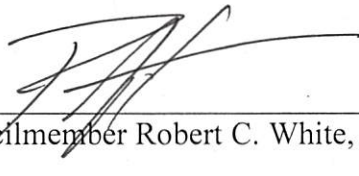

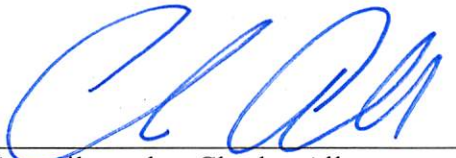


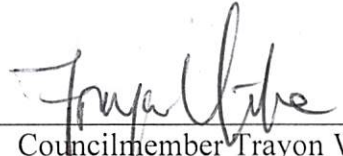
1   
2 Councilmember Anita Bonds

  
Councilmember Robert C. White, Jr.

5   
6 Councilmember David Grosso

  
Councilmember Brianne K. Nadeau

8   
9 Councilmember Charles Allen

  
Councilmember Trayon White, Sr.

21 A BILL

24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

27 To amend the Construction Codes Approval and Amendments Act of 1986 to dedicate certain  
28 housing fines to a Housing Condition Abatement Fund to provide for the summary  
29 correction of housing regulation violations, to reimburse impacted tenants, and to  
30 reimburse inspection and re-inspection fees for compliant properties; to amend Section  
31 105 of Title 14 of the District of Columbia Municipal Regulations to mandate referrals of  
32 repeated housing violations to the Office of the Attorney General and to limit the  
33 enforcement discretion of the Department of Consumer and Regulatory Affairs for repeat  
34 or unabated housing code violations; and to amend Title 16 of the District of Columbia  
35 Municipal Regulations to require the issuance of a Notice of Abatement to property  
36 owners who have corrected housing regulation violations and to provide for housing  
37 regulation violations to be treated with increasing severity if they are unabated for 6  
38 months or more.

39 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
40  
41 act may be cited as the "Housing Rehabilitation Incentives Regulation Amendment Act of 2017".

Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

(a) Section 11, as added in section 2222(b) of the DCRA Infraction Fine Increase Amendment Act of 2017, enacted on July 31, 2017(D.C. Act 22-130; 64 DCR 7652), is amended by adding a new subsection (c) to read as follows:

“(c) Any fines collected pursuant to 16 DCMR 3201.2, 16 DCMR 3305.1(s), 16 DCMR 3305.2(uu), or 16 DCMR 3305.3(vvv) shall be deposited in the Housing Condition Abatement Fund established in section 12.”.

(b) New sections 12 and 13 are added to read as follows:

“Sec. 12. Housing Condition Abatement Fund.

“(a) There is established as a special fund the Housing Condition Abatement Fund (“Fund”), which shall be administered by the Department of Consumer and Regulatory Affairs in accordance with subsection (c) of this section.

“(b) The source of revenue for the Fund shall be any fines collected pursuant to sections 16 DCMR 3201.2, 16 DCMR 3305.1(s), 16 DCMR 3305.2(uu), or 16 DCMR 3305.3(vvv).

“(c) Money in the Fund shall be used for the following purposes:

“(1) 1/3 of the Fund shall be deposited in the fund established pursuant to section 1(b) 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, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(b)), to fund the summary correction of housing regulation violations in rental properties;

“ (2) 1/3 of the Fund shall be provided to any tenants impacted by violations of 16 DCMR 3201.2, 16 DCMR 3305.1(s), 16 DCMR 3305.2(uu), or 16 DCMR 3305.3(vvv) on a proportional basis; and

“ (3) 1/3 of the Fund shall be used to reimburse any inspection fees, re-inspection fees, or other fees charged to owners of housing accommodations that have not been issued a notice of infraction or notice of violation after an inspection or that have received a notice of abatement after a re-inspection.

“ (d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“ (2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

“ (e) The Department may establish rules for the implementation and operation of the Fund.”.

“ Sec. 13. Reporting requirements.

“ (a) Within one year of the effective date of the Housing Rehabilitation Incentives Regulation Amendment Act of 2017, as introduced on November 7, 2017, and annually thereafter, the Director shall submit a report to the Mayor and the Council that includes:

“ (1) The number of referrals to the Office of the Attorney General, the number of combined notice of violation and infraction issued, and the number of summary corrections completed pursuant to 14 DCMR 105.1a within the prior year;

“ (2) The total value of any fines issued pursuant to 16 DCMR § 3201.2, 16 DCMR § 3305.1(s), 16 DCMR § 3305.2(uu), or 16 DCMR § 3305.3(vvv).

86                   “(3) The total value of any fines collected pursuant to 16 DCMR 3201.2, 16  
87 DCMR 3305.1(s), 16 DCMR 3305.2(uu), or 16 DCMR 3305.3(vvv);

88                   “(4) The total amount of money deposited in the Fund established pursuant to  
89 section 12 and the amount of money used to effect summary correction of housing regulation  
90 violations, reimburse tenants, and reimburse owners of a housing accommodation;

91                   “(5) The number of tenants who received a reimbursement pursuant to the Fund  
92 established pursuant to section 12; and,

93                   “(6) The number of owners of a housing accommodation who received a  
94 reimbursement pursuant to the Fund established pursuant to section 12.”.

95           Sec. 3. Section 105 of Title 14 of the District of Columbia Municipal Regulations is  
96 amended as follows:

97           (a) A new subsection 105.1a is added to read as follows:

98           “105.1a Whenever a duly designated agent of the District finds reasonable grounds to  
99 believe that there exists a violation pursuant to 16 DCMR § 3305.1(s), 16 DCMR § 3305.2(uu),  
100 or 16 DCMR § 3305.3(vvv), he or she shall refer the case for review by the Office of the  
101 Attorney General and shall, either singularly or in combination:

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

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

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

106           Sec. 4. Title 16 of the District of Columbia Municipal Regulations is amended as  
107 follows:

108           (a) New subsections 3104.9, 3104.10, and 3104.11 are added to read as follows:

109           “3104.9 If after a re-inspection, the Director determines that the cited infraction has been  
110 successfully abated and that the respondent has taken all reasonable steps to ensure the infraction  
111 does not reoccur, the Director shall issue a Notice of Abatement and submit it to the respondent.

112           “3104.10 A Notice of Abatement shall include the following:

- 113                   “(a) A list of all infractions cited;
- 114                   “(b) The name of the person in violation;
- 115                   “(c) The respondent’s license or permit number; and,
- 116                   “(d) A description of the status of the abatement as demonstrated during a re-  
117 inspection.

118           “3104.11 Receipt of a Notice of Abatement for an infraction shall preclude the infraction  
119 from serving as the basis of a subsequent violation under § 3305.1(s), § 3305.2(uu), or §  
120 3305.3(vvv).”.

121           (b) Section 3305 is amended as follows:

122                   (1) Subsection 3305.1 is amended as follows:

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

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

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

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

130                   (2) Subsection 3305.2 is amended as follows:

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

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

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

(3) Subsection 3305.3 is amended as follows:

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

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

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

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of 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. 6. 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.