

2014 NOV 24 PM 4:31

OFFICE OF THE
SECRETARY

VINCENT C. GRAY
MAYOR

NOV 24 2014

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

Dear Chairman Mendelson:


Enclosed for consideration and approval by the Council of the District of Columbia are three proposed measures entitled the "Nuisance Abatement Notice Emergency Declaration Resolution of 2014," the "Nuisance Abatement Notice Emergency Amendment Act of 2014," and the "Nuisance Abatement Notice Temporary Amendment Act of 2014."

The enclosed measures make a needed clarification to a notice provision within the District's vacant property law. For many years, the Department of Consumer and Regulatory Affairs (DCRA) has provided notice to a property owner through mail and through postings at the property when the property's status changed or needed to change. Recently, the Office of Administrative hearings determined that for a notice of infraction for failure to register a vacant or blighted property to be valid, all proceeding paperwork—not just the initial determination—must be posted on the property, in addition to being mailed to the property owner. This clarification is needed to ensure that the posting provision is satisfied by posting the initial vacant or blighted property determination. Without the change, DCRA will be forced to devote resources to posting additional paperwork on a property rather than on identifying and processing additional properties.

I urge prompt consideration and approval of this measure. If you have any questions on this matter, please contact Rabbiah Sabbakhan, Interim Director, Department of Consumer and Regulatory Affairs, at (202) 442-8935.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray


Chairman Phil Mendelson
at the request of the Mayor

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6 A PROPOSED RESOLUTION
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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16 To declare the existence of an emergency with respect to the need to amend An Act To provide
17 for the abatement of nuisances in the District of Columbia by the Commissioners of said
18 District, and for other purposes, to clarify that the posting requirement in section 5a is
19 satisfied by posting the initial vacant or blight determination.
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21 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

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

24 Sec. 2(a) In 2008, the Council enacted the Nuisance Properties Abatement Reform and
25 Real Property Classification Amendment Act of 2008, effective August, 15, 2008 (D.C. Law 17-
26 216; D.C. Official Code § 42-3131.01 *et seq.*) which created a requirement that all notice
27 specified by the Act be provided by mail and by posting at the subject property. Previously,
28 posting was required only when the registration status of the subject property changed or needed
29 to change.

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

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

36 (d) Without clarifying that the provision should only apply to registration status changes,
37 the Department of Consumer and Regulatory Affairs will be forced to devote considerable
38 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.