

Councilmember Vincent B. Orange, Sr.
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need 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 clarify that the posting requirement in section 5a is satisfied by posting the initial vacant or blight determination.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this resolution may be cited as the “Nuisance Abatement Notice Emergency Declaration Resolution of 2014”.

Sec. 2(a) In 2008, the Council enacted the Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2008, effective August, 15, 2008 (D.C. Law 17-216; D.C. Official Code § 42-3131.01 *et seq.*) which created a requirement that all notice specified by the Act be provided by mail and by posting at the subject property. Previously, posting was required only when the registration status of the subject property changed or needed to change.

(b) On October 17, 2014, a judge at the Office of Administrative Hearings dismissed a Noticed of Infraction issued by the Department of Consumer and Regulatory Affairs because, inter alia, the NOI failed to satisfy the posting requirement.

(c) Prior to the decision from the Office of Administrative Hearings, the Department of Consumer and Regulatory Affairs had been posting notice at the subject property only when the subject property changed or needed to change.

(d) Without clarifying that the provision should only apply to registration status changes, the Department of Consumer and Regulatory Affairs will be forced to devote considerable resources to posting duplicative notices at a subject property rather than devoting those resources

1 to registering and monitoring other vacant properties. All notices would still be required to be
2 provided by United States mail.

3 Sec. 3. The Council of the District of Columbia determines that the circumstances
4 enumerated in section 2 constitute emergency circumstances making it necessary that the
5 Nuisance Abatement Notice Emergency Declaration Resolution of 2014 be adopted after a single
6 reading.

7 Sec. 4. This resolution shall take effect immediately.