

ANC6a Public Safety Committee Meeting
AGENDA
Sherwood Recreation Center
Wednesday, July 18, 2007 at 7 pm

Please review notes from past meetings for details about ongoing committee research (e.g., loitering, papering).

1. Call to order
2. Introductions (2 *minutes*)
3. Housekeeping: **REMINDER NO AUGUST MEETING, sending letters...**
4. Focus Topic: Office of Unified Communications (10 mins, Nixon)
5. New business:
 - a. Graffiti Reduction Bill (Dan Wolff)
 - b. Can we use part of the attached Neighborhood Inventory for Environmental Typology in some way? (Also see <http://www.pire.org/detail2.asp?core=231&cms=72>)
6. Old business
 - a. Concerns with sentencing and maintenance of these for repeat offenders – possible need for community impact statement in PSA 103 (5 mins)
 - b. Office of the Attorney General Court Reports, Corporation Counsel, (Bellino, 5 mins)
 - c. Nuisance property letters from last month (Nixon; 5 mins)
 - d. DC agencies available 24 hours/day (5 mins, Nixon)
 - e. Motorbikes (5 mins, Burger)
7. Updates:
 - a. Crime Summit (Brown & Nixon; 2 mins)
 - b. Teen summit: LIVE and activities to reduce crime (Nixon; 2 mins)
 - c. Guide to DC with Community Outreach (Nixon & Nelson, if time permits)
 - d. Comment only if update available: “Teenage Bridge Program” (Nixon); Crime location reporting upon request (*Nixon & Bellino*), Anti-loitering; 8th & H St NE; Fire hydrants (Laisch); Multi-agency Plan for the Pentacles (Nixon); Bike officers
8. Community Concerns (If time permits)
9. Tasks to be performed by next meeting
10. Adjourn

**ANC6A Public Safety Committee
2007 Mission Statement and Goals**

Mission:

Engage residents, community groups, the District of Columbia Government and all other public and private institutions in an effort to prevent criminal activity affecting our quality of life and promote the public safety and health of our community.

Goals:

1. Act as a convenient and useful forum for residents and local businesses to discuss public safety issues and solutions.
 - a. Hold monthly meetings with a quorum present.
 - b. Increase attendance of residents, businesses, community groups at meetings.
 - c. Improve outreach to and participation of residents from all parts of ANC 6A.
2. Provide the Advisory Neighborhood Commissioner with well-informed recommendations for changes in Federal and District legislation, and regulations and operating procedures of relevant government agencies, based on input from community members.
 - a. Identify at least four changes in DC or Federal legislation that will help improve the public safety of our community.
 - b. Recognize at least four changes in regulations that will help improve the public safety of our community.
3. Improve collaboration among law enforcement agencies in our community including, Park Police, FEMS, WMATA Police, Capitol Police, MPD, and all others to address community issues at the levels of procedure, policy, and legislation.
 - a. Participate in PSA meetings on a monthly basis.
 - b. Provide reports on these collaborations.
 - c. Work with these agencies and council to devise appropriate methods to enhance these relationships.
 - d. Select at least one public safety issue for which we can work with the law enforcement agencies and community to develop an activity to begin progress. (e.g., youth and safe summers)
4. Collaborate with the other ANC committees on the following issues:
 - a. Economic Development and Zoning – Abandoned/Vacant properties that are a safety hazard; illegal construction; H St NE – need for security at new properties
 - b. Transportation Committee – Need for speed control in areas affected by crime
 - c. Alcohol Beverage Licensing – Control of alcohol distribution in areas affected by narcotics and violent crime; Need for security hired at the owner’s expense in all new bars and entertainment venues

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Chairman Vincent C. Gray
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Vincent C. Gray, at the request of the Mayor, introduced the following bill,
which was referred to the Committee on _____.

To establish a new process for graffiti abatement by property owners and the Mayor, to provide that certain actions by a property owner will be deemed to provide consent to permit the Mayor to abate graffiti, to establish an expedited process for adjudication of any notices of violation issued for failure to abate graffiti, to provide for the payment of abatement costs and penalties, to establish a graffiti abatement fund, to provide for liens against property involved in unresolved graffiti violations, to provide graffiti abatement kits, to provide limited immunity from liability for the District government in connection with graffiti abatement activities, to increase the reward for providing information leading to the conviction of someone for a graffiti-related offense, to make it a crime to sell certain graffiti materials to minors, to establish penalties, and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Omnibus Graffiti Reduction Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Abate" means remove or cover.
- (2) "Abatement costs" means the reasonably estimated costs incurred by the District to remove or cover graffiti.

1 (3) "Deputy Chief Financial Officer" means the Deputy Chief Financial Officer
2 for the Office of Tax and Revenue or his designee.

3 (4) "Etching cream" means any caustic cream, gel, liquid, or solution capable, by
4 means of a chemical action, of defacing, damaging, or destroying hard surfaces.

5 (5) "Graffiti" means any writing, drawing, marking, or design that is painted,
6 sprayed, etched, scratched, or otherwise placed on structures, buildings, dwellings,
7 statutes, monuments, fences, vehicles, any personal property located outdoors, trees,
8 rocks, or other natural fixtures, without the consent or authorization of the property
9 owner at the time that the writing, drawing, making, or design was placed on the
10 property.

11 (6) "Owner" means a property owner or the property owner's designated agent
12 unless otherwise specified.

13 (7) "Reply" means the response provided by the owner under subsection 4(c) of
14 this act.

15 Sec. 3. Nuisance.

16 Graffiti is a nuisance and the owner of the property on which the graffiti is located
17 shall abate the graffiti or authorize the Mayor to abate the graffiti as provided for in
18 section 4 of this act.

19 Section 4. Notice of graffiti nuisance and reply.

20 (a) Whenever the Mayor identifies graffiti, the Mayor shall notify the owner that
21 there is graffiti on the property that must be abated. This notification shall be provided
22 by delivering a written notice to the property on which the graffiti is located. If the
23 property on which the graffiti is located has a door, or if it is appurtenant to a structure
24 that has a door, the notice shall be placed on the door. The Mayor may, by regulation,

1 provide for service of this notice by some other method if there is no door on the property
2 on which the graffiti is located.

3 (b) The notice shall include reply space for the owner to notify the Mayor
4 whether the owner:

5 (1) will abate the graffiti by the date stated on the notice and, if this option is
6 selected, whether the owner requests graffiti removal materials;

7 (2) authorizes the Mayor to abate the graffiti; or

8 (3) does not agree to remove the graffiti and does not authorize the Mayor to
9 abate the graffiti. The notice shall state that selection of this option could result in
10 enforcement action being taken against the owner (and not the owner's agent).

11 (c) The notice shall also include a deadline by which the owner must reply by
12 returning the notice to the door where it was originally left, faxing the notice to the
13 number indicated on the notice if one is provided, or using any other method authorized
14 by regulation. The Mayor will return to the property to retrieve the reply no sooner than
15 the deadline stated on the notice.

16 (d)(1) If the owner indicates on the reply indicates that the owner will abate the
17 graffiti by the date stated on the notice, and that the owner wants to receive graffiti
18 abatement materials, the Mayor shall leave them at the property subject to the limitation
19 set out in section 11 of this act.

20 (2) If the owner indicates on the reply that the owner will abate the graffiti, the
21 Mayor will return to the property no sooner than the abatement deadline stated in the
22 notice to see whether or not the graffiti has been abated. If it has not, the Mayor shall
23 issue a notice of violation as provided for in section 6 of this act.

24 (3) If the owner indicates on the reply that the owner does not intend to abate the
25 graffiti and does not authorize the Mayor to abate the graffiti, then the Mayor may issue a

1 notice of violation against the property under the procedures set out in section 6 of this
2 act. The Mayor shall not abate the graffiti until that notice of violation is upheld or the
3 property owner later authorizes the Mayor to abate the graffiti.

4 Sec. 5. Deemed authorization to abate; limitation of liability.

5 (a) If the owner does not reply as provided for in subsection 4(b)(1), 4(b)(2), or
6 4(b)(3) of this act, or by stating that the owner does not agree to abate the graffiti and
7 does not authorize the Mayor to abate the graffiti as provided for in subsection 4(b)(3),
8 the owner shall be deemed to have authorized the Mayor to abate the graffiti. The Mayor
9 may then abate the graffiti as if the owner had provided authorization under subsection
10 4(b)(2) of this act.

11 (b) The owner's authorization (including any deemed authorization) to the Mayor
12 to abate graffiti constitutes consent for the Mayor to enter on to the property to conduct
13 the abatement activity and a waiver of any claims against the District based on graffiti
14 abatement actions undertaken by the Mayor, other than claims for damages based on
15 gross negligence or willful misconduct.

16 Sec. 6. Notice of violation; service of notice.

17 (a) If an owner elects to abate the graffiti and the graffiti has not been abated by
18 the date stated on the notice, or if the reply indicates that the owner does not agree to
19 abate the graffiti and the owner does not authorize the Mayor to abate the graffiti, the
20 Mayor may issue a notice of violation for failure to comply with section 3 of this act.

21 (b)(1) The notice of violation shall be served on the owner, the owner's
22 authorized agent, the building superintendent, or any other responsible individual at the
23 premises or the Mayor may deliver the notice by certified mail to the owner of the
24 premises or to the person responsible for the nuisance. If the owner cannot be identified
25 with reasonable certainty, the Mayor may conspicuously post the notice on the premises

1 alleged to be in violation and deliver a copy of the notice to the Deputy Chief Financial
2 Officer pursuant to subsection (b)(2) of this section.

3 (b)(2) The Deputy Chief Financial Officer is authorized to receive notices of
4 violation of section 3 of this act on behalf of any resident or non-resident person who
5 owns property in the District, if the person has not provided to the Deputy Chief
6 Financial Officer a mailing address. The Deputy Chief Financial Officer shall post a
7 copy of the notice served on the Deputy Chief Financial Officer for the Office of Tax and
8 Revenue in a conspicuous place on the property.

9 Sec. 7. Answer and Expedited Hearing.

10 (a) An owner who has received a notice of violation shall answer within the time
11 period and in the manner stated on the notice of violation as required by the Office of
12 Administrative Hearings. At the time that an owner answers the notice of violation, the
13 owner may request a hearing on the allegations set out in the notice of violation. If the
14 owner fails to answer as provided in the notice of violation, the Office of Administrative
15 Hearings shall issue a default judgment ordering the owner to pay abatement costs,
16 interest, and penalties as provided for in section 8 of this act.

17 (b) If an owner requests a hearing in the time and manner required in the notice
18 of violation, the Office of Administrative Hearings shall issue final orders on notices of
19 violation filed pursuant to this Act no later than 30 days after the date on which the notice
20 of violation was filed with the Office of Administrative Hearings.

21 Sec. 8. Payment of Abatement Costs and Penalties

22 (a) If a default judgment is issued under section 7 of this act or if, after a hearing,
23 the Office of Administrative Hearings finds the owner responsible for the violation set
24 out in the notice of violation, then the District may abate the graffiti and the owner (and

1 not the owner's agent) shall owe to the District two and one-half times the District's
2 abatement costs plus a penalty of \$500.00 for each violation.

3 (b) The Mayor shall bill the owner for the amount owed under subsection (a) of
4 this section. If the amount is not paid within 30 days from the date of the bill, interest
5 shall be assessed at the rate of one and one-half percent per month.

6 Sec. 9. Graffiti Abatement Trust Fund established.

7 (a) A Graffiti Abatement Fund ("Fund") is hereby established, separate from the
8 General Fund of the District of Columbia, into which all fines, penalties, interest, charges
9 and costs, including abatement costs, assessed pursuant to this act, any funds in the
10 Graffiti Trust Fund, established by § 4a of the Anti-Intimidation and Defacing of Public
11 or Private Property Criminal Penalty Act of 1982, effective June 12, 2001 (D.C. Law 13-
12 309; D.C. Official Code § 22-3312.03a(g), on the day before the effective date of this act,
13 and any fines collected as penalties under § 5 of the Anti-Intimidation and Defacing of
14 Public or Private Property Criminal Penalty Act of 1983, effective June 12, 2001 (D.C.
15 Law 13-309; D.C. Official Code § 22-3312.04), shall be deposited. The deposit of these
16 monies shall be subject to the requirements of subsection (10)(b) of this act.

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

21 (c) Monies deposited into the Fund shall be used to offset some of the costs of
22 implementing this chapter and some of the costs of graffiti abatement and prevention.

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

25

1 Sec. 10. Collection against an owner.

2 (a) (1) The amount to be paid under a notice of violation and any other charges,
3 expenses, costs, including abatement costs, penalties, and interest shall be a continuing
4 and perpetual lien in favor of the District upon all real and personal property belonging to
5 a person named in the notice and shall have the same force and effect as a lien created by
6 judgment. Interest shall accrue on the amount due at the rate of one and one-half percent
7 a month.

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

11 (3) The lien shall have priority over all other liens, except liens for District taxes and
12 District water charges; provided, that the lien shall not be valid as against any bona fide
13 purchaser, or holder of a security interest, mechanic's lien or other such creditor interest
14 in the property, until notice of the lien is filed with the Recorder of Deeds. The lien shall
15 be satisfied by payment of the amount of the lien to the District Treasurer.

16 (4) For reasonable cause shown, the Mayor may reduce the amount of the bill or
17 lien.

18 (5) The Mayor may contract with any person to collect the amount of the lien and
19 remunerate the person by fee, by a percentage of the amount collected, or both.

20 (b) As additional means for collection, the Mayor may enforce payment of the
21 fines, penalties, costs, and interest imposed under this section against the real property of
22 the owner as follows:

23 (1) The Mayor shall record a real property tax lien, captioned "Notice of
24 Converted Real Property Tax Lien", with the Recorder of Deeds and in accordance with §
25 47-1340. The real property tax lien shall be deemed a delinquent real property tax from

1 the date of the conversion, shall accrue interest at the rate of interest charged for
2 delinquent real property tax, and shall be perpetual. Payment thereof shall be credited to
3 the General Fund. The real property may be sold at tax sale, regardless of the date of the
4 conversion, in the same manner, under the same conditions, and subject to the same
5 impositions of interest, costs, expenses, fees, and other charges, as real property sold for
6 delinquent real property tax.

7 (2) The aggregate amount of the costs, expenses, penalties, and interest
8 secured by the lien imposed under subsection (a) of this section may appear on a real
9 property tax bill, and the aggregate amount shall:

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

13 (ii) Be subject to the same penalty and interest provisions as delinquent
14 real property tax is subject as of the date of such real property tax bill.

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

18 (d) If the lien has been converted to a real property tax lien under § 47-1340 or if
19 the accrued amount of the lien appears on the real property tax bill, the real property tax
20 lien shall be enforced under Chapter 13A of Title 47.

21 Sec. 11. Graffiti abatement kits.

22 If the Mayor provides a paint voucher to an owner to abate graffiti at a particular
23 property, the Mayor is not required to provide another paint voucher to abate graffiti at
24 that property for the twelve-month period following the date on which the paint voucher
25 was provided. If the Mayor provides a graffiti clean-up kit to an owner to abate graffiti at

1 a particular property, the Mayor is not required to provide another clean-up kit to abate
2 graffiti at that property for the twelve-month period following the date on which the kit
3 was provided. The Mayor may provide other types of graffiti removal materials and, by
4 regulation, limit the extent to which they are provided to a property owner. Nothing in
5 this section precludes the Mayor from providing additional paint vouchers, clean-up kits,
6 or other graffiti removal materials for use in community anti-graffiti efforts.

7 Sec. 12. Reward for information leading to the conviction of a person for placing
8 graffiti.

9 Section 4a of the Anti-Intimidation and Defacing of Public or Private Property
10 Criminal Penalty Act of 1983, effective June 12, 2001 (D.C. Law 13-309; D.C. Official
11 Code § 22-3312.04(g)(3)), is amended by striking the phrase "\$50" and inserting the
12 phrase "\$500.00".

13 Sec. 13. Sale of Graffiti Materials to Minors and Purchase by Minors Prohibited,
14 Penalties.

15 (a) It is unlawful for any person, firm, or corporation, to sell or furnish to any
16 person who is under the age of 18 years, any aerosol can, bottle, spray device or other
17 mechanism designed to dispense paint or a similar substance under pressure, or any
18 etching cream or engraving device capable of leaving a visible mark on a surface, except
19 as provided in this section.

20 (b) The prohibition set out in subsection (a) of this section shall not apply to
21 furnishing six ounces or less of a prohibited material to a minor by the minor's parent,
22 guardian, instructor or employer, for the minor's use under the supervision of the minor's
23 parent, guardian, instructor or employer.

24 (c) It is unlawful for any minor to purchase any aerosol can, bottle, spray device
25 or other mechanism designed to dispense paint or a similar substance under pressure, or

1 any etching cream or engraving device capable of leaving a visible mark on a surface.

2 (d) Violation of any provision of this section is a misdemeanor punishable by a
3 fine of not less than \$250 or more than \$1,000, or imprisonment not to exceed 180 days,
4 or both.

5 Sec. 14. Rulemaking authority

6 (a) The Office of Administrative Hearings is authorized to issue rules to
7 implement section 7 of this act, in accordance with the District of Columbia
8 Administrative Procedure Act, approved October 21, 1968 (82 Stat.1204; D.C. Official
9 Code § 2501 *et seq.*).

10 (b) The Mayor is authorized to issue rules to implement sections 3, 4, 5, 6, 8, 9,
11 10, 11, and 12 of this act, in accordance with the District of Columbia Administrative
12 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2501 *et*
13 *seq.*).

14 Sec. 15. Repealers.

15 (a) Section 4a of the Anti-Intimidation and Defacing of Public or Private
16 Property Criminal Penalty Act of 1983, effective June 12, 2001 (D.C. Law 13-309; D.C.
17 Official Code § 22-3312.03a) is repealed.

18 (b) Section 4b of the Anti-Intimidation and Defacing of Public or Private
19 Property Criminal Penalty Act of 1983, effective June 12, 2001 (D.C. Law 13-309; D.C.
20 Official Code § 22-3312.03b) is repealed.

21 Sec. 16. Conforming amendments.

22 Section 6 of the Office of Administrative Hearings Establishment Act of 2001,
23 effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03) is amended
24 as follows:

25 (a) By adding a new subsection (b-2) to read as follows:

1 "(b-2) In addition to those cases described in subsections (a), (b), and (b-1) of this
2 section, as of the effective date of the Omnibus Graffiti Reduction Act of 2007, this act
3 shall apply to adjudicated cases required to be heard pursuant to section 7 of the Omnibus
4 Graffiti Reduction Act of 2007.

5 (b) Subsection (c) is amended by striking the phrase "(a), (b), or (b-1)" and
6 inserting the phrase "(a), (b), (b-1) or (b-2)" in its place.

7 (c) Subsection (h) is amended by striking the phrase "(a), (b), or (b-1)" and
8 inserting the phrase "(a), (b), (b-1) or (b-2)" in its place.

9 Sec. 17. Fiscal Impact Statement.

10 The Council adopts the fiscal impact statement in the committee report as the
11 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
12 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
13 206.02(c)(3)).

14 Sec. 18. Effective date.

15 This act shall take effect following approval by the Mayor (or in the event of a
16 veto by the Mayor, action by the Council to override the veto), a 30-day period of
17 Congressional review by the Mayor as provided in § 602 (c)(1) of the District of
18 Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official
19 Code § 1-206.02(c)(1), and publication in the District of Columbia Register.