

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-173

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2007

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings; to amend 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 consolidate the overlapping responsibilities for the designation, registration, and assessment of vacant properties, to provide for the consolidation of exemptions under the Department of Consumer and Regulatory Affairs and a reduction in the overall number of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the periodic noticing of the Office of Tax and Revenue of properties designated as vacant and the assessment of taxes on properties designated as vacant, and to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals; and to amend Title 47 of the District of Columbia Official Code to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property tax purposes, and to create a specific appeals process for Class 3 Properties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2007".

Sec. 2. Section 6(b)(2) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b)(2)), is amended by striking the phrase "Rent Administrator" and inserting the phrase "Rent Administrator and those cases under the jurisdiction of the Board of Real Property Assessment and Appeals" in its place.

Note,
§ 2-1831.03

ENROLLED ORIGINAL

Sec. 3. 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. 115; 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) The lead-in text is amended by striking the phrase "sections 5 through 15" and inserting the phrase "sections 5 through 16" in its place.

(2) Paragraph (2) is amended by striking the phrase "District of Columbia" and inserting the phrase "District of Columbia, actively operating as a hotel or motel, and legally using the real property as a hotel or motel" in its place.

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

"(4) "Owner" means the owner of record of the real property."

(4) A new paragraph (4A) is added to read as follows:

"(4A) "Real property" means real property as defined under D.C. Official Code § 47-802(1)."

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

(A) Strike the word "means" and insert the phrase "means real property improved by" in its place.

(B) Strike the phrase "for more than 180 days".

(b) A new section 5a is added to read as follows:

"Sec. 5a. Notice by mail.

"Notice shall be deemed to be served properly on the date when mailed by first-class mail to the owner of record of the vacant building at the owner's mailing address as updated in the real property tax records of the Office of Tax and Revenue."

(c) Section 6 (D.C. Official Code § 42-3131.06) is amended as follows:

Note,
§ 42-3131.06

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

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

"(3) Under active construction or undergoing active rehabilitation, renovation, or repair, and there is a valid building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of the required registration date;"

(B) Paragraph (4) is amended by striking the phrase "one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent" and inserting the phrase "8 months" in its place.

(C) Paragraph (5) is amended to read as follows:

"(5) Exempted by the Mayor in his or her sole discretion; provided, that the exemption may be withdrawn upon notice in the same manner as if the building were designated as vacant under section 11;"

(D) New paragraphs (6), (7), (8), and (9) are added to read as follows:

"(6) Occupied at the time of a fire, flood, or other casualty which occurred within the preceding 12 months and which was not intentionally caused by the owner;

ENROLLED ORIGINAL

“(7) For a period not to exceed 24 months, the subject of a probate proceeding or the title is the subject of litigation (not including a foreclosure of the right of redemption action brought under Chapter 13A of Title 47 of the District of Columbia Official Code);

“(8) For a period not to exceed 12 months, the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor’s Agent for Historic Preservation, or the National Capital Planning Commission; or

“(9) For a period not to exceed 12 months, owned by a qualifying nonprofit housing organization under D.C. Official Code § 47-3505(a).”.

(2) Subsection (e) is amended by striking the phrase “30 days” and inserting the phrase “30 days in the manner provided in section 499d(b-1) of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 14-282; D.C. Official Code § 42-405(b-1))” in its place.

(3) New subsections (f) and (g) are added to read as follows:

“(f)(1) The cumulative time period for exemption from registration and fee requirements for a vacant building under the same, substantially similar, or related ownership shall not exceed 3 real property tax years.

“(2) Notwithstanding paragraph (1) of this subsection, any exemption shall be terminated at the end of the 2007 real property tax year if the building under the same, substantially similar, or related ownership benefitted from an exemption under this section or under D.C. Official Code § 47-813(c-6) during 3 or more real property tax years.

“(3) The limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to vacant buildings that benefit from the exemption under subsection (b)(1), (b)(2), or (b)(5) of this section.

“(4) A vacant building benefitting from an exemption under this section or D.C. Official Code § 47-813(c-6)(2)(C) or (c-6)(3)(C), immediately preceding December 28, 2006, shall continue to benefit from the exemption and shall not be required to register or pay fees for the duration permitted under those provisions; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the vacant building may qualify for an exemption in effect after December 28, 2006, and subject to the time restriction and exclusion set forth in paragraphs (2) and (3) of this subsection.

“(5) For the purposes of this subsection, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(g) The Mayor shall issue proposed rules to implement the provisions of this act on or before June 30, 2007. The proposed rules shall be submitted to the Council for a 45-day period

ENROLLED ORIGINAL

of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved.”.

(d) Section 8 (D.C. Official Code § 42-3131.08) is amended to read as follows:

Note, § 42-3131.08

“Sec. 8. Notice of denial or revocation of registration.

“The owner shall be notified of the denial or revocation of registration of a vacant building and the right to appeal. Upon notice of the denial or revocation, the owner shall not proceed with any operation to which the registration related. If the registration is denied or revoked, no registration fees or parts thereof shall be returned.”.

(e) Section 9(d) (D.C. Official Code § 42-3131.09(d)) is amended by striking the phrase “section 11” wherever it appears and inserting the phrase “section 8” in its place.

Note, § 42-3131.09

(f) Section 10 (D.C. Official Code § 42-3131.10) is amended as follows:

Note, § 42-3131.10

(1) Subsection (a) is amended by striking the phrase “receipt of a mailing of a delinquency and determination notice under section 11 or” and inserting the phrase “notice of the designation of the owner’s building as vacant, the determination of delinquency of registration or fee payment, the denial or revocation of registration, the filing by an owner of any false or misleading registration-related information, or” in its place.

(2) Subsection (c) is amended by striking the word “semiannual”.

(g) 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 owner shall be notified that the owner’s building has been designated as vacant and of the owner’s right to appeal.”.

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

Note, § 42-3131.15

“Sec. 15. Administrative review and appeal.

“(a) Within 15 days after the designation of an owner’s building as vacant, the determination of delinquency of registration or fee payment, or the denial or revocation of registration, 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.

“(b) Within 45 days after the date of the notice of final determination under subsection (a) of this section, an owner may file an appeal with the Board of Real Property Assessments and Appeals on the form prescribed by the Mayor; provided, that the notice of final determination under subsection (a) of this section shall be a prerequisite to filing an appeal with the Board of Real Property Assessments and Appeals.”.

(i) A new section 16 is added to read as follows:

“Sec. 16. Transmission of list by Mayor.

“(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of buildings:

ENROLLED ORIGINAL

“(1) Registered as vacant; provided, that for the purposes of this section and D.C. Official Code § 47-813(c-7)(5)(A-1)(i)(I)(aa), buildings for which the registration has been revoked shall also be deemed registered; and

“(2) For which a notice of final determination has been issued under this act and administrative appeals have been exhausted or expired.

“(b) The list shall be in the form and medium prescribed by the Office of Tax and Revenue.”.

Sec. 4. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-813 is amended as follows:

(1) Subsection (c-6)(1) is amended by striking the phrase “the real property tax year beginning October 1, 2002, and ending September 30, 2003, and for each subsequent tax year” and inserting the phrase “tax years 2003 through 2006” in its place.

(2) A new subsection (c-7) is added to read as follows:

“(c-7)(1) For tax year 2007 and thereafter, the following classes of taxable real property are established:

- “(A) Class 1 Property;
- “(B) Class 2 Property; and
- “(C) Class 3 Property.

“(2)(A) Except as otherwise provided in this paragraph, Class 1 Property shall be comprised of residential real property that is improved and used exclusively for nontransient residential dwelling purposes; provided, that the improved and nontransient real property shall not be classified as Class 1 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(2)(C) of this section immediately preceding December 28, 2006, shall continue to benefit from the exemption and be classified as Class 1 Property for the duration permitted under that subsection; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after December 28, 2006, and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

“(C) Real property used as a parking lot shall be classified as Class 1 Property if it appertains to improved Class 1 Property and if each approval required from the District government for use as a parking lot has been obtained.

“(D) Unimproved real property which abuts Class 1 Property shall be classified as Class 1 Property if the real property and the Class 1 Property have common ownership.

“(E)(i) Unimproved, residential real property shall be classified as Class 1 Property if:

Note,
§ 47-813

ENROLLED ORIGINAL

“(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a real property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

“(II) A valid building permit to construct at least one nontransient dwelling unit has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year and a building permit described in sub-sub-subparagraph (II) of this sub-subparagraph has been issued;

“(IV) The real property is owned by a qualifying nonprofit housing organization under § 47-3505(a);

“(V) 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; or

“(VI) The unimproved air rights lot appertains to improved Class 1 Property.

“(ii)(I) Classification of unimproved real property as Class 1 Property pursuant to sub-subparagraph (i)(I), (II), (III), or (IV) of this subparagraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefited from an exemption under sub-subparagraph (i) of this subparagraph or under subsection (c-6)(2)(C) or (c-6)(2)(E) of this section, other than under sub-subparagraph (i)(V) or (VI) of this subparagraph or a similar provision of subsection (c-6)(2)(C) of this section, for 3 or more tax years shall no longer be classified as Class 1 Property beginning in tax year 2008.

“(III) For purposes of this sub-subparagraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) 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

ENROLLED ORIGINAL

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

“(3)(A) Except as otherwise provided in this paragraph, Class 2 Property shall be comprised of improved commercial real property; provided, that such improved real property shall not be classified as Class 2 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(3)(C) of this section immediately preceding December 28, 2006, shall continue to benefit from the exemption and be classified as Class 2 Property for the duration permitted under subsection (c-6)(3)(C) of this section; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after December 28, 2006, and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

“(C) Real property used as a parking lot shall be classified as Class 2 Property if each approval required from the District government for use as a parking lot has been obtained.

“(D) Unimproved real property which abuts Class 2 Property shall be classified as Class 2 Property if the real property and the Class 2 Property have common ownership.

“(E)(i) Unimproved, commercial real property shall be classified as Class 2 Property if:

“(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a real property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

“(II) A valid building permit to construct an improvement to be occupied or a parking lot has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year and a building permit described in sub-sub-subparagraph (II) of this sub-subparagraph has been issued;

“(IV) 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; or

“(V) The unimproved air rights lot appertains to improved Class 2 Property.

“(ii)(I) Classification of unimproved real property as Class 2 Property pursuant to sub-subparagraph (i)(I), (II), or (III) of this sub-subparagraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

ENROLLED ORIGINAL

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefited from an exemption under sub-subparagraph (i) of this subparagraph or under subsection (c-6)(3)(C) of this section, other than under sub-subparagraph (i)(IV) or (V) of this subparagraph or under a similar provision of subsection (c-6)(3)(C) of this section, for 3 or more tax years shall no longer be classified as Class 2 Property beginning with tax year 2008.

“(III) For purposes of this sub-subparagraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 2 Property by a public alley less than 30 feet wide shall be classified as Class 2 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 2 Property separated by the alley from the real property have common ownership.

“(G) Class 2 Property shall include, as of September 30 of the preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity Area, as designated on the current District of Columbia Generalized Land Use Map that is part of the Comprehensive Plan; provided, that the real property is zoned for commercial development and the real property owner is engaged in predevelopment activities as supported by written documentation. For the purpose of this subparagraph, the term "predevelopment activities" means completion of one of the following:

“(i) Preparation of subdivision or large tract review applications;

“(ii) Preparation or application for District of Columbia permits or authorizations to proceed with development;

“(iii) Participation in special planning or transportation studies prepared in conjunction with the District of Columbia; or

“(iv) Completion of environmental assessment or mitigation studies prepared in conjunction with the District of Columbia.

“(4) Class 3 Property shall be comprised of all real property which cannot be classified as Class 1 Property or Class 2 Property.”

(3) Subsection (d)(5) is repealed.

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

ENROLLED ORIGINAL

(A) Paragraph (3) is repealed.

(B) Paragraph (3A)(A) is amended as follows:

(i) Strike the phrase "appeal any reclassification under this section in the same manner and to the same extent as a new owner under § 47-825.01(f-1)(1), regardless of the tax year involved or whether a prior petition or appeal had been filed for the tax year" and insert the phrase "appeal any classification of Class 3 Property under this section of unimproved real property or real property that is used as a parking lot to the same extent as a new owner under § 47-825.01(f-1)(1)(C)(iii) or (iv)" in its place.

(ii) A new sentence is added to read as follows:

"The Class 3 Property classification shall only be appealed under the provisions of this paragraph and regardless of whether a petition or appeal is filed under § 47-825.01(f-1)(1A), notwithstanding any other provision of law."

(iii) Strike the word "reclassification" wherever it appears and insert the word "classification" in its place.

(C) New paragraphs (4A) and (4B) are added to read as follows:

"(4A) For improved real property that is not used as a parking lot, the determination that the real property belongs on the list compiled under § 42-3131.16 (and, indirectly, its Class 3 Property classification) shall only be appealed as prescribed under § 42-3131.15 and § 47-825.01(f-1)(2A), notwithstanding any other provision of law. A notice of final determination by the Mayor shall be a prerequisite before an appeal to the Board of Real Property Assessments and Appeals may be taken.

"(4B) The classification of Class 3 Property in the notice of proposed assessment under §§ 47-824 and 47-829 shall not be appealed under the provisions applicable to the appeal of such notice and any statement in such notice that the real property shall be classified as other than Class 3 Property shall not be effective, notwithstanding any other provision of law."

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

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

"(A) Whenever the classification of real property subject to the new owner petition or appeal process under paragraph (3A) of this subsection shall:

"(i)(I) Change to Class 3 Property, the owner shall file a notification to change the classification with the Office of Tax and Revenue within 30 days after the change in the manner as may be prescribed by the Mayor.

"(II) The change in classification shall be retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the owner fails to notify timely, the real property shall be reclassified for each tax year beginning with the half tax year when the classification should have changed; provided, that the periods subject to reclassification shall be limited to the current and 3 preceding tax years. Penalty and interest as prescribed under § 47-811(c) shall be assessed beginning 30 days after the date of the real

ENROLLED ORIGINAL

property tax bill that issues after any administrative appeals have been exhausted; or

“(ii)(I) Cease to be Class 3 Property, the owner shall file a notification to change the classification with the Office of Tax and Revenue within 30 days after the change in the manner as may be prescribed by the Mayor.

“(II) If the notification is approved, the change in classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the notification is disapproved, the notice of classification under paragraph (3A) of this subsection shall be given to the owner.”.

(ii) A new subparagraph (A-i) is added to read as follows:

“(A-i)(i) Whenever the classification of improved real property that is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall change to Class 3 Property:

“(I) The owner shall notify the Department of Consumer and Regulatory Affairs within 30 days of the change by making application to register the property as vacant under §§ 42-3131.06 and 42-3131.07, and the change in classification of the real property to Class 3 Property shall be retroactive to the half tax year during which one of the following first occurred:

“(aa) The owner of the real property registered the real property as vacant under § 42-3131.06; or

“(bb) The owner of real property received a notice of final determination under § 42-3131.15;

“(II) The Office of Tax and Revenue shall re-classify the real property without limitation for each tax year or half tax year after receipt of the list under § 42-3131.16; and

“(III) Penalty and interest as prescribed under § 47-811(c) shall be assessed beginning 30 days after the date of the real property tax bill that issues after any administrative appeals have been exhausted.

“(ii) Whenever improved real property that is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall cease to be Class 3 Property, the owner shall notify the Department of Consumer and Regulatory Affairs within 30 days after the change in the manner as may be prescribed by the Mayor. If the request for a change in classification is approved, the change in classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Department of Consumer and Regulatory Affairs was so notified. If the request is denied, the owner shall have a right to administrative review of the determination as provided under § 42-3131.16 and § 47-825.01(f-1)(2A).”.

(iii) Subparagraph (B) is amended as follows:

(I) Strike the phrase “subparagraph (A)” and insert the phrase “subparagraphs (A) and (A-i)” in its place.

ENROLLED ORIGINAL

(II) Strike the word "Mayor" and insert the phrase "applicable agency" in its place.

(E) Paragraph (6) is amended by striking the phrase "real property" and inserting the phrase "Class 3 Property" in its place.

(5) Subsection (d-2) is amended by striking the phrase "an erroneous or improper classification" and inserting the phrase "a change in classification to Class 3 Property" in its place.

(b) Section 47-825.01(f-1) is amended as follows:

Note, § 47-825.01

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

"(2A) If an owner is aggrieved by a notice of final determination issued pursuant to § 42-3131.15 or a notice of final determination issued under § 47-813(d-1)(3A), the owner may file an appeal on the determination of vacancy with the Board within 45 days from the date of such notice. The Board shall render a decision on the appeal within 120 days of filing."

(2) Paragraph (3) is amended by striking the word "Board" and inserting the phrase "Board and a petition to the Mayor for reconsideration of the designation of their building as vacant shall be a prerequisite for filing an appeal with the Board pursuant to § 42.3131.15" in its place.

(3) Paragraph (8) is amended by striking the phrase "value or classification" and inserting the phrase "value, classification, or determination of vacancy" in its place.

(c) Section 47-850.02(b-1) is amended by striking the phrase "a reclassification" and inserting the phrase "an appeal of a Class 3 classification" in its place.

Note, § 47-850.02

(d) Section 47-863(f-1) is amended by striking the phrase "a reclassification" and inserting the phrase "an appeal of a Class 3 classification" in its place.

Note, § 47-863

Sec. 5. Applicability.

Sections 2 through 4 shall apply to real property tax years beginning after September 30, 2006.

Sec. 6. Fiscal impact statement.

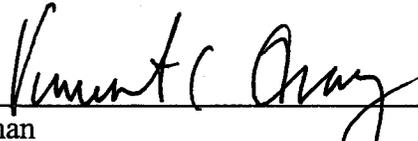
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

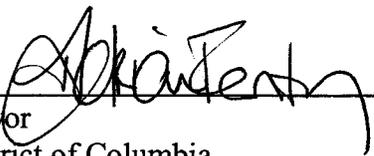
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 2, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2007

Codification
District of
Columbia
Official Code

2001 Edition

2008 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the District of Columbia Recordation Tax Act to exempt from the deed recordation tax the transfer of lots 3 and 4, Square 5919 to Specialty Hospitals of America, LLC; to amend Title 47 of the District of Columbia Official Code to exempt from taxation the land and improvements located in lots 3 and 4, Square 5919, and from the deed transfer tax, the transfer of lots 3 and 4, Square 5919 to Specialty Hospitals of America, LLC; to direct the Chief Financial Officer to credit all loan payments received from Greater Southeast Investment, L.P., relating to loans to Specialty Hospitals of America, LLC, and the District's share of proceeds arising from a disposition of any land or improvements in lots 3 and 4, Square 5919 to the Community Health Care Financing Fund; to require an agreement that addresses cultural competency; and to repeal section 4 of the East of the River Hospital Revitalization Emergency Amendment Act of 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "East of the River Hospital Revitalization Tax Exemption Emergency Amendment Act of 2007".

Sec. 2. Section 302 of the District of Columbia Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102), is amended as follows:

Note,
§ 42-1102

- (a) Paragraph (27) is amended by striking the word "and" at the end.
- (b) Paragraph (28) is amended by striking the phrase "as trustee." and inserting the phrase "as trustee; and" in its place.
- (c) A new paragraph (29) is added to read as follows:
 "(29) A deed to lots 3 and 4, Square 5919 transferred to Specialty Hospitals of America, LLC, or certain of its subsidiary entities."

Sec. 3. Title 47 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-902

- (a) Section 47-902 is amended by adding a new paragraph (24) to read as follows:
 "(24) Transfer of lots 3 and 4, Square 5919 to Specialty Hospitals of America, LLC, or certain of its subsidiary entities."

ENROLLED ORIGINAL

(b) Section 47-1002 is amended by adding a new paragraph (30) to read as follows:

Note,
§ 47-1002

“(30) The land and improvements located in lots 3 and 4, Square 5919. This exemption shall commence on the date Specialty Hospitals of America, LLC, or certain of its subsidiary entities, takes title to lots 3 and 4, Square 5919, and shall terminate upon one of the following dates, whichever occurs first:

“(A) The date the Mayor certifies to the District of Columbia Treasurer that Specialty Hospitals of America, LLC, or certain of its subsidiaries, or any party that subsequently acquires by purchase, lease, or exchange lots 3 and 4, Square 5919, or any part thereof, failed to comply with the terms of an agreement between Specialty Hospitals of America, LLC, or certain of its subsidiaries, with Greater Southeast Investment, L.P., to pay an amount equal to the real property taxes that the owner of lots 3 and 4, Square 5919 would be obligated to pay on lots 3 and 4, Square 5919, or any part thereof, in the absence of the exemption provided by this paragraph; or

“(B) The date that the Mayor certifies to the District of Columbia Treasurer that the Acquisition Loan in the maximum principal amount of \$29 million by Greater Southeast Investment, L.P., to Capitol Medical Center, LLC, and CMC Realty, LLC, has been paid in full.”.

Sec. 4. The Chief Financial Officer of the District of Columbia shall credit to the Community Health Care Financing Fund, established by section 101 of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1931):

Note,
§ 7-1931

(1) All payments received from Greater Southeast Investment, L.P., relating to its loans of approximately \$49 million to Specialty Hospitals of America, LLC, or certain of its subsidiaries; and

(2) The District's share of any proceeds arising from a disposition of all, or any part thereof, the land or improvements in lots 3 and 4, Square 5919.

Sec. 5. As a condition of approval by the Council, Specialty Hospitals of America, LLC, shall enter into an agreement approved by the Mayor that addresses the issue of cultural competency.

Sec. 6. Section 4 of the East of the River Hospital Revitalization Emergency Amendment Act of 2007, effective October 19, 2007 (D.C. Act 17-168; 54 DCR ___), is repealed.

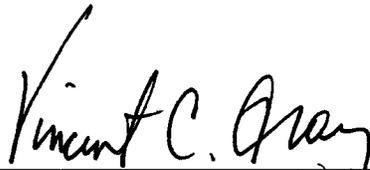
Sec. 7. Fiscal impact statement.

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)).

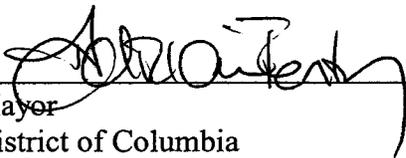
ENROLLED ORIGINAL

Sec 8. Effective date.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 2, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2007

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to require the Water and Sewer Authority, in collaboration with the Fire and Emergency Medical Services Department, to develop a plan for inspecting, repairing, and maintaining public fire hydrants, and the provision of adequate water pressure levels to all locations in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fire Hydrant Inspection, Repair, Maintenance, and Fire Preparedness Emergency Amendment Act of 2007".

Sec. 2. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 34-2202.03) is amended by adding a new paragraph (33) to read as follows:

Note,
§ 34-2202.03

“(33) To inspect, repair, and maintain all District fire hydrants in collaboration with the Fire and Emergency Medical Services Department pursuant to section 205(i).”.

(b) Section 205 (D.C. Official Code § 34-2202.05) is amended by adding a new subsection (i) to read as follows:

Note,
§ 34-2202.05

“(i)(1) Within 30 days of the effective date of the Fire Hydrant Inspection, Repair, Maintenance, and Fire Preparedness Emergency Amendment Act of 2007, passed on emergency basis on October 23, 2007 (Enrolled version of Bill 17-465):

“(A) The Board, in collaboration and pursuant to a memorandum of understanding with the Fire and Emergency Services Department (“FEMS”), shall develop a plan:

“(i) To regularly inspect, repair, and maintain all public fire hydrants, which shall include recommendations on the frequency of individual hydrant inspections, and the provision of adequate water pressure levels to all locations in the District of Columbia; and

“(ii) To use National Fire Protection Association Standards to

ENROLLED ORIGINAL

color code fire hydrants with dual-reflective bands based on water volume, as follows:

- flow per minute; “(I) Blue bands for greater than 1,500 gallons of water
- per minute; “(II) Yellow bands for 1,000 - 1,499 gallons of water flow
- minute; and “(III) Orange bands for 500-999 gallons of water flow per
- per minute; and “(IV) Red bands for less than 500 gallons of water flow

“(B) The Board and FEMS each shall designate a current staff person to act as a liaison with the other agency.

“(2) The Board shall submit the plan to the Council for its approval by resolution.

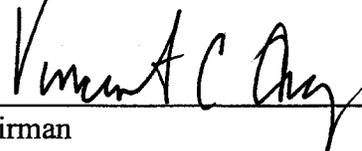
“(3) The Board shall implement the plan within 90 days of its approval by the Council.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 2, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2007

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the Neighborhood Investment Act of 2004 to expand the commercial area in the Columbia Heights target area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Investment Clarification Emergency Amendment Act of 2007".

Sec. 2. Section 4(5)(A) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1073(5)(A)), is amended by striking the phrase "west along Gresham Place, N.W., to Sherman Avenue, N.W." and inserting the phrase "west along Gresham Place, N.W., to Georgia Avenue, N.W., south along Georgia Avenue, N.W., to Euclid Street, N.W., west along Euclid Street, N.W., to Sherman Avenue, N.W." in its place.

Note,
§ 6-1073

Sec. 3. Fiscal impact statement.

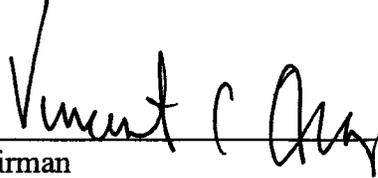
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

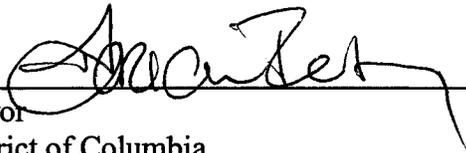
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 2, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 5, 2007

Codification
District of
Columbia
Official Code

2001 Edition

2008 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by Golden Rule Plaza, Inc., and to provide equitable real property tax relief to Golden Rule Plaza, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Golden Rule Plaza, Inc., Real Property Tax Exemption and Real Property Tax Relief Emergency Act of 2007".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"§ 47-1076. Golden Rule Plaza, Inc., lots 837, 841, and 842, Square 525 and Lot 840, Square 526."

(b) A new section § 47-1076 is added to read as follows:

"§ 47-1076. Golden Rule Plaza, Inc., lots 837, 841, and 842, Square 525 and Lot 840, Square 526.

"The properties located in the District of Columbia described as lots 837, 841, and 842 in Square 525 and Lot 840 in Square 526, owned by Golden Rule Plaza, Inc., a nonprofit corporation sponsored by Bible Way Church of Our Lord Jesus Christ of the Apostolic Faith of Washington, D.C., Inc., shall be exempt from all taxation for a period of 15 years so long as these properties continue to be owned by Golden Rule Plaza, Inc., and are not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009."

Sec. 3. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against Golden Rule Plaza, Inc., from the period beginning December 1, 2005, on real property located at lots 837 and 842 in Square 525 and Lot 840 in Square 526, and from the period beginning October 1, 2006, for real property located at Lot 841 in Square 525, be forgiven and any payments already made for these periods be refunded.

ENROLLED ORIGINAL

Sec. 4. Inclusion in the budget and financial plan.

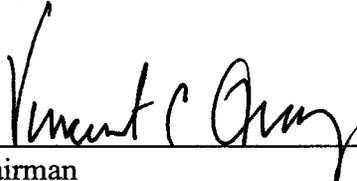
The act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

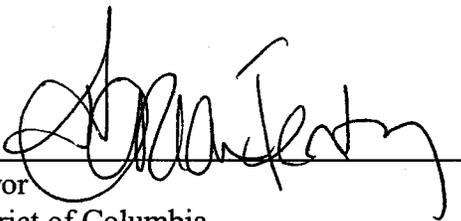
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 5, 2007