

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.

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Publisher

To amend section 25-314(b) of the District of Columbia Official Code to clarify that the prohibition against the issuance of new licenses within 400 feet of a public, private, or parochial primary, elementary, or high school, college or university, or recreation area operated by the D.C. Department of Recreation does not apply where the main entrance to the college, university, or recreation area, or the nearest property line of the school is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commercial Exception Clarification Act of 2006".

Sec. 2. Section 25-314(b) of the District of Columbia Official Code is amended as follows:

Amend
§ 25-314

(a) Paragraph (1) is amended by striking the phrase "D.C. Department of Recreation" and inserting the phrase "District of Columbia Department of Parks and Recreation, except as provided in paragraphs (2) through (5) of this subsection" in its place.

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

"(2) The 400-foot restriction shall not apply to a restaurant, hotel, club, caterer's, or temporary license."

(c) A new paragraph (5) is added to read as follows:

"(5) The 400-foot restriction shall not apply where the main entrance to the college, university, or recreation area, or the nearest property line of the school is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia."

Sec. 3. Fiscal impact statement.

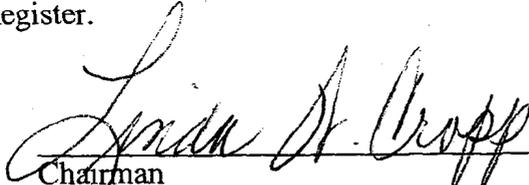
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

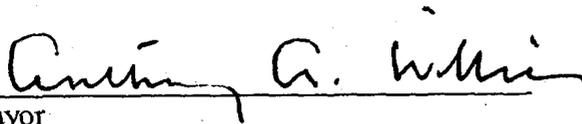
Sec. 4. Effective date.

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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

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AN ACT
D.C. ACT 16-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend section 15-718 of the District of Columbia Official Code to clarify that the Board of Judges of the Superior Court of the District of Columbia may increase the attendance fee and travel allowance for jurors established under this section; and to amend Title 16 of the District of Columbia Official Code to protect the confidential information of citizens participating in jury selection, and to improve the accuracy of source lists.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Jury Trial Improvements Act of 2006".

Sec. 2. Section 15-718 of the District of Columbia Official Code is amended as follows:

(a) Section 15-718 is amended by adding a new subsection (e) to read as follows:

"(e) The Board of Judges of the Superior Court may increase the attendance fee and travel allowance provided by this section and, in such event, shall publish the new fee or allowance."

Sec. 3. Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the following at the end:

"51. Jury Selection.....16-5101".

(b) A new Chapter 51 is added to read as follows:

CHAPTER 51
JURY SELECTION

"Section

"16-5101. Definitions.

"16-5102. Confidentiality of certain information developed during jury selection.

"16-5103. Penalties.

"16-5104. District of Columbia government agency source lists.

"§ 16-5101. Definitions.

"For the purposes of this chapter, the term:

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

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“(2) “Identifying information” means any information which would reasonable lead someone to be able to communicate with or contact a citizen without his or her prior permission.

“§ 16-5102. Confidentiality of certain information developed during jury selection.

“(a) During the jury selection segment of any case pending in the Superior Court of the District of Columbia, the name, home address, business address (if any), and all other identifying information of any citizen who is called for jury service in that case shall not be used by anyone other than for the purpose of selecting a fair and impartial jury. After jury selection has been completed or terminated by the court, no person other than the subject of the identifying information or the court shall divulge or use the name, home address, business address (if any), or any other identifying information of any citizen who participated in that jury selection, whether or not the citizen was selected to serve on the jury, except as provided in subsections (b) and (c) of this section.

“(b) An officer or employee of the court may divulge the name of any citizen who participated in jury selection pursuant to rules adopted by the court.

“(c) Nothing contained in subsection (a) of this section shall be construed to prohibit a citizen, party, or attorney, or their agents, from divulging, making known, or using the identifying information of any citizen who is called for jury service where the party, attorney, or agent has obtained authorization from the court:

“(1) Pursuant to § 11-1914(b) in connection with the preparation or presentation of a motion under § 11-1910; or

“(2) Based upon good cause shown and pursuant to rules promulgated by the court.”.

“§ 16-5103. Penalties.

“Any violation of § 16-1502 shall be a misdemeanor punishable by a fine of up to \$500 or imprisonment of up to 180 days, or both.

“§ 16-5104. District of Columbia government agency source lists.

“Any agency or instrumentality of the District of Columbia government required to provide names and addresses of individuals to the Court pursuant to § 11-1905 for purposes of summoning individuals for jury service shall take all reasonable steps to ensure that the names and addresses are accurate, including:

“(1) Entering into a memorandum of understanding with the Court for the prompt sharing of complete and accurate information; and

“(2) The purging of inaccurate name and address information by the provider agency or instrumentality not less than once every calendar year.”.

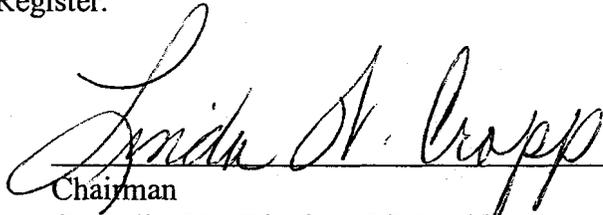
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Sec. 4. Fiscal impact statement.

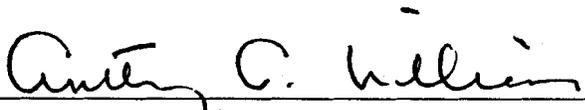
The Council adopts the December 4, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. 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), 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT-16-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006Codification
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To amend the Rental Housing Act of 1985 to provide protection from eviction to victims of intrafamily offenses, and to provide a release from certain lease obligations should an intrafamily offense victim's safety be in jeopardy; and to amend the Human Rights Act of 1977 to prohibit housing discrimination against victims of intrafamily offenses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), is amended as follows:

(a) The title of Title V is amended by striking the phrase "EVICTIONS; RETALIATORY ACTION" and inserting the phrase "EVICTIONS; RETALIATORY ACTION; AND OTHER MATTERS" in its place.

(b) Section 501 (D.C. Official Code § 42-3505.01) is amended by adding a new subsection (c-1) to read as follows:

Amend
§ 42-3505.01

"(c-1)(1) It shall be a defense to an action for possession under subsections (b) or (c) of this section that the tenant is a victim, or is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), if the Court determines that the intrafamily offense, or actions relating to the intrafamily offense, are the basis for the notice to vacate.

"(2) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant has received a temporary or civil protection order ordering the respondent to vacate the home, the court shall not enter a judgment for possession.

"(3) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant provides to the court a copy of a police report written within the preceding 60 days or has filed for but has not received a temporary or civil protection order ordering the respondent to vacate the home, the court shall

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have the discretion not to enter a judgment for possession under this title.”.

(c) New sections 507 and 508 are added to read as follows:

“Sec. 507. Notice of lease termination by tenant who is a victim of an intrafamily offense. “(a) For purposes of this section, the term "qualified third party" means any of the following persons acting in their official capacity:

“(1) A law enforcement officer, as defined in section 102(14) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(14));

“(2) A sworn officer of the D.C. Housing Authority Office of Public Safety;

“(3) A health professional, as defined in section 101(8) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01(8)); or

“(4) A domestic violence counselor as defined D.C. Official Code § 14-310(a)(2)).

“(b) If a tenant, who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), provides a housing provider with a copy of an order under D.C. Official Code § 16-1005 in response to a petition filed by or on behalf of the tenant, the tenant shall be released from obligations under the rental agreement.

“(c) If a tenant who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), provides a housing provider with documentation signed by a qualified third party showing that the tenant has reported the intrafamily offense to the third party acting in his or her official capacity, the tenant shall be released from obligations under the rental agreement.

“(d) The release from a rental agreement shall be effective upon the earlier of:

“(1) Fourteen days after the housing provider receives:

“(A) Written notice of the lease termination under this section; and

“(B) Documentation pursuant to subsection (b) or (c) of this section; or

“(2) Upon the commencement of a new tenancy for the unit.

“(e) Any request by the tenant for termination of the rental agreement under this section shall be made within 90 days of the reported act, event, or circumstance that was cited in the petition or reported to a qualified third party.

“(f) Notwithstanding any penalty provided under a rental agreement, a tenant who is released from the rental agreement under this section shall be liable only for his or her rental payment obligation, pro-rated to the earlier of:

“(1) The date the housing provider rents the unit to a new tenant or party who succeeds to the tenant's rights under the original agreement; or

“(2) Fourteen days after the request for the release.”.

“(g) This section shall not affect section 2908 of the Housing Regulations of the District

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of Columbia, effective August 11, 1955 (C.O. 55-1503; 14 DCMR § 308 through § 311), or the tenant's liability for delinquent, unpaid rent, or other sums owed to the housing provider before the lease was terminated by the tenant under this section.

“Sec. 508. Victims of an intrafamily offense protection – change locks and notice.

“(a) Upon the written request of a tenant who is the victim of an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), a housing provider shall change the locks to all entrance doors to that tenant’s unit within 5 business days; provided, that if the perpetrator of the intrafamily offense is a tenant in the same dwelling unit as the tenant who makes the request, the tenant who makes the request shall provide the landlord with a copy of a protective order issued pursuant to D.C. Official Code § 16-1005 ordering the perpetrator to stay away from, or avoid, the tenant who makes the request, any other household member, or the dwelling unit. If the perpetrator of the intrafamily offense is not, or is no longer, a tenant in the same dwelling unit as the tenant who makes the request, no documentation of the intrafamily offense shall be required.

“(b) The housing provider shall pay the cost of changing the locks. No later than 45 days after the housing provider provides the tenant who makes the request with documentation of the cost of changing the locks, the tenant shall reimburse the housing provider for such cost and any associated fee; provided, that the fee shall not exceed the fee imposed on any other tenant for changing the locks under any other circumstances.

“(c) Upon receipt of a copy of the court order pursuant to subsection (a) of this section, unless the court orders that the perpetrator be allowed to return to the unit for some purpose, the housing provider shall not provide the perpetrator with keys to the unit or otherwise permit the perpetrator access to the unit or to property within the unit.

“(d) The housing provider shall not be liable to the perpetrator for any civil damages as a result of actions the housing provider takes to comply with this section.

“(e) This section shall not be construed to relieve the perpetrator of any obligation under a lease agreement or any other liability to the housing provider.”

Sec. 3. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase “source of income,” and inserting the phrase “source of income, status as a victim of an intrafamily offense,” in its place.

Amend
§ 2-1401.01

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended by adding a new paragraph (14A) to read as follows:

Amend
§ 2-1401.02

“(14A) “Intrafamily offense” means an offense as defined in D.C. Official Code § 16-1001(5).”

(c) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “source of income,” and

Amend
§ 2-1401.21

inserting the phrase "source of income, status as a victim of an intrafamily offense," in its place.

(2) Subsection (b) is amended by striking the phrase "source of income," and inserting the phrase "source of income, status as victim of an intrafamily offense," in its place.

(3) A new subsection (f) is added to read as follows:

"(f) *Victims of intrafamily offenses* –

"(1) For purposes of this subsection, the term "record" means documentation produced by a law enforcement officer, as defined in section 102(14) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(14)), or a court order pursuant to D.C. Official Code § 16-1005.

"(2) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsections (a) and (b) of this section wholly or partially based on the fact that a person residing, or intending to reside, in the dwelling is, has a record of being, a victim of an intrafamily offense, as defined in D.C. Official Code § 16-1001(5).

"(3) It shall be an unlawful discriminatory practice to do any of the following additional acts, for purposes of this subsection, wholly or partially based on the fact that a person residing, or intending to reside, in the dwelling is, or has a record of being, a victim of an intrafamily offense, as defined in D.C. Official Code § 16-1001(5):

"(A) Refusing to make a reasonable accommodation in restoring or improving security and safety measures beyond the housing provider's duty of ordinary care and diligence, the costs of which the housing provide may charge to the tenant, when an accommodation is necessary to ensure the person's security and safety;

"(B) Refusing to permit a person to terminate the lease of the premises early, without penalty, upon notice to the landlord and upon a showing that the person is a victim of an intrafamily offense, pursuant to section 507 of the Rental Housing Act of 1985, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-703);

"(C)(i) Barring or limiting the right of a person to call for police or emergency assistance, which right, for purposes of this subsection, shall not be waivable; or

"(ii) Imposing any penalty for calling police or emergency assistance."

Sec. 4. Fiscal impact statement.

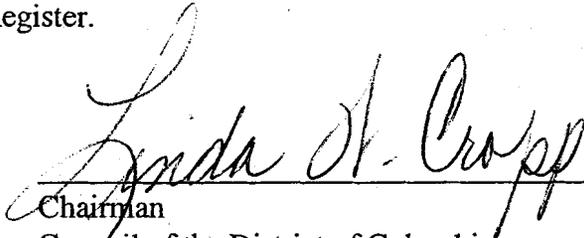
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

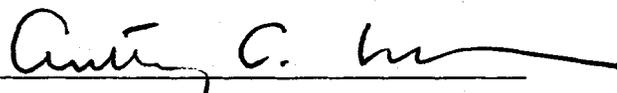
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
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To amend Title 16 of the District of Columbia Official Code to require the Family Court of the Superior Court of the District of Columbia and the Director of the Department of Youth Rehabilitation Services to disclose specified information on juveniles to the Chief of the Metropolitan Police Department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mandatory Juvenile Public Safety Notification Act of 2006".

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2301 is amended as follows:

Amend
§ 16-2301

(1) Paragraph (1) is amended by adding a sentence at the end to read as follows:

"Pursuant to section 16-2301.01, the term "Division" shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia."

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

"(1A) "Family Court" means the Family Court of the Superior Court of the District of Columbia."

(3) A new paragraph (43) is added to read as follows:

"(43) The term "weapons offense" means any violation of any law, rule, or regulation which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device as these terms are defined in section 7-2501.01."

(b) Section 16-2331 is amended by adding a new subsection (d-1) to read as follows:

Amend
§ 16-2331

"(d-1)(1) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, for every respondent whom the Office of the Attorney General has filed a petition against for the following:

(i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) the Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court of the Superior Court of the District of Columbia pursuant to section 16-2313(b)(3), the Family Court

ENROLLED ORIGINAL

shall provide, within 48 hours of the decision not to detain the respondent, the following case record information to the Chief of the Metropolitan Police Department ("Chief"):

"(A) Respondent's name and date of birth;

"(B) Last known address of the respondent;

"(C) Last known address of respondent's parents, guardians, caretakers, and custodians;

"(D) Address to which the respondent will be placed and the name and address of the person into whose custody the respondent will be placed; and

"(E) All terms of the placement or conditions of release.

"(2) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, the Family Court shall provide the following case record information to the Chief for all cases in which the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3) and cases in which the respondent is placed on probation pursuant to section 16-2320(c)(3):

"(A) Respondent's name and date of birth;

"(B) All terms or conditions of any stay-away order; and

"(C) All terms or conditions of any curfew order.

"(3) The Chief shall utilize information obtained from the Family Court and may disclose such information to law enforcement officers or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

"(4) If the Chief discloses information pursuant to paragraph (3) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2332 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

"(5) If the petition filed against the juvenile does not result in disposition, the Family Court, within 48 hours of the entry of the decision by the court to dismiss or close the case, or the withdrawal of the petition by the Office of the Attorney General, shall notify the Chief of the Metropolitan Police Department that the case has not resulted in a disposition. The Chief shall, within 48 hours of the notification, destroy and erase from Metropolitan Police Department files the case record information received from the Family Court pursuant to this subsection and shall notify all parties and agencies to which it transmitted case record information pursuant to paragraph (3) of this subsection that the juvenile's case did not result in a disposition and any information that has been transmitted shall be destroyed and erased."

(c) Section 16-2332 is amended by adding a new subsection (d-1) to read as follows:

Amend
§ 16-2332

“(d-1)(1) Notwithstanding subsections (b), (c), or (d) of this section, for every respondent committed to the Department of Youth Rehabilitation Services (“Department”) pursuant to section 16-2320(c)(2) who has been adjudicated of: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) adjudicated 3 or more times, the Mayor may direct the Director of the Department (“Director”) to provide notice to the Chief of the Metropolitan Police Department (“Chief”) of any assignment or placement of the respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, as soon as practicable prior to the assignment or placement.

“(2) Notwithstanding subsections (b), (c), or (d) of this section, for any respondent who is detained or committed to the Department, the Director shall provide notice to the Chief of any respondent absconding or escaping from any Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding or escaping.

“(3) Notice issued pursuant to this subsection shall include the following information, as applicable:

“(A) Respondent’s name and date of birth;

“(B) Last known address of the respondent;

“(C) Last known address of the respondent’s parents, guardians, caretakers, and custodians;

“(D) Address to which the respondent will be assigned, placed, or released and the name and address of the person into whose custody the respondent will be placed if the respondent is not placed into a Department facility; and

“(E) A recent photograph of the respondent, if available.

“(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

“(5) If the Chief discloses information pursuant to paragraph (4) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

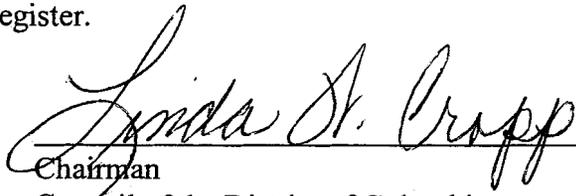
“(6) The Chief may make additional case-specific inquiries to the Mayor based on information disclosed under paragraph (1) of this subsection. The Mayor may direct the Director to provide such additional information, when requested by the Chief, but only as necessary to protect public safety or the safety of the respondent.”.

Sec. 3. Fiscal impact statement.

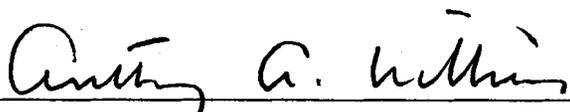
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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), 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.



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia
 APPROVED
 December 28, 2006

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AN ACT
D.C. ACT 16-631

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

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To amend Title 16 of the District of Columbia Official Code to establish a process for sealing certain criminal records in cases of actual innocence, and for certain misdemeanors and felonies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Record Sealing Act of 2006".

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding after the phrase "7. Criminal Proceedings in the Superior Court.....16-701." the phrase "8. Sealing of criminal records.....16-801."

(b) A new Chapter 8 is added to read as follows:

"CHAPTER 8
"CRIMINAL RECORD SEALING

"Section

- "16-801. Definitions.
- "16-802. Sealing of criminal records on grounds of actual innocence.
- "16-803. Sealing of public criminal records in other cases.
- "16-804. Motion to seal.
- "16-805. Review by court.
- "16-806. Availability of sealed records.
- "16-807. Savings provision.

"§ 16-801. Definitions.

"For the purposes of this chapter, the term:

"(1) "Clerk" means the Clerk of the Superior Court of the District of Columbia.

"(2) "Completion of the sentence" means the person has been unconditionally discharged from incarceration, commitment, probation, parole, or supervised release, whichever is latest.

"(3) "Conviction" means the judgment (sentence) on a verdict or a finding of guilty, a plea of guilty or a plea of nolo contendere, or a plea or verdict of not guilty by reason of insanity.

“(4) “Court” or “Superior Court” means the Superior Court of the District of Columbia.

“(5) “Disqualifying arrest or conviction” means:

“(A) A conviction in any jurisdiction after the arrest or conviction for which the motion to seal has been filed;

“(B) A pending criminal case in any jurisdiction;

“(C) A conviction in the District of Columbia for an ineligible felony or ineligible misdemeanor or a conviction in any jurisdiction for an offense that involved conduct that would constitute an ineligible felony or ineligible misdemeanor if committed in the District of Columbia or prosecuted under the District of Columbia Official Code, or conduct that is substantially similar to that of an ineligible felony or ineligible misdemeanor.

“(6) “Eligible felony” means a failure to appear (§ 23-1327);

“(7) “Eligible misdemeanor” means any misdemeanor that is not an ineligible misdemeanor.

“(8) “Ineligible felony” means any felony other than a failure to appear (§ 16-1327).

“(9) “Ineligible misdemeanor” means:

“(A) An intrafamily offense, as defined in § 16-1001(5);

“(B) Driving while intoxicated, driving under the influence, and operating while impaired (§ 50-2201.05);

“(C) A misdemeanor offense for which sex offender registration is required pursuant to Chapter 40 of Title 22, whether or not the registration period has expired;

“(D) Criminal abuse of a vulnerable adult (§ 22-936(a));

“(E) Interfering with access to a medical facility (§ 22-1314.02);

“(F) Possession of a pistol by a convicted felon (§ 22-4503(a)(2));

“(G) Failure to report child abuse (§ 4-1321.07);

“(H) Refusal or neglect of guardian to provide for child under 14 years of age (§ 22-1102);

“(I) Disorderly conduct (peeping tom) (§ 22-1321);

“(J) Misdemeanor sexual abuse (§ 22-3006);

“(K) Violating the Sex Offender Registration Act (§ 22-4015);

“(L) Violating child labor laws (§§ 32-201 through 22-224);

“(M) Election/Petition fraud (§ 1-1001.08);

“(N) Public assistance fraud (§§ 4-218.01 through 4-218.05);

“(O) Trademark counterfeiting (§ 22-902(b)(1));

“(P) Attempted trademark counterfeiting (§§ 22-1803, 22-902);

“(Q) Fraud in the second degree (§ 22-3222(b)(2));

“(R) Attempted fraud (§§ 22-1803, 22-3222);

“(S) Credit card fraud (§ 22-3223(d)(2));

- “(T) Attempted credit card fraud (§ 22-1803, 22-223);
“(U) Misdemeanor insurance fraud (§ 22-3225.03a);
“(V) Attempted insurance fraud (§§ 22-1803, 22-3225.02, 22-3225.03);
“(W) Telephone fraud (§§ 22-3226.06, 22-3226.10(3));
“(X) Attempted telephone fraud (§§ 22-1803, 22-3226.06, 22-3226.10);
“(Y) Identity theft, second degree (§§ 22-3227.02, 22-3227.03(b));
“(Z) Attempted theft (§§ 22-1803, 22-3227.02, 22-3227.03);
“(AA) Fraudulent statements or failure to make statements to employee
(§ 47-4104);
“(BB) Fraudulent withholding information or failure to supply
information to employer (§ 47-4105);
“(CC) Fraud and false statements (§ 47-4106);
“(DD) False statement/dealer certificate (§ 50-1501.04(a)(3));
“(EE) False information/registration (§ 50-501.04(a)(3));
“(FF) No school bus driver’s license (18 DCMR § 1305.1);
“(GG) False statement on Department of Motor Vehicles document (18
DCMR § 1104.1);
“(HH) No permit - 2nd or greater offense (§ 50-1401.01(d));
“(II) Altered title (18 DCMR § 1104.3);
“(JJ) Altered registration (18 DCMR § 1104.4);
“(KK) No commercial driver’s license (§ 50-405);
“(LL) A violation of building and housing code regulations;
“(MM) A violation of the Public Utility Commission regulations; and
“(NN) Attempt or conspiracy to commit any of the foregoing offenses (§§
22-1803, 22-1805a).
“(10) “Minor offense” means a traffic offense, disorderly conduct, or an offense
that is punishable by a fine only, excluding any ineligible misdemeanor.
“(11) “Public” means any person, agency, organization, or entity other than:
“(A) Any court;
“(B) Any federal, state, or local prosecutor;
“(C) Any law enforcement agency;
“(D) Any licensing agency with respect to an offense that may disqualify
a person from obtaining that license;
“(E) Any licensed school, day care center, before or after school facility
or other educational or child protection agency or facility;
“(F) Any government employer or nominating or tenure commission
with respect to:
“(i) Employment of a judicial or quasi-judicial officer; or

“(ii) Employment at a senior-level, executive-grade government position.

“§ 16-802. Sealing of criminal records on grounds of actual innocence.

“(a) A person arrested for or charged with the commission of a criminal offense pursuant to the District of Columbia Official Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction may file a motion with the Clerk at any time to seal all of the records of the arrest and related court proceedings on grounds of actual innocence.

“(b) The burden is on the movant to establish that:

“(1) The offense for which the person was arrested or charged did not occur; or

“(2) The movant did not commit the offense.

“(c) If the motion is filed within 4 years after the prosecution has been terminated, the movant must satisfy the burden described in subsection (b) of this section by a preponderance of the evidence.

“(d) If the motion is filed more than 4 years after the prosecution has been terminated, the movant must satisfy the burden described in subsection (b) of this section by clear and convincing evidence.

“(e) In determining such motions, the court may, but is not required to, employ a rebuttable presumption that the movant is not entitled to relief if the court finds that the government has been substantially prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the person could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.

“(f) An acquittal does not establish a presumption that the movant is innocent or entitled to relief pursuant to this section.

“(g) A person whose conviction has been vacated pursuant to § 22-4135(g)(2), and whose subsequent prosecution is terminated without conviction, may file a motion with the Clerk pursuant to subsection (a) of this section or any other provision of law.

“(h) A person who is found to be actually innocent pursuant to this section or § 22-4135(g)(3) shall be entitled to the following relief with respect to such count or counts:

“(1)(A) The Court shall summarize in the order the factual circumstances of the challenged arrest and any post-arrest occurrences it deems relevant, and, if the facts support such a conclusion, shall rule as a matter of law that the movant did not commit the offense for which the movant was arrested or that no offense had been committed.

“(B) A copy of the order shall be provided to the movant or his or her counsel.

“(C) The movant may obtain a copy of the order at any time from the Clerk of the Court, upon proper identification, without a showing of need.

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“(2)(A) In a case involving co-defendants in which the Court orders the movant's records sealed, the Court may order that only those records, or portions thereof, relating solely to the movant be sealed.

“(B) The Court shall order that the movant's name be redacted to the extent practicable from records that are not sealed. The Court may make an in camera inspection of these records in order to make this determination.

“(C) The Court need not order the redaction of references to the movant that appear in a transcript of court proceedings involving the co-defendants.

“(D) After references to the movant have been redacted as provided for in this paragraph, the Court shall order those records relating to co-defendants returned to the prosecutor or the Clerk.

“(3) The Court shall not order the redaction of the movant's name from any published opinion of the trial or appellate courts that refer to the movant.

“(4) The Court shall:

“(A) Order the prosecutor, any relevant law enforcement agency, and any pretrial, corrections, or community supervision agency to seal any records that identify the movant as having been arrested, prosecuted, or convicted;

“(B) Order the prosecutor to arrange for any computerized record of the movant's arrest, prosecution, or conviction to be eliminated except for a restricted-access file that would permit the prosecutor and law enforcement agencies to retrieve sealed records if ordered to do so by the Court; and

“(C) Expressly allow the prosecutor and law enforcement agencies to maintain a publicly available record so long as it is not retrievable by the identification of the movant.

“(5) The Court shall order the prosecutor, any relevant law enforcement agency, and any pretrial, corrections, or community supervision agency to file a certification with the Court within 90 days of an order to seal the records that, to the best of its knowledge and belief, all references that identify the movant as having been arrested, prosecuted, or convicted have been sealed.

“(6) The Court shall:

“(A) Order the Clerk to collect all Court records pertaining to the movant's arrest, record, or conviction and cause to be purged any computerized record;

“(B) Expressly allow the Clerk to maintain a record so long as the record is not retrievable by the identification of the movant; and

“(C) Order the Clerk to file under seal all Court records retrieved pursuant to this section, together with the certifications filed by the prosecutor, any relevant law enforcement agency, and any pretrial, corrections, or community supervision agency pursuant to this subsection, within 7 days after receipt of such records.

“(7) The Clerk shall place the records ordered sealed by the Court in a special file, appropriately and securely indexed in order to protect its confidentiality. Unless otherwise ordered by the Court, the Clerk shall reply in response to inquiries concerning the existence of records which have been sealed pursuant to this chapter that no records are available.

“(i) The effect of relief pursuant to this section shall be to restore the movant, in the contemplation of the law, to the status he or she occupied before being arrested or charged. No person as to whom such relief has been granted shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge his or her arrest, or charge, or trial in response to any inquiry made of him or her for any purpose.

“§ 16-803. Sealing of public criminal records in other cases.

“(a) A person arrested for, or charged with, the commission of an eligible misdemeanor pursuant to the District of Columbia Official Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction may file a motion to seal the publicly available records of the arrest and related court proceedings if:

“(1) A period of at least 2 years has elapsed since the termination of the case; and

“(2) The movant does not have a disqualifying arrest or conviction.

“(b) A person arrested for, or charged with, the commission of any other offense pursuant to the District of Columbia Official Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction may file a motion to seal the publicly available records of the arrest and related court proceedings if:

“(1) A period of at least 5 years has elapsed since the termination of the case; and

“(2) The movant does not have a disqualifying arrest or conviction.

“(c) A person who has been convicted of an eligible misdemeanor or an eligible felony pursuant to the District of Columbia Official Code or the District of Columbia Municipal Regulations may file a motion to seal the publicly available records of the arrest, related court proceedings, and conviction if:

“(1) A period of at least 10 years has elapsed since the completion of the movant’s sentence; and

“(2) The movant does not have a disqualifying arrest or conviction.

“(d) The waiting periods in subsections (a), (b), and (c) of this section, before which a motion to seal cannot be filed, must be satisfied with respect to all of the movant’s arrests and convictions unless the movant waives in writing the right to seek sealing of an arrest or conviction as to which the prescribed waiting period has not elapsed.

“(e) The waiting periods in subsections (a), (b), and (c) of this section may be waived by the prosecutor in writing.

“(f) The movant must seek to seal all eligible arrests and convictions in the same proceeding unless the movant waives in writing the right to seek sealing with respect to a

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particular conviction or arrest.

“(g) In determining whether a movant is eligible to file a motion to seal because of a conviction, arrest, or pending charge, minor offenses shall not be considered.

“(h)(1) The Superior Court shall grant a motion to seal if it is in the interests of justice to do so. In making this determination, the Court shall weigh:

“(A) The interests of the movant in sealing the publicly available records of his or her arrest, related court proceedings, or conviction;

“(B) The community's interest in retaining access to those records, including the interest of current or prospective employers in making fully informed hiring or job assignment decisions and the interest in promoting public safety; and

“(C) The community's interest in furthering the movant's rehabilitation and enhancing the movant's employability.

“(2) In making this determination, the Court may consider:

“(A) The nature and circumstances of the offense at issue;

“(B) The movant's role in the offense or alleged offense and, in cases terminated without conviction, the weight of the evidence against the person;

“(C) The history and characteristics of the movant, including the movant's:

“(i) Character;

“(ii) Physical and mental condition;

“(iii) Employment history;

“(iv) Prior and subsequent conduct;

“(v) History relating to drug or alcohol abuse or dependence and treatment opportunities;

“(vi) Criminal history; and

“(vii) Efforts at rehabilitation;

“(D) The number of the arrests or convictions that are the subject of the motion;

“(E) The time that has elapsed since the arrests or convictions that are the subject of the motion;

“(F) Whether the movant has previously obtained sealing or comparable relief under this section or any other provision of law other than by reason of actual innocence; and

“(G) Any statement made by the victim of the offense.

“(i)(1) In a motion filed under subsection (a) of this section, the burden shall be on the prosecutor to establish by a preponderance of the evidence that it is not in the interests of justice to grant relief.

“(2) In a motion filed under subsection (b) of this section, the burden shall be on the movant to establish by a preponderance of the evidence that it is in the interests of justice to grant relief.

“(3) In a motion filed under subsection (c) of this section, the burden shall be on the movant to establish by clear and convincing evidence that it is in the interests of justice to grant relief.

“(j) A motion to seal made pursuant to this section may be dismissed without prejudice to permit the movant to renew the motion after further passage of time. The Court may set a waiting period before a renewed motion can be filed.

“(k) A motion to seal made pursuant to this section may be dismissed if it appears that the movant has unreasonably delayed filing the motion and that the government has been prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the person could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.

“(l) If the Court grants the motion to seal:

“(1)(A) The Court shall order the prosecutor, any law enforcement agency, and any pretrial, corrections, or community supervision agency to remove from their publicly available records all references that identify the movant as having been arrested, prosecuted, or convicted.

“(B) The prosecutor's office and agencies shall be entitled to retain any and all records relating to the movant's arrest and conviction in a nonpublic file.

“(C) The prosecutor, any law enforcement agency, and any pretrial, corrections, or community supervision agency office shall file a certification with the Court within 90 days that, to the best of its knowledge and belief, all references that identify the movant as having been arrested, prosecuted, or convicted have been removed from its publicly available records.

“(2)(A) The Court shall order the Clerk to remove or eliminate all publicly available Court records that identify the movant as having been arrested, prosecuted, or convicted.

“(B) The Clerk shall be entitled to retain any and all records relating to the movant's arrest, related court proceedings, or conviction in a nonpublic file.

“(3)(A) In a case involving co-defendants in which the Court orders the movant's records sealed, the Court may order that only those records, or portions thereof, relating solely to the movant be redacted.

“(B) The Court need not order the redaction of references to the movant that appear in a transcript of court proceedings involving co-defendants.

“(4) The Court shall not order the redaction of the movant's name from any published opinion of the trial or appellate courts that refer to the movant.

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“(5) Unless otherwise ordered by the Court, the Clerk and any other agency shall reply in response to inquiries from the public concerning the existence of records which have been sealed pursuant to this chapter that no records are available.

“(m) No person as to whom such relief has been granted shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge his or her arrest, charge, trial, or conviction in response to any inquiry made of him or her for any purpose except that the sealing of records under this provision does not relieve a person of the obligation to disclose the sealed arrest or conviction in response to any direct question asked in connection with jury service or in response to any direct question contained in any questionnaire or application for a position with any person, agency, organization, or entity defined in § 16-801(11).

“§ 16-804. Motion to seal.

“(a) A motion to seal filed with the Court pursuant to this chapter shall state grounds upon which eligibility for sealing is based and facts in support of the person's claim. It shall be accompanied by a statement of points and authorities in support of the motion, and any appropriate exhibits, affidavits, and supporting documents.

“(b)(1) A motion pursuant to § 16-803 shall state all of the movant's arrests and convictions and shall either:

“(A) Seek relief with respect to all arrests and any conviction eligible for relief; or

“(B) Waive in writing the right to seek sealing of the records pertaining to any omitted arrests or convictions, including any arrests or convictions as to which the relevant waiting period in §16-803(a), (b), or (c) has not elapsed.

“(2) If the motion does not comply with the requirements of paragraph (1) of this subsection or the waiting period has not elapsed for any arrest or conviction that is eligible for sealing, then the motion shall be dismissed without prejudice unless the movant executes a written waiver with respect to that arrest or conviction.

“(c) A copy of the motion shall be served upon the prosecutor.

“(d) The prosecutor shall not be required to respond to the motion unless ordered to do so by the Court pursuant to §16-805(b).

“§ 16-805. Review by Court.

“(a) If it plainly appears from the face of the motion, any accompanying exhibits, affidavits, and documents, and the record of any prior proceedings in the case, that the movant is not eligible for relief or is not entitled to relief, the Court may dismiss or deny the motion.

“(b) If the motion is not dismissed or denied after initial review, the Court shall order the prosecutor to file a response to the motion. The prosecutor shall file the response within 60 days of the issuance of the order except where the arrest was not presented to the prosecutor for a charging decision, in which case the prosecutor shall file the response within 90 days of the issuance of the order.

“(c) Upon the filing of the prosecutor's response, the Court shall determine whether a hearing is required.

“(d) If the Court determines that a hearing is required, the hearing shall be scheduled promptly.

“(e) At the hearing, the movant and the prosecutor may present witnesses and information by proffer or otherwise. Hearsay evidence shall be admissible.

“(f) An order dismissing, granting, or denying the motion shall be in writing and include reasons.

“(g) The Court shall not be required to entertain a second or successive motion for similar relief on behalf of the same movant regarding the same offenses, arrests, or convictions unless the previous motion was dismissed or denied without prejudice.

“(h) An order dismissing, granting, or denying a motion for sealing is a final order for purposes of appeal.

“§ 16-806. Availability of sealed records.

“(a) Records sealed on grounds of actual innocence pursuant to § 16-802 shall be opened only on order of the Court upon a showing of compelling need, except that, upon request, the movant shall be entitled to a copy of the sealed records to the extent that such records would have been available to the movant before relief under § 16-802 was granted. A request for access to sealed court records may be made ex parte.

“(b) Records retained in a nonpublic file pursuant to § 16-803 shall be available:

“(1) To any court, prosecutor, or law enforcement agency for any lawful purpose, including:

“(A) The investigation or prosecution of any offense;

“(B) The determination of whether a person is eligible to have an arrest or conviction sealed or expunged;

“(C) The determination of conditions of release for a subsequent arrest;

“(D) The determination of whether a person has committed a second or subsequent offense for charging or sentencing purposes;

“(E) Determining an appropriate sentence if the person is subsequently convicted of another crime; and

“(F) Employment decisions.

“(2) For use in civil litigation relating to the arrest or conviction;

“(3) Upon order of the Court for good cause shown;

“(4) To any person or entity identified in § 16-801(11)(D), (E), or (F), but only to the extent that such records would have been available to such persons or entities before relief under § 16-803 was granted. Such records may be used for any lawful purpose, including:

“(A) The determination of whether a person is eligible to be licensed in a particular trade or profession; and

“(B) Employment decisions; and

“(5) To the movant or the authorized representative of the movant, upon request, but only to the extent that such records would have been available to the movant before relief under § 16-803 was granted.

“(c) Any person, upon making inquiry of the Court concerning the existence of records of arrest, court proceedings, or convictions involving an individual, shall be entitled to rely, for any purpose under the law, upon the clerk’s response that no records are available under § 16-802(h)(7) or § 16-803(l)(5) with respect to any issue about that person’s knowledge of the individual’s record.

“§ 16-807. Savings provision.

“This chapter does not supersede any other provision of the District of Columbia Official Code providing for the expungement, sealing, or setting aside of criminal arrests or convictions.”

Sec. 3. Conforming amendments.

(a) Section 204(a) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended by adding a new paragraph (14) to read as follows:

Amend
§ 2-534

“(14) Information that is ordered sealed and restricted from public access pursuant to Chapter 8 of Title 16 of the District of Columbia Official Code.”

(b) Chapter 19 of Title 23 of the District of Columbia Official Code is amended as follows:

(1) Section 23-1901(b) is amended as follows:

(A) Paragraph (4) is amended by striking the phrase “and release or parole hearings,” and inserting the phrase “and release, parole, record-sealing, and post-conviction hearings,” in its place.

Amend
§ 23-1901

(B) Paragraph (7) is amended by striking the word “offender” and inserting the phrase “offender, and about any court order to seal the offender’s criminal records” in its place.

(2) Section 23-1902(d)(1) is amended to read as follows:

“(1) Scheduling of a release, parole, record-sealing, or post-conviction hearing for the offender.”

Amend
§ 23-1902

(3) Section 23-1904 is amended as follows:

(A) Subsection (a) is amended to read as follows:

“(a) Crime victims shall have the right to be present at the defendant’s sentencing, release, parole, post-conviction, and record-sealing hearings.”

Amend
§ 23-1904

(B) Subsection (e) is amended to read as follows:

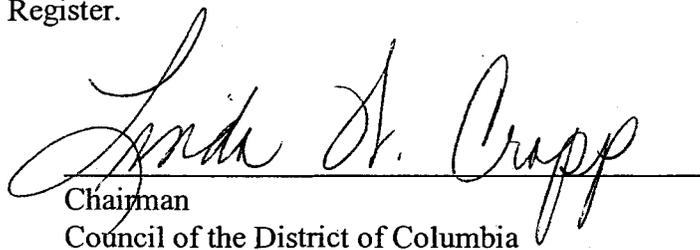
“(e) Crime victims shall have the right to make a statement at the defendant’s sentencing and record-sealing hearings. The absence of the crime victim shall not preclude the court from holding the sentencing or record-sealing hearings.”

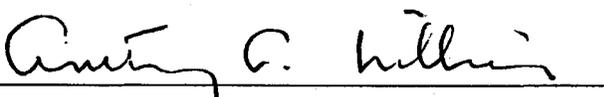
Sec. 4. Fiscal impact statement.

The Council adopts the December 19, 2006 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. 5. 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), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-632

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
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To implement the Inclusionary Zoning Regulations adopted by the Zoning Commission for the District of Columbia by requiring the Mayor to promulgate rulemaking and to establish and publish maximum rental and sales prices of the required affordable housing set-aside units, to require the District of Columbia Housing Authority to administer the Inclusionary Zoning Program if delegated this responsibility by the Mayor who may alternatively delegate the responsibility to a subordinate agency, to amend the Office of Administrative Hearings Establishment Act of 2001 to expand its jurisdiction to infractions of this act and its rules, and to require annual reports by the Mayor to the Council and the Zoning Commission evaluating the effectiveness of the Inclusionary Zoning Program and recommending any necessary amendments; to amend the District of Columbia Administrative Procedure Act to allow for requests for relief from the Zoning Commission's set-aside requirement to be decided without the use of contested case procedures, including hearings; to amend the Housing Production Trust Fund Act of 1988 to allow for the deposit of fines collected pursuant to this act; and to amend section 47-902 of the District of Columbia Code to exempt, from the transfer tax on real property, the transfer of property to a qualifying low- or moderate-income household pursuant to the Inclusionary Zoning Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inclusionary Zoning Implementation Amendment Act of 2006".

TITLE I. ZONING IMPLEMENTATION

Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) "Housing Production Trust Fund" means the fund established by the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*).
- (2) "Inclusionary Development" means developments subject to the Inclusionary Zoning Program pursuant to 11 DCMR § 2602.1.
- (3) "Inclusionary unit" means a unit set aside for sale or rental to low- and moderate-income households as required by the Inclusionary Zoning Program.

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(4) "Inclusionary Zoning Program" means all of the provisions of Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*), this act, and the regulations promulgated under the authority of this act.

(5) "Low-income household" means a household of one or more individuals with a total annual income adjusted for household size equal to or less than 50% of the Metropolitan Statistical Area median as certified by the Mayor.

(6) "Moderate-income household" means a household of one or more individuals with a total annual income adjusted for household size equal to between 51% and 80% of the Metropolitan Statistical Area median as certified by the Mayor.

Sec. 102. Unlawful Acts.

(a) No inclusionary unit may be sold or leased to any person not authorized by the Mayor to purchase or rent the unit, except as may be permitted by regulation.

(b) Except as provided in Chapter 26 of Title 11 of the District of Columbia Municipal Regulations, the zoning regulations, no inclusionary unit may be sold or leased for more than the maximum rent or purchase price established by the Mayor pursuant to section 103, unless the unit is sold to a land trust or similar entity authorized by regulation to purchase such units for resale at prices specified by the Mayor.

(c) It shall be unlawful to construct an Inclusionary Development in a manner inconsistent with a Certificate of Inclusionary Zoning Compliance approved by the Mayor pursuant to section 105.

Sec. 103. Establishment of maximum rent and purchase price; publication requirement.

(a) The Mayor shall establish the maximum rent or purchase price for the first sale of an inclusionary unit based upon either the actual income of the household selected by the Mayor to lease or purchase the unit or based upon a rental and price schedule as follows:

(1) Rents based upon the actual income of a household shall be established so that the household will not expend more than approximately 30% of its annual income on rent and utilities.

(2) Purchase prices based upon the actual income of a household shall be established so that the household will not expend more than approximately 30% of its annual income on mortgage payments, including principal, interest, and property insurance and taxes, home owner association or condominium fees, and utilities.

(3) Maximum rent and purchase prices established through a schedule applicable to low-income households shall be set so that a household earning 50% of the Metropolitan Statistical Area median will expend no more than approximately 30% of its annual income on the applicable housing costs identified in subsections (b) and (c) of this section.

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(4) Maximum rent and purchase prices established through a schedule applicable to moderate-income households shall be set so that a household earning 80% of the Metropolitan Statistical Area median will expend no more than approximately 30% of its annual income on the applicable housing costs identified in subsections (b) and (c) of this section.

(b) The initial rental and prices schedule shall be published in the District of Columbia Register. The schedule may be modified as necessary to maintain the affordability of inclusionary units. The initial and revised schedules need not be offered for public comment through publication of a notice of proposed rulemaking, but shall not become effective until publication in the District of Columbia Register. Each published schedule shall identify the assumptions underlying the prices and rents established, such as the mortgage term and the average interest rate, taxes, insurance, condominium fees used.

(c) Except as provided in subsection (d) the purchase price, for the second and all subsequent sales of an inclusionary unit shall equal not more than the purchase price paid by each seller plus the costs of the improvements permitted by regulation to be added to the purchase price, which amount shall be either multiplied by the percentage by which the consumer price index has risen or fallen since the date on which that seller purchased the property, or calculated pursuant to another formula as determined and published by the Mayor.

(d) The purchase price for the second and all subsequent sales of an inclusionary unit sold to the Mayor shall equal the purchase price paid by each seller plus the costs of the improvements permitted by regulation to be added to the purchase price, which amount shall be multiplied by 25% or the percentage that the consumer price index has risen or fallen, whichever is lower, since the date on which that seller purchased the property.

Sec. 104. Enforcement.

(a)(1) A violation of this act or the rules issued under authority of this act shall be a civil infraction for the purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) ("Civil Infractions Act") and be grounds for revocation of any building permit and certificate of occupancy for the market rate portions of the Inclusionary Development.

(2) Civil fines, penalties, and fees may be imposed as sanctions for infraction of section 102 of this act or any rule promulgated under its authority pursuant to the Civil Infractions Act.

(b) In addition to such fines, penalties, and fees as may be established pursuant to subsection (a) of this section, the following fines shall be imposed for violations of section 102:

(1) Any person found to have sold a inclusionary unit at a price greater than that permitted by the Mayor shall pay a fine equal to the amount by which the purchase price exceeded the price allowed plus 10%.

(2) Any person found to have rented an inclusionary unit for a rent greater than that permitted by the Mayor shall pay a fine equal the amount by which the rent paid exceeded the rent allowed plus 10%. The fine amount shall continue to be paid until the owner provides

ENROLLED ORIGINAL

proof satisfactory to the Mayor that the rental payment has been reduced to the maximum allowed.

(3) All other violations of the Inclusionary Zoning Program are Class I infractions and subject to the fine schedule set forth at 16 DCMR § 3201.1, as that schedule may be amended.

(c) All fines collected pursuant to this section shall be deposited into the Housing Production Trust Fund.

(d) The Attorney General for the District of Columbia may institute court proceedings to enjoin violations of the Inclusionary Zoning Program.

(e) The District government shall not issue or reissue any license or permit, including a building permit or certificate of occupancy, to any applicant for a license or permit if the applicant is the owner of any Inclusionary Development or unit and found, after a hearing, to be in violation of the Inclusionary Zoning Program until such time as the Mayor certifies that the Inclusionary Development or unit is again in compliance.

Sec. 105. Certificate of Inclusionary Zoning Compliance.

(a) No building permit shall be issued for an Inclusionary Development unless:

(1) The Mayor receives and approves a Certificate of Inclusionary Zoning Compliance, signed by all owners of the Inclusionary Development, demonstrating that the Inclusionary Development will meet the requirements of the Inclusionary Zoning Program; and

(2) The owner of the Inclusionary Development records a covenant in the land records of the District of Columbia that binds all persons with a property interest in any or all of the Inclusionary Development to construct and reserve the number of inclusionary units indicated on the Certificate of Inclusionary Zoning Compliance, and to sell or rent, as applicable, such units in accordance with the Inclusionary Zoning Program and the Certificate of Inclusionary Zoning Compliance for so long as the development remains in existence. The covenant and certificate shall be made part of all future deeds and leases of inclusionary units and shall contain any other provision required by the Mayor.

(b) A certificate of occupancy shall be required for each inclusionary unit.

(c) No certificate of occupancy for any market rate unit in an Inclusionary Development shall be issued unless the application includes a written statement signed by the Mayor and dated no earlier than 6 months from the date of the application, indicating that the Inclusionary Development is in compliance with the Inclusionary Zoning Program and the Certificate of Inclusionary Zoning Compliance.

(d) The Mayor may, by regulation, require the establishment of an escrow account at the time that a certificate of occupancy is issued for a development permitted by the Board of Zoning Adjustment to satisfy its requirements under the Inclusionary Zoning Program with off-site development. The regulations may provide for the payment of the escrow amount into the Housing Production Trust Fund if the off-site development is not constructed after a certain period of time.

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Sec. 106. Ineligibility of Students.

Notwithstanding section 221 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.21), a person enrolled as full-time student in a college or university shall not be eligible to apply to rent or purchase an inclusionary unit unless the annual income of his or her parent or guardian would qualify under the eligibility standards established by the Mayor, or unless the student is a part of a household that otherwise qualifies for the inclusionary unit.

Sec. 107. Authority and responsibilities of Mayor.

The Mayor is authorized to undertake all administrative activities to implement the Inclusionary Zoning Program. The activities which the Mayor shall undertake include:

(1) Promulgating regulations needed to implement the Inclusionary Zoning Program, including amendments to Title 12A of the District of Columbia Municipal Regulations;

(2) Establishing the circumstances when the Mayor, the District of Housing Authority, or a 3rd party, including a land trust or a qualified nonprofit organization, may purchase an inclusionary unit for the purpose of reselling it to low- or moderate-income households;

(3) Advertising the existence of the Inclusionary Zoning Program to the general public, including the process to apply for participation;

(4) Accepting applications from households seeking to rent or purchase inclusionary units;

(5) Establishing minimum income requirements;

(6) Evaluating the eligibility of households submitting applications pursuant to paragraph (4), based upon the eligibility criteria established in Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*) and other relevant considerations;

(7) Establishing one or more lists of eligible households, such as one for rental and one for home ownership, and a selection process for determining the order in which such households shall be chosen to rent or purchase available inclusionary units, including the establishment of preference points for residents of the District of Columbia, eligible households in which at least one member works in the District of Columbia, and the length of time that households have been on the wait list;

(8) Establishing the process by which the owners of Inclusionary Developments or units shall notify the Mayor of the availability of inclusionary units;

(9) Determining the circumstances under which owners of Inclusionary Developments or units may sell or rent inclusionary units to low- or moderate-income households that have not been selected by the Mayor;

(10) Establishing minimum size and other standards for inclusionary units;

(11) Determining the circumstances under which an owner or renter of an

inclusionary unit may temporarily lease the unit;

(12) Establishing the process by which renters of inclusionary units shall be required to periodically certify their continuing eligibility for occupancy and, if no longer eligible, the means by which their leaseholds shall be terminated and their units made available to eligible households; and

(13) Establishing a fee for the review of Certificates of Inclusionary Zoning Compliance submitted in accordance section 104; provided, that the fee shall not exceed the costs of reviewing the certificates and enforcing compliance with the program.

Sec. 108. Agency responsibilities.

(a)(1) The District of Columbia Housing Authority ("DCHA") shall perform all the functions and duties under the Inclusionary Zoning Program as may be delegated to it by the Mayor.

(2) Nothing in this section shall be construed as preventing the Mayor from delegating any or all of such functions to a subordinate agency.

(b) Notwithstanding Reorganization Plan No. 3 of 1983, effective March 31, 1983, the functions of the Department of Consumer and Regulatory Affairs shall not include any of the functions given to the Mayor under this act, except the functions as may be delegated to it by the Mayor.

Sec. 109. Annual reports.

(a) Beginning on the first anniversary of the effective date of this title, and each year thereafter, the Mayor shall submit a report to the Council and the Zoning Commission, providing:

- (1) The number of inclusionary units produced at each targeted income level;
- (2) The number of inclusionary units produced for sale;
- (3) The number of inclusionary units produced for rent;
- (4) The median income of the households that purchased or rented inclusionary units;
- (5) The number of inclusionary units purchased or rented by DCHA, other District agency, and 3rd parties, for resale to low- or moderate-income households;
- (6) The value of the subsidy, if any, contributed toward the rental or purchase of units by DCHA, other District agency, or 3rd party to make them affordable to low- or moderate-income households;
- (7) The average rent and sales prices for inclusionary units based on number of bedrooms;
- (8) The numbers of waivers or alternative compliance requested and granted;
- (9) An analysis of how much bonus density was actually achieved for each development in which inclusionary units were required; and
- (10) An assessment of whether the Inclusionary Zoning Program has had any adverse

effect on the production of housing or on the value of land in the District, and, if a substantial adverse effect on housing production has been found, whether additional regulatory or legislative incentives or programs should be adopted by the District to mitigate against such adverse effect, and whether changes in the Inclusionary Zoning Program should be considered by the Zoning Commission, such as:

(A) Increasing the allowable bonus density or height of developments where inclusionary units are required;

(B) Increasing the minimum threshold of the number of housing units in a development that triggers the application of the Inclusionary Zoning Program;

(C) Reducing the amount of required affordable housing;

(D) Reducing the minimum set-aside requirements on matter-of-right densities; or

(E) Changing the income levels of the targeted households for inclusionary units.

(b)(1) No later than 5 ½ years after the effective date of this act, the Mayor shall submit a report to the Council that lists the initial purchase price of each inclusionary unit sold during the 5-year period subsequent to the effective date and, for each unit resold, the percentage by which the purchase price exceeded the previous purchase price.

(2) The report shall also include a recommendation on how best to ensure a baseline rate of return for inclusionary unit owners upon resale while maintaining the continued affordability inclusionary units.

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 102(8) of District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502), is amended by adding a new subparagraph (E) to read as follows:

Amend
§ 2-502

“(E) Request for relief from the requirements of Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*), as permitted under that chapter; provided, that such requests shall be approved under such procedures as may be adopted by the Zoning Commission, which procedures need not include a hearing.”.

Sec. 202. Section 6(a) 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(a)), is amended as follows:

Amend
§ 2-1831.03

(1) Paragraph (8) is amended by striking the word “and” after the semicolon.

(2) Paragraph (9) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (10) is added to read as follows:

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"(10) All adjudications involving infractions of the Inclusionary Zoning Implementation Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-779), and the rules promulgated under its authority."

Sec. 203. Section 3 (c) the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), is amended as follows:

Amend § 42-2802

(a) Paragraph 15 is amended by striking the word "and" at the end.

(b) Paragraph 16 is amended by striking the phrase "balance." and inserting the phrase "balance; and" in its place.

(c) Add a new subparagraph 17 to read as follows:

"(17) All fines collected pursuant to section 103 of the Inclusionary Zoning Implementation Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-779), which shall be used exclusively to fund the Mayor's purchase of dwelling units for sale or rental to low- and moderate-income households as authorized by section 104(c) of that act."

Sec. 204. Section 47-902 of the District of Columbia Official Code is amended as follows:

Amend § 47-902

(a) Paragraph 21 is amended by striking the word "and" at the end.

(b) Paragraph 22 is amended by striking the phrase "as trustee." and inserting the phrase "as trustee; and" in its place.

(c) A new paragraph (23) is added to read as follows:

"(23) Transfers of property to a qualifying low- or moderate-income household pursuant to the Inclusionary Zoning Program established by the Inclusionary Zoning Implementation Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-779)."

TITLE III. FISCAL IMPACT STATEMENT; APPLICABILITY; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 302. Applicability.

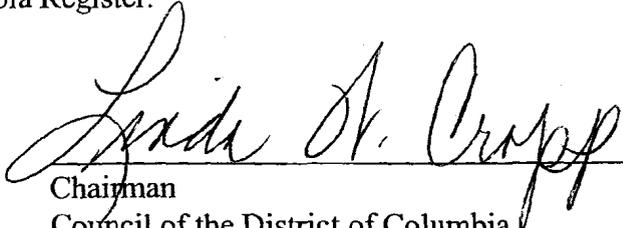
This act shall apply subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 303. Effective date.

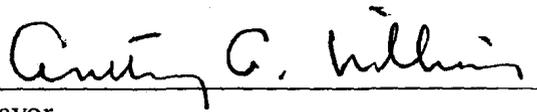
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-633

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2007 Winter
 Supp.

West Group
 Publisher

To amend the Housing Regulations of the District of Columbia to require interest payments on rent security deposits to accrue at the statement savings rate; to extend the time period for the return of security deposits and the payment of interest on those deposits to tenants; to provide for penalties for nonpayment of interest on tenant security deposits; and to amend the Rental Housing Act of 1985 to authorize the Rent Administrator to adjudicate complaints for the nonpayment of interest on tenant security deposits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Interest on Rental Security Deposits Amendment Act of 2006".

Sec. 2. Section 2908 of the Housing Regulations of the District of Columbia, effective August 11, 1955 (C.O. 55-1503; 14 DCMR §§ 308 through 311), is amended as follows:

DCMR

(a) Paragraph (2)(a) and (b) (14 DCMR §§ 309.1 and 309.2) are amended to read as follows:

"2308.2(a) Within forty-five (45) days after the termination of the tenancy, the owner shall do one of the following:

"(1) Tender payment to the tenant, without demand, any security deposit and any similar payment paid by the tenant as a condition of tenancy in addition to the stipulated rent, and any interest due the tenant on that deposit or payment as provided in paragraph (4)(a) and (a-1) (14 DCMR § 311); or

"(2) Notify the tenant in writing, to be delivered to the tenant personally or by certified mail at the tenant's last known address, of the owner's intention to withhold and apply the monies toward defraying the cost of expenses properly incurred under the terms and conditions of the security deposit agreement.

"(b) The owner, within 30 days after notification to the tenant pursuant to the requirement of paragraph (2)(a)(2) (14 DCMR § 309.1(b)), shall tender a refund of the balance of the deposit or payment, including interest not used to defray such expenses, and at the same time give the tenant an itemized statement of the repairs and other uses to which the monies were applied and the cost of each repair or other use."

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(b) Paragraph (4) (14 DCMR § 311) is amended as follows:

(1) Paragraph (4)(a) (14 DCMR §§ 311.1 and 311.2) is amended as follows:

(A) Strike the phrase “and shall accrue at the passbook rate then prevailing on January 1st and on July 1st for each 6-month period (or part thereof) of the tenancy which follows those dates. On those dates, the passbook rate in the District of Columbia financial institution in which the escrow account is held shall be used.” and insert the phrase “and shall accrue at not less than the statement savings rate then prevailing on January 1st and on July 1st for each 6-month period (or part thereof) of the tenancy which follows those dates. On those dates, the statement savings rate in the District of Columbia financial institution in which the escrow account is held shall be used. All interest earned shall accrue to the tenant except for that described in paragraph (4)(a-1) or as set forth in paragraph (2) (14 DCMR § 309)” in its place.

(B) Strike the phrase “unless an amount is deducted under procedures set forth in section 2908.2.” and insert the phrase “unless an amount is deducted under procedures set forth in paragraph (2) (14 DCMR §§ 309.1 and 309.2). Any housing provider violating the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section, shall be liable to the Rent Administrator or Rental Housing Commission, as applicable, for the amount of the interest owed, or in the event of bad faith, for treble that amount. For the purposes of this paragraph, the term “bad faith” means any frivolous or unfounded refusal to return a security deposit, as required by law, that is motivated by a fraudulent, deceptive, misleading, dishonest, or unreasonably self-serving purpose and not by simple negligence, bad judgment, or an honest belief in the course of action taken. Any housing provider who willfully violates the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section shall be subject to a civil fine of not more than \$5000 for each violation.” in its place.

(2) A new paragraph (4)(a-1) is added to read as follows:

“(a-1) If the housing provider invests the security deposit in an account with an interest rate that exceeds that of the statement savings rate as required in subparagraph (a)(14) (14 DCMR § 311.1), the housing provider may apply up to 30% of the excess interest for administrative costs or other purposes.”.

(3) Paragraph 4(b) (14 DCMR § 311.3) is amended by striking the phrase “no interest or other consideration shall inure to the benefit of the owner by reason of the owner’s control over the escrow account nor shall the account be assigned or used as security for loans” and inserting the phrase “the owner shall not assign the account or use it as security for loans” in its place.

(c) Subsection 2908.5 (14 DCMR § 308.7) is amended to read as follows:

“The housing provider shall post in the lobby of the building and rental office at the end of each calendar year, the following information: where the tenants’ security deposits are held

and what the prevailing rate was for each 6-month period over the past year. At the end of a tenant's tenancy, the housing provider shall list for the tenant the interest rate for each 6-month period during the tenancy.

- (d) Paragraph (6) (14 DCMR § 309.5) is repealed.
- (e) Paragraph (7) (14 DCMR § 309.6) is repealed.

Sec. 3. Section 217 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.17), is amended as follows:

Amend
§ 42-3502.17

- (a) The existing text is re-designated as subsection (a).
- (b) A new subsection (b) is added to read as follows:

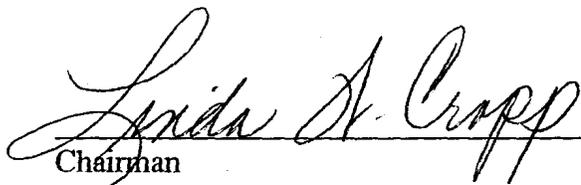
“(b) The Office of Administrative Hearings may adjudicate complaints for the nonpayment of interest on tenant security deposits pursuant to section 2908 of the Housing Regulations of the District of Columbia (14 DCMR §§ 308 through 311).”

Sec. 4. Fiscal impact statement.

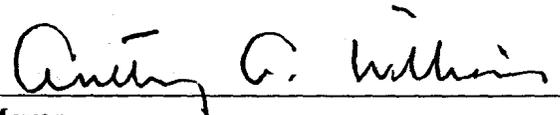
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813 D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. 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), 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.



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia
 APPROVED

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-634

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order the closing of the public alley in Square 798, bounded by 3rd, 4th, I, and K Streets, S.E., a portion of the public alley in Square 799, bounded by 3rd, 4th, K, and L Streets, S.E., a portion of the public alley in Square 824, bounded by 4th, 5th, I, and K Streets, S.E., to accept the dedication and designation of land for public street and alley purposes, to authorize the improvement of the dedicated land for street purposes, to authorize modifications to the permanent system of highways in the District of Columbia, and to designate the dedicated streets as 2nd Place, S.E., 3rd Place, S.E., and L Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys in Squares 798, 799, and 824 (S.O. 04-12081) and Dedication and Designation of 2nd Place, S.E., 3rd Place, S.E., L Street, S.E., (S.O. 04-12080), Act of 2006".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01) ("Act"), the Council finds that the public alley in Square 798 and the portion of the public alleys in Square 799 and Square 824, as shown on the Surveyor's plat filed under S.O. File 04-12081, are unnecessary for alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 04-12081.

Sec. 3. Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304 and 402 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.02), the Council accepts the dedication of the streets and alley portion as shown on the Surveyor's plats filed under S.O. File 04-12080 and designates the streets as 2nd Place, S.E., 3rd Place, S.E., and L Street, S.E., as shown on the Surveyor's plats filed under S.O. File 04-12080. The approval of the Council of this dedication

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and designation is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 04-12080.

Sec. 4. Notwithstanding section 306 of the Act (D.C. Official Code § 9-203.06), the Mayor is authorized to:

(1) Accept street improvements made or to be made by the applicant to the area dedicated for street purposes, subject to confirmation by the District Department of Transportation that the streets have been constructed in accordance with District Department of Transportation standards; and

(2) Waive all deposits related to this section.

Sec. 5. Notwithstanding the Federal-Aid Highway Act of 1973, approved August 13, 1973 (87 Stat. 268; D.C. Official Code § 9-103.01 *et seq.*), regarding the Permanent Highway Plan and section 6 of An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), regarding the procedural requirements for a modification to the Permanent Highway Plan, the Council amends the Permanent System of Highways in the District of Columbia by adding the area of land shown on the Surveyor's plat filed under S.O. File 04-12080. The National Capital Planning Commission approved the modification to the Permanent Highway Plan on July 28, 2005.

Sec. 6. Fiscal impact statement.

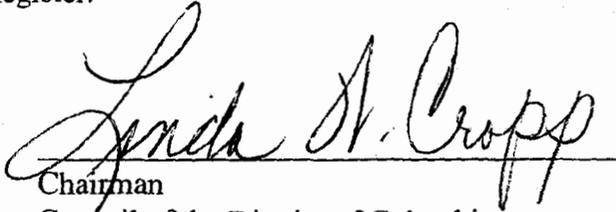
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

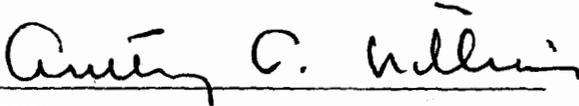
Sec. 8. Effective date.

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), 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-635

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.West Group
Publisher

To approve, with modifications, a plan to design and implement a workforce housing production program in the District of Columbia; and to create a public/private partnership between the District of Columbia and New Town Development, LLC for the purpose of economic, social, and cultural revitalization, of creating a substantial number of workforce housing units, of creating a project labor agreement with a job training program for District residents, and of preserving certain buildings and business operations presently located on the approximately 24-acre site in Ward 5 that is bounded by Florida Avenue N.E., on the south, 6th Street, N.E., on the east, Penn Street, N.E., on the north, and the railroad tracks and metrorail on the west, hereinafter designated as "New Town at Capital City Market Project" in accordance with New Town at the Capital City Market: A Neighborhood Revitalization Initiative and Development Plan presented to the District government by New Town Development, LLC, and to authorize the Mayor to use tax incentives, economic and other development initiatives that may be provided by existing laws and regulations, and other existing laws and regulations to achieve the purpose and goals of this legislation within the footprint of New Town at the Capital City Market.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Workforce Housing Production Program Approval Act of 2006".

TITLE I. PLAN APPROVAL.

Sec. 101. Findings.

(a) The District of Columbia faces a severe shortage of affordable housing. Recent increases in housing prices have far outpaced the growth in wages and salaries of many workers. District government employees have not been immune from these pressures. Only 37% of the District government workforce earning more than \$40,000 resides in the District.

(b) The Washington region's growth in housing prices has outpaced most other metropolitan areas in the country. It ranks 2nd in house price increases for the 3-year period between 2002 and 2005. In July 2005, the District of Columbia had the highest average sales price in the region at about \$543,700, which was higher than the richer surrounding jurisdictions of northern Virginia and suburban Maryland.

(c) The Mayor and the Council established the Comprehensive Housing Strategy Task Force in 2003 to help the city respond to the critical housing problems created by the housing boom.

(d) The Comprehensive Housing Strategy Task Force report of 2006 recommended a

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specific tool for solving the growing workforce housing problem. The report recommended the formation of one or more community land trusts run by public, nonprofit, or other community-based entities whose mission would be to acquire land and hold it long-term while providing long-term leases to developers of housing for both rental and for-sale units. This approach advances the important objective of creating 'permanent affordability' or guaranteeing that units remain affordable indefinitely.

(e) The Deed Transfer and Recordation Emergency Amendment Act of 2006, effective August 8, 2006 (D.C. Act 16-477; 53 DCR 7068) ("emergency act") established the Mayor's Comprehensive Housing Task Force Fund. For fiscal year 2007 only, an amount of \$5 million was allocated for the production of workforce housing; provided, that eligibility for purchase or rental of workforce housing shall be limited to households with incomes not exceeding 120% of the area median income as defined in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-22; D.C. Official Code §42-2801(1)) ("AMI"); and, provided further, that all housing units developed with funds from the Fund shall be leased or sold on to eligible households for the life of the unit. The emergency act required the Mayor to submit to the Council, for review, a workforce housing development plan.

(f) The Office of the Deputy Mayor for Planning and Economic Development ("ODMPED") initiated work on the development plan beginning in July 2006.

(g) The District of Columbia Workforce Housing Land Trust Design and Implementation Plan ("Plan") is the product of a collaborative effort between the District government, private lenders, nonprofit housing advocates, and for-profit and nonprofit developers. The Plan was submitted by the Mayor to the Council for approval as required by the emergency act.

(h) The Plan recommends the formation of a nonprofit community land trust that will provide high leverage for subsidy dollars and create permanent affordability in 10,000 housing units in Washington, D.C., beginning with a 1,000-unit pilot program financed in part with New Markets Tax Credits.

(i) The land trust is designed to maximize unit production; leverage public and private resources; provide permanent affordability; ensure flexibility and portability; promote wealth building; and ensure efficient administration.

(j) Once approved, the Plan will efficiently support the New Communities and Great Streets Initiatives as well as instrumentalities such as the Anacostia Waterfront Corporation and the National Capital Revitalization Corporation in achieving affordable housing development objectives.

Sec. 102. Establishment of land trust and pilot program.

(a) A nonprofit community land trust shall be formed pursuant to the Plan recommendation.

(b) The Office of the Deputy Mayor for Planning and Economic Development shall issue a request for proposal inviting organizations which are tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, approved August 6, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), to submit proposals for development and administration of the nonprofit community land trust consistent with this title and rules promulgated pursuant to this title.

(b) The land trust shall develop a pilot program to develop 1,000 units of workforce housing within 3 years of the effective date of this title.

(c)(1) The land trust shall develop units affordable to households not to exceed 120% of AMI.

(2) The land trust's portfolio shall have an average not to exceed 80% of AMI.
(3) The 80% portfolio average requirement shall be evaluated for compliance on an annual basis, beginning 12 months after the effective date of this title.

(d) The land trust shall offer the qualified housing units for sale to prospective buyers pursuant to procedures developed by the land trust and based upon the following priority list in the following order:

- (1) Employees of the District of Columbia and its instrumentalities;
- (2) District residents who are first-time homebuyers;
- (3) Other District residents; and
- (4) The general public.

(e)(1) The Mayor may take any action reasonably necessary or appropriate in accordance with this title in connection with the preparation, execution, and issuance of a trust instrument to be entered into by the District and a trustee to be selected by the Mayor pursuant to the process as established in subsection (a) of this section.

(2) The trust instrument shall govern the expenditure of funds authorized under this title and shall set forth the terms and conditions precedent to such expenditure, including evidence of firm funding commitments of private equity and debt.

(f) The Office of the Deputy Mayor for Planning and Economic Development shall aggressively market the pilot program to employees of the District government.

(g)(1) On or before June 28, 2007, the Mayor shall, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue proposed rules to implement the provisions of this title.

(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

(3) 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 approved.

(h) Within one year after the effective date of this title, the Mayor shall submit a report to the Council on the status of the workforce housing pilot program. At the conclusion of the pilot program, or within 3 years after the effective date of this title, whichever is sooner, the Mayor shall submit a final report of the pilot program, which report shall include recommendations for a permanent workforce housing program.

(i) For the purposes of this section, the term "household" means all the persons who occupy a housing unit, whose occupants may be a single family, one person living alone, 2 or more families living together, or any other group of related or unrelated persons who share living arrangements.

(j)(1) The land trust shall require that all units developed under the program remain perpetually affordable.

(2) To guarantee permanent affordability, the land trust may:

- (A) Utilize the long-term affordability approach outlined in the Plan,
- (B) Base future price increases and return to sellers on an annual inflator

index; or

(C) Any other method designed to assure permanent affordability consistent with this title.

(2) District funds provided to the land trust shall be redistributed as loans payable to the land trust in a manner determined by the land trust.

(k) Funds authorized for fiscal year 2007 shall be committed prior to October 1, 2007.

Sec. 103. Approval of the Plan.

The Plan, as amended by this title, is approved.

TITLE II. NEW TOWN AT CAPITAL CITY MARKET.

Sec. 201. Short title.

The title may be cited as the "New Town at Capital City Market Revitalization Development and Public/Private Partnership Act of 2006".

Sec. 202. Definitions.

For the purposes of this title, the term:

(1) "Capital City Market" "Market" means the approximately 24-acre site bounded by Florida Avenue N.E., on the south, 6th Street, N.E., on the east, Penn Street, N.E., on the north, and the railroad tracks and Metro rail on the west in northeast Washington, D.C., in Ward 5.

(2) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(3) "Developer" means the New Town Development, LLC, a District of Columbia limited liability company.

(4) "DHCD" means the Department of Housing and Community Development.

(5) "Partnership" means the public/private partnership between the District and Developer to revitalize and develop the Capital City Market into a mixed-use, urban residential, retail, restaurants, entertainment, support facilities, office, government facilities, above and below-grade parking community; to create a substantial amount of workforce housing for teachers, policemen, firemen, and other District of Columbia residents; to preserve specific historic buildings; and to maintain the Market's historic retail and wholesale functions on the existing site in northeast Washington, D.C.

(6) "Revitalization Initiative and Development Plan" means the Initial Conceptual Plan for New Town at the Capital City Market: "A Neighborhood Revitalization Initiative and Development Plan".

(7) "Washington Beef Properties" means Parcel 129/32 and lots 5, 800, and 802 in square 3587.

(8) "Workforce housing" means housing units set aside for eligible renters or purchasers as defined by the appropriate agency of the District of Columbia and who are at 50% to 120% of the Area Median Income.

Sec. 203. Findings.

(a) The Revitalization and Development Plan presented by the Developer can be used as a model for developing large tracts of underutilized land to create workforce housing, needed community facilities and services, and jobs, and to increase the District's tax base.

(b) The Market was originally located on the National Mall where the Federal Triangle Complex now exists and was relocated to its present site shortly after World War I upon passage of the Union Station Act of 1910 and adoption of the MacMillan Plan for the Mall.

(c) While the Market has an active retail and wholesale business of local, national, and international food and meat products, the Market now is an underutilized resource of its neighborhood and the city.

(d) The Market has deteriorated and has deteriorating structures, defective and inadequate street layout, excessive vacant land, vacant buildings, unsanitary and unsafe

conditions, diversity of ownership, and is becoming an attractive place for criminal activity and homeless inhabitants.

(e) The Market is located less than 350 yards from the new Metro entrance of New York/Florida Avenues Metro station.

(f) The Market's present condition, uses, and zoning substantially impair the sound growth of an underutilized site near a metrorail station and prevent the development of new housing and much needed workforce housing.

(g) The Market is an ideal site for transit-oriented development that will increase pedestrian-friendly residential density adjacent to transit facilities that is consistent with the District's goals of maximizing transit usage while reducing automobile dependency.

(h) The New Town at the Capital City Market Project will accomplish neighborhood revitalization and historic preservation and provide workforce housing and jobs.

(i) The Revitalization and Development Plan will create a substantial number of workforce housing units for renters and buyers that fall between 50% to 120% of the Area Median Income.

(j) The Revitalization and Development Plan will create a planned community of housing, office, retail wholesale, local, national and international restaurants, entertainment, recreational and support facilities, and government facilities.

(k) The Revitalization and Development Plan will help reduce traffic congestion, enhance the environment and improve the District's air quality by better planning for and deployment of vehicular traffic, green roof development, and other environmental initiatives.

(l) The Revitalization and Development Plan will allow existing property owners or lessees to invest in the project, become fee simple owners in the new retail and warehouse facility, allow existing property owners to do a like-kind property exchange under section 1031 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 302; 26 U.S.C. § 1031), and participate in other revitalization and development options.

(m) The Revitalization and Development Plan will allow the present retailers and wholesalers to continue their businesses in the new revitalized Capital City Market.

(n) The Revitalization and Development Plan will be carried out in such a way that it will cause minimal interference to the existing operators of retail and wholesale establishments and allow them to continue to operate during construction.

(o) The Revitalization and Development Plan will preserve the original Market buildings (Union Market) bounded by 4th and 5th Streets and Morse and Penn Streets unless it is found to be impractical to do so by the Developer and the Office of Planning.

(p) The Developer has agreed to require construction contractors to enter into a project labor agreement for the project with a training component for District residents.

(q) The construction of the project will take more than 5 years, which will allow District residents to be trained as apprentices for jobs created by the development and become full-fledged journeyman on the project.

(r) The Revitalization and Development Plan provides for a workforce housing set-aside of a minimum of 20% and a goal of 40%, which will have a significant impact on increasing the District's workforce housing supply by approximately 320 or 640 units, respectively.

(s) The Mayor is authorized to negotiate a land swap or sale with Gallaudet University and to use other means, such as property tax abatement, tax increment financing, and PILOT programs, to assist the Developer in achieving the 40% goal of workforce housing and other community needs.

(t) The Revitalization and Development Plan calls for 40% of the workforce housing to

be set aside for teachers, policemen, firemen, and other critical District of Columbia employees and the remaining 60% to be set-aside for District of Columbia residents who are first-time home purchasers and are at 50% to 120% of the Area Median Income.

(u) The Revitalization and Development Plan will relocate the retail and wholesale operations of the existing Market into modern facilities in the northeast portion of the site which will allow for convenient ingress and egress access for large trailer trucks to and from New York Avenue and Florida Avenue while screening them from residential areas and pedestrian traffic.

(v) The Revitalization and Development Plan provides that the new facilities for the existing retail and wholesale operations will be constructed as condominiums or cooperatives to allow the retailers and wholesalers to own their retail or wholesale facilities.

(w) The Revitalization and Development Plan will provide enhanced services for the residents of New Town, the surrounding neighborhoods, and visitors, including, among other things, a state-of-the-art YMCA with a daycare center, teen center; programs for senior citizens, swimming pool, indoor basketball courts, and a fitness center; a state-of-the-art community health clinic and a state-of-the-art public library branch if the District determines they are needed; and an outdoor amphitheater (designed to convert to an ice skating rink in winter) to showcase local and national entertainers to District citizens and visitors.

(x) The Revitalization and Development Plan provides that the YMCA, library, and community health clinic will all operate on a 20-year lease-to-purchase agreement with ownership transferring to the leaseholders for \$1 at lease expiration.

(y) The Revitalization and Development Plan will create an array of new retail and restaurant businesses and create hundreds of new permanent jobs as well as hundreds of construction jobs.

(z) The Revitalization and Development Plan and its proposed concept is supported by the 3 Advisory Neighborhood Commissions in Ward 5 and the Brentwood Community Association, Inc.

(aa) The Developer is committed to enter into a First-Source Employment Agreement and a Local, Small, and Disadvantaged Business Enterprise Memorandum of Understanding with the appropriate District government agencies.

(bb) The Capital City Market footprint area is currently zoned C-1 for low-density, light-industry and commercial uses and must be re-zoned as C-3-C with an overlay to allow the height and density necessary to achieve the goals of the project and to allow residential and warehouse uses to co-exist as part of New Town at the Capital City Market.

(cc) Certain alleys within the footprint of the Capital City Market will have to be closed.

(dd) The Market is, or Revitalization and Development Plan will be, designated as a renewal area sufficient to be eligible for the most favorable HUD-guaranteed financing programs.

(ee) On May 7, 2002, the Council unanimously passed the Request for Proposals for the Disposition of the Washington Beef Properties, 1240-1248 4th Street, N.E., Lots 5, 800, and 802 in Square 3587 Approval Resolution of 2002, effective May 7, 2002 (Res. 14-440; 49 DCR 5760).

(ff) On June 11, 2002, DHCD issued a request for proposals for the Washington Beef Properties located on the Capital City Market site.

(gg) On July 8, 2003, the Council unanimously passed the Unsolicited Proposal Submitted by Sang Oh & Company for the Negotiated Purchase and Disposition of Surplus Property at 375 Morse Street, N.E., also known as the Ironworks Parcel, Emergency Approval

ENROLLED ORIGINAL

Resolution of 2003, effective July 8, 2003 (Res. 15-214; 50 DCR 6941).

(hh) On February 26, 2004, pursuant to that certain Land Disposition Agreement between Sang Oh & Company, Inc., and DHCD, Sang Oh & Company, Inc., was granted the development rights to the Washington Beef Properties.

(ii) Working with DHCD, ANC 5B, and the Ward 5 community, Sang Oh & Company, Inc., has completed architectural drawings for a proposed 11-story retail office and condominium building with a 20% percent affordable housing unit set-aside at 80% percent of the Area Median Income, and with community amenities for the Ward 5 community, that is, a 100-seat community meeting room, an office for ANC 5B, and space and signage for a Metropolitan Police Department substation.

(jj) The proposed development is consistent with the purposes and goals of the Revitalization and Development Plan and with architectural designs for New Town at the Capital City Market concept.

(kk) Sang Oh & Company, Inc., has completed demolition of the structures on the Washington Beef Properties site and has submitted its PUD application to the Zoning Commission.

Sec. 204. Office of Planning.

The Developer shall work with the Office of Planning and other appropriate agencies prior to and during the zoning process to ensure that the District's planning and other policy objectives and goals, to the extent that the project is not jeopardized financially, are achieved to the fullest extent possible.

Sec. 205. Authority of the Deputy Mayor for Economic Development.

The Deputy Mayor for Economic Development shall have the authority and responsibility of ensuring that the District's interests and goals, to the fullest extent possible, are achieved as set forth in this act. When the project is approved for construction, the Deputy Mayor and the Developer will develop a timetable for the development of the project and will provide detailed quarterly reports to the Mayor and the Council.

Sec. 206. Development of conceptual plan.

The Council directs the Mayor through the appropriate agencies working with the Developer, the affected community (Ward 5), and the landowners and renters of the Capital City Market to develop a Final Conceptual Plan and an Agreement between the District and the Developer within 180 days of the effective date of this title. Once the Final Conceptual Plan and the Agreement have received affirmative written approval from property owners representing 50% or more of the site of the Capital City Market, the Mayor shall submit the Final Conceptual Plan and Agreement to the Council for approval within 30 days of such affirmative written approval.

Sec. 207. Eminent domain.

The Mayor shall not use eminent domain for any aspect of the revitalization or development of this site without the prior approval of the Council.

ENROLLED ORIGINAL

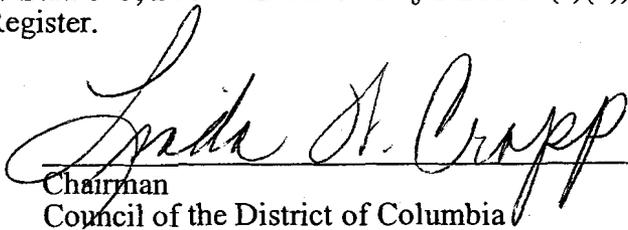
TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

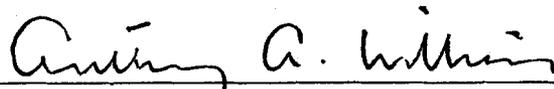
Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 302. 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), 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.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-636

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
 DECEMBER 28, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2007 Winter
 Supp.

West Group
 Publisher

To amend the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 to clarify the Director's authority to require registrants and licensees to carry SR-22 motor vehicle insurance, allow penalties for failure to maintain insurance coverage to be waived upon submission of proof that the vehicle was not operated during the time period in which there was an insurance lapse; to amend Title 18 of the District of Columbia Municipal Regulations to eliminate a motorcycle license provision that is inconsistent with existing licensing provisions, update the motor vehicle penalties related criminal fines and penalties to make them identical to similar penalties provided for in another statutory provision, modify obsolete provisions regarding the notice of suspensions and revocation, require the surrender of any out-of-state identification card to obtain the District of Columbia equivalent, allow license revocation upon the issuance of a final deportation order, clarify the applicability of the tag covering prohibition to out-of-state vehicles, amend the definition of "conviction" for license suspension purposes to include juvenile proceedings, allow the issuance of a disabled-parking placard and a disabled- parking tag to the same applicant, increase the penalty for abuse of a disabled-parking placard or plate, expand the eligibility categories related to the creation of reserved disabled-parking spaces, clarify that disabled-parking placards are to be readable through the front windshield, allow placards and plates to expire at the same time the registration or license expires, allow for greater flexibility in the collection of the penalty for a missed road test, increase the instructor duplicate license fee, establish a dealer registration application fee, establish a change of address fee, establish that a person cannot avoid penalties for failing to pay a traffic ticket by refusing to update his or her address, allow greater flexibility in the service of a required suspension or revocation notice, establish flexibility in the display of tags for the Washington Metropolitan Area Transit Authority and the District of Columbia Public Schools and during a Presidential Inauguration; to amend the Motor Vehicle Safety and Responsibility Act of the District of Columbia to reinforce the admissibility of Department of Motor Vehicle records in court, increase the fee for an insurance record, allow greater flexibility in applying existing criminal penalties for failing to turn in a license or registration tag; to amend the Implied Consent Act of 1972 to establish identical license suspension timelines for those refusing to take the breathalyzer test and

those submitting to the test, clarify that the provisions of the act apply to out-of-state operators' driving privileges; to amend the Uniform Classification and Commercial Driver's License Act of 1990 to clarify that the commercial driver's license penalties apply to a failure to secure the proper endorsement when required, establish railroad crossing and other violations for commercial driver's license holders to conform to federal regulations; to amend the District of Columbia Traffic Act, 1925 to clarify the applicability of criminal penalties to operating a motorcycle without the proper endorsement, clarify that leased vehicles are not exempt from the excise tax, establish that non-repairable, salvage, and repossessed vehicles are not subject to the excise tax, establish that a vehicle cannot be towed for unpaid parking tickets until the ticket appeal period has expired, allow the issuance of a license in the absence of a social security number in limited circumstances, allow reciprocity for the spouses and siblings of members of Congress and the armed forces, establish a fee for renewable reciprocity stickers, clarify the time period before which a license is suspended for specified offenses, create flexibility to allow the Director to establish a new fee structure for driver's licenses, clarify that learner's permits may be renewed, make a conforming amendment to duplicate permit fees, discontinue allowing the use of social security numbers as driver license numbers, make a conforming amendment stating that only the District government is exempt from registration and titling fees, make a conforming amendment to registration requirements for apportioned commercial motor vehicles and chartered buses, to establish the authority for the Department to confiscate fraudulent documents and deny service after presentation of such a document for a one-year period, to allow the Department to offer a discount to customers obtaining service without appearing in-person, and to establish that the Department may offer licenses that can be used for identification purposes by the federal government; to amend an Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes to remove obsolete references to the Recorder of Deeds, clarify that the District government is exempt from paying lien recordation fees, increase the fine for making a false statement in connection with a lien filing, allow the Director to offer electronic lien recordation and titling; to amend an Act to provide for annual inspection of all motor vehicles in the District of Columbia to extend the exemption from an initial inspection for new passenger vehicles to new vehicles and trailers of any type; to amend The Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992 to make the tow eligibility for unpaid tickets for Taxicab Commission regulation violations identical to that for unpaid parking tickets, transfer authority over inspections for compliance with Taxicab Commission regulations to the Office of Taxicabs; to amend the Child Support Enforcement Act of 1985 to correct terminology that is inconsistent with other license suspension statutes; to amend Title 47 to eliminate reference to a superseded tour bus license, to return the issuance of taxicab licenses to the Taxicab Commission, to clearly state that a person may be denied a

permit or license if he or she owes a debt identified in the act, clarify the type of hearing to be offered for those denied an application under the Clean Hands Act, and to add taxicab and insurance fines; to amend the District of Columbia Traffic Adjudication Act of 1978 to return adjudication of taxicab-related offenses to the Taxicab Commission, extend the deadline for answering a moving ticket without penalty to coincide with the deemed admission date, clarify the address of record for out-of-state violators, to clarify that no officer need attend a hearing for a ticket issued by an automated traffic enforcement system, clarify the authority of the hearing examiner to order persons to complete traffic school to avoid point assessment, clarify that a parking ticket notice of infraction is always issued to the owner of the vehicle, allow for additional defenses to a parking ticket based on mechanical or medical problems, allow the Director to offer people the ability to answer a parking ticket by email, clarify the address to which a notice of outstanding parking ticket must be mailed, allow deemed admissions for parking tickets to be vacated within 60 days with evidence of excusable neglect, conform the vacate default judgment provisions to the new deemed admission 60-day period, allow the Director to offer people the option of receiving notice by email, repeal the requirement that the Traffic Adjudication Appeals Board repeatedly review the constitutionality of a statutory-based adjudication process; to amend the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003 to make conforming amendments; to amend the Child Restraint Act of 1982 to correct an erroneous citation; to amend the District of Columbia Revenue Act of 1937 to increase the fee for a dealer proof of ownership certificate to match that of a certificate of title, increase the registration transfer fee, establish a civil fine for failing to turn in an expired registration tag, require that out-of-state charter buses register as apportioned vehicles or obtain a trip permit through the International Registration Plan, reduce and restructure the fee for personalized tags, increase the fee for motorized bicycle registration, historic motor vehicle registration, and dealer tags, establish a fee for failure to renew a motor vehicle inspection or registration by the required date; to amend the International Registration Plan Agreement Act of 1997 to make conforming amendments; to amend the Department of Motor Vehicles Reform Amendment Act of 2004 to exempt historic motor vehicles from the salvage titling law; and to amend the District of Columbia Traffic Act, 1925 to eliminate any discretion of the Mayor to revoke the license of an individual convicted of a drug offense.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Department of Motor Vehicles Service and Safety Amendment Act of 2006".

TITLE I. DRIVER SAFETY AND ENFORCEMENT

Sec. 101. Section 7 of the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2406), is amended by adding a new subsection (h) to read as follows:

Amend
§ 31-2406

“(h) The Director may require a person whose driver’s license or registration was revoked to obtain insurance coverage that includes additional reporting obligations, including SR 22 insurance coverage, prior to the issuance or reinstatement of a driver’s license or registration, or both.”

Sec. 102. The Uniform Classification and Commercial Driver’s License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-401 et seq.), is amended as follows:

(a) Section 4(a) (D.C. Official Code 50-403(a)) is amended by striking the word “license” and inserting the phrase “license, and all necessary endorsements thereto required by the Mayor for the particular class of vehicle being operated,” in its place.

Amend
§ 50-403

(b) A new section 6a is added to read as follows:

“Sec.6a. Commercial motor vehicle operation; additional requirements, violation, adjudication.

“(a) No person while operating a commercial motor vehicle shall:

“(1) Fail to slow down and stop before reaching a railroad crossing to check that railroad tracks are clear of an approaching train;

“(2) Fail to leave sufficient space to drive through a railroad crossing without stopping;

“(3) Fail to obey a traffic control device or the directions of an enforcement official at a railroad crossing;

“(4) Fail to negotiate a railroad crossing because of insufficient undercarriage clearance;

“(5) Violate an out-of-service order; or

“(6) Have an alcohol concentration of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

“(b) Any person found in violation of any provision of subsection (a) of this section shall be fined \$300 for each offense, but no traffic points shall be assessed.

“(c) Violations of subsection (a) of this section shall be adjudicated as moving violations pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 et seq.).”

Sec. 103. The Motor Vehicle Safety and Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 122; D.C. Official Code § 50-1301.01 et seq.), is amended as follows:

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

"Sec. 5a. Production of documentary material.

"(a) A certified copy of any record of the Department of Motor Vehicles shall be deemed authentic without further testimony as evidence in any judicial proceeding or administrative hearing.

"(b) The Director may satisfy a Superior Court subpoena directed to the production of documents by providing a duly authenticated copy of any record or other document in the possession of the Department in the form of a photocopy, computer printout, or reproduction of an electronically digitalized or recorded document or information, irrespective of the existence of a corresponding original document."

(b) Section 6 (D.C. Official Code § 50-1301.06) is amended by striking the figure "\$2" and inserting the figure "\$7" in its place.

Amend
§ 50-1301.06

(c) Section 74 (D.C. Official Code § 50-1301.74) is amended to read as follows:

"Any person willfully failing to return a license or registration as required in section 70, or when otherwise requested in writing by the Mayor shall be fined not more than \$500 or imprisoned not to exceed 30 days, or both."

Amend
§ 50-1301.74

Sec. 104. The Implied Consent Act of 1972, approved October 21, 1972 (86 Stat. 1018; D.C. Official Code § 50-1901 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 50-1905) is amended as follows:

Amend
§ 50-1905

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

(A) Strike the phrase "his license" wherever it appears and insert the phrase "his license or privilege to drive in the District of Columbia if the person is a nonresident" in its place.

(B) Strike the phrase "a resident".

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

(A) Strike the phrase "the license" and insert the phrase "the license or privilege to drive in the District of Columbia" in its place.

(B) Strike the phrase "a resident".

(b) Section 6(a) (D.C. Official Code § 50-1906(a)) is amended as follows:

Amend
§ 50-1906

(1) Strike the phrase "any license" and insert the phrase "any license, or privilege to drive in the District of Columbia," in its place.

(2) Strike the second sentence and insert the following sentences in its place:

"Such order shall take effect in 10 days (15 days, if the person is a nonresident) after service of notice on the person whose license or privilege to drive in the District of Columbia is to be revoked or who was denied a license. A hearing on the revocation shall be held if the respondent files a request for a hearing within 10 days (15 days if the person is a nonresident) of service of the notice."

Sec. 105. Title 18 of the District of Columbia Municipal Regulations, is amended as follows:

(a) Chapter 1 is amended as follows:

1) Subsection 107.12 is repealed.

(2) Subsection 112.13 is amended to read as follows:

“112.13 Any person holding a valid driver’s license or identification card from any jurisdiction must surrender it to the Department prior to obtaining a District of Columbia special use identification card.”

(b) Chapter 3 is amended as follows:

(1) Section 301 is amended by adding a new subsection 301.3 to read as follows:

“301.3 The Director shall revoke the license of a person upon receipt of evidence that the person was issued a final deportation or removal order by the federal government.”

(2) Subsection 308.1 is amended by striking the phrase “an official of the Metropolitan Police Department” and inserting “a law enforcement agency named in § 3003.1” in its place.

(3) Subsection 308.4 is repealed.

(c) Subsection 422.3 is amended by adding before the period the phrase “; provided, that the tags are displayed in accordance with §§ 422.4, 422.5, 422.6, and 422.8”.

(d) Section 1110 is amended as follows:

(1) Subsection 1110.1 is amended as follows:

(A) Strike the phrase “three hundred dollars (\$300) or by imprisonment for not more than ten (10) days,” and insert the phrase “one thousand dollars (\$1,000) or by imprisonment for not more than thirty (30) days,” in its place.

(B) Paragraph (e) is repealed.

(2) A new subsection 1110.6 is added to read as follows:

“1110.6 Any person found violating subsection 1200.8 of Chapter 12 (which prohibits tampering with a bicycle locked or placed in a rack, or otherwise secured), shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment not to exceed ten (10) days.”

(e) Section 9901 is amended by amending the definition of “Conviction” to read as follows:

“Conviction – a judgment of guilty, or an adjudication of juvenile delinquency, in any court of competent jurisdiction, that has become final following an appeal or after the time allowed for such appeal has expired. For purposes of this title, a failure to appear in court when required, a plea of nolo contendere accepted by a court, the payment of a fine, a plea of guilty, or a finding of guilt shall be equivalent to a conviction, regardless of whether the penalty is rebated, suspended, or probated.”

TITLE II. CUSTOMER SERVICE ENHANCEMENT

Sec. 201. An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940 (54 Stat. 736; D.C. Official Code 50-1201 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 50-1201) is amended as follows:

Amend
§ 50-1201

(1) Subsection (b) is amended by striking the phrase "Vehicles and Traffic of the District of Columbia" and inserting the phrase "the Department of Motor Vehicles" in its place.

(2) Subsection (c) is amended to read as follows:

"(c) "Recorder" shall mean an agent responsible for recording liens, appointed by the Director."

(b) Section 5 (D.C. Official Code § 50-1205) is repealed:

Amend
§ 50-1205

(c) Section 6 (D.C. Official Code § 50-1206) is amended to read as follows:

Amend
§ 50-1206

"Applications for certificates of title shall state whether or not there are any liens against the motor vehicle or trailer or any equipment or accessories affixed thereto, and, if so, the lien information in the order of its priority, and shall be accompanied by instruments or any other papers necessary to entitle liens to be entered on the certificate. Upon receipt of an application for a certificate and accompanying documents, if any, or on the application for a duplicate, the Director shall compare the statements in the application as to liens with the Department's records and the documents and instruments accompanying the application, and, if such statements are incorrect or incomplete or if any of the liens shown by the application are not entitled to be entered on the certificate in the same order as they appear on the application, the Director shall return all of the papers and advise the applicant of the reasons for the denial of the application. If the statements as to liens are full, true, and complete and all liens shown by the application are entitled to be entered on the certificate in the same order as they appear on the application, the Director shall issue the certificate. The Director shall deliver or mail the certificate to the record holder of the first lien shown on the certificate or his representative, or, if there are no liens, to the owner or his representative."

(d) Section 7 (D.C. Official Code § 50-1207) is amended to read as follows:

Amend
§ 50-1207

"An application to add a lien to an existing certificate may be presented to the Director with payment of the necessary fees. The Director shall review the application and, if convinced that the statement as to the lien is full, true, and complete, enter the lien information on the certificate and deliver or mail the certificate to the record holder of the first unsatisfied lien shown on the certificate or his representative."

(e) Section 8 (D.C. Official Code § 50-1208) is amended as follows:

Amend
§ 50-1208

(1) Strike the phrase "to the representative of the Recorder of Deeds of the District of Columbia in the office of the Director".

(2) Strike the phrase "and on the said card opposite the entry of the information relative to the assignment" and insert the phrase "and in the Department's records" in its place.

(f) Section 11 (D.C. Official Code § 50-1211) is amended as follows:

ENROLLED ORIGINAL

(1) Strike the phrase "and on the card described in section 6,".

Amend § 50-1211

(2) Strike the phrase "the aforesaid cards".

(3) Strike the phrase "which created such lien and the index card upon which the lien information was entered; provided, that no other unsatisfied lien is shown on any such index card." and insert the phrase "that created the lien." in its place.

(g) Section 12 (D.C. Official Code § 50-1212) is amended by adding a new sentence at the end to read as follows:

Amend § 50-1212

"The District of Columbia Government shall not be required to pay the fee established in this section."

(h) Section 13 (D.C. Official Code § 50-1214) is repealed.

Repeal § 50-1214

(i) Section 14 (D.C. Official Code § 50-1215) is amended by striking the figure "\$500" and inserting the figure "\$5,000" in its place.

Amend § 50-1215

(j) Section 15 (D.C. official Code § 50-1216) is amended by striking the phrase "and Recorder".

Amend § 50-1216

(k) A new section 15b is added to read as follows:

"Sec. 15b. Electronic creation, recordation, and transfer of liens.

(a) Notwithstanding any other provision in this act, the Director may receive and transmit liens and lien information electronically, record liens electronically, and create and transfer titles electronically, in accordance with the following provisions:

"(1) Any lien information pursuant to sections 6 or 8 of this act transmitted electronically shall be transmitted by the lienholder and need not include a signature.

"(2) Electronic lien recordation notices shall include the information required by section 4(a)(2).

"(3) An electronic lien satisfaction notice shall include the name, address, telephone number, and driver's license number or special identification card number, if known, and social security number, if known, of the person satisfying the lien, but need not include a signature.

"(4) When a lien is transmitted electronically or a title is created electronically, a paper certificate of title shall be issued only after all liens are satisfied and only upon request by the owner.

"(5) When a vehicle is subject to an electronic lien, the certificate of title for the vehicle shall be considered to be held by the lienholder.

"(6) All taxes and fees associated with the issuance of certificates of title and the recordation of liens shall be collected for the electronic versions.

"(b) A duly certified copy of the Director's electronic record of a title or lien shall be admissible in any civil, criminal, or administrative proceeding as evidence of ownership."

Sec. 202. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01 *passim*), is amended as follows:

(a) Section 6 (D.C. Official Code § 50-2201.03) is amended as follows:

(1) Subsection (j)(1) is amended by amending the introductory language to read as follows:

Amend
§ 50-2201.03

"(j)(1) In addition to the fees and charges levied under other provisions of this part, there is hereby levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and in the case of a sale, resale, or gift, except in the case of a bona fide gift between spouses, parent and child, or domestic partners, as that term is defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), or other transfer thereof on the issuance of every subsequent certificate of title, at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:"

(2) Subsection (k)(1) is amended by striking the phrase "outstanding or otherwise unsettled traffic violation notices or notices of infraction" and inserting the phrase "unpaid notices of infraction that the owner was deemed to have admitted or that were sustained after a hearing, pursuant to sections 305 or 306 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2303.05 and 50-2303.06), or section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02)," in its place.

(c) Section 7 (D.C. Official Code § 50-1401.01) is amended as follows:

Amend
§ 50-1401.01

(1) Subsection (b)(2) is amended by striking the phrase "provide a social security number" and inserting the phrase "provide a social security number, if such a number was issued to the applicant, or, if required by the Mayor, proof that the applicant is not eligible for a social security number" in its place.

(2) Subsection (d) is amended by striking the phrase "or a provisional permit issued under the provisions of this Act." and inserting the phrase "provisional permit, or a motorcycle endorsement if operating a motorcycle, issued under the provisions of this Act and Title 18 of the District of Columbia Municipal Regulations." in its place.

(d) Section 8 (D.C. Official Code § 50-1401.02) is amended as follows:

Amend
§ 50-1401.02

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

(A) Paragraph (3) is amended by striking the word "and" at the end.

(B) Paragraph (4) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) Any nonresident service member in accordance with section 511 of the Soldiers' and Sailors' Civil Relief Act of 1940, approved December 19, 2003 (117 Stat. 2835; 50 U.S.C. § 571);

"(6) Any foreign mission, its members, or dependents of its members, but only if they have been issued a title and registration by the United States Department of State; and

“(7) Any minor under 21 years of age or spouse of any person identified in paragraphs (1) through (6); provided, that the person identified in paragraphs (1) through (6) signs an affidavit stating the minor or spouse resides at the same address in the District as the affiant.”.

(2) Subsection (d) is amended by striking the phrase “without a fee” and inserting the phrase “a fee of \$10, which may be increased by the Mayor to cover administrative costs” in its place.

(e) New sections 8a and 8b are added to read as follows:

“Sec. 8a. Federally-accepted driver's license/identification card option.

“(a) The Mayor may offer a resident the option of applying for a driver's license or a special identification card that will be accepted by the federal government for any official purpose, subject to the applicable federal requirements.

“(b) The Mayor is authorized to take actions as specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, approved May 11, 2005 (Pub. L. No. 109-13; 119 Stat. 231), and the regulations authorized pursuant to that act so that a driver's license or special identification card issued to a person choosing an option described in subsection (a) of this section shall be accepted by the federal government for any official purpose.

“8b. Mayor's authority to seize suspect documents.

“(a) The Mayor may immediately seize and retain any document presented by a person in connection with a Department of Motor Vehicles service, if the document is reasonably believed to be fraudulent, counterfeit, stolen, or intentionally altered.

“(b) Any document seized under subsection (a) of this section shall be returned to the person presenting the document only if the Mayor later determines that the document is not fraudulent, counterfeit, stolen, or intentionally altered on the person's own initiative or after the hearing provided for in subsection (c) of this section.

“(c) Any person presenting a document that was retained pursuant to subsection (a) of this section may request a hearing within 10 days of the retention on the validity of that retention.

“(d) Any person whose document was retained and not subsequently returned pursuant to this section shall not be entitled to apply for a driver's license, special identification card, or vehicle registration for a period of one year from the date of seizure.

“(e) For the purposes of this section, “document” means any printed material, including a letter, notice, bill, receipt, driver's permit, registration card, title, insurance card, passport, picture identification, birth certificate, currency, credit card, check, or copy of the same.”.

(f) Section 13(a) (D.C. Official Code § 50-1403.01(a)) is amended by striking the number “5” and inserting the phrase “10 (15, if the person is a nonresident)” in its place.

Amend
§ 50-1403.01

Sec. 203. Section 1 of An Act To provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1101), is amended as follows:

Amend
§ 50-1101

(a) Subsection (a) is amended by striking the phrase, "new passenger vehicles" and inserting the phrase, "new motor vehicles and trailers" in its place.

(b) A new subsection (c) is added to read as follows:

"(c) Notwithstanding subsection (a) of this section, the Mayor may exempt zero and ultra-low emission vehicles, as defined in Part 88 of Title 40 of the Code of Federal Regulations, (40 C.F.R. 88.101.94 *et seq.*), from exhaust emissions inspections."

Sec. 204. Section 15(b)(2)(A) of the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(b)(2)(A)), is amended by adding a new sentence at the end to read as follows:

Amend
§ 50-2413

"All or part of any penalty may be waived by the Director upon submission of proof that the vehicle was not operated during the corresponding time period."

Sec. 205. The Department of Motor Vehicles Reform Amendment Act of 2004, effective April 08, 2005 (D.C. Law 15-307; D.C. Official Code § 50-1331.01 *et seq.*), is amended as follows:

(a) Section 101(12) (D.C. Official Code § 50-1331.01(12)) is amended by striking the phrase "means a motor vehicle that" and inserting the phrase "means a motor vehicle, other than a historic motor vehicle as that term is defined in Chapter 99 of Title 18 of the District of Columbia Municipal Regulations, that" in its place.

Amend
§ 50-1331.01

(b) Section 104 (D.C. Official Code § 50-1331.04) is amended by adding a new subsection (d) to read as follows:

Amend
§ 50-1331.04

"(d) Upon notification by an insurance company pursuant to subsection 102(d)(2)(B), or upon notification by the District of Columbia government of the government's satisfaction of a total loss claim for a vehicle titled in the District of Columbia, the Department may, 10 days after mailing notice to the address on record, revoke the existing title and reissue a salvage or non-repairable vehicle title, as applicable."

Sec. 206. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 103 is amended as follows:

(1) Subsection 103.2 is amended by striking the phrase "social security number;" and inserting the phrase "social security number, if such a number was issued to the applicant, or, if required by the Director, proof that the applicant is not eligible for a social security number," in its place.

(2) Subsection 103.5 is amended as follows:

(A) Add the phrase “, if such a card was issued to the applicant,” after the phrase “social security card”.

(B) Add the phrase “, if the applicant was issued such a number,” after the phrase “social security number”.

(3) Subsection 103.6 is repealed.

(b) Section 422 is amended as follows:

(1) Subsection 422.1 is amended to read as follows:

“422.1 Whenever a motor vehicle or trailer for which District of Columbia registration is required is being operated or left standing upon any public highway, such vehicle shall display two (2) current identification tags, with one (1) on the front and the other on the rear; except as follows:

“(a) Motor vehicles need only display a special use identification tag on the rear of the vehicle; and

“(b) Motor vehicles may display a souvenir presidential inauguration tag on the front of the vehicle not more than sixty (60) days before and not more than sixty (60) days after inauguration day; provided, that a current identification tag is displayed on the rear.”

(2) A new subsection 422.10 is added to read as follows:

“422.10 Buses owned or leased by the Washington Metropolitan Area Transit Authority or the District of Columbia Public Schools may produce and display a special tag on the rear, in lieu of a tag issued by the District of Columbia; provided, that the size, color, design, and material are approved by the Director.”

(c) Subsection 601.6 is repealed.

(d) Section 2704 is amended as follows:

(1) Subsection 2704.1 is amended as follows:

(A) Strike the phrase “of, either” and insert the phrase “either” in its place.

(B) Add the phrase “, or both” at the end.

(2) Subsection 2704.2 is amended to read as follows:

“2704.2 The special parking permit shall be displayed so that it is readable through the front windshield of the vehicle.”

(3) Subsection 2704.6 is amended by striking the phrase “six (6) years,” and inserting the phrase “six (6) years, or lesser duration,” in its place.

(4) Subsection 2704.9 is amended to read as follows:

“2704.9 A person qualifying under § 2701.1(e) shall only be eligible for a special parking permit for the likely duration of the disability, as determined by the Director.”

(e) Subsection 2710.1(a) is amended by striking the phrase “(a) or (c)” and inserting the phrase “(a), (b), (c), or (d)” in its place.

(f) Subsection 2718.4 is amended by striking the phrase “two hundred fifty (\$250)” and inserting the phrase “five hundred (\$500)” in its place.

Sec. 207. Section 2(a)(3) of the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331(a)(3)), is amended by striking the last sentence and inserting the following sentence in its place:

Amend
§ 50-331

“For the purposes of this section, the notice of infraction is considered unpaid if the infraction has been deemed to have been admitted or sustained after a hearing, pursuant to sections 305 or 306 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2303.05 and 50-2303.06), section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02), or subsection 323.3 of Title 31 of the District of Columbia Municipal Regulations.” in its place.

Sec. 208. Section 26a of the Child Support Enforcement Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-225.01), is amended as follows:

Amend
§ 46-225.01

(a) Strike the word “revoked” wherever it appears and insert the word “suspended” in its place.

(b) Strike the word “revoke” wherever it appears and insert the word “suspend” in its place.

(c) Strike the word “revocation” wherever it appears and insert the word “suspension” in its place.

(d) Strike the word “revoking” wherever it appears and insert the word “suspending” in its place.

Sec. 209. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2829 is amended as follows:

(1) Subsection (c) is repealed.

(2) Subsection (d) is amended by striking the last sentence.

Amend
§ 47-2829

(b) Subsection 47-2862(a) is amended to read as follows:

“(a) Notwithstanding any other provision of law, the District government shall not issue or reissue a license or permit to any applicant for a license or permit if the applicant:

Amend
§ 47-2862

“(1) Owes the District more than \$100 in outstanding fines, penalties, or interest assessed pursuant to the following acts or any regulations promulgated under the authority of the following acts, the:

“(A) Litter Control Administrative Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-801 *et seq.*);

“(B) Illegal Dumping Enforcement Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-901 *et seq.*);

“(C) District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*);

“(D) Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*);

“(E) District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*); or

“(F) The Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 *et seq.*)

“(2) Owes the District more than \$100 in past due taxes;

“(3) Owes fines assessed to car dealers pursuant to section 2(i) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(i));

“(4) Owes parking fines or penalties assessed by another jurisdiction; provided, that a reciprocity agreement is in effect between the jurisdiction and the District; or

“(5) Owes past due District of Columbia Water and Sewer Authority service charges or fees.”

(c) Section 47-2863(c) is amended to read as follows:

Amend
§ 47-2863

“(c) Upon receipt of the applicant’s certification that the issuance of the license or permit is not prohibited by this subchapter, the District government shall consider the application as otherwise provided by law, unless the government has information indicating that the applicant has not paid an outstanding debt under § 47-2862.”

(d) Section 47-2865 is amended as follows:

Amend
§ 47-2865

(1) Subsection (a) is amended to read as follows:

“(a) A person whose license or permit is revoked pursuant to § 47-2864 shall have the same remedy for appeal as otherwise provided by law for the revocation of that license or permit.”

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

“(c) Any person whose application is denied pursuant to § 47-2862 may request a hearing within 10 days of the denial on the basis for that denial.”

Sec. 210. Section 13(e) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-312(e)), is amended as follows:

Amend
§ 50-312

(a) Paragraph (8) is amended by striking the word "and" at the end.

(b) Paragraph (9) is amended by striking the phrase "the Commission." and inserting the phrase "the Commission; and" in its place.

(c) A new paragraph (10) is added to read as follows:

“(10) Inspect vehicles for hire for compliance with regulations established by the Taxicab Commission.”

TITLE III. ADJUDICATION REFORM

Sec. 301. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

(a) Section 104(b) (D.C. Official Code § 50-2301.04(b)) is amended as follows:

(1) Paragraph (5)(B) is amended by striking the phrase "measures; and" and inserting the phrase "measures." in its place.

(2) Paragraph (6) is repealed.

(b) Section 204(c) (D.C. Official Code § 50-2302.04(c)) is amended by striking the number "30" and inserting the number "60" in its place.

(c) Section 205(d), (e), and (f) (D.C. Official Code § 50-2302.05(d), (e) and (f)) is amended to read as follows:

"(d) If a person fails to answer a notice of infraction within 30 calendar days of the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, a penalty equal to the amount of the fine shall be added pursuant to section 105(a).

"(e) If a person fails to answer the notice within 60 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, the commission of the infraction shall be deemed admitted and all points, penalties, and fines shall be assessed, and, except where the notice of infraction was issued in reliance upon an automated traffic enforcement device, the person's District of Columbia operator's permit, or the person's privilege to drive within the District in the case of a person holding an out-of-state permit, shall be suspended until payment of the penalties, fines, and a reinstatement fee.

"(f) Not more than 50 days after the notice is issued, the Director shall send by regular mail addressed to the person's address on the Department of Motor Vehicle's records notice of the outstanding notice of infraction and the effective date of the deemed admission and suspension of driving privileges. For holders of out-of-state licenses, the address in the Department of Motor Vehicle's records shall be the address available through the Washington Area Law Enforcement System, or similar interstate database containing license information from state issuing agencies, or the address displayed on the person's driver's license as presented at the time notice of infraction was issued."

(d) Section 206 (D.C. Official Code § 50-2302.06) is amended as follows:

(1) Subsection (b) is amended by striking the number "90" and inserting the number "60" in its place.

(2) Subsection (c) is amended by striking the phrase "denied the commission of the infraction." and inserting the phrase "denied the commission of the infraction; except, no officer is required at the hearing when a violation is detected by an automated traffic enforcement system." in its place.

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

"(2) The completion of traffic school in lieu of the assessment of the applicable points; or".

Amend
§ 50-2301.04

Amend
§ 50-2302.04

Amend
§ 50-2302.05

Amend
§ 50-2302.06

(e) Section 303(c) (D.C. Official Code § 50-2303.03(c)) is amended to read as follows:

“(c) A notice of infraction shall be served personally upon the operator of a vehicle who is present at the time of service or by affixing such notice to the vehicle in a conspicuous place and by noting the plate designation and plate type as shown by the registration plates of such vehicle together with the make or model of the vehicle. Service of the notice of infraction or a duplicate thereof by affixation shall have the same force and effect, and the infraction shall be subject to the same penalties for the disregard thereof as though the notice of infraction was personally served on the owner and operator of the vehicle.”

Amend
§ 50-2303.03

(f) Section 304a(e) (D.C. Official Code § 50-2303.04a(e)) is amended by striking the phrase “205 and with section 902(b)” and inserting the phrase “305 and section 902” in its place.

Amend
§ 50-2303.04a

(g) Section 305 (D.C. Official Code § 50-2303.05) is amended as follows:

(1) Subsection (a)(2) is amended as follows:

(A) Subparagraph (D) is amended by striking the word “or”.

(B) Subparagraph (E) is amended by striking the period and inserting a semicolon in its place.

(C) New subparagraphs (F) and (G) are added to read as follows:

“(F) That the vehicle was suddenly mechanically disabled; provided, that the vehicle was removed as soon as practicable; or

“(G) That the operator suddenly needed immediate medical assistance.”

(2) Subsection (b) is amended by striking the word “telephone” and inserting the phrase “telephone, email, or through the Department’s website” in its place.

(3) Subsection (d)(2) is amended by striking the phrase “mail,” and inserting the phrase “mail, to the address in the Department of Motor Vehicles’ records, if such address was supplied to the Department of Motor Vehicles,” in its place.

(3) A new subsection (f) is added to read as follows:

“(f) A deemed admission pursuant to subsection (d)(2) of this section may be vacated by any person not participating in the fleet adjudication program, if the Department receives, within 60 days of the date of the admission, a written application to vacate that sets forth:

“(1) A sufficient defense to the charge; and

“(2) Excusable neglect for failing to answer within the time period provided for in subsection (d) of this section.”

(h) Section 306(e) (D.C. Official Code § 50-2303.06(e)) is amended by striking the number “30” and inserting the number “60” in its place.

Amend
§ 50-2303.06

(i) A new section 308 is added to read as follows:

“308. Electronic Notice.

“The Department of Motor Vehicles may offer customers the option of receiving some or all notices required under this or any other law by email or similar electronic transmission

instead of regular mail; provided, that the email address, provided by the customer, shall be considered an address in the Department of Motor Vehicle's records for the purpose of sending any notices required under this or any other law or regulation."

(j) Section 403(2) (D.C. Official Code § 50-2304.03(2)) is repealed.

Amend
§ 50-2304.03

Sec. 302. Section 9(a)(1), (2), and (3) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)(1), (2) and (3)), is repealed.

Amend
§ 50-2421.09

Sec. 303. Section 7(a)(2) of the Child Restraint Act of 1982, effective March 10, 1983 (D.C. Law 4-194; D.C. Official Code § 50-1706(a)(2)), is amended by striking the phrase "under the provisions applicable to parking, standing, stopping, and pedestrian infractions which are set forth in Title III of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301 *et seq.*)" and inserting the phrase "as moving violations" in its place.

Amend
§ 50-1706

Sec. 304. Chapter 3 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Subsection 307.5 is amended by striking the phrase "and that copy is not returned by the Post Office authorities".

(b) Subsection 307.7 is amended by striking the word "shall" and inserting the word "may" in its place.

TITLE IV. FEE DISCOUNTS, INCREASES, AND STRUCTURAL REVISIONS

Sec. 401. The District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01 *passim*), is amended as follows:

(a) Section 6 (D.C. Official Code § 50-2201.03) is amended as follows:

Amend
§ 50-2201.03

(1) Subsection (d) is amended by striking the sentence "No registration or other fee shall be charged to vehicles owned by the federal or District government or any duly accredited representative of a foreign government." and inserting the following sentence in its place:

"No registration or titling fee shall be charged for vehicles owned by the District government." in its place.

(2) Subsection (j)(3) is amended as follows:

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

"(F) Rental vehicles and utility trailers being registered as part of a rental fleet pursuant to the Rental Vehicle Tax Reform Act of 1978, effective March 6, 1979 (D.C. Law 2-157; D.C. Official Code § 50-1505.01 *et seq.*)".

(B) New subparagraphs (O), (P), and (Q) are added to read as follows:

“(O) Vehicles for which a lessor previously paid the excise tax to the District of Columbia, or for which the lessor was exempt from the excise tax pursuant to subparagraph (J), and application for title is being made by the former lessee.

“(P) Vehicles for which a District of Columbia title is being issued to the lienholder because of repossession or was re-issued to the owner after repossession.”

“(Q) Vehicles designated as non-repairable or salvage pursuant to Title I of the Department of Motor Vehicles Reform Amendment Act of 2004, effective April 08, 2005 (D.C. Law 15-307; D.C. Official Code § 50-1331.01 *et seq.*)”.

(3) A new subsection (l) is added to read as follows:

“(l) The Director of the Department of Motor Vehicles may establish a fee discount of up to 10% on any service obtained through the telephone, Internet, mail, or other method that does not involve an in-person visit to the Department. This subsection shall not apply to the payment of the motor vehicle title tax.”

(b) Section 7 (D.C. Official Code § 50-1401.01) is amended as follows:

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

(A) Paragraph (1)(A) is amended by adding a new sentence at the end to read as follows:

“Alternatively, the Mayor is authorized to prorate existing fees to correspond to the duration of the license issued.”

(B) Paragraph (2) is amended by striking the phrase "issue a" and inserting the phrase "issue a new or renewed" in its place.

(C) Paragraph (4) is amended as follows:

(i) Strike the figure "\$5" and insert the figure "\$7" in its place.

(ii) Strike the figure "\$3" and insert the figure "\$7" in its place.

(2) Subsection (b)(1) is amended by striking the second sentence and inserting the following sentence in its place:

“Pursuant to section 205(c)(2)(C)(vi) of the Social Security Act, approved August 14, 1935 (49 Stat. 624, 42 U.S.C. 405(c)(2)(C)(vi)), the Mayor shall use a randomly generated number as the identification number on any new or renewed license.” in its place.

(c) Section 8(a) (D.C. Official Code § 50-1401.02(a)) is amended by adding at the end the following sentence:

“The 30-day exemption period shall not apply to commercial motor vehicles required to obtain a trip permit, as provided by section 4 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.03), or charter buses identified in section (2)(j) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 stat. 680; D.C. Official Code § 50-1501.02(j)).”

Sec. 402. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 103 is amended as follows:

Amend
§ 50-1401.01

Amend
§ 50-1401.02

DCMR

(1) Subsection 103.8 is amended by adding a new paragraph (f) to read as follows:

“(f) Ignition Interlock Application fee.....\$50.”.

(2) Subsection 103.10 is repealed.

(b) A new subsection 414.3 is added to read as follows:

“414.3 The fee for a change of address, name, or other correction to license or registration information in the Department’s records shall be \$7, which may be increased by the Mayor to cover administrative costs. This fee shall cover the issuance of an updated license or permit and up to ten (10) updated vehicle registration certificates. The fee for each additional set of up to ten (10) certificates shall be \$7.”.

(c) A new subsection 502.9 is added to read as follows:

“502.9 The yearly dealer registration application fee shall be one hundred dollars (\$100), which may be increased by the Mayor to cover administrative costs.”.

(d) Subsection 900.8 is amended by striking the phrase “two dollars (\$2)” and inserting the phrase “seven dollars (\$7)” in its place.

Sec. 403. The District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-1501.02) is amended as follows:

(1) Subsection (d)(4)(C) is amended by striking the figure “\$15” and inserting the figure “\$26” in its place.

(2) Subsection (e) is amended by striking the figure “\$5” wherever it appears and inserting the figure “\$7” in its place.

(3) A new subsection (j) is added to read as follows:

“(j) Notwithstanding any other provision of law, any bus from any state or country used in the transportation of a chartered party, as that term is used in the International Registration Plan, with a seating capacity of greater than 15 passengers shall, prior to entering the District of Columbia, either:

“(1) Register as a Class B commercial vehicle under section 3(b)(2);

“(2) Obtain proportional registration in its base jurisdiction through the International Registration Plan, as provided by section 4 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.03); or

“(3) Obtain a trip permit, as provided by section 4 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.03).”.

(b) Section 3 (D.C. Official Code § 50-1501.03) is amended as follows:

Amend § 50-1501.02

Amend § 50-1501.03

(1) Subsection (a)(1) is amended by striking the last sentence and inserting the following sentences in its place:

“Any person ordering a tag with special markings unique to that person shall pay a one-time application fee of \$100, and may obtain a replacement if a tag is lost or stolen upon payment of a fee of \$25 per tag. Any person displaying a tag already approved for use by members of an organization other than Disabled American Veterans shall pay a one-time application fee of \$100, and may obtain a replacement if a tag is lost or stolen upon payment of a \$25 fee per tag.”.

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

(A) Paragraph (5) is amended by striking the figure “\$10” and inserting the figure “\$30” in its place.

(B) Paragraph (6) is amended by striking the figure “\$15” and inserting the figure “\$25” in its place.

(C) Paragraph (7) is amended to read as follows:

“(7) For dealer’s identification tags, dealer transport identification tags, and manufacturer identification tags, per tag, \$75.”.

(3) A new subsection (l) is added to read as follows:

“(l) The Mayor may charge an additional fine of \$100 for any motor vehicle whose inspection or registration is not renewed by the expiration date, unless the owner surrenders the tags on or before that date.”.

(c) Section 4(a)(1) (D.C. Official Code § 50-1501.04(a)(1)) is amended as follows:

(1) Subparagraph (B) is amended by striking the word “or” at the end.

(2) Subparagraph (C) is amended by striking the phrase “therefor;” and inserting the phrase “therefor; or” in its place.

(3) A new subparagraph (D) is added to read as follows:

“(D) If, in the case of a charter bus, the motor vehicle is not registered or displaying a trip permit as required by section 2(j).

Amend
§ 50-1501.04

Sec. 404. Section 4(d) of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.03(d)), is amended by striking the phrase “, and buses used in transportation of chartered parties”.

Amend
§ 50-1507.03

Sec. 405. Section 13a(a) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1125; D.C. Code § 50-1403.02(a)), is amended by striking the phrase “, in the absence of compelling circumstances warranting an exception,”.

Amend
§ 50-1403.02

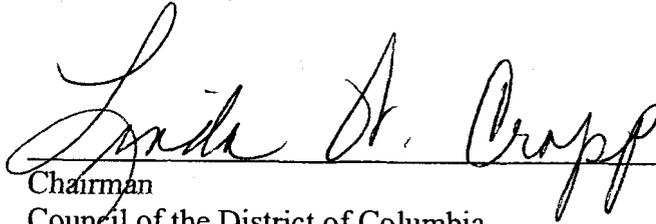
TITLE V. FISCAL IMPACT STATEMENT

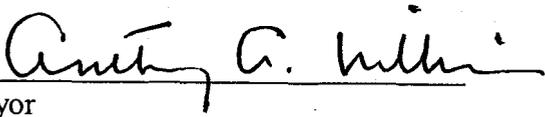
Sec. 501. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE VI. EFFECTIVE DATE

Sec. 601. 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.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006