COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: September 20, 2022

SUBJECT: Report on Bill 24-664, "Equal Access to Changing Tables Amendment Act of 2022"

The Committee of the Whole, to which Bill 24-664, the "Equal Access to Changing Tables Amendment Act of 2022" was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On February 15, 2022, Bill 24-664, the "Equal Access to Changing Tables Amendment Act of 2022" was introduced by Councilmembers Brianne Nadeau, Robert White, Christina Henderson, Janeese Lewis-George, Mary Cheh, and Charles Allen. As introduced, the bill would require all newly constructed and substantially renovated District-owned and occupied buildings and business establishments with at least one restroom open to the public to provide a diaper changing station in each publicly accessible restroom. In the bill, "substantially renovated" is defined as the construction, alteration, or repair of toilet facilities requiring a permit and costing $10,000 or more. Installation of diaper changing stations would not be required if it would result in non-compliance with District or federal laws relating to access for persons with disabilities, if installation is infeasible due to spatial or structural limitations, if the business holds a Class C/N or D/N nightclub license, or if the business only serves patrons three years of age or above.

The Need for Publicly Accessible Diaper Changing Stations

According to the latest data from the Census Bureau, there are over 25,000 households in the District with a child under the age of three.[1] While these households can curate home environments to fit their family's needs, spaces outside of the home are often not designed with young children in mind.[2] In the District, apps such as Mommy Nearest list only 18 publicly accessible diaper changing stations, four of which are in retail stores, five in grocery stores, and nine in restaurants.[3] There are currently almost 200 grocery stores and over 1,900 restaurants licensed to operate in the District.[4] With the extremely limited availability of publicly accessible diaper changing stations, parents with children in diapers are unable to participate fully in public life. Other states and local jurisdictions have recognized this reality and adopted laws requiring diaper changing stations in new or renovated public buildings. Table 1 provides an overview of enacted state and local laws related to accessible diaper changing stations.

Table 1. Laws Requiring Installation of Diaper Changing Stations

	Applicability And Exemptions	Date of Enactment
Arizona[5]	Requires diaper changing stations in new or completely renovated restrooms in government buildings. Exempts businesses if installation is not feasible, would cause create barriers to access for people with disabilities, or would destroy the historical significance of the property.	May 2019
Baltimore, MD[6]	Requires diaper changing stations in restrooms of newly constructed or substantially renovated businesses classified as Assembly Group, Business Group B, and Mercantile Group M and government-owned buildings. Exempts businesses if they prohibit access by minors, or if installation is not feasible.	November 2018
California[7]	Requires diaper changing stations in new or renovated public buildings and certain newly constructed or renovated businesses such as theaters, grocery stores, and restaurants. Exempts bars and nightclubs	October 2017

[1] U.S. Census Bureau, American Community Survey 2020 (5-Year Estimate).
[2] A study on the availability of diaper changing stations in restaurants in Philadelphia found that less than 20% had a diaper changing station in any restroom, for instance. See, Pandya, N., Granberg, R., & McIntire, R. K. (2021). A Method for Investigating Access to Diaper Changing Stations in Restaurants. *Cureus*, 13(10).
[3] Data on publicly accessible changing stations are reported by app users. Such data is not meant to be comprehensive or systemic.
[4] Committee analysis of business license data from the Department of Consumer and Regulatory Affairs.
[5] State of Arizona, House Bill 2113 (Chaptered).
[6] City of Baltimore, Ordinance No. 18-182.
[7] State of California, Assembly Bill 1127 (Chaptered).

	that do not permit anyone under the age of 18 to enter and certain bathrooms in health facilities.	
Dallas, TX[8]	Requires diaper changing stations in newly constructed or renovated government-owned buildings and certain businesses. No exemptions for covered businesses.	April 2019
Honolulu, HI[9]	Requires diaper changing stations in newly constructed or substantially government-owned buildings and certain business establishments. Exempts businesses if installation is not feasible or would create a financial hardship.	August 2015
Illinois[10]	Requires diaper changing stations in public buildings, which include state-owned buildings and certain retail stores and restaurants. Exempts bars and nightclubs that do not permit anyone under the age of 18 to enter, certain bathrooms in health facilities, and where installation is not feasible.	August 2019
Nevada[11]	Requires local jurisdictions to adopt building codes that require diaper changing stations in newly constructed buildings or facilities used by the public.	June 2017
New Mexico[12]	Requires diaper changing stations in newly constructed buildings for use by the public, which includes hotels, restaurants, and theaters. No exemptions for covered businesses.	April 2019
New York City, NY[13]	Requires diaper changing stations in certain business establishments. No exemptions for covered businesses.	January 2018
San Antonio, TX[14]	Requires diaper changing stations in certain newly constructed or substantially renovated buildings. No exemptions for covered businesses.	March 2020

[8] City of Dallas, Ordinance No. 31193.
[9] City of Honolulu, Ordinance No. 15-38.
[10] State of Illinois, House Bill 3711 (Chaptered).
[11] State of Nevada, Assembly Bill 241 (Chaptered).
[12] State of New Mexico, House Bill 205 (Chaptered).
[13] New York City, Local Law 2018-34.
[14] City of San Antonio, Ordinance No. 2020-3-5-166.

Spokane, WA[15]	Requires diaper changing stations in all government-owned and occupied buildings.	April 2019
Utah[16]	Requires diaper changing stations in newly constructed or substantially renovated government-owned buildings.	May 2017

While state and local laws listed in Table 1 differ on some specifics, these laws generally require diaper changing stations in all or newly constructed, government-owned buildings and certain newly constructed or substantially renovated businesses. In Baltimore, for instance, the law requires diaper changing stations in newly constructed or substantially renovated businesses designated as Assembly Group A or Business Group B, which includes movie theaters, concert halls, restaurants, arenas, art galleries, banks, and beauty shops. Similar newly constructed business establishments are covered by the laws in California, Dallas, Honolulu, Illinois, New Mexico, and San Antonio. Of the laws that apply to businesses, roughly half contain exemptions based on whether the installation is feasible, and most exempt bars and nightclubs that do not permit anyone under the age of 18 to enter the premises.

Bill 24-664

As introduced, Bill 24-664 requires all newly constructed and substantially renovated District-owned and occupied buildings and business establishments with at least one restroom open to the public to provide a diaper changing station in each publicly accessible restroom. In the bill, "substantially renovated" is defined as the construction, alteration, or repair of toilet facilities requiring a permit and costing $10,000 or more. Installation of diaper changing stations would not be required if it would result in non-compliance with District or federal laws relating to access for persons with disabilities, if installation is infeasible due to spatial or structural limitations, if the business holds a Class C/N or D/N nightclub license, or if the business only serves patrons three years of age or above. Finally, the bill requires the Mayor to issue rules implementing the law.

Based on feedback from stakeholders, the Committee Print makes several substantive changes to the bill. First, the Print adds a new subsection (a) under Section 10d that would require the installation of diaper changing stations in existing District-owned and occupied buildings. While some jurisdictions that have adopted similar laws have only required diaper changing stations in new or substantially renovated government-owned buildings, the Committee believes all publicly accessible District-owned and occupied buildings should contain a diaper changing stations. This also puts the District on even footing with the federal government, as the Bathrooms Accessible in Every Situation Act, approved by Congress in September 2016, requires diaper changing stations in *all* publicly accessible federal buildings.[17] Second, the Print strikes language that would exempt business establishments that exclusively serve patrons ages three and above. The Committee believes this exemption could create confusion for business owners, as well as patrons, as there is no way to know whether a business does not serve children under the age of three. Instead, the Committee inserts language in its place that would exempt business

[15] City of Spokane, Ordinance No. C35755.
[16] State of Utah, House Bill 303 (Chaptered).
[17] Pub. L. 114-235.

establishments that do not permit anyone under the age of 18 to enter the premises, consistent with recommendations from public witnesses and laws in other jurisdictions. Finally, the Committee Print adds a date certain of January 1, 2023 for diaper changing station requirements in new or substantially renovated District-owned buildings and business establishments. This ensures clarity as to when these provisions apply. Beyond these substantive changes, the Committee Print makes several technical amendments to Bill 24-664, including amending the definition of diaper changing station to be more consistent with its use in building codes and federal law, providing a definition of the term "restroom," and clarifying that the dollar threshold for "substantially renovated" includes labor and material costs.

Conclusion

The lack of diaper changing facilities in public business or government buildings in the District negatively impacts tens of thousands of District residents with babies and toddlers. Bill 24-664 would rectify this situation by requiring diaper changing tables at existing and new government buildings and new or substantially renovated business establishments and places of public accomodaiton, thereby making it easier for people with babies and toddlers to fully participate in public life. Given these facts, the Committee recommends Council approval of the Committee Print for Bill 24-664.

II. LEGISLATIVE CHRONOLOGY

January 25, 2019	Bill 23-361, the "Equal Access to Changing Tables Amendment Act of 2019" is introduced by Councilmembers Brianne Nadeau, Robert White, and Charles Allen.
January 28, 2020	The Committee of the Whole holds a public hearing on Bill 23-361.
February 15, 2022	Bill 24-664, the "Equal Access to Changing Tables Amendment Act of 2022" is introduced by Councilmembers Brianne Nadeau, Robert White, Christina Henderson, Janeese Lewis-George, Mary Cheh, and Charles Allen.
March 1, 2022	Bill 24-664 is "read" at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
March 4, 2022	Notice of Intent to Act on Bill 24-664 is published in the *District of Columbia Register.*
September 20, 2022	The Committee of the Whole marks up Bill 24-664.

III. POSITION OF THE EXECUTIVE

Ernest Chrappah, Director of the Department of Consumer and Regulatory Affairs, testified at the Committee's public hearing on Bill 23-361 on January 28, 2020. Director Chrappah stated that DCRA supports the bill but suggested making two changes to the bill. First, he recommended refining the definition of "substantially renovated" to note whether the $10,000 threshold includes both labor and materials. Second, he recommended exempting nightclubs and bars that do not permit anyone under the age of 18.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee did not receive comments from any Advisory Neighborhood Commission (ANC) regarding this bill.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 23-361, which is substantially similar to Bill 24-664, on Tuesday, January 28, 2020. The testimony summarized below pertains to Bill 23-361. Copies of written testimony are attached to this report.

Mark Lee, Coordinator with the D.C. Nightlife Council, testified in opposition to the bill, but stated that if the Committee moves forward with the legislation, all alcohol-licensed nightlife establishments should be exempt, and the signage requirement should be dropped.

Andrew J. Kline, General Counsel with the Restaurant Association of Metropolitan Washington, testified in support of the bill but recommended that establishments which do not permit patrons under the age of 18 or 21 be exempt and requirements for signage be dropped.

VI. IMPACT ON EXISTING LAW

Bill 24-664 amends the Construction Codes Approval and Amendments Act of 1986 to require all existing, newly constructed, and substantially renovated District-owned and occupied buildings, and newly constructed or substantially renovated business establishments, with at least one restroom open to the public to provide diaper changing stations in each publicly accessible restroom. The bill defines substantially renovated as the construction, renovation, or alteration of a restroom that requires a permit and costs $10,000 or more. Requirements for newly constructed or substantially renovated District-owned buildings or business establishments would apply as of January 1, 2024 or later. The bill exempts business establishments from this requirement if installation is not feasible, would impact access for people with disabilities, the business holds a Class C/N or D/N, or does not permit anyone under the age of 18 to enter the premises. The bill also requires the Mayor, in consultation with the Construction Codes Coordinating Council, to publish regulations implementing the law.

VII. FISCAL IMPACT

VIII. RACIAL EQUITY IMPACT

The attached September 20, 2022 racial equity impact assessment from the Council Office of Racial Equity finds that Bill 24-664 will likely improve quality of life outcomes for Black residents, Indigenous residents, and other residents of color.

IX. SECTION-BY-SECTION ANALYSIS

Section 2 — (a) Provides definitions for the terms "business establishment," "diaper changing station," "restroom," and "substantially renovated."

(b) Adds a new Section 10d that requires diaper changing stations in existing and newly constructed or substantially renovated District-owned and occupied buildings and requires diaper changing stations in newly constructed or substantially renovated business establishments. The section also provides for some exemptions to this requirement.

Section 3 — Requires the Mayor, in consultation with the Construction Codes Coordinating Board, to propose regulations implementing the act.

Section 4 — Applicability.

Section 5 — Fiscal impact statement.

Section 6 — Effective date.

X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 24-664 as introduced.
2. Written Testimony (Bill 23-361).
3. Fiscal Impact Statement for Bill 24-664.
4. Legal Sufficiency Determination for Bill 24-664.
5. Racial Equity Impact Assessment for Bill 24-664.
6. Comparative Print for Bill 24-664.
7. Committee Print for Bill 24-664.

Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Brianne K. Nadeau
Councilmember, Ward 1

Chairperson
Human Services Committee

February 15, 2022

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, along with my colleagues Janeese Lewis George, Christina Henderson, Robert White, Charles Allen, and Mary Cheh, I am introducing the Equal Access to Changing Tables Amendment Act of 2022.

There are many public spaces across the District, including government buildings, that lack diaper changing accommodations. And, when those accommodations are available, they are generally only found in women's restrooms. As a result, caregivers who need to change a diaper, but who cannot use a women's restroom, are forced to find alternatives. They might up changing their baby's diaper on unsanitary surfaces like filthy restroom floors and the cramped bathroom counterspace near which other patrons are washing their hands. This can pose a health and safety risk for caregivers, infants, and the patrons sharing spaces with them. What's more, many same-sex couples are shut of safe, sanitary areas in which to change their children's diapers entirely.

This legislation ameliorates the lack of access to changing tables in the District by requiring all newly constructed or substantially renovated government buildings and business establishments with at least one toilet facility open to the public to provide, on each floor with public restrooms, one of the following:

- At least one diaper-changing accommodation that is available for use by women and at least one that is available for use by men;
- At least one diaper-changing accommodation that is available for use in a gender-neutral toilet facility; or
- At least one diaper-changing accommodation in a private room, space, or area that is available for use by all genders.

This bill was designed to meet the needs of all District stakeholders, from restaurants just getting by with little room to install changing tables, to residents with disabilities who need to be able to navigate the spaces we all share. Accordingly, it carves out exemptions from the changing station requirement for nightclubs, businesses that do not serve very young children, and

situations wherein compliance would restrict access to restrooms for people with disabilities or prove infeasible due to spatial or structural limitations.

This legislation, then, makes the District more humane, more livable, and more equitable at little cost to anyone other than the $150 it costs to install a changing table. I look forward to working with Council colleagues to advance this measure and to make our community a healthier, fairer place for all families.

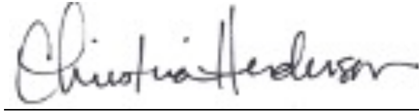
Sincerely,

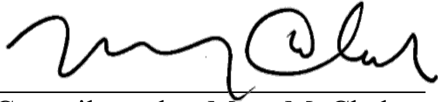
Brianne K. Nadeau
Councilmember, Ward 1
Chairperson, Committee on Human Services

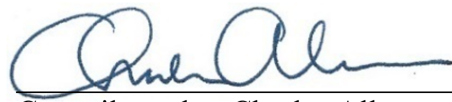
Councilmember Janeese Lewis George

Councilmember Brianne K. Nadeau

Councilmember Robert C. White, Jr.


Councilmember Christina Henderson


Councilmember Mary M. Cheh


Councilmember Charles Allen

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

____

To amend the Construction Codes Approval and Amendments Act of 1986 to require that Diaper-changing Accommodations be available for use by all genders in newly constructed or substantially renovated District-owned and District-occupied buildings that include at least one toilet facility open to the public; and to require that Diaper-Changing Accommodations be available for use by all genders in newly constructed or substantially renovated business establishments and places of public accommodation that include at least one toilet facility open to the public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Equal Access to Changing Tables Amendment Act of 2022".

Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq*.), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1401) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

"(1A) "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which

40 has membership requirements is considered to furnish services to the general public if its
41 membership requirements consist only of the payment of fees or consist of requirements under
42 which a substantial portion of the residents of the District could qualify.”.
43 (2) A new paragraph (6A) is added to read as follows:
44 “(6A) “Diaper-changing accommodation” means a safe, sanitary, and convenient
45 baby diaper-changing station, or similar amenity, including work surfaces, stations, decks, and
46 tables, located in a toilet facility.”.
47 (5) A new paragraph (11A) is added to read as follows:
48 “(11A) “Substantially renovated” shall mean the construction, alteration, or repair
49 of toilet facilities where the work requires a permit and the construction cost is $10,000 or
50 more.”.
51 (b) A new section 10d is added to read as follows:
52 “Sec. 10d. Diaper-changing accommodations.
53 “(a) All newly constructed or substantially renovated District-owned, District
54 instrumentality-owned, and District-occupied buildings that include at least one toilet facility that
55 is open to the public shall provide on each floor level that includes a toilet facility available for
56 use by the public:
57 “(1) At least one diaper-changing accommodation that is available for use by
58 women and at least one that is available for use by men;
59 “(2) At least one diaper-changing accommodation that is available for use in a
60 gender-neutral toilet facility; or
61 “(3) At least one diaper-changing accommodation in a private room, space, or
62 area that is available for use by all genders.

63 “(b) All newly constructed or substantially renovated business establishments and places
64 of public accommodation, as defined in section 102(24) of the Human Rights Act of 1977,
65 effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(24)), that include
66 at least one toilet facility that is open to the public shall provide on each floor level that includes
67 a toilet facility available for use by the public:
68 “(1) At least one diaper-changing accommodation that is available for use by
69 women and at least one that is available for use by men;
70 “(2) At least one diaper-changing accommodation that is available for use in a
71 gender-neutral toilet facility; or
72 “(3) At least one diaper-changing accommodation in a private room, space, or
73 area that is available for use by all genders.
74 “(c) Notwithstanding subsections (a) and (b) of this section, a diaper-changing
75 accommodation shall not be required if:
76 “(1) The Director of the Department of Consumer and Regulatory Affairs, or his
77 or her designee, in consultation with the Office of Disability Rights, determines that installation
78 of a diaper-changing accommodation will not comply with District or federal laws relating to
79 access to persons with disabilities;
80 “(2) The Director of the Department of Consumer and Regulatory Affairs, or his
81 or her designee, determines that installation of a diaper-changing accommodation is infeasible
82 due to spatial or structural limitations;
83 “(3) A business establishment holds a Class C/N or Class D/N nightclub license
84 issued by the Alcoholic Beverage Regulation Administration; or

85 “(4) A business establishment lawfully, exclusively, and at all times serves
86 patrons three years of age and above.
87 “(d) Nothing in this section shall be construed as requiring or authorizing:
88 “(1) A reduction in the number of toilet facilities that are required by the
89 Construction Codes as defined in section 2(2) of the Construction Codes Approval and
90 Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-
91 1401(2)); or
92 “(2) A reduction in the number of toilet facilities accessible to persons with
93 disabilities that are otherwise required under either the Construction Codes as defined in section
94 2(2) of the Construction Codes Approval and Amendments Act of 1986, effective March 21,
95 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401(2)), or the federal Americans with
96 Disabilities Act.
97 (e) The Mayor, in consultation with the Construction Codes Coordinating Board or its
98 successor, shall propose regulations implementing this section no later than 180 days after
99 adoption of this section, through amendment of section 2(2) of the Construction Codes Approval
100 and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code §
101 6-1401(2)), and such regulations shall be included in subsequent editions of the Construction
102 Codes.”.
103 Sec. 3. Fiscal impact statement.
104 The Council adopts the fiscal impact statement in the committee report as the fiscal
105 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
106 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).
107 Sec. 4. Effective date.

108 This act shall take effect following approval by the Mayor (or in the event of veto by the
109 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
110 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
111 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
112 Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF A PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

OFFICE OF THE SECRETARY

2020 FEB 20 AM 10: 17

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 23-361, Equal Access to Changing Tables Amendment Act of 2019
Bill 23-394, Tenant and Homeowner Accountability and Protection Amendment Act of 2019
Bill 23-456, Abatement and Condemnation of Nuisance Properties Amendment Act of 2019
Bill 23-499, Housing Provider Repeated Violation Enhancement Amendment Act of 2019

on

Tuesday, January 28, 2020, 11:30 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing of the Committee of the on **Bill 23-361**, the "Equal Access to Changing Tables Amendment Act of 2019," **Bill 23-394**, the "Tenant and Homeowner Accountability and Protection Amendment Act of 2019," **Bill 23-456**, the "Abatement and Condemnation of Nuisance Properties Amendment Act of 2019," and **Bill 23-499**, the "Housing Provider Repeated Violation Enhancement Amendment Act of 2019." The hearing will be on **Tuesday, January 28, 2020 at 11:30 a.m. in Room 412** of the John A. Wilson Building.

The purpose of **Bill 23-361** is to require diaper changing accommodations for both sexes in public establishments and newly constructed or substantially renovated business establishments that include at least one toilet facility that is open to the public. The purpose of **Bill 23-394** is to require construction contractors to provide proof of financial responsibility and construction cost estimates, to require reporting of lapsed insurance of contractors by the insurer, to require housing providers to furnish documentation of a Basic Business License when filing an action for possession or attempting to raise rent, to establish an expiration date for permits, to establish rat abatement protocols for demolition permits, to require those doing construction or condo conversion to post bond or a letter of credit in the amount of 10% of the estimated cost, to establish additional certification requirements for housing code inspectors, and to establish a Construction Commission appointed by the Mayor to set standards for the licensing of contractors. The purpose of **Bill 23-456** is to authorize the Office of Attorney General to issue subpoenas for documents and testimony as part of a receivership investigation, to authorize the Court to order anyone in control of the property to contribute funds in excess of rents to abate violations, to provider relocation of displaced tenants and upkeep and debts of a building while in receivership, and to establish when receivership can be terminated. The purpose of **Bill 23-499** is to add circumstances when a receiver may be appointed to include repeated violations by property owners of residential tenant housing that occur three times within an 18-month period.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Blaine Stum, Legislative Policy Advisor, at (202) 724-8092, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by the close of business **Friday, January 24, 2020**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on January 24th the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to three minutes, unless more time is arranged with the Committee in advance of the hearing. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on http://lims.dccouncil.us. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at http://www.chairmanmendelson.com/circulation.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, February 11, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF A PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 23-361, Equal Access to Changing Tables Amendment Act of 2019
Bill 23-394, Tenant and Homeowner Accountability and Protection Amendment Act of 2019
Bill 23-456, Abatement and Condemnation of Nuisance Properties Amendment Act of 2019
Bill 23-499, Housing Provider Repeated Violation Enhancement Amendment Act of 2019

on

Tuesday, January 28, 2020, 11:30 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

WITNESS LIST

Bill 23-361

1. Mark Lee — Coordinator, D.C. Nightlife Council
2. Andrew Kline — General Counsel, Restaurant Association of Metropolitan Washington
3. David Levine — Public Witness

Bill 23-394

1. Beth Harrison — Supervising Attorney, Legal Society of the District of Columbia
2. Elizabeth Oquendo — Policy Attorney, Children's Law Center
3. Chuck Elkins — Commissioner, ANC 3D01

Bill 23-456

1. Beth Harrison — Supervising Attorney, Legal Society of the District of Columbia
2. Elizabeth Oquendo — Policy Attorney, Children's Law Center

Bill 23-499

1. Beth Harrison	Supervising Attorney, Legal Society of the District of Columbia

Government Witnesses

1. Ernest Chrappah	Director, Department of Consumer and Regulatory Affairs
2. Jimmy Rock	Deputy Attorney General for the Public Advocacy Division, Office of Attorney General

PUBLIC HEARING TESTIMONY
COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE

Council Chair Phil Mendelson, Committee Chair
Councilmember Charles Allen, Committee Member
Councilmember Anita Bonds, Committee Member
Councilmember Mary M. Cheh, Committee Member
Councilmember Vincent C. Gray, Committee Member
Councilmember David Grosso, Committee Member
Councilmember Kenyan R. McDuffie, Committee Member
Councilmember Brianne K. Nadeau, Committee Member
Councilmember Elissa Silverman, Committee Member
Councilmember Brandon T. Todd, Committee Member
Councilmember Robert C. White, Jr., Committee Member
Councilmember Trayon White, Sr., Committee Member

BILL 23-361
EQUAL ACCESS TO CHANGING TABLES AMENDMENT ACT OF 2019

MARK LEE
COORDINATOR
D.C. NIGHTLIFE COUNCIL
(DCNC)

January 28, 2020

D.C. Nightlife Council (DCNC)
is a District nonprofit trade association and business membership organization representing and promoting hometown independent local small-business bar, restaurant, nightclub, and entertainment establishments contributing to a vibrant community nightlife and dynamic nighttime economy – continuing a legacy of advocacy leadership spanning two decades

Chairperson Mendelson, Committee Members, Council and Committee Staff:

My name is Mark Lee and I serve as the coordinator of the D.C. Nightlife Council (DCNC), a nonprofit trade association and business membership organization representing – and advocating for – local independent bar, restaurant, nightclub, and entertainment establishments of all types and sizes as well as all licensing categories, located throughout the city, and contributing to a vibrant community nightlife and dynamic nighttime economy in the District.

Hospitality and nightlife is the largest hometown private sector business category and primary local employer, leading job producer and career opportunity creator, major tax revenue contributor, and key economic development generator. Nightlife establishments are proud to provide the popular dining, drinking, and socializing amenities that both enliven community life and contribute to building strong neighborhoods.

The D.C. Nightlife Council strongly urges the Committee of the Whole to make several substantive and specific revisions to Bill 23-361, the "Equal Access to Changing Tables Amendment Act of 2019," as introduced on June 25, 2019.

Local hospitality and nightlife establishments are first and foremost in the business of accommodating guests. One-size-fits-all business mandates for all types of venues, however, are not the best approach when those requirements do not reflect actual opportunities to serve or accommodate actual guest needs.

As is too often the practice when legislation of this type is developed, the local enterprise community is not consulted in advance. This precludes both avoidance of unconsidered implications or unintended consequences for affected businesses and the creation of best approaches to better achieve common objectives. Not consulting with community businesses also results in local businesses being placed in the position of appearing to object to what are shared public policy goals enhanced by cooperative planning and consultation.

This legislation would require that, among other businesses and places of public accommodation, all new bars, restaurants, and nightclubs, as well as any such establishments undertaking construction, renovation, alteration, or repair of toilet facilities with a minimum construction cost threshold of only $10,000, provide "diaper-changing stations" on each floor level with a toilet facility for use by the public, to include at least one that is available for use by women and at least one that is available for use by men, at least one that is available for use in a gender-neutral toilet facility, or at least one in a private room, space, or area that is available for use by all genders. Further, the bill would require that businesses post signage at or near its entrance indicating the location of such "diaper-changing stations" within the venue.

First, we offer the following general principles and recommendations for Committee consideration and adoption:

- Provision of this amenity should be in response to actual, known, or real and anticipated customer need and as based on the type of venue, permitted age requirement for admission, and other relevant factors;
- Marketplace response to customer accommodation and actual or anticipated incidence of need is the better approach, as evidenced by the large number of appropriate establishments which already offer sufficiently robust provision;
- Encouraging additional growth in accommodation is best achieved by offering incentives for establishments to voluntarily provide the amenity where appropriate, through either-or-both a subsidy program similar to the security camera subsidy program and/or tax credit for the installation cost, made available to businesses either required or choosing to participate; and,
- The District government should publicize locations where the amenity is voluntarily provided or otherwise available by maintaining an online database listing of self-identified businesses providing the accommodation.

Second, should the Committee not adopt our primary recommendations, we strongly urge that the Committee revise this legislative proposal by making the following appropriate, practical, and common-sense changes:

- Exempt all alcohol-licensed nightlife establishments holding nightclub (CN/DN), tavern (CT/DT), or multipurpose facility (CX/DX) licenses;
- Exempt all alcohol-licensed nightlife establishments holding a restaurant (CR/DR) license with an occupancy of 200-or-fewer as an exception for smaller venues, often multi-activity, in older buildings with structural challenges beyond the scope of the exceptions identified in the bill; and,

- Exempt all alcohol-licensed nightlife establishments that restrict admission to adults (e.g., over the age of either 18 or 21 and as may vary on specific nights or for particular events).

Third, we strongly recommend that the Committee revise this legislative proposal by eliminating the following requirement:

- All nightlife and hospitality establishments "shall provide signage at or near [the] entrance indicating the location of diaper-changing accommodations" as we emphatically disagree with the reflexive 'signage fetish' exhibited in legislation of this type and further note that such a requirement provides little or no practical utility or actual benefit to guests who typically and commonly discern or inquire as to the location of toilet facilities, and due to the fact that such a requirement merely creates the potential for incidental infraction citations and penalties resulting from a new inspection necessity.

Fourth, we share with the Committee that nightlife operators who have spoken with co-sponsors of this legislation have learned that multiple Councilmembers have been startled to discover that this legislation would apply to nightlife establishments due to the fact that admission to alcohol-licensed nighttime venues is commonly age-restricted to adults only.

We trust that our recommendations regarding this new regulatory requirement for nightlife and hospitality establishments are self-evident as to rationale and as presented here today in the allotted time. We look forward to having additional opportunities to discuss with Committee members the significant concerns of bar, restaurant, and nightclub operators regarding this proposal.

The D.C. Nightlife Council will provide Committee members with additional supplemental testimony, and I would be happy to answer any questions today.

D.C. Nightlife Council (DCNC)

Mark Lee, Coordinator DCNightlifeCouncil@gmail.com Mobile: 202-320-4911

Wednesday, January 28, 2020, 11:30 AM
Room 412
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Committee of the Whole

B23-361, Equal Access to Changing Tables Amendment Act of 2019

Testimony of Andrew J. Kline, General Counsel Restaurant Association of Metropolitan Washington

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Good morning Council Chairman Mendelson, Councilmembers and staff. I am here on behalf of the Restaurant Association of Metropolitan Washington (RAMW) concerning the Equal Access to Changing Tables Amendment Act of 2019.

RAMW has over 1,000 members, most of which are full service sit-down alcoholic beverage licensed hospitality establishments. RAMW is the principal representative and spokesperson for the hospitality industry in the District of Columbia.

RAMW generally supports the bill and appreciates, as introduced, it is only applicable to newly constructed or substantially renovated businesses. We do, however, have a few issues which we hope the committee and the council will consider if this legislation moves forward. First, the requirement that there be at least one diaper changing accommodation available for use by women and at least one available that is for use by men **on each floor** where restrooms are present seems excessive in older buildings, there are sometimes restrooms on different floors. Unless the construction codes or the Americans with Disabilities Act ("ADA") require restrooms on each floor for both genders and gender-neutral people, we see no reason to require additional facilities. Rather than imposing an additional requirement in this law, we believe the locations and accessibility to restrooms should be governed by both the construction codes and the ADA. We support accessibility but want to assure there is no conflict between the ADA and construction codes on the one hand and the requirements of this bill on the other.

Signs! RAMW is on record as opposing, simply as a matter of principal, requirements for new sign in public areas. Presumably, in most cases, the diaper changing facilities will be located in the restrooms. We see no reason for signage requirements. Wall "real estate" is always at a premium in restaurant facilities and other businesses. Moreover, message clutter is very real and those in need of diaper changing facilities can easily ask staff if the locations of such facilities are not obvious.

Lastly, in the section which creates exemptions we suggest there be an exemption for business establishments which restrict access to those under 18 or 21 years of age. If these businesses, among our members frequently nightclubs and taverns, do not admit people under a certain age, which they may do in order to promote compliance with alcoholic beverage licensing requirements, we see no need for a requirement that they provide diaper changing accommodations.

Thank you for giving me the opportunity to testify today I am happy to answer any questions you may have.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Public Hearing
On
B23-361, the "Equal Access to Changing Tables Amendment Act of 2019";

B23-499, the "Housing Provider Repeated Violation Enhancement Amendment Act of 2019";

B23-394, the "Tenant and Homeowner Accountability and Protection Amendment Act of 2019"

Testimony of
Ernest Chrappah
Director
Department of Consumer and Regulatory Affairs

Before the
Committee of the Whole
Council of the District of Columbia
The Honorable Phil Mendelson, Chairman

January 28, 2020
11:30 am
Room 412
John A Wilson Building

1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good morning, Chairman Mendelson, Councilmembers, and staff. I am Ernest Chrappah, the Director of the Department of Consumer and Regulatory Affairs (DCRA). I am here today to testify on three pieces of legislation: B23-361, the "Equal Access to Changing Tables Amendment Act of 2019", B23-499, the "Housing Provider Repeated Violation Enhancement Amendment Act of 2019"; and B23-394, the "Tenant and Homeowner Accountability and Protection Amendment Act of 2019".

"Equal Access to Changing Tables Amendment Act of 2019"

Let me first discuss B23-361, which is the "Equal Access to Changing Tables Amendment Act of 2019." We support the intent of this bill and believe that all parents, regardless of their gender, should have safe and convenient access to baby changing stations in the District. Many fathers like myself would appreciate the convenience of having a changing station in men's restrooms, just as my wife has in women's restrooms. With that said, DCRA has a few recommendations that I would like to share, with the aim of making the legislation more effective and workable.

First, the proposed legislation includes a requirement that existing establishments and places of public accommodation that are being "substantially renovated" must add diaper-changing accommodations as detailed in the legislation. The legislation defines "substantially renovated" as, "the construction, alteration, or repair of toilet facilities where the work requires a permit and the construction cost is $10,000 or more." For practical purposes, it would be helpful to make this definition a bit more specific, noting whether the $10,000 threshold includes both labor and materials.

Second, the bill mandates that owners of all newly constructed or substantially renovated business establishments and places of public accommodation shall provide these changing stations

for both women, men, and gender-neutral restrooms on each floor. While the intention here is good, the current language is overly broad, forcing the requirements on businesses such as nightclubs, where, because of age restrictions, changing stations would not be needed. Our recommendation is to include an exemption, similar to the one included in a similar piece of legislation passed by the Illinois General Assembly, which exempts industrial buildings, nightclubs, and bars that do not permit anyone under the age of 18.[1]

Third, the proposed legislation states that the Director of DCRA, or a designee, may exempt a public building from the diaper-changing requirements if an installation would not comply with District or federal laws relating to access to persons with disabilities, or would be infeasible due to spatial or structural limitations. As DCRA already has the authority to render interpretations of the Construction Codes and make such determinations, we believe these sections are redundant, but we do not have any objections to the current language.

"Housing Provider Repeated Violation Enhancement Amendment Act of 2019"

Let me now discuss B23-499, the "Housing Provider Repeated Violation Enhancement Amendment Act of 2019." DCRA strongly believes receivers should be an option when landlords prove incapable or unwilling to meet their obligations to their tenants. However, I have a few concerns with bill 23-499 that I would like to note. First, it is unclear from the bill who is responsible for the appointment of the receiver and what role, if any, DCRA will have in the appointment.

Second, the bill does not specify whether the Notices of Infraction (NOIs) must simply be issued, or if the owner must be found liable, in order for the violation to count as one of the three

[1] 410 ILCS 35/18, The Equitable Restrooms Act; 2019.

instances within the 18-month period laid out by this bill. The bill also does not address what happens if any of the NOIs are dismissed.

Third, the terms "flagrant," "fraudulent," and "willful" are not defined. As such, it's unclear how violations would be determined to be flagrant, fraudulent, or willful, especially since intent is not a component of any housing code violations. I would now like to turn your attention to a bill that we believe that, while sharing the intent of the bill before us, would be a better means to achieving the goal of B23-499. Bill 23-14, the "Landlord Accountability Through Expedited Receivership Amendment Act of 2019," that was submitted by Mayor Bowser to the Council on January 7, 2019, will strengthen and expedite the rent receivership process to hold landlords accountable for living conditions that pose serious threats to the health, safety, and/or security of District tenants. Although the legislation that was introduced by the Office of the Attorney General (OAG) is substantially similar, there are sections to our bill that we believe are important to mention.

First, the Mayor's bill aims to clarify the basis for the appointment of a Housing Receiver by amending Section 502 of the Tenant Receivership law. This section of the code lays out the framework for the D.C. Superior Court to appoint a receiver. One of the ways a receiver can be appointed is when a property owner has shown a "pattern of neglect" that "poses a serious threat to the health, safety, or security of the tenants" for a period of 30 consecutive days. The Mayor's bill clarifies what constitutes a "pattern of neglect" and details the violations that would rise to the level of a "serious threat to the health, safety, or security of the tenants." These violations would include: (1) vermin or rat infestation; (2) filth or contamination; (3) inadequate ventilation, illumination, sanitary, heating or life safety facilities; (4) inoperative fire suppression or warning equipment; (5) inoperative doors or window locks; or (6) any other condition that constitutes a

hazard to tenants, occupants, or to the public. This detailed list makes the process less subjective for our inspectors and clarifies which violations rise to the level of a "serious threat" that would be grounds for a receivership being appointed by the D.C. Superior Court.

Second, the Mayor's bill includes a provision that allows the Mayor and relevant District agencies to submit a written request to the Office of the Attorney General (OAG) to petition the Superior Court to appoint a receiver. The OAG would be given five (5) business days to either file a petition for receivership or notify the Mayor that OAG is declining the petition. We believe this is an important amendment and allows the Executive, most notably, DCRA, the ability to flag or bring forth a negligent property owner before the Court so that a receiver can be appointed. Since DCRA is the agency that handles inspections and issues citations for violations, it should also have the opportunity to elevate specific instances that rise to the level of needing a receiver. Unfortunately, the similar bill proposed by the OAG does not include this provision.

Third, the Mayor's bill shortens the statutory time for the Court hearing on the receivership petition from 30 days to 10 business days. This provision was added to allow these petitions to get in front of the Court on a much shorter timeframe. This shortened timeframe will allow for abatement to be ordered by the Court and give some relief to those tenants who are being negatively affected by the actions or inactions of a negligent property owner.

Fourth, we have proposed that the Superior Court be required to monitor the execution of a landlord's plan to abate housing code violations. The bill details how the Court will monitor and hold the landlord accountable as it oversees the execution of the mandated plan to abate the violations of the housing code that prompted the receivership. The bill gives the Court the ability to order the property owner to cover the costs of abating the housing violations, reimburse the

District government for any abatement the District has already performed, pay any fees associated with relocating the displaced tenants, and pay the administrative costs of the receiver appointment.

Fifth, the Mayor's bill defines owner as any person or entity who has legal title to the rental property or is charged with caring for it. This clarification is important as it defines who the Court can order to contribute funds in excess of the rents to abate violations, as briefly mentioned earlier in my testimony.

DCRA worked closely with the Housing and Community Justice Section of the OAG to identify these necessary improvements included in the Mayor's bill. As learned from recent, high-profile receivership proceedings, the current process takes too long, petitioners encounter too many obstacles, and landlords often know how to work the current system to their advantage in Superior Court. The Mayor's proposed amendments will hold these landlords more immediately and more directly accountable and will incentivize them to proactively abate violations. DCRA believes the Mayor's bill deserves a public hearing to properly debate the merits of what we have proposed and hear from the general public and expert witnesses on other possible solutions to this ongoing issue.

"Tenant and Homeowner Accountability and Protection Amendment Act of 2019"

Finally, I will now discuss B23-394, "Tenant and Homeowner Accountability and Protection Amendment Act of 2019."

DCRA shares many of the overarching goals behind this bill, given that the bill seeks to protect tenants and homeowners from a variety of dangers, such as known hazards and potential bad actors. We look forward to working with the Council to better ensure that residents in the District are safe from known threats and that mechanisms are in place to protect tenants and homeowners to the greatest extent possible. While we applaud the Council's efforts in this regard and agree with several aspects of the bill, in some ways this bill does not take into account the way

DCRA is currently organized and how many of our procedures work. Much of this bill is either redundant with current organization structures, processes, and procedures already in place, or would complicate established processes that are working well. I would like to raise specific concerns and recommendations we have with various sections of the bill, in sequential order.

Concerns and Recommendations

Section 2

Regarding Section 2 ("Contractor Insurance"), I have three concerns that I would like to share with the Council. First, Section 2(a)(1) requires an applicant to provide "proof of financial responsibility" with each application for a permit for construction or demolition where the estimated cost is greater than $10,000. In turn, Section 2(f) defines "proof of financial responsibility" as "documentation from an insurance company licensed to do business in the District that the licensed contractor or business is insured to conduct business in the District." While DCRA is not opposed to the requirement in Section 2(a)(1), the bill is silent as to the type or amount of insurance that the licensed contractor or business must have. Our recommendation is to define the amount of insurance required as ten times the cost of the project. Second, there will be a fiscal impact as this would require DCRA to hire additional staff, or train existing staff, to have the expertise necessary to determine whether an applicant has adequate insurance coverage. Third, Section 2(c) requires that "[a]ny entity that provides insurance to contractors or businesses licensed by the District shall notify the Department electronically when an insurance policy of record has lapsed for at least 15 days but before the policy has lapsed for 20 days." Our recommendation is that in addition to DCRA, the Department of Insurance, Securities and Banking (DISB) should also be notified of any lapses of insurance, as DISB has the authority to bring administrative actions against insurers for violating any District law. Regarding Section 2(d),

DCRA can evaluate the impact of issuing a Stop Work Order upon notification of a lapse of insurance.

Section 4

Section 4 ("Mandatory inspections for residential permits") would require DCRA inspectors to inspect construction sites to determine whether work has taken place within a six month period. If work has not begun, or if it has been suspended or abandoned, the site's permit would become null and void. DCRA has three concerns with this section. First, while I believe the bill's intention is to limit the requirements in this section to residential permits, the changes this bill makes to the D.C. Code do not make that clear. Second, the bill does not define key terms such as "residential," "suspended," or "abandoned." Additionally, because "residential" is not defined, it is unclear whether commercial projects that include residential elements would be subject to this new requirement. Our suggestion is to use the definition for "residential" that is used in the International Residential Code (IRC) or the International Building Code (IBC). As for the terms "suspended" and "abandoned," it is unclear what would constitute suspension or abandonment, or how long work must be suspended or abandoned in order for a permit to be nullified. There are also situations where construction work is suspended to perform work on an adjoining neighbor's property to protect it from damage, we recommend Council insert a provision to ensure the permit is not nullified in this case. Third, this new mandate would require DCRA to conduct a significantly higher number of inspections, which would have implications for our employees as well as a financial impact. If Section 4 were to become law, it would need to include funding for additional inspectors and supervisors.

Section 5

Section 5 ("Rat and mouse abatement for demolition") requires that all demolition permit applicants shall initiate a rat eradication program on the project site at least fifteen days prior to the start of the demolition, razing, clearing or grading of a site. However, demolition projects sometimes take place on a single floor of a large building. In these instances, it would not make sense to impose this requirement. We recommend limiting this section to razing, clearing, and grading projects only.

Section 6

Section 6 ("Bond increases") requires that permitted parties update the estimated cost of construction to ensure that the final bond on construction is 10% of the costs of construction. Specifically, this section includes a requirement that prior to a declarant's first conveyance of a residential unit to a purchaser, the declarant shall "provide a sworn statement from a contractor licensed in the District of Columbia of cost estimates for the work proposed in the permit" and that "[t]he sworn statement of estimated costs and the bond or letter of credit must be updated for any changes submitted for plan approval to the Department or if costs increase greater than 10% of the cost estimate at any time." DCRA's concern with this requirement is that it places an additional burden on declarants by requiring them to obtain a sworn statement from a contractor that must be updated for any changes in plans or increases in costs. This new requirement would also be a significant burden to development projects which may have a number of contractors or subcontractors.

Section 6 also states that "[p]rior to an issuance of certificate of occupancy, the declarant must submit a final accounting of cost and update the bond or letter of credit to reflect 10% cost of construction or conversion." DCRA has two concerns with this requirement. First, it would slow down the issuance of certificates of occupancy considerably. DCRA's standard timeline for

issuing a certificate of occupancy is 10 business days, which is something I am striving to reduce. Adding this new requirement would of course hinder the goal of issuing these certificates more quickly. Second, this mandate would require DCRA to hire additional staff to essentially audit construction projects in order to ensure that the final bond on construction is 10% of the costs of construction.

Section 7

Section 7 ("Housing Code Inspections and Enforcement") raises four significant concerns.

First, Section 7(a)(1) requires that all inspectors performing inspections be employed by DCRA. As you are aware, DCRA has implemented a Resident Inspection Training Program that trains participants, many of whom are District residents, to become vacant building, illegal construction, and housing inspectors. The program aims to allow participants to earn extra income while helping the agency keep pace with the District's growing demand for inspectors. Participants who complete and pass the appropriate training exams are able to work as independent contractors or compete for full-time positions, when available. As of January 13, 2020, DCRA has certified 167 total resident inspectors. Specifically, DCRA has approved 103 inspectors to work on illegal construction; 17 inspectors to work on property maintenance (housing) inspections; and 47 inspectors to work on vacant properties. This has had a positive impact on the number of inspections that are able to take place across the District. Given that the program has already greatly increased our inspection capacity—a goal the Council supports—taking away this flexibility seems like a step in the wrong direction.

Second, Sections 7(a)(3) through (5) require that all DCRA inspectors be trained, certified, and licensed as professional inspectors of lead, mold, and asbestos. As you are aware, DCRA inspectors are not currently trained to conduct these types of inspections and tasking them with

these new responsibilities would cause the agency's inspectors to be spread too thin. Indeed, the Council often expresses concerns that the agency has too many responsibilities, but this bill proposes tasking our inspectors with even more duties. Moreover, these requirements would duplicate work that is already being performed by the Department of Energy and Environment (DOEE).

Regarding lead, I would like to point out that while DCRA inspectors are able to issue Notices of Infraction for peeling, chipping, and/or flaking paint, they do not have the capability to test for lead in paint. This is a function that resides with DOEE. Specifically, one of the divisions within DOEE's Environmental Services Administration is the Lead-Safe and Healthy Homes Division. This Division includes, the Compliance and Enforcement Branch which oversees the District's lead laws (including lead certification, accreditation, and abatement requirements), and undertakes compliance monitoring and assistance as well as enforcement measures.

Regarding mold, the existing indoor mold law requires that DOEE license or certify indoor mold assessors and indoor mold remediators, and requires DOEE to set a threshold level of indoor mold contamination at which professional remediation is required. Pursuant to these requirements, DOEE has certified 141 professional indoor mold assessors and 159 professional indoor mold remediators. DOEE's regulations require that these professionals notify DOEE if they find mold at or above the threshold level of 10 square feet.

Regarding asbestos, DOEE has an Asbestos Abatement Program which ensures that asbestos removal contractors protect their own health and safety, and the health and safety of building occupants and the general public. The program is also tasked with issuing asbestos abatement permits to licensed contractors and collecting permit fees; inspecting and monitoring

asbestos abatement projects and reviewing asbestos abatement reports; investigating asbestos complaints; and prosecuting violators who fail to comply with asbestos laws and regulations.

As you can see, DOEE is already responsible for the inspection and remediation processes for lead, mold, and asbestos. We should ensure that these processes are as streamlined as possible for District residents. Requiring DCRA inspectors to be trained, certified, and licensed in these areas would produce a redundancy with DOEE's already-existing work, which could result in confusion and an extra layer of bureaucracy for those residents seeking assistance.

Third, Section 7(b) seeks to create a new "Rental Housing Inspections Division" at DCRA which would observe certain protocols regarding Notices of Violation. DCRA has two concerns with this subsection. As an initial matter, to a large extent these protocols reference an enforcement process that no longer exists, as DCRA only issues Notices of Violation for proactive inspections—for everything else, we issue Notices of Infraction, which include fines, if violations have not been addressed by the owner during the first inspection. I should also note that we have a triage process where landlords get electronic notifications to address an issue before the first scheduled inspection date. Because Notices of Violation are now only issued as part of our proactive inspections program, Section 7(b) is not an accurate reflection of the Department's current processes. Moreover, DCRA recently realigned and optimized its Building Department so that there is a Housing Division within the Department and is run by a Program Manager for Housing Inspections. As a result, creating a new "Rental Housing Inspections Division" would be redundant and unnecessary.

Fourth, Section 7(c)(1) requires that "[a]t a minimum, there shall be one residential housing inspector for every 2,000 occupied residential housing units." This is problematic for several reasons. The bill does not define the term "occupied" and DCRA does not keep track of resident

occupancy status. According to a March 2018 D.C. Policy Center Housing Report, there are an estimated 303,950 total housing units in the District of Columbia. If we assume an 80% occupancy rate, this means there are 243,160 occupied housing units. If DCRA were required to have one housing inspector for every 2,000 occupied residential housing units, we would need 122 housing inspectors. DCRA currently employs 25 full-time housing inspectors, so in order to meet the requirement under Section 7(c)(1), we would need to hire almost 100 new housing inspectors. DCRA must be funded at the appropriate level for the number of additional inspectors and the legal and administrative staff necessary to support their work if this mandate were to become law.

Section 8

Regarding Section 8 ("Inspectors assigned to the District of Columbia Superior Court"), Section 8(a) requires that DCRA "assign at least one inspector to the Housing Conditions Calendar of the District of Columbia Superior Court, and at least three inspectors to the Landlord Tenant Branch of the Superior Court." DCRA already assigns at least one inspector to the Housing Conditions Calendar of the Superior Court. With respect to assigning at least three inspectors to the Landlord Tenant Branch, it is unclear why this is necessary, as we already provide an inspection whenever one is requested by a tenant.

Section 9

Section 9 ("Office of Code Enforcement duties and powers") raises five significant concerns.

First, Section 9(a) seeks to establish a new "Office of Code Enforcement" within DCRA consisting of a Code Enforcement Unit and a Civil Infraction and Fines Assessment Unit. This structure already exists within DCRA as it relates to code enforcement and civil infractions, so allow me to briefly explain the way our office is set up. DCRA currently has an Office of Civil

Infractions (OCI). The OCI is responsible for coordinating and providing quality assurance for DCRA's issuance, service, and tracking of Notices of Infractions to property owners and licensees, as well as the filing of NOIs with the Office of Administrative Hearings (OAH) for adjudication. OCI is also responsible for tracking and collecting all fines, special assessments, penalties, and interest associated with DCRA abatement activities and violations adjudicated by OAH and/or settled by DCRA's Office of the General Counsel. Additionally, OCI places liens on properties when violators fail to pay outstanding special assessments and fines and coordinates with the Office of the Chief Financial Officer and Central Collection Unit on collection activities. Given the functions and responsibilities of OCI, creating a new "Office of Code Enforcement" would be unnecessary and redundant.

Second, while Sections 9(b)(1) through (3) reference property owner "extensions," currently the only situation in which an "extension" might be provided is if an owner indicates that he or she is making repairs, in which case we may schedule the inspection for a date after the repairs are expected to be completed. DCRA does not provide extensions to property owners after an inspection has occurred. In addition to referencing "extensions," I have a general concern that Section 9 references an outdated version of DCRA's enforcement process. I want to make clear that DCRA does in fact currently keep tenants abreast of enforcement actions that impact them by providing them with a copy of the Notice of Infraction. Additionally, on our website you will soon be able to track the status of an enforcement action, such as a Notice of Infraction.

Third, Section 9(b)(4) requires that DCRA "[p]rovide a copy of any Notice of Infraction to the OAH at the time of service on the owner of the property." While DCRA shares the desire to speed up the adjudication process, I do want to note that this subsection runs contrary to OAH's rules and to the Civil Infractions Act concerning service.

Fourth, Sections 9(c)(1) and (2) require that a newly established "Civil Infraction and Fines Assessment Unit" within DCRA review each Notice of Infraction for legal sufficiency and represent DCRA in all appeals at OAH. As previously mentioned, DCRA's Office of Civil Infractions already handles most of the functions the proposed "Civil Infractions and Fines Assessment Unit" would conduct with the exception of legal sufficiency reviews which is a function that is typically performed by licensed attorneys. Attorneys in DCRA's Office of General Counsel currently represent the agency at OAH. In short, it is unnecessary and redundant to create a new Unit when all of the functions of that unit are currently being appropriately performed by the Office of Civil Infractions and the Office of the General Counsel.

Fifth, Section 9(c)(3) requires that DCRA file a lien within ninety days of filing a Notice of Infraction with OAH or within ninety days of a final order from OAH. However, there is already a mechanism for filing liens within thirty days of a final order from OAH, and DCRA is statutorily prohibited from filing liens until we have the Final Order. As a result, Section 9(c)(3) is actually less stringent than the current practice.

Section 10

Section 10 ("Strategic Housing and Health Official") seeks to establish a "Strategic Housing Health Official" for DCRA who would be appointed by the Mayor. This position sounds very similar to the DC Partnership for Healthy Homes administered by DOEE. The DC Partnership for Healthy Homes, which was spearheaded by DOEE's Lead and Healthy Housing Division, consists of a broad coalition of District agencies and some of the District's most prominent medical providers, managed care organizations, non-profits, and environmental health professionals. Participating health providers and social service agencies serve as front-line responders who refer dangerous situations to DOEE's Lead and Healthy Housing Division.

Because this already exists, it is not clear what problem Section 10 would solve that is not already addressed by an existing agency or program.

Section 11

Section 11 ("Review of fines, fees and costs") would require DCRA to review all fines, fees, and costs every five years, and report a range of related information to the Council on an annual basis. While DCRA has no concerns with this section, I do want to note that it will have a financial impact, particularly on our IT operations. Additionally, I want to point out that Section 11(a)(4), which requires DCRA to make recommendations on any change in the amount assessed for fines, fees, or costs, will necessarily include fluctuations due to the past year's Consumer Price Index (CPI). As the Council is aware, it recently passed legislation requiring DCRA to increase assessed fine amounts in tandem with the past year's CPI.

Section 12

Section 12 ("Zoning regulations") raises two significant concerns. First, Section 12(a) would require the Office of the Zoning Administrator to "make public all opinions and rulings related to zoning regulations in guidance letters and determination letters." DCRA currently posts these documents online and has been doing so for almost ten years. Specifically, there are over 550 determination letters available online dating back to 2011. Moreover, we recently revamped our website to make it easier for the public to search for these documents. Posting documents prior to ten years ago may not be possible, and the cost of doing so would likely outweigh any benefits. Second, Section 12(c)(4) states that "[t]he Office of the Attorney General may represent residents in appeals of decisions made by the Department regarding interpretation and application of code and zoning regulations." This is problematic for several reasons, chief among them that the Office of the Attorney General currently provides legal advice to the Board of Zoning

Adjustment. As a result, representing residents in appeals of decisions made by the Department would be a conflict of interest.

Section 13

Section 13 ("Testing before the sale of property") would require sellers to provide a sworn statement by a licensed contractor listing information about a slew of environmental risks, including ventilation and temperature control, mold/mildew, pests, the use of pesticides, toxic chemicals/hazardous waste, asbestos, lead-based paint, lead in drinking water, radon, and carbon monoxide. This section raises three concerns. First, Section 13 would place a substantial burden on sellers, who would have to pay for a licensed contractor to attest to this information. Second, the bill does not give DCRA any enforcement mechanism to hold property owners who fail to provide this sworn statement accountable. Third, much of this information is already captured by the Seller's Disclosure Statement. In fact, last November, DCRA published a Notice of Proposed Rulemaking amending the Real Property Seller's Disclosure Statement to include disclosure information related to lead plumbing and water systems and will be publishing a Notice of Final Rulemaking soon.

Section 14

Section 14 ("Protection of solar installations") would require that DCRA "not issue or approve a permit for any construction where the construction will infringe on an existing installation of solar panels on adjacent and adjoining properties." DCRA's concern with this language is that it is overly broad and would significantly restrict development in the District, impacting affordability and the sustainability benefits associated with density. Moreover, existing zoning regulations developed by DCRA are already much more nuanced. For example, 11 DCMR 330.7(g) states that "an [altered or added] roof structure or penthouse, shall not interfere with the

operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator." A suggestion to improve Section 14 might be to create a remediation process for adjacent owners where one owner already has solar panels installed and the other wishes to build or construct on their own property. The process could allow the owner doing the construction to reimburse the solar panel owner for lost revenue and sunken costs, and require the owner doing the construction to make a community solar purchase in the name of the homeowner whose solar panels are being affected.

Section 15

Section 15 ("Establishment of the District of Columbia Construction Commission") would establish a five-member Construction Commission appointed by the Mayor, along with an executive director and full-time staff that includes investigators. DCRA's primary concern with this section is that the bill is silent as to what the Commission would be charged with doing. Moreover, it would diminish the role of the Chief Building Official and create a shadow organization with no accountability to DCRA. If the intention is to weed out bad actors and raise standards as they pertain to contractors, our recommendation would be to expand an existing trade board to include general contractors. This would ensure that the individuals engaged in this trade have the specialized skills and training required to perform general contracting services for the public. Having general contractors regulated by a trade board also provides oversight and a mechanism through which consumers can file complaints. This section could also be amended to allow the Code Official to suspend or revoke professional licenses (including general contractors) for cause, with appeal rights to the trade board.

Section 17

Section 17 ("Authorization of Advisory Neighborhood Commissioners") would allow Advisory Neighborhood Commissioners (ANCs) to submit sworn complaints attesting to the violation of permits and stop work orders. DCRA shares the desire to allow ANCs to report violations and in fact, our agency hosted a training in November 2019 for ANCs on how to spot illegal construction and what enforcement actions can be taken. Upon completion of this training and successfully passing an exam, participants are empowered to post Stop Work Orders on sites that are violating the District's after hours construction regulations. Additionally, DCRA's Resident Inspector Program is a great opportunity to accomplish the goal of this section.

Conclusion

Chairman Mendelson and members of the Council, thank you for the opportunity to testify today. I look forward to answering any questions you may have.

DRAFT COMPARATIVE PRINT
BILL 24-664
September 20, 2022

D.C. OFFICIAL CODE § 6–1401. DEFINITIONS.

For the purposes of this chapter, the term:

(1) "Building Code Official" means the Director of the Department of Buildings, or the Director’s designee.

(1A) “Business establishment” means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of the payment of fees or consist of requirements under which a substantial portion of the residents of the District could qualify.

(2) "Construction Codes" means the most recent edition of the codes published by the International Code Council, or by a comparable nationally recognized and accepted code development organization, as adopted and amended by the Construction Codes Supplement by the District pursuant to the procedures set forth in § 6-1409 and in Title 12 of the District of Columbia Municipal Regulations or any successor regulations; provided, that where the Construction Codes authorize work to be carried to completion under a previous edition of the Construction Codes, the term "Construction Codes" shall refer to that previous edition.

(3) "Construction Codes Supplement" means the additions, insertions, deletions, and changes to the Model Codes adopted by the District pursuant to § 6-1409.

(4) "Construction documents" mean all written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a permit.

(5) "Council" means the Council of the District of Columbia.

(6) "Department" means the Department of Buildings.

(6A) “Diaper changing station” means a safe, sanitary, baby changing station, deck, table, or similar amenity that is intended for use by the public for the purpose of changing diapers on children.

(7) "Director" means the Director of the Department of Buildings, or the Director's designee.

(8) "District" means the District of Columbia.

(8B) "District-occupied building" means a building acquired or constructed by the District for use and occupancy by a District agency or department.

(9) "Fire protection systems" means the devices, equipment, and systems utilized to detect a fire, activate an alarm, or suppress or control a fire, or any combination thereof.

(10) "Model Codes" means the codes published by the International Code Council, or by a comparable nationally recognized and accepted code-development organization, that are adopted by the District pursuant to § 6-1409.

(11) "Project" means construction that is all or a part of one development scheme, built at one time or in phases.

(12) "Third party plan reviewer" means a person certified by the Director to conduct a third party review of one or more components of construction documents and to certify compliance with the Construction Codes.

(11A) "Restroom" means an enclosed space containing one or more lavatories and/or urinals, and one or more sinks and other plumbing fixtures.

(11B) Substantially renovated" shall mean the construction, alteration, or repair of restroom facilities where the work requires a permit and the cost of construction is $10,000 or more. The cost of construction includes the cost of labor and materials.

* * *

D.C. OFFICIAL CODE § 6-1413. DIAPER CHANGING STATIONS.

(a) All existing District-owned, District instrumentality-owned, and District-occupied buildings that include at least one publicly-accessible restroom shall provide, on each floor level where there is a publicly-accessible restroom:

(1) At least one diaper changing station that is accessible to women entering a restroom provided for use by women, and one diaper changing station that is accessible to men entering a restroom provided for use by men; or

(2) At least one diaper changing station in a restroom that is available for use by all genders.

(b) All newly constructed or substantially renovated District-owned, District instrumentality-owned, and District-occupied buildings that include at least one publicly-accessible restroom shall provide, on each floor level where there is a publicly-accessible restroom:

(1) At least one diaper changing station that is accessible to women entering a restroom provided for use by women, and one diaper changing station that is accessible to men entering a restroom provided for use by men; or

(2) At least one diaper changing accommodation in a restroom that is available for use by all genders.

(c) All newly constructed or substantially renovated business establishments and places of public accommodation, as defined in section 102(24) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(24)), that include at least one publicly-accessible restroom shall provide, on each floor level where there is a publicly-accessible restroom:

(1) At least one diaper changing station that is accessible to women entering a restroom provided for use by women, and one diaper changing station that is accessible to men entering a restroom provided for use by men; or

(2) At least one diaper changing station in a restroom that is available for use by all genders.

(d) Notwithstanding subsections (a), (b), and (c) of this section, a diaper changing station shall not be required if:

(1) The Director of the Department of Buildings, or his or her designee, in consultation with the Office of Disability Rights, determines that the installation of a diaper changing station will not comply with District or federal laws relating to access to persons with disabilities;

(2) The Director of the Department of Consumer and Regulatory Affairs, or his or her designee, determines that installation of a diaper changing station is infeasible due to spatial or structural limitations;

(3) A business establishment holds a Class C/N or Class D/N nightclub license issued by the Alcoholic Beverage Regulation Administration; or

(4) A business establishment that does not permit anyone who is under 18 years of age to enter the premises.

(e) Subsections (b) and (c) of this section shall apply to applicable new construction or substantial renovations that occur on or after January 1, 2023.

(f) Nothing in this section shall be construed as requiring or authorizing:

(1) A reduction in the number of toilet facilities that are required by the Construction Codes as defined in section 2(2) of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401(2)); or

(2) A reduction in the number of toilet facilities accessible to persons with disabilities that are otherwise required under either the Construction Codes as defined in section 2(2) of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401(2)), or the federal Americans with Disabilities Act.

DRAFT COMMITTEE PRINT
Committee of the Whole
September 20, 2022

A BILL

24-664

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

____

To amend the Construction Codes Approval and Amendments Act of 1986 to require that diaper-changing stations be available for use by all genders in existing and newly constructed or substantially renovated District-owned and District-occupied buildings that include at least one publicly-accessible restroom; and to require that diaper-changing stations be available for use by all genders in newly constructed or substantially renovated business establishments and places of public accommodation that include at least one publicly-accessible restroom.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Equal Access to Changing Tables Amendment Act of 2022".

Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq*.), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1401) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

"(1A) "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its

38 membership requirements consist only of the payment of fees or consist of requirements under
39 which a substantial portion of the residents of the District could qualify.”.
40 (2) A new paragraph (6A) is added to read as follows:
41 “(6A) “Diaper-changing station” means a safe, sanitary baby changing station,
42 deck, table, or similar amenity that is intended for use by the public for the purpose of changing
43 diapers on children.”.
44 (3) A new paragraph (8B) is added to read as follows:
45 “(8B) “District-occupied building” means a building acquired or constructed by
46 the District for use and occupancy by a District agency or department.
47 (4) A new paragraph (11A) is added to read as follows:
48 “(11A) “Restroom” means an enclosed space containing one or more lavatories
49 and/or urinals, and one or more sinks and other plumbing fixtures.
50 (5) A new paragraph (11B) is added to read as follows:
51 “(11B) “Substantially renovated” shall mean the construction, alteration, or repair
52 of restroom facilities where the work requires a permit, and the cost of construction is $10,000
53 or more. The cost of construction includes the cost of labor and materials.
54 (b) A new section 10d is added to read as follows:
55 “Sec. 10d. Diaper-changing stations.
56 “(a) All existing District-owned, District instrumentality-owned, and District-occupied
57 buildings that include at least one publicly-accessible restroom shall provide, on each floor level
58 where there is a publicly-accessible restroom:

59 "(1) At least one diaper changing station that is accessible to women entering a
60 restroom provided for use by women, and one diaper changing station that is accessible to men
61 entering a restroom provided for use by men; or
62 "(2) At least one diaper changing station in a restroom that is available for use by
63 all genders.
64 "(b) All newly constructed or substantially renovated District-owned, District
65 instrumentality-owned, and District-occupied buildings that include at least one publicly-
66 accessible restroom shall provide, on each floor level where there is a publicly-accessible
67 restroom:
68 "(1) At least one diaper changing station that is accessible to women entering a
69 restroom provided for use by women, and one diaper changing station that is accessible to men
70 entering a restroom provided for use by men; or
71 "(2) At least one diaper changing accommodation in a restroom that is available
72 for use by all genders.
73 "(c) All newly constructed or substantially renovated business establishments and places
74 of public accommodation, as defined in section 102(24) of the Human Rights Act of 1977,
75 effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(24)), that include
76 at least one publicly-accessible restroom shall provide, on each floor level where there is a
77 publicly-accessible restroom:
78 "(1) At least one diaper changing station that is accessible to women entering a
79 restroom provided for use by women, and one diaper changing station that is accessible to men
80 entering a restroom provided for use by men; or

81 “(3) At least one diaper changing station in a restroom that is available for use by
82 all genders.
83 “(d) Notwithstanding subsections (a), (b), and (c) of this section, a diaper changing
84 station shall not be required if:
85 “(1) The Director of the Department of Buildings, or his or her designee, in
86 consultation with the Office of Disability Rights, determines that the installation of a diaper
87 changing station will not comply with District or federal laws relating to access to persons with
88 disabilities;
89 “(2) The Director of the Department of Consumer and Regulatory Affairs, or his
90 or her designee, determines that installation of a diaper changing station is infeasible due to
91 spatial or structural limitations;
92 “(3) A business establishment holds a Class C/N or Class D/N nightclub license
93 issued by the Alcoholic Beverage Regulation Administration; or
94 “(4) A business establishment that does not permit anyone who is under 18 years
95 of age to enter the premises.
96 “(e) Subsections (b) and (c) of this section shall apply to applicable new construction or
97 substantial renovations that occur on or after January 1, 2023.
98 “(f) Nothing in this section shall be construed as requiring or authorizing:
99 “(1) A reduction in the number of toilet facilities that are required by the
100 Construction Codes as defined in section 2(2) of the Construction Codes Approval and
101 Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-
102 1401(2)); or

103 “(2) A reduction in the number of toilet facilities accessible to persons with

104 disabilities that are otherwise required under either the Construction Codes as defined in section

105 2(2) of the Construction Codes Approval and Amendments Act of 1986, effective March 21,

106 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401(2)), or the federal Americans with

107 Disabilities Act.

108 Sec. 3. Rules.

109 The Mayor, in consultation with the Construction Codes Coordinating Board or its

110 successor, shall propose regulations implementing this section no later than 180 days after

111 adoption of Bill 24-664, through amendment of section 2(2) of the Construction Codes Approval

112 and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code §

113 6-1401(2)), and such regulations shall be included in subsequent editions of the Construction

114 Codes.”.

115 Sec. 4. Applicability.

116 (a) Subsection (a) of this act shall apply upon the date of inclusion of its fiscal effect in an

117 approved budget and financial plan.

118 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in

119 an approved budget and financial plan, and provide notice to the Budget Director of the Council

120 of the certification.

121 (c)(1) The Budget Director shall cause the notice of the certification to be published in

122 the District of Columbia Register.

123 (2) The date of publication of the notice of the certification shall not affect the

124 applicability of this act.

125 Sec. 5. Fiscal impact statement.

126 The Council adopts the fiscal impact statement in the committee report as the fiscal
127 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
128 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).
129 Sec. 6. Effective date.
130 This act shall take effect following approval by the Mayor (or in the event of veto by the
131 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
132 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
133 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
134 Columbia Register.