

Topic	Vacant & Distressed Properties
Resource Type:	Regulations
State:	N/A
Jurisdiction Type:	Municipal
Municipality:	District of Columbia
Year (adopted, written, etc.):	Unknown
Community Type - applicable to:	Urban; Suburban
Title:	District of Columbia Quick Acquisition of Abandoned & Nuisance Property
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Abstract

The District of Columbia enacted the Quick Acquisition of Abandoned and Nuisance Property Act. This act provides the Mayor authority to file petition in the Superior Court of the District of Columbia to alleviate nuisance and blight conditions on abandoned properties. The petition may seek to condemn, take possession, or take title to abandoned properties. Upon filing petition, the Mayor must deposit with the court, fair market value of the abandoned property and file notice of the petition with the recorder of deeds. If the fair market value of the property is determined to be less than the cost of public charges, taxes, and other assessments regarding the abandoned property, the District is entitled to judgment for the difference of the sum of those charges and the estimated value of the property. After Court takes title to an abandoned property, the Mayor may request that the Court name a public or quasi-public corporation, designated by the District, to take title to the property.

The Mayor may also acquire a residential dwelling unit or other structure by purchase, lease, condemnation, gift, or other legal means, for development and redevelopment, including the renovation, rehabilitation, and disposition, if the Mayor has determined that: the dwelling has deteriorated to the point to constitute a menace to public health, that the condition is likely to continue unless corrected, the condition is affecting surrounding properties, and a finding that the owner has failed to fix the condition himself. Upon a determination that the building is a menace to public health, the mayor must give notice to the building owner by posting a sign on the building. Within 30 days of the posted notice, the Mayor shall send notice via mail, to the recorded owners, and publish the notice in a newspaper for three consecutive days. Thirty days of the notice, the mayor may initiate abatement, unless the owner has filed an appeal Superior Court.

Resource

TITLE IV. QUICK ACQUISITION OF ABANDONED AND NUISANCE PROPERTY.

Sec. 401. Definitions.

For purposes of this title, the term:

(1) "Abandoned Property" means:

(A) An unoccupied structure or vacant lot on which taxes are in arrears for at least 2 years;

(B) A building:

(i) That is unoccupied by the owner or tenant;

(ii)(I) That is unfit for habitation; or

(II) That has deteriorated to the point where the building is structurally unsound or the cost of rehabilitation significantly exceeds the post-rehabilitation market value; and

(iii) Regarding which the owner has been issued a housing code violation notice from the District requiring the owner to:

(I) Rehabilitate the building to conform to minimum code habitability requirements; or

(II) Demolish the building for health and safety reasons;

(C) A vacant lot on which a building has been demolished; or

(D) A building in a block of row houses if the block:

(i) As a whole, contains 70% abandoned property, as defined under subparagraph (A), (B), or (C) of this paragraph; and

(ii) Is determined by the District to require a whole-block remedy; provided, that any tenant or owner-occupant has been offered assistance in accordance with section 406.

(2) "District" means the District of Columbia.

(3) "Superior Court" means the Superior Court of the District of Columbia.

Sec. 402. Petition for immediate taking.

The Mayor may file a petition in the Superior Court, for the purpose of alleviating nuisance and blight, that seeks:

(1) The condemnation of abandoned property; or

(2) The immediate possession of, or the immediate possession of and title to, the abandoned property.

Sec. 403. Deposit in court of fair market value.

If the Mayor files a petition under this title, the Mayor shall deposit with the Superior Court the amount of money estimated by a licensed appraiser to be the fair market value of the abandoned property. Notice of the filing of the petition shall be filed with the Recorder of Deeds under section 556a of An Act To establish a code of law for the District of Columbia.

Sec. 404. Judgment for excess of public charges over property value.

If the fair market value of the abandoned property is determined to be less than the sum of the public charges, taxes, and other assessments regarding the abandoned property, the District shall be entitled to a judgment against the owner of the abandoned property for the difference. Any monies collected under this title shall be deposited in the fund established by section 1(b)(1) of 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 pay the costs of correction of any condition as provided thereunder.

Sec. 405. Title holder.

If the Superior Court vests title to the abandoned property in the District, at the request of the Mayor, the Superior Court may name as title holder a public or quasi-public corporation that has been designated by the District to hold title to property acquired under this section.

Sec. 406. Assistance to certain displaced persons.

If an owner-occupant or tenant is displaced under this title, regardless of whether the displacement involves the use of federal financial assistance, the District shall assure that the owner-occupant or tenant is offered, at a minimum, assistance and payments to the extent that the owner-occupant or tenant would qualify for assistance and payments as a displaced person under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Sec. 407. Inability to qualify for hardship petition.

The owner of property which has been determined to be abandoned or a continuing nuisance to the immediate surrounding area shall not be eligible to elect, and file, a hardship petition under sections 206(c) and 212 of the Rental Housing Act of 1985 to abate the nuisance.

Sec. 408. Effect on other authority.

This section shall not affect the authority of the Mayor to condemn private property for public use under other provisions of law.

Sec. 409. Condemnation and acquisition of open, hazardous residential buildings or other structures.

(a) The Mayor may acquire a single-family or multiple-family dwelling unit or other structure by purchase, lease, condemnation, gift, or other legal means, for development and redevelopment, including the renovation, rehabilitation, and disposition, if the Mayor has determined that:

- (1) The dwelling unit or other structure has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety, and welfare;
- (2) The dwelling unit or other structure is likely to continue to deteriorate unless corrected;
- (3) The continued deterioration of the dwelling unit or other structure may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit that or other structure; and
- (4) The owner of the dwelling unit or other structure has failed to correct the deterioration.

(b) The Mayor may:

- (1) Negotiate for and acquire, by purchase, lease, gift, condemnation, or any other legal means, abandoned property in the District for development or redevelopment;
- (2) Develop or redevelop abandoned property acquired, including the demolition or rehabilitation of the property or otherwise eliminating blighting and unsafe conditions;
- (3) Sell, transfer, or otherwise dispose of abandoned property acquired, regardless of whether the property has been altered or improved; and
- (4) Use, operate, manage, or maintain abandoned property acquired pending development, redevelopment, or other disposition.

Sec. 410. Notice; demolition, repair, or enclosure.

(a)

- (1) The Mayor may post a notice of not less than 2 feet by 2 feet in size on the front of

the hazardous residential building or other structure. The notice shall bear the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, the building or other structure may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the Mayor.

(2) If a building is an identified historic resource on the list of Adopted and Approved Historic Sites of the District of Columbia, it shall not be demolished without the approval of the Historic Preservation Review Board.

(b) The Mayor, not later than 30 days following the posting of the notice, shall:

(1) Send, by certified mail, a notice to all owners of record of the property stating the intent of the District to demolish, repair, or enclose the building or structure, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials, if that action is not taken by the owner;

(2) Publish for 3 consecutive days in a newspaper of general circulation a notice setting forth:

(A) The address of the building or description of the real estate sufficient for its identification;

(B) A statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community; and

(C) A statement that the District intends to demolish, repair, or enclose the building, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner fails to do so; and

(3) If a building is an identified historic resource on the list of Adopted and Approved Historic Sites of the District of Columbia, send a copy of the notice to the Historic Preservation Review Board.

(c) A person objecting to the proposed actions of the Mayor may file his or her objection in the Superior Court.

(d) If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed within 30 days after the later of the mailing of the notice to the owners of record or the last day of publication of the notice, the Mayor may demolish, repair, or enclose the building or other structure, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

(e) If the Mayor determines under subsection (d) of this section that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard, the Mayor may demolish, repair, or enclose a building or other structure or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials within 120 days after the date of the mailing of the notice. If, before the Mayor proceeds with any of the actions authorized by this section, a person has initiated an action in Superior Court and has served a complaint on the District, the Mayor shall not proceed with the demolition until the Superior Court determines that action is necessary to remedy the hazard and issues an order authorizing the Mayor to do so.

Sec. 411. Designation of development or redevelopment plan for property acquired.

The Mayor shall, within 180 days after the effective date of this title, send to the Council a plan for the development or redevelopment of property acquired under this title.

Sec. 412. Limitation on actions against the District of Columbia.

(a) An action at law or equity filed against the District by a person with an interest in abandoned property that is the subject of a proceeding initiated under this title shall be filed within 3 years after the date that the Superior Court vests title to the abandoned property in the District.

(b) The damages awarded to a person for the improper taking of abandoned property in a proceeding initiated under this section shall be limited to the fair market value of the abandoned property at the time of the taking.

(c) An action shall not be maintained against the District for damages or injuries to person or property unless, within 6 months after the date on which the damage or injury was sustained, the claimant, or the claimant's agent or attorney, gives notice in writing to the Mayor of the approximate time, place, cause, and circumstances of the damage or injury. A claim for which the Mayor is not given notice in accordance with this subsection shall be forever barred.

(d) Execution or other judicial process shall not issue against real property owned in whole or in part by the District and a judgment against the District shall not be a charge or lien upon real property owned in whole or in part by the District. This section shall not apply to or limit the right of obligees to foreclose or otherwise enforce a mortgage on property of the District or the right of obligees to pursue any remedies for the enforcement of a pledge or lien given by the District on its rents, fees, and revenues.

Sec. 413. Report to the Council required.

Within 5 years after the effective date of this title, the Mayor shall provide to the Council a report on neighborhood stabilization efforts under this title.