

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 6.
HOUSING AND BUILDING RESTRICTIONS
AND REGULATIONS.

CHAPTER 9.
INSANITARY BUILDINGS.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 9. INSANITARY BUILDINGS.

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CHAPTER 9. INSANITARY BUILDINGS.

§ 6-901. INSPECTION OF BUILDINGS AUTHORIZED.

(a) The Mayor may examine the habitability and sanitary condition of all buildings in the District of Columbia, to condemn those buildings which are in such insanitary condition as to endanger the health or lives of the occupants thereof or persons living in the vicinity, and to cause all buildings to be habitable and sanitary or to be demolished and removed. The Mayor may authorize and direct the performance of the duties imposed on him by this chapter by such officers, agents, employees, contractors, employees of contractors, and other persons as may be designated, detailed, employed, or appointed by the said Mayor to carry out the purposes of this chapter. The Mayor or his designated agent or agents are authorized to investigate, through personal inquiry and inspection, into the habitability and sanitary condition of a building or part of a building in said District, except such as are under the exclusive jurisdiction of the United States. The Mayor, and all persons acting under his authority and the authority contained in this chapter, may, between the hours of 8:00 a.m. and 5:00 p.m., peaceably enter into and upon any and all lands and buildings in said District for the purpose of inspecting the same. If the unsafe building or structure is an historic landmark or is located in an historic district, as defined in § 6-1102(5), the Mayor shall not order or cause the building or structure, or portion thereof, to be removed or taken down, unless the Mayor determines, in consultation with the State Historic Preservation Officer, as defined in § 6-1102(12), that:

(1) There is an extreme and immediate threat to public safety resulting from unsafe structural conditions; and

(2) The unsafe condition cannot be abated by shoring, stabilizing, or securing the building or structure.

(b) As used in this section, the terms "uninhabitable" or "uninhabitability" mean the condition of being in an unlivable condition due to deterioration and infestation, improper maintenance, decaying structures, insufficient light or ventilation, inadequate plumbing, defective electrical system, or general filthy conditions that may cause health and safety concerns for the public, or that is a fire hazard or nuisance.

(May 1, 1906, 34 Stat. 157, ch. 2073, § 1; Aug. 28, 1954, 68 Stat. 884, ch. 1032; Apr. 27, 2001, D.C. Law 13-281, § 103(a), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-701.

1973 Ed., § 5-616.

Effect of Amendments

D.C. Law 13-281 designated subsec. (a), rewrote the first sentence of subsec. (a) which had read: "The Mayor of the District of Columbia is authorized to examine into the sanitary condition of all buildings in said District, to condemn those buildings which are in such insanitary condition as to endanger the health or lives of the occupants thereof or persons living in the vicinity, and to cause all buildings to be put into sanitary condition or to be demolished and removed as may be required by the provisions of this chapter"; in the third sentence of subsec. (a), substituted "into the habitability and sanitary condition of a building" for "into the sanitary condition of any building"; inserted the last sentence of subsec. (a); and added subsec. (b).

Legislative History of Laws

For D.C. Law 13-281, see notes following § 6-801.

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.

§ 6-902. BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS; CONDEMNATION REVIEW BOARD.

(a) The Mayor is directed to appoint or designate a board to consist of not less than 3 members, to perform the duties and functions required by this chapter as follows:

(1) A Board for the Condemnation of Insanitary Buildings to examine the habitability and sanitary condition of buildings in the District of Columbia, to determine which such buildings are in such insanitary condition as to endanger the lives or health of the occupants thereof or of persons living in the vicinity, and to issue appropriate orders of condemnation requiring the correction of such condition or conditions or to require the demolition of any building, in accordance with the provisions of this chapter;

(2) Repealed.

(a-1) The Board shall be comprised of 7 members, as follows:

(1) Two members designated by the Department of Consumer and Regulatory Affairs, one of whom shall be the chairperson;

(2) One member designated by the Deputy Mayor for Economic Development;

(3) One member designated by the Department of General Services;

(4) One member designated by the Department of Public Works;

(5) One member designated by the Department of Housing and Community Development; and

(6) One member designated by the Office of Historic Preservation.

(b) A majority of the members of the Board established by subsection (a) of this section shall constitute a quorum, and a majority vote of the members present shall be required in connection with any act of the Board. No person shall act as a member of either of the said Boards who has any property interest, direct or indirect, in his own right or through relatives or kin, in the building the sanitary condition of which is under consideration.

(c) Repealed.

(c-1) The chairperson may direct that the Board shall sit in panels of 3 members, in which 3 members constitute a quorum, when there is a declaration by the chairperson that the business of the Board cannot be met by sitting as a full Board. A decision made by a panel established by this subsection shall have the same force and effect as a decision of the full Board. Decisions regarding membership on the panels and designation of panel activities shall be made by the chairperson.

(d) The several provisions of §§ 5-1001, 5-1002, and 5-1003 shall be applicable to and enforceable in any proceeding conducted under the authority of this chapter. Each person acting as a member of the Board required to be established by this section, and each alternate member when acting in the stead of the member for whom he is alternate, is hereby authorized to administer oaths to witnesses summoned in any proceeding conducted by the Board. Any fee which may be paid any witness summoned to appear before the Board shall be assessed as a tax against the property the condition of which is under investigation, such tax to be collected in the manner provided in § 6-907; provided, that whenever any order of condemnation is vacated or set aside, by the Superior Court of the District of Columbia, the witness fee authorized by this subsection to be assessed against the property affected by such order of condemnation shall not be so assessed, but shall be paid by the government of the District of Columbia.

(May 1, 1906, 34 Stat. 157, ch. 2073, § 2; Aug. 28, 1954, 68 Stat. 884, ch. 1032; Nov. 7, 1965, 79 Stat. 1216, Pub. L. 89-326, § 1; Mar. 3, 1979, D.C. Law 2-139, § 3205(qq), 25 DCR 5740; Aug. 7, 1980, D.C. Law 3-81, § 2(gg), 27 DCR 2632; Apr. 27, 2001, D.C. Law 13-281, § 103(b), 48 DCR 1888; Dec. 7, 2004, D.C. Law 15-205, § 2072(a), 51 DCR 8441; Sept. 26, 2012, D.C. Law 19-171, § 42, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-702.

1973 Ed., § 5-617.

Effect of Amendments

D.C. Law 13-281, in subsec. (a), in the lead-in text, substituted "a board" for "two separate boards, each"; in par. (1) of subsec. (a), substituted "examine the habitability and sanitary condition of buildings in the District of

Columbia" for "examine into the sanitary condition of buildings in the District of Columbia"; repealed par. (2) of subsec. (a) which had read:

"(2) A Condemnation Review Board, no member of which shall act as a member of the Board for the Condemnation of Insanitary Buildings, to review, upon written request, any order of condemnation issued by the Board for the Condemnation of Insanitary Buildings, and to affirm, modify, or vacate such order of condemnation if the Condemnation Review Board shall find that the sanitary condition of the building under examination requires the affirmation, modification, or vacation of such order of condemnation. The Condemnation Review Board shall consist of at least 3 members and an alternate member for each of said members, at least two-thirds of such members and at least two-thirds of such alternate members to be residents of the District of Columbia and to be selected from among the persons designated under subsection (c) of this section, and not more than one-third of such members and one-third of such alternate members may be employed by the government of the District of Columbia."

; in subsec. (b), substituted "the Board" for "each of the boards" and "either of the said Boards"; repealed subsec. (c) which had read:

"(c) The Mayor shall designate a number of real property owning residents of the District of Columbia, not employed by the government of the District of Columbia or the government of the United States, each of whom from time to time shall be designated by the Mayor to act as a member or an alternate member of the Condemnation Review Board established under the authority of subsection (a) of this section."

; and, in subsec. (d), substituted "the Board" for "either of the Boards" or "either of the said Boards".

D.C. Law 15-205 added subsecs. (a-1) and (c-1).

D.C. Law 19-171, in subsec. (a-1)(3), substituted "Department of General Services" for "Office of Property Management".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2072(a) 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 § 2072(a) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

Law 2-139, the "District of Columbia Government Comprehensive Merit Personnel Act of 1978," was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978, and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

Law 3-81, the "District of Columbia Government Comprehensive Merit Personnel Act Amendments of 1980," was introduced in Council and assigned Bill No. 3-236, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 22, 1980, and May 20, 1980, respectively. Signed by the Mayor on June 4, 1980, it was assigned Act No. 3-195 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-281, see notes following § 6-801.

For Law 15-205, see notes following § 6-623.01.

For history of Law 19-171, see notes under § 6-225.

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.

Miscellaneous Notes

Order establishing Board for the Condemnation of Insanitary Buildings: See Organization Order No. 102, 54-2034, dated September 27, 1954, as amended March 18, 1958, June 10, 1958, May 26, 1960, July 5, 1960, March 23, 1970, May 25, 1970, July 27, 1971, September 20, 1983, and by Reorganization Plan No. 3 of 1975.

Order establishing Condemnation Review Board: See Organization Order No. 103, dated September 27,

1954, as amended April 23, 1957, and July 14, 1960.

Short title of subtitle F of title II of Law 15-205: Section 2071 of D.C. Law 15-205 provided that subtitle F of title II of the act may be cited as the Board of Condemnation and Insanitary Buildings Amendment Act of 2004.

§ 6-903. CONDEMNATION PROCEDURE; OCCUPANCY OF CONDEMNED BUILDINGS.

Whenever the Board for the Condemnation of Insanitary Buildings shall find that any building or part of building is in such habitable or sanitary condition as to endanger the health or lives of the occupants thereof or persons living in the vicinity, the owner of such building shall be served with a notice requiring him to show cause, within a time to be specified in such notice, why such building or part of building should not be condemned. The time to be fixed in such notice shall not be less than 5 days, exclusive of Sundays and legal holidays, after the date of service of said notice, unless the Board shall find that the uninhabitable or insanitary condition of such building or part of building is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which case a lesser time may be specified in said notice. If within the time to show cause fixed by the Board, the owner shall fail to show cause sufficient in the opinion of the Board to prevent the condemnation of such building or part of building, the Board shall issue an order condemning such building or part of building and ordering the same to be put into habitable or sanitary condition or to be demolished and removed within a time to be specified in said order of condemnation, and shall cause a copy of such order to be served on the owner and a copy to be affixed to the building or part of building condemned. The Board shall give the owner reasonable time within which to put the building in habitable or sanitary condition, but such time shall be not less 30 days after the date of service of said order on said owner, unless the Board shall find that the condition of said premises is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which event the Board may fix a lesser time. From and after 15 days, exclusive of Sundays or legal holidays, or within such additional time as may be fixed by the Board, after a copy of any order of condemnation has been affixed to any condemned building or part of building, no person shall occupy such building or part of building.

(May 1, 1906, 34 Stat. 157, ch. 2073, § 3; Aug. 28, 1954, 68 Stat. 885, ch. 1032; Apr. 27, 2001, D.C. Law 13-281, § 103(c), 48 DCR 1888; Oct. 19, 2002, D.C. Law 14-213, § 13, 49 DCR 8140; Dec. 7, 2004, D.C. Law 15-205, § 2072(b), 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-703.

1973 Ed., § 5-618.

Effect of Amendments

D.C. Law 13-281 substituted "5 days" for "ten days", substituted "60 days" for "not less than six months", substituted "habitable or sanitary condition" for "sanitary condition", and substituted "uninhabitable or insanitary condition" for "insanitary condition".

D.C. Law 14-213 validated a previously made technical correction.

D.C. Law 15-205 substituted "30 days" for "60 days".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2072(b) 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 § 2072(b) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For D.C. Law 13-281, see notes following § 6-801.

For Law 14-213, see notes following § 6-802.

For Law 15-205, see notes following § 6-623.01.

§ 6-904. OCCUPANCY OF CONDEMNED BUILDING.

No person having authority to prevent shall permit any building or part of building condemned to be occupied, except as specially authorized by the Board for the Condemnation of Insanitary Buildings under the authority contained in this chapter, after 15 days, exclusive of Sundays and legal holidays, or within such additional time as may be fixed by the Board, from and after the date of service of a copy of the order

of condemnation on the owner of such building; or, if a copy of such order of condemnation has been affixed to the condemned building or part of building at a date subsequent to the date of service of the notice on the owner, after 15 days, exclusive of Sundays and legal holidays, or within such additional time as may be fixed by the Board, from the date on which said copy of such order of condemnation was so affixed.

(May 1, 1906, 34 Stat. 158, ch. 2073, § 4; Aug. 28, 1954, 68 Stat. 886, ch. 1032.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-704.

1973 Ed., § 5-619.

§ 6-905. OWNER TO REPAIR OR DEMOLISH CONDEMNED BUILDING.

The owner of any building or part of building condemned under the provisions of this chapter shall, within the time specified by the Board for the Condemnation of Insanitary Buildings in the order of condemnation, or any extension of time which may be granted by the Board:

(1) make such changes or repairs as will remedy the conditions which led to the condemnation of such building or part of building; or

(2) cause such building or part of building to be demolished and removed; provided, that any owner repairing a building or part of building in accordance with the provisions of this chapter shall be required to make only those repairs which are reasonably related to a correction of the uninhabitable or insanitary condition or conditions found by said Board to exist in or about said building, and nothing in this chapter shall be construed as authorizing the Board to require any repair not reasonably related to the correction of any uninhabitable or insanitary condition in or about such building, but the Board may require the building to be brought into substantial conformity with the Building Code approved pursuant to the Construction Codes Approval and Amendments Act of 1986. Whenever any building is repaired or demolished in accordance with the requirements of this section, such repair or demolition shall be performed in such manner and under the authority of such permit as may be required by any applicable law or regulation.

(May 1, 1906, 34 Stat. 158, ch. 2073, § 5; Aug. 28, 1954, 68 Stat. 886, ch. 1032; Mar. 21, 1987, D.C. Law 6-216, § 13(f), 34 DCR 1072; Apr. 27, 2001, D.C. Law 13-281, § 103(d), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-705.

1973 Ed., § 5-620.

Effect of Amendments

D.C. Law 13-281 substituted "uninhabitable or insanitary condition" for "insanitary condition" in two places, and substituted "but the Board may require the building to be brought into substantial conformity" for "or to require such building to be brought into substantial conformity".

Legislative History of Laws

Law 6-216, the "Construction Codes Approval and Amendments Act of 1986," was introduced in Council and assigned Bill No. 6-500, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 18, 1986, and December 16, 1986, respectively. Signed by the Mayor on February 2, 1987, it was assigned Act No. 6-279 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-281, see notes following § 6-801.

References in Text

The "Construction Codes Approval and Amendments Act of 1986," referred to in par. (2), is D.C. Law 6-216.

§ 6-906. CANCELLATION OF CONDEMNATION ORDER; EXTENSIONS OF TIME.

If the owner of any building or part of building condemned under the provisions of this chapter shall make such changes or repairs as will remedy in a manner satisfactory to the Board for the Condemnation of Insanitary Buildings the conditions which led to the condemnation of such building or part of building, the order of condemnation shall be canceled and the building may again be occupied. If the owner cannot

make such changes or repairs within the period within which the owner may lawfully permit such building or part of building to be occupied under § 6-904, but proceeds with such changes or repairs with reasonable diligence during such period, said Board may, by special order, extend from time to time the period within which the occupants of said building or part of building may remain therein, and within which the owner of such building may permit the said occupants so to remain.

(May 1, 1906, 34 Stat. 158, ch. 2073, § 6; Aug. 28, 1954, 68 Stat. 886, ch. 1032.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-706.

1973 Ed., § 5-621.

§ 6-907. FAILURE OF OWNER TO COMPLY WITH ORDER; REPAIR OR DEMOLITION OF BUILDING; COST ASSESSED AGAINST PROPERTY.

(a) If the owner of any building or part of building condemned under the provisions of this chapter shall fail to remedy in a manner satisfactory to the Board for the Condemnation of Insanitary Buildings the condition or conditions which led to the condemnation thereof, by failing to cause such building or part of building to be put into habitable and sanitary condition or to be demolished and removed within the time specified by said Board in the order of condemnation or any extension thereof, he shall be deemed guilty of a misdemeanor and be liable to the penalties provided by § 6-916, and such building or part of building may be put into habitable and sanitary condition or be demolished and removed under the direction of said Board, and the cost of such repairs or such demolition and removal, including the cost of making good damage to adjoining premises (except such as may have resulted from carelessness or willful recklessness in the demolition or removal of such building), and the cost of publication, if any, herein provided for, less the amount, if any, received from the sale of the old material, shall be assessed by the Mayor of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected as provided in this section; provided, that the pendency of any review or appeal provided for by §§ 6-913 and 6-914 shall stay the operation of any order issued by said Board, unless said Board shall find that the condition of said premises is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity; provided further, that the taxes authorized to be levied and collected under this chapter may be paid without interest within 60 days from the date such tax was levied. Interest of one-half of one per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of 60 days from the date such tax was levied. Any such tax may be paid in 3 equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of 2 years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

(b) Any tax levied pursuant to this chapter as amended by the Act approved August 28, 1954, which was levied after the effective date of such Act of August 28, 1954, and prior to November 7, 1965, shall, for the purpose of computing interest thereon, be deemed to have been levied as of November 7, 1965.

(May 1, 1906, 34 Stat. 158, ch. 2073, § 7; Aug. 28, 1954, 68 Stat. 886, ch. 1032; Nov. 7, 1965, 79 Stat. 1216, Pub. L. 89-326, § 2; Apr. 27, 2001, D.C. Law 13-281, § 103(e), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-707.

1973 Ed., § 5-622.

Effect of Amendments

D.C. Law 13-281 substituted "uninhabitable or insanitary condition" for "insanitary condition" throughout the section.

Legislative History of Laws

For D.C. Law 13-281, see notes following § 6-801.

References in Text

Act of August 28, 1954, referred to twice in subsection (b) of this section, amended this chapter.

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.

§ 6-908. LITIGATION INVOLVING TITLE TO PROPERTY.

Whenever the Board for the Condemnation of Insanitary Buildings is in doubt as to the ownership of any building or part of a building, the condemnation of which is contemplated, because the title thereto is in litigation, said Board may notify all parties to the suit and may report the circumstances to the Mayor of the District of Columbia, who may bring such circumstances to the attention of the court in which such litigation is pending for the purpose of securing such order or decree as will enable said Board to continue such condemnation proceedings, and such court is hereby authorized to make such decrees and orders in such pending suit as may be necessary for that purpose.

(May 1, 1906, 34 Stat. 158, ch. 2073, § 8; Aug. 28, 1954, 68 Stat. 887, ch. 1032.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-708.

1973 Ed., § 5-623.

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.

§ 6-909. APPOINTMENT OF GUARDIAN FOR PERSON NON COMPOS MENTIS OR FOR INFANT.

Whenever the title to any building or part of building is vested in a person non compos mentis, or a minor child or minor children without legal guardian, the Board for the Condemnation of Insanitary Buildings shall report that fact to the Mayor of the District of Columbia, who shall take due legal steps to secure the appointment of a guardian or guardians for such person non compos mentis, or minor child or children aforesaid, for the purpose of the condemnation proceedings authorized by this chapter, and any judge of the court having probate jurisdiction is hereby authorized to appoint a guardian or guardians for such purpose.

(May 1, 1906, 34 Stat. 159, ch. 2073, § 9; Aug. 28, 1954, 68 Stat. 887, ch. 1032; July 29, 1970, 84 Stat. 577, Pub. L. 91-358, title I, § 158(e).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-709.

1973 Ed., § 5-624.

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.

§ 6-910. SERVICE OF NOTICE.

(a) Any notice required by this chapter to be served shall be deemed served when served by any of the following methods: (1) when forwarded to the last known address of the owner as recorded in the real estate assessment records of the District of Columbia by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address; provided, that valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason; (2) when delivered to the person to be notified; (3) when 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 or employed therein; (4) if no such residence or place of business can be found in the District of Columbia by reasonable search, then if left with any person of suitable age and discretion employed 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; (5) if any such notice forwarded by registered or certified mail be returned for reasons other than refusal, or if personal service of any such notice, as hereinbefore provided, cannot be effected, then if published on 3 consecutive days in a daily newspaper published in the District of Columbia; or (6) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any notice to a corporation shall, for the purposes of this chapter, be deemed to have been served on 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 notices to a foreign corporation shall, for the purposes of this chapter, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

(b) In case such notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

(c)(1) For purposes of receiving notice required by this chapter, a person who is a nonresident owner of vacant property in the District of Columbia shall appoint and continuously maintain a registered agent for the service of process. The appointment shall be made by filing a statement with the Mayor. The registered agent shall be an individual who is a resident of the District of Columbia or an organization incorporated in the District of Columbia. If the nonresident owner changes the registered agent or if the name and address or any other information about the registered agent changes after the statement is filed with the Mayor, the nonresident owner shall file a statement notifying the Mayor of the change. A nonresident owner of vacant property in the District of Columbia who violates this section shall be subject to a penalty of \$300.

(2) The Mayor shall serve as the registered agent for a nonresident owner of vacant property if a registered agent is not appointed by the nonresident owner or if the individual or organization named as registered agent ceases to serve in that capacity or cannot be located after reasonable diligence.

(May 1, 1906, 34 Stat. 159, ch. 2073, § 10; Aug. 28, 1954, 68 Stat. 887, ch. 1032; Nov. 7, 1965, 79 Stat. 1216, Pub. L. 89-326, § 3; Dec. 7, 2004, D.C. Law 15-205, § 2072(c), 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-710.

1973 Ed., § 5-625.

Effect of Amendments

D.C. Law 15-205 added subsec. (c).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2072(c) 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 § 2072(c) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For Law 15-205, see notes following § 6-623.01.

§ 6-911. INTERFERENCE WITH INSPECTION OR WORK.

No person shall interfere with the Mayor or with any person acting under authority and by direction of said Mayor in the discharge of his lawful duties, nor hinder, prevent, or refuse to permit any lawful inspection or the performance of any work authorized by this chapter to be done by or by authority and direction of said Mayor.

(May 1, 1906, 34 Stat. 159, ch. 2073, § 11; Aug. 28, 1954, 68 Stat. 888, ch. 1032.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-711.

1973 Ed., § 5-626.

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.

§ 6-912. DESTRUCTION, REMOVAL, OR CONCEALMENT OF COPY OF ORDER OF CONDEMNATION AFFIXED TO BUILDING.

No person shall, without the consent of the Board for the Condemnation of Insanitary Buildings, deface, obliterate, remove, or conceal any copy of any order of condemnation which has been affixed to any building or part of building by order of the said Board; and the owner and the person having custody of any building or part of building to which a copy or copies of any such order has been affixed shall, if said copy of said order has been to his knowledge defaced, obliterated, or removed, forthwith report that fact in writing to the Board (unless he had good reason to believe that such copy of such an order has been removed by authority of the Board), and if such copy of such order has been concealed, he shall forthwith expose the same to view.

(May 1, 1906, 34 Stat. 159, ch. 2073, § 12; Aug. 28, 1954, 68 Stat. 888, ch. 1032.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-712.

1973 Ed., § 5-627.

§ 6-913. REVIEW OF ORDER OF CONDEMNATION.

The order of condemnation by the Board for the Condemnation of Insanitary Buildings may be appealed to the Superior Court of the District of Columbia for a review of the record and the Court may affirm, reverse, remove, or modify the decision, or take any other appropriate action the Court may consider necessary or appropriate. The Court shall examine the administrative record of the Board for the Condemnation of Insanitary Buildings to determine whether there has been procedural error, whether there is substantial evidence in the record to support the findings, or whether the action of the Board was in some manner arbitrary, capricious, or an abuse of discretion.

(May 1, 1906, 34 Stat. 160, ch. 2073, § 13; Aug. 28, 1954, 68 Stat. 888, ch. 1032; Apr. 27, 2001, D.C. Law 13-281, § 103(f), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-713.

1973 Ed., § 5-628.

Effect of Amendments

D.C. Law 13-281 rewrote the section which prior thereto read:

"Any owner of property affected by an order of condemnation issued under the authority contained in this chapter shall be entitled to a review of such order by the Condemnation Review Board established by the Mayor in accordance with the provisions of § 6-902, upon making application to said Condemnation Review Board, in writing, within 15 days from the date on which such owner has been served notice of such order of condemnation, and upon payment of a fee of \$25. The said Condemnation Review Board shall be authorized by the Mayor to affirm, modify, or vacate any order of condemnation issued under the authority contained in this chapter."

Legislative History of Laws

For D.C. Law 13-281, see notes following § 6-801.

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.

§ 6-914. APPEAL FROM ORDER OF CONDEMNATION.

The owner of any building or part of a building condemned under the provisions of this act may appeal the ruling by the Superior Court of the District of Columbia under § 6-913 to the District of Columbia Court of Appeals.

(May 1, 1906, 34 Stat. 160, ch. 2073, § 14; Aug. 28, 1954, 68 Stat. 888, ch. 1032; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Oct. 5, 1985, D.C. Law 6-42, § 468, 32 DCR 4450; Apr. 27, 2001, D.C. Law 13-281, § 103(g), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-714.

1973 Ed., § 5-629.

Effect of Amendments

D.C. Law 13-281 rewrote the section which prior thereto read:

"The owner of any building or part of building condemned under the provisions of this chapter may, within 15 days from the date on which the owner receives notice that an order of condemnation has been reviewed by the Condemnation Review Board ('Board') pursuant to § 6-902 and has been affirmed and modified by the Board, appeal to the District of Columbia Court of Appeals for judicial review pursuant to § 2-510."

Legislative History of Laws

Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6-60 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-281, see notes following § 6-801.

§ 6-915. NEGLECT BY TENANTS OR OCCUPANTS.

If an uninhabitable or insanitary condition which has led to the condemnation of a building or part of building has been caused in any part by the action or by the neglect of the tenant or tenants, occupant or

occupants thereof, such tenant, tenants, occupant, or occupants shall be guilty of a misdemeanor and be liable to the penalties provided in § 6-916.

(May 1, 1906, ch. 2073, § 15; Aug. 28, 1954, 68 Stat. 889, ch. 1032; Apr. 27, 2001, D.C. Law 13-281, § 103(h), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-715.

1973 Ed., § 5-630.

Effect of Amendments

D.C. Law 13-281 substituted "If an uninhabitable or insanitary condition" for "Whenever any insanitary condition".

Legislative History of Laws

For D.C. Law 13-281, see notes following § 6-801.

§ 6-916. VIOLATION OF § 6-903, § 6-904, § 6-905, § 6-907, § 6-911, § 6-912, OR § 6-915.

Any person violating or aiding or abetting in violating § 6-903, § 6-904, § 6-905, § 6-907, § 6-911, § 6-912, or § 6-915 shall, upon conviction thereof in the Superior Court of the District of Columbia, upon information filed in the name of said District, be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days; and each day on which such unlawful act is done or during which such unlawful negligence continues shall constitute a separate and distinct offense. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction by any person violating or aiding and abetting in violating § 6-903, § 6-904, § 6-905, § 6-907, § 6-911, § 6-912, or § 6-915, or any rules or regulations issued under the authority of these sections, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(b) All fees and penalties collected under this chapter shall be deposited in the fund established by § 42-3131.01(b) and shall be expended for the general administration of the Board.

(May 1, 1906, 34 Stat. 161, ch. 2073, § 16; Aug. 28, 1954, 68 Stat. 889, ch. 1032; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Oct. 5, 1985, D.C. Law 6-42, § 440, 32 DCR 4450; Dec. 7, 2004, D.C. Law 15-205, § 2072(d), 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-716.

1973 Ed., § 5-631.

Effect of Amendments

D.C. Law 15-205 designated the existing text as subsection (a); and added subsec. (b).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2072(d) 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 § 2072(d) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 6-914.

For Law 15-205, see notes following § 6-623.01.

§ 6-917. APPROPRIATIONS AUTHORIZED.

Except as herein otherwise authorized all expenses incident to the enforcement of this chapter shall be paid from appropriations made from time to time for that purpose in like manner as other appropriations for the expenses of the District of Columbia.

(May 1, 1906, 34 Stat. 161, ch. 2073, § 17; Aug. 28, 1954, 68 Stat. 889, ch. 1032.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-717.

1973 Ed., § 5-632.

§ 6-918. "MAYOR" AND "OWNER" DEFINED; AGENT OF OWNER.

(a) For the purposes of this chapter, the term "Mayor" shall mean the Mayor of the District of Columbia or his designated agent or agents; and the term "owner" shall mean:

(1) Any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of the property found by the Mayor to be in an uninhabitable or insanitary condition;

(2) The committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or

(3) A trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.

(b) Wherever under this chapter any act is to be performed by, or any notice is to be given, an owner, such act may be performed by an agent of such owner, or such notice may be given to an agent of such owner who collects rent or otherwise acts as an agent for the owner in connection with said property.

(May 1, 1906, ch. 2073, § 18; Aug. 28, 1954, 68 Stat. 889, ch. 1032; Apr. 27, 2001, D.C. Law 13-281, § 103(i), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-718.

1973 Ed., § 5-633.

Effect of Amendments

D.C. Law 13-281, in par. (1) of subsec. (a), substituted "uninhabitable or insanitary condition" for "insanitary condition".

Legislative History of Laws

For D.C. Law 13-281, see notes following § 6-801.

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.

§ 6-919. SUITS AND PROCEEDINGS UNDER PRIOR LAW; TIME LIMITS.

(a) All suits and proceedings instituted by or against the Board for the Condemnation of Insanitary Buildings in the District of Columbia created by former § 6-801, or the Board for the Condemnation of Insanitary Buildings established by the Commissioners under the authority of Reorganization Plan No. 5 of 1952, prior to September 27, 1954, shall be deemed to have been taken by, or instituted by or against, the Mayor of the District of Columbia.

(b) With respect to any building or part of building condemned by either of the Boards aforesaid prior to September 27, 1954, and which building or part of building stands condemned as of September 27, 1954, the 6-month period provided by § 6-903 shall commence running from September 27, 1954.

(c) Repealed.

(May 1, 1906, ch. 2073, § 19; Aug. 28, 1954, 68 Stat. 889, ch. 1032; Apr. 27, 2001, D.C. Law 13-281, § 103(j), 48 DCR 1888.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-719.

1973 Ed., § 5-634.

Effect of Amendments

D.C. Law 13-281 repealed subsec. (c) which had read:

"(c) Wherever any provision of this chapter refers to any order of the Board for the Condemnation of Insanitary Buildings, such provision shall mean the order of such Board, or, if such order be reviewed by the Condemnation Review Board, as such order has been affirmed or modified by the latter Board; and wherever this chapter establishes any time limit within which there shall be compliance with an order of the Board for the Condemnation of Insanitary Buildings, such time limit shall begin running from the date on which the owner of the property affected by said order is served with notice thereof, or, if such order be reviewed by the Condemnation Review Board, from the date on which the owner of such property receives notice that such order has been affirmed or modified by the latter Board."

Legislative History of Laws

For D.C. Law 13-281, see notes following § 6-801.

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.