



**COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004**

Charles Allen
Councilmember, Ward 6
Chairperson
Committee on Transportation and the Environment

Committee Member
Business and Economic Development
Health
The Judiciary & Public Safety

October 10, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Secretary Smith:

Today, along with Councilmembers Brooke Pinto, Brianne K. Nadeau, Matthew Frumin, Janeese Lewis George, Zachary Parker, Trayon White, Sr., Anita Bonds, Christina Henderson, Robert C. White, Jr., I am introducing the **“Strengthening Probate Administration Amendment Act of 2023.”** Please find enclosed a signed copy of the legislation.

On top of the emotional toll that the death of a loved one can take, the complex financial and administrative issues with administering a loved one’s assets after their death can also cause unneeded stress and anxiety for surviving family members. While certain assets may transfer easily, surviving family members may need to rely on probate, which is the court-involved process of collecting, distributing, and administering a deceased person’s assets. The level of court involvement in the probate process depends on various factors, such as whether a loved one executed a valid will, a surviving family member seeks to have certain assets protected from creditors, and the amount of total assets left behind.

Probate is known to be a complicated area of practice, both in substance and procedure, and coupled with the fact that District residents are self-represented in 35% of large estate cases and 97% of small estate cases, the process can easily become overwhelming and nearly impossible to manage. Currently, there are more than 35 legal services providers in the District that rely on the assistance of pro bono lawyers to help District residents draft wills; however, there is only one that provides probate estate administration services.

In February 2022, the Council for Court Excellence and the District of Columbia Access to Justice Commission released their *Strengthening Probate Administration in the District of Columbia* [report](#), which, taking into account the high number of self-represented litigants in the D.C. courts, recommended legislative and procedural changes to make probate a more accessible and

efficient process for all stakeholders. The bill incorporates recommendations from the report and proposes the following changes:

- ***Streamlines the appointment of representatives for deceased people's estates***

Experienced court staff receive petitions for probate, then send these petitions, along with their recommendations, to a judge. This can needlessly delay the start of the probate process because no one can act on behalf of the deceased person until a personal representative for the estate has been appointed. The bill would remove a step from the process for many estates by allowing experienced court staff, who already evaluate every petition, to appoint a personal representative or send the petition to a judge for further review. This change will allow the process to begin much sooner.

- ***Reduces the publication requirement for Notice of Probate***

Current law requires that an estate publish a “notice of probate” for three weeks and in two different publications. This is longer than other states, and the cost is higher in the District than in neighboring jurisdictions. These costs can be a burden for people with lower and middle incomes. The bill would reduce the publication requirement to two weeks in only one publication, which will save time and money.

- ***Creates an Electronic Will Registry***

A missing will can delay or even prevent probate, burden families, and prevent a loved one's wishes from being carried out. Paper wills can be lost, damaged, or mistakenly destroyed. Not everyone has a lawyer to store their will. Also, many lawyers will not keep wills for their clients because of the open-ended responsibility that creates. The bill would create an electronic will registry that would provide safe storage for anyone who wants to file a will and make it easier to find wills when needed. The costs of creating and maintaining an electronic will registry should be minimal, and this provision compliments the recent passage of the Uniform Electronic Wills Amendment Act of 2022.

- ***Expands the number of estates that qualify as “small estates”***

Small estates are subject to a much less complicated process than those with many assets. Current law defines “small estates” as those with no real property and worth less than \$40,000. Adjusted for inflation, \$40,000 is \$68,690 in 2021. Too many estates are going through a process that is longer and more complicated than needed. The bill would change the definition of a small estate to one that is worth up to \$80,000. This will make the probate process for many estates faster, easier, and less expensive.

- ***Increases the allowable reimbursement rates for funeral expenses***

Current law allows for reimbursement of funeral expenses up to \$1,500. This figure was established in 1980 and has not kept pace with inflation. Neighboring jurisdictions Virginia and Maryland allow for reimbursement of funeral expenses up to \$4,000 and \$15,000, respectively. The bill will increase the reimbursement rate for funeral expenses to up to \$10,000.

- ***Allows transfer by affidavit for small estates***

Transferring property can be a longer and more complex process without transfer by affidavit. A new transfer by affidavit process will allow legal transfer of some property without having to go to court.

- ***Increases the Homestead, Family, and Exempt Property Allowance***

Current law places some family assets beyond the reach of creditors. However, the amounts of those allowances are too low to provide the protection intended because they have not kept pace with inflation. The bill would increase these three allowances to align with inflation, the Uniform Probate Code, and other jurisdictions, and would provide more appropriate support to grieving families.

- ***Replaces the term “standard probate” with “formal probate”***

The name “standard” confuses attorneys and non-attorneys. The requirements for this type of probate only apply in certain circumstances, so the term “formal probate” is more accurate.

This legislation has the support of the Council for Court Excellence, D.C. Access to Justice Commission, Legal Counsel for the Elderly, and D.C. Affordable Law Firm.

Please feel free to reach out to me or my Legislative Director, Antonio Nunes, with any questions or for additional information.

Sincerely,



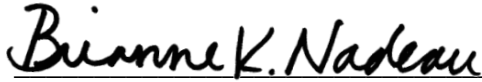
Charles Allen, Ward 6 Councilmember
Chairperson, Committee on Transportation & the Environment
Vice Chair, Metropolitan Washington Council of Governments

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2 Councilmember Brooke Pinto



Councilmember Charles Allen

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5 Councilmember Brianne K. Nadeau



Councilmember Matthew Frumin

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9 Councilmember Janeese Lewis George



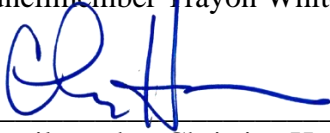
Councilmember Zachary Parker

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13 Councilmember Trayon White, Sr.



Councilmember Anita Bonds

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18 Councilmember Christina Henderson



Councilmember Robert C. White, Jr.

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23 A BILL

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28 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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33 To amend Title 18 of the District of Columbia Official Code to allow for the creation of an
34 electronic will registry with the court during the lifetime of the testator and to specify
35 procedures for depositing and opening of wills; to amend Title 19 of the District of
36 Columbia Official Code to raise the exempt property allowance to \$20,000, to eliminate
37 the exempt property allowance for disinherited adult children, and to raise the Homestead
38 allowance for survivors to \$30,000; to amend Title 20 of the District of Columbia Official
39 Code to expand the definition of a small estate to include estates valued up to \$80,000, to
40 replace the term "standard probate" with "formal probate," to allow for a hybrid process
41 for issuing letters of appointment, to reduce the publication requirement for Notice of
42 Probate from 3 consecutive weeks to 2, to raise the family allowance to \$30,000, to permit
43 transfer by affidavit for small estates, and to increase allowable reimbursement rates for
44 funeral expenses; and to amend Title 47 of the District of Columbia Official Code to
45 increase the Homestead allowance to \$30,000 for decedents.
46

47 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
48 act may be cited as the “Strengthening Probate Administration Amendment Act of 2023”.

49 Sec. 2. Title 18 of the District of Columbia Official Code is amended as follows:

50 (a) The table of contents is amended by adding a new Chapter 10 to read as follows:

51 “Chapter 10. Register of Wills.

52 “§ 18-1001. Electronic register of wills.

53 (b) A new Chapter 10 is added to read as follows:

54 “§ 18-1001. Electronic register of wills.

55 “(a) An electronic will that meets the requirements of the Uniform Electronic Wills Act
56 (D.C. Official Code § 18-901 *et seq.*) may be deposited by a testator, or by the testator’s agent,
57 with the Register of Wills to be safely kept until delivered or disposed of as hereinafter provided.

58 “(b)(1) The will shall be deposited electronically and in a manner which would track any
59 viewing or modification after deposit of the will.

60 “(2) The will is not to be delivered or opened except as provided in this section.

61 “(3) Upon payment of the required fee, the Register of Wills shall give a receipt to
62 the testator or testator’s agent.

63 “(c) The Register of Wills shall retain a permanent copy of an electronic will and a copy
64 of any other document associated with the will, in paper, photographic, magnetic, mechanical,
65 electronic, digital, or any other medium if the copy is maintained in a manner that:

66 “(1) Is clear and legible;

67 “(2) Accurately reproduces the original document in its entirety, including any
68 attachments to the document;

69 “(3) Is capable of producing a clear and legible hard copy of the original
70 document; and

71 “(4) Preserves evidence of any signature contained on the document.

72 “(d) During the lifetime of the testator, a deposited will may be delivered only to the
73 testator, or to a person authorized by the testator in writing to receive it.

74 “(e)(1) The will shall be opened by the Register of Wills after being informed of the
75 death of the testator.

76 “(2) The Register of Wills shall notify the personal representative named in the
77 will that the will is on deposit with the Register of Wills.

78 “(3) The will shall be retained by the Register of Wills as a deposited will until
79 offered for probate.

80 “(4) If the proper venue for the probate of the will is in another court, the will
81 shall be transmitted to such Court; provided, that before such transmission a true copy thereof
82 shall be made and retained in the Court in which the will was deposited.

83 “(f) The Register of Wills shall develop procedures for a testator or testator’s agent to
84 withdraw and/or replace a registered will during the lifetime of the testator.”.

85 Sec. 3. Title 19 of the District of Columbia Code is amended as follows:

86 (a) Section 19-101.02 is amended by striking the phrase “\$15,000” both times it appears
87 and inserting the phrase “\$30,000” in its place.

88 (b) Section 19-101.03 is amended to read as follows:

89 “(a) In addition to the homestead allowance, the decedent’s surviving spouse or surviving
90 domestic partner is entitled from the estate to a value, not exceeding \$20,000 in excess of any

91 security interests therein, in household furniture, automobiles, furnishings, appliances, and
92 personal effects.

93 “(b)(1) If there is no surviving spouse or surviving domestic partner, the decedent’s
94 surviving children are entitled jointly to the same value.

95 “(2) If a written last will and testament does not bequeath anything to the decedent’s
96 surviving children, or does not express an intention to benefit the decedent’s surviving children,
97 then the exempt property allowance shall be eliminated for the decedent’s surviving children.

98 “(c) If encumbered chattels are selected and the value in excess of security interests, plus
99 that of other exempt property, is less than \$20,000, or if there is not \$20,000 worth of exempt
100 property in the estate, the spouse, domestic partner, or children are entitled to other assets of the
101 estate, if any, except for real property, to the extent necessary to make up the \$20,000 value.

102 “(d) Rights to exempt property have priority over all claims against the estate, except the
103 homestead allowance, the family allowance, and as provided in D.C. Official Code § 20-906.

104 “(e) These rights are in addition to any benefit or share passing to the surviving spouse,
105 surviving domestic partner, or surviving children by the decedent’s will, unless otherwise provided
106 by intestate succession or by way of elective share.”.

107 (c) Section 19-101.05 is amended by striking the phrase “\$15,000” and inserting the phrase
108 “\$30,000” in its place.

109 Sec. 4. Title 20 of the District of Columbia Code is amended as follows.

110 (a) Chapter 1 is amended as follows:

111 (1) Section 20-101(r) is amended by striking the phrase “standard probate” and
112 inserting the phrase “formal probate” in its place.

113 (2) Section 20-103 is amended by adding a new subsection (f) to read as follows:

114 “(f) Waiver of notice. — A person may waive the right to any notice or may consent to any
115 matter. The waiver or consent shall set forth the specific matter that is the subject of the waiver or
116 consent, shall be signed, and shall be filed with the Court and served on the personal representative.
117 A person may revoke a waiver or consent at any time by filing a revocation with the Court and
118 serving it on the personal representative. The revocation shall have prospective effect only.”.

119 (b) Chapter 3 is amended as follows:

120 (1) The designation for subchapter III is amended by striking the phrase “Standard
121 Probate” and inserting the phrase “Formal Probate” in its place.

122 (2) Section 20-301 is amended by striking the phrase “standard probate proceeding”
123 and inserting the phrase “formal probate proceeding” in its place.

124 (3) Section 20-303 is amended by a new subsection (c-1) to read as follows:

125 “(c-1) Appointment by Nomination. — Subject to subsections (a) and (b) of this section,
126 the heirs of an intestate decedent or the legatees of a testate decedent may nominate by writing a
127 person to act as personal representative. A person may renounce his or her right to nominate or to
128 an appointment by filing an appropriate writing with the Court. The Register of Wills may
129 proscribe the form by which such nomination shall occur.”.

130 (4) Section 20-304(e) is amended by striking the phrase “standard probate” both
131 times it appears and inserting the phrase “formal probate” in its place.

132 (5) Section 20-311 is amended to read as follows:

133 “(a) Upon request for abbreviated probate contained in a petition for probate, the Register
134 of Wills:

135 “(1) May admit a will to probate; and

136 “(2) Shall appoint one or more personal representatives based on the statements
137 contained in the petition for probate.

138 “(b) The Register of Wills may require additional verified proof, which shall be filed in the
139 proceeding.

140 “(c) The finality of abbreviated probate shall be governed by D.C. Official Code § 20-
141 331.”.

142 (6) Section 20-321 is amended by striking the phrase “standard probate” each time
143 it appears and inserting the phrase “formal probate” in its place.

144 (7) The lead-in language in section 20-322 is amended by striking the phrase
145 “standard probate” and inserting the phrase “formal probate” in its place.

146 (8) Section 20-323(a) is amended to read as follows:

147 “(a) When given. – A person filing a petition for formal probate shall promptly give notice
148 to all known interested persons. In addition, the petitioner shall publish a notice once a week for 2
149 successive weeks in a legal periodical of general circulation in the District or in any other
150 publication the Court may provide by Rule.”.

151 (9) Section 20-324 is amended by striking the phrase “standard probate” both times
152 it appears and inserting the phrase “formal probate” in its place.

153 (10) The designation for section 20-331 is amended by striking the phrase “standard
154 probate” and inserting the phrase “formal probate” in its place.

155 (11) Section 20-343(a) is amended by striking the phrase “3 successive weeks a
156 notice in a newspaper of general circulation in the District of Columbia and” and inserting the
157 phrase “2 successive weeks a notice in a legal periodical of general circulation in the District or”
158 in its place.

159 (12) Section 20-351 is amended by striking the phrase “\$40,000” and inserting the
160 phrase “\$80,000” in its place.

161 (13) A new section 20-358 is added to read as follows:

162 “§ 20-358. Definitions.

163 “For the purposes of this subchapter, the term:

164 “(1) “Designated successor” means one who shall have a fiduciary duty to
165 safeguard and promptly pay or deliver the small asset as required by District law.

166 “(2) “Person” means any individual, corporation, business trust, fiduciary, estate,
167 trust, partnership, limited liability company, association, joint venture, government, governmental
168 subdivision, agency, or instrumentality, public corporation, or any other legal or commercial
169 entity.

170 “(3) “Small asset” means any indebtedness owed to or any asset belonging or
171 presently distributable to the decedent, other than real property. A small asset includes any bank
172 account, savings institution account, credit union account, brokerage account, security, deposit,
173 tax refund, overpayment, item of tangible personal property, or an instrument evidencing a debt,
174 obligation, stock, or chose in action.

175 “(4) “Successor” means any person, other than a creditor, who is entitled under the
176 decedent's will or the laws of intestacy to part or all of a small asset.”.

177 (14) A new section 20-359 is added to read as follows:

178 “§ 20-359. Collection of personal property by affidavit.

179 “(a) Any person indebted to the decedent or having possession of tangible personal
180 property located in the District or an instrument evidencing a debt, obligation, stock, or chose in
181 action belonging to the decedent, shall pay the indebtedness or deliver the tangible personal

182 property or an instrument evidencing a debt, obligation, stock, or chose in action to a person
183 claiming to be the successor of the decedent upon being presented an affidavit made by or on
184 behalf of the successor stating that:

185 “(1) The value of the entire estate subject to administration, wherever located, less
186 liens and encumbrances, does not exceed \$80,000, and does not include an interest in real property;

187 “(2) Sixty days have elapsed since the death of the decedent;

188 “(3) No application or petition for the appointment of a personal representative is
189 pending or has been granted in any jurisdiction;

190 “(4) The claiming successor is entitled to payment or delivery of the property; and

191 “(5) The decedent’s will, if any, was duly admitted to probate.

192 “(b) A transfer agent of any security shall change the registered ownership on the books of
193 a corporation from the decedent to the successor upon the presentation of the security and affidavit
194 as provided in subsection (a) of this section.

195 “(c) The claiming successor shall be liable as a personal representative in the successor’s
196 own wrong to all persons aggrieved by the successor’s administration of the estate, and, if letters
197 of administration are at any time granted in the District or by a court of any other jurisdiction, shall
198 be liable as such to the personal representative.

199 “(d) If the requirements of this section are satisfied, receipt by the holder of the decedent’s
200 property of the affidavit constitutes sufficient acquittance for the payment, delivery, or transfer
201 pursuant to this section and discharges the holder from any further liability with respect to the
202 property. The holder may rely in good faith on the statements in the affidavit and has no duty to
203 inquire into the truth of any statement in the affidavit.

204 (15) A new section 20-360 is added to read as follows:

205 “§ 20-360. Payment or delivery of small asset by affidavit.

206 “(a) Any person having possession of a small asset shall pay or deliver the small asset to
207 the designated successor of the decedent upon being presented an affidavit made by all of the
208 known successors stating:

209 “(1) The value of the decedent's entire probate estate, less liens and encumbrances,
210 as of the date of the decedent's death, wherever located, exceeds the estate’s known liabilities but
211 does not exceed \$40,000, and that such estate does not include an interest in real property;

212 “(2) At least 60 days have elapsed since the decedent's death as shown in a certified
213 copy of the decedent’s death certificate attached to the affidavit;

214 “(3) No application for the appointment of a personal representative is pending or
215 has been granted in any jurisdiction;

216 “(4) The decedent's will, if any, was duly admitted to probate;

217 “(5) The funeral expenses of the decedent have been paid;

218 “(6) The names and addresses of all successors, to the extent known, and the
219 amount, proportion, or percentage of the small asset to which each successor is entitled;

220 “(7) The name of each successor designated to receive payment or delivery of the
221 small asset on behalf of any other successor, the grounds for such representation, and that each
222 designated successor shall have a fiduciary duty to safeguard and promptly pay or deliver the small
223 asset as required by District law; and

224 “(8) The person named as successor to the small asset under the affidavit swears or
225 affirms that all statements in the affidavit are true and material and further acknowledges that any
226 false statement may subject the person to penalties relating to perjury under D.C. Official Code §
227 22-2402.

228 “(b) The designated successor may discharge his fiduciary duty to promptly pay or deliver
229 the small asset to a successor who is, or is reasonably believed to be, incapacitated or under a legal
230 disability, by paying or delivering the asset directly to the incapacitated or disabled successor or
231 applying it for such successor's benefit, or by:

232 “(1) Paying it to the guardian or conservator of such successor’s property or, if no
233 such guardian or conservator exists, the guardian of such successor’s person;

234 “(2) Paying it to such successor's custodian under the District of Columbia Uniform
235 Transfers to Minors Act (D.C. Official Code § 21-301 *et seq.*) or custodial trustee under the District
236 of Columbia Uniform Custodial Trust Act (D.C. Official Code § 19-1101 *et seq.*), and, for that
237 purpose, creating a custodianship or custodial trust;

238 “(3) If the designated successor does not know of a conservator, guardian,
239 custodian, or custodial trustee, paying it to an adult relative or other person having legal or physical
240 care or custody of such successor to be expended on such successor's behalf; or

241 “(4) Managing it as a separate fund on such successor's behalf, subject to such
242 successor's continuing right to withdraw the asset.

243 “(c) A transfer agent of any security, upon the surrender of the certificates, if any,
244 evidencing the security, shall change the registered ownership on the books of a corporation from
245 the decedent to the designated successor upon the presentation of an affidavit as provided in
246 subsection (a) of this section.

247 “(d) The Department of Motor Vehicles shall transfer title of a motor vehicle from the
248 decedent to the designated successor upon the presentation of an affidavit as provided in subsection
249 (a) of this section and payment of any necessary fees.

250 “(e)(1) Upon the presentation of an affidavit as provided in subsection (a) of this section,
251 the designated successor may endorse or negotiate any small asset that is a check, draft, or other
252 negotiable instrument that is payable to the decedent or the decedent's estate.

253 “(2) Notwithstanding the provisions of §§ 28:3-403, 28:3-417, and 28:3-420, a
254 financial institution accepting such check, draft, or other negotiable instrument presented for
255 deposit in such manner is discharged from all claims for the amount accepted.

256 “(f) For purposes of subsection (a) of this section, a distributee has the same rights as a
257 personal representative under D.C. Official Code § 21-2501 *et. seq.* to access a digital asset of the
258 decedent.

259 “(g) The remedies provided by this subchapter shall be in addition to, and not in exclusion
260 of, any other remedies provided by law, including those provided as part of the small estate
261 administration under this subchapter.”.

262 (16) A new section 20-361 is added to read as follows:

263 “§ 20-361. Effect of affidavit.

264 “(a)(1) Any person paying or delivering a small asset pursuant to § 20-360 is discharged
265 and released to the same extent as if that person dealt with the personal representative of the
266 decedent.

267 “(2) Such person is not required to see the application of the small asset or to inquire
268 into the truth of any statement in any affidavit.

269 “(b) If any person to whom such an affidavit is presented refuses to pay or deliver any
270 small asset, it may be recovered, or its payment or delivery compelled, and damages may be
271 recovered, on proof of rightful claim in a proceeding brought for that purpose by or on behalf of
272 the person entitled thereto.

273 “(c)(1) If a person or entity holding property of a decedent refuses to honor an affidavit
274 without reasonable cause, such person or entity shall be liable for all costs, including reasonable
275 attorney fees and costs, incurred by or on behalf of the persons entitled to such property.

276 “(2) The person to whom an affidavit was delivered bears the burden of proving
277 reasonable cause by a preponderance of the evidence.

278 “(d) Any person to whom payment or delivery of a small asset has been made is answerable
279 and accountable therefor to any personal representative of the decedent's estate or to any other
280 successor having an equal or superior right.”.

281 (c) Section 20-527 is amended by striking the phrase “standard probate” each time it
282 appears and inserting the phrase “formal probate” in its place.

283 (d) Chapter 7 is amended as follows:

284 (1) Section 20-701(b) is amended by striking the phrase “standard probate” both
285 times it appears and inserting the phrase “formal probate” in its place.

286 (2) Section 20-704 is amended by striking the phrase “publish a notice of the
287 appointment in a newspaper of general circulation in the District of Columbia and any other
288 publication the Court may order or provide by Rule once a week for 3 successive weeks” and
289 inserting the phrase “publish a notice of the appointment in a legal periodical of general circulation
290 in the District or any other publication as the Court may provide by Rule once a week for 2
291 successive weeks” in its place.

292 (3) Section 20-741(16) is amended by striking the phrase “\$5,000” and inserting
293 the phrase “\$10,000” in its place.

294 (e) Chapter 9 is amended as follows:

295 (1) Section 20-906(a)(2) is amended by striking the phrase “\$1,500” and inserting
296 the phrase “\$5,000” in its place.

297 (2) Section 20-907 is amended by striking the phrase “\$1,500 according to the
298 condition and circumstances of the decedent, but in no event shall such allowance exceed \$5,000”
299 and inserting the phrase “\$5,000 according to the condition and circumstances of the decedent, but
300 in no event shall such allowance exceed \$10,000” in its place.

301 Sec. 5. Title 47 of the District of Columbia Official Code is amended as follows:

302 (a) Section 47-850.02(b) is amended as follows:

303 (1) Paragraph (1) is amended by striking the phrase “30 days” and inserting the
304 phrase “6 months” in its place.

305 (2) A new paragraph (7) is added to read as follows:

306 “(7) Notwithstanding paragraphs (1)-(3) of this subsection, if a real property no
307 longer qualifies as a homestead as a result of the death of the owner, the following provisions shall
308 apply:

309 “(A) The applicant, or current owner if there is no applicant, shall notify the
310 Mayor of the date of the change in eligibility within 180 days after the owner’s death;

311 “(B) The homestead shall continue to the end of the half year following the
312 half year of the death of the owner or 6 months after the death of the owner, whichever is latest;

313 “(C) Notwithstanding subparagraph (A) of this paragraph, the applicant
314 shall not be required to notify the Mayor of the change in eligibility if the real property is
315 transferred and continued to qualify as a homestead within 180 days before the property was
316 transferred by deed to the new owner; and

317 “(D) If the tax is paid within 180 days of the corresponding bill, timely
318 notification of the change in eligibility penalties and interest shall not be assessed.”.

319 (b) Section 47-863(f) is amended by adding a new paragraph (7) to read as follows:

320 “(7) Notwithstanding paragraphs (1)-(3) of this subsection, if a real property no
321 longer qualifies as a homestead as a result of the death of the owner, the following provisions shall
322 apply:

323 “(A) The applicant, or current owner if there is no applicant, shall notify the
324 Mayor of the date of the change in eligibility within 180 days after the owner’s death;

325 “(B) The homestead shall continue to the end of the half year following the
326 half year of the death of the owner or 6 months after the death of the owner, whichever is latest;

327 “(C) Notwithstanding subparagraph (A) of this paragraph, the applicant
328 shall not be required to notify the Mayor of the change in eligibility if the real property is
329 transferred and continued to qualify as a homestead within 180 days before the property was
330 transferred by deed to the new owner; and

331 “(D) If the tax is paid within 180 days of the corresponding bill, timely
332 notification of the change in eligibility penalties and interest shall not be assessed.”.

333 Sec. 6. Fiscal impact statement.

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

337 Sec. 7. Effective date.

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

340 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
341 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
342 Columbia Register.