

AN ACT

Codification  
District of  
Columbia  
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Litter Control Administration Act of 1985 to authorize the District of Columbia to levy and collect assessments for the costs and expenses incurred due to the abatement of nuisances, and to establish the Clean City Fund for the depositing of fines, penalties, interest, charges and costs to offset the cost of administering this act and for recycling activities in accordance with the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Litter Control Administration Amendment Act of 2001".

Sec. 2. The Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-801 *et seq.*), is amended as follows:

- (a) Section 6(g) (D.C. Official Code § 8-805(g)) is repealed.
- (b) Section 8 (D.C. Official Code § 8-807) is amended as follows:

Amend  
§ 8-805  
Amend  
§ 8-807

- (1) Subsection (f) is amended to read as follows:

"(f)(1)(A) The amount to be paid under a notice of violation and any other charges, expenses, costs, penalties, and interest shall be a continuing and perpetual lien in favor of the District upon all real and personal property belonging to a person named in the notice and shall have the same force and effect as a lien created by judgment. Interest shall accrue on the amount due as provided in subsection (h) of this section.

"(B) The lien shall attach to all property belonging to the named person at any time during the period of the lien, including any property acquired by the named person after the lien arises.

"(C) The lien shall have priority over all other liens, except liens for District taxes and District water charges; provided, that the lien shall not be valid as against any bona fide purchaser, or holder of a security interest, mechanic's lienor or other such creditor

interested in the property, without notice, until notice by filing the lien in the Recorder of Deeds. The lien shall be satisfied by payment of the amount of the lien to the agency that issued the notice.

"(D) For reasonable cause shown, the Mayor may abate the amount of the notice and any other charge, expense, penalty, or interest.

"(E) The Mayor may contract with any individual or business to collect the amount of the lien and remunerate the individual or business by fee, by a percentage of the amount collected, or both.

"(2) As additional means for collection, the Mayor may enforce payment of the fines, other charges, expenses, costs, penalties, or interest imposed against the real property of the named person as follows:

"(A) The agency that issues the notice shall record, with the Recorder of Deeds, and in accordance with D.C. Official Code § 47-1340, a real property tax lien captioned "Notice of Converted Real Property Tax Lien". The real property tax lien shall be deemed a delinquent real property tax from the date of the conversion, shall accrue interest at the rate of interest charged for delinquent real property tax, and shall be perpetual. Subject to D.C. Official Code § 47-1340(f), payment thereof shall be credited to the General Fund of the District of Columbia. The real property may be sold at tax sale, regardless of the date of the conversion, in the same manner, under the same conditions, and subject to the same impositions of interest, costs, expenses, fees, and other charges, as real property sold for delinquent real property tax.

"(B) The aggregate amount of the fines, charges, expenses, costs, penalties, and interest secured by the lien imposed under paragraph (1) of this subsection may appear on a real property tax bill, and the aggregate amount shall be:

(i) Deemed an additional real property tax to be collected in the same manner and under the same conditions as real property tax is collected, including the sale of the real property for delinquent tax;

(ii) Credited to the General Fund of the District of Columbia; and

(iii) Subject to the same penalty and interest provisions as delinquent real property tax is subject as of the date of the real property tax bill.

(C) The lien under paragraph (1) of this subsection, with penalty and interest as provided under this section, shall be converted to real property tax as of the due date for payment of the real property tax bill if payment is not made.

"(3) If the lien has been converted to a real property tax lien under D.C. Official Code § 47-1340 or if the accrued amount of the lien appears on the real property tax bill, the real property tax lien shall be enforced under Chapter 13A of Title 47 of the District of Columbia Official Code."

(2) Subsection (h)(1) is amended by striking the word "may" and inserting the word "shall" in its place.

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

"(i) The Mayor may promulgate rules to carry out the intent and purposes of this section."

(c) A new section 8a is added to read as follows:

"Sec. 8a. Clean City Fund.

"Sec. 8a. A Clean City Fund ("Fund") is hereby established, separate from the General Fund of the District of Columbia, into which all fines, penalties, interest, charges and costs assessed pursuant to this act shall be deposited. The deposit of these monies shall be subject to section 8(f)(2).

"(b) The Fund shall be continuing. Revenues deposited in the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available to the Department of Public works for the uses and purposes set forth in this act, subject to authorization by Congress.

"(c) Monies deposited into the Fund shall be used to offset some of the costs of implementing this act and some of the costs of the abatement of solid waste nuisances. Excess monies may be used to fund recycling activities in accordance with section 16 of the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code § 8-1015).

"(d) The Mayor shall submit to the Council an annual statement of the Fund's receipts and disbursements for the preceding fiscal year."

Sec. 3. 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. 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

Amend  
§ 8-807.01

**ENROLLED ORIGINAL**

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia