

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, due to congressional review, 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 Congressional Review Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2008, effective August, 15, 2008 (D.C. Law 17-216; 55 DCR 7500) (“nuisance act”), created a requirement that all notices specified by the nuisance 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 in the Office of Administrative Hearings dismissed a notice of infraction issued by the Department of Consumer and Regulatory Affairs because, inter alia, the notice failed to satisfy the posting requirement.

(c) Prior to the decision of 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 apply only to registration-status changes, the Department of Consumer and Regulatory Affairs would be required to devote considerable resources to posting duplicative notices at a subject property rather than devoting those resources to registering and monitoring other vacant properties. All notices would still be required to be

39 provided by United States mail.

40 (e) In January, the Council enacted the Nuisance Abatement Notice Emergency  
41 Amendment Act of 2014, effective January 13, 2015 (D.C. Act 20-569; 62 DCR 1056)  
42 (“emergency legislation”), and the Nuisance Abatement Notice Temporary Amendment Act of  
43 2015, signed by the Mayor on February 5, 2015 (D.C. Act 20-622; 62 DCR 1953) (“temporary  
44 legislation”), to address the above-referenced issue.

45 (f) The emergency legislation expires on April 13, 2015. The temporary legislation must  
46 complete the 30-day review period required by section 602(c)(1) of the District of Columbia  
47 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
48 206.02(c)(1)), and shall not become law until after the emergency legislation has expired.

49 (g) It is important that the provisions of the emergency legislation continue in effect,  
50 without interruption, until the temporary legislation is in effect.

51 Sec. 3. The Council of the District of Columbia determines that the circumstances  
52 enumerated in section 2 constitute emergency circumstances making it necessary that the  
53 Nuisance Abatement Notice Congressional Review Emergency Amendment Act of 2015 be  
54 adopted after a single reading.

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