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3
4 Chairman Phil Mendelson
5 at the request of the Attorney General
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7
8 A BILL
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10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14 To amend the Drug-Related Nuisance Abatement Act of 1998 to include real properties
15 where dangerous crimes or crimes of violence are committed as drug-, firearm-or
16 prostitution-related nuisances, to make technical corrections, to authorize ordering
17 security inspections, tamper-resistant locks and doors, and increased lighting at
18 such properties, to specify additional factors the court may consider in abating
19 such nuisances, and to specify damages that may be assessed against the owner; to
20 amend the Property Maintenance Code to require the code official to conduct
21 security reports of such premises and provide them to specified agencies, to
22 require premises with five or more dwelling units to install doors that close and
23 lock automatically, and to maintain minimum illumination of entrances.
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25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
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27 That this act may be cited as the “Secure Apartments for Everyone (SAFE) Regulation
28 Amendment Act of 2024”.
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30 Sec. 2. The Drug-Related Nuisance Abatement Act of 1998, effective March 26,
31 1999 (D.C. Law 12-194; D.C. Official Code § 42-3101 *et seq.*), is amended as follows:

32 (a) Section 2 (D.C. Official Code § 42-3101) is amended as follows:

33 (1) Subsection (5) (D.C. Official Code § 42-3101(5)) is amended as
34 follows:

35 (A) Paragraphs (A) through (C) are amended to read as follows:

36 “(A) Any real property, in whole or in part, where any violation of
37 Chapter 9 of Title 48 occurs;”

38 “(B) Any real property, in whole or in part, where prostitution
39 occurs, or where one or more firearms are unlawfully stored or otherwise kept, or where
40 the sale or manufacture of controlled substances or drug paraphernalia occurs, that has an
41 adverse impact on the community;

42 “(C) Any real property, in whole or in part, where any violation of
43 § 22-2701, § 22-2704, §§ 22-2705 to 22-2712, and § 22-2722 occurs.”.

44 (B) A new paragraph (D) is added to read as follows:

45 “(D) Any real property, in whole or in part, where any dangerous
46 crime as defined in D.C. Official Code § 23-1331(3) or any crime of violence as defined
47 in D.C. Official Code § 23-1331(4) occurs, provided the crime involves use of a firearm.”

48 (2) A new subsection (7) is added to read as follows:

49 “(7) “Owner” means the individual, corporation, partnership, trust association,
50 joint venture, or any other business entity in whom is vested all or any part of the title to
51 the property alleged to be a drug-, firearm-, or prostitution-related nuisance, and the
52 respective agents of such individuals or entities authorized to act with respect to the
53 property.”.

54 (b) Section 5 (D.C. Official Code § 42-3104) is amended by striking the phrase “it
55 appears” and inserting the phrase “the court determines” in its place.

56 (c) A new section 5a is added to read as follows:

57 “In an action under section 3, if the court determines, by affidavit or otherwise,
58 that there is a substantial likelihood that the plaintiff will be able to prove at trial that a
59 drug-, firearm-, or prostitution-related nuisance exists, the court may order a security
60 report of the property from the Department of Buildings or from a third-party expert,

61 including recommended security measures to abate the nuisance. The parties may
62 recommend a third-party expert to the court, and the court shall choose an expert to
63 perform the security report. The owner shall bear the costs of any security report
64 performed by a third-party expert. The plaintiff may request a security report as part of a
65 motion for preliminary injunction or as a separate motion filed with the court at any time.
66 If a security report is ordered, it shall be completed within 30 days. Within 10 days of
67 completion of the report, a copy of a security report containing recommended measures
68 to abate the nuisance activity shall be filed with the court, and the owner shall provide a
69 notice to all tenants at the property informing them that they may request a copy of the
70 security report from the owner without cost.”.

71 (c) Section 11 (D.C. Official Code § 42-3110) is amended as follows:

72 (1) Subsection (b)(3) is amended by striking the phrase “secure locks,
73 hiring private security personnel, increasing lighting in common areas, and using
74 videotaped surveillance” and inserting the phrase “secure and tamper-resistant locks and
75 doors, hiring private security personnel, increasing lighting in common areas inside and
76 outside the property, and using video surveillance” in its place.

77 (2) Subsection (c) is amended as follows:

78 (A) Paragraph (10) is amended by striking the phrase “; or” and
79 inserting a semicolon in its place.

80 (B) Paragraph (11) is amended to read as follows:

81 “(11) The recommendations made in any security report by the
82 Department of Buildings or a third-party security expert;”.

83 (C) New paragraphs (12) and (13) are added to read as follows:

84 “(12) Whether the property, in whole or in part, is where any dangerous
85 crime as defined in § 22-1331(3) or any crime of violence as defined in § 22-1331(4) has
86 occurred; or

87 “(13) Any other factor the court deems relevant.”.

88 (3) Subsection (d) is amended to read as follows:

89 “(d) In considering whether an order under this section may include the hiring of
90 private security personnel, the court shall consider the costs of the requested relief
91 compared to the total gross and net income produced by the property during each of the
92 past three years. The burden shall be on the owner of the property to establish that the
93 court should not enter the requested relief based on this factor.”.

94 (4) A new subsection (e) is added to read as follows:

95 “(e) In fashioning an order under this section, the court shall not consider the lack
96 of action by other property owners, tenants, or third parties to abate the drug-, firearm-, or
97 prostitution-related nuisance.”.

98 (d) Section 12 (D.C. Official Code § 42-3111) is amended as follows:

99 (1) Strike the phrase “whichever is earlier.” and insert the phrase
100 “whichever is earlier. Such damages may be assessed at up to \$1,000 per day for the first
101 30 days and up to \$5,000 per day for each day thereafter.” in its place.

102 (2) Strike the phrase “Corporation Counsel” and insert the phrase “Office
103 of the Attorney General for the District of Columbia” in its place.

104 Sec. 3. Section 10 of the Construction Codes Approval and Amendments Act of
105 1986, effective March 21, 1987 (D.C. Law 6-216; 12-G DCMR § 101 *et seq.*), is
106 amended as follows:

107 (a) 12-G DCMR § 108 is amended by adding a new subsection 108.11 to read as
108 follows:

109 “108.11 If the *code official* receives notice that there have been any of the
110 following at a *premises*:

111 “(a) Two (2) seizures by the Metropolitan Police Department (MPD) of controlled
112 substances within three (3) months;

113 “(b) Two (2) seizures of firearms by MPD within (6) months; or

114 “(c) Two (2) arrests for crimes of violence or dangerous crimes, as defined in
115 D.C. Official Code § 23-1331, within six (6) months;

116 “then the *code official* shall conduct a security assessment of the *premises* and shall
117 issue a security report within thirty (30) days. The security report shall include security
118 measures to abate the nuisance. The *code official* shall serve a copy of the security report
119 on the *owner*, the Office of the Attorney General for the District of Columbia, the
120 Advisory Neighborhood Commission in which the *premises* is located, the office of the
121 ward Councilmember for the ward in which the *premises* is located, and the Office of the
122 Tenant Advocate. The *code official* shall attach to the security report a notice stating that
123 the security report will be served on the Office of the Attorney General for the District of
124 Columbia, the Advisory Neighborhood Commission in which the *premises* is located, the
125 office of the ward Councilmember for the ward in which the *premises* is located, and the
126 Office of the Tenant Advocate. If the *owner* is aware of the existence of a tenant
127 association representing the tenants of the *premises*, the *owner* shall serve a copy of the
128 security report on the president of the tenant association. The *owner* shall also post a copy
129 of a notice in a conspicuous place in or about the *structure* or *premises* informing tenants

130 that they may request a copy of the security report without cost, and the *owner* shall
131 provide a copy of the security report to a tenant upon request.”.

132 (b) 12-G DCMR § 304 is amended by adding a new subsection 304.15.1 to read as
133 follows:

134 “304.15.1 For any *premises* containing five (5) or more *dwelling units*, any door
135 that a person can use to gain access to the interior of any building or *structure* from the
136 exterior of the building or *structure* or from a garage or parking area shall be so designed
137 or equipped so as to close and lock automatically with a lock, including a lock with an
138 electrically-operated striker mechanism, a self-closing door, and associated equipment. If
139 two doors enclose an entryway between the common space of the building or *structure*
140 and the exterior of the building or *structure*, only one door must meet this requirement.”.

141 (c) 12-G DCMR § 402 is amended by adding a new subsection 402.4 to read as
142 follows:

143 “<Insert a new Section 402.4 into the Property Maintenance Code to read as
144 follows:>

145 “402.4 The *owner* of a *premises* containing five (5) or more *dwelling units* shall
146 install and maintain one or more lights at or near the outside of the front entrance way of
147 each *structure*, which shall in the aggregate provide not less than one hundred watts
148 incandescent illumination or its equivalent for a *structure* with a frontage up to twenty-
149 two feet, and two hundred watts incandescent illumination or its equivalent for a
150 *structure* with a frontage in excess of twenty-two feet. In the case of a *structure* with a
151 frontage in excess of twenty-two feet and front entrance doors with a combined width in
152 excess of five feet, the *owner* shall install at least two lights, one on each side of the

153 entrance way, with an aggregate illumination of three hundred watts incandescent
154 illumination or its equivalent. If the minimum level of illumination is maintained, the
155 *owner* may determine details of location, design and installation of lighting fixtures.
156 Excluding the main entrance, the *owner* of a *premises* containing five (5) or more
157 *dwelling units* shall install and maintain at any door that a person can use to gain access
158 to each *structure* from the exterior of the *structure* or from a garage, parking area, yard,
159 or court, one or more lights of at least one hundred watts of incandescent illumination or
160 its equivalent, in such locations as the *code official* may prescribe. The lights required by
161 this subsection shall remain illuminated from sunset on each day to sunrise on the day
162 following.”.

163 Sec. 4. Fiscal impact.

164 The Council adopts the fiscal impact statement in the committee report as the
165 fiscal impact statement required by section 4a of the General Legislative Procedures Act
166 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

167 Sec. 5. Effective Date.

168 This act shall apply as of October 1, 2025.