


Councilmember Charles Allen


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1 A PROPOSED RESOLUTION
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5 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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8 To declare an emergency with respect to the need to amend Chapter 3 of Title 20 of the District of
9 Columbia Official Code to amend the definition of abbreviated probate, to authorize the
10 Register of Wills to refer proceedings to the Court to determine if one or more personal
11 representatives should be appointed and the will be admitted to probate, and to strike the
12 reference to will admission in transfers by affidavit; to amend the Strengthening Probate
13 Amendment Act of 2024 to clarify that the act applies to estates for whom the decedent
14 died on or after March 21, 2025; and to allow for notice of request for formal probate,
15 notice from a foreign personal representative of a decedent who owned any property
16 located in the District of Columbia, and notice of appointment to interested persons,
17 creditors, and unknown heirs in a legal periodical or newspaper of general circulation in
18 the District.
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20 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 resolution may be cited as the “Strengthening Probate Administration Emergency Declaration
22 Resolution of 2026”.

23 Sec. 2. (a) The District’s probate system has long been criticized for being outmoded,
24 having not been updated since 2001. Economically vulnerable residents are encumbered by an
25 outdated and antiquated system while enduring the loss of a loved one. The D.C. Estate
26 Administration Working Group (“Working Group”) produced an extensive joint report in
27 February 2022 outlining the need to modernize the District’s probate system. In addition to
28 District residents having to face an arcane and outdated system, the Working Group observed
29 that 97% of small estates (those valued at \$40,000 or less) are pursued by *pro se* litigants, that is,

30 those who are not represented by legal counsel. Last, the District’s outdated and complex District
31 probate system has caused assets and property to languish and remain irretrievable to
32 beneficiaries due to system inefficiencies.

33 (b) Because an inefficient probate system contributes to economic uncertainty and wealth
34 loss for District residents, on December 17, 2024, the Council passed on final reading the
35 Strengthening Probate Administration Amendment Act of 2024, effective March 21, 2025 (D.C.
36 Law 25-302; 72 DCR 780) (“Strengthening Probate Act”), which proposed to modernize and
37 update the legal and administrative processes and procedures around probate for District
38 residents and estate lawyers, consistent with the recommendations of the Working Group’s 2022
39 report. These important updates included:

- 40 (1) Allowing certain letters of appointment designating personal representatives to
41 be issued by the Register of Wills, instead of relying only on judges to issue these letters;
- 42 (2) Streamlining the publication notice requirement;
- 43 (3) Raising the maximum threshold for “small estates”;
- 44 (4) Increasing allowable reimbursement rates for funeral expenses;
- 45 (5) Allowing for transfers of small estates by affidavit;
- 46 (6) Increasing homestead and family exemption allowances; and
- 47 (7) Adding a fee waiver provision for personal representatives.

48 (c) The Strengthening Probate Act requires technical amendments in order to be
49 implemented. The current statutory language has proven inadministrable and unclear, leading to

50 delays in appointing personal representatives and precluding access to decedents' estate assets.
51 Important pieces of the law are, practically speaking, suspended.

52 (d) In particular, the Strengthening Probate Act needs to be amended to establish
53 administrability in probate processes and obviate delays in the timely appointment of personal
54 representatives. This emergency legislation would:

55 (1) Restore language that was unintentionally removed regarding the nature of
56 probate proceedings;

57 (2) Authorize the Register of Wills or the Court to issue letters of administration
58 and appoint personal representatives, so that if a petition is deemed insufficient by the Register
59 of Wills, it may be submitted to a judge for review and appointment;

60 (3) Clarify that the Strengthening Probate Act applies to estates for whom the
61 decedent died on or after March 21, 2025;

62 (4) Strike a reference to a will being "duly admitted to probate" in the transfer by
63 affidavit section, in order to allow individuals to transfer by affidavit in the event that the probate
64 process does not need to be initiated, which aligns with the law's purpose of allowing for
65 property transfer external to the probate process; and

66 (5) Clarifies the legal periodicals requirements.

67 (e) Given that the Council is due to recess in the coming month, the legislative process
68 will take further time to move permanent technical fixes for this law. Emergency legislation is
69 necessary to allow the Strengthening Probate Act to actually be implementable, preventing
70 delays and access to estate access issues for a law already in effect. These changes represent an

71 urgent and necessary correction and clarification, and the emergency nature of this legislation is
72 justified by the immediate need for the courts to administer probate and to ensure that District
73 residents can pursue probate and benefit from an updated and modernized system.

74 Sec. 3. The Council of the District of Columbia determines that the circumstances
75 enumerated in section 2 constitute emergency circumstances making it necessary that the
76 Strengthening Probate Administration Emergency Amendment Act of 2026 be adopted after a
77 single reading.

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