


**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
BROOKE PINTO, CHAIRWOMAN**

**MEMORANDUM**

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**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Brooke Pinto   
Chairwoman, Committee on the Judiciary and Public Safety  
**RE:** Request to Agendize Measures for the November 12, 2024 Legislative Meeting  
**DATE:** November 6, 2024

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Consistent with Council Rule 426, I request a waiver of Rule 231(c) with regard to the following measures, and that the measures be agendized for the November 12, 2024 Legislative Meeting. Alternatively, I request a waiver of Committee of the Whole Rule 403(b) and that these measures be agendized for an Additional Meeting of the Committee of the Whole, should one be scheduled. These measures were approved by the Committee on the Judiciary and Public Safety on October 17, 2024, and were timely filed with the Office of the Secretary. A waiver of Rule 231(c) is necessary to ensure that the nominee can be voted on by the Council prior to the nomination being deemed disapproved.

These bills were introduced by Chairman Mendelson at the request of the Uniform Law Commission on March 16, 2023. The legislation was referred to the Committee on the Judiciary and Public Safety on March 21, 2023. The Committee held a hearing on the legislation on June 17, 2024.

- **B25-219, the “Uniform Powers of Appointment Act of 2024”**

This bill would clarify and codify the existing common law regarding the inauguration, revocation, and implementation powers of appointment in wills and estates documents and procedures. An appointment in this context refers to a non-fiduciary third party who acts alongside a trustee to supervise trust-property distributions.

- **B25-224, the “Uniform Trust Decanting Act of 2024”**

This bill would clarify and codify the rules and limits on a trustee’s power to “decant” assets held in trust (decanting denotes the act of transferring or “decanting” assets from a particular type of trust whose terms are unchangeable or “irrevocable” to another). Decanting needs to be clearly formalized and regularized in order to allow for flexibility in trust and estate planning while also circumscribing the trustee’s powers to decant to ward off abuse of this device.

- **B25-225, the “Uniform Directed Trust Act of 2024”**

This bill would address the rise of “directed trusts” and would clarify and codify the role of and rules governing trust directors. Directed trusts are a special legal entity that have both a trustee and

a trust director. A “director” is someone who directs a trust or trustee but who is not himself a trustee. This bill would also amend current law to add a legal clarification allowing trustees to distribute life insurance proceeds through a trust. Last, the bill adds a streamlined trust release process that would allow for a trustee to release themselves from their fiduciary duties by sharing an accounting and notification with beneficiaries through certified mail when a trust terminates or there is a change in trustees.

- **B25-484, the “Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act of 2024”**

This bill would create a civil cause of action for victims of unauthorized disclosure of private, intimate images, allowing them to recover damages. The bill would also authorize courts to grant a victim attorney’s fees and other relief, and would establish procedures to enable victims of such disclosures to protect their identity in court proceedings.

- **B25-485, the “Uniform Commercial Real Estate Receivership Act of 2024”**

This bill would clarify and codify common law regarding receivership for commercial real estate. A receiver is a court-appointed individual taking possession of, or management over, another person’s property. For commercial real estate, a receiver is appointed when there is litigated property that must be maintained during a lawsuit; when an operating business needs to sell its assets efficiently; and upon request from a creditor with respect to a defaulting or bankrupt debtor.

- **B25-486, the “Uniform Community Property Disposition at Death Act of 2024”**

This bill would clarify and codify the default rules concerning the equitable distribution of property. A minority of states in the U.S.—about 9—follow a community property regime, in which the married couple retains shared rights over the property. The District is not such a jurisdiction. However, when married couples relocate to the District who formerly lived in a community-property jurisdiction, there have been probate and estate planning issues upon the death of one or both members of the couple. In order to ensure that the District probate court and/or trustees properly recognize the community-property status in a decedent’s estate in the District, and to avoid potential litigation among the surviving spouses and heirs, this bill would set up rules regarding the equitable distribution of community property, and would allow the court to determine the character of the property when there is a dispute among heirs.

If you have any questions, please contact Eloy LaBrada, Senior Legislative Counsel, at 654-6183 or [erodriguezlabrada@dccouncil.gov](mailto:erodriguezlabrada@dccouncil.gov)