

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 31C.
QUICK ACQUISITION OF ABANDONED AND
NUISANCE PROPERTY.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 31C. QUICK ACQUISITION OF
ABANDONED AND NUISANCE PROPERTY.

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CHAPTER 31C. QUICK ACQUISITION OF ABANDONED AND NUISANCE PROPERTY.

SUBCHAPTER I. ACQUISITION AND DISPOSAL OF ABANDONED AND DETERIORATED PROPERTIES.

§ 42-3171.01. DEFINITIONS.

For the purposes of this subchapter, the term:

(1) "Abandoned property" means:

(A) A structure:

(i) That is unoccupied by an owner or a tenant; and

(ii) On which the real property tax imposed by § 47-811 has not been paid in 18 months;

(B) A vacant lot on which the real property tax imposed by § 47-811 has not been paid in 18 months;

(C) A structure:

(i) That is unoccupied by an owner or tenant;

(ii) That the Mayor has determined is structurally unsafe; and

(iii) Regarding which the Mayor has issued to the owner a notice requiring that the owner cause the structure to conform with any provision of the fire code, building code, or housing code, or to demolish the structure for safety reasons, and the owner has failed to act in response to the Mayor's notice within the period of time established by statute, regulation, or the notice; or

(D) A vacant lot on which a building has been demolished.

(1A) "Blighted Area" shall have the meaning as set forth in § 2-1219.01(6).

(2) "Deteriorated property" means real property:

(A) The Mayor has determined constitutes a threat to the public health, safety, or welfare;

(B) The Mayor has determined contributes to the blight or dilapidation of the area immediately surrounding the property; or

(C) As to which, if the real property contains a structure, the Mayor has issued to the owner a notice requiring the owner to conform the structure to any provision of the fire code, building code, or housing code, or to demolish the structure for safety reasons, and the owner has failed to act in response to the Mayor's notice within the period of time established by statute, regulation, or the notice.

(3) "Owner" means a person who holds legal title to an interest in real property as reflected in the records of the Recorder of Deeds.

(4) "Slum and blight" means one or more parcels of land, whether vacant or improved, that are in a blighted area or exhibit one or more characteristics of a blighted area.

(5) "Tenant" shall have the meaning set forth in § 42-3501.03(36).

(Apr. 27, 2001, D.C. Law 13-281, § 431, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468; Oct. 1, 2002, D.C. Law 14-190, § 1002(a), 49 DCR 6968; Oct. 19, 2002, D.C. Law 14-213, § 29(a), 49 DCR 8140; June 8, 2006, D.C. Law 16-119, § 2, 53 DCR 2609; Mar. 25, 2009, D.C. Law 17-353, §§ 115, 182, 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 14-190 made nonsubstantive changes in par. (2)(B).

D.C. Law 14-213, in par. (4), validated a previously made technical correction.

D.C. Law 16-119 added par. (1A); and rewrote par. (4), which had read as follows:

"(4) 'Slum and blight' means properties in a blighted area, as that term is defined in § 2-1219.01(6)."

D.C. Law 17-353 validated previously made technical corrections in pars. (1A), (2)(C), and (4).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1002(a) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

Law 14-114, the "Housing Act of 2002", was introduced in Council and assigned Bill No. 14-183, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 4, 2001, and January 8, 2002, respectively. Signed by the Mayor on February 6, 2002, it was assigned Act No. 14-267 and transmitted to both Houses of Congress for its review. D.C. Law 14-114 became effective on April 19, 2002.

For Law 14-190, see notes following § 42-204.

For Law 14-213, see notes following § 42-1102.

Law 16-119, the "Home Again Initiative Community Development Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-403 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on February 7, 2006, and March 7, 2006, respectively. Signed by the Mayor on March 23, 2006, it was assigned Act No. 16-336 and transmitted to both Houses of Congress for its review. D.C. Law 16-119 became effective on June 8, 2006.

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

Delegation of Authority

Delegation of Authority Under D.C. Law 13-281, the "Abatement and Condemnation of Nuisance Property Omnibus Amendment Act of 2002", see Mayor's Order 2002-33, March 1, 2002 (49 DCR 1875).

Delegation of Authority to the Director of the Department of Housing and Community Development, see Mayor's Order 2007-209, September 27, 2007 (55 DCR 133).

Miscellaneous Notes

Section 1101 of D.C. Law 14-114 provides: "The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall promulgate rules to implement this act."

Short title of title X of Law 14-190: Section 1001 of D.C. Law 14-190 provided that title X of the act may be cited as the Quick Acquisition of Abandoned and Nuisance Property Amendment Act of 2002.

§ 42-3171.02. ACQUISITION AND REDEVELOPMENT OF ABANDONED OR DETERIORATED PROPERTY.

(a) The Mayor may acquire abandoned property or deteriorated property for the public purpose of eliminating slum and blight:

- (1) Pursuant to §§ 16-1311 through 16-1321;
- (2) Through gift or donation;
- (3) By assignment; or
- (4) Through voluntary sale by the owner.

(b) The Mayor may develop or redevelop abandoned or deteriorated property acquired under this section, may demolish structures on the property, and may take any other lawful action to eliminate blight or unsafe conditions on the property.

(c) The Mayor shall not acquire deteriorated property which is occupied and from which tenants shall, or will likely, be displaced unless the Mayor has first made available for public review and comment, for a period of at least 30 days, a plan for the relocation of the displaced tenants.

(d) Before the acquisition of a property under this subchapter, the Mayor shall issue a memorandum describing the Mayor's plan for the development or disposition of the property, describing any potential displacement of tenants and plans for the relocation of displaced tenants, and setting forth a timetable for the development or disposition of the property.

(Apr. 27, 2001, D.C. Law 13-281, § 432, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

For Law 14-114, see notes following § 42-3171.01.

Delegation of Authority

Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Acquire Abandoned or Deteriorated Properties for the Purpose of Eliminating Slum and Blight, see Mayor's Order 2002-110, July 19, 2002 (49 DCR 6873).

Delegation of Authority to Approve or to Disapprove the Acquisition and Disposition of Real Estate, by Sale, Lease or Otherwise, see Mayor's Order 2003-161, November 17, 2003 (50 DCR 10197).

§ 42-3171.03. DISPOSAL OF ABANDONED OR DETERIORATED PROPERTY.

(a) The Mayor may dispose of abandoned or deteriorated property acquired under § 42-3171.02, or acquired by any other means, including property the Mayor has altered or improved, through a competitive process or through a negotiated sale; provided, that:

(1) Before disposition of the property, there shall be a public hearing on the proposed terms and conditions of the disposition after at least 30 days public notice; or

(2) The Mayor shall transmit to the Council for a 60-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess, a proposed resolution providing for the disposition of the property. The proposed resolution shall contain a description of the property to be disposed of and the proposed method and terms and conditions of the disposition. If the Council does not approve or disapprove the proposed resolution within the 60-day period, the proposed resolution shall be deemed approved.

(b)(1) The Mayor may dispose of property acquired under § 42-3171.02 through a request for offers from adjacent property owners. Before accepting an offer under this subsection, the Mayor shall notify adjacent property owners:

(A) That they may make an offer to the Mayor to purchase the property within a time period established by the Mayor;

(B) Of the minimum acceptable purchase price and any mandatory terms or conditions of an acceptable offer; and

(C) That the offer shall be in writing and contain such information as the Mayor may by regulation prescribe.

(2) If only one adjoining property owner offers to purchase the property at or above the minimum acceptable purchase price and the offer meets all mandatory terms and conditions of an acceptable offer, the Mayor shall accept the offer.

(3) If more than one adjoining property owner offers to purchase the real property at or above the minimum acceptable purchase price and the offers meet all mandatory terms and conditions of an acceptable offer, the Mayor shall accept the offer with the highest purchase price.

(c) In transferring a property, the Mayor may forgive up to 50% of the amount of any outstanding taxes owed on the property, and may forgive in full any penalties or interest accrued on the taxes owed, if the property is transferred to a low-income household or to a nonprofit housing entity providing housing opportunities to low-income households; provided, that:

(1) The transferee, if a low-income household, shall maintain the property as his or her principal place of residence for at least 5 years;

(2) The transferee, if a nonprofit housing entity, shall:

(A) If the property is developed for homeownership opportunities, require that each homeowner maintain the property as his or her principal place of residence for at least 5 years;

(B) If the property is developed for rental opportunities, maintain the rental units as units affordable to, and occupied by, low-income, very low-income, or extremely low-income households for not less than 20 years; and

(3) The transferee shall complete rehabilitation of the property within 18 months after the property is transferred.

(Apr. 27, 2001, D.C. Law 13-281, § 433, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468; Oct. 1, 2002, D.C. Law 14-190, § 1002(b), 49 DCR 6968; Oct. 19, 2002, D.C. Law 14-213, § 29(b), 49 DCR 8140; Aug. 16, 2008, D.C. Law 17-219, § 2012, 55 DCR 7598.)

Effect of Amendments

D.C. Law 14-190 made nonsubstantive changes in subsec. (a)(1).

D.C. Law 14-213 redesignated subsec. (d) as subsec. (c).

D.C. Law 17-219, in subsec. (a), inserted ", or acquired by any other means," following "acquired under § 42-3171.02".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1002(b) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

For Law 14-190, see notes following § 42-204.

For Law 14-213, see notes following § 42-1102.

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

Resolutions

Resolution 17-220, the "Blighted Real Property Disposition Emergency Approval Resolution of 2007", was approved effective July 5, 2007.

Resolution 17-222, the "Second Blighted Real Property Disposition Emergency Approval Resolution of 2007", was approved effective July 5, 2007.

Miscellaneous Notes

Short title: Section 2011 of D.C. Law 17-219 provided that subtitle E of title II of the act may be cited as the "Disposition of Abandoned and Deteriorated Property Amendment Act of 2008".

§ 42-3171.04. ASSISTANCE TO DISPLACED PERSONS.

If an occupant or tenant is displaced by the acquisition, development, redevelopment, or disposition of an abandoned or deteriorated property under this subchapter, the Mayor shall offer to the owner or tenant assistance under § 6-331.01; § 6-333.01; or § 6-333.02.

(Apr. 27, 2001, D.C. Law 13-281, § 434, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

SUBCHAPTER II. DUE PROCESS DEMOLITION.

§ 42-3173.01. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Department" means the Department of Housing and Community Development.
- (2) "Deteriorated structure" means a structure that:
 - (A) Is unoccupied;
 - (B) The Mayor has determined:
 - (i) Constitutes a threat to the public health, safety, or welfare; or
 - (ii) Contributes to the deterioration or dilapidation of the community in which the structure is located; and
 - (C) Violates one or more provisions of the District of Columbia Construction Codes, as defined in subsection 101.2 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 101.2), or the District of Columbia Housing Code, set forth in Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 100 *et seq.*).
- (3) "Enclose" means to use barricades, boards, fences, or other means to preclude access, including access by environmental elements, to a structure or site.
- (4) "Interested party" means, with respect to a deteriorated structure:

- (A) An owner, as recorded in the real estate tax assessment records of the District of Columbia;
 - (B) A titleholder, as reflected in the records of the Recorder of Deeds; or
 - (C) A lienholder, as reflected in the records of the Recorder of Deeds.
- (5) "Site" means the deteriorated structure and the lot or lots on which the structure is located.
- (6) "Sufficient action" means the action specified by the Mayor pursuant to § 42-3173.05(a)(8).
- (7) "Unoccupied" means not occupied by an owner or a tenant, as defined in § 42-3501.03(36).
- (Apr. 27, 2001, D.C. Law 13-281, § 441, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468; Oct. 19, 2002, D.C. Law 14-213, § 29(c), 49 DCR 8140.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 14-213, in par. (6), substituted "§ 42-3173.05(a)(7)" for "§ 42- 3173.05(a)(8)".

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

For Law 14-213, see notes following § 42-1102.

Delegation of Authority

Delegation of Authority Pursuant to D.C. Law 14-114, the "Housing Act of 2002", see Mayor's Order 2003-39, March 21, 2003 (50 DCR 2508).

§ 42-3173.02. AUTHORITY OF THE MAYOR TO DEMOLISH OR ENCLOSE DETERIORATED STRUCTURES.

- (a) The Mayor may determine whether any structure in the District of Columbia is a deteriorated structure.
- (b) The Mayor may demolish or enclose a deteriorated structure if:
 - (1) The Mayor takes the actions required by §§ 42-3173.03 and 42-3173.04;
 - (2) A notice of initial determination is prepared and posted under § 42- 3173.05;
 - (3) An interested party does not take sufficient action by the latest of:
 - (A) Thirty days after the notice of initial determination is mailed;
 - (B) Thirty days after the notice of initial determination is published; or
 - (C) A date specified by the Mayor which is not earlier than the date specified in subparagraph (A) or (B) of this paragraph;
 - (4) A notice of final determination is prepared and posted under § 42- 3173.07; and
 - (5)(A) A petition for review challenging the final determination has not been filed under § 42-3173.09 within the time period specified by § 42- 3173.09; or
 - (B) A petition for review challenging the final determination has been filed under § 42-3173.09 within the time period specified by § 42-3173.09, and the Superior Court of the District of Columbia, the District of Columbia Court of Appeals, or other court of competent jurisdiction has issued an order authorizing the Mayor to act, enters final judgment against the petitioner, or dismisses the petition.

(Apr. 27, 2001, D.C. Law 13-281, § 442, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.03. REDEVELOPMENT FEASIBILITY ANALYSIS.

- (a) Prior to posting, mailing, publishing, or filing a notice of initial determination of a deteriorated structure under § 42-3173.05(b), the Mayor shall request from the Department an analysis of the cost of rehabilitating the structure and the feasibility and likelihood that the site will be redeveloped without demolition of the structure. Upon requesting the analysis, the Mayor shall cause notice of the request to be published in the District of Columbia Register. The Mayor shall consider the analysis provided by the Department in determining whether to issue a notice of initial determination under § 42- 3173.05.

(b) If the Department does not provide an analysis to the Mayor within 60 days after the Mayor requests an analysis under subsection (a) of this section, the Mayor may post, mail, publish, or file the notice of initial determination under § 42-3173.05(b).

(Apr. 27, 2001, D.C. Law 13-281, § 443, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.04. DESIGNATION OF POTENTIAL HISTORIC STRUCTURE.

(a) Prior to posting, mailing, publishing, or filing a notice of initial determination under § 42-3173.05(b), the Mayor shall file with the Historic Preservation Review Board a notice which shall include the following information:

- (1) The address of the deteriorated structure or, if the address is not available or does not adequately describe the location of the structure, a description of the location of the structure that is sufficient for its identification;
- (2) A photograph of the structure clearly documenting the appearance of the structure and its immediate surroundings; and
- (3) A statement that the Mayor intends to make a determination that the structure is a deteriorated structure.

(b) Within 60 days after receiving the notice from the Mayor, the Historic Preservation Review Board shall make a preliminary determination whether or not there is a substantial possibility that the structure is eligible for designation as a historic landmark or a contributing building in a historic district.

(c) The Mayor shall not issue a notice of initial determination under § 42-3173.05 and shall not demolish a structure under this subchapter unless:

- (1) The structure is not a historic landmark, a contributing building in a historic district, or a structure for which the Historic Preservation Review Board has made a preliminary determination that there is a substantial possibility that the structure is eligible for designation as a historic landmark or a contributing building in a historic district;
- (2) The structure is a historic landmark or a contributing building in a historic district, or the Historic Preservation Review Board makes a preliminary determination that there is a substantial possibility that the structure is eligible for designation as a historic landmark or a contributing building in a historic district, and:
 - (A) The Mayor determines, pursuant to the procedures and standards of subchapter I of Chapter 11 of Title 6, that demolition of the structure is necessary in the public interest, as provided in § 6-1104(e); or
 - (B) The Mayor intends to enclose, but not demolish, the structure; or
- (3) The Historic Preservation Review Board does not make a determination under subsection (b) of this section within 60 days after receiving the notice filed by the Mayor under subsection (a) of this section, and the structure is not a historic landmark or a contributing structure in a historic district.

(Apr. 27, 2001, D.C. Law 13-281, § 444, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.05. INITIAL DETERMINATION OF DETERIORATED STRUCTURE.

(a) If the Mayor determines that a structure is a deteriorated structure, the Mayor shall prepare a notice of initial determination which shall include the following information:

- (1) The address of the deteriorated structure or, if the address is not available or does not adequately identify the location of the structure, a description of the location of the structure that is sufficient for its identification;
- (2) A statement that the Mayor has determined that the structure is a deteriorated structure and the basis for the Mayor's determination;
- (3) A description of the analysis of the Department under § 42-3173.03 and a statement regarding the

Mayor's consideration of the analysis or, if no analysis was provided, a summary of the Mayor's reason for issuing the notice of initial determination absent the analysis;

(4)(A) A statement that the structure is not a historic landmark, a contributing building in a historic district, or a structure for which the Historic Preservation Review Board has made a preliminary determination that there is a substantial possibility that the structure is eligible for designation as a historic landmark or a contributing building in a historic district; or

(B) A statement that the structure is a historic landmark or a contributing building in a historic district or the Historic Preservation Review Board has made a preliminary determination under § 42-3173.04 that there is a substantial possibility that the structure is eligible for designation as a historic landmark or a contributing building in a historic district, and a statement that:

(i) The Mayor has determined, pursuant to the procedures and standards of subchapter I of Chapter 11 of Title 6, that demolition of the structure is necessary in the public interest, as provided in § 6-1104(e); or

(ii) The Mayor intends to enclose, but not demolish, the structure;

(5) A statement that the Mayor intends to demolish or enclose the deteriorated structure if an interested party does not take sufficient action within 30 days after the mailing or publication of the notice, whichever is later;

(6) If the Mayor intends to demolish the structure, a statement describing why the Mayor intends to demolish, rather than enclose, the structure;

(7) A statement that the Mayor shall not demolish or enclose the structure if sufficient action is taken within 30 days after the mailing or publication of the notice, whichever is later;

(8) A description of the action which, if taken, shall be considered sufficient action; and

(9) A summary statement of the final determination procedure and judicial review provided by this chapter.

(b) After the notice is prepared under subsection (a) of this section, the Mayor shall:

(1) Post the notice on the deteriorated structure;

(2) Mail the notice to all interested parties by certified mail, return receipt requested;

(3) Publish the notice once in a newspaper of general circulation in the District of Columbia;

(4) Publish the notice in the District of Columbia Register.

(5) Transmit the notice to the advisory neighborhood commission in which the structure is located; and

(6) File the notice with the Recorder of Deeds.

(Apr. 27, 2001, D.C. Law 13-281, § 445, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.06. ACTION BY INTERESTED PARTIES.

Interested parties shall have 30 days after the mailing or publication of the notice under § 42-3173.05, whichever is later, to take sufficient action.

(Apr. 27, 2001, D.C. Law 13-281, § 446, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.07. FINAL DETERMINATION OF DETERIORATED STRUCTURE.

(a)(1) If sufficient action has not been taken within the 30-day period of § 42-3173.06, the Mayor shall prepare a notice of final determination.

(2) Notwithstanding paragraph (1) of this subsection, the Mayor may revoke the notice of initial determination or hold in abeyance further action under this subchapter if, prior to the end of the 30-day period, an interested party:

(A)(i) Submits to the Mayor a written plan for the prompt completion of the sufficient action; and

(ii) The Mayor approves the plan with or without conditions; or

(B) Submits to the Mayor written reasons why the Mayor should not take the action specified in § 42-3173.05(a)(5); provided, that, in such case, the Mayor may also amend the notice of initial determination.

(3) The Mayor may extend the 30-day period for 30 days or less upon the written request of an interested party and for good cause shown.

(b) The notice of final determination shall be prepared within 30 days after the end of the 30-day period or within 30 days after the end of any extension of the 30-day period.

(c) The notice of final determination required by subsection (a) and (b) of this section shall include:

(1) The address of the deteriorated structure or, if the address is not available or does not adequately identify the location of the structure, a description of the location of the deteriorated structure that is sufficient for its identification;

(2) A statement that the Mayor has determined that the structure is a deteriorated structure and the basis for the Mayor's determination that the structure is a deteriorated structure;

(3) The date or dates on which the notice of initial determination under § 42-3173.04 was posted, mailed, published, and filed;

(4) A statement that sufficient action was not taken within the specified time period;

(5) A statement that the Mayor intends to demolish or enclose the deteriorated structure; and

(6) A statement that interested parties have 30 days from the date of the mailing of the notice of final determination to file a petition for review in the Superior Court of the District of Columbia seeking judicial review of the Mayor's final determination and that the filing of the petition shall stay final action by the Mayor to demolish or enclose the deteriorated structure until a judicial order is entered.

(d) After the notice of final determination is prepared, the Mayor shall:

(1) Post the notice on the deteriorated structure;

(2) Mail the notice to all interested parties by certified mail, return receipt requested; and

(3) File the notice with the Recorder of Deeds.

(Apr. 27, 2001, D.C. Law 13-281, § 447, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468; Oct. 19, 2002, D.C. Law 14-213, § 29(d), 49 DCR 8140.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 14-213, in subsec. (a)(2)(B), substituted "§ 42-3173.05(a)(5)" for "§ 42-3173.05(a)(4)".

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

For Law 14-213, see notes following § 42-1102.

§ 42-3173.08. DUTY OF MAYOR TO DEMOLISH OR ENCLOSE DETERIORATED STRUCTURE.

(a) If a petition for review is not filed under § 42-3173.09 within the time period specified in § 42-3173.09, the Mayor shall demolish or enclose the deteriorated structure within 120 days after the notice of final determination has been mailed or filed, whichever is earlier.

(b) If a petition for review is filed under § 42-3173.09 within the time period specified in § 42-3173.09, the Mayor shall demolish or enclose the deteriorated structure within 120 days after the court issues an order authorizing the Mayor to act, enters final judgment against the petitioner, or dismisses the petition.

(Apr. 27, 2001, D.C. Law 13-281, § 448, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.09. JUDICIAL REVIEW OF FINAL DETERMINATION.

(a) Within 30 days after the date of the mailing of the notice of final determination under § 42-3173.07, an interested party may file a petition for review in the Superior Court of the District of Columbia challenging

the final determination.

(b) If a petition has been filed under subsection (a) of this section and the Mayor has been served with the petition, the Mayor shall not demolish or enclose the deteriorated structure under the authority of this subchapter until the court issues an order authorizing the Mayor to act, enters final judgment against the petitioner, or dismisses the petition.

(Apr. 27, 2001, D.C. Law 13-281, § 449, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.10. RECOVERY OF COSTS BY THE DISTRICT OF COLUMBIA.

(a) Within 120 days after a deteriorated structure is enclosed or demolished under this subchapter, the Mayor shall determine the total costs incurred by the District to bring about the demolition or enclosure. The total costs shall:

- (1) Include all reasonable costs, including administrative costs;
- (2) Include the cost of repairing damage to adjoining premises; and
- (3) Be reduced by the amount, if any, received from the sale of old material.

(b)(1) The Mayor shall assess the total costs determined under subsection (a) of this section as a tax on the lot on which the deteriorated structure stands or stood.

(2) A tax assessed under this section may be paid without interest within 60 days after the date the tax is assessed. Interest of 18% per annum shall be charged on the unpaid portion of the tax, if any, and interest on the unpaid portion of the tax shall accrue from the date the tax was assessed.

(3) If a portion of the tax assessed under this section remains unpaid one year after the date the tax was assessed, the property against which the tax was assessed may be sold for the tax or unpaid portion of the tax, with interest and penalties thereon, at the next tax sale in the same manner and under the same conditions as property sold for delinquent general taxes.

(4) In selling a property tax lien under paragraph (3) of this subsection, the Mayor may forgive up to 50% of the amount of any outstanding taxes owed on the property, and may forgive in full any penalties or interest accrued on the taxes owed, if the property is transferred to a low-income household, as defined in § 42-2851.02(10), or a nonprofit housing entity providing housing opportunities to low-income households; provided, that:

(A) The transferee, if a low-income household, shall maintain the property as his or her principal place of residence for at least 5 years;

(B) The transferee, if a nonprofit housing entity, shall:

- (i) If the property is developed for homeownership opportunities, require that the homeowner maintain the property as his or her principal place of residence for at least 5 years;
- (ii) If the property is developed for rental opportunities, maintain the rental units as units affordable to, and occupied by, low-income, very low-income, or extremely low-income households for not less than 20 years; and

(C) The transferee shall complete rehabilitation of the property within 18 months after the property is transferred.

(Apr. 27, 2001, D.C. Law 13-281, § 450, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.11. USE OF FUNDS; DEPOSIT OF FUNDS.

(a) Amounts collected by the District of Columbia under this subchapter shall be deposited into the fund established by § 42-3131.01(b)(1).

(b) Amounts in the fund established by § 42-3131.01(b)(1), may be used to pay the costs incurred by the District to demolish or enclose a structure under this subchapter.

(Apr. 27, 2001, D.C. Law 13-281, § 451, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.

§ 42-3173.12. NATURE OF REMEDIES.

The remedies set forth in this subchapter shall be cumulative and not exclusive.

(Apr. 27, 2001, D.C. Law 13-281, § 452, as added Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-114, see notes following § 42-3171.01.