DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF FINAL RULEMAKING

The Director of the Department of Housing and Community Development hereby gives notice the adoption of new chapter 46 of Title 10 DCMR, entitled "ACQUISITION OF ABANDONED AND DETERIORATED PROPERTY", pursuant to the authority set forth in Section 1101 of the Housing Act of 2002, effective April 19, 2002, D.C. Law 14-114, D.C. Official Code § 42-3171.01 (2006 Supp.) (Act) and Mayor's Order 2007-209, effective September 27, 2007. Final action to adopt these rules was taken on April 28, 2008. The Department of Housing and Community Development hereby gives notice that the amendment will add a new Chapter 46, Acquisition of Abandoned and Deteriorated Properties, which will provide criteria for the Director's determination of "deteriorated property" under the Act. Notice of the Proposed Rulemaking was published in the D.C. Register on February 15, 2008 at 50 DCR 1576. These final rules will be effective upon publication of this notice in the D.C. Register.

Title 10 of the DCMR is amended to add the following new chapter:

CHAPTER 46 ACQUISITION OF ABANDONED AND DETERIORATED PROPERTY

4600 GENERAL PROVISIONS

4600.1 The Purpose of this chapter is to provide criteria to be considered in identifying "deteriorated property" that constitutes a threat to the public health, safety, or welfare or that contributes to the blight or dilapidation of the area immediately surrounding the subject property pursuant to D.C. Official Code § 42-3171.01(2) (2006 Supp.).

4601 REAL PROPERTY THAT CONSTITUTES A THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE

4601.1 In accordance with D.C. Official Code § 42-3171.01(2)(a), property constitutes a threat to the public health, safety, or welfare if conditions on the property meet at least two (2) of the following criteria:

(a) If the property contains a structure, the structure shows signs of disrepair that threaten surrounding properties, structures, systems, or persons, as evidenced by an absent, dilapidated, or partial roof, dilapidated or partial floors or exterior walls, visible structural defects, conditions that may

expose the structure to the elements, or any other condition that evidences the structure is not maintained;

(b) If the property contains a structure, the structure fails to provide for necessary ventilation, light, sanitation, or drainage, as evidenced by inadequate or inoperable electrical wiring or plumbing, standing water, boarded or blocked doors or windows, or unconnected public utilities;

(c) If the property contains a structure, conditions on the property that violate the fire, building, or housing codes;

(d) Conditions on the property that present a threat of disease transmission or ill health, as evidenced by an environment conducive to the harborage of vermin or vectors, including the existence of abandoned cars, garbage, standing water, or excessive vegetation, or criminal acts on the property, as evidenced by drug usage or other illicit activities;

(e) Evidence of trash dumping, which includes the existence of abandoned automobiles, automobile parts, appliances, furniture, household items, clothing, household garbage, yard debris, or any other discarded items; or

(f) The property is located within a crime reduction target area; or

(g) The existence of any other condition that constitutes a threat to the public health, safety, or welfare, as determined by the Director.

4602 **REAL PROPERTY THAT CONTRIBUTES TO THE BLIGHT OR DILAPIDATION OF THE AREA IMMEDIATELY SURROUNDING THE PROPERTY**

4602.1 In accordance with D.C. Official Code § 42-3171.01(2)(b), property contributes to the blight or dilapidation of the area immediately surrounding the property if the conditions on the property meet at least two (2) of the following criteria:

(a) If the property contains a structure, the structure shows signs of disrepair, which may be evidenced by a neglected exterior including, but not limited to, chipping or flaking paint, rotting wood, crumbling brick or other stone, missing or broken doors or windows, graffiti, or unsecured entrances or openings;

(b) The property comprises an irregular sized or shaped lot, which renders the property unusable for its intended purpose;

(c) A vacant lot for which the perimeter is not secured by an upright fence or other barrier that limits access to the lot;

(d) The property exhibits a pattern of neglect, as evidenced by the following:

(1) More than two (2) recorded housing code violations within a two (2) year period, regardless of whether the violation was paid or abated;

(2) More than two (2) citations issued by the District of Columbia Department of Public Works within a two (2) year period, regardless of whether the citation was paid or abated;

(3) Delinquent real property taxes or other assessments that result in the property being eligible to be sold at the real estate tax sale two (2) or more times, regardless of whether redeemed or paid; or

(4) Combination of two or more recorded housing code violations, citations issued by the Department of Public Works, or delinquent real property taxes or other assessments that result in the property being eligible to be sold at the real estate tax sale, regardless of whether abated, redeemed, or paid;

(e) The property's title contains an irregular ownership history or encumbrance that renders the title unmarketable;

(f) The existence of any other condition that may contribute to the blight or dilapidation of the area immediately surrounding the property, as determined by the Director.