

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 10.
PARKS, PUBLIC BUILDINGS, GROUNDS,
AND SPACE.

CHAPTER 11A.
ABATEMENT OF DANGEROUS CONDITIONS ON
PUBLIC SPACE.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 11A. ABATEMENT OF DANGEROUS
CONDITIONS ON PUBLIC SPACE.

TABLE OF CONTENTS

§ 10-1181.01. Definitions.

§ 10-1181.02. Unsafe Structure in Public Space; inspection; owner to remove or secure; District action.

§ 10-1181.03. Cost of work performed by Department assessed against private structures in public space; costs of correcting life-or-health threatening condition.

§ 10-1181.04. Dangerous Structures on Public Space Fund.

§ 10-1181.05. Assessment of fee.

CHAPTER 11A. ABATEMENT OF DANGEROUS CONDITIONS ON PUBLIC SPACE.

§ 10-1181.01. DEFINITIONS.

For purposes of this chapter, the terms:

- (1) "Department" means the District Department of Transportation.
- (2) "Director" means the Director of the District Department of Transportation.
- (3) "Private structure" means a fixture or other structure built on public space or in the public right of way constructed by a private person or entity, with or without the permission of the District.
- (4) "Public right of way" means the surface, the air space above the surface (including air space immediately adjoining and above a private structure), and the area below the surface of any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or boulevard.
- (5) "Public space" means all the publicly-owned property within the property lines of a street, park, or other public property as such property lines are shown on the land records of the District, and includes any roadway, tree space, sidewalk, or parking within such property lines.

(Dec. 7, 2004, D.C. Law 15-205, § 6022, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 6022 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 6022 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004", was introduced in Council and assigned Bill No. 15-768, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-487 and transmitted to both Houses of Congress for its review. D.C. Law 15-205 became effective on December 7, 2004.

Miscellaneous Notes

Short title of subtitle C of title VI of Law 15-205: Section 6021 of D.C. Law 15-205 provided that subtitle C of title VI of the act may be cited as the Abatement of Dangerous Conditions on Public Space Act of 2004.

§ 10-1181.02. UNSAFE STRUCTURE IN PUBLIC SPACE; INSPECTION; OWNER TO REMOVE OR SECURE; DISTRICT ACTION.

- (a) Whenever any private structure on public space or in the public right of way is observed by or reported to the Department as unsafe, the Director may examine such structure and if, in the Director's opinion, the structure is unsafe, the Director may immediately notify the owners of all properties abutting the structure or other persons having a property interest in the unsafe structure of this unsafe condition.
- (b) The notice shall direct the person to whom it is issued to either make safe and secure, repair, or to remove, as may be necessary, that portion of the unsafe private structure that abuts the property of the owner, agent, or other person having a property interest in the structure or show cause, sufficient to the Director, why the person should not be required to take corrective action.

(c) A person so notified shall be allowed until 12:00 noon of the day following the service of such notice to commence the securing, repairing, or removing of the portion of the unsafe private structure identified in the notice as being the responsibility of the owner, agent, or other person. A person so notified shall employ sufficient labor to remove or repair the structure as expeditiously as can be done.

(d) Where the public safety requires immediate corrective action, the Director may cause the unsafe structure to be shored up, taken down, or otherwise secured without delay, and may install a fence or boarding for the protection of the public. The Director shall provide an opportunity for review of the corrective action taken without prejudice to the Director's authority to take and complete remedial action if it is determined to be necessary.

(e) If the owner takes corrective action to secure or repair the unsafe private structure as required by this chapter, the Director shall provide the owner with notice, as provided for in this chapter if additional remedial repairs are determined to be necessary to restore the private structure and the public space to a safe condition.

(f) Notice required by chapter shall be deemed to have been served if the person or an authorized agent is notified by personal service or by registered mail sent to the person's last known address and by the conspicuous posting of the notice on the unsafe private structure. If the person or person's address is unknown or the person fails to accept service either personally or by registered mail, then notice is deemed served upon the person by the posting of a copy of the notice in a conspicuous place on the person's property that abuts the unsafe private structure.

(Dec. 7, 2004, D.C. Law 15-205, § 6023, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 6023 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 6023 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 10-1181.01.

§ 10-1181.03. COST OF WORK PERFORMED BY DEPARTMENT ASSESSED AGAINST PRIVATE STRUCTURES IN PUBLIC SPACE; COSTS OF CORRECTING LIFE-OR-HEALTH THREATENING CONDITION.

(a) If a person to whom a notice was issued pursuant to this chapter fails to take the actions required under the notice or to show good cause to the Director why such actions need not be taken, the Director may correct the condition, assess the fair market value of the correction or the actual cost of the correction, whichever is higher, and all expenses incident thereto, including the cost of publication, as a tax against the property which the condition abuts. The tax shall be carried on the regular tax rolls of the District and may be collected in the same manner as general taxes in the District are collected.

(b) Any tax authorized to be levied and collected under subsection (a) of this section may be paid without interest within 60 days from the date such tax was levied. Interest of 20% per annum shall be charged on all unpaid amounts from the expiration of 60 days from the date the tax was levied. The tax may be paid in 3 equal installments, with interest. If the tax or part of the tax shall remain unpaid after the expiration of 2 years from the date the tax was levied, the property against which the tax was levied may be sold for the tax or the unpaid portion of the tax, with interest and penalties, at the next ensuing annual tax sale conducted pursuant to § 47-1301 in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if the tax with interest and penalties is not paid in full prior to the sale.

(Dec. 7, 2004, D.C. Law 15-205, § 6024, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 6024 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 6024 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 10-1181.01.

§ 10-1181.04. DANGEROUS STRUCTURES ON PUBLIC SPACE FUND.

There is established a fund designated as the Dangerous Structures on Public Space Fund, which shall be separate from the General Fund of the District of Columbia and shall be used for defraying the Department's costs for repairing or removing dangerous structures in public space and all associated administrative costs. The fund shall be funded by taxes collected or property collected under this chapter along with any additional funds that may be lawfully appropriated for this purpose at the discretion of the Director. All monies collected under this chapter, and all interest earned, shall be deposited into the fund without regard to any fiscal year limitation, pursuant to an act of Congress. All monies deposited into the fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this chapter, subject to authorization by Congress in an appropriations act.

(Dec. 7, 2004, D.C. Law 15-205, § 6025, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 6025 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 6025 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 10-1181.01.

§ 10-1181.05. ASSESSMENT OF FEE.

The Director may charge any person whose property abuts the unsafe private structure that is the subject of any corrective action as provided in this chapter or any property owner who receives a notice to correct any wrongful condition, a fee to cover the administrative costs incurred by the District in its effort to remedy the violation. The Director may assess this fee as a tax against the property, may carry this tax on the regular tax rolls, and may collect this tax in the same manner as real estate taxes are collected.

(Dec. 7, 2004, D.C. Law 15-205, § 6026, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES