

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 42.**  
**REAL PROPERTY.**

**CHAPTER 31A.**  
**ABATEMENT OF NUISANCE PROPERTY.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 31A. ABATEMENT OF NUISANCE**  
**PROPERTY.**

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# **CHAPTER 31A. ABATEMENT OF NUISANCE PROPERTY.**

## **SUBCHAPTER I. GENERAL.**

### **§ 42-3131.01. MAYOR MAY CORRECT CONDITIONS VIOLATIVE OF LAW; ASSESSMENT OF COST; LIEN ON PROPERTY; FUND TO PAY COSTS; SUMMARY CORRECTIVE ACTION OF LIFE-OR-HEALTH THREATENING CONDITION.**

(a)(1) Except as provided in paragraph (2) of this subsection, whenever the owner of any real property in the District of Columbia shall fail or refuse, after the service of reasonable notice in the manner provided in § 42- 3131.03, to correct any condition which exists on or has arisen from such property in violation of law or of any regulation made by authority of law, with the correction of which condition said owner is by law or by said regulation chargeable, or to show cause, sufficient in the judgment of the Mayor of said District, why he should not be required to correct such condition, then, and in that instance, the Mayor of the District of Columbia is authorized to: Cause such condition to be corrected; assess the fair market value of the correction of the condition or the actual cost of the correction, whichever is higher, and all expenses incident thereto (including the cost of publication, if any, herein provided for) as a tax against the property on which such condition existed or from which such condition arose, as the case may be; and carry such tax on the regular tax rolls of the District, and collect such tax in the same manner as general taxes in said District are collected; provided, that the correction of any condition aforesaid by the Mayor of said District under authority of this section shall not relieve the owner of the property on which such condition existed, or from which such condition arose, from criminal prosecution and punishment for having caused or allowed such unlawful condition to arise or for having failed or refused to correct the same.

(1A) The Mayor may request the Office of Administrative Hearings to issue, and the Office of Administrative Hearings may issue, a final order converting a special assessment lien to an administrative judgment. The Mayor may then cause the final order to be entered as a judgment against the owner in the Superior Court of the District of Columbia. The Mayor may enforce the judgment in the same manner as any other civil judgment may be enforced under District law.

(2) Whenever the owner of any vacant building, as defined in § 42- 3131.05(5), shall fail to enclose the doors, windows, areaways, or other openings of the property, the Mayor may immediately enclose the property to meet the standard described in § 42-3131.12. Subsequent to the enclosure, the Mayor shall give the owner notice as prescribed in § 42-3131.03.

(b)(1)(A) There is established in the District of Columbia, and accounted for within the General Fund, a separate revenue source allocable to provide authorization for the purpose of paying the costs of correction of any condition, and all expenses incident thereto, that the Mayor may order or cause pursuant to subsection (a) of this section and for the purposes of demolishing or enclosing a structure under subchapter II of Chapter 31C of this title. Any unexpended balance at the end of the year shall be reserved as a restricted fund balance and used to provide authorization to expend for subsequent years subject to the direction of the Mayor.

(B) There is established within the fund established by subparagraph (A) of this paragraph an account in which fees and penalties collected under § 6- 916(b), shall be deposited, to be expended for the purposes set forth in § 6-916(b).

(2) There shall be deposited to the credit of the fund such amounts as may be appropriated for the fund or for the purposes of the fund; grants, donations, or restitution from any source to the fund or to the District of Columbia for the purposes of the fund; interest earned from the deposit or investment of monies of the fund; if an accounting is made in accordance with, and subject to, § 47-1340(f), amounts assessed and collected as a tax against real property under subsection (a) of this section including any interest and any penalties thereon, or otherwise received to recoup any amounts, incidental expenses or costs incurred, obligated or expended for the purposes of the fund and funds collected pursuant to subchapter II of Chapter 31C of this title; all fees and penalties collected under § 6-916(b)

(to be deposited in the account established under paragraph (1)(B) of this subsection) recoveries from enforcement action brought by the Office of the Attorney General on behalf of the District of Columbia or District of Columbia agencies for the abatement of violations of Chapters 1 through 16 of Title 14 of the District of Columbia Code of Municipal Regulations, excluding funds obtained through administrative proceedings; and all other receipts of whatever nature derived from the operation of the fund.

(3) The Mayor shall include in the budget estimates of the District of Columbia for each fiscal year, and there are authorized to be appropriated annually, such amounts out of the revenues of the District of Columbia as may be necessary for the capitalization of the fund.

(4) Not later than 6 months after the end of each fiscal year, the Mayor shall submit to the Council a report of the financial condition of the fund, and any other special purpose revenue funds or capital project funds used for nuisance abatement activities, and the results of the operations and collections for the fiscal year. The report shall include an itemized accounting of all unrecovered taxes and penalties, the names of delinquent property owners, the nature of corrected building violations, and a detailed accounting of each expenditure. All funding sources shall be separately listed.

(c)(1) The Mayor may cause the summary correction of housing regulation violations or violations of the construction codes where a life-or-health threatening condition exists, as determined by the Mayor. A life-or-health threatening condition means a condition that imminently endangers the health or safety of the tenant or occupant of the premises in a housing unit or housing accommodation, or that imminently endangers the health, safety, or welfare of the surrounding community. The condition may include, but is not limited to, a vacant building, as defined in § 42-3131.05(5), or the interruption of electrical, heat, gas, water, or other essential services, when the interruption results from other than natural causes. The condition may also include the presence of graffiti. Except in the case of a vacant building, the Mayor shall notify promptly the owner or authorized agent that the correction is ordered within a specified time period. If at the time of this notice the owner is engaged in a good faith effort to make the necessary correction, the Mayor shall not commence corrective action unless and until the owner interrupts or ceases the effort. A good faith effort shall be one which is likely to cause the correction of the condition at least as soon as it could otherwise be corrected by the Mayor. The Mayor shall provide an opportunity for review of the summary corrective action without prejudice to the Mayor's authority to take and complete that action. The owner or authorized agent shall be notified by personal service or by registered mail to the last known address and by conspicuous posting on the property. If the owner or address is unknown, or cannot be located, notice shall be provided by conspicuous posting on the property. The Mayor may assess all reasonable costs of correcting the condition and all expenses incident thereto as a tax against the property, to carry this tax on the regular tax rolls, and to collect the tax in the same manner as real estate taxes are collected. Monies in the revolving fund established by subsection (b)(1) of this section shall be available to cover the costs of the summary correction authorized by this subsection.

(1A) The Mayor may request the Office of Administrative Hearings to issue, and the Office of Administrative Hearings may issue, a final order converting a special assessment lien to an administrative judgment. The Mayor may then cause the final order to be entered as a judgment against the owner in the Superior Court of the District of Columbia. The Mayor may enforce the judgment in the same manner as any other civil judgment may be enforced under District law.

(2) For the purposes of this subsection, the presence of graffiti shall be deemed to be a housing regulation violation.

(3) In the case of graffiti which does not constitute a life-or-health threatening condition, but which constitutes a nuisance, the Mayor may order the removal of the graffiti within a specified time period and, subject to 7 days' notice to the owner or an authorized agent in the manner provided under paragraph (1) of this subsection and an opportunity for review of the order, the Mayor may remove the graffiti if the owner does not comply.

(d) The Mayor may charge any property owner whose property is the subject of corrective action, as provided in subsection (c) of this section, or any property owner who receives a notice to correct wrongful conditions pursuant to § 6-804(c) a fee to cover the administrative costs incurred by the District of Columbia in its efforts to provide that the violation be corrected. The Mayor 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.

(e) The Mayor may defer or forgive, in whole or in part, any cost or fee assessed pursuant to §§ 42-3131.01 to 42-3131.03 with respect to any qualified real property approved pursuant to § 6-1503.

(Apr. 14, 1906, 34 Stat. 114, ch. 1626, § 1; Jan. 5, 1980, D.C. Law 3-45, § 2, 26 DCR 2305; June 14, 1980, D.C. Law 3-70, § 7(m), 27 DCR 1776; Mar. 10, 1983, D.C. Law 4-205, § 2, 30 DCR 188; Oct. 20, 1988, D.C. Law 7-177, § 8, 35 DCR 6158; Feb. 27, 1998, D.C. Law 12-52, § 2, 44 DCR 6226; Mar. 26, 1999, D.C. Law 12-201, § 2, 45 DCR 8410; June 9, 2001, D.C. Law 13-305, § 508(b), 48 DCR 334; Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468; Oct. 19, 2002, D.C. Law 14-213, § 11, 49 DCR 8140; Mar. 13, 2004, D.C. Law 15-105, § 42, 51 DCR 881; Dec. 7, 2004, D.C. Law 15-205, § 2073, 51 DCR 8441; Mar. 2, 2007, D.C. Law 16-209, § 2, 53 DCR 9080; Mar. 8, 2007, D.C. Law 16-241, § 2, 54 DCR 599; Aug. 16, 2008, D.C. Law 17-219, § 2020, 55 DCR 7598; Mar. 21, 2009, D.C. Law 17-319, § 2(a), 56 DCR 214; Mar. 25, 2009, D.C. Law

17-353, §§ 155, 244(b), 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 2141, 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 2062, 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

2001 Ed., § 6-711.01.

1981 Ed., § 5-513.

1973 Ed., § 5-313.

##### *Effect of Amendments*

D.C. Law 13-305, in subsec. (b)(2), substituted "if an accounting is made in accordance with, and subject to § 47-1340(f), amounts assessed and collected as a tax against real property under subsection (a) of this section" for "amounts assessed and collected as a tax against real property pursuant to subsection (a) of this section".

D.C. Law 14-114, in subsec. (b)(1), substituted "subsection (a) of this section and for the purposes of demolishing or enclosing a structure under subchapter II of Chapter 31C of this title" for "subsection (a) of this section"; and, in subsec. (b)(2), substituted "expended for the purposes of the fund and funds collected pursuant to subchapter II of Chapter 31C of this title" for "expended for the purposes of the fund".

D.C. Law 14-213, in subsecs. (b)(1) and (b)(2), validated a previously made technical correction.

D.C. Law 15-105, in subsec. (b)(2), validated a previously made technical correction.

D.C. Law 15-205, in par. (1) of subsec. (b), designated the existing text as subparagraph (A), and added subpar. (B); and, in par. (2) of subsec. (b), substituted "; all fees and penalties collected under § 6-916(b) (to be deposited in the account established under paragraph (1)(B) of this subsection); and all other receipts" for "; and all other receipts".

D.C. Law 16-209, in subsec. (c), designated existing text as par. (1); in newly designated par. (1), inserted "The condition may also include the presence of graffiti."; and added pars. (2) and (3).

D.C. Law 16-241 designated the existing text of subsec. (a) as subsec. (a)(1); in subsec. (a)(1), inserted "Except as provided in paragraph (2) of this subsection, whenever"; added subsec. (a)(2); and, in subsec. (c)(1), inserted "a vacant building, as defined in § 42-3131.05(5), or" and "Except in the case of a vacant building,".

D.C. Law 17-219 rewrote subsec. (b)(4), which had read as follows:

"(4) Not later than 6 months after the end of each fiscal year, the Mayor shall submit to the Council of the District of Columbia a report of the financial condition of the fund and the results of the operations and collections for such fiscal year. Said report should include, but not be limited to, the itemized amounts of unrecovered taxes and penalties, the names of delinquent property owners, and the nature of corrected building violations."

D.C. Law 17-319, in subsec. (c)(1), substituted "housing regulation violations or violations of the construction codes" for "housing regulation violations".

D.C. Law 17-353 validated previously made technical corrections in subsecs. (b)(4) and (c).

D.C. Law 18-111, in subsec. (b)(2), substituted "grants, donations, or restitution from any source" for "grants from any source" and substituted "recoveries from enforcement action brought by the Office of the Attorney General on behalf of the District of Columbia or District of Columbia agencies for the abatement of violations of Chapters 1 through 16 of Title 14 of the District of Columbia Code of Municipal Regulations, excluding funds obtained through administrative proceedings; and all other receipts" for "; and all other receipts".

D.C. Law 18-223 added subsecs. (a)(1A) and (c)(1A).

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 8(b) of the Real Property Tax Clarity and Litter Control Administration Temporary Amendment Act of 2001 (D.C. Law 14-8, June 13, 2001, law notification 48 DCR 5916).

For temporary (225 day) amendment of section, see § 2(a) of Abatement of Nuisance Properties and Tenant Receivership Temporary amendment Act of 2008 (D.C. Law 17-237, October 21, 2008, law notification 55 DCR 11700).

##### *Emergency Act Amendments*

For temporary (90-day) amendment of section, see § 2 of the Nuisance Repairs Emergency Amendment Act of 1997 (D.C. Act 12-101, July 2, 1997, 44 DCR 4195), § 2 of the Nuisance Repairs Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-159, October 16, 1997, 44 DCR 6053), and § 2 of the Nuisance Repairs Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-241, January 13, 1998, 45 DCR 636).

For temporary (90 day) amendment of section, see § 8(b) of Real Property Tax Clarity and Litter Control Administration Emergency Act of 2001 (D.C. Act 14- 22, March 16, 2001, 48 DCR 2706).

For temporary (90 day) amendment of section, see § 2073 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) amendment of section, see § 2073 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment, see § 2(a) of Abatement of Nuisance Properties and Tenant Receivership Emergency Amendment Act of 2008 (D.C. Act 17-420, July 8, 2008, 55 DCR 7703).

For temporary (90 day) amendment of section, see § 2(a) of Abatement of Nuisance Properties and Tenant Receivership Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-563, October 27, 2008, 55 DCR 12019).

For temporary (90 day) amendment of section, see § 2141 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2141 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 2062 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

#### *Legislative History of Laws*

Law 3-45, the "Realty Violations Correction Fund Act of 1979," was introduced in Council and assigned Bill No. 3-136, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on September 25, 1979, and October 23, 1979, respectively. Signed by the Mayor on November 9, 1979, it was assigned Act No. 3-123 and transmitted to both Houses of Congress for its review.

Law 3-70, the "District of Columbia Fund Accounting Act of 1980," was introduced in Council and assigned Bill No. 3-197, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 18, 1980, and April 1, 1980, respectively. Signed by the Mayor on April 25, 1980, it was assigned Act No. 3-176 and transmitted to both Houses of Congress for its review.

Law 4-205, the "Summary Abatement of Life-or-Health Threatening Conditions Act of 1982," was introduced in Council and assigned Bill No. 4-459, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-289 and transmitted to both Houses of Congress for its review.

Law 7-177, the "Economic Development Zone Incentives Amendment Act of 1988," was introduced in Council and assigned Bill No. 7-208, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 28, 1988, and July 12, 1988, respectively. Signed by the Mayor on August 2, 1988, it was assigned Act No. 7-237 and transmitted to both Houses of Congress for its review.

Law 12-52, the "Nuisance Repairs Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-174, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on September 8, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 3, 1997, it was assigned Act No. 12-169 and transmitted to both Houses of Congress for its review. D.C. Law 12-52 became effective on February 27, 1998.

Law 12-201, the "Summary Abatement of Life-or-Health Threatening Conditions Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-175, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 13, 1998, it was assigned Act No. 12-487 and transmitted to both Houses of Congress for its review. D.C. Law 12-201 became effective on March 26, 1999.

For Law 13-305, see notes following § 42-1101.

For Law 14-114, see notes following § 6-802.

Law 14-213, the "Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-671, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 4, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 26, 2002, it was assigned Act No. 14-459 and transmitted to both Houses of Congress for its review. D.C. Law 14-213 became effective on October 19, 2002.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

For Law 15-205, see notes following § 42-1103.

Law 16-209, the "Anti-Tagging and Anti-Vandalism Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-395, which was referred to the Committee on Consumers and Regulatory Affairs. The Bill was adopted on first and second readings on July 11, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 25, 2006, it was assigned Act No. 16-509 and transmitted to both Houses of Congress for its review. D.C. Law 16-209 became effective on March 2, 2007.

Law 16-241, the "Summary Enclosure of Nuisance Vacant Property Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-903, which was referred to Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 28 2006, it was assigned Act No. 16-597 and transmitted to both Houses of Congress for its review. D.C. Law 16-241 became effective on March 8, 2007.

For Law 17-219, see notes following § 42-1103.

Law 17-319, the "Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-729 which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on November 18, 2008, and December 2, 2008, respectively. Signed by the Mayor on December 22, 2008, it was assigned Act No. 17-623 and transmitted to both Houses of Congress for its review. D.C. Law 17-319 became effective on March 21, 2009.

For Law 17-353, see notes following § 42-1103.

For Law 18-111, see notes following § 42-1102.02.

For Law 18-223, see notes following § 42-1904.03.

#### *Miscellaneous Notes*

Mayor authorized to issue rules: Section 13 of D.C. Law 7-177 provided that the Mayor shall issue rules to implement the provisions of the act.

Short title: Section 2019 of D.C. Law 17-219 provided that subtitle H of title II of the act may be cited as the "Nuisance Properties Abatement Implementation Amendment Act of 2008".

Short title: Section 2140 of D.C. Law 18-111 provided that subtitle O of title II of the act may be cited as the "Abatement Property Nuisance Fund Amendment Act of 2009".

Short title: Section 2061 of D.C. Law 18-223 provided that subtitle F of title II of the act may be cited as the "Administrative Judgments of Nuisance Property Amendment Act of 2010".

### **§ 42-3131.02. INSPECTION OF BUILDINGS FOR VIOLATIVE CONDITIONS; INTERFERENCE WITH INSPECTION.**

(a) For the purpose of carrying into effect § 42-3131.01, the Mayor of the District of Columbia and all other persons, including contractors and employees of contractors acting under his authority or by his direction, are authorized to enter upon and into any lands and tenements in said District, during all reasonable hours, to inspect the same and to do whatever may be necessary to correct, in a good and workmanlike manner, any condition that exists on or has arisen from such lands or tenements in violation of law or of any regulation made by authority of law, with the correction of which condition the owner of said lands or tenements is by law or such regulation chargeable. Any person who shall hinder, interfere with, or prevent any inspection or work authorized by this subchapter shall, upon conviction thereof, be punished by a fine not exceeding \$100 or by imprisonment for a period not exceeding 3 months, or by both such fine and imprisonment, in the discretion of the court.

(b)(1) The Mayor may apply to a judge of the District of Columbia for an administrative search warrant to enter any premises to conduct any inspection required or authorized by law to determine compliance with the provisions of this chapter.

(2) The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the place, structure, or premises to be inspected and the nature, scope, and purpose of the inspection to be performed by the applicant.

(3) Before filing an application for an administrative search warrant with a court, the Mayor shall obtain approval by the Office of the Attorney General as to its legality in both form and substance under the standards and criteria of this section and a statement to this effect shall be included as part of the application.

(4) A judge of a court referred to in this section may issue the warrant on finding that:

(A)(i) The applicant has sought access to the property for the purpose of making an inspection; and

(ii)(I) After requesting, at a reasonable time, the owner, tenant, or other individual in charge of the property to allow access, has been denied access to the property; or

(II) After making a reasonable effort, the applicant has been unable to locate any of these

individuals;

(B) The requirements of paragraphs (2) and (3) of this subsection are satisfied;

(C) The Mayor is authorized by law to make an inspection of the property for which the warrant is sought; and

(D) Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation of any provision of this chapter or any rule or regulation adopted under this chapter or by showing that:

(i) A reasonable administrative inspection program exists regarding the condition of the property; and

(ii) The proposed inspection comes within the program.

(5) An administrative search warrant issued under this section shall specify the place, structure, premise, vehicle, or records to be inspected. The inspection conducted shall not exceed the limits specified in the warrant.

(6) An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the District to enter specified property to perform the inspection, sampling, and other functions authorized by law to determine compliance with the provisions of this chapter.

(7) An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:

(A) The time specified in the warrant, not to exceed 30 days; or

(B) If no time period is specified in the warrant, 15 days from the date of its issuance.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 2; Apr. 4, 2006, D.C. Law 16-81, § 4, 53 DCR 1050.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

2001 Ed., § 6-711.02.

1981 Ed., § 5-514.

1973 Ed., § 5-314.

##### *Effect of Amendments*

D.C. Law 16-81 designated the existing text of the section as subsec. (a); and added subsec. (b).

##### *Legislative History of Laws*

For Law 16-81, see notes following § 42-3101.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 42-3131.03. NOTICE REQUIRING CORRECTION OF UNLAWFUL CONDITIONS; SERVICE.**

For the purposes of this subchapter, any notice required by law or by any regulation aforesaid to be served shall be deemed to have been served:

(1) If delivered to the person to be notified, if sent by electronic mail to the last-known electronic mail address of the person to be notified, or if left, at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein;

(2) If no such residence or place of business can be found in said District by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates;



(3) If no such office can be found in the District by reasonable search, if forwarded by first-class mail to the last-known address of the person to be notified, or the person's agent, as determined by the tax records, business license records, or business entity registration records, and not returned by the post office authorities;

(4) If no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by paragraph (3) of this section shall be returned by the post office authorities, if posted in a conspicuous place in or about the property affected by the notice; or

(5) If by reason of an outstanding, unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice required by law or by any regulation aforesaid to be served on a corporation shall for the purposes of this subchapter be deemed to have been served on any such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and, if required to be served on any foreign corporation, if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the place of business of such agent in the District of Columbia. Every notice aforesaid shall be in writing or printing, or partly in writing and partly in printing; shall be addressed by name to the person to be notified; shall describe with certainty the character and location of the unlawful condition to be corrected; and shall allow a reasonable time to be specified in said notice, within which the person notified may correct such unlawful condition or show cause why he should not be required to do so.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 3; June 11, 1960, 74 Stat. 203, Pub. L. 86-507, § 1(43); Mar. 21, 2009, D.C. Law 17-319, § 2(b), 56 DCR 214; Sept. 24, 2010, D.C. Law 18-223, § 2053, 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

2001 Ed., § 6-711.03.

1981 Ed., § 5-515.

1973 Ed., § 5-315.

##### *Effect of Amendments*

D.C. Law 17-319 rewrote pars. (3) and (4), which had read as follows:

"(3) If no such office can be found in said District by reasonable search, if forwarded by registered mail or by certified mail to the last-known address of the person to be notified and not returned by the post office authorities;

"(4) If no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by paragraph (3) of this section be returned by the post office authorities, if published on 3 consecutive days in a daily newspaper published in the District of Columbia; or".

D.C. Law 18- 223, in par. (1), substituted "if sent by electronic mail to the last-known electronic mail address of the person to be notified, or if left," for "or if left".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(b) of Abatement of Nuisance Properties and Tenant Receivership Temporary amendment Act of 2008 (D.C. Law 17-237, October 21, 2008, law notification 55 DCR 11700).

##### *Emergency Act Amendments*

For temporary (90 day) amendment, see § 2(b) of Abatement of Nuisance Properties and Tenant Receivership Emergency Amendment Act of 2008 (D.C. Act 17-420, July 8, 2008, 55 DCR 7703).

For temporary (90 day) amendment of section, see § 2(b) of Abatement of Nuisance Properties and Tenant Receivership Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-563, October 27, 2008, 55 DCR 12019).

For temporary (90 day) amendment of section, see § 2053 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

##### *Legislative History of Laws*

For Law 17-319, see notes following § 42-3131.01.

For Law 18-223, see notes following § 42-1904.03.

## **§ 42-3131.04. [RESERVED]**

## **SUBCHAPTER II. REGISTRATION OF VACANT BUILDINGS.**

### **§ 42-3131.05. DEFINITIONS.**

For the purposes of this subchapter, the term:

(1)(A) "Blighted vacant building" means a vacant building that is determined by the Mayor to be unsafe, insanitary, or which is otherwise determined to threaten the health, safety, or general welfare of the community.

(B) In making a determination that a vacant building is a blighted vacant building, the Mayor shall consider the following:

(i) Whether the vacant building is the subject of a condemnation proceeding before the Board of Condemnation and Insanitary Buildings;

(ii) Whether the vacant building is boarded up; and

(iii) Failure to comply with the following vacant building maintenance standards:

(I) Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken doors, windows, and other openings are covered;

(II) The exterior walls are free of holes, breaks, graffiti, and loose or rotting materials, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint; or

(III) All balconies, porches, canopies, marquees, signs, metal awnings, stairways, accessory and appurtenant structures, and similar features are safe and sound, and exposed metal and wood surfaces are protected from the elements by application of weather-coating materials, such as paint.

(1A) "Commercial unit" means a building, or part of a building, zoned for commercial purposes under the zoning regulations of the District of Columbia.

(2) "Dwelling unit" means a room, or group of rooms forming a single unit, designed, or intended to be used, for living and sleeping, whether or not designed or intended for the preparation and eating of meals or to be under the exclusive control of the occupant. The term "dwelling unit" shall not include a room, or group of rooms forming a single unit, in a hotel or motel licensed in the District of Columbia, actively operating as a hotel or motel.

(2A) "Fit for occupancy" means ready for immediate occupancy by a tenant without more than minor cosmetic changes.

(3) "Occupied" means:

(A) For purposes of a dwelling unit, the use of one's residence in improved real property on a regular basis; and

(B) For purposes of a commercial unit, use consistent with zoning regulations, for which there is a current valid certificate of occupancy, and (i) paid utility receipts for the specified period, executed lease agreements, or sales tax return, or (ii) other evidence of use of the building that the Mayor may require by rule.

(4) "Owner" means one or more persons or entities with an interest in real property in the District of Columbia that appears in the real property tax records of the Office of Tax and Revenue.

(4A) "Real property" means real property as defined under § 47-802(1).

(4B) "Related owners" or "related ownership" exists when a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

(5) "Vacant building" means real property improved by a building which, on or after April 27, 2001, has not been occupied continuously; provided, that in the case of residential buildings, a building shall only be a vacant building if the Mayor determines that there is no resident for which an intent to return and occupy the building can be shown. When determining whether there is a resident, the Mayor shall consider the following:

(A) Electrical, gas, or water meter either not running or showing low usage;

(B) Accumulated mail;

- (C) Neighbor complaint;
- (D) No window covering;
- (E) No furniture observable;
- (F) Open accessibility;
- (G) Deferred maintenance, including loose or falling gutters, severe paint chipping, or overgrown grass; and
- (H) The dwelling is boarded up.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 5, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Aug. 15, 2008, D.C. Law 17-216, § 3(a), 55 DCR 7500; Sept. 24, 2010, D.C. Law 18-223, § 2042(a), 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-216, in the lead-in text, made a technical correction that resulted in no change in the text; in par. (2), substituted "District of Columbia, actively operating as a hotel or motel" for "District of Columbia"; added pars. (2A), (4A), and (4B); and rewrote pars. (4) and (5), which read as follows:

"(4) 'Owner' means one or more persons or entities with an interest in real property in the District of Columbia that appears in the land records of the District of Columbia.

"(5) 'Vacant building' means a building, or a part of a building, which contains a dwelling or commercial unit, or a part of a building which is a dwelling or commercial unit, which, on or after April 27, 2001, has not been occupied continuously for more than 180 days."

D.C. Law 18-223 redesignated former par. (1) as par. (1A); added par. (1); and rewrote par. (5), which had read as follows:

"(5) 'Vacant building' means real property improved by a building, or a part of a building, which contains a dwelling or commercial unit, or a part of a building which is a dwelling or commercial unit, which, on or after April 27, 2001, has not been occupied continuously; provided, that in the case of residential buildings, a building shall only be a vacant building if the Mayor determines that there is no resident. Ordinarily, in determining whether there is a resident, the Mayor shall consider the following:

"(A) Electrical, gas, or water meter not running;

"(B) Accumulated mail;

"(C) Neighbor complaint;

"(D) No window covering;

"(E) No furniture observable;

"(F) Open accessibility;

"(G) Deferred maintenance, including loose or falling gutters, severe paint chipping, or overgrown grass; and

"(H) The dwelling is boarded up."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(a) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) amendment of section, see § 3(a) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

For temporary (225 day) amendment of section, see § 2(a) of Real Property Tax Reform Temporary Amendment Act of 2010 (D.C. Law 18-153, May 22, 2010, law notification 57 DCR 5381).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(a) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) amendment of section, see § 3(a) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) amendment of section, see § 3(a) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) amendment of section, see § 2(a), of Real Property Tax Reform Emergency Amendment Act of 2009 (D.C. Act 18-313, February 22, 2010, 57 DCR 1645).

For temporary (90 day) amendment of section, see § 2042(a) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

#### *Legislative History of Laws*

Law 13-281, the "Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-646, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on January 22, 2001, it was assigned Act No. 13-578 and transmitted to both Houses of Congress for its review. D.C. Law 13-281 became effective on April 27, 2001.

Law 17-216, the "Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-86 which was referred to Finance and Revenue and Public Services and Consumer Affairs. The Bill was adopted on first and second readings on March 4, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 24, 2008, it was assigned Act No. 17-416 and transmitted to both Houses of Congress for its review. D.C. Law 17-216 became effective on August 15, 2008.

For Law 18-223, see notes following § 42-1904.03.

#### *Miscellaneous Notes*

Section 601 of D.C. Law 13-281 provides:

"The Mayor may issue rules to implement the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 in accordance with the District of Columbia Administrative Procedure Act."

Short title: Section 2021 of D.C. Law 18-223 provided that subtitle D of title II of the act may be cited as the "Vacant Property Disincentivization Amendment Act of 2010".

## **§ 42-3131.05A. NOTICE BY MAIL.**

Notice shall be deemed to be served properly on the date when mailed by first class mail to the owner of record of the vacant building at the owner's mailing address as updated in the real property tax records of the Office of Tax and Revenue. Notice shall also be posted on the vacant building.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 5a, as added Aug. 15, 2008, D.C. Law 17-216, § 3(b), 55 DCR 7500.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) addition, see § 3(b) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For Law 17-216, see notes following § 42-3131.05.

*Miscellaneous Notes*

Section 5(a) of D.C. Law 17-216 provides that sections 2, 3, and 4(b) and (c) shall apply to real property tax years beginning after September 30, 2006.

## **§ 42-3131.06. REGISTRATION OF VACANT BUILDINGS.**

(a) Except as provided in subsections (b) and (c) of this section, the owner of a vacant building shall maintain the building in compliance with the requirements of § 42-3131.12 and, within 30 days after it becomes a vacant building, register the building with the Mayor, and pay the registration fee. The Mayor, in his sole discretion, may extend the time for good cause.

(b) A vacant building shall not be included on the list compiled pursuant to § 42-3131.16 or subject to the registration fee pursuant to § 42-3131.09 if it is:

(1) Owned by the government of the United States or its instrumentalities;

(2) Owned by a foreign government or its instrumentalities;

(3) Under active construction or undergoing active rehabilitation, renovation, or repair, and there is a building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of the required registration date;

(3A) Repealed.

(4) In compliance with the requirements of § 42-3131.12 and the housing regulations of the District of Columbia and the owner or his agent has been actively seeking in good faith to rent or sell it; provided, that:

(A) The time period for sale or rent shall not exceed:

(i) One year from the initial listing, offer, or advertisement of sale in the case of residential buildings;

(ii) Two years from the initial listing, offer, or advertisement of sale in the case of commercial buildings; or

(iii) One year from the initial listing, offer, or advertisement to rent; and;

(B) Any leased property exempt under this paragraph shall have a valid certificate of occupancy;

(5)(A) Exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.

(B) The exemption may be granted for a period not to exceed 12 months from the required registration date, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship. The Mayor may withdraw the exemption at any time. Any exemption shall be published in the District of Columbia Register.

(6) Repealed.

(7) For a period not to exceed 24 months, the subject of a probate proceeding or the title is the subject of litigation (not including a foreclosure of the right of redemption action brought under Chapter 13A of Title 47); or

(8) For a period not to exceed 12 months, the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, the Department of Public Works, or the National Capital Planning Commission.

(c) If a vacant building is owned by the District of Columbia or its instrumentalities, it shall be subject to the registration requirements in subsection (a) of this section and the maintenance requirements in § 42-3131.12, but shall not be subject to the fee requirements under subsection (a) of this section or the fines and penalties collected under § 42-3131.10.

(d) If a present interest in a vacant building registered under this chapter is transferred or otherwise conveyed, a deed shall not be recorded by the Recorder of Deeds until a new registration is filed with the Mayor and the applicable fees are paid.

(e) If the name or address of an owner of a vacant building changes for any reason other than by transfer or conveyance, the change shall be reported to the Mayor in writing within 30 days in the manner provided in § 42-405(b-1).

(f)(1) The cumulative time period for exemption from registration and fee requirements for a vacant

building under the same, substantially similar, or related ownership shall not exceed 3 real property tax years.

(2) Notwithstanding paragraph (1) of this subsection, any exemption shall be terminated at the end of the 2007 real property tax year if the building under the same, substantially similar, or related ownership benefited from an exemption under this section or under § 47-813(c-6) during 3 or more real property tax years.

(3) The limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to vacant buildings that benefit from the exemption under subsection (b)(1) or (b)(2) of this section.

(4) A vacant building benefiting from an exemption under this section or § 47-813(c-6)(2)(C) or (c-6)(3)(C), on December 27, 2006, shall continue to benefit from the exemption and shall not be required to register or pay fees for the duration permitted under those provisions; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the vacant building may qualify for an exemption in effect after December 28, 2006 and subject to the time restriction and exclusion set forth in paragraphs (2) and (3) of this subsection.

(g) The total cumulative time for any exemption granted to any property shall not exceed 5 years in any 12-year period, excluding exemptions granted under subsections (b)(1) and (b)(2) of this section.

(h) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this chapter. The rules may include a schedule of fines for violations of this chapter.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 6, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Oct. 18, 2005, D.C. Law 16-23, § 2(a), 52 DCR 8078; Aug. 15, 2008, D.C. Law 17-216, § 3(c), 55 DCR 7500; Sept. 24, 2010, D.C. Law 18-223, § 2042(b), 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 16-23, in subsec. (b)(3), substituted "and if there is a valid building permit that was issued within 60 days of the required registration date;" for "and if there is a valid building permit that was issued within 60 days of the required registration date; provided, that the scope of the permit is not limited to electrical or plumbing work; provided further, that this exemption shall not exceed one year from the date of issuance of the first building permit for rehabilitation, renovation or repair;"; and, in subsec. (b)(4), substituted "the owner or his agent has been actively seeking to rent or sell it;" for "the owner or his agent has been actively seeking to rent or sell it; provided, that the time period for sale or rent shall not exceed one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent;".

D.C. Law 17-216 rewrote the section which had read as follows:

"(a) Except as provided in subsections (b) and (c) of this section, the owner of a vacant building shall maintain the building in compliance with the requirements of § 42-3131.12 and, within 30 days after it becomes a vacant building, register the building with the Mayor, and pay the registration fee. The Mayor, in his sole discretion, may extend the time for good cause.

"(b) A vacant building shall not be subject to the registration and fee requirements if it is:

"(1) Owned by the government of the United States or its instrumentalities;

"(2) Owned by a foreign government or its instrumentalities;

"(3) Under construction or undergoing rehabilitation, renovation, or repair, and if there is a valid building permit that was issued within 60 days of the required registration date; provided, that the scope of the permit is not limited to electrical or plumbing work; provided further, that this exemption shall not exceed one year from the date of issuance of the first building permit for rehabilitation, renovation or repair;

"(4) In compliance with the requirements of § 42-3131.12 and the housing regulations of the District of Columbia and the owner or his agent has been actively seeking to rent or sell it; provided, that the time period for sale or rent shall not exceed one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent; or

"(5) Exempted by the Mayor, in his or her sole discretion, for good cause.

"(c) If a vacant building is owned by the District of Columbia or its instrumentalities, it shall be subject to the registration requirements in subsection (a) of this section and the maintenance requirements in § 42-3131.12, but shall not be subject to the fee requirements under subsection (a) of this section or the fines and penalties collected under § 42-3131.10.

"(d) If a present interest in a vacant building registered under this chapter is transferred or otherwise conveyed, a deed shall not be recorded by the Recorder of Deeds until a new registration is filed with the Mayor and the applicable fees are paid.

"(e) If the name or address of an owner of a vacant building changes for any reason other than by transfer or conveyance, the change shall be reported to the Mayor in writing within 30 days."

D.C. Law 18-223 rewrote subsecs. (b) and (h), which had read as follows:

"(b) A vacant building shall not be subject to the registration and fee requirements if it is:

"(1) Owned by the government of the United States or its instrumentalities;

"(2) Owned by a foreign government or its instrumentalities;

"(3) Under active construction or undergoing active rehabilitation, renovation, or repair, and there is a building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of the required registration date;

"(3A)(A) A newly constructed building; provided, that a newly constructed building shall include a building whose initial certificate of occupancy was issued within the 24 months before August 15, 2008.

"(B) The exemption under this paragraph shall expire 4 years from the date of the initial certificate of occupancy.

"(4) In compliance with the requirements of § 42-3131.12 and the housing regulations of the District of Columbia and the owner or his agent has been actively seeking to rent or sell it; provided, that:

"(A) The time period for sale or rent shall not exceed:

"(i) One year from the initial listing, offer, or advertisement of sale in the case of residential buildings;

"(ii) Two years from the initial listing, offer, or advertisement of sale in the case of commercial buildings; or

"(iii) 90 days from the initial listing, offer, or advertisement to rent; and

"(B) Any leased property exempt under this paragraph shall have a valid certificate of occupancy;

"(5)(A) Exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.

"(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship. The Mayor shall notify the Council and affected Advisory Neighborhood Commissions ('ANC') of all requests for exemptions under this paragraph. Within 30 days of the grant of an exemption under this paragraph, the Mayor shall notify the Council and affected ANC of the action taken. Any exemption shall be published in the District of Columbia Register. The Mayor may withdraw the exemption at any time and shall provide notice to the Council and ANC within 30 days of the withdrawal of the exemption.

"(6) Occupied at the time of a fire, flood, or other casualty which occurred within the preceding 12 months and which was not intentionally caused by the owner;

"(7) For a period not to exceed 24 months, the subject of a probate proceeding or the title is the subject of litigation (not including a foreclosure of the right of redemption action brought under Chapter 13A of Title 47); or

"(8) For a period not to exceed 12 months, the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, the Department of Public Works, or the National Capital Planning Commission."

"(h) The Mayor shall issue proposed rules to implement the provisions of this chapter on or before June 30, 2008. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved."

*Temporary Amendments of Section*

Section 3(c) of D.C. Law 16-259, in subsec. (b), in par. (4), substituted "8 months" for "one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent"; and amended pars. (3) and (5), and added pars. (6), (7), (8), and (9) to read as follows:

"(3) Under active construction or undergoing active rehabilitation, renovation, or repair, and there is a valid building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of the required registration date;"

"(5) Exempted by the Mayor in his or her sole discretion; provided, that the exemption may be withdrawn upon notice in the same manner as if the building were designated as vacant under section 11;

"(6) Occupied at the time of a fire, flood, or other casualty which occurred within the preceding 12 months and which was not intentionally caused by the owner;

"(7) For a period not to exceed 24 months, the subject of a probate proceeding or the title is the subject of litigation (not including a foreclosure of the right of redemption action brought under Chapter 13A of Title 47 of the District of Columbia Official Code);

"(8) For a period not to exceed 12 months, the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the

Commission on Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, or the National Capital Planning Commission; or

"(9) For a period not to exceed 12 months, owned by a qualifying nonprofit housing organization under D.C. Official Code § 47-3505(a)."

In subsec. (e), substituted "30 days in the manner provided in section 499d(b-1) of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 14-282; D.C. Official Code § 42-405(b-1))." for "30 days"; and added subsecs. (f) and (g) to read as follows:

"(f)(1) The cumulative time period for exemption from registration and fee requirements for a vacant building under the same, substantially similar, or related ownership shall not exceed 3 real property tax years.

"(2) Notwithstanding paragraph (1) of this subsection, any exemption shall be terminated at the end of the 2007 real property tax year if the building under the same, substantially similar, or related ownership benefitted from an exemption under this section or under D.C. Official Code § 47-813(c-6) during 3 or more real property tax years.

"(3) The limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to vacant buildings that benefit from the exemption under subsection (b)(1), (b)(2), or (b)(5) of this section.

"(4) A vacant building benefitting from an exemption under this section or D.C. Official Code § 47-813(c-6)(2)(C) or (c-6)(3)(C), immediately preceding the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment ct of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-1036), shall continue to benefit from the exemption and shall not be required to register or pay fees for the duration permitted under those provisions; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the vacant building may qualify for an exemption in effect after the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment ct of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-1036), and subject to the time restriction and exclusion set forth in paragraphs (2) and (3) of this subsection.

"(5) For purposes of this subsection, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

"(g) The Mayor shall issue proposed rules to implement the provisions of this title on or before June 30, 2007. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved."

Section 7(b) of D.C. Law 16-259 provides that the act shall expire after 225 days of its having taken effect.

Section 3(c) of D.C. Law 17-102, in subsec. (b), in par. (4), substituted "8 months" for "one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent", and amended pars. (3) and (5) and added pars. (6), (7), (8), and (9) to read as follows:

"(3) Under active construction or undergoing active rehabilitation, renovation, or repair, and there is a valid building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of the required registration date;"

"(5) Exempted by the Mayor in his or her sole discretion; provided, that the exemption may be withdrawn upon notice in the same manner as if the building were designated as vacant under section 11;

"(6) Occupied at the time of a fire, flood, or other casualty which occurred within the preceding 12 months and which was not intentionally caused by the owner;

"(7) For a period not to exceed 24 months, the subject of a probate proceeding or the title is the subject of litigation (not including a foreclosure of the right of redemption action brought under Chapter 13A of Title 47 of the District of Columbia Official Code);

"(8) For a period not to exceed 12 months, the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, or the National Capital Planning Commission; or

"(9) For a period not to exceed 12 months, owned by a qualifying nonprofit housing organization under D.C. Official Code § 47-3505(a)."

; in subsec. (e), substituted "30 days in the manner provided in section 499d(b-1) of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 14-282; D.C. Official Code § 42-405(b-1))" for "30 days"; and added subsecs. (f) and (g) to read as follows:

"(f)(1) The cumulative time period for exemption from registration and fee requirements for a vacant building under the same, substantially similar, or related ownership shall not exceed 3 real property tax years.



"(2) Notwithstanding paragraph (1) of this subsection, any exemption shall be terminated at the end of the 2007 real property tax year if the building under the same, substantially similar, or related ownership benefitted from an exemption under this section or under D.C. Official Code § 47-813(c-6) during 3 or more real property tax years.

"(3) The limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to vacant buildings that benefit from the exemption under subsection (b)(1), (b)(2), or (b)(5) of this section.

"(4) A vacant building benefitting from an exemption under this section or D.C. Official Code § 47-813(c-6)(2)(C) or (c-6)(3)(C), immediately preceding March 8, 2007, shall continue to benefit from the exemption and shall not be required to register or pay fees for the duration permitted under those provisions; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the vacant building may qualify for an exemption in effect after March 8, 2007, and subject to the time restriction and exclusion set forth in paragraphs (2) and (3) of this subsection.

"(5) For the purposes of this subsection, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

"(g) The Mayor shall issue proposed rules to implement the provisions of this act on or before June 30, 2007. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved."

Section 7(b) of D.C. Law 17-102 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(c) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) amendment of section, see § 3(c) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) amendment of section, see § 3(c) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) amendment of section, see § 2042(b) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

#### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

Law 16-23, the "Nuisance Properties Abatement Reform Amendment Act of 2005", was introduced in Council and assigned Bill No. 16-30 which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 21, 2005, and July 6, 2005, respectively. Signed by the Mayor on July 14, 2005, it was assigned Act No. 16-132 and transmitted to both Houses of Congress for its review. D.C. Law 16-23 became effective on October 18, 2005.

For Law 17-216, see notes following § 42-3131.05.

For Law 18-223, see notes following § 42-1904.03.

## **§ 42-3131.07. REGISTRATION AND RENEWAL PROCEDURE.**

(a) At the time of application for the initial registration or renewal of registration of a vacant building, the owner shall arrange with the Mayor for the inspection of the building. On receiving an application for the initial registration or renewal of registration of a vacant building, the Mayor shall thereafter inspect the building. The Mayor shall approve the initial registration or the renewal registration for one year if:

- (1) The building has been maintained in accordance with the requirements of § 42-3131.12; and
- (2) The vacancy of the building will not:
  - (A) Be detrimental to the public health, safety, and welfare;
  - (B) Unreasonably interfere with the reasonable and lawful use and enjoyment of the other premises within the neighborhood; and
  - (C) Pose a hazard to police officers or firefighters entering the building in an emergency;
- (3) The building complies with the fire, building, and housing codes of the District of Columbia;

- (4) The continuance of any maintenance work or condition of occupancy is not dangerous to life or property;
- (5) No false statements or misrepresentations have been made upon the registration application;
- (6) Orders on a building have been complied with and the building complies with any applicable occupancy requirements;
- (7) An adequate water supply or facilities for fire fighting purposes is furnished as required in the fire code; and
- (8) The Mayor is permitted to inspect the building before initial registration, during the registration period, and before a renewal of registration.

(b) If the owner of a vacant building fails to comply with the provisions of subsection (a) of this section, both initially and throughout the registration period, the Mayor may deny or revoke the owner's registration and may subject the owner to the penalties provided in § 42-3131.10.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 7, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

### **§ 42-3131.08. NOTICE OF DENIAL OR REVOCATION OF REGISTRATION.**

The owner shall be notified in writing of the denial or revocation of registration of a vacant building and the right to appeal. Upon notice of the denial or revocation, the owner shall not proceed with any operation to which the registration related. If the registration is denied or revoked, no registration fees or parts thereof shall be returned.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 8, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Aug. 15, 2008, D.C. Law 17-216, § 3(d), 55 DCR 7500.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-216 rewrote the section which had read as follows:

"A notice of denial or revocation of registration shall be in writing and shall be served upon the owner, or his or her agent. A notice of denial or revocation of registration shall also be posted on the vacant building. Upon receipt or posting of the notice of denial or revocation of registration, a person shall not proceed with any operation to which such registration related. If an initial or renewal registration is denied, or if a registration is revoked during the registration period, no registration fees, or parts thereof, shall be returned to the owner."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(d) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) amendment of section, see § 3(d) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(d) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) amendment of section, see § 3(d) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) amendment of section, see § 3(d) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

##### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

For Law 17-216, see notes following § 42-3131.05.

## **§ 42-3131.09. FEES.**

(a) As provided in § 42-3131.06(a), the owner of a building shall register the building and pay the registration fee within 30 days after it becomes a vacant building, except if the vacant building is owned by the government of the United States or its instrumentalities or by a foreign government or its instrumentalities. The Mayor, in his or her sole discretion, may extend the time for payment for good cause.

(b) Registrations shall be renewed annually from date of initial issuance unless there is a change in ownership.

(c) The initial registration fee shall be \$250.

(d) The renewal registration fee shall be \$250.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 9, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Aug. 15, 2008, D.C. Law 17-216, § 3(e), 55 DCR 7500; Sept. 24, 2010, D.C. Law 18-223, § 2042(c), 57 DCR 6242.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 17-216, in subsec. (d), substituted "§ 42-3131.08" for "§ 42-3131.11".

D.C. Law 18-223 rewrote the section, which had read as follows:

"(a) As provided in § 42-3131.06(a), the owner of a building shall register the building and pay the registration fee within 30 days after it becomes a vacant building. The Mayor may, in his or her sole discretion, extend the time for payment for good cause.

"(b) Registrations shall be renewed annually from date of initial issuance unless there is a change in ownership.

"(c) The initial registration fee shall be:

"(1) Twenty dollars for each dwelling unit; and

"(2) Twenty dollars for each 400 square feet of commercial space or part thereof.

"(d) The renewal registration fee shall be:

"(1) One-half of the initial applicable registration fee, if paid within 30 days after the renewal date established by rule;

"(2) The amount equal to the amount of the applicable initial registration fee, if paid after such 30-day period but before the receipt of notice under § 42- 3131.08;

"(3) Three times the amount of the applicable initial registration fee, if paid after receipt of the notice under § 42-3131.08."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(e) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) amendment of section, see § 3(e) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(e) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) amendment of section, see § 3(e) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) amendment of section, see § 3(e) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) amendment of section, see § 2042(c) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

#### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

For Law 17-216, see notes following § 42-3131.05.

For Law 18-223, see notes following § 42-1904.03.

## **§ 42-3131.10. PENALTIES FOR NONCOMPLIANCE.**

(a) The failure of the owner of a vacant building to register and pay all required fees under § 42-3131.06(a) or § 42-3131.09 after notice of the designation of the owner's building as vacant, the determination of delinquency of registration or fee payment, the denial or revocation of registration, the filing by an owner of any false or misleading registration-related information, or the refusal of the owner of a vacant building to permit the Mayor to inspect the building shall, upon conviction thereof, be punished by a fine not to exceed \$1,000. The Director of the Department of Consumer and Regulatory Affairs shall provide the Office of the Attorney General with a list of all owners who fail to register and pay the required fee after notice.

(b) If the owner of a vacant building fails to maintain the building in compliance with the requirements of § 42-3131.12 or, having obtained a vacant property registration, subsequently fails to comply with the other registration requirements under § 42-3131.07, the Mayor may:

(1) Charge the owner with failure to comply and enforce all applicable penalties under this chapter, and

(2) Take other action as required by the fire, building, and housing codes of the District of Columbia to bring the building into compliance with those codes.

(c) Civil fines, penalties, and fees may be imposed as additional sanctions for any infraction of the provisions of § 42-3131.06, § 42-3131.07, § 42-3131.08, § 42-3131.09, or § 42-3131.12, pursuant to Chapter 18 of Title 2.

(d) Criminal prosecutions under § 42-3131.05 through § 42-3131.15 shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 10, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Oct. 18, 2005, D.C. Law 16-23, § 2(b), 52 DCR 8078; Oct. 18, 2005, D.C. Law 16-24, § 4(a), 52 DCR 8080; Mar. 8, 2007, D.C. Law 16-236, § 2, 54 DCR 391; Aug. 15, 2008, D.C. Law 17-216, § 3(f), 55 DCR 7500; Sept. 24, 2010, D.C. Law 18-223, § 2042(d), 57 DCR 6242.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 16-23, in subsec. (a), added the second sentence; and added subsec. (c).

D.C. Law 16-24 added subsec. (d).

D.C. Law 16-236 rewrote subsec. (c) which had read as follows:

"(c) In addition to the penalties provided in subsection (a) of this section, and other available remedies, the failure of the owner of a vacant building to register and pay all the required fees under § 42-3131.06(a) or § 42-3131.09 within 10 days after receipt of the mailing of a delinquency and determination notice under § 42-3131.11 shall be punishable by a civil fine not to exceed \$1,000 for each instance of inclusion of each property in the semiannual list under § 42-3131.11. The Mayor shall provide for such fines in accordance with Chapter 18 of Title 2."

D.C. Law 17-216, in subsec. (a), substituted "notice of the designation of the owner's building as vacant, the determination of delinquency of registration or fee payment, the denial or revocation of registration, the filing by an owner of any false or misleading registration-related information, or" for "receipt of a mailing of a delinquency and determination notice under § 42-3131.11 or".

D.C. Law 18-223 deleted ", imprisonment for not more than 90 days, or both" following "\$1,000".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 4(a) of Abatement of Nuisance Construction Projects Temporary Amendment Act of 2005 (D.C. Law 16-4, May 14, 2005, law notification 52 DCR 5427).

For temporary (225 day) amendment of section, see § 2 of Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Temporary Amendment Act of 2006 (D.C. Law 16-183, November 16, 2006, law notification 53 DCR 9650).

For temporary (225 day) amendment of section, see § 3(f) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) amendment of section, see § 3(f) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 4(a) of Abatement of Nuisance Construction Projects Emergency Amendment Act of 2005 (D.C. Act 16-42, February 17, 2005, 52 DCR 3045).

For temporary (90 day) amendment of section, see § 2 of Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Emergency Amendment Act of 2006 (D.C. Act 16-408, June 26, 2006, 53 DCR 5428).

For temporary (90 day) amendment of section, see § 2 of Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-479, September 22, 2006, 53 DCR 7938).

For temporary (90 day) amendment of section, see § 3(f) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) amendment of section, see § 3(f) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) amendment of section, see § 3(f) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) amendment of section, see § 2042(d) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

#### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

For Law 16-23, see notes following § 42-3131.06.

Law 16-24, the "Abatement of Nuisance Construction Projects Amendment Act of 2005", was introduced in Council and assigned Bill No. 16-30 which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 21, 2005, and July 6, 2005, respectively. Signed by the Mayor on July 14, 2005, it was assigned Act No. 16-133 and transmitted to both Houses of Congress for its review. D.C. Law 16-24 became effective on October 18, 2005.

Law 16-236, the "Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-786, which was referred to Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 28 2006, it was assigned Act No. 16-592 and transmitted to both Houses of Congress for its review. D.C. Law 16-236 became effective on March 8, 2007.

For Law 17-216, see notes following § 42-3131.05.

For Law 18-223, see notes following § 42-1904.03.

## **§ 42-3131.11. NOTICE OF VACANCY DESIGNATION AND RIGHT TO APPEAL.**

The Mayor shall identify nonregistered vacant buildings in the District, excluding vacant buildings identified in § 42-3131.08, and blighted vacant buildings. The owner shall be notified that the owner's building has been designated as a vacant building or as a blighted vacant building and of the owner's right to appeal.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 11, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; June 5, 2003, D.C. Law 14-307, § 1302, 49 DCR 11664; Oct. 18, 2005, D.C. Law 16-24, § 4(b), 52 DCR 8080; Aug. 15, 2008, D.C. Law 17-216, § 3(g), 55 DCR 7500; Sept. 24, 2010, D.C. Law 18-223, § 2042(e), 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 14-307, in subsec. (a)(1), substituted "real properties, as identified on the cadastral maps of the Office of Tax and Revenue according to square, parcel, or reservation, and lot," for "building addresses"; and added subsec. (a)(3).

D.C. Law 16-24, in subsec. (a)(2), substituted "quarterly" for "semiannual".

D.C. Law 17-216 rewrote the section which had read as follows:

"(a)(1) Within 30 days after April 27, 2001, the Mayor shall identify vacant buildings in the District and compile a list of real properties, as identified on the cadastral maps of the Office of Tax and Revenue according to square, parcel, or reservation, and lot, that includes the names and addresses of owners, if known.

"(2) The Mayor shall update this list on a semiannual basis.

"(3) Copies of the list prescribed by this section and updates shall be transmitted to the Chief Financial Officer in the form and medium prescribed by the Chief Financial Officer.

"(b) For buildings that are vacant buildings on the date of the Mayor's initial listing, the Mayor shall make a determination of delinquency of registration or fee payment within 45 days after April 27, 2001; shall provide the owner with the notice of the delinquency, the registration form, and the registration amount that is due; and shall inform the owner of the right to an administrative review of the determination.

"(c) For buildings that become vacant buildings after the date of the Mayor's initial list, the Mayor shall make a determination of delinquency of registration or fee payment within 15 days of the date of the quarterly listing and give the owner notice of the delinquency determination, the registration form and registration fee due, and the right to administrative review of the determination."

D.C. Law 18-223 rewrote the section, which had read as follows:

"The Mayor shall identify nonregistered vacant buildings in the District, excluding vacant buildings identified in § 42-3131.08. The owner shall be notified that the owner's building has been designated as vacant and of the owner's right to appeal."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 4(b) of Abatement of Nuisance Construction Projects Temporary Amendment Act of 2005 (D.C. Law 16-4, May 14, 2005, law notification 52 DCR 5427).

For temporary (225 day) amendment of section, see § 3(g) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) amendment of section, see § 3(g) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

For temporary (225 day) amendment of section, see § 2(b) of Real Property Tax Reform Temporary Amendment Act of 2010 (D.C. Law 18-153, May 22, 2010, law notification 57 DCR 5381).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see §§ 1302 and 1304 of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see §§ 1302 and 1304 of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see §§ 1302 and 1304 of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 4(b) of Abatement of Nuisance Construction Projects Emergency Amendment Act of 2005 (D.C. Act 16-42, February 17, 2005, 52 DCR 3045).

For temporary (90 day) amendment of section, see § 3(g) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) amendment of section, see § 3(g) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) amendment of section, see § 3(g) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) amendment of section, see § 2(b), of Real Property Tax Reform Emergency Amendment Act of 2009 (D.C. Act 18-313, February 22, 2010, 57 DCR 1645).

For temporary (90 day) amendment of section, see § 2042(e) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

#### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

For Law 14-307, see notes following § 42-1103.

For Law 16-24, see notes following § 42-3131.10.

For Law 17-216, see notes following § 42-3131.05.

For Law 18-223, see notes following § 42-1904.03.

Application of Law 14-307: Section 1304 of D.C. Law 14-307 provides: "Sections 1302 and 1303 shall apply as of October 1, 2002."

## **§ 42-3131.12. VACANT BUILDING MAINTENANCE STANDARD.**

A building shall be adequately maintained if:

- (1) Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken doors, windows, and other openings are covered with 1/2 inch CDX plywood that is weather protected, tightly fitted to the opening, and secured by screws or bolts;
- (2) The roof and flashing are sound and tight, will not admit moisture, and are drained to prevent dampness or deterioration in the walls or interior;
- (3) The building storm drainage system is adequately sized and installed in an approved manner and functional;
- (4) The interior and exterior is maintained in good repair, structurally sound, free from debris, rubbish, and garbage, and sanitary so as not to threaten public health or safety;
- (5) The structural members are free of deterioration and capable of safely bearing imposed dead and live loads;
- (6) The foundation walls are plumb, free from open cracks and breaks, and vermin-proof;
- (7) The exterior walls are free of holes, graffiti, breaks, and loose or rotting materials, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;
- (8) The cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features are safe, anchored, and in good repair, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;
- (9) All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features are in good repair, anchored, safe and sound, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;
- (10) Chimneys, cooling towers, smokestacks, and similar appurtenances are structurally safe, sound, and in good repair, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;
- (11) Openings in sidewalks are safe for pedestrian travel;
- (12) Accessory and appurtenant structures such as garages, sheds, and fences are free from safety, health, and fire hazards; and
- (13) The property on which a structure is located is clean, safe, and sanitary and does not threaten the public health or safety.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 12, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Mar. 3, 2010, D.C. Law 18-111, § 7101, 57 DCR 181.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 18-111, in par. (7), substituted "holes, graffiti, breaks," for "holes, breaks,".

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 7101 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 7101 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

#### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

For Law 18-111, see notes following § 42-1102.02.

### *Miscellaneous Notes*

Short title: Section 7100 of D.C. Law 18-111 provided that subtitle H of title VII of the act may be cited as the

### **§ 42-3131.13. PUBLIC IDENTIFICATION OF OWNER.**

The Mayor may cause to be affixed to the property containing a vacant building required to be registered under this chapter a sign setting forth the name of the owner of each unit and any other pertinent information that the Mayor may require to protect the public health and welfare.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 13, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

### **§ 42-3131.14. COLLECTION.**

(a)(1) Any fees required under § 42-3131.06(a) or § 42-3131.09 that remain unpaid after receipt of the notice under § 42-3131.08 or § 42-3131.11 shall be assessed as a tax against the real property containing the vacant building and shall be subject to § 6-806 and shall constitute a lien against the real property containing the vacant building and the personal property of the owner.

(2) In addition to the lien provided under paragraph (1) of this section, any fees required under § 42-3131.06(a) or § 42-3131.09 that remain unpaid after receipt of the notice under § 42-3131.08 or § 42-3131.11 shall be a continuing and perpetual lien in favor of the District of Columbia upon all property, whether real or personal, of the owner, and shall have the same force and effect as a lien created by judgment. The lien shall attach to all property belonging to the owner at any time during the period of the lien, including any property acquired by the owner after the lien arises. The lien shall have priority over all other liens, except liens for District of Columbia taxes, District of Columbia water charges, and the lien under § 2-1802.03; provided, that the lien shall not be valid against a bona fide purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice by filing in the Recorder of Deeds.

(b) All fees and penalties collected under this chapter shall be deposited in the fund established under § 42-3131.01(b)(1) and shall be expended for the general administration, inspection, and abatement costs incurred in the correction of wrongful conditions in vacant buildings and other nuisance properties; provided, that if any fees and penalties are collected as a tax through the real estate tax sale process, the fees and penalties shall be deposited in the fund established under § 42-3131.01(b)(1) after an accounting has been made in accordance with § 47-1340(f).

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 14, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

### **§ 42-3131.15. ADMINISTRATIVE REVIEW AND APPEAL.**

(a) Within 15 days after the designation of an owner's building as a vacant building, the determination of delinquency of registration or fee payment, the denial or revocation of registration, or the designation of a vacant building as a blighted vacant building, the owner may petition the Mayor for reconsideration by filing the form prescribed by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final determination.

(b) Within 45 days after the date of the notice of final determination under subsection (a) of this section, an owner may file an appeal with the Real Property Tax Appeals Commission for the District of Columbia on the form prescribed by the Mayor; provided, that the notice of final determination under subsection (a) of this section shall be a prerequisite to filing an appeal with the Real Property Tax Appeals Commission for the District of Columbia.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 15, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Apr. 13, 2005, D.C. Law 15-354, § 62, 52 DCR 2638; Aug. 15, 2008, D.C. Law 17-216, § 3(h), 55 DCR 7500; Sept. 24, 2010, D.C. Law 18-223, § 2042(f), 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-363, § 3(f), 58 DCR 963.)

#### *HISTORICAL AND STATUTORY NOTES*



#### *Effect of Amendments*

D.C. Law 15-354 substituted "file a request for a hearing with the Office of Administrative Hearings" for "seek administrative review by the Board of Appeals and Review, or any successor board or agency".

D.C. Law 17-216 rewrote the section which had read as follows:

"Within 10 days after a notice of a final determination by the Mayor under § 42-3131.08 or § 42-3131.11, an owner may file a request for a hearing with the Office of Administrative Hearings."

D.C. Law 18-223 rewrote subsec. (a), which had read as follows:

"(a) Within 15 days after the designation of an owner's building as vacant, the determination of delinquency of registration or fee payment, or the denial or revocation of registration, the owner may petition the Mayor for reconsideration by filing the form prescribed by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final determination."

D.C. Law 18-363, in subsec. (b), substituted "Real Property Tax Appeals Commission for the District of Columbia" for "Board of Real Property Assessments and Appeals".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(h) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) amendment of section, see § 3(h) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

For temporary (225 day) amendment of section, see § 2(c) of Real Property Tax Reform Temporary Amendment Act of 2010 (D.C. Law 18-153, May 22, 2010, law notification 57 DCR 5381).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(h) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) amendment of section, see § 3(h) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) amendment of section, see § 3(h) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) amendment of section, see § 2(c), of Real Property Tax Reform Emergency Amendment Act of 2009 (D.C. Act 18-313, February 22, 2010, 57 DCR 1645).

For temporary (90 day) amendment of section, see § 2042(f) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

#### *Legislative History of Laws*

For Law 13-281, see notes following § 42-3131.05.

For Law 15-354, see notes following § 42-1103.

For Law 17-216, see notes following § 42-3131.05.

For Law 18-223, see notes following § 42-1904.03.

Law 18-363, the "Real Property Tax Appeals Commission Establishment Act of 2010", was introduced in Council and assigned Bill No. 18-530, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 28, 2011, it was assigned Act No. 18-714 and transmitted to both Houses of Congress for its review. D.C. Law 18-363 became effective on April 8, 2011.

### **§ 42-3131.16. TRANSMISSION OF LIST BY MAYOR.**

(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of buildings:

- (1) Registered as vacant; provided, that for the purposes of this section and § 47-813(d-1)(5)(A-i)(i)(I)(aa), buildings for which the registration has been revoked shall also be deemed registered; and
- (2) For which a notice of final determination has been issued under §§ 42-3131.05 through 42-3131.16 and administrative appeals have been exhausted or expired.

(b) The list shall be in the form and medium prescribed by the Office of Tax and Revenue.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 16, as added Aug. 15, 2008, D.C. Law 17-216, § 3(i), 55 DCR 7500; Sept. 26, 2012, D.C. Law 19-171, § 102, 59 DCR 6190.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 19-171, in subsec. (a)(2), substituted "§§ 42-3131.05 through 42- 3131.16" for "this subchapter".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(d) of Real Property Tax Reform Temporary Amendment Act of 2010 (D.C. Law 18-153, May 22, 2010, law notification 57 DCR 5381).

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 3(i) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006 (D.C. Law 16-259, March 8, 2007, law notification 54 DCR 3044).

For temporary (225 day) addition, see § 3(i) of Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007 (D.C. Law 17-102, February 2, 2008, law notification 55 DCR 4254).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 3(i) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 (D.C. Act 16-586, December 28, 2006, 54 DCR 353).

For temporary (90 day) addition, see § 3(i) of Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007 (D.C. Act 17-173, November 2, 2007, 54 DCR 11204).

For temporary (90 day) addition, see § 3(i) of Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 (D.C. Act 17-436, July 16, 2008, 55 DCR 8272).

For temporary (90 day) amendment of section, see § 2(d), of Real Property Tax Reform Emergency Amendment Act of 2009 (D.C. Act 18-313, February 22, 2010, 57 DCR 1645).

##### *Miscellaneous Notes*

Section 5(a) of D.C. Law 17-216 provides that sections 2, 3, and 4(b) and (c) shall apply to real property tax years beginning after September 30, 2006.

##### *Legislative History of Laws*

For Law 17-216, see notes following § 42-3131.05.

For history of Law 19-171, see notes under § 42-815.02.

## **§ 42-3131.17. TRANSMISSION OF LIST OF BLIGHTED VACANT BUILDINGS BY MAYOR.**

(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of buildings designated by the Mayor as blighted vacant buildings for which a notice of final determination has been issued under this and administrative appeals have been exhausted or expired.

(b) The list shall be in the form and medium prescribed by the Office of Tax and Revenue.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 17, as added Sept. 24, 2010, D.C. Law 18-223, § 2042(g), 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 2042(g) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

##### *Legislative History of Laws*

For Law 18-223, see notes following § 42-1904.03.