

Public Statement by the Estates, Trusts and Probate Law Section About Bill 18-546, the Neighborhood Preservation Amendment Act of 2009

Note: *The views expressed herein represent only those of the Steering Committee of the Estates, Trust and Probate Law Section and are not those of the D.C. Bar or of its Board of Governors.*

Ellen Marie Klem and Anne Meister, members of the Steering Committee, recuse themselves from participating in this matter.

Hon. Muriel Bowser

Chairperson, Committee on Public Services and Consumer Affairs

Council of the District of Columbia

John A. Wilson Building

1350 Pennsylvania Avenue NW

Washington, DC 20004

Re: Bill 18-546, the Neighborhood Preservation Amendment Act of 2009

Dear Chairperson Bowser:

On behalf of the Steering Committee of the Estates, Trust and Probate Section of the District of Columbia Bar,[1] we are providing you with the Section's comments on the above legislation.

We understand that although your Committee has already held a hearing on this legislation, the record remains open for additional comments.

The Estates, Trusts and Probate Law Section is made up of about 940 attorneys who actively practice estate planning, administration of decedents' estates, and matters involving the protection of the property and health of minors and disabled adults through intervention proceedings such as guardianships and conservatorships in the District of Columbia.

We are very concerned that this legislation does not adequately distinguish between citizens who temporarily vacate their properties for reason of vacation or employment or illness or death or sale, and absentee property owners who make no effort to maintain their properties. The latter group should be subject to the requirements of this legislation, but the former should not.

The legislation presumes that a building is blighted unless registered. The registration requirements are onerous. The penalties for failure to register are harsh. Moreover, keeping a list of vacant properties is a public safety problem in that such a list can assist criminals in identifying unoccupied properties for burglary and vandalism.

We therefore propose an exemption that owners of properties that are vacant for less than ninety days do not have to register and that the exemptions provided in existing D.C. Code §42.3131.06(b)(3) through (b)(8) be retained. Specifically, Personal Representatives of estates owning properties should not have to register for "a period not to exceed 24 months, [if the property is] the subject of a probate proceeding." See current D.C. Code §42.3131.06(b)(7). We respectfully request that you maintain that exemption.

Thank you for your consideration of these comments.

Sincerely yours,

Catherine Mary Rafferty,

Co-Chair

Kimberly Kyle Edley,

Co-Chair

[1] The Steering Committee members are: Catherine Mary Rafferty and Kimberly Kyle Edley, co-chairs, James Larry Frazier, Leroy M. Fykes Jr., Kate M. H. Kilberg, Morris Klein, Ellen Marie Klem, Anne Meister, and Paul D. Pearlstein. Ellen Marie Klem and Anne Meister have recused themselves from participating in this matter.