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U.S. CONGRESS. DISTRICT OF COLUMBIA COMMITTEE (H).

AMENDMENTS REGARDING CONDEMNATION OF INSANITARY
BUILDINGS.

89th, 1st.

H. Rpt. 734

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89TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES }

REPORT
No. 734

AMENDMENTS REGARDING CONDEMNATION OF
INSANITARY BUILDINGS

AUGUST 5, 1965.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. McMILLAN, from the Committee on the District of Columbia,
submitted the following

REPORT

[To accompany H.R. 1778]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 1778) to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 4, line 1, strike out "when" and insert in lieu thereof "with".

The purpose of this bill, which was requested by the District of Columbia Commissioners, is to amend the act of May 1, 1906, as amended by the act of August 28, 1954 (Public Law 681, 83d Cong.), so as to correct what has proved to be certain administrative deficiencies in the act. The proposed amendments would bring the provisions of the act relating to assessment and collection of taxes into conformity with the provisions for assessment and collection of taxes applicable to special assessments levied for public improvements under the act of July 25, 1935 (sec. 47-1103(b), District of Columbia Code, 1951 edition).

Existing law provides for the repair or the demolition by the District of Columbia of buildings condemned under such law, in the event the owner fails to comply with orders of the Board for the Condemnation of Insanitary Buildings to repair or demolish such buildings. Present law further provides that the costs incurred by the District government in repairing or demolishing any such buildings be assessed as a tax against the property and collected in the same manner as general taxes are collected, the tax assessment being enforced by the sale of the property at an annual tax sale. However,

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there is no provision for a specific time when the assessment shall be paid, nor does it provide for interest on delinquent payments.

The bill would amend the act of May 1, 1906, as amended, so as to provide that the assessment may be paid without interest within 60 days after the assessment is levied. Interest at the rate of one-half of 1 percent a month or portion of a month would be charged after such 60-day period. The tax would be payable in three equal installments, with interest. If the tax is not paid in full within 2 years after the assessment is levied, the property would be subject to sale at the next ensuing tax sale. The bill also provides that any tax levied after August 28, 1954, shall be deemed to have been levied on the effective date of the bill for the purpose of determining dates of payment and computing interest thereon.

Another deficiency in the existing law is the specified number of methods of giving notice to the owner of the property affected of the proposed action to be taken by the Board. Any notice required by this act to be served shall be deemed to have been served if delivered to the person to be notified or is left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion, or if no such residence or place of business can be found in the District by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified. If no such office can be found in the District by reasonable search, notice shall be forwarded by registered mail to the last known address of the person to be notified; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded by registered mail is returned by the post office authorities, then it shall be published on 3 consecutive days in a daily newspaper published in the District of Columbia. These several methods must be followed in chronological order.

The bill amends this section of the act so that any order of precedence is eliminated and permits the use of the respective methods of service of notice without the necessity of first exhausting any other method of accomplishing service. The bill provides that in case such notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

A bill identical to this (S. 994) was passed by the Senate in the 88th Congress. Substantially similar bills were passed by the Senate also in the 86th and 87th Congresses.

In the 88th Congress, your committee reported and the Congress approved H.R. 7441 (Public Law 88-486), a bill requested by the District of Columbia Board of Commissioners and containing provisions very similar to those of H.R. 1778, with respect to assessments for dangerous and unsafe buildings, and procedures related thereto.

At a public hearing conducted by Subcommittee No. 2 on August 2, 1965, no opposition to this bill was expressed. Your committee was advised that enactment of this measure will result in no additional costs to the District of Columbia.

Following is the letter from the Board of Commissioners of the District of Columbia under date of February 9, 1965, expressing their reasons for requesting this legislation:

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AMENDMENTS, CONDEMNATION OF INSANITARY BUILDINGS 3

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, February 9, 1965.

HON. JOHN L. McMILLAN,
Chairman, Committee on the District of Columbia,
House of Representatives, Washington, D.C.

MY DEAR MR. McMILLAN: The Commissioners of the District of Columbia have for report H.R. 1778, a bill to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended.

Under the act of May 1, 1906, provision is made for the repair or the demolition by the District of Columbia of buildings condemned under that act in the event the owner fails to comply with orders of the Board for the Condemnation of Insanitary Buildings to repair or demolish such buildings. The act further provides that the costs incurred by the District government in repairing or demolishing any such building be assessed as a tax against the property and collected in the same manner as general taxes are collected.

One purpose of the bill is to eliminate administrative difficulties encountered by the finance officer in connection with the assessment and collection of costs assessed as taxes under the act of May 1, 1906.

The 1906 act provides that the tax assessment be enforced by the sale of the property at an annual tax sale. However, present law does not provide for a specific time when the assessment shall be paid, nor does it provide for interest on delinquent payments. The bill amends section 7 of the act of May 1, 1906, so as to provide that the assessment may be paid without interest within 60 days after the assessment is levied. Interest at the rate of one-half of 1 percent a month or portion of a month would be charged after such 60-day period. The tax would be payable in three equal installments, with interest. If the tax be not paid in full within 2 years after the assessment is levied, the property would be subject to sale at the next ensuing tax sale.

The 1906 act was extensively amended by an act approved August 28, 1954, and many assessments levied subsequent to that date could not be made subject to the imposition of interest for late payments due to the aforementioned deficiencies in present law. The bill rectifies this by providing that any tax levied after August 28, 1954, shall be deemed to have been levied on the effective date of the bill for the purpose of determining dates of payment and computing interest thereon.

The proposed amendments would bring the 1906 act relating to assessment and collection of taxes into conformity with the provisions for assessment and collection of taxes applicable to special assessments levied for public improvements under the act approved June 25, 1935 (sec. 47-1103(b), District of Columbia Code).

Section 10 of the 1906 act reads, in part, as follows:

"SEC. 10. Any notice required by this Act to be served shall be deemed to have been served if delivered to the person to be notified, or if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein; or if no such residence or place of business can be found in

the District of Columbia by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or if no such office can be found in said District by reasonable search, if forwarded by registered mail to the last known address of the person to be notified and not returned by the post office authorities; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post office authorities, if published on three consecutive days in a daily newspaper published in the District of Columbia; * * *

Section 10, it will be noted, provides a number of methods of service of notice, and sets forth the order of precedence in which the respective methods may be used. The bill amends the section so that any order of precedence is eliminated and permits the use of the respective methods of service of notice without the necessity of first exhausting any other method of accomplishing service.

It is recommended that the following amendment be made in the bill:

Page 4, line 1, strike "when" and insert in lieu thereof "with".

The enactment of the bill would result in no additional cost to the District of Columbia.

The Commissioners strongly urge enactment of the bill, with the indicated amendment.

Sincerely yours,

WALTER N. TOBRINER,
President, Board of Commissioners,
District of Columbia.

CHANGES IN EXISTING LAW

In compliance with paragraph 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AN ACT TO CREATE A BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

(34 Stat. 157; 68 Stat. 884)

* * * * *

SEC. 2. (a) The Commissioners are directed to appoint or designate two separate boards, each to consist of not less than three members, to perform the duties and functions required by this Act, as follows:

(1) A Board for the Condemnation of Insanitary Buildings to examine into the sanitary condition of buildings in the District of Columbia, to determine which such buildings are in such insanitary condition as to endanger the lives or health of the occupants thereof or of persons living in the vicinity, and to issue appropriate orders of condemnation requiring the correction of such condition or conditions or to require the demolition of any building, in accordance with the provisions of this Act.

(2) A Condemnation Review Board, no member of which shall act as a member of the Board for the Condemnation of Insanitary Buildings, to review, upon written request, any order of condemnation issued by the Board for the Condemnation of Insanitary Buildings, and to affirm, modify, or vacate such order of condemnation if the Condemnation Review Board shall find that the sanitary condition of the building under examination requires the affirmation, modification, or vacation of such order of condemnation. The Condemnation Review Board shall consist of at least three members and an alternate member for each of said members, at least two-thirds of such members and at least two-thirds of such alternate members to be residents of the District of Columbia and to be selected from among the persons designated under subsection (c) of this section, and not more than one-third of such members and one-third of such alternate members may be employed by the government of the District of Columbia.

(b) A majority of the members of each of the boards established by subsection (a) of this section shall constitute a quorum, and a majority vote of the members present shall be required in connection with any act of either of the said boards. No person shall act as a member of either of the said boards who has any property interest, direct or indirect, in his own right or through relatives or kin, in the building the sanitary condition of which is under consideration.

(c) The Commissioners shall designate a number of real property owning residents of the District of Columbia, not employed by the government of the District of Columbia or the Government of the United States, each of whom from time to time shall be designated by the Commissioners to act as a member or an alternate member of the Condemnation Review Board established under the authority of subsection (a) of this section. Each such person shall be entitled to a fee of \$25 for each day he is actually engaged in discharging his duties as a member of said Board, or as an alternate member acting in the place of a member.

(d) The several provisions of sections 1, 2, and 3 of the Act approved April 16, 1932 (47 Stat. 86; secs. 4-601 to 4-603, D.C. Code, 1951 edition), shall be applicable to and enforceable in any proceeding conducted under the authority of this Act. Each person acting as a member of either of the boards required to be established by this section, and each alternate member when acting in the stead of the member for whom he is alternate, is hereby authorized to administer oaths to witnesses summoned in any proceeding conducted by either of the said boards. Any fee which may be paid any witness summoned to appear before either of the said boards shall be assessed as a tax against the property the condition of which is under investigation, such tax to be collected in the [same manner as general taxes are collected in the District of Columbia] manner provided in section 7 of this Act: *Provided*, That whenever any order of condemnation is vacated or set aside, either by the Condemnation Review Board or by a court, the witness fee authorized by this subsection to be assessed against the property affected by such order of condemnation shall not be so assessed, but shall be paid by the government of the District of Columbia.

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SEC. 7. If the owner of any building or part of building condemned under the provisions of this Act shall fail to remedy in a manner satisfactory to the Board for the Condemnation of Insanitary Buildings the condition or conditions which led to the condemnation thereof, by failing to cause such building or part of building to be put into sanitary condition or to be demolished or removed within the time specified by said Board in the order of condemnation or any extension thereof, he shall be deemed guilty of a misdemeanor and be liable to the penalties provided by section 16 of this Act, and such building or part of building may be put into sanitary condition or be demolished and removed under the direction of said Board, and the cost of such repairs or such demolition and removal, including the cost of making good damage to adjoining premises (except such as may have resulted from carelessness or willful recklessness in the demolition or removal of such building), and the cost of publication, if any, herein provided for, less the amount, if any, received from the sale of the old material, shall be assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected [in the same manner as general taxes are collected in the District of Columbia] as provided in this section: *Provided*, That the pendency of any review or appeal provided for by sections 13 and 14 of this Act shall stay the operation of any order issued by said Board, unless said Board shall find that the condition of said premises is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity: *Provided further*, That the taxes authorized to be levied and collected under this Act may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

[SEC. 10. Any notice required by this Act to be served shall be deemed to have been served if delivered to the person to be notified, or if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein; or if no such residence or place of business can be found in the District of Columbia by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice

relates; or if no such office can be found in said District by reasonable search, if forwarded by registered mail to the last known address of the person to be notified and not returned by the post office authorities; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post office authorities, if published on three consecutive days in a daily newspaper published in the District of Columbia; or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notice to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.]

SEC. 10. (a) Any notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (a) when forwarded to the last known address of the owner as recorded in the real estate assessment records of the District of Columbia by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided*, That valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason; or (b) when delivered to the person to be notified; or (c) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (d) if no such residence or place of business can be found in the District of Columbia by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or (e) if any such notice forwarded by registered or certified mail be returned for reasons other than refusal, or if personal service of any such notice, as hereinbefore provided, cannot be effected, then if published on three consecutive days in a daily newspaper published in the District of Columbia; or (f) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property

in their own right; and notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personal on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

(b) In case such notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

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