

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



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

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

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: December 19, 2008

SUBJECT: Fiscal Impact Statement: "Anti-Graffiti Act of 2009"

REFERENCE: Draft Bill- No Number Available

Conclusion

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation.

Background

The proposed legislation would establish a new process for graffiti abatement by property owners and the Mayor.

In addition, and specifically, the proposed bill would:

- Provide that certain actions by a property owner will be deemed to provide consent to permit the Mayor to abate graffiti;
- Establish an expedited process for adjudication of any Notices of Violation (NOV) issues for failure to abate graffiti, including the requirement for the Office of Administrative Hearings (OAH) to issue a final order on a NOV no later than 30 days after the date on which the NOV was filed with OAH;
- Require a property owner (or property owner's designated agent) to pay for the cost of abatement and enumerated penalties when ordered by the District to so do;
- Establish the Graffiti Abatement Fund ("Fund"), a non-lapsing segregated account. All fines, penalties, interest, charges and costs (including abatement costs), assessed pursuant to

this bill, and any funds in the existing Graffiti Trust Fund,¹ and any fines collected as penalties under D.C. Official Code § 22-3312.04, would be deposited into the Fund. Subject to the applicable laws related to the appropriation of District funds, the Fund would be continually available to the Mayor for the uses and purposes set forth in the proposed bill, including graffiti abatement and prevention.

- Provide for actions the District may take against a property owner in order to collect the amount to be paid under a NOV, including perpetual liens in favor of the District upon all real and personal property belonging to the person named in the NOV; and
- Authorize the Mayor to issue paint vouchers, graffiti clean-up kits, and other graffiti removal materials to an owner.

Financial Plan Impact

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation.

It is estimated that Department of Public Works (DPW) and the Office of Administrative Hearings (OAH) could absorb the cost of implementing the proposed legislation with existing resources. If the number of NOVs and owners who are unresponsive to NOVs is higher than anticipated, it could place unbudgeted expenditure pressures on OAH due in part to the expedited hearing provision of the proposed bill.

The revenue impact of the proposed bill cannot be reliably estimated at this time.

¹ See D.C. Official Code § 22-3312.04