



KEEPING DC's HISTORIC BUILDINGS IN GOOD REPAIR

How the District Protects Against Demolition by Neglect

The vast majority of historic property owners in the District of Columbia take pride in their buildings and keep them in good repair. Property owners safeguard the city's building heritage, and DC residents are fortunate to share a beautiful living environment as a result.

Despite these efforts, there are neglected, blighted, and abandoned properties in many parts of the city, including historic neighborhoods. District agencies and civic leaders have joined forces in an effort to ensure that these properties neither endanger public safety nor undermine the quality of life in DC communities. The Historic Preservation Office (HPO) in the DC Office of Planning is committed to doing its part to ensure that these chronic eyesores do not damage city's beauty or erode its historic heritage.

Since 2010, District law has included tools to help combat demolition by neglect by imposing greater tax liability on owners of deteriorating property. The city's preservation law also provides clear authority to combat deterioration of historic structures. Through its compliance and enforcement program, HPO uses this authority to protect historic properties from demolition by neglect. HPO works closely with the Department of Consumer and Regulatory Affairs (DCRA) to monitor historic properties in disrepair, and take necessary steps to ensure that deterioration does not progress to more serious neglect.

When is Lack of Maintenance a Problem?

HPO recognizes that sustained maintenance and occasional major repairs to a historic building can be challenging for homeowners and businesses. As a rule, these are *not* enforcement matters, and HPO does not monitor or pursue owners about them. When requested, HPO works cooperatively with property owners on maintenance concerns, and encourages owners who need advice to consult our website or contact our staff for technical assistance. Owners facing a major repair on a limited income are encouraged to consider HPO's targeted historic homeowner grant program as a possible source of financial assistance.

HPO's enforcement of property maintenance standards is aimed at the handful of cases that are true community problems: abandoned properties, long-standing or flagrant violations, and situations that may lead to demolition of historic property by neglect. In these cases, the District's property maintenance codes give the government clear authority, specific standards, and a step-by-step process for taking action to protect the interests of the community.

Property Maintenance Requirements and Remedies

District laws and regulations require owners to maintain their properties in safe and sound condition. These codes establish financial penalties for letting buildings fall into disrepair, and allow the District to take action in response to substantial violations of property maintenance standards. There are different provisions that apply to each of the following circumstances:

- *Property Maintenance:* The District's construction codes require property owners to maintain their buildings free from structural deterioration and unsafe conditions. The District can require defects to be abated, and in some circumstances, can enter the property to correct dangerous conditions.
- *Insanitary Buildings:* The Board for the Condemnation of Insanitary Buildings (BCIB) monitors uninhabitable properties and directs property owners to take appropriate remedial action. If an

owner does not respond, the District may make repairs and assess the costs to the owner.

- *Vacant Buildings:* DCRA identifies vacant buildings and inspects them to ensure they meet property maintenance standards. Vacant buildings must be registered annually and are taxed at the Class 3 rate, which is 5% of the assessed value
- *Blighted Properties:* DCRA determines which vacant buildings are in such serious disrepair that they create a visual and physical blight on the neighborhood. Blighted buildings are taxed at the Class 4 rate—10% of the assessed value—until defects are corrected.
- *Demolition by Neglect:* The DC historic preservation law requires owners of historic property to comply with all District laws and regulations governing property maintenance. The law authorizes the District to take action to prevent demolition by neglect of historic buildings.

Property Maintenance Provisions of the DC Preservation Law

Two sections of the DC preservation law address maintenance of historic property and conditions leading to demolition by neglect:

- Owners of historic property must comply with all laws and regulations governing proper building maintenance, and the District may take enforcement action to ensure compliance; and
- When warranted, the District may seek court action to compel an owner to make repairs, and if necessary, may undertake the repairs and impose the costs as a lien against the property.

Progressive Compliance Procedures

HPO coordinates with DCRA in order to maximize use of the most effective enforcement tools available. HPO may take enforcement action under both DC building code regulations and the preservation law. Typically, enforcement is progressive, beginning with official warnings to correct violations and proceeding to fines and more severe penalties only as necessary. Actions by the Office of the Attorney General (OAG) in DC Superior Court are rare, and no criminal sanction has ever been pursued. HPO's enforcement options include:

- *Notices and fines under the Civil Infractions Act:* HPO may issue notices to abate deteriorated conditions, and may issue fines for violations of the property maintenance standards in the Building Code. These actions are taken in coordination with DCRA, and the Office of Administrative Hearings (OAH) is responsible for adjudication of any fines.
- *Fines under the Historic Protection Act:* HPO may issue fines for violations of the preservation law. OAH is also responsible for adjudication of these fines.
- *Actions by the Condemnation Board:* HPO is represented on BCIB and may obtain compliance through coordinated enforcement actions.
- *Civil action to require repairs:* The Office of the Attorney General may seek an order from DC Superior Court requiring an owner to repair all conditions contributing to demolition by neglect. If the owner does not repair the property within a reasonable period of time, the District may make the repairs and assess the cost as a lien against the property.
- *Criminal action:* OAG may seek a criminal penalty in DC Superior Court with a maximum fine of up to \$1,000 for each day a violation occurs, or imprisonment for up to 90 days, or both.

Establishing Enforcement Priorities

HPO monitors the condition of historic properties on DCRA's semi-annual lists of vacant and blighted properties. HPO also investigates the condition of any other deteriorated properties reported by community representatives or identified through field inspections. On the basis of this information, HPO establishes priorities for addressing potential demolition by neglect. Advisory Neighborhood Commissions and community groups are also encouraged to report nuisance conditions to DCRA for evaluation and possible blighted property determinations. This helps to establish a basis for effective remedies through both DCRA and HPO enforcement action.

Recent Successes

The buildings below were returned to good condition after HPO compliance action in 2010 and 2011.



LeDroit Park after rehabilitation



LeDroit Park after



Sixteenth Street after



Mount Pleasant before



deteriorated conditions



under repair

For Further Reference

Historic Landmark and Historic District Protection Act of 1978, Sections 3, 10a, 10b, 10c, 11, and 11a (DC Official Code § 6-1102, 6-1109.10, 6-1109.02, 6-1109.03, 6-1110, and 6-1110.01).

DC Building Code (12A DCMR)

DC Property Maintenance Code (12G DCMR)

DCRA Vacant Property Compliance Guide 2011 (available at dcra.dc.gov)

HPO website (preservation.dc.gov)

HPO CONTACTS

Toni Cherry Senior Enforcement Officer

442-8844 toni.cherry@dc.gov

Steve Callcott Deputy SHPO

741-5247 steve.callcott@dc.gov