


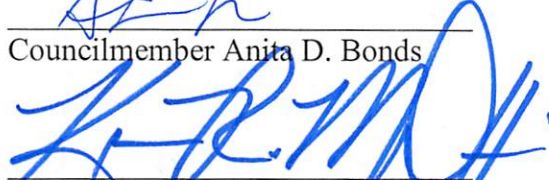
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Councilmember Charles Allen

  
Chairman Phil Mendelson


  
Councilmember Anita D. Bonds


  
Councilmember David Grosso

  
Councilmember Kenyan McDuffie

  
Councilmember Brianne K. Nadeau

  
Councilmember Elissa Silverman

  
Councilmember Robert C. White, Jr.

  
Councilmember Mary M. Cheh

  
Councilmember Trayon White, Sr.

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To establish the Department of Buildings as a subordinate agency within the Executive branch with oversight of construction compliance, rental housing safety, and residential property maintenance activities in the District, to enumerate the functions of the Department, to provide for a Director to head the Department, to provide for a Chief Building Official, to provide for a Strategic Enforcement Administrator, to proscribe for the organization of the Department, to require an implementation and transition plan for the establishment of the Department, to provide a timeline wherein the Executive is required to plan and implement establishment of the Department, to require a Strategic Enforcement Plan and proscribe the content of that Plan, to require an annual Enforcement Report and proscribe the content of that report, to provide for rulemaking authority, to amend existing law to

47 conform to the establishment of the Department of Buildings, and to redesignate the  
48 Department of Consumer and Regulatory Affairs as the Department of Licensing and  
49 Consumer Protection.

50  
51 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
52 act may be cited as the “Department of Buildings Establishment Act of 2018”.

53 **TITLE I. ESTABLISHMENT OF THE DEPARTMENT OF BUILDINGS**

54 **Sec. 101. Definitions.**

55 For the purposes of this act, the term:

56 (1) “Chief Building Official” or “CBO” means the lead administrator of the  
57 Office of Construction and Building Standards, established by section 104.

58 (2) “Department” means the Department of Buildings established by section 102.

59 (3) “International Code Council Family of Codes” means the body of standards  
60 promulgated by the International Code Council to the extent the standards are adopted by the  
61 District of Columbia and codified into the District of Columbia Code of Municipal Regulations.

62 (4) “Strategic Enforcement Administrator” or “SEA” means the lead  
63 administrator of the Office of Strategic Code Enforcement established by section 105.

64 **Sec. 102. Establishment of the Department of Buildings.**

65 (a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved  
66 December 24, 1973 (87 Stat. 787; D.C. Official Code §1-204.04(b)), there is established, as a  
67 subordinate agency within the executive branch of the District government, the Department of  
68 Buildings, which shall be headed by a Director who shall carry out the functions and authorities  
69 assigned to the Department.

70 (b) The Department is charged with promoting the health, safety, and quality of life of  
71 residents and visitors in the District of Columbia by reviewing proposed plans for technical

72 sufficiency, issuing permits to ensure competent construction, inspecting the built environment,  
73 regulating land use and development, and enforcing the regulations and codes governing  
74 building construction, rental housing conditions, building maintenance, and building safety.

75 (c) The functions of the Department shall be to:

76 (1) Ensure that the physical environment and structure of all buildings in the  
77 District of Columbia meet all applicable regulations and codes for preservation or the use to  
78 which the space or structure is to be put;

79 (2) Ensure that the habitability and sanitary condition of all rental housing units in  
80 the District of Columbia meet all applicable regulations and codes, except those that are under  
81 the exclusive jurisdiction of the United States; and

82 (3) Ensure that public and private land and structures meet adequate health,  
83 safety, and environmental standards.

84 Sec. 103. Director.

85 (a) The Director shall manage and administer the Department and all functions and  
86 personnel assigned thereto, including the power to redelegate to other employees and officials of  
87 the Department such powers and authority as in the judgment of the Director is warranted in the  
88 interests of efficiency and sound administration, excluding the ability to alter the duties and  
89 functions of the Chief Building Official established by section 104 of this act or the duties and  
90 functions of the Strategic Enforcement Administrator established by section 105 of this act.

91 (b) The Director shall be appointed by the Mayor with the advice and consent of the  
92 Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.  
93 Law 2-142; D.C. Official Code § 1-523.01(a)).

94 Sec. 104. Chief Building Official.

95 (a) There is established a Chief Building Official with primary authority for the  
96 administration of and determination of compliance with the District of Columbia Building Codes  
97 (D.C. Law 6-216; 12 DCMR § A), Construction Codes (D.C. Law 6-216; 12 DCMR § K), the  
98 Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-  
99 1451.01 – 6-1451.11), and Zoning Codes (D.C. Law 6-216; 11 DCMR § X), and the  
100 management of all District of Columbia land records.

101 (b) The Chief Building Official shall be appointed by the Mayor with the advice and  
102 consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective  
103 March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

104 (c) On the effective date of this act; the incumbent CBO shall continue to serve as the  
105 CBO until the expiry of a five-year term to be calculated from the effective date of this act. If the  
106 incumbent CBO is unable to serve as CBO, the next highest-ranking, employee of the Office of  
107 Construction and Building Standards shall serve as acting CBO until a new CBO is appointed by  
108 the Mayor pursuant to the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142;  
109 D.C. Official Code § 1-523.01).

110 (d) The CBO shall have not less than eight years of senior-level experience in  
111 administering building standards and shall have demonstrated, through knowledge and  
112 experience, the ability to administer a building standard system of the size and complexity of the  
113 responsibilities covered by this act.

114 (e) The CBO shall serve for one five-year term and may be reappointed pursuant to  
115 subsection (b) of this section.

116 (f) The CBO shall not be removed from office before the expiration of the five-year term  
117 except for cause and shall not be required to resign at the end of a mayoral term or

118 administration, subject to the right of appeal as provided in Title VI of the District of Columbia  
119 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-  
120 139; D.C. Official Code § 1-606.01 et seq.).

121 Sec. 105. Strategic Enforcement Administrator.

122 (a) There is established, subordinate to the Director, a Strategic Enforcement  
123 Administrator within the Department of Buildings.

124 (b) The SEA shall have the following responsibilities:

125 (1) Responsibility for developing and implementing strategic, and data-driven  
126 deployment of the Department's enforcement efforts and advising the Chief Building Official  
127 (CBO) and Chief Inspection Official (CIO) accordingly;

128 (2) Monitoring violations to ensure that the CBO and CIO are scheduling timely  
129 reinspections and that the appropriate documentation and data is being captured;

130 (3) If, and when, fines are levied the Office of Strategic Code Enforcement is  
131 responsible for tracking and enforcing collection of the fines and making referrals to OAG, when  
132 necessary;

133 (4) Developing and implementing consistent enforcement procedures and  
134 standards in coordination with the CBO and CIO;

135 Advisory responsibility for managing the assignment of the Department's  
136 enforcement staff to ensure enforcement efforts regarding the built environment of the District of  
137 Columbia are effectively assigned;

138 (5) Managing and tracking the enforcement history of individual projects,  
139 professionals, and properties to identify repeat violators or trends in construction, housing code,  
140 or maintenance violations and developing plans to detect and deter future violations;

141 (6) Monitoring and tracking the number, type, and severity of violations,  
142 abatement history, impact on neighboring properties, previous enforcement actions taken, and  
143 the results of such enforcement actions to inform a consistent application of abatement standards;  
144 and

145 (7) General administration of the Department's enforcement efforts.

146 (c) The Strategic Enforcement Administrator shall be appointed by the Mayor with the  
147 advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978,  
148 effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

149 (d) The SEA shall serve for one five-year term and may be reappointed pursuant to  
150 subsection (c) of this section.

151 (e) The SEA shall not be removed from office before the expiration of the five-year term  
152 except for cause and shall not be required to resign at the end of a mayoral term or  
153 administration, subject to the right of appeal as provided in Title VI of the District of Columbia  
154 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-  
155 139; D.C. Official Code § 1-606.01 et seq.).

156 Sec. 106. Department organization.

157 (a) There are established within the Department the following offices and divisions:

158 (1) The Office of the Director with subordinate staff responsible for:

159 (A) Human Resources;

160 (B) Intergovernmental Affairs;

161 (C) the General Counsel;

162 (D) Communications; and

163 (E) Technology and Information Services, including the development and  
164 maintenance of, in coordination with the Office of the Chief Technology Officer,  
165 the systems necessary to enable the efficient and accurate maintenance of digital  
166 records management, electronic plan submission, electronic plan review, permit  
167 issuance, and enforcement records.

168 (2) Administrative Services, with subordinate staff responsible for:

169 (A) Customer Service and Complaint Resolution;

170 (B) Logistics and Fleet Services, including the management of the  
171 equipment necessary to support an inspection workforce that deploys to inspect construction sites  
172 in coordination with Technology and Information Services;

173 (C) Risk Management; and

174 (D) Contracts and Procurement;

175 (3) The Office of Construction and Building Standards, headed by the Chief  
176 Building Official established by section 104 of this act, with subordinate staff responsible for:

177 (A) The Permitting Operations Division, which shall:

178 (i) Accept permit applications for review and coordinate the review  
179 of such applications by the relevant offices and entities;

180 (ii) Evaluate submitted plans and certify their compliance with  
181 current building and construction codes or provide instructions to obtain compliance for non-  
182 compliant submissions;

183 (iii) Issue building permits for private and District construction  
184 projects;

185 (B) The Construction Compliance Division, which shall manage and  
186 coordinate revisions to the District's building and trade codes to meet current demands for  
187 adequate and safe construction and the maintenance of new and existing building structures as  
188 outlined by the International Code Council Family of Codes;

189 (C) The Building Inspection Division, which shall:

190 (i) Inspect commercial buildings;

191 (ii) Manage permit-related inspection requests;

192 (iii) Issue citations for violations of the District's

193 Building Codes and District's Zoning Regulations to correct violations; and

194 (iv) Conduct building and structure assessments for

195 emergency and disaster response in coordination with the Homeland Security and Emergency

196 Management Agency;

197 (D) Green Building Division, which shall regulate construction relevant to

198 the green codes which includes the Green Building Act of 2006, effective March 8, 2007 (D.C.

199 Law 16-234; D.C. Official Code § 6-1451.01 – 6-1451.11), the Green Construction Code (12

200 DCMR § K), and the Energy Conservation Code (12 DCMR § I). The Division shall coordinate

201 services with the Permitting Operations Division and Construction Compliance Division, such

202 as conducting plan review; building inspections; and collaborating with sister agencies, the

203 building industry, and the community to increase the sustainability of the built environment;

204 (E) Surveyor's Office, which shall produce and maintain the legal records

205 of all land plats and subdivisions of private and District government property within the District

206 of Columbia;



207 (F) Third-Party Inspection Program, which shall provide supplemental  
208 staff for the Department's plan review and inspection divisions, and shall ensure the suitability  
209 and quality of and authorize private entities to perform inspections and plan reviews and to  
210 certify to the Department that such work complies with the District of Columbia Construction  
211 Codes;

212 (G) Zoning Administration, which shall:

213 (i) Review applications for conformity with District of Columbia  
214 zoning regulations (11 DCMR § X);

215 (ii) Enforce zoning regulations;

216 (iii) Write letters of determination or of denial regarding the  
217 relevant zoning regulations applicable to specific development proposals; and

218 (iv) Refers developers to the Board of Zoning Adjustment and the  
219 Zoning Board if they want to seek special exceptions or zoning variances to the Administrator's  
220 rulings;

221 (5) The Office of Residential Inspection, headed by a Chief Inspection Official,  
222 with subordinate staff responsible for:

223 (A) Vacant and Blighted Property Division, which shall investigate and  
224 classify vacant and blighted buildings;

225 (B) Rental Housing Inspections Division, which shall protect District  
226 tenants by ensuring habitable housing by conducting both proactive and complaint-based  
227 residential housing inspections of housing and property maintenance code and regulation  
228 violations;

229 (C) Housing Rehabilitation Division, which shall:

- 230 (i) Abate housing and building code violations;
- 231 (ii) Process abatement contracts; and
- 232 (iii) Collect unpaid abatement costs;
- 233 (6) The Office of Strategic Code Enforcement, headed by the Strategic
- 234 Enforcement Administrator established in section 105 of this act, with subordinate staff
- 235 responsible for:
  - 236 (A) Code Enforcement Division, which shall:
    - 237 (i) Coordinate and monitor enforcement of violations cited by the
    - 238 Department's regulatory programs;
    - 239 (ii) Work closely with the Office of the Attorney General to
    - 240 compel compliance through judicial orders;
    - 241 (iii) Conduct compliance surveys; and
    - 242 (iv) Issue Notices of Infraction for violations;
  - 243 (B) Civil Infractions and Fine Assessment Division, which shall:
    - 244 (i) Process all civil infractions with the Office of Administrative
    - 245 Hearings;
    - 246 (ii) Collect fines; and
    - 247 (iii) Place property liens on unpaid fines.

248 Sec. 107. Implementation and Transition Plan.

- 249 (a) The City Administrator shall prepare and submit to the Council a comprehensive
- 250 transition plan and timeline to facilitate the implementation of this act.
- 251 (b) The transition plan shall include:

252 (1) A proposed organizational plan, including an organization chart, which  
253 reflects the proposed reporting structure for the Department consistent with this act, due 60 days  
254 after the effective date of this act;

255 (2) A strategic human capital plan which identifies the skills and personnel  
256 necessary for the functions covered by this act, identifies current available human resources,  
257 identifies the training necessary to ensure staff are prepared to perform, and identifies recruiting  
258 priorities and efforts, due 120 days after the effective date of this act;

259 (3) A Communications Strategy, which articulates the methods by which the  
260 Executive will share the mission and scope of the Department with the public, stakeholders, and  
261 the regulated community, metrics by which to judge the success of the plan, and alternative  
262 outreach options to improve success of the plan, due 120 days after the effective date of this act;

263 (4) A Comprehensive Document Control Inventory which identifies the  
264 documents, collateral, and assets that must be revised to reflect the change in responsibility to the  
265 Department of Buildings and the change in name of the former Department of Consumer and  
266 Regulatory Affairs to the Department of Licensing and Consumer Protection, due 180 days after  
267 the effective date of this act;

268 (5) A Business Process Analysis and Reengineering Assessment which identifies  
269 the processes by which the Department of Consumer and Regulatory Affairs currently performs  
270 each of the functions covered by this act, evaluates the effectiveness of each existing process,  
271 identifies potential process improvements, prioritizes eliminating process inefficiencies, and  
272 provides redesigned operational processes for the Department of Buildings to adopt these  
273 functions, due one year after the effective date of this act; and

274 (6) An information technology needs assessment which identifies the resources  
275 and tools necessary to enable operations where a single system, or a minimal number of fully  
276 integrated systems, facilitate plan review, enforcement, and records management across all  
277 relevant review and enforcement agencies, due one year after the effective date of this act.

278 (c) The timeline shall include progress points by which the Council may track the  
279 implementation of this act.

280 (d) As of the effective date of this act, the Mayor shall provide quarterly updates on the  
281 progress of developing the deliverables identified in paragraph (b) of this section.

282

283 **TITLE II. AGENCY PLANNING REPORTING REQUIREMENTS**

284 **Sec. 201. Strategic Enforcement Plan.**

285 (a) On or before January 1, 2021 and every three years thereafter, the SEA shall submit to  
286 the Council a Strategic Enforcement Plan that:

287 (1) Establishes priorities;

288 (2) Identifies available and needed resources while integrating the Department's  
289 enforcement functions; and

290 (3) Identifies instances in which the Department can leverage the enforcement  
291 efforts of sister agencies with which the Department has adjacent, overlapping or shared  
292 authority.

293 (b) The plan required under paragraph (a) shall rely on existing data and industry best  
294 practices to determine enforcement priorities for the duration of the plan.

295 (c) In developing the plan required under paragraph (a) the SEA shall afford great weight  
296 to available complaint data and community sentiment.

297 Sec. 202. Annual Enforcement Report.

298 (a) On or before January 1, 2022 and every year thereafter, the Director shall submit to  
299 the Council, an annual report, detailing the enforcement activities of the prior fiscal year of the  
300 Department.

301 (b) The report required under paragraph (a) shall assess the Department's progress  
302 against the Strategic Enforcement Plan required under section 201 and identify any changes to  
303 operations necessary to implement said Plan.

304 (c) The report required under paragraph (a) shall also include the following data for the  
305 prior fiscal year:

306 (1) Complaint data: detailing the number, type, method, determination of validity,  
307 and resolution of complaints received by the Department;

308 (2) Violation data: detailing the violations identified, cited, in the prior fiscal year  
309 and their status as abated or unresolved as of the date of the report;

310 (3) Fine Collection data: detailing the dollar value of the fines assessed, dollar  
311 value of the fines assessed versus the fines collected, violations for which the fines were issued,  
312 and identifying any reduction in fine amount due to an action by an administrative judge to  
313 reduce the assessed fine, adverse judgment at an administrative hearing, administrative  
314 settlement or dismissal by the Department, or other means resulting in a collection less than the  
315 levied amount, and any fines not yet collected as of the date of the report;

316 (4) Abatement efficacy: detailing the number and nature of abatement orders, the  
317 number of days taken to abate each order, the number of extensions granted by type of abatement  
318 order, the justification for each extension, and the location of each abatement order, and its status  
319 as abated or unresolved as of the date of the report;

320 (5) Enforcement Escalation data: detailing the number of violations referred to the  
321 Attorney General for the District of Columbia, the aggregate dollar amount assessed, and a  
322 description of the matters referred; and

323 (6) Collections Escalation data: detailing the number of violations referred to the  
324 Central Collections Unit.

325  
326 **TITLE III. REDESIGNATION OF THE DEPARTMENT OF CONSUMER AND**  
327 **REGULATORY AFFAIRS**

328 Sec. 301. Redesignation.

329 The Department of Consumer and Regulatory Affairs shall be redesignated as the  
330 Department of Licensing and Consumer Protections.

331

332 **TITLE IV. RULEMAKING AUTHORITY; SAVINGS CLAUSE**

333 Sec. 401. Rules.

334 (a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure  
335 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue  
336 rules to implement the provisions of this act, including establishing fines, permit fees, and other  
337 fees necessary to support the implementation of this act.

338 (b) Proposed rules promulgated pursuant to subsection (a) of this section shall be  
339 submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal  
340 holidays, and days of Council recess. If the Council does not approve or disapprove the proposed  
341 rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be  
342 deemed to be approved.

343 Sec. 402. Savings clause.

344 The rules any agency, department, or administration, the functions of which are  
345 transferred by this act to the Department of Buildings, has promulgated that do not conflict with  
346 this act shall remain in effect until amended or repealed by rules promulgated in accordance with  
347 this act.

348

349 **TITLE V. CONFORMING AMENDMENTS**

350 Sec. 501. Conforming Amendments.

351 (a) The following functions and duties shall be transferred to the Department of Buildings  
352 by October 1, 2019, as follows:

353 (1) The functions of the Department of Consumer and Regulatory Affairs as set  
354 forth in section III (A)(4-5) and (B)(3, 6-11) of Reorganization Plan No. 1 of 1983, effective  
355 March 31, 1983 shall be transferred to the Department of Buildings, by October 1, 2020.

356 (2) The functions and duties as set forth in section XX of An Act to (D.C. Law  
357 D.C. Official Code § 2-101 et seq),

358 (b) Section 26 of the District of Columbia Housing Authority Act of 1999, effective May  
359 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-225) is amended as follows:

360 (1) Strike the word “and” from paragraph (5);

361 (2) Strike the period of paragraph (6) and insert “; and” in its place;

362 (3) Insert a new paragraph (7) to read as follows: “The Department of Buildings.”

363 (b) The District of Columbia Applications Insurance Implementation Act, effective May  
364 26, 1976 (D.C. Law 1-64; D.C. Official Code §§ 6-501- 6-506) is amended by adding a new  
365 section 6A to read as follows:

366 (6B) The Mayor shall delegate the functions enumerated in this chapter to the Director of  
367 the Department of Buildings.

368 (c) An Act To regulate the height of buildings in the District of Columbia, as amended,  
369 effective June 1, 1910 (D.C. Official Code § 6-601) is amended as follows:

370 (1) Section 5 (D.C. Official Code § 6-601.05) is amended as follows:

371 (A) Strike the phrase “Office of the Inspector of Buildings of the District  
372 of Columbia” and insert the phrase “Department of Buildings” in its place;

373 (d) An Act Providing for the zoning of the District of Columbia and the regulation of the  
374 location, height, bulk, and used of buildings and other structures and of the uses of land in the  
375 District of Columbia, and for the purposes, as amended, effective June 20, 1938 (52 Stat. 800;  
376 D.C. Official Code §§ 6-641.01 – 6-641.15) is amended as follows:

377 (1) Section 8 (D.C. Official Code § 6-641.07) is amended as follows:

378 (A) Strike the phrase “Inspector of Buildings” and insert the phrase  
379 “Director of the Department of Buildings” in its place;

380 (2) Section 10 (D.C. Official Code § 6-641.09) is amended as follows:

381 (A) Strike the phrase “Inspector of Buildings” and insert the phrase  
382 “Director of the Department of Buildings” in its place;

383 (B) Strike the word “Inspector” and insert the word “Director” in its place;



384 (C) Strike the phrase “Corporation Counsel” wherever it appears and  
385 insert “Attorney General for the District of Columbia” in its place; and

386 (D) Strike the phrase “The Department of Consumer and Regulatory  
387 Affairs” and insert the phrase “Department of Buildings” in its place.

388 (e) An Act Making appropriations to provide for the expenses of the government of the  
389 District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for  
390 other purposes, as amended, effective March 3, 1909 (35 Stat. 689; D.C. Official Code §§ 6-  
391 661.01 – 6-661.02) is amended by striking the phrase “Inspector of Buildings” wherever it  
392 appears and inserting the phrase “Director of the Department of Buildings” in its place.

393 (a) All staff, property, records, and unexpended balances of appropriations, allocations,  
394 and other funds available or to be made available relating to the duties and functions assigned  
395 herein, shall be transferred to the Department of Buildings by October 1, 2019.

396 OR

397 (a) The Mayor shall transfer to Department of Buildings, by October 1, 2019, as feasible:

398 (1) Existing staff, property, records, and unexpended balances of appropriations,  
399 allocations, and other funds available or to be made available relating to the duties and functions  
400 related to housing code enforcement, permitting;

401

## 402 **TITLE VI. FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

403 Sec. 601. Fiscal impact statement.

404 The Council adopts the fiscal impact statement in the committee report as the fiscal  
405 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
406 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

407           Sec. 502. Effective date.

408           This act shall take effect following approval by the Mayor (or in the event of veto by the  
409 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
410 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
411 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
412 Columbia Register.