



OFFICE OF THE  
SECRETARY  
2016 OCT 24 PM 5:18

MURIEL BOWSER  
MAYOR

OCT 24 2016

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Ave., NW, Suite 506  
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a resolution entitled the "Department of Consumer and Regulatory Affairs Construction Codes Exemption Harmonization Approval Resolution of 2016"

The enclosed measure approves proposed regulations amending provisions in the 2013 District of Columbia Building Code to exempt certain family mausoleums from building permit requirements.

I urge prompt consideration and approval of this measure.

If you have any questions on this matter, please contact Melinda Bolling, Director, Department of Consumer and Regulatory Affairs, at (202) 442-8935.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over a large, stylized flourish that extends downwards and to the right.

Muriel Bowser

Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on \_\_\_\_\_.

To approve the proposed rules to amend Title 12 (District of Columbia Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Consumer and Regulatory Affairs Construction Codes Exemption Harmonization Approval Resolution of 2016."

**Sec. 2.** Pursuant to Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code §6-1409 (2012 Repl. & 2015 Supp.) and Mayor's Order 2009-22, dated February 25, 2009), the Council approves the proposed rules, published at 63 DCR 9408, to amend Title 12 of the District of Columbia Municipal Regulations.

**Sec. 3.** The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

**Sec. 4.** The Secretary of the Council shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Consumer and Regulatory Affairs.

**Sec. 5.** This resolution shall take effect immediately.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
CONSTRUCTION CODES COORDINATING BOARD**

**NOTICE OF PROPOSED RULEMAKING**

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl. & 2016 Supp.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to adopt the following amendments to Chapters 1 (Administration and Enforcement) and 2 (Definitions) of Title 12 (Construction Codes Supplement of 2013), Subtitle A (Building Code Supplement of 2013), of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would revise provisions in the 2013 District of Columbia Building Code to exempt certain family mausoleums from building permit requirements. To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~strikethrough~~ text.

The process for submitting comments on the proposed rulemaking is detailed on the final page of this Notice.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to Section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

**Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:**

**Chapter 1, ADMINISTRATION AND ENFORCEMENT, Section 105, PERMITS, is amended as follows:**

*Insert the following exemption in Subsection 105.2 of the 2013 District of Columbia Building Code to read as follows:*

14. A one-story mausoleum not exceeding 250 square feet (23 m<sup>2</sup>) in footprint area provided the mausoleum (a) is of Type I or II construction; (b) does not contain any habitable space; and (c) does not require any utility connections. Notwithstanding the applicability of this permit exemption, the person undertaking the proposed work shall comply with applicable requirements of the U.S. Commission of Fine Arts (Shipstead-Luce Act of 1930, Public Law 71-231 and Public Law 76-248; Old Georgetown Act of 1950, Public Law 81-808), and the Department of Energy and the Environment (Stormwater Management, Soil Erosion and Sediment

Control, 21 DCMR Chapter 5).

**Chapter 2, DEFINITIONS, Section 202, DEFINITIONS, is amended as follows:**

*Insert a new definition in Section 202 of the 2013 District of Columbia Building Code to read as follows:*

**MAUSOLEUM.** A permanent structure or building, located on burial grounds authorized pursuant to D.C. Official Code § 43-121, which is substantially exposed above the ground and used solely for the interment, entombment, or inurnment of human remains.

All persons desiring to comment on these proposed regulations should submit comments in writing to Jill Stern, Construction Codes Coordinating Board Chairperson, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5100, Washington, D.C. 20024, or via e-mail at [jill.stern@dc.gov](mailto:jill.stern@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8944. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



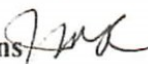
ATTORNEY GENERAL  
KARL A. RACINE

Privileged and Confidential  
Attorney Client Communication

Legal Counsel Division

**MEMORANDUM**

**TO:** Annie McCarthy  
Legislative Affairs Specialist  
Department of Consumer and Regulatory Affairs

**FROM:** Janet M. Robins   
Deputy Attorney General  
Legal Counsel Division

**DATE:** August 23, 2016

**SUBJECT:** Legal Sufficiency Review of "Department of Consumer and Regulatory Affairs Construction Codes Exemption Harmonization Approval Resolution of 2016"  
(AL-16-206C)

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This responds to your request of August 23, 2016 for a legal sufficiency review of a draft resolution, entitled the "Department of Consumer and Regulatory Affairs Construction Codes Exemption Harmonization Approval Resolution of 2016" ("resolution").

The resolution seeks Council approval of proposed rules promulgated by the Department of Consumer and Regulatory Affairs under section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl. & 2016 Supp.)) and Mayor's Order 2009-22, dated February 25, 2009. The resolution will approve proposed rules that amend Title 12 (District of Columbia Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations.

We have reviewed the resolution and find it to be legally sufficient. Accordingly, we have attached a legal sufficiency certificate to be forwarded along with the legislation when you forward your legislative package to the Office of Policy and Legislative Affairs.

If you have any questions about this memorandum, please contact either Carol Paskin Epstein, Senior Assistant Attorney General, at 724-5536, or me at 724-5524.

JMR/cpe

Attachments

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

Confidential and Privileged  
Attorney Client Communication

**MEMORANDUM**

**TO:** Lolita S. Alston  
Director  
Office of Legislative Support

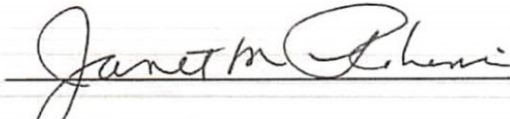
**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** August 23, 2016

**SUBJECT:** Legal Sufficiency Review of "Department of Consumer and Regulatory Affairs  
Construction Codes Exemption Harmonization Approval Resolution of 2016."

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**This is to Certify that** this Office has reviewed the above-referenced legislation and that we have found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Janet M. Robins



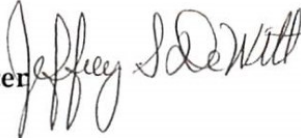
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** September 8, 2016

**SUBJECT:** Fiscal Impact Statement – “Department of Consumer and Regulatory Affairs Construction Codes Exemption Harmonization Approval Resolution of 2016”

**REFERENCE:** Draft resolution provided to the Office of Revenue Analysis on August 19, 2016

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**Conclusion**

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the resolution.

**Background**

The resolution approves an amendment to the District of Columbia Building Code to exempt mausoleums from permitting requirements, provided the mausoleum is smaller than 250 square feet, does not contain habitable space, and does not require any utility connections. The resolution also defines a mausoleum as a structure on a burial ground, substantially exposed above the ground and used solely for interment of human remains.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the resolution. The Department of Consumer and Regulatory Affairs has not seen permit requests for mausoleums for at least three years, so any foregone fee revenue from future permit requests is likely to be *de minimis*.