

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council

From :   
Nyasha Smith, Secretary to the Council

Date : November 21, 2017

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, November 21, 2017. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Housing Rehabilitation Incentives Regulation Amendment Act of 2017",  
B22-0596


INTRODUCED BY: Councilmembers R. White, Nadeau, T. White, Bonds, Grosso,  
and Allen

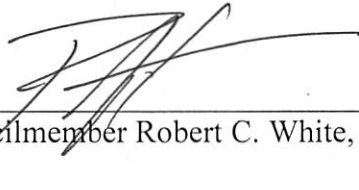
CO-SPONSORED BY: Councilmembers McDuffie and Gray


The Chairman is referring this legislation to the Committee of the Whole.

Attachment


cc: General Counsel  
Budget Director  
Legislative Services

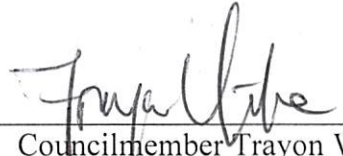
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2 Councilmember Anita Bonds

  
Councilmember Robert C. White, Jr.

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7 Councilmember David Grosso

  
Councilmember Brianne K. Nadeau

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12 Councilmember Charles Allen

  
Councilmember Trayon White, Sr.

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21 A BILL

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24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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27 To amend the Construction Codes Approval and Amendments Act of 1986 to dedicate certain  
28 housing fines to a Housing Condition Abatement Fund to provide for the summary  
29 correction of housing regulation violations, to reimburse impacted tenants, and to  
30 reimburse inspection and re-inspection fees for compliant properties; to amend Section  
31 105 of Title 14 of the District of Columbia Municipal Regulations to mandate referrals of  
32 repeated housing violations to the Office of the Attorney General and to limit the  
33 enforcement discretion of the Department of Consumer and Regulatory Affairs for repeat  
34 or unabated housing code violations; and to amend Title 16 of the District of Columbia  
35 Municipal Regulations to require the issuance of a Notice of Abatement to property  
36 owners who have corrected housing regulation violations and to provide for housing  
37 regulation violations to be treated with increasing severity if they are unabated for 6  
38 months or more.

39  
40 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
41 act may be cited as the "Housing Rehabilitation Incentives Regulation Amendment Act of 2017".

42           Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March  
43 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

44           (a) Section 11, as added in section 2222(b) of the DCRA Infraction Fine Increase  
45 Amendment Act of 2017, enacted on July 31, 2017(D.C. Act 22-130; 64 DCR 7652), is amended  
46 by adding a new subsection (c) to read as follows:

47           “(c) Any fines collected pursuant to 16 DCMR 3201.2, 16 DCMR 3305.1(s), 16 DCMR  
48 3305.2(uu), or 16 DCMR 3305.3(vvv) shall be deposited in the Housing Condition Abatement  
49 Fund established in section 12.”.

50           (b) New sections 12 and 13 are added to read as follows:

51           “Sec. 12. Housing Condition Abatement Fund.

52           “(a) There is established as a special fund the Housing Condition Abatement Fund  
53 (“Fund”), which shall be administered by the Department of Consumer and Regulatory Affairs in  
54 accordance with subsection (c) of this section.

55           “(b) The source of revenue for the Fund shall be any fines collected pursuant to sections  
56 16 DCMR 3201.2, 16 DCMR 3305.1(s), 16 DCMR 3305.2(uu), or 16 DCMR 3305.3(vvv).

57           “(c) Money in the Fund shall be used for the following purposes:

58           “(1) 1/3 of the Fund shall be deposited in the fund established pursuant to section  
59 1(b) of An Act to provide for the abatement of nuisances in the District of Columbia by the  
60 Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114;  
61 D.C. Official Code § 42-3131.01(b)), to fund the summary correction of housing regulation  
62 violations in rental properties;

63                   “(2) 1/3 of the Fund shall be provided to any tenants impacted by violations of 16  
64 DCMR 3201.2, 16 DCMR 3305.1(s), 16 DCMR 3305.2(uu), or 16 DCMR 3305.3(vvv) on a  
65 proportional basis; and

66                   “(3) 1/3 of the Fund shall be used to reimburse any inspection fees, re-inspection  
67 fees, or other fees charged to owners of housing accommodations that have not been issued a  
68 notice of infraction or notice of violation after an inspection or that have received a notice of  
69 abatement after a re-inspection.

70                   “(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund  
71 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any  
72 other time.

73                   “(2) Subject to authorization in an approved budget and financial plan, any funds  
74 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

75                   “(e) The Department may establish rules for the implementation and operation of the  
76 Fund.”.

77                   “Sec. 13. Reporting requirements.

78                   “(a) Within one year of the effective date of the Housing Rehabilitation Incentives  
79 Regulation Amendment Act of 2017, as introduced on November 7, 2017, and annually  
80 thereafter, the Director shall submit a report to the Mayor and the Council that includes:

81                   “(1) The number of referrals to the Office of the Attorney General, the number of  
82 combined notice of violation and infraction issued, and the number of summary corrections  
83 completed pursuant to 14 DCMR 105.1a within the prior year;

84                   “(2) The total value of any fines issued pursuant to 16 DCMR § 3201.2, 16  
85 DCMR § 3305.1(s), 16 DCMR § 3305.2(uu), or 16 DCMR § 3305.3(vvv).

86                   “(3) The total value of any fines collected pursuant to 16 DCMR 3201.2, 16  
87 DCMR 3305.1(s), 16 DCMR 3305.2(uu), or 16 DCMR 3305.3(vvv);

88                   “(4) The total amount of money deposited in the Fund established pursuant to  
89 section 12 and the amount of money used to effect summary correction of housing regulation  
90 violations, reimburse tenants, and reimburse owners of a housing accommodation;

91                   “(5) The number of tenants who received a reimbursement pursuant to the Fund  
92 established pursuant to section 12; and,

93                   “(6) The number of owners of a housing accommodation who received a  
94 reimbursement pursuant to the Fund established pursuant to section 12.”.

95           Sec. 3. Section 105 of Title 14 of the District of Columbia Municipal Regulations is  
96 amended as follows:

97           (a) A new subsection 105.1a is added to read as follows:

98                   “105.1a Whenever a duly designated agent of the District finds reasonable grounds to  
99 believe that there exists a violation pursuant to 16 DCMR § 3305.1(s), 16 DCMR § 3305.2(uu),  
100 or 16 DCMR § 3305.3(vvv), he or she shall refer the case for review by the Office of the  
101 Attorney General and shall, either singularly or in combination:

102                   “(a) Issue a combined notice of violation and notice of infraction; or

103                   “(b) Effect summary correction of the violation, as authorized by law.”.

104           (b) Subsection 105.3 is amended by striking the phrase “Issuance of” and inserting the  
105 Phrase “Except as provided in subsection 105.1a, issuance of” in its place.

106           Sec. 4. Title 16 of the District of Columbia Municipal Regulations is amended as  
107 follows:

108           (a) New subsections 3104.9, 3104.10, and 3104.11 are added to read as follows:

109           “3104.9 If after a re-inspection, the Director determines that the cited infraction has been  
110 successfully abated and that the respondent has taken all reasonable steps to ensure the infraction  
111 does not reoccur, the Director shall issue a Notice of Abatement and submit it to the respondent.

112           “3104.10 A Notice of Abatement shall include the following:

113                   “(a) A list of all infractions cited;

114                   “(b) The name of the person in violation;

115                   “(c) The respondent’s license or permit number; and,

116                   “(d) A description of the status of the abatement as demonstrated during a re-  
117 inspection.

118           “3104.11 Receipt of a Notice of Abatement for an infraction shall preclude the infraction  
119 from serving as the basis of a subsequent violation under § 3305.1(s), § 3305.2(uu), or §  
120 3305.3(vvv).”.

121           (b) Section 3305 is amended as follows:

122                   (1) Subsection 3305.1 is amended as follows:

123                           (A) Paragraph (q) is amended by striking the phrase “; or” and inserting a  
124 semicolon in its place.

125                           (B) Paragraph (r) is amended by striking the period and inserting the  
126 phrase “; or” in its place.

127                           (C) A new paragraph (s) is added to read as follows:

128                           “(s) Any provision listed in § 3305.2 that has not been abated within 6 months of the  
129 issuance of a notice of violation under that section.”.

130                   (2) Subsection 3305.2 is amended as follows:

131 (A) Paragraph (tt) is amended by striking the period and inserting the  
132 phrase “; or” in its place.

133 (B) A new paragraph (uu) is added to read as follows:

134 “(uu) Any provision listed in § 3305.3 that has not been abated within 6 months of the  
135 issuance of a notice of violation under that section.”.

136 (3) Subsection 3305.3 is amended as follows:

137 (A) Paragraph (uuu) is amended by striking the period and inserting the  
138 phrase “; or” in its place.

139 (B) A new paragraph (vvv) is added to read as follows:

140 “(vvv) Any provision listed in § 3305.4 that has not been abated within 6 months of the  
141 issuance of a notice of violation under that section.”.

142 Sec. 5. Fiscal impact statement.

143 The Council adopts the fiscal impact statement of the committee report as the fiscal  
144 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
145 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a)

146 Sec. 6. Effective date.

147 This act shall take effect following approval by the Mayor (or in the event of veto by the  
148 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
149 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
150 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
151 Columbia Register.