
Councilmember Carol Schwartz

Councilmember David A. Catania

Councilmember Sharon Ambrose

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers David A. Catania, Sharon Ambrose and Carol Schwartz introduced the following bill, which was referred to the Committee on _____.

To amend the Construction Codes Approval and Amendments Act of 1986 to establish an electronic database containing the District of Columbia Construction Codes Supplement; to direct the Mayor to reform building permit and inspection practices and procedures; to require the adoption of a District of Columbia Building Rehabilitation Code modeled on the Nationally Applicable Recommended Rehabilitation Provisions; and to establish the Building Rehabilitation Code Advisory Council.

TABLE OF CONTENTS

TITLE I. REGULATORY IMPROVEMENTS.

Sec. 101. Construction Codes Electronic Database.

Sec. 102. Expedited Building Plan Review.

Sec. 103. Third Party Inspection.

TITLE II. DISTRICT OF COLUMBIA BUILDING REHABILITATION CODE.

Sec. 201. District of Columbia Building Rehabilitation Code.

Sec. 202. District of Columbia Building Rehabilitation Code Advisory Council.

Sec. 203. Repealer.

TITLE III. IMPLEMENTATION.

Sec. 301. Rulemaking.

Sec. 302. Fiscal Impact Statement.

Sec. 303. Effective Date.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "HomeStart Regulatory Improvement Amendment Act of 2001".

TITLE I. REGULATORY IMPROVEMENTS.

Sec. 101. Electronic database.

The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1301 *et. seq.*) is amended by adding a new section 4a to read as follows:

"Sec. 4a. Construction Codes database.

"The Mayor shall establish and maintain a searchable electronic database available through the Internet, that at a minimum, contains the District of Columbia Construction Codes 1999 Supplement, set forth in Title 12 of the District of Columbia Municipal Regulations, and any amendments made thereto, to the:

"(1) BOCA National Building Code/1996;

"(2) International Plumbing Code/1995;

"(3) International Mechanical Code/1996;

"(4) BOCA National Fire Prevention Code/1996;

"(5) BOCA National Property Maintenance Code/1996;

"(6) Council of American Building Officials One and Two Family Dwelling Code/1995;

"(7) National Fire Protection Association National Electrical Code/1996; and

"(8) District of Columbia Building Rehabilitation Code.

"(b) DCRA shall make the information in the database available to any interested party.".

Sec. 102. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1301 *et. seq.*) is amended by adding new sections 6b and 6c to read as follows:

"Sec. 6b. Expedited building plan review program.

"(a)(1) The Mayor shall establish an Expedited Building Plan Review Program to provide a separate processing procedure in order to expedite the District's review of certain qualified building plans, provided the plans meet the requirements of the District of Columbia Construction Codes.

"(2) The following components of a plan shall be reviewed by a District-designated Peer Reviewer prior to submission of the building plan to the District of Columbia Department of Consumer and Regulatory Affairs:

"(A) Architectural;

"(B) Civil;

"(C) Structural;

"(D) Mechanical;

"(E) Plumbing;

"(F) Electrical; and

"(G) Fire and Life Safety.

"(3) Plans reviewed and recommended for submission by District-designated Peer Reviewers shall qualify for the Expedited Building Plan Review Program.

"(b) For the purposes of the Expedited Building Plan Review Program, the term:

" (1) "Director" means the Director of the Department of Consumer and Regulatory Affairs ("DCRA") or the Director's designated representative, charged with the administration and enforcement of the District of Columbia Construction Codes.

"(2) "Building plan" means all drawings that together with the specifications describe the proposed building construction or renovation in sufficient detail and provide sufficient information to enable the Director to determine whether it complies with the District of Columbia Construction Codes.

"(3) "District-designated Peer Reviewer" means a Peer Reviewer designated by the Director who is certified in one or more of the components of a plan described in subsection (a)(2).

"(c) Persons who meet the qualifications set forth in subsection (d) shall be eligible, upon their designation as Peer Reviewers by the Director, to review and recommend building plans for submission to the Director for expedited review under Expedited Building Plan Review Program.

"(d) Persons who apply to the Director to become Peer Reviewers shall possess a valid license as an architect or professional engineer in the District of Columbia pursuant to Subchapter I-B of Title 47 of the District of Columbia Code.

"(e) A person who has prepared design plans for any building plan component, including architectural and structural plans, mechanical plans, plumbing plans, and electrical plans shall not serve as a Peer Reviewer for such component.

"(f) When designating a person as a Peer Reviewer, the Director shall:

"(1) Specify the building plan components which the Peer Reviewer is authorized to review and recommend for submission pursuant to this section; and

"(2) Assign a Peer Reviewer Designation Number to such person.

"(g) A person who has been designated as a Peer Reviewer shall review only those components of a building plan which are specified by the Director pursuant to subsection (f) in the Peer Reviewer designation.

"(h) In order to maintain Peer Reviewer designation, persons shall:

"(1) Continue to meet the qualification specified in subsection (d) and provide evidence thereof annually; and

"(2) Recommend for submission building plans which consistently meet the requirements of the District of Columbia Construction Codes.

"(i)(1) Peer Reviewer designation may be revoked by the Director for failure to comply with the requirements of this section. Such revocation shall be in writing and reference the provision of this section with which the Peer Reviewer has not complied.

"(2) Peer Reviewer designation may be reinstated by the Director upon a determination that the basis for revocation of Peer Reviewer designation has been remedied to the satisfaction of the Director and upon the further determination that the person meets the qualifications specified in section (d).

"Sec. 6c. Expedited review procedures.

"(a) Before a property owner or authorized agent may submit building plans to the Director for review and approval under the Expedited Building Plan Review Program, such plans shall have been first reviewed and recommended for submission by a District-designated Peer Reviewer.

"(b)(1) Plans reviewed and recommended for submission by District-designated Peer

Reviewers shall be reviewed by the Director on a priority basis.

"(2) If the Director is satisfied that the building plan conforms with the requirements of the District of Columbia Construction Codes and all applicable laws, rules and regulations, the Director shall approve the plans within 15 calendar days of submission.

"(c) The Expedited Building Plan Review Program shall include periodic detailed review by the Director of plans recommended for submission by District-designated Peer Reviewers.

"(d) The Director shall maintain a tracking system to monitor the recommendations of the District-designated Peer Reviewers and the consistency with which building plans recommended by them conform to the applicable provisions of the District of Columbia Construction Codes.

"(e) The Peer Reviewer Designation Number signifying Director designation as a Peer Reviewer, the Peer Reviewer's signature and District Architect's or Engineer's License number shall be included with the statement set forth in subsection (g) and shall be incorporated into building plans submitted to the Director.

"(f) Each component of the building plan shall be reviewed and recommended for submission to the Director by a designated Peer Reviewer and must include the statement required by subsection (g).

"(g) Building plans accepted by the Director for review under the Expedited Building Plan Review Program shall contain a certification from a District-designated Peer Reviewer recommending submission of the plans for expedited review and shall read as follows: "By signing this document I certify that I have reviewed the [insert the applicable components of the plan that have been peer reviewed and recommended for submission] components of the enclosed building

plan, identified by Tax Map number [insert tax map number], Use Group [insert Use Group], Type of Construction [insert type of construction], and have found such components of the plan to be in conformance with the applicable provisions of the [insert year of current Construction Codes edition] District of Columbia Construction Codes to the best of my professional knowledge and belief. Accordingly, I recommend the aforementioned components of the enclosed plan for submission under the Expedited Building Plan Review Program. I further certify that I am a designated Peer Reviewer and that I am authorized to review and recommend for submission the building plan components specified in the preceding sentence.

"(h) Nothing contained in this section shall be construed as relieving persons who prepare and submit plans of the responsibilities and obligations which they would otherwise have with regard to the preparation of plans, nor shall it relieve the District of its obligations to review all plans in the manner prescribed by law."

Sec. 103. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1301 *et. seq.*) is amended by adding a new section 6d to read as follows:

"Sec. 6d. Third party inspections.

"(a) The Mayor shall allow third party inspectors to certify the work performed pursuant to a building permit.

"(b) The Mayor shall promulgate rules establishing minimum requirements for third party inspectors."

TITLE II. DISTRICT OF COLUMBIA BUILDING REHABILITATION CODE.

Sec. 201. District of Columbia Building Rehabilitation Code.

The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1301 *et. seq.*) is amended by adding a new section 10a to read as follows:

"Sec. 10a. District of Columbia Building Rehabilitation Code.

"(a) For purposes of this section and section 10b, the term:

"(1) "Addition" means an increase in:

"(A) Building area;

"(B) Aggregate floor area;

"(C) Height; or

"(D) Number of stories of a building or structure.

"(2) "Change of occupancy" means a change in the purpose or level of activity within a structure that involves a change in application of the requirements of the District of Columbia Building Rehabilitation Code.

"(3) "Construction permit application" shall mean any application made to the Department of Consumer and Regulatory Affairs.

"(4) "DCBRC" means the District of Columbia Building Rehabilitation Code.

"(5) "DCRA" means the Department of Consumer and Regulatory Affairs.

"(6) "Existing building" means any building or structure that was erected and occupied or issued a certificate of occupancy at least one year before a construction permit application for that building or structure was made to DCRA.

"(7) "Modification" means the:

"(A) Reconfiguration of any space;

"(B) Addition or elimination of any door or window;

"(C) Reconfiguration or extension of any system; or

"(D) Installation of any additional equipment.

"(8) "Reconstruction" means the:

"(A) Reconfiguration of a space which affects an exit or element of the egress access shared by more than a single occupant;

"(B) Reconfiguration of a space such that the work area is not permitted to be occupied because existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained; or

"(C) Extensive modifications.

"(9) "Rehabilitation" means any construction work undertaken in an existing building that includes repair, renovation, modification, reconstruction, change of occupancy, or addition.

"(10)(A) "Renovation" means the:

"(i) Change, strengthening, or addition of load bearing elements; or

"(ii) Refinishing, replacing, bracing, strengthening, upgrading, or extensive repair of existing materials, elements, components, equipment, or fixtures; and

"(B) The term "renovation" shall not include

"(i) Reconfiguration of space; or

"(ii) Interior and exterior painting.

"(11) "Repair" means the patching, restoration, or minor replacement of materials, elements, components, equipment, or fixtures for the purpose of maintaining these materials,

elements, components, equipment, or fixtures in good or sound condition.

"(b) The Mayor shall issue rules in accordance with section 10 to adopt the District of Columbia Building Rehabilitation Code which shall be modeled on the Nationally Applicable Recommended Rehabilitation Provisions developed by the United States Department of Housing and Urban Development. The proposed rules shall be submitted to the Council within 360 days of the effective date of the HomeStart Regulatory Improvement Amendment Act of 2001.

"(c)(1) The purpose of the DCBRC is to encourage and facilitate the rehabilitation of existing buildings by reducing the costs and constraints on rehabilitation resulting from existing standards and procedures.

"(2) The DCBRC shall, at a minimum:

"(A) Maintain a level of safety consistent with existing codes, and provide for multiple categories of work with multiple compliance standards;

"(B) Be enforceable by the Mayor using existing enforcement procedures;

"(C) Apply to repair, renovation, modification, reconstruction, change of occupancy, and addition to an existing building; and

"(D) Provide for an expedited review process for proposed amendments to the DCBRC submitted by the Council of the District of Columbia or another source.

"(d) Within 90 days after the adoption of the DCBRC and any subsequent revisions thereto, the Mayor shall propose amendments to make the Building Code, the Plumbing Code, the Mechanical Code, the Fire Prevention Code, the BOCA National Property Maintenance Code, the One and Two Family Dwelling Code, and the Electrical Code consistent with the DCBRC.

"(e) The Mayor, in cooperation with the District of Columbia Building Rehabilitation Code Advisory Council, shall review the DCBRC and propose amendments at least every three years.

"(f) To enable the electronic database established under section 4a to remain current, any amendment shall be submitted to DCRA at least 15 days prior to the effective date of the amendment."

Sec. 202. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1301 *et. seq.*) is amended by adding a new section 10b to read as follows:

"Sec. 10b. Establishment of the District of Columbia Building Rehabilitation Code Advisory Council.

"(a) The Mayor shall establish the District of Columbia Building Rehabilitation Code Advisory Council ("Rehabilitation Council") consisting of the following members from among whom the Mayor shall designate a Chairman:

"(1) The Director of Housing and Community Development, or his or her designee;

"(2) The Director of the DCRA, or his or her designee;

"(3) The Chief of the Fire and Emergency Services Department, or his or her designee;

"(4) The Chairman of the Historic Preservation Review Board, or his or her designee;

"(5) The Chairperson of the Mayor's Committee on Persons with Disabilities, or

his or her designee; and

"(6) Thirteen members appointed by the Mayor, as follows:

"(A) Four representatives of the building trades who are directly involved or have experience in code setting or enforcement, including plumbers; electricians; heating, ventilation, air-conditioning, and refrigeration contractors; and boiler operators;

"(B) Two architects practicing in the District of Columbia whose practice involves a significant portion of rehabilitation projects;

"(C) A professional engineer;

"(D) Two contractors specializing in rehabilitation construction;

"(E) A commercial and industrial building owner or developer;

"(F) A multifamily building owner or developer; and

"(G) Two members of the general public.

"(b)(1) The members shall serve 4-year terms, except when there is more than one member designated in subsection (a)(6) of this section 1/2 of the members shall be appointed initially for 2-year terms.

"(2) A member may continue to serve after the expiration of his or her term until a successor is appointed.

"(3) A member appointed after a term has begun shall serve only for the remainder of the term and until a successor is appointed.

"(4) Appointed members shall serve no more than 2 terms.

"(5) Members shall serve without compensation and shall be reimbursed for reasonable expenses.

"(c) The Rehabilitation Council shall:

"(1) Advise the Mayor on the development, adoption, and revisions to the DCBRC;

"(2) Develop, to the extent possible, the DCBRC to avoid increased costs to the District of Columbia arising from implementation of the DCBRC; and

"(3) Provide, to the extent District of Columbia funds are available, training on the DCBRC for District personnel responsible for administering the DCBRC and for public and private construction-related professionals.

"(d) DCRA shall provide administrative and staff services to the Rehabilitation Council.".

Sec. 203. Repealer.

Chapter 36 of the Construction Codes Supplement of 1999 Building Code (12A DCMR Chapter 36; 47 DCR 9549) is repealed as of the effective date of the District of Columbia Building Rehabilitation Code promulgated pursuant to Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1301 *et. seq.*)

TITLE III. IMPLEMENTATION.

Sec. 301. The Mayor pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), may issue rules to implement the provisions of this act.

Sec. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 303. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.