

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Air Quality Amendment Act of 2014 to provide for administrative enforcement of its indoor mold remediation standards; to amend the Office of Administrative Hearing Establishment Act of 2001 to extend its application to an appeal of a determination not to extend the timeline for indoor mold remediation; and to amend the Lead-Hazard Prevention and Elimination Act of 2008 to modify acceptable levels of lead exposure.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Residential Housing Environmental Safety Amendment Act of 2020”.

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

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

(b) Section 304 (D.C. Official Code § 8-241.03) is amended by adding a new subsection (e) to read as follows:

“(e)(1) Housing inspectors employed by the Department of Consumer and Regulatory Affairs (“DCRA”) as of October 1, 2021, shall obtain certification from the Department of the Energy and Environment to conduct indoor mold inspections by March 31, 2022.

“(2) Housing inspectors hired by DCRA after October 1, 2021, shall obtain certification within 90 days after the housing inspector is hired.”.

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

“(c) If the Director or the Department of Consumer and Regulatory Affairs (“DCRA”) determines that a property has significant indoor mold growth, the Director or DCRA shall direct the residential property owner to remediate the indoor mold in accordance with section 305(c) and issue a notice of infraction. The penalties for a notice of infraction issued pursuant to this subsection shall be as follows:

“(1) If the indoor mold growth is in an amount equal to or exceeding the standard established pursuant to section 303(a)(1), the violation shall be a class 3 infraction under 12 DCMR § 3201.1(c).

“(2) If the indoor mold growth is in an amount below the standard established pursuant to section 303(a)(1), the violation shall be a class 4 infraction under 12 DCMR § 3201.1(d).

“(d)(1) A residential property owner may submit a written request to the Director or DCRA, whichever issued the notice of infraction, to extend the timeline for indoor mold remediation. The Director or DCRA may extend the timeline for remediation when:

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

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

“(2) The Director or DCRA shall notify the residential property owner and tenant of its decision in writing within 10 business days after receipt of a request pursuant to paragraph (1) of this subsection.

“(3) A residential property owner or tenant shall have 15 days from the receipt of DCRA or the Director’s decision to file an appeal with the Office of Administrative Hearings.

“(4) DCRA and the Director shall each maintain the following information by fiscal and calendar year:

“(A) The number of notices of violation issued by the Director or DCRA pursuant to paragraph (1) of this subsection;

“(B) The number of residential property owners for whom the Director or DCRA imposed a penalty pursuant to paragraph (2) of this subsection, and the average penalty imposed;

“(C) The number of residential property owners for whom the Director or DCRA agreed to extend the timeline for remediation, pursuant to paragraph (3) of this subsection; and

“(D) The number of residential property owners who, having received an extension, did not remediate the cause of the notice of violation by the end of the extension period.”.

(d) Section 310 (D.C. Official Code § 8-241.09) is amended by striking the period and inserting the phrase “pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)” in its place.

Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-26) to read as follows:

“(b-26) This act shall apply to all appeals made pursuant to section 306(d)(3) of the Air Quality Amendment Act of 2014, effective September 9, 2014 (D.C. Law 20-135; D.C. Official Code § 8-241.05(d)(3)).”.

Sec. 4. Section 2 of the Lead-Hazard Prevention and Elimination Act of 2008, effective March 31, 2009 (D.C. Law 17-381; D.C. Official Code § 8-231.01), is amended as follows:

(a) Paragraph (13) is amended by striking the phrase “10 micrograms” and inserting the phrase “5 micrograms” in its place.

(b) Paragraph (20) is amended by striking the phrase “one milligram per square centimeter (1.0mg/cm<sup>2</sup>)” and inserting the phrase “0.7 milligrams per square centimeter (0.7mg/cm<sup>2</sup>)” in its place.

(c) Paragraph (24) is amended as follows:

(1) Subparagraph (A) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase “40 micrograms” and inserting the phrase “10 micrograms” in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase “250 µg/ft<sup>2</sup>” and inserting the phrase “100 µg/ft<sup>2</sup>” in its place.

(2) Subparagraph (B) is amended as follows:

(A) Sub-subparagraph (i) is amended as follows:

(i) Strike the phrase “400 µg/ft<sup>2</sup>” and inserting the phrase “100 µg/ft<sup>2</sup>” in its place.

(ii) Strike the phrase “; or” and insert a semicolon in its place.

(B) A new sub-subparagraph (iii) is added to read as follows:

”(iii) 40 µg/ft<sup>2</sup> on porch floors; or”.

(d) Paragraph (27) is amended by striking the phrase “lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)” and inserting the phrase “lead-contaminated dust or lead-based paint” in its place.

(e) Paragraph (28) is amended by striking the phrase “lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)” and inserting the phrase “lead-contaminated dust or lead-based paint” in its place.

(f) Paragraph (33) is amended as follows:

(1) Subparagraph (C) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Subparagraph (D) is amended by striking the period and inserting a semicolon in its place.

(3) New subparagraphs (E) and (F) are added to read as follows:

“(E) Per diem food expenses when the replacement housing does not include a kitchen; and

“(F) For the length of time that a tenant resides in temporary replacement housing, and calculated on a monthly basis, excess costs incurred by the tenant to travel to and from work, which shall be calculated by subtracting the amount the tenant paid to travel to and from their place of work during a given month from the amount the tenant paid to travel to and

from work for the month immediately preceding the tenant moving into the temporary replacement housing.”.

**Sec. 5. Applicability**

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

**Sec. 6. Fiscal impact statement.**

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

**Sec. 7. Effective date.**

This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia