

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
BRIAN L. SCHWALB

July 11, 2024

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Chairman Mendelson:

I write to transmit the “Secure Apartments for Everyone (SAFE) Regulation Amendment Act of 2024”, for consideration and enactment by the Council of the District of Columbia. The Act will improve safety and reduce incidents of crime at District apartment complexes.

Every Washingtonian deserves to feel safe in their home. Yet, my team and I have heard from community members and Council offices about crime and security problems at apartment buildings across the District. Though we investigate these complaints, take action under the District’s Drug-, Firearm-, or Prostitution-Related Nuisance Act when appropriate, and work with other District agencies to address security concerns, it is clear that landlords, residents, and the District need additional tools to address persistent security problems.

The SAFE Act offers a preventive, proactive suite of tools to address security concerns and enhance the District’s ability to work with tenants and landlords to develop tailored plans to address the needs of each building.

The SAFE Act:

- **Mandates on-site security assessments** by the Department of Buildings for any property where one of the following thresholds has been met:
  - 2 seizures of controlled substances within a three-month period;
  - 2 seizures of firearms within a six-month period; or
  - 2 arrests for [crimes of violence or dangerous crimes](#) committed at the property within a six-month period.
  
- **Following a security assessment**, requires the Department of Buildings to issue a security report detailing specific measures that should be taken to address safety concerns.
  - This report must be shared with the Office of the Attorney General, the Office of the Tenant Advocate, the associated Advisory Neighborhood Commission and Ward Councilmember office, and the president of any applicable tenant association.

- **Expands the scope of the Nuisance Abatement Act** to include serious crimes involving guns, enhancing OAG's ability to enforce the Nuisance Act in situations where crimes of violence or dangerous crimes involving a firearm are occurring at a property.
- **Requires all rental properties with 5 or more units** to maintain self-closing and self-locking exterior doors and adhere to minimum standards for exterior lighting.

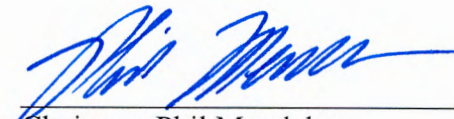
Further proposed changes to the Nuisance Act will enable the Court to order a security assessment of a potential nuisance property to help determine the most appropriate measures and course of action and will also clarify financial damages that landlords who maintain nuisance properties may be ordered to pay, including up to \$1,000 for each day that a nuisance remains unresolved for the first 30 days and up to \$5,000 per day for each subsequent day.

I ask that the Council enact this legislation to enhance apartment building security and deter crime in rental housing. If you have any questions, please contact me or Deputy Attorney General for Policy and Legislative Affairs Candyce Phoenix at (202) 788-2066 or [Candyce.Phoenix@dc.gov](mailto:Candyce.Phoenix@dc.gov).

Sincerely,



Brian L. Schwalb  
Attorney General for the District of Columbia

1  
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4   
5 Chairman Phil Mendelson  
6 at the request of the Attorney General  
7

8 A BILL  
9

10  
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
12  
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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.  
24

25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
26

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



Legal Counsel Division

**MEMORANDUM**

**TO: Tomás Talamante**  
**Director**  
**Office of Policy and Legislative Affairs**

**FROM: Megan D. Browder**  
**Deputy Attorney General**  
**Legal Counsel Division**

**DATE: July 10, 2024**

**RE: Legal Sufficiency Certification of Draft Legislation, the “Secure Apartments for Everyone Regulation Amendment Act of 2024”**  
**(AE-24-154)**

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**This is to Certify that** this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions, please do not hesitate to call me at (202) 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder". The signature is written in a cursive style and is positioned above a horizontal line.

**Megan D. Browder**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF THE ATTORNEY GENERAL**

**BRIAN L. SCHWALB**  
ATTORNEY GENERAL



PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

LEGAL COUNSEL DIVISION

**MEMORANDUM**

**TO: Damon King**  
**Policy Advisor**  
**Office of the Attorney General for the District of Columbia**

**FROM: Megan D. Browder** *MDB*  
**Deputy Attorney General**  
**Legal Counsel Division**

**DATE: July 10, 2024**

**SUBJECT: Legal Sufficiency Review of Draft Legislation, the “Secure Apartments for Everyone Regulation Amendment Act of 2024”**  
**(AE-24-54)**

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This memorandum responds to your request that the Office of the Attorney General conduct a legal sufficiency review of the above-referenced draft legislation. The bill amends Drug-Related Nuisance Abatement Act of 1998<sup>1</sup> and the Property Maintenance Code, Title 12-G DCMR, to require increased security measures in apartment dwellings.

Specifically, the bill amends section 2 of the Drug-Related Nuisance Abatement Act (D.C. Official Code § 42-3101) to change references to properties “used or intended to be used” for drug-related nuisances to references to properties where the nuisances occur. It amends the definition of “drug-, firearm-, or prostitution-related nuisance” to include any real property or any crime of violence occurs, provided the crime involves use of a firearm,<sup>2</sup> and adds a new definition of “owner.” The bill also adds a new section 5a to allow the court to order a security report by the Department of Buildings (“DOB”) or a third-party expert recommended by the parties of suggested measures to abate the nuisance, which shall be filed with the court and made available to the tenants by the owner. Section 11 (D.C. Official Code § 42-3110) is amended to allow the court to order tamper-resistant locks and doors and increased lighting inside and outside the property, and to allow the court to consider the recommendations of the security report and whether the property is where any dangerous crime has occurred. A new subsection is added allowing the court to

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<sup>1</sup> Effective March 26, 1999 (D.C. Law 12-194; D.C. Official Code § 42-3101 *et seq.*).

<sup>2</sup> We have suggested edits to this portion of the bill to make clear whether the use of *any* firearm qualifies as a nuisance or if the firearm must be in the possession of the person(s) committing the crime. We advise using similar language to D.C. Official Code § 22-4502): “provided that the person committing the crime was armed with or had readily available a firearm.”

consider the cost of security personnel based on the property's income, with the burden on the owner to establish that the court should not do so. The bill also amends section 12 (D.C. Official Code § 42-3111) to allow damages of \$1,000 per day for the first 30 days and \$5,000 per day thereafter.

The bill also amends the Property Maintenance Code, 12-G DCMR § 108, to add a new subsection requiring the code official to conduct a security report upon multiple seizures of controlled substances, firearms, or arrests for dangerous crimes in specified periods. The code official must serve the report on specified agencies, any tenant association, and post a conspicuous notice on the building that tenants may request a copy. It amends 12-G DCMR § 304 to add a new subsection requiring any premises containing 5 or more dwelling units to have all doors lock automatically with an electric striker mechanism and self-closing doors; if two doors enclose the entryway, only one must have that equipment. The bill also amends 12-G DCMR § 402 to add a new subsection requiring owners of premises containing 5 or more dwelling units to maintain minimum lighting at entryways and doors and keep the lighting on from sunset to sunrise.

This Office has reviewed the legislation and finds it legally sufficient. If you have any questions regarding this memorandum, please contact Matt James, Assistant Attorney General, Legal Counsel Division, at (202) 724-5558, or me at (202) 724-5524.

MDB/mdj