



June 30, 2023

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

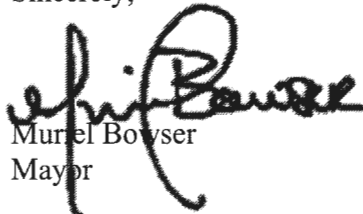
Dear Chairman Mendelson:

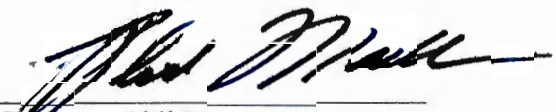
Enclosed for consideration and approval by the Council of the District of Columbia is proposed legislation entitled the "Litter Control Amendment Act of 2023."

This legislation would amend D.C. Official Code § 8-803 to provide the Department of Public Works (DPW) the ability to serve a party cited for an infraction of the Litter Control Administration Act of 1985 with a Notice of Violation (NOV) via first-class mail. It would also provide that when such service is by first-class mail, 5 (five) additional days shall be added to the time period within which the party cited may or is required to take any action specified in the NOV. It also clarifies that a residential premises may be inspected and investigated for an alleged nuisance. The legislation would help remedy certain inconsistencies in current law and regulations regarding effective service of an NOV for violations of the Litter Control Administration Act and the ability of DPW to successfully file a case with the Office of Administrative Hearings (OAH) for such a violation.

If you have any questions on this matter, please contact Timothy W. Spriggs, Director, Department of Public Works, at (202)-673-6833.

Sincerely,


Muriel Bowser
Mayor


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Litter Control Administration Act of 1985 to authorize service of a notice of violation by first-class mail to a person alleged to have created a nuisance or to the owner of the premises and to clarify that a residential premises may be inspected and investigated for an alleged nuisance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Litter Control Amendment Act of 2023".

Sec. 2. Section 4 of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-803), is amended as follows:

(a) Subsection (b) is amended by striking the word "nonresidential" and inserting the phrase "residential or nonresidential" in its place.

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

(1) The existing text is designated as subparagraph (A).

(2) The newly designated subparagraph (A) is amended by:

(i) Striking the phrase "the person responsible" and inserting the phrase "a person responsible" in its place; and

(ii) Striking the phrase "this subsection." and inserting the phrase "this subsection; or" in its place.

(3) A new subparagraph (B) is added to read as follows:

1 “(B) As an alternative to the process described in subparagraph (A) of this
2 paragraph, the Mayor may deliver the notice of violation by first-class mail to the owner of the
3 premises or to a person responsible for the nuisance. When service is by first-class mail, 5
4 additional days shall be added to the time period within which the premises owner or person
5 responsible for the nuisance may, or is required to, take any action specified in the notice.”.

6 Sec. 3. Fiscal impact statement.

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

10 Sec. 4. Effective date.

11 This act shall take effect following approval by the Mayor (or in the event of veto by
12 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
13 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
14 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
15 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



BRIAN L. SCHWALB
ATTORNEY GENERAL

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

LEGAL COUNSEL DIVISION

MEMORANDUM

TO: Tommy Wells
Director
Office of Policy and Legislative Affairs

FROM: Megan D. Browder
Deputy Attorney General
Legal Counsel Division

DATE: April 21, 2023

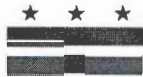
SUBJECT: Legal Sufficiency Review – Draft “Litter Control Notice of Violation Service Amendment Act of 2023”
(AE-23-164)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at (202) 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder". The signature is written in a cursive style.

Megan D. Browder

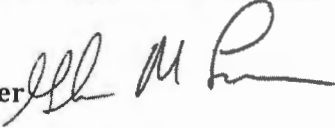
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: May 24, 2023

SUBJECT: Fiscal Impact Statement – Litter Control Notice of Violation Service
Amendment Act of 2023

REFERENCE: Draft Bill as provided to the Office of Revenue Analysis on April 21,
2023

Conclusion

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

Background

The Department of Public Works (DPW) Solid Waste Education and Enforcement Program (SWEEP) team educates District property owners and investigates solid waste, sanitation, and recycling complaints or other potential nuisance conditions. If the SWEEP team discovers a condition that requires action, it can issue a Notice of Violation (NOV) to the person who created the nuisance or to the property owner. DPW can personally serve the NOV, affix it to the premises, or send it to the person responsible or owner via certified mail.¹

The bill authorizes DPW to also serve an NOV via first-class mail. If DPW chooses to serve the NOV via first-class mail, then DPW must give the recipient five additional days to take any action indicated on the NOV.

¹ Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-803).

The Honorable Phil Mendelson

FIS: "Litter Control Notice of Violation Service Amendment Act of 2023," Draft Bill as provided to the Office of Revenue Analysis on April 21, 2023

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. DPW will, when appropriate, use first-class mail instead of certified mail. DPW's planned use of first-class mail could save the agency over \$300,000 annually depending on how many notices the agency sends using first-class rather than certified mail.