

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Historic Landmark and Historic District Protection Act of 1978 to require certain notice requirements at the time of an application for a permit for demolition, alteration, or new construction on, or subdivision of, historic properties, or for preliminary or conceptual review of such projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Notice Requirements for Historic Properties Amendment Act of 2014”.

Sec. 2. The Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 6-1104(a)) is amended by striking the phrase “this section and place notice of the application in the District of Columbia Register” and inserting the phrase “this section and section 9c, and, for applications that will be submitted to the Historic Preservation Review Board or the Commission of Fine Arts for a public hearing, place notice of the application in the District of Columbia Register and on the website for the Historic Preservation Office” in its place.

(b) Section 6(a) (D.C. Official Code § 6-1105(a)) is amended by striking the phrase “this section and place notice of the application in the District of Columbia Register” and inserting the phrase “this section and section 9c, and, for applications that will be submitted to the Historic Preservation Review Board or the Commission of Fine Arts for a public hearing, place notice of the application in the District of Columbia Register and on the website for the Historic Preservation Office” in its place.

(c) Section 7(a) (D.C. Official Code § 6-1106(a)) is amended by striking the phrase “this section and place notice of the application in the District of Columbia Register” and inserting the phrase “this section and section 9c, and, for applications that will be submitted to the Historic Preservation Review Board or the Commission of Fine Arts for a public hearing, place notice of the application in the District of Columbia Register and on the website for the Historic Preservation Office” in its place.

(d) Section 8(a) (D.C. Official Code § 6-1107(a)) is amended by striking the phrase “this section and shall place notice of the application in the District of Columbia Register” and insert the phrase “this section and section 9c, and, for applications that will be submitted to the Historic Preservation Review Board or the Commission of Fine Arts for a public hearing, place notice of

the application in the District of Columbia Register and on the website for the Historic Preservation Office” in its place.

(e) Section 9 (D.C. Official Code § 6-1108) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “considered by the Mayor” and inserting the phrase “considered by the Mayor, in accordance with this subsection and section 9c,” in its place.

(2) A new subsection (a-1) is added to read as follows:

“(a-1) The Mayor shall place notice of applications for preliminary review that will be submitted to the Historic Preservation Review Board or the Commission on Fine Arts for a public hearing on the website for the Historic Preservation Office.”.

(3) Subsection (b) is amended by striking the phrase “the application” and inserting the phrase “the application, in accordance with this subsection and section 9c,” in its place.

(4) A new subsection (b-1) is added to read as follows:

“(b-1) The Mayor shall place notice of applications for conceptual review that will be submitted to the Historic Preservation Review Board or the Commission of Fine Arts for a public hearing on the website for the Historic Preservation Office.”.

(f) A new section 9c is added to read as follows:

“Sec. 9c. Notice requirements.

“(a) Immediately after the application is filed for a permit for demolition pursuant to section 5, alteration pursuant to section 6, subdivision pursuant to section 7, new construction pursuant to section 8, preliminary review pursuant to section 9(a), or conceptual review pursuant to section 9(b), that will be submitted to the Historic Preservation Review Board or the Commission of Fine Arts for a public hearing, the applicant shall:

“(1) Post notice of the application on a form provided by the Mayor, in plain view of the public, at each street frontage on the property that is subject to review and on the front of each building located on the property that is subject to review; and

“(2)(A) Provide, by hand delivery with a delivery receipt or via the United States Postal Service with a certificate of mailing, to the owners of record of all confronting or abutting properties, excluding streets and alleys, and to all affected Advisory Neighborhood Commissions, the following:

“(i) Notice of the application;

“(ii) Information regarding how to obtain the schedule for review by the Historic Preservation Review Board or the Commission of Fine Arts; and

“(iii) A copy of the plans for the demolition, alteration, new construction on, or subdivision of, the property that is subject to review, or instructions on how to access the plans on a publicly available website or, upon request, for in-person viewing.

“(B) In the case of a residential condominium or cooperative with 25 or more dwelling units, notice by hand delivery with a delivery receipt or via the United States Postal Service with a certificate of mailing as required by subparagraph (A) of this paragraph may be provided to the board of directors or to the association of the condominium or cooperative that represents all of the owners of all of the dwelling units.

“(b)(1) Before the Mayor approves a permit based on an application submitted to the Historic Preservation Review Board or the Commission of Fine Arts for a public hearing pursuant to section 5, section 6, section 7, section 8, or section 9(a) of this act, or before the Historic Preservation Review Board gives conceptual design approval pursuant to section 9(b) of this act for such an application, the Mayor shall require a certification by the owner that the requirements of subsection (a) of this section have been met.

“(2) The Mayor shall not approve a permit, and the Historic Preservation Review Board shall not grant conceptual design approval, pursuant to paragraph (1) of this subsection until 21 days have elapsed for citizen review of applications prior to the scheduling of a hearing, and following the date the Mayor receives the certification by the owner pursuant to paragraph (1) of this subsection.”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia