



Chairman Phil Mendelson

AMENDMENT

B24-924, "Protecting Adjacent and Adjoining Property Owners from Construction Damage Amendment Act of 2022"
(Engrossed Version)
December 19, 2022

Amendment:

Sec. 2 is amended as follows:

(1) Text on lines 40 through 42 is amended to read as follows:

“(B) The following permits shall require insurance pursuant to subparagraph (A) of this paragraph; **provided, that the requirements shall apply only to permits issued ~~no later than~~ 90 days or more after finals rules are promulgated by the Mayor pursuant to subparagraph (E D) of this paragraph:**”.

(2) Text on lines 67 through 69 is amended to read as follows:

“(D) For purposes of this section, the term –

“(i) “Adjacent property” means any privately held property (all or a portion thereof) within 30 feet of a property line of the real property for which the permit is applied; provided, that the adjacent property is separated by an alley or public space from the real property for which the permit is applied.

“(ii) “Adjoining property” means any privately held real property that shares a property line with real property for which the permit is applied.

“(E) The Mayor shall issue rules to implement this paragraph, pursuant to the authority provided in Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409). **Rules issued pursuant to this subparagraph shall consider current standard construction insurance rates from at least 6 insurance providers licensed and registered with the Department of Insurance, Securities and Banking to determine appropriate rates of insurance for applicable construction permits in subparagraph (B) of this paragraph. Rates collected from providers pursuant to this subparagraph shall be published in the notice of rulemaking**”.

Rationale: This amendment does three things. First, it clarifies that the insurance requirements will only apply to permits issued 90 days or more after publication of final rules. Second, it adds definitions for the terms “adjacent property” and “adjoining property” to provide greater clarity to permit applicants, reviewers, and insurance companies. Third, it requires the Mayor to consider standard construction rates (coverage) from at least 6 insurance providers licensed and registered in the District during rulemaking. This should ensure that the rates established pursuant to rulemaking are not inconsistent with current practices in the construction industry.