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**D.C. Code § 42-3131.05** (Copy w/ Cite)

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*D.C. Code § 42-3131.05*DISTRICT OF COLUMBIA OFFICIAL CODE  
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\*\*\* Current through April 1, 2013, and through D.C. Act 19-658 \*\*\*

DIVISION VII. PROPERTY  
TITLE 42. REAL PROPERTY  
SUBTITLE VI. NUISANCE PROPERTY  
CHAPTER 31A. ABATEMENT OF NUISANCE PROPERTY  
SUBCHAPTER II. REGISTRATION OF VACANT BUILDINGS

D.C. Code § 42-3131.05 (2013)

## § 42-3131.05. Definitions

For the purposes of this subchapter, the term:

(1) (A) "Blighted vacant building" means a vacant building that is determined by the Mayor to be unsafe, insanitary, or which is otherwise determined to threaten the health, safety, or general welfare of the community.

(B) In making a determination that a vacant building is a blighted vacant building, the Mayor shall consider the following:

(i) Whether the vacant building is the subject of a condemnation proceeding before the Board of Condemnation and Insanitary Buildings;

(ii) Whether the vacant building is boarded up; and

(iii) Failure to comply with the following vacant building maintenance standards:

(I) Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken doors, windows, and other openings are covered;

(II) The exterior walls are free of holes, breaks, graffiti, and loose or rotting materials, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint; or

(III) All balconies, porches, canopies, marquees, signs, metal awnings, stairways, accessory and appurtenant structures, and similar features are safe and sound, and exposed metal and wood surfaces are protected from the elements by application of weather-coating materials, such as paint.

(1A) "Commercial unit" means a building, or part of a building, zoned for commercial purposes under the zoning regulations of the District of Columbia.

(2) "Dwelling unit" means a room, or group of rooms forming a single unit, designed, or

intended to be used, for living and sleeping, whether or not designed or intended for the preparation and eating of meals or to be under the exclusive control of the occupant. The term "dwelling unit" shall not include a room, or group of rooms forming a single unit, in a hotel or motel licensed in the District of Columbia, actively operating as a hotel or motel.

(2A) "Fit for occupancy" means ready for immediate occupancy by a tenant without more than minor cosmetic changes.

(3) "Occupied" means:

(A) For purposes of a dwelling unit, the use of one's residence in improved real property on a regular basis; and

(B) For purposes of a commercial unit, use consistent with zoning regulations, for which there is a current valid certificate of occupancy, and (i) paid utility receipts for the specified period, executed lease agreements, or sales tax return, or (ii) other evidence of use of the building that the Mayor may require by rule.

(4) "Owner" means one or more persons or entities with an interest in real property in the District of Columbia that appears in the real property tax records of the Office of Tax and Revenue.

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

(4B) "Related owners" or "related ownership" exists when a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

(5) "Vacant building" means real property improved by a building which, on or after April 27, 2001, has not been occupied continuously; provided, that in the case of residential buildings, a building shall only be a vacant building if the Mayor determines that there is no resident for which an intent to return and occupy the building can be shown. When determining whether there is a resident, the Mayor shall consider the following:

(A) Electrical, gas, or water meter either not running or showing low usage;

(B) Accumulated mail;

(C) Neighbor complaint;

(D) No window covering;

(E) No furniture observable;

(F) Open accessibility;

(G) Deferred maintenance, including loose or falling gutters, severe paint chipping, or overgrown grass; and

(H) The dwelling is boarded up.

**HISTORY:** Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 5, as added Apr. 27, 2001, D.C. Law 13-281, § 101, 48 DCR 1888; Aug. 15, 2008, D.C. Law 17-216, § 3(a), 55 DCR 7500; Sept. 24, 2010, D.C. Law 18-223, § 2042(a), 57 DCR 6242.