

**Government of the District of Columbia
Office of the Chief Financial Officer**



Natwar M. Gandhi
Chief Financial Officer

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: January 5, 2009

SUBJECT: Fiscal Impact Statement: "Notice of Pendency of Action Amendment Act of 2009"

REFERENCE: Draft – Bill Number Not Available

Conclusion

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation. The proposed legislation is a technical amendment to the *lis pendens* statute of the District of Columbia and does not have any fiscal impact.

Background

The proposed legislation would amend D.C. Official Code § 42-1207 to clarify that, in addition to recordation and notarization requirements as outlined in D.C. Code § 42-1207 subsections b(1) through b(8), a pendency of action would constitute a notice only if the underlying action or proceeding directly affects the title to or leasehold interest in, or asserts a lien, mortgage, security interest, or similar ownership interest in, real property situated in the District of Columbia. The proposed legislation also would authorize District of Columbia courts to cancel a notice of pendency of action filed prior to the entry of judgment in the underlying action or proceeding.

Financial Plan Impact

Funds are sufficient to implement the proposed legislation. The proposed legislation is a technical amendment to the *lis pendens* statute of the District of Columbia, which regulates the notices related to legal action concerning the real estate, involving either the title to the property or a claimed ownership interest in it. It would not have an impact on the District's budget and financial plan.