

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.

West Group  
Publisher

To amend, on a temporary basis, 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 provide for a definition of blighted buildings, notice of the classification thereof, and appeal of the classification; and to amend section 47-813 of the District of Columbia Official Code to redefine Class 1, 2, and 3 Properties, to tax vacant but not blighted residential property as Class 1 Property, to tax vacant land based on the classification applicable to its zoning, and to tax blighted property as Class 3 Property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Real Property Tax Reform Temporary Amendment Act of 2010”.

Sec. 2. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 42-3131.05) is amended as follows:

Note,  
§ 42-3131.05

(1) Paragraph (1) is re-designated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1)(A) “Blighted building” means a vacant building that is determined by the Mayor to be unsafe, insanitary, or which is otherwise determined to threaten the health, safety, or general welfare of the community.

“(B) In making a determination that a building is a blighted building, the Mayor shall consider the following:

“(i) Whether the vacant building is the subject of a condemnation proceeding before the Board of Condemnation and Insanitary Buildings;

“(ii) Whether the structure is boarded up; and

“(iii) Failure to comply with the following vacant building maintenance standards:

“(I) Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken

doors, windows, and other openings are covered;

“(II) The exterior walls are free of holes, breaks, graffiti, and loose or rotting materials, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint; or

“(III) All balconies, porches, canopies, marquees, signs, metal awnings, stairways, accessory and appurtenant structures, and similar features are safe and sound, and exposed metal and wood surfaces are protected from the elements by application of weather-coating materials, such as paint.”.

(3) Paragraph (5)(A) is amended to read as follows:

“(A) Electrical, gas, or water meter either not running or showing low usage;”.

(b) Section 11 (D.C. Official Code § 42-3131.11) is amended to read as follows:

Note,  
§ 42-3131.11

“Sec. 11. Notice of vacancy designation and right to appeal.

“The Mayor shall identify nonregistered vacant buildings in the District, excluding vacant buildings identified in section 8. The Mayor shall also identify within the District blighted buildings. The owner shall be notified that the owner’s building has been designated as vacant or as vacant and blighted and of the owner’s right to appeal.”.

(c) Section 15(a) (D.C. Official Code § 42-3131.15(a)) is amended to read as follows:

Note,  
§ 42-3131.15

“(a) Within 15 days after the designation of an owner’s building as a vacant building, the determination of delinquency of registration or fee payment, the denial or revocation of registration, or the designation of a vacant building as a blighted building, the owner may petition the Mayor for reconsideration by filing the form prescribed by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final determination.”.

(d) Section 16(a) (D.C. Official Code § 42-3131.16(a)) is amended to read as follows:

Note,  
§ 42-3131.16

“(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of buildings designated by the Mayor as blighted buildings for which a notice of final determination has been issued under this act and administrative appeals have been exhausted or expired.”.

Sec. 3. Section 47-813 of the District of Columbia Official Code is amended as follows:

Note,  
§ 47-813

(a) Subsection (c-8) is amended as follows:

(1) Paragraph (2) is amended as follows:

(A) Subparagraph (A) is amended to read as follows:

“(A) Except as otherwise provided in this paragraph and subject to paragraph (4) of this subsection, Class 1 Property shall be comprised of residential real property that is improved and its legal use (or in the absence of use, its highest and best permitted legal use) is for nontransient residential dwelling purposes.”.

(B) Subparagraph (B) is amended to read as follows:

“(B) Unimproved real property located within a zone designated as residential shall be classified as Class 1 Property.”.

(C) Subparagraph (E) is amended to read as follows:

“(E) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 1 Property separated by the alley from the real property have common ownership.”.

(2) Paragraph (3) is amended to read as follows:

“(3) Class 2 Property shall be comprised of all real property which is not Class 1 Property or Class 3 Property.”.

(3) Paragraph (4) is amended to read as follows:

“(4)(A) Class 3 Property shall be comprised of all improved real property that appears on the list compiled under § 42-3131.16.

“(B) The Office of Tax and Revenue may request the Mayor to inspect the improved real property to determine whether the property is correctly included on the list compiled under § 42-3131.16.”.

(b) Subsection (d-1) is amended as follows:

(1) Paragraph (3A) is repealed.

(2) Paragraph (4A) is amended by striking the phrase “For improved real property that is not used as a parking lot,” and inserting the word “The” in its place.

(3) Paragraph (5) is amended as follows:

(A) Subparagraph (A) is repealed.

(B) Subparagraph (A-i) is amended as follows:

(i) Sub-subparagraph (i) is amended by striking the phrase “that is not used as a parking lot and appears on the list compiled under § 42-3131.16”.

(ii) Sub-subparagraph (ii) is amended by striking the phrase “that is not used as a parking lot and”.

(C) Subparagraph (B) is amended by striking the phrase “subparagraphs (A) and” and inserting the word “subparagraph” in its place.

#### Sec. 4. Applicability.

This act shall apply to periods beginning after September 30, 2009.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia