the OAG to extend the date by which MPD performs its assessment. The Owner coordinated the inspection for July 26, 2022, but then learned additional parts were needed and asked the MPD to reschedule. The MPD officer communicated on July 25, 2022 as follows: "That's fine. Let me know when you're ready and I'll advise what day will work for me to stop by."
6(a)	"Complete the mold remediation work in the units found by Arrowhead Environmental Consulting to contain mold, as set forth in the agreement between MP PPH and Boston Environmental and Contracting, Inc."	Within 90 days of Effective Date (i.e., on or before May 31, 2022)	Work in the common areas was completed in March 2022. TM and ACM are working together to relocate 14 tenants so the work in those units can be completed. Units are being prepared for the 14 tenants to move into so the work can be performed.
6(b)	"Complete the mold remediation work, as identified by the assessment outlined in Paragraph 3 above, of all other living units, unoccupied units, and common areas at the Property. The mold assessor shall adhere to lead paint remediation	Within 90 days of Effective Date (i.e., on or before May 31, 2022)	In progress. See response to paragraph 3(d) above.

	protocols during remediation."		
7(a)	"Remediation of all HVAC issues identified during the assessment outlined in Paragraph 3 above, including replacement of HVAC systems where necessary."	Within 120 days of Effective Date (i.e., on or before June 30, 2022)	The Owner is working on having the chillers in 2300 and 2330 replaced. Significant effort and progress has been made toward completing all of the items identified on the USIG list.
7(b)	"Remediation of all plumbing issues identified during the assessment outlined in Paragraph 3 above."	Within 120 days of Effective Date (i.e., on or before June 30, 2022)	In progress. Significant effort and progress has been made toward completing all of the items identified on the USIG list. Leaks and plumbing issues are being remedied on an ongoing basis.
7(c)	"Remediation of defects with the Property's elevators and chairlifts, as identified during the assessment outlined in Paragraph 3 above, and, to the extent the assessment deems replacement of elevators or chairlifts to be necessary, engage a contractor to do that."	Within 120 days of Effective Date (i.e., on or before June 30, 2022)	The Owner has engaged a contractor to replace all 7 elevators. In the meantime, Area Access and TK Elevators have been servicing the elevators and addressing issues as needed. TK Elevator has been receiving materials to start replacing the elevators, and is waiting on the DCRA permit to come through.
7(d)	"Remediation of all electrical hazards and fire and safety hazards identified during the assessment outlined in Paragraph 3 above."	Within 120 days of Effective Date (i.e., on or before June 30, 2022)	Completed.
7(e)	"Roof replacement and repair work."	Within 120 days of Effective Date (i.e., on or before June 30, 2022)	Completed.
8	"[D]emonstrate to the District, at a status conference before the Court, the progress and status of all assessments and remediation work set	Within 150 days of Effective Date (i.e., on or before July 30, 2022)	The next status hearing in this case is set for October 31, 2022.

	forth in Paragraphs 3-7 above."		
12	"MP PPH will provide the District with reports from each of the inspections/assessments detailed herein[.]"	"[W]ithin five business days of receiving such reports from the inspectors/assessors."	The Owner has produced all completed inspection reports or assessments to the District as stated above.
13	"MP PPH will provide the District with all contracts related to the remediation of any issue described herein[.]"	"[W]ithin five business days of executing such contracts."	The Owner has produced all contracts related to the remediation of any issue described in the Consent Order to the District as stated above.

Respectfully submitted,

/s/ Kathryn E. Bonorchis

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing pleading was served on this 31st day of August, 2022, via *CaseFileXpress* on the parties listed below:

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