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Councilmember Anita Bonds Chairman Phil Mendelson

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Councilmember David Grosso Councilmember Robert C. White, Jr.

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Councilmember Brianne K. Nadeau Councilmember Jack Evans

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Councilmember Brandon Todd Councilmember Kenyan McDuffie

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Councilmember Charles Allen Councilmember Trayon White, Sr.

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Air Quality Amendment Act of 2013 to provide for administrative enforcement of indoor mold remediation standards and procedures of the act; and to require Department of Consumer and Regulatory Affairs housing inspectors to be certified to conduct indoor mold assessment and remediation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Indoor Mold Remediation Enforcement Amendment Act of 2019”.

Sec. 2. The District of Columbia Air Quality Amendment Act of 2013, effective September 9, 2014 (D.C. Law 20-135; D.C. Official Code § 8-241.01 *et seq*.) is amended as follows:

(a) Section 306 (D.C. Official Code § 8-241.05), is amended by adding a new subsection (c) to read as follows:

“(c)(1) The Department of Consumer and Regulatory Affairs or the Director shall issue a notice of violation requesting a residential property owner remediate indoor mold in accordance with section 305 if the Department of Consumer and Regulatory Affairs or Director determines that a property has ten or more square feet (10 ft.2) of indoor mold growth in an affected area.

“(2) The Department of Consumer and Regulatory Affairs or Director, depending upon who issued the notice of violation, shall impose a penalty on a residential property owner who fails to remediate indoor mold in accordance with section 305, which shall be a class 4 infraction under the schedule of fines in Chapter 32 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR Section 3200 *et seq*.)

“(3) A residential property owner may submit a written request to extend the timeline for indoor mold remediation to the Department of Consumer and Regulatory Affairs or Director. The Department of Consumer and Regulatory Affairs or Director may extend the timeline for remediation when:

“(A) The residential property owner has made good faith efforts to remediate the mold; and

“(B) Remediation of the indoor mold requires more than 30 days to complete.

“(4) The Department of Consumer and Regulatory Affairs or Director shall notify the residential property owner and tenant of his or her decision in writing within 10 business days after a written request from the property owner has been received.

“(5) A residential property owner or tenant shall have 15 days from the receipt of the Department of Consumer and Regulatory Affairs or Director’s decision to file an appeal with the Office of Administrative Hearings.”

(b) Section 303(b) (D.C. Official Code § 8-241.02(b)), is amended by striking the word “may” and inserting the word “shall” in its place.

Sec. 3. Certification of Department of Consumer and Regulatory Affairs housing inspectors.

Each housing inspector under the authority of the Department of Consumer and Regulatory Affairs shall obtain certification from the Department of the Energy and Environment to conduct indoor mold assessment and remediation within 180 days after the effective date of this act.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.