

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 provide for registration of vacant buildings with the Mayor, establish penalties for failure to register, set maintenance standards for vacant buildings, provide for appropriate review where an unsafe building is an historic landmark or is within an historic district, provide that costs recovered in abatement activities shall be deposited in the fund established by section 1(b)(1); to amend An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, to provide procedures for buildings and structures which are historic landmarks or located within an historic district; to amend An Act to create a board of commissioners for the condemnation of insanitary buildings in the District of Columbia, and other purposes, to abolish the Condemnation Review Board and to enable the Mayor to take appropriate action where a building is not only insanitary but also uninhabitable; to amend the Historic Landmark and Historic District Protection Act of 1978 to prevent the demolition of a historic building through neglect and establish a revolving fund to receive costs recovered in abatement of the condition of such buildings; to amend the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 to expedite the process for recovering money from persons who violate the act through the attachment of liens and enforcement as a real property tax lien; to amend the Summary Abatement of Life-or-Health Threatening Conditions Act of 1982 by increasing the penalty for a violation and to require a nonresident owner of one or more rental properties to maintain a registered agent for service of process; to amend the Residential Drug-Related Evictions Amendment Act of 1990 to conform the definition of controlled dangerous substance to section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981; to amend the Rental Housing Act of 1985 and the Rental Housing Conversion and Sale Act of 1980 to preserve tenant rights if a building has been closed by the District of Columbia for housing code violations by providing that the tenancy shall continue after physical occupancy ceases and rights relating to sale or conversion and reoccupancy; to create a misdemeanor and a civil cause of action for the alteration of electric and gas lines in order to fraudulently avoid meter registration; to establish procedures for the quick acquisition of nuisance property, authorizing the Mayor to determine whether property is

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has been abandoned, authorizing the condemnation of abandoned property acquired by the District of Columbia, and authorizing acquired property to be demolished or rehabilitated through a development or redevelopment plan; and to provide for the appointment of a receiver for a rental housing accommodation if a violation of law seriously threatens the tenant's health, safety, or security.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000".

TITLE I. ABATEMENT AND CONDEMNATION OF NUISANCE PROPERTIES.

Sec. 101. An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes is amended by adding new sections 5 through 15 to read as follows:

"Sec. 5. Definitions.

"For the purposes of sections 5 through 15, the term:

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

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

"(3) "Occupied" means:

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

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

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

"(5) "Vacant building" means a building, or a part of a building, which contains a dwelling or commercial unit, or a part of a building which is a dwelling or commercial unit, which, on or after the effective date of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, has not been occupied continuously for more than 180 days.

"Sec. 6. Registration of vacant buildings.

"(a) Except as provided in subsections (b) and (c) of this section, the owner of a vacant building shall maintain the building in compliance with the requirements of section 12 and, within

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30 days after it becomes a vacant building, register the building with the Mayor, and pay the registration fee. The Mayor, in his sole discretion, may extend the time for good cause.

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

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

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

"(3) Under construction or undergoing rehabilitation, renovation, or repair, and if there is a valid building permit that was issued within 60 days of the required registration date;

"(4) In compliance with the requirements of section 12 and the housing regulations of the District of Columbia and the owner or his agent has been actively seeking to rent or sell it; or

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

"(c) If a vacant building is owned by the District of Columbia or its instrumentalities, it shall be subject to the registration requirements in subsection (a) of this section and the maintenance requirements in section 12, but shall not be subject to the fee requirements under subsection (a) of this section or the fines and penalties collected under section 10.

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

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

"Sec. 7. Registration and renewal procedure.

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

"(1) The building has been maintained in accordance with the requirements of section 12; and

"(2) The vacancy of the building will not:

"(A) Be detrimental to the public health, safety, and welfare;

"(B) Unreasonably interfere with the reasonable and lawful use and enjoyment of the other premises within the neighborhood; and

"(C) Pose a hazard to police officers or firefighters entering the building in an emergency;

"(3) The building complies with the fire, building, and housing codes of the District of Columbia;

"(4) The continuance of any maintenance work or condition of occupancy is not dangerous to life or property;

"(5) No false statements or misrepresentations have been made upon

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the registration application;

"(6) Orders on a building have been complied with and the building complies with any applicable occupancy requirements;

"(7) An adequate water supply or facilities for fire fighting purposes is furnished as required in the fire code; and

"(8) The Mayor is permitted to inspect the building before initial registration, during the registration period, and before a renewal of registration.

"(b) If the owner of a vacant building fails to comply with the provisions of subsection (a) of this section, both initially and throughout the registration period, the Mayor may deny or revoke the owner's registration and may subject the owner to the penalties provided in section 10.

"Sec. 8. Notice of denial or revocation of registration.

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

"Sec. 9. Fees.

"(a) As provided in section 6(a), the owner of a building shall register the building and pay the registration fee within 30 days after it becomes a vacant building. The Mayor may, in his or her sole discretion, extend the time for payment for good cause.

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

"(c) The initial registration fee shall be:

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

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

"(d) The renewal registration fee shall be:

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

"(2) The amount equal to the amount of the applicable initial registration fee, if paid after such 30-day period but before the receipt of notice under section 11;

"(3) Three times the amount of the applicable initial registration fee, if paid after receipt of the notice under section 11.

"Sec. 10. Penalties for noncompliance.

"(a) The failure of the owner of a vacant building to register and pay all required fees under section 6(a) or 9 after receipt of a mailing of a delinquency and determination notice under section 11 or the refusal of the owner of a vacant building to permit the Mayor to inspect the building shall, upon conviction thereof, be punished by a fine not to exceed \$1,000, imprisonment for not more than 90 days, or both.

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"(b) If the owner of a vacant building fails to maintain the building in compliance with the requirements of section 12 or, having obtained a vacant property registration, subsequently fails to comply with the other registration requirements under section 7, the Mayor may: (1) charge the owner with failure to comply and enforce all applicable penalties under this act, and (2) take other action as required by the fire, building, and housing codes of the District of Columbia to bring the building into compliance with those codes.

"Sec. 11. Delinquency determination and notice.

"(a)(1) Within 30 days after the effective date of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, the Mayor shall identify vacant buildings in the District and compile a list of building addresses that includes the names and addresses of owners, if known.

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

"(b) For buildings that are vacant buildings on the date of the Mayor's initial listing, the Mayor shall make a determination of delinquency of registration or fee payment within 45 days after the effective date of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000; shall provide the owner with the notice of the delinquency, the registration form, and the registration amount that is due; and shall inform the owner of the right to an administrative review of the determination.

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

"Sec. 12. Vacant building maintenance standard.

"A building shall be adequately maintained if:

"(1) Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken doors, windows, and other openings are covered with 1/2 inch CDX plywood that is weather protected, tightly fitted to the opening, and secured by screws or bolts;

"(2) The roof and flashing are sound and tight, will not admit moisture, and are drained to prevent dampness or deterioration in the walls or interior;

"(3) The building storm drainage system is adequately sized and installed in an approved manner and functional;

"(4) The interior and exterior is maintained in good repair, structurally sound, free from debris, rubbish, and garbage, and sanitary so as not to threaten public health or safety;

"(5) The structural members are free of deterioration and capable of safely bearing imposed dead and live loads;

"(6) The foundation walls are plumb, free from open cracks and breaks, and vermin-proof;

"(7) The exterior walls are free of holes, breaks, and loose or rotting materials,

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and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;

"(8) The cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features are safe, anchored, and in good repair, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;

"(9) All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features are in good repair, anchored, safe and sound, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;

"(10) Chimneys, cooling towers, smokestacks, and similar appurtenances are structurally safe, sound, and in good repair, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint;

"(11) Openings in sidewalks are safe for pedestrian travel;

"(12) Accessory and appurtenant structures such as garages, sheds, and fences are free from safety, health, and fire hazards; and

"(13) The property on which a structure is located is clean, safe, and sanitary and does not threaten the public health or safety.

"Sec. 13. Public identification of owner.

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

"Sec. 14. Collection.

(a)(1) Any fees required under section 6(a) or 9 that remain unpaid after receipt of the notice under sections 8 or 11 shall be assessed as a tax against the real property containing the vacant building and shall be subject to section 6 of An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes and shall constitute a lien against the real property containing the vacant building and the personal property of the owner.

(2) In addition to the lien provided under paragraph (1) of this section, any fees required under section 6(a) or 9 that remain unpaid after receipt of the notice under sections 8 or 11 shall be a continuing and perpetual lien in favor of the District of Columbia upon all property, whether real or personal, of the owner, and shall have the same force and effect as a lien created by judgment. The lien shall attach to all property belonging to the owner at any time during the period of the lien, including any property acquired by the owner after the lien arises. The lien shall have priority over all other liens, except liens for District of Columbia taxes, District of Columbia water charges, and the lien under section 203(i) of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985; provided, that the lien shall not be valid against a bona fide purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor

until notice by filing in the Recorder of Deeds.

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

"Sec. 15. Administrative review and appeal.

"Within 10 days after a notice of a final determination by the Mayor under section 8 or section 11, an owner may seek administrative review by the Board of Appeals and Review, or any successor board or agency."

Sec. 102. An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes is amended as follows:

(a) Section 1 is amended by adding new subsections (a-1) and (a-2) to read as follows:

"(a-1) If the unsafe building or structure is an historic landmark or is located in an historic district, as defined in section 3(5) of the Historic Landmark and Historic District Protection Act of 1978 ("Preservation Act"), 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 section 3(12) of the Preservation Act, 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.

"(a-2) If the building or structure is an historic landmark or is located within an historic district, as defined in section 3 of the Preservation Act, the Mayor shall not order the removal of the structure unless the Mayor determines that there is an extreme and immediate threat to the safety and welfare of the general public resulting from unsafe structural conditions. If the Mayor makes such determination, the Mayor shall require the owner to make the building safe and secure in accordance with the provisions of subsection (a) of this section."

(b) Section 2 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) If the building or structure is an historic landmark or is located within an historic district, as defined in section 3(5) of the Preservation Act, the Mayor shall include as a 4th member of the board an architect or historic architect who meets the professional qualifications set forth in 36 C.F.R. § 61.4(f)(1). For the purposes of compliance with this subsection, the Mayor may designate a representative of the State Historic Preservation Officer, as defined in

section 3(12) of the Preservation Act."

(c) Section 3 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) If the building or structure is an historic landmark or is located within an historic district, as defined in section 3(5) of the Preservation Act, the Mayor shall not require the removal of the structure unless the Mayor determines that there is an extreme and immediate threat to the safety and welfare of the general public resulting from unsafe structural conditions. In making the determination, the Mayor shall give great weight to the recommendations of the survey conducted in compliance with section 2."

Sec. 103. An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes is amended as follows:

(a) Section 1 is amended as follows:

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

(2) The first sentence is amended to read as follows:

"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."

(3) The third sentence is amended by striking the phrase "into the sanitary condition of any building" and inserting the phrase "into the habitability and sanitary condition of a building" in its place.

(4) A sentence is added at the end to read as follows:

"If the unsafe building or structure is an historic landmark or is located in an historic district, as defined in section 3(5) of the Historic Landmark and Historic District Protection Act of 1978 ("Preservation Act"), 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 section 3(12) of the Preservation Act, 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."

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

"(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."

(b) Section 2 is amended to read as follows:

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(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "two separate boards, each" and inserting the phrase "a board" in its place.

(B) Paragraph (1) is amended by striking the phrase "examine into the sanitary condition of buildings in the District of Columbia" and inserting the phrase "examine the habitability and sanitary condition of buildings in the District of Columbia" in its place.

(C) Paragraph (2) is repealed.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase "each of the Boards" and insert the phrase "the Board" in its place.

(B) Strike the phrase "either of the said Boards" wherever it appears and insert the phrase "the Board" in its place.

(3) Subsection (c) is repealed.

(4) Subsection (d) is amended as follows:

(A) Strike the phrase "either of the Boards" or "either of the said Boards" wherever they appear and insert the phrase "the Board" in its place.

(B) Strike the phrase, "either by the Condemnation Review Board or by a court" and insert the phrase "by the Superior Court of the District of Columbia" in its place.

(c) Section 3 is amended as follows:

(1) Strike the phrase "ten days" and insert the phrase "5 days" in its place.

(2) Strike the phrase "not less than six months" and insert the phrase "60 days" in its place.

(3) Strike the phrase "sanitary condition" wherever it appears and insert the phrase "habitable or sanitary condition" in its place.

(4) Strike the phrase "insanitary condition" wherever it appears and insert the phrase "uninhabitable or insanitary condition" in its place.

(d) Section 5 is amended as follows:

(1) Strike the phrase "insanitary condition" in both places where it appears and insert the phrase "uninhabitable or insanitary condition" in their place.

(2) Strike the phrase "or to require such building to be brought fully into conformity" and insert the phrase "but the Board may require the building to be brought into substantial conformity" in its place.

(e) Section 7(a) is amended by striking the phrase "insanitary condition" wherever it appears and inserting the phrase "uninhabitable or insanitary condition" in its place.

(f) Section 13 is amended to read as follows:

"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."

(g) Section 14 is amended to read as follows:

"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 section 13 to the District of Columbia Court of Appeals."

(h) Section 15 is amended by striking the phrase "Whenever any insanitary condition" and insert the phrase "If an uninhabitable or insanitary condition" in its place.

(i) Section 18(a)(1) is amended by striking the phrase "insanitary condition" and inserting the phrase "uninhabitable or insanitary condition" in its place.

(j) Section 19(c) is repealed.

Sec. 104. The Historic Landmark and Historic District Protection Act of 1978 is amended as follows:

(a) Section 3 is amended by adding a new paragraph (3A) to read as follows:

"(3A) "Demolition by neglect" means neglect in maintaining, repairing, or securing an historic landmark or a building or structure in an historic district that results in deterioration of an exterior feature of the building or structure or the loss of the structural integrity of the building or structure."

(b) New sections 5a, 5b, and 5c are added to read as follows:

"Sec. 5a. Maintenance of property.

"(a) The owner of an historic landmark or a contributing building or structure within an historic district or within a proposed historic district shall comply with all laws and regulations governing the maintenance of real property. The buildings or structures shall be preserved against decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

"(1) Facades which may fall and injure persons or property;

"(2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls, or other vertical structural supports;

"(3) Members of ceilings, roofs, ceiling, and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;

"(4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

"(5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering; or

"(6) A fault or defect in the building which renders it not properly water-tight or structurally unsafe.

"(b) An owner who fails to maintain a building or structure in compliance with this section shall be subject to the remedial procedures under section 5b and the penalties under

section 11."

"Sec. 5b. Prevention of demolition by neglect.

"(a)(1) If the Mayor determines that an historic landmark or a contributing building or structure within a historic district or within a proposed historic district is threatened by demolition by neglect, upon obtaining an order from the Superior Court of the District of Columbia, the Mayor may:

"(A) Require the owner to repair all conditions contributing to demolition by neglect; or

"(B) If the owner does not make repairs within a reasonable period of time, enter the property and make repairs as are necessary to prevent demolition by neglect.

"(2) For the purposes of this subsection, the term "proposed historic district" means an historic district that is identified in an application filed with, and pending before, the District's Historic Preservation Division or Historic Preservation Review Board.

"(b) The costs of the work under subsection (a) of this section shall be charged to the owner and may be levied by the District of Columbia as a special assessment against the real property. The special assessment shall be a lien against the real property."

"Sec. 5c. Revolving fund.

"(a) There is established within the General Fund of the District of Columbia, a nonlapsing, revolving fund which shall be available, without regard to fiscal year limitation pursuant to an act of Congress, for the purpose of paying the costs of correction of any condition contributing to demolition by neglect under section 5b. Any unexpended balance in this fund at the end of the year shall not revert to the General Fund of the District of Columbia, but shall be continually available for the uses and purposes set forth in this act, subject to authorization by Congress in an appropriations act.

"(b) There shall be deposited to the credit of the fund:

- (1) Such amounts as may be appropriated for the fund;
- (2) Grants from any source to the fund or to the District of Columbia for the purposes of the fund;
- (3) Interest earned from the deposit or investment of monies of the fund;
- (4) Amounts assessed and collected as costs or penalties under this act, or otherwise received to recoup any amounts, incidental expenses, or costs incurred, obligated or expended for purposes of the fund; and
- (5) All other receipts derived from the operation of the fund.

"(c) The Mayor shall include in the budget estimates of the District of Columbia for each fiscal year such amount as may be necessary for capitalization of the fund.

"(d) Not later than 6 months after the end of each fiscal year, the Mayor shall submit to the Council a report of the financial condition of the fund and the results of the operations and collections for the fiscal year. The report shall include the itemized amounts of unrecovered costs, taxes, and penalties; the names of delinquent property owners; and the nature of corrected building violations."

Sec. 105. The Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 is amended as follows:

(a) Section 102 is amended by adding a new paragraph (1A) to read as follows:

"(1A) "Final order" means an order of an administrative law judge or attorney examiner that disposes of a case and that has not been appealed within 15 calendar days after the order has been served on the respondent."

(b) Section 203 is amended as follows:

(1) Subsection (f) is amended by striking the phrase "any fines, penalties, or costs" and inserting the phrase "any fines, penalties, and costs, with interest thereon," in its place;

(2) Subsection (i) is amended to read as follows:

"(i)(1) The amount to be paid under a final order shall be a continuing and perpetual lien in favor of the District upon all property, whether real or personal, belonging to the respondent and shall have the same force and effect as a lien created by judgment. Interest shall accrue thereon at the rate of one and 1/2% per month, or part thereof, from the date of the order or default final order.

"(2) The lien shall attach to all property belonging to the respondent at any time during the period of the lien, including any property acquired by the respondent after the lien arises.

"(3) The lien shall have priority over all other liens, except liens for District taxes and District water charges. The lien shall be satisfied by payment of the amount of the lien to the agency that issued the final order; provided, that the lien shall not be valid as against a bona fide purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice by filing in the Recorder of Deeds.

"(4) For reasonable cause shown, the Mayor may abate the amount of the final order.

"(5) The Mayor may contract with any person to collect the amount of the lien and remunerate the person by fee, by a percentage of the amount collected, or both.

"(6) Notwithstanding the foregoing, if the lien has been converted to a real property tax lien under D.C. Code § 47-1340, the real property tax lien shall be enforced under Chapter 13A of Title 47 of the District of Columbia Code."

(3) A new subsection (j) is added to read as follows:

"(j) The Mayor may enforce payment of the fines, penalties, costs, and interest imposed against the real property of the respondent as follows:

"(1) The agency that issued the final order shall record a real property tax lien, captioned "Notice of Converted Real Property Tax Lien", with the Recorder of Deeds stating the name of the respondent, describing the real property against which the real property tax lien attaches by square and lot number, and specifying the amount of the real property tax lien. The real property tax lien shall be deemed a delinquent real property tax from the date of the conversion, shall accrue interest at the rate of interest charged for delinquent real property tax, and shall be perpetual. Subject to D.C. Code § 47-1340(f), payment thereof shall be credited to

the General Fund of the District of Columbia. The real property may be sold at the next tax sale, regardless of the date of the conversion, in the same manner, under the same conditions, and subject to the same impositions of interest, costs, expenses, fees, and other charges, as real property sold for delinquent real property tax.

"(2) The aggregate amount of the fines, penalties, costs, and interest secured by the lien imposed under subsection (i) of this section may appear on a real property tax bill, and such aggregate amount shall (A) be deemed an additional real property tax to be collected in the same manner and under the same conditions as real property tax is collected, including the sale of the real property for delinquent tax; (B) be credited to the General Fund of the District of Columbia; and (C) be subject to the same penalty and interest provisions as delinquent real property tax is subject as of the date of such real property tax bill. The lien under subsection (i) of this section, with penalty and interest as provided under this section, shall be converted to real property tax as of the due date for payment of the real property tax bill if payment is not made.

(c) Section 204(b) is amended to read as follows:

"(b) The Mayor may prepare a list of delinquent respondents who have not paid or appealed, within 15 days of service, fines, penalties, costs, and interests resulting from final orders, and may periodically publish the list in one or more general circulation newspapers published in the District of Columbia."

Sec. 106. Section 5 of the Summary Abatement of Life-or-Health Threatening Conditions Act of 1982 is amended as follows:

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

(b) The last sentence is amended by striking the phrase "a fine of \$50" and inserting the phrase "a penalty of \$300" in its place.

(c) New subsections (b), (c), (d) and (e) are added to read as follows:

"(b)(1) A person or entity that is the nonresident owner of one or more rental units 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 owner changes the registered agent, or if the name or 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.

"(2) The Mayor shall serve as the registered agent for the nonresident owner if a registered agent is not appointed under paragraph (1) of this subsection or if the individual or organization named ceases to serve as the resident agent and no successor is appointed.

"(3) The Mayor shall impose a reasonable fee to cover the cost of administering this section.

"(c) For purposes of this section, the term "rental unit" shall have the same meaning as set forth in section 103(33) of the Rental Housing Act of 1985.

"(d) A nonresident owner of one or more rental units in the District of Columbia in

violation of this section shall be subject to a penalty of \$300.

"(e) Any fees and penalties collected under this section shall be deposited in the fund established by section 1(b)(1) of An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes."

Sec. 107. Section 2(15) of the Residential Drug-Related Evictions Amendment Act of 1990 is amended to read as follows:

"(15) "Controlled dangerous substance" means any of the controlled dangerous substances as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981."

TITLE II. THEFT OF UTILITY SERVICE.

Sec. 201. Definitions.

For purposes of this title, the term:

(1) "Company" means a person or enterprise engaged in the generation or distribution of natural gas or electricity.

(2) "Person" means any individual, corporation, company, association, firm, partnership, joint stock company, or other entity.

Sec. 202. Unlawful acts.

Unless a person shall be authorized, or employed by, a company engaged in the generation or distribution of natural gas or electricity, a person shall not wilfully connect or disconnect an electrical conductor belonging to the company; make any connection with an electrical conductor for the purpose of using or wasting the electric current or gas; tamper with a meter used to register gas or current consumed; interfere with the operation of an electrical or gas appliance of the company; or tamper, or interfere, with the poles, wires, or conduits used by the company. Nothing in this section shall prevent the lawful governmental regulation of gas or electric companies or electricity suppliers, or their conductors, appliances, machinery, and poles.

Sec. 203. Presumptions and rebuttal evidence.

(a) The presence of a connection, wire, conductor, meter alteration, or any device which effects the diversion of electric current or gas without the current or gas being measured or registered by or on a meter installed by a company engaged in the generation or distribution of electricity or natural gas, whether on a single property or within a multiple-unit building or complex, shall constitute prima facie evidence of intent to violate section 202.

(b) If a check or test meter installed or employed by a company engaged in the generation or distribution of electricity or natural gas shows that a person is using a larger amount of electricity than is registered on the meter installed by the company on the person's premises for the purpose of registering the natural gas or electricity used by the person, and the company has verified that the meter is not malfunctioning, it shall constitute prima facie evidence

that the unregistered current or gas has been wrongfully diverted by such person and shall constitute prima facie evidence of intent to violate section 202.

(c) The presumptions created by this section may be rebutted by the preponderance of the evidence to the contrary that the person alleged to have violated section 202 did not do so. If the person in actual possession of the property or unit has not received the direct benefit of the reduction of the cost in electric or gas services, the presumptions created by this section shall apply to the owner of the property or unit; provided, that the owner has received the direct benefit of unregistered services for at least one full billing cycle.

Sec. 204. Penalties for violation.

(a) A person who violates section 202 shall be guilty of a misdemeanor, and, upon a conviction, shall be imprisoned for not more than 60 days, or fined not more than \$500, or both. In the case of a second or subsequent conviction, a person who violates section 202 shall be imprisoned for not more than 180 days, or fined not more than \$1,500, or both.

(b) In addition to the criminal penalties in subsection (a) of this section, a person who violates section 202 in a civil proceeding shall be liable to the company using or engaged in the generation or distribution of electricity or gas for restitution of the amount of any losses or damage sustained.

TITLE III. TENANT PROTECTION.

Sec. 301. Section 501 of the Rental Housing Act of 1985 is amended by adding a new subsection (m) to read as follows:

"(m)(1) If the occupancy of a tenant has been or will be terminated by a placard placed by the District government in accordance with section 103 of Title 14 of the District of Columbia Municipal Regulations for violations of Title 14 of the District of Columbia Municipal Regulations that threaten the life, health, or safety of the tenant, the tenancy shall not be deemed terminated until the unit has been offered for reoccupation to the tenant after the date that physical occupancy ceased.

"(2) The Mayor shall maintain a registry of the persons, including their subsequent interim addresses, who were tenants at the time the building was placarded.

"(3) At the time of the placarding, the Mayor shall provide a written notice to the tenants of the right to maintain their tenancy and the need to keep the Mayor informed of interim addresses. The notice shall contain the address and telephone number of the office maintaining the registry.

"(4) Any notice required under this title shall be effective when sent to the tenant at the address maintained in the registry."

Sec. 302. The Rental Housing Conversion and Sale Act of 1980 is amended by adding a new section 104 to read as follows:

"Sec. 104. Applicability of Rental Housing Act of 1985.

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"For purposes of this act, the provisions of section 501(m) of the Rental Housing Act of 1985 shall apply."

Sec. 303. Chapter 1 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 100 *et seq.*), is amended as follows:

(a) Subsection 103.1 is amended by striking the phrase "unfit for human habitation" and inserting the phrase "a structure unfit for human occupancy, as defined in § 115.6(2)" in its place.

(b) A new subsection 103.4 is added to read as follows:

"If, upon the expiration of the thirty (30) day period described in § 103.3, the Director has not removed the placard, the apartment or tenement (or the part of that apartment or tenement which is affected) shall be deemed imminently dangerous and subject to the provisions of § 115."

(c) A new subsection 103.5 is added to read as follows:

"Upon the removal of the placard, the tenant who was displaced from that apartment or tenement (or the part of that apartment or tenement which is affected) shall have the right to re-rent the rental unit which the tenant previously occupied under the same terms and conditions that were in effect at the time the occupancy ceased; provided, that the renovations or alterations were not made necessary by the negligent or malicious conduct of the tenant."

(d) Subsection 115.1 is amended as follows:

(1) The second sentence is amended by striking the phrase "Director's order" and inserting the phrase "Director's order to close and barricade".

(2) A new second and third sentence are added to read as follows:

"The Director may order all occupants to vacate the structure within twenty-four (24) hours after service of notice by the Director. If an occupant fails to vacate the structure upon the expiration of the twenty-four (24) hour period, the Director shall have the authority to remove the occupants from the structure."

TITLE IV. QUICK ACQUISITION OF ABANDONED AND NUISANCE PROPERTY.

Sec. 401. Definitions.

For purposes of this title, the term:

(1) "Abandoned Property" means:

(A) An unoccupied structure or vacant lot on which taxes are in arrears for at least 2 years;

(B) A building:

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

(ii)(I) That is unfit for habitation; or

(II) That has deteriorated to the point where the building is structurally unsound or the cost of rehabilitation significantly exceeds the post-rehabilitation market value; and

(iii) Regarding which the owner has been issued a housing code violation notice from the District requiring the owner to:

(I) Rehabilitate the building to conform to minimum code habitability requirements; or

(II) Demolish the building for health and safety reasons;

(C) A vacant lot on which a building has been demolished; or

(D) A building in a block of row houses if the block:

(i) As a whole, contains 70% abandoned property, as defined under subparagraph (A), (B), or (C) of this paragraph; and

(ii) Is determined by the District to require a whole-block remedy; provided, that any tenant or owner-occupant has been offered assistance in accordance with section 406.

(2) "District" means the District of Columbia.

(3) "Superior Court" means the Superior Court of the District of Columbia.

Sec. 402. Petition for immediate taking.

The Mayor may file a petition in the Superior Court, for the purpose of alleviating nuisance and blight, that seeks:

(1) The condemnation of abandoned property; or

(2) The immediate possession of, or the immediate possession of and title to, the abandoned property.

Sec. 403. Deposit in court of fair market value.

If the Mayor files a petition under this title, the Mayor shall deposit with the Superior Court the amount of money estimated by a licensed appraiser to be the fair market value of the abandoned property. Notice of the filing of the petition shall be filed with the Recorder of Deeds under section 556a of An Act To establish a code of law for the District of Columbia.

Sec. 404. Judgment for excess of public charges over property value.

If the fair market value of the abandoned property is determined to be less than the sum of the public charges, taxes, and other assessments regarding the abandoned property, the District shall be entitled to a judgment against the owner of the abandoned property for the difference. Any monies collected under this title shall be deposited in the fund established by section 1(b)(1) of 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 pay the costs of correction of any condition as provided thereunder.

Sec. 405. Title holder.

If the Superior Court vests title to the abandoned property in the District, at the request of the Mayor, the Superior Court may name as title holder a public or quasi-public corporation

that has been designated by the District to hold title to property acquired under this section.

Sec. 406. Assistance to certain displaced persons.

If an owner-occupant or tenant is displaced under this title, regardless of whether the displacement involves the use of federal financial assistance, the District shall assure that the owner-occupant or tenant is offered, at a minimum, assistance and payments to the extent that the owner-occupant or tenant would qualify for assistance and payments as a displaced person under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Sec. 407. Inability to qualify for hardship petition.

The owner of property which has been determined to be abandoned or a continuing nuisance to the immediate surrounding area shall not be eligible to elect, and file, a hardship petition under sections 206(c) and 212 of the Rental Housing Act of 1985 to abate the nuisance.

Sec. 408. Effect on other authority.

This section shall not affect the authority of the Mayor to condemn private property for public use under other provisions of law.

Sec. 409. Condemnation and acquisition of open, hazardous residential buildings or other structures.

(a) The Mayor may acquire a single-family or multiple-family dwelling unit or other structure by purchase, lease, condemnation, gift, or other legal means, for development and redevelopment, including the renovation, rehabilitation, and disposition, if the Mayor has determined that:

- (1) The dwelling unit or other structure has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety, and welfare;
- (2) The dwelling unit or other structure is likely to continue to deteriorate unless corrected;
- (3) The continued deterioration of the dwelling unit or other structure may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or other structure; and
- (4) The owner of the dwelling unit or other structure has failed to correct the deterioration.

(b) The Mayor may:

- (1) Negotiate for and acquire, by purchase, lease, gift, condemnation, or any other legal means, abandoned property in the District for development or redevelopment;
- (2) Develop or redevelop abandoned property acquired, including the demolition or rehabilitation of the property or otherwise eliminating blighting and unsafe conditions;
- (3) Sell, transfer, or otherwise dispose of abandoned property acquired,

regardless of whether the property has been altered or improved; and

(4) Use, operate, manage, or maintain abandoned property acquired pending development, redevelopment, or other disposition.

Sec. 410. Notice; demolition, repair, or enclosure.

(a)(1) The Mayor may post a notice of not less than 2 feet by 2 feet in size on the front of the hazardous residential building or other structure. The notice shall bear the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, the building or other structure may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the Mayor.

(2) If a building is an identified historic resource on the list of Adopted and Approved Historic Sites of the District of Columbia, it shall not be demolished without the approval of the Historic Preservation Review Board.

(b) The Mayor, not later than 30 days following the posting of the notice, shall:

(1) Send, by certified mail, a notice to all owners of record of the property stating the intent of the District to demolish, repair, or enclose the building or structure, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials, if that action is not taken by the owner;

(2) Publish for 3 consecutive days in a newspaper of general circulation a notice setting forth:

(A) The address of the building or description of the real estate sufficient for its identification;

(B) A statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community; and

(C) A statement that the District intends to demolish, repair, or enclose the building, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner fails to do so; and

(3) If a building is an identified historic resource on the list of Adopted and Approved Historic Sites of the District of Columbia, send a copy of the notice to the Historic Preservation Review Board.

(c) A person objecting to the proposed actions of the Mayor may file his or her objection in the Superior Court.

(d) If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed within 30 days after the later of the mailing of the notice to the owners of record or the last day of publication of the notice, the Mayor may demolish, repair, or enclose the building or other structure, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

(e) If the Mayor determines under subsection (d) of this section that the demolition,

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repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard, the Mayor may demolish, repair, or enclose a building or other structure or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials within 120 days after the date of the mailing of the notice. If, before the Mayor proceeds with any of the actions authorized by this section, a person has initiated an action in Superior Court and has served a complaint on the District, the Mayor shall not proceed with the demolition until the Superior Court determines that action is necessary to remedy the hazard and issues an order authorizing the Mayor to do so.

Sec. 411. Designation of development or redevelopment plan for property acquired.

The Mayor shall, within 180 days after the effective date of this title, send to the Council a plan for the development or redevelopment of property acquired under this title.

Sec. 412. Limitation on actions against the District of Columbia.

(a) An action at law or equity filed against the District by a person with an interest in abandoned property that is the subject of a proceeding initiated under this title shall be filed within 3 years after the date that the Superior Court vests title to the abandoned property in the District.

(b) The damages awarded to a person for the improper taking of abandoned property in a proceeding initiated under this section shall be limited to the fair market value of the abandoned property at the time of the taking.

(c) An action shall not be maintained against the District for damages or injuries to person or property unless, within 6 months after the date on which the damage or injury was sustained, the claimant, or the claimant's agent or attorney, gives notice in writing to the Mayor of the approximate time, place, cause, and circumstances of the damage or injury. A claim for which the Mayor is not given notice in accordance with this subsection shall be forever barred.

(d) Execution or other judicial process shall not issue against real property owned in whole or in part by the District and a judgment against the District shall not be a charge or lien upon real property owned in whole or in part by the District. This section shall not apply to or limit the right of obligees to foreclose or otherwise enforce a mortgage on property of the District or the right of obligees to pursue any remedies for the enforcement of a pledge or lien given by the District on its rents, fees, and revenues.

Sec. 413. Report to the Council required.

Within 5 years after the effective date of this title, the Mayor shall provide to the Council a report on neighborhood stabilization efforts under this title.

TITLE V. TENANT RECEIVERSHIP

Sec. 501. Purpose of the appointment of a receiver.

The purpose of the appointment of a receiver under this title shall be to safeguard the

health, safety, and security of the tenants of a rental housing accommodation if there exists a violation of District of Columbia or federal law which seriously threatens the tenant's health, safety, or security. The receiver shall not take actions inconsistent with this purpose or take actions other than those necessary and proper to the maintenance and repair of the rental housing accommodation. Nothing in this title shall be construed to limit or abrogate any other common law or statutory right to petition for receivership.

Sec. 502. Grounds for appointment of a receiver.

A receiver may be appointed if:

(1) A rental housing accommodation has been cited by the Department of Consumer and Regulatory Affairs for a violation of Chapter 1 through 16 of Title 14 of the District of Columbia Municipal Regulations, or its equivalent, which violation poses a serious threat to the health, safety, or security of the tenants; and

(2) The owner, agent, lessor, or manager has been properly notified of the violation but has failed timely to abate the violations.

Sec. 503. Petition for receivership.

(a) Notwithstanding the availability of any other remedy, the Corporation Counsel may, in the name of the District of Columbia and based on the grounds set forth in section 502, petition the Superior Court of the District of Columbia ("Court") to appoint a receiver of the rents or payments for use and occupancy for the affected rental housing accommodation.

(b) Notwithstanding the availability of any other remedy, a majority of the tenants in the rental housing accommodation may, based on the grounds set forth in section 502, submit a written request asking the Corporation Counsel to petition the Court to appoint a receiver of the rents or payments for use and occupancy of the affected rental housing accommodation. If the Corporation Counsel denies the request or does not file a petition within 5 days, excluding Saturdays, Sundays, and legal holidays, after receiving a request, the requestor may file with the Court a petition for the appointment of a receiver.

(c) Except as provided in section 504(b), the Court shall set a date for a hearing on the petition no later than 30 days after the filing of the petition.

Sec. 504. Notice and hearing requirements.

(a)(1) After a petition has been filed under section 503, the Chief Judge of the Superior Court, or the Judge's designee, shall immediately issue an order requiring the owner, agent, lessor, or manager, as respondent, to show cause why a receiver should not be appointed. The order shall include a notice that the Court will consider, in addition to the grounds for receivership set forth in section 502, a plan submitted by the respondent to abate the conditions alleged in the petition.

(2) The order of the Court, along with the notice and a copy of the petition, shall be served on the owner of record, and the agent, lessor, or manager, at his or her last known

address or by such other method as the Court may direct and shall be posted in a conspicuous place upon the rental housing accommodation.

(3)(A) If the petition is not filed by the Office of the Corporation Counsel, the order of the Court, along with a copy of the petition, shall be served on the Corporation Counsel.

(B) No later than 5 days, excluding Saturdays, Sundays, and legal holidays, after receiving a copy of the petition under subparagraph (A) of this paragraph, the Department of Consumer and Regulatory Affairs shall make available to the petitioner for its use in the proceedings certified copies of all licensure and housing inspection reports in the custody of the District government that document conditions in the rental housing accommodation within the previous 3 years.

(b)(1) If, upon filing of a petition, the Court finds probable cause to believe a condition or practice in the affected rental housing accommodation poses an immediate danger to the health, safety, or security of the tenants, it may, ex parte, issue an order of not more than 14 days duration appointing a receiver and direct that the order be served along with the notice required by this section; provided, that a hearing be commenced before the expiration of the order.

(2)(A) In the event of an ex parte appointment under paragraph (1) of this subsection, the petitioner shall ensure that the owner, agent, lessor, or manager of the rental housing accommodation is served with notice and a copy of the petition, any supporting affidavits, and the order of appointment:

(i) By personal service within 72 hours after the appointment; or

(ii) By notice conspicuously posted inside or on the front door of the rental housing accommodation within 96 hours of the appointment, if the petitioner files with the Court a sworn statement setting forth in detail his diligent effort to serve notice under subparagraph (i) of this subparagraph.

(B) In addition, the petitioner shall serve the order of the Court, along with a copy of the petition, on the owner of record at his or her last known address and his or her agent, lessor, or manager at his or her last known address.

(c) A receiver appointed under subsection (b) of this section may immediately collect all rents or payments for use and occupancy of the affected rental housing accommodation and alleviate the conditions cited by the Court in the order appointing the receiver.

Sec. 505. Appointment of a receiver; continuation of ex parte appointment.

(a)(1) After a hearing, the Court may appoint a receiver for a rental housing accommodation or continue the appointment of a receiver made ex parte if it finds that the petitioner has proven, by a preponderance of the evidence, the existence of the grounds for receivership as set forth in section 502 and finds that the respondent has not provided the Court with a sufficient plan for abatement of the conditions alleged in the petition.

(2) Upon acceptance of a respondent's plan, the Court may dismiss the petition or retain the case for purposes of monitoring respondent's execution of the plan. The monitoring

shall continue until the Court, on its own motion or that of any party:

(A) Dismisses the petition on grounds that the respondent has completed the plan; or

(B) Finds the respondent has not made sufficient progress to complete the plan, in which event it may order appointment of a receiver under this section.

(b) Except as provided in subsection (c) of this section, the Court may appoint as a receiver any person or entity who has demonstrated to the Court the capacity and expertise to develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the rental housing accommodation

(c) The Court shall not appoint as a receiver:

(1) An employee of a District of Columbia government agency that licenses or provides a financial payment to the type of housing accommodation being placed in receivership;

(2) A person who has a financial interest in any other real property in common with the owner of the property being placed under receivership; or

(3) A parent, child, grandchild, spouse, sibling, first cousin, aunt, or uncle of the owner of the property being placed under receivership or a tenant of the property being placed under receivership, whether the relationship arises by blood, marriage, or adoption.

(d)(1) Before a receiver takes charge of a rental housing accommodation, the receiver shall post a bond, the premiums of which may be paid in installments, with the Court, which bond:

(A) Does not exceed the value of the rental housing accommodation and its furnishings, records, and other related personal property and goods; and

(B) Is held by the Court for the benefit of all persons interested in the faithful performance of the receivership.

(2) Unless the Court directs otherwise, the receiver may pay the premium of the bond from the rental housing accommodation's income.

(3) The bond requirement of this subsection may be waived by the Court for good cause.

(e) Any person authorized to file a petition under section 503 may petition the Court to appoint a substitute if a receiver:

(1) Dies;

(2) Has or develops a disability which impedes his or her ability to carry out the receivership;

(3) Has or develops a conflict of interest; or

(4) Fails to make reasonable progress in carrying out the receivership.

Sec. 506. Powers and duties of a receiver.

(a) A receiver shall:

(1) Take charge of the operation and management of the rental housing accommodation and assume all rights to possess and use the building, fixtures, furnishings,

records, and other related property and goods that the owner or property manager would have if the receiver had not been appointed; and

(2) Give notice of the receivership, in accordance with subsection (b) of this section, to the rental housing accommodation's tenants and employees, all public utility providers whom the owner was responsible for paying before the appointment of the receiver, any mortgage company holding a lien against the property, and any other person whom the Court orders should receive notice;

(3) Have the power to collect all rents and payments for use and occupancy;

(4)(A) Provide the Court, within 30 days following the issuance of the order of appointment, with a plan for the rehabilitation of the rental housing accommodation, including the projected dates when all causes giving rise to the appointment will be abated and a financial forecast indicating how the rehabilitation will be paid for;

(B) Serve a copy of the plan upon the owner of record, the Corporation Counsel, and the tenants of the rental housing accommodation, or their representative;

(5)(A) Report to the Court every 6 months after the filing of the report required under paragraph (4) of this subsection, describing the progress made in abating the conditions giving rise to the appointment, updating the financial forecast for the rehabilitation, and describing any changes in the condition of the rental housing accommodation that may change the proposed completion dates submitted under paragraph (4) of this subsection;

(B) Serve a copy of the report upon the owner of record, the Corporation Counsel, and the tenants of the rental housing accommodation, or their representative;

(6) Preserve all property and records with which the receiver has been entrusted;

(7) Assume all rights of the owner to enforce or avoid terms of a lease, mortgage, secured transactions, and other contracts related to the rental housing accommodation and its operation; and

(8) Carry out any other duties established by the Court.

(b) The notice required by subsection (a)(2) of this section shall include, at a minimum, the following information in not less than 12-point type in both English and Spanish:

(1) The reasons for the receivership;

(2) The identity of the receiver, his or her address and telephone number;

(3) The receiver's responsibilities and duties;

(4) The anticipated duration of the receivership; and

(5) That no tenant is required to move as a result of the receivership.

(c) The receiver shall, under the plan described in section 506(a)(4), make payments in accordance with the following priorities:

(1) As a first priority, using no more than one-half of monthly rental income, to abate housing code violations if abatement is required within 7 days of service of notice, and, after abatement of the conditions, to abate housing code violations if abatement is required within 30 days of service of notice; and

(2) As a second priority, for other purposes reasonably necessary in the

ordinary course of business of the property, including maintenance and upkeep of the rental housing accommodation, payment of utility bills, mortgages and other debts, and payment of the receiver's fee.

(d) The receiver shall not make capital improvements to the property except those necessary to abate housing code violations.

(e) The receiver shall not enter into contracts which affect the ownership of the property.

(f) The receiver shall be personally liable only for his or her acts of gross negligence or intentional wrongdoing in carrying out the receivership.

(g) A receiver shall be entitled to a reasonable fee established by the Court and payable from the revenues of the rental housing accommodation.

(h) The receiver may apply for grants and subsidies for the relief of distressed properties to the same extent as the owner of the rental housing accommodation.

(i) The owner, agent, manager, or lessor shall be enjoined from collecting rents and payments for use and occupancy for the duration of the receivership.

Sec. 507. Termination of receivership.

(a) Except as provided in subsection (b) of this section, a receivership shall terminate when:

(1) The Court determines that the receivership is no longer necessary because the grounds on which the appointment of the receiver was based no longer exist, that the receiver has received proper compensation for the services provided, and that the District of Columbia has been reimbursed for all expenses related to the appointment of the receiver; or

(2) The Court determines on recommendation from the receiver that the violations giving rise to the appointment of the receiver cannot be abated and serves a copy of the order within 10 days on the Director of the Department of Consumer and Regulatory Affairs.

(b)(1) Notwithstanding subsection (a) of this section, a receivership of a rental housing accommodation shall not be terminated in favor of any person who was the owner of the rental housing accommodation or his representative at the time the petition was filed under section 503, or, in the discretion of the Court, any person who is or was an affiliate of the owner, agent, lessor, or manager, unless he or she first reimburses the District of Columbia for the expenses incurred in creating the receivership.

(2) The Court may in addition require that, before a person specified in paragraph (1) of this subsection resumes control of a rental housing accommodation, he or she post bond in an amount the Court deems appropriate as security against noncompliance with the law. If the receivership is not reinstated under subsection (c) of this section, the bond money shall be returned with all applicable interest.

(c) Should it appear that, within 2 years after a receivership is terminated in favor of a person specified in subsection (b)(1) of this section, that person is not maintaining the affected rental housing accommodation in substantial compliance with all applicable laws, and should the Court so find after granting notice and a hearing to all parties to the earlier receivership

proceeding, the previous order appointing a receiver may be reinstated. A receiver thus reappointed may use all or part of any bond posted pursuant to subsection (b)(2) of this section to remedy the deficiencies.

Sec. 508. Final Accounting.

Within 30 calendar days after termination of a receivership, the receiver shall give the Court a complete accounting of all property with which he or she has been entrusted, all funds collected, and all expenses incurred.

TITLE VI. RULES, FISCAL IMPACT STATEMENT, AND EFFECTIVE DATE.

Sec. 601. The Mayor may issue rules to implement the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 in accordance with the District of Columbia Administrative Procedure Act.

Sec. 602. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 603. This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia