

AN ACT
D.C. ACT 22-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Office of Administrative Hearings Establishment Act of 2001 to establish a timeline for housing code violation hearings; to amend Subchapter 2 of Chapter 1 of Title 29 of the District of Columbia Official Code to require that entity filings and biennial reports made on or after January 1, 2020 include the names and residence and business addresses of each person that has at least 10 percent ownership in the filing entity, or has less than 10 percent ownership in the entity but controls the financial or operational decisions or has the ability to direct the day-to-day operations of the entity; to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to dedicate certain fines to the fund established thereunder, to grant the Mayor discretion to reclassify a blighted vacant building as a vacant building for a period of no longer than 12 months if the building has met certain conditions and is undergoing renovations, to amend the notice requirements for vacant buildings to require a courtesy copy of a notice of a vacant building to be posted on the vacant building and mailed or electronically mailed to the affected Advisory Neighborhood Commission, and to require the Real Property Tax Appeals Commission to mail or electronically mail a notice of a hearing to the affected Advisory Neighborhood Commission; to amend the Rental Housing Act of 1985 to provide that a property owner shall not have more than 30 days to abate a housing code violation and to allow the Mayor to grant an extension only if the housing provider has taken all reasonable steps to abate a violation by the deadline; to amend section 105 of Title 14 of the District of Columbia Municipal Regulations to require an inspector to notify the Office of the Attorney General of any Class 1, 2, 3, or 4 infraction that has not been abated within 6 months and to limit the enforcement discretion of the code official with respect to repeated or unabated housing code violations; and to amend Title 16 of the District of Columbia Municipal Regulations to require the issuance and posting of a Notice of Abatement and to establish new infractions for failure to abate housing code violations for 6 months or more.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018”.

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Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended by adding a new section 6a to read as follows:

“Sec. 6a. Housing code violation hearings.

“(a) A housing provider shall have 10 days from the receipt of any notice of infraction or notice of violation for a housing code violation to request a hearing before the Office.

“(b)(1) The Office shall schedule a hearing not more than 30 days after the receipt of a request for a hearing.

“(2) The Office may grant a request for continuance, but only on an affirmative showing of good cause; provided, that the hearing may not be postponed more than 30 days after the date the hearing originally was scheduled.

“(c) The Office shall issue a final order not more than 30 days after the date of the hearing.”.

Sec. 3. Subchapter 2 of Chapter 1 of Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 29-102.01(a) is amended by adding a new paragraph (6) to read as follows:

“(6) For entity filings made on or after January 1, 2020, the entity filing shall state the names and residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10 percent; and

“(B) Does not exceed 10 percent; provided, that the person:

“(i) Controls the financial or operational decisions of such entity;

or

“(ii) Has the ability to direct the day-to-day operations of such

entity.

(b) Section 29-102.11(a) is amended by adding a new paragraph (6) amended as follows:

“(6) For biennial reports made on or after January 1, 2020, the report shall state the names and residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10 percent; and

“(B) Does not exceed 10 percent; provided, that the person:

“(i) Controls the financial or operational decisions of such entity;

or

“(ii) Has the ability to direct the day-to-day operations of such

entity.”.

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Sec. 4. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 1(b) (D.C. Official Code § 42-3131.01(b)) is amended by adding a new paragraph (2A) to read as follows:

“(2A) Notwithstanding paragraph (2), fines collected for a repeat infraction pursuant to section 3201.2 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201.2), or for a failure to timely abate a violation pursuant to sections 3305.1(s), 3305.2(uu), and 3305.3(vvv) of Title 16 of the District of Columbia Municipal Regulations (16 DCMR §§ 3305.1(s), 3305.2(uu), and 3305.3(vvv)), shall be deposited into the fund.”

(b) Section 5(1)(B)(ii) (D.C. Official Code § 42-3131.05(1)(B)(ii)) is amended by striking the phrase “boarded up; and” inserting the phrase “boarded up; provided, that this sub-subparagraph shall not apply if the doors, windows, areaways, and other openings are secured by boards or other non-permanent means of security for not longer than 12 months and the owner submits proof of an issued building permit to rehabilitate the building for occupancy that certifies that these items will be replaced as part of the renovation of the vacant building; and” in its place.

(c) Section 5a (D.C. Official Code § 42-3131.05a) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) Newly designated subsection (a) is amended by striking the phrase “Office of Tax and Revenue. Notice of the initial vacant or blighted property determination shall also be posted on the vacant building” and inserting the phrase “Office of Tax and Revenue” in its place.

(3) New subsections (b) and (c) are added to read as follows:

“(b) The Mayor shall cause notice also to be posted on the vacant building; provided, that the official notice for legal purposes shall be the notice mailed pursuant to subsection (a) of this section. Unless the Mayor knows with certainty that the vacant building is not eligible for exemption pursuant to section 6, the notice shall not be posted by difficult-to-remove adhesive.

“(c) A courtesy copy of a notice provided pursuant to subsection (a) of this section shall be mailed or electronically mailed to the Advisory Neighborhood Commission in which the vacant building is located and the status of the building’s designation shall be posted on an internet website maintained by the Department of Consumer and Regulatory Affairs that is accessible to the public. The courtesy copy required by this subsection shall not be construed to satisfy, nor be construed as necessary to satisfy, the requirements of subsection (a) of this section that notice be properly served by mail.”

(d) Section 11 (D.C. Official Code § 42-3131.11) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) Consistent with section 5a(c), a courtesy copy of notice required by this section shall be mailed or electronically mailed to the Advisory Neighborhood Commission in which the building is located, and the status of the building’s designation shall be posted on an internet

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website maintained by the Department of Consumer and Regulatory Affairs that is accessible to the public.”

(e) Section 15 (D.C. Official Code § 42-3131.15) is amended by adding a new subsection (c) to read as follows:

“(c) After receiving a notice of appeal from an owner as required under subsection (b) of this section, the Real Property Tax Appeals Commission for the District of Columbia shall provide by mail or electronic mail to the Advisory Neighborhood Commission in which the vacant building is located, at least 15 days before any scheduled hearing on the appeal, the following information related to the building at issue:

“(1) The name of the owner of the building, and the building address, to include the square, suffix, and lot numbers;

“(2) The determination under review; and

“(3) The date, time, and location of the hearing.”

Sec. 5. Section 908 of the Rental Housing Act of 1985, effective March 21, 2009 (D.C. Law 17-319; D.C. Official Code § 42-3509.08), is amended by adding new subsections (e) and (f) to read as follows:

“(e) A property owner shall not have more than 30 days to abate any condition that has resulted in the issuance of a notice of violation in connection with an inspection carried out pursuant to this section.

“(f) The Mayor may extend the deadline for a property owner to abate a violation pursuant to subsection (e) of this section only if the property owner has taken all reasonable steps to abate the violation by the deadline. All reasonable steps include proof of active construction or undergoing active rehabilitation, renovation, or repair to abate the violation.”

Sec. 6. Section 105 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 105) is amended as follows:

(a) New subsections 105.1a and 105.1b are added to read as follows:

“105.1a Notwithstanding any other provision of this section, whenever a duly designated agent of the District finds reasonable grounds to believe that there exists a violation of 16 DCMR §§ 3305.1(s), 3305.2(uu), or 3305.3(vvv), or any violation of 16 DCMR § 3305.1 that has not been abated within 6 months, he or she shall notify the Office of the Attorney General of the matter and shall, either singularly or in combination:

“(a) Issue a notice of violation, which may afford the person responsible for the correction of the violation an opportunity to abate the violation;

“(b) Issue a notice of infraction, assessing a fine for the presence of the violation;

“(c) Issue a combined notice of violation and notice of infraction;

“(d) Issue any other order or notice authorized to be issued by the code official; or

“(e) Effect summary correction of the violation, as authorized by law.”

“105.1b On or before October 1 of each year, the Department shall submit a report to the Mayor and the Council that details, with respect to subsection 105.1a, the number of

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notifications that were provided to the Office of the Attorney General, the number of notices of infraction and notices of violation that were issued, the total value of any fines collected, and the number of summary corrections completed during the prior year.”.

(b) Subsection 105.3 is amended by striking the phrase “Issuance of” and inserting the phrase “Except as provided in subsection 105.1a, issuance of” in its place.

Sec. 7. Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 100 *et seq.*) is amended as follows:

(a) Section 3104 (16 DCMR § 3104) is amended by adding new subsections 3104.9, 3104.10, and 3104.11 to read as follows:

“3104.9 If the Director has determined that the cited infraction has been successfully abated and the respondent has taken all reasonable steps to ensure the infraction does not reoccur, the Director shall issue a notice of abatement and provide it to the respondent. The notice of abatement shall be conspicuously posted by the respondent for residents to view for 14 days.

“3104.10 A notice of abatement issued pursuant to this section shall include at least the following information:

“(a) A list of the infractions abated, not to include a tenant’s name and address; and

“(b) The respondent’s license or permit number.

“3104.11 Receipt of a Notice of Abatement for an infraction shall preclude the infraction from serving as the basis of a violation under §§ 3305.1(s), 3305.2(uu), or 3305.3(vvv).”.

(b) Section 3305 (16 DCMR § 3305) is amended as follows:

(1) Subsection 3305.1 is amended as follows:

(A) Paragraph (q) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(B) Paragraph (r) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(C) A new paragraph (s) is added to read as follows:

“(s) Any infraction listed in § 3305.2 that has not been abated within 6 months of the issuance of a notice of violation.”.

(2) Subsection 3305.2 is amended as follows:

(A) Paragraph (tt) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(B) A new paragraph (uu) is added to read as follows:

“(uu) Any infraction listed in § 3305.3 that has not been abated within 6 months of the issuance of a notice of violation.”.

(3) Subsection 3305.3 is amended as follows:

(A) Paragraph (uuu) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(B) A new paragraph (vvv) is added to read as follows:

“(vvv) Any infraction listed in § 3305.4 that has not been abated within 6 months of the issuance of a notice of violation.”.

Sec. 8. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 30, 2019



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. B22-0317

ITEM ON CONSENT CALENDAR

ACTION & DATE

FIRST READING CC, Dec 4, 2018

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

GRAY AND MCDUFFIE

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray				X	Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie				X	Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1-9-19

Date

Docket No. B22-0317

ITEM ON CONSENT CALENDAR

ACTION & DATE

FINAL READING CC, Dec 18, 2018

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

BONDS

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds				X	McDuffie	X				Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1-9-19

Date