RESOLUTION 04-08

TO ADOPT CHAPTER 97, TITLE 14 OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS, THE PUBLIC HOUSING VEHICLE TOWING POLICY

RESOLUTION 04-08

TO ADOPT CHAPTER 97, TITLE 14 OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS, THE PUBLIC HOUSING VEHICLE TOWING POLICY

WHEREAS, on January 16, 2004, the District of Columbia Housing Authority (DCHA) published in the District of Columbia Register a rulemaking which proposed a vehicle towing policy for public housing; and

WHEREAS, vehicles which are abandoned serve as breeding grounds for rats and other pests. Additionally, these vehicles present a threat to health and safety as a result of exposed glass, metal shards, combustible fuels and other dangerous conditions; and

WHEREAS, the vehicle towing policy will protect the DCHA's residents from the physical dangers associated with abandoned vehicles, as well as the negative social effects of abandoned vehicles which encourage criminal activity or otherwise disturb the DCHA's residents' right to quiet enjoyment of their tenancy; and

WHEREAS, the proposed policy contains the definitions of abandoned, junked and nuisance vehicles and explains the notice DCHA will provide to owners of these vehicles prior to towing directly or contracting for the towing of such vehicles; and

NOW THEREFORE BE IT RESOLVED, that the District of Columbia Housing Authority hereby adopts Chapter 97 of Title 14 of the District of Columbia Municipal Regulations as attached hereto.

ADOPTED by the Board of Commissioners and signed in open session in authentication of its passage this 11th day of February 2004.

ATTEST:

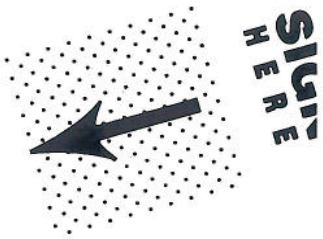
Michael Kelly
Executive Director/Secretary

APPROVAL:

Russell Simmons
Chairman

APPROVED FOR FORM AND LEGAL SUFFICIENCY:

Margaret McFarland
General Counsel



020504

ATTACHMENT

RESOLUTION 04 – 08

To Adopt Chapter 97, Title 14
of the District of Columbia
Municipal Regulations, the Public
Housing Vehicle Towing Policy

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

CHAPTER 97 PUBLIC HOUSING: VEHICLE TOWING POLICY

9700 OVERVIEW

9700.1 The DCHA's mission is to provide properties that are safe, decent, and sanitary dwelling units in which families may live. All DCHA-owned properties are private property and parking is prohibited unless approved by DCHA. In addition, DCHA has the right to tow any unauthorized vehicle on its properties as provided in this Chapter.

9701 DEFINITIONS

9701.1 "Abandoned Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that:

(a) Is inoperable and left unattended on public property for more than 72 hours;

(b) Has remained illegally on public property for more than 72 hours;

(c) Has remained on public property for more than 72 hours and is:

(1) Not displaying current valid registration; or

(2) Displaying registration of another vehicle;

(d) Has remained on DCHA property for more than 72 hours and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from view of individuals on the adjoining properties; or

(e) Has remained unclaimed on DCHA property for 72 hours after proper notice as provided for in Section 9704.3 below.

9701.2 "Junk Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is wrecked, dismantled, or in irreparable condition.

9701.3 "Nuisance Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is a danger to the public health, safety, and welfare of residents or employees including, but not limited to, vehicles that are on cinder blocks/bricks, harbors rats, snakes or other vermin, have open and accessible interior or trunk, or exhibits broken windows, torn sheet metal, or exposed sharp metal.

9701.4 "DCHA Property" shall mean all property, including parking lots, sidewalks or internal DCHA driveways or streets owned or leased by DCHA.

9701.5 "Public Property" shall mean all property, including public streets, alleys, parking lots or other real property owned by the District of Columbia government.

9702 VEHICLES ON PUBLIC PROPERTY

9702.1 If DCHA observes an Abandoned, Nuisance, or Junk Vehicle on a public street or other public property properties, DCHA may contact the District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division to have the vehicle removed from public property within the DCHA property.

9702.2 DCHA may not remove an Abandoned, Nuisance or Junk Vehicle located on Public Property. Only the District of Columbia Department of Public Works may remove such vehicles.

9703 STOLEN VEHICLES

9703.1 If DCHA determines that a vehicle is stolen, whether on DCHA Property or Public Property, the DCHA's Office of Public Safety shall report the vehicle stolen on the requisite Metropolitan Police Department report form or DCHA staff shall notify the Metropolitan Police Department of the stolen vehicle.

9704 REMOVAL OF VEHICLES FROM DCHA PROPERTY

9704.1 If DCHA determines that a vehicle is a Nuisance Vehicle located on DCHA Property, DCHA may immediately remove the vehicle from DCHA Property.

9704.2 If DCHA determines a vehicle is an Abandoned or Junk Vehicle located on DCHA Property for more than 72 hours, a Notice of Infraction may be issued and a Warning Notice to Remove the Vehicle affixed to the vehicle.

9704.3 The Notice of Infraction may be issued and Warning Notice may be affixed by DCHA's Office of Public Safety, Metropolitan Police Department or other authorized appropriate District of Columbia officials.

9704.4 The owner of the Abandoned or Junk Vehicle will have seventy-two (72) hours to remove the vehicle from DCHA Property.

9704.5 Prior to proceeding under § 9705, DCHA will attempt to identify and contact the owner of the vehicle via telephone. In the event DCHA is able to contact the vehicle owner, DCHA will advise the owner of the following:

(a) The owner's vehicle is parked on DCHA Property and inquire as to the owner's intention concerning the removal of the vehicle;

(b) The owner's timely removal of the vehicle is necessary to avoid the vehicle being towed;

(c) The vehicle was issued a Notice of Infraction for being parked on DCHA's Property; and

(d) The process for recovering the vehicle if towed from DCHA Property.

9705 TOWING OF VEHICLES

9705.1 DCHA will make two attempts to contact the owner of a vehicle that has been issued a Notice of Infraction for being parked on DCHA's Property as provided for under Section 9704 above. The attempts will be no less than twenty-four (24) hours apart.

9705.2 If DCHA is unable to contact the owner of a vehicle after two attempts, DCHA will proceed with the removal of the vehicle from DCHA Property.

9705.3 If the vehicle is not removed from DCHA Property within 72 hours of the issuance of the Notice of Infraction and Warning Notice, DCHA will have the vehicle removed by contacting either:

(a) The District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division; or

(b) A tow crane operator licensed with the District of Columbia.