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2 Councilmember Jack Evans

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6 Councilmember Elissa Silverman

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10 Councilmember Brandon T. Todd

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14 Councilmember Robert C. White, Jr.

  
Chairman Phil Mendelson

  
Councilmember Brianne K. Nadeau

  
Councilmember Anita Bonds

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17 A BILL

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21 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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25 To amend the Construction Codes Approval and Amendments Act of 1986 to require the repair  
26 and mitigation of damage done to an adjoining or abutting property in cases where the  
27 adjoining or abutting real property owner demonstrates that the damage was caused by  
28 construction and the Department of Consumer and Regulatory Affairs has issued a stop  
29 work order.

30 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
31 act may be cited as the “Illegal Construction Repair and Mitigation Amendment Act of 2019”.

32 Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March  
33 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended by adding a new  
34 section 8b to read as follows:

35 “Sec. 8b. Stop work orders and damage to an adjoining or abutting property.

36 “(a) When the Department of Consumer and Regulatory Affairs (“Department”) finds, by  
37 a preponderance of the evidence, that a parcel of real property or any structure located on a

38 parcel of real property has been damaged by construction occurring on an adjoining parcel of  
39 real property for which the Department has issued a stop work order pursuant to section 114 of  
40 Title 12-A of the District of Columbia Municipal Regulations (12-A DCMR § 114), the  
41 Department shall not lift the stop work order until:

42           “(1) The Department finds, by a preponderance of evidence, that the damage to  
43 the real property or structure has been repaired or otherwise mitigated by the owner of the  
44 property subject to the stop work order; or

45           “(2) A court or the Office of Administrative Hearings orders the stop work order  
46 to be lifted.

47           “(b)(1) A real property owner who alleges damage to his or her real property may petition  
48 the Department to take action pursuant to subsection (a).

49           “(2) The Department shall respond to the petition from a real property owner  
50 within five business days of receipt.”.

51           Sec. 4. Fiscal impact statement.

52           The Council adopts the fiscal impact statement in the committee report as the fiscal  
53 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
54 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

55           Sec. 5. Effective date.

56           This act shall take effect following approval of the Mayor (or in the event of veto by the  
57 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
58 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
59 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
60 Columbia Register.