

ENROLLMENT(S)

(5)

kwiktag®

062 317 522




COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-118

**"Clean Hands Before Receiving a License or Permit
Act of 1996".**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-260 on first and second readings, January 4, 1996 and February 6, 1996 respectively. Following the signature of the Mayor on February 26, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-222 and published in the March 8, 1996, edition of the D.C. Register (Vol. 43 page 1191) and transmitted to Congress on March 18, 1996 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-118, effective May 11, 1996.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

March	18,19,20,21,22,25,26,27,28,29
April	15,16,17,18,19,22,23,24,25,26,29,30
May	1,2,3,6,7,8,9,10

AN ACT
D.C. ACT 11-222

Codification
District of
Columbia
Code
1996 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 26, 1996

New
Subsection II,
Chapter 28
Title 47

To require that an applicant for a license or permit certify as a prerequisite that no outstanding debt more than \$100 is owed to the District government as a result of fines or penalties assessed pursuant to the Litter Control Administration Act of 1985, the Illegal Dumping Enforcement Act of 1994, the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, or as a result of past due taxes; to provide penalties for a false certification by an applicant for a license or permit; and to require denial of the issuance or reissuance of a license or permit if the license or permit applicant owes more than \$100 in outstanding debt to the District government; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clean Hands Before Receiving a License or Permit Act of 1996".

Sec. 2. Definitions.

New Section
47-2861

For the purposes of this act, the term:

(1) "District government" means the Mayor, any executive branch or independent agency excluding the courts, or any board or commission of the government of the District of Columbia.

(2) "License" and "permit" means any license or permit issued by the District government, except that the terms "license" and "permit" shall not include:

(A) Any license or permit required pursuant to the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1301 *et seq.*); or

(B) Any license or permit determined by the Mayor to be necessary to secure, remove, or otherwise remedy an unsafe and hazardous condition that presents an immediate threat to public health or safety.

(3) "Mayor" means the Mayor of the District of Columbia.

ENROLLED ORIGINAL

(4) "Taxes" means any tax or fee, including any penalties or interest associated with such tax or fee, administered by the District of Columbia Department of Finance and Revenue or its successor agency.

Sec. 3. Prohibition against issuance of license or permit.

**New Section
47-2862**

(a) Notwithstanding any other provision of law, the District government shall not issue or reissue any license or permit to any applicant for a license or permit if the applicant owes more than \$100 in outstanding debt to the District as a result of:

(1) Fines, penalties, or interest assessed pursuant to the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code § 6-2901 *et seq.*);

(2) Fines or penalties assessed pursuant to the Illegal Dumping Enforcement Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Code § 6-2911 *et seq.*);

(3) Fines, penalties, or interest assessed pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code § 6-2701 *et seq.*); or

(4) Past due taxes.

(b) For purposes of this section, if: (A) the amount of outstanding debt over \$100 is subject to dispute, (B) the applicant has properly and timely appealed the infraction, assessment, tax, or basis for the alleged debt, and (C) the appeal is pending, then the outstanding debt shall not be cause for the District government to deny the issuance or reissuance of any license or permit pursuant to subsection (a) of this section. Nothing in this section shall be construed as allowing the nonpayment of any tax, fee, fine, penalty, or any other debt owed to the District government for which payment is required by other law.

(c) A license or permit shall not be denied pursuant to subsection (a) of this section if the applicant has agreed to a payment schedule to eliminate the outstanding debt, the payment schedule has been agreed to by the District government, the applicant is complying with the payment schedule, and the payment schedule is otherwise permitted by law.

Sec. 4. Self-certification and enforcement.

**New Section
47-2863**

(a) This act shall be enforced by self-certification by the applicant for a license or permit, provided that the veracity of the self-certification may be investigated upon the initiative of the District government at any time.

(b) At the time of application for a license or permit the applicant shall certify on a form provided by the District government that the applicant owes no outstanding debt over \$100 to the District government as a result of any fine, fee, penalty, interest, or past due tax as set forth in section 3.

(c) Upon receipt of the applicant's certification that the issuance of the license or permit is not prohibited by this act, the District government shall proceed to consider the application as

ENROLLED ORIGINAL

otherwise provided by law.

Sec. 5. Penalties.

**New Section
47-2864**

(a) If the District government determines at any time that an applicant knowingly falsified the certification required by this act, the District government shall:

(1) Proceed immediately to revoke each license or permit, the application for which contains such a falsified certification; and

(2) Fine the applicant \$1,000 for each false certification.

(b) The penalties prescribed by this section shall be applicable only after the applicant is afforded an opportunity for a hearing by the agency which ordinarily would hold a hearing on a revocation of the affected license or permit, and these penalties shall be in addition to any other penalties available by law.

(c) Nothing in this act shall preclude an applicant from submitting a new application for a license or permit.

Sec. 6. Remedies.

**New Section
47-2865**

(a) An applicant whose application for a license or permit is either proposed for denial or revocation, or is denied or revoked, because of this act, shall have the same remedy for appeal as otherwise provided by law for the denial or revocation of the affected license or permit.

(b) Nothing in this act shall be construed as granting a new or separate right of appeal on the merits or validity of fines or penalties, or past due taxes, and any appeal of a denial or revocation pursuant to this act shall not consider the merits or validity of the outstanding debt to the District.

Sec. 7. Enhanced enforcement.

**New Section
47-2866**

(a) The Mayor shall provide the Council, not later than January 15, 1997, a report on the proposed implementation of an interagency computer system that, at a minimum, would enable different government agencies, including the Department of Consumer and Regulatory Affairs, the Department of Finance and Revenue, and the Department of Public Works, to maintain and access up-to-date records of outstanding fines, fees, penalties, interest, taxes, and other charges which may be owed by applicants for licenses or permits from the District government. The report shall include a description of at least 2 proposed alternative computer systems, their different capabilities and limitations, preliminary cost estimates to obtain such systems, and timetables for acquisition and implementation.

(b) For purposes of administering and enforcing any tax law in the District of Columbia, the Mayor may require any owner, occupant, or transferor of real property and any taxpayer to provide a social security number or other tax identification number on any return or in a form and manner as the Mayor prescribes. Any use or disclosure of these numbers shall be for tax administration and enforcement purposes only.

ENROLLED ORIGINAL

Section
6-2907

Sec. 8. Conforming amendment.

Section 8 of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code § 6-2907) is amended by adding a new subsection (d-1) to read as follows:

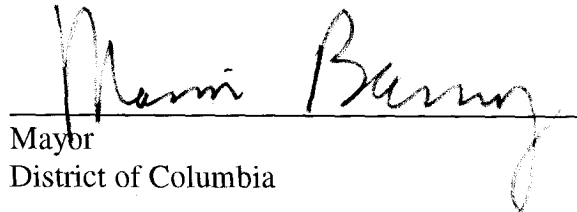
"(d-1) The Mayor or hearing examiner may suspend or refuse to reissue any permit or license which authorizes the respondent to engage in the activity to which the sanction relates, or which otherwise substantially relates to the violation, if the respondent fails to pay any fines, penalties, interest, costs, or expense imposed pursuant to this act. Suspension of the permit or license shall continue until payment is made."

Sec. 9. 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 of the District of Columbia to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: February 26, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-260

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 01-04-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT BRAZIL, CHAVOUS, LIGHTFOOT, RAY AND WHITTINGTON

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Quayle, Jr.
Secretary to the Council

February 8, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 02-06-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Quayle, Jr.
Secretary to the Council

February 8, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date