



2018 NOV 21 PM 12:43
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

NOV 21 2018

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., NW, Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

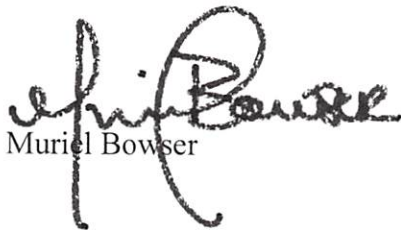
Enclosed for consideration and approval by the Council of the District of Columbia is a resolution entitled the "Attestation and Seal Change Approval Resolution of 2018."

The enclosed measure approves a rulemaking that clarifies the types of designs that must be reviewed by a registered design professional in the District. The clarification refers to registered design professionals working on new construction, repair, expansion, addition, or alteration projects submitted for permit approval. The change will align the rules to current industry practice. No comments were received during the public comment period for the proposed rulemaking.

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,


Muriel Bowser


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 12A of the District of Columbia Municipal Regulations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Attestation and Seal Change Approval Resolution of 2018."

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.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, the Council of the District of Columbia approves the amendments to Title 12A (D.C. Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations, as proposed by the Department of Consumer and Regulatory Affairs and published at 65 DCR 6188.

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

35 adoption, to the Director of the Department of Consumer and Regulatory Affairs.

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

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

NOTICE OF EMERGENCY AND 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.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the adoption of the following emergency rulemaking amending Title 12 (D.C. Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessitated by the immediate need to revise provisions in the 2013 District of Columbia Building Code to clarify the requirements for registered design professionals for new construction, repair, expansion, addition or alteration projects submitted for permit.

This emergency rulemaking was adopted on January 5, 2018, to become effective immediately. Pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), this emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness, and will expire on May 5, 2018.

To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~striketrough~~ 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 (D.C. Official Code § 6-1409(a)), 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.

Subtitle A (Building Code Supplement) of Title 12 (D.C. Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations is amended as follows:

CHAPTER 1 ADMINISTRATION AND ENFORCEMENT

105 PERMITS

Strike Section 105.3.10 in the 2013 District of Columbia Building Code in its entirety and insert

a new Section 105.3.10 in the 2013 District of Columbia Building Code in its place to read as follows:

~~**105.3.10 Design Professional in Responsible Charge.** All design for new construction work, alteration, repair, expansion, addition or modification work involving the practice of professional architecture shall be prepared only by an architect licensed by the District and work involving the practice of professional engineering shall be prepared only by an engineer licensed by the District. All drawings, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a licensed architect or licensed engineer and shall bear the signature and seal of the architect or the engineer.~~

~~**105.3.10.1 Exemptions.** The professional services of a registered architect, professional engineer or an interior designer are not required for the following:~~

- ~~1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the professional registration of architects, engineers and interior designers.~~
- ~~2. Nonstructural alteration of any *building* of R-3 occupancies or of any *building* under the jurisdiction of the *Residential Code*.~~
- ~~3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from building permit by Section 105.2.~~
- ~~4. Preparation of drawings or details for the installation of water and sewer *building* connections to a single family residential *structure*. The *code official* is authorized to accept drawings and details prepared by a licensed plumber.~~

~~**105.3.10.2 Substitute Design Professional.** If the circumstances require, the *owner* shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge.~~

~~**105.3.10.3 Attestation.** An application for a building permit requiring a stamp from a design professional shall include an attestation by the design professional in responsible charge stating as follows:~~

- ~~(a) For architects: "I am responsible for determining that the architectural designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have~~

personally prepared, or directly supervised the development of, the architectural designs included in this application.”

(b) ~~For engineers: “I am responsible for determining that the engineering designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the engineering designs included in this application.”~~

105.3.10 Registered Design Professional. The design of work for new construction, repair, expansion, addition or alteration projects submitted for permit shall comply with Sections 105.3.10.1 through 105.3.10.6 as applicable.

105.3.10.1 Architectural Services. Where the project involves the practice of architecture, as defined by D.C Official Code § 47-2853.61 (2012 Repl.), the corresponding permit documents shall be prepared by an architect licensed to practice architecture in the District of Columbia. All plans, computations, and specifications required to be submitted in connection with a permit application for such architectural work shall be prepared by or under the direct supervision of an architect with a valid and unexpired District of Columbia architecture license and shall bear the architect’s signature and seal in accordance with the laws of the District of Columbia.

105.3.10.2 Engineering Services. Where the project involves the practice of engineering, as defined by D.C Official Code § 47-2853.131 (2012 Repl.), the corresponding permit documents shall be prepared by a professional engineer licensed to practice engineering in the District of Columbia. All plans, computations, and specifications required to be submitted in connection with a permit application for such engineering work shall be prepared by or under the direct supervision of a professional engineer with a valid and unexpired District of Columbia engineer license and shall bear the engineer’s signature and seal in accordance with the laws of the District of Columbia.

Exception: An architect licensed in the District of Columbia is authorized to perform engineering work that is incidental to the practice of architecture, as permitted by D.C Official Code § 47-2853.61 (2012 Repl.).

105.3.10.3 Interior Design Services. Plans for non-structural alterations and repairs of a building, including the layout of interior spaces, which do not adversely affect any structural member, any part of the structure having a required fire resistance rating, or the public safety, health or welfare, and which do not involve the practice of architecture and engineering as defined by D.C Official Code §§ 47-2853.61 and 47-2853.131 (2012 Repl.), shall be deemed to comply with this section when such plans are prepared, signed and sealed by an interior designer licensed and registered in the District of Columbia in accordance with D.C Official Code § 47-2853.101 (2012 Repl.).

105.3.10.4 Exemptions. The professional services of a licensed architect, professional engineer or interior designer are not required for the following:

1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the licensure of architects, professional engineers and interior designers.
2. Nonstructural alteration of any building of R-3 occupancies or of any building under the jurisdiction of the *Residential Code*.
3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from permit by Section 105.2.
4. Drawings or details for the installation of water and sewer building connections to a single family residential structure prepared by a master plumber licensed pursuant to D.C Official Code § 47-2853.121 *et seq.* (2012 Repl.).

105.3.10.5. Registered Design Professional in Responsible Charge. The *code official* is authorized to require the *owner* to engage and designate on the permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the *owner* shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the *original registered design professional in responsible charge*. Where a *registered design professional in responsible charge* is required, the *code official* shall be notified in writing by the *owner* if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the *building*.

105.3.10.6 Attestations Required.

105.3.10.6.1 Registered Design Professional. The signature and seal of the *registered design professional*, where required by and in accordance with Section 105.3.10, shall serve as attestation of the following:

1. For architects: “I am responsible for determining that the architectural designs included in this application are in compliance with all relevant laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the preparation of, the architectural designs included in this

application.”

2. For engineers: “I am responsible for determining that the engineering designs included in this application are in compliance with all relevant laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the preparation of, the engineering designs included in this application.”

105.3.10.6.2 Registered Design Professional in Responsible Charge. Where the code official determines that a registered design professional in responsible charge is required for any project, an attestation sealed and signed by the registered design professional in responsible charge engaged by the owner shall be submitted prior to the issuance of any and all certificate(s) of occupancy for the project. The attestation shall identify the registered design professional in charge by name and registration number, shall identify the project or portion thereof being attested to, and shall state, to the code official’s satisfaction, that the project or portion thereof has been completed in a manner that is substantially compatible with the design of the building that was the basis of the corresponding permit. Furthermore, the attestation shall state that changes from such permit documents, including but not limited to submittal documents prepared by others during the course of construction, and phased and deferred submittal items, have been reviewed and coordinated by the attesting registered design professional in responsible charge.

All persons desiring to comment on these proposed regulations should submit comments in writing to Jill Stern, Chairperson, Construction Codes Coordinating Board, 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, 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) 442-4400. 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. Free copies are available on the website of the District of Columbia Office of Documents and Administrative Issuances at <http://www.dcregs.dc.gov/Gateway/IssueList.aspx>.

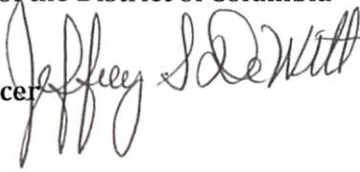
Government of the District of Columbia
Office of the Chief Financial Officer



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: May 8, 2018

SUBJECT: Fiscal Impact Statement – Attestation and Seal Change Approval
Resolution of 2018

REFERENCE: Draft Resolution provided to the Office of Revenue Analysis on April
23, 2018

Conclusion

Funds are sufficient in the fiscal year 2018 budget and proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the Resolution.

Background

The Resolution approves rulemaking¹ that clarifies the types of designs that must be reviewed by a registered design professional in the District. The clarification refers to registered design professionals working on new construction, repair, expansion, addition, or alteration projects submitted for permit approval. The change will align the rules to current industry practice.

Financial Plan Impact

Funds are sufficient in the fiscal year 2018 budget and proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

¹ Emergency rulemaking was adopted January 5, 2018 by the Construction Codes Coordinating Board and expired May 5, 2018. The rulemaking adopts changes to the D.C. Construction Codes Supplement of 2013 (DCMR Title 12).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



LEGAL COUNSEL DIVISION

MEMORANDUM

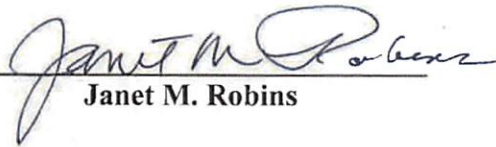
TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

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

DATE: May 29, 2018

SUBJECT: Legal Sufficiency Review of Proposed Resolution, the "Attestation and Seal Approval Resolution of 2018," Regarding Second Emergency Rulemaking to Amend Title 12-A (Building Code Supplement) of the District of Columbia Municipal Regulations (AR-17-745-B)

This is to Certify that this Office has reviewed the above-referenced proposed resolution, the "Attestation and Seal Change Approval Resolution of 2018," and has found it to be legally sufficient. If you have questions regarding this certification, please do not hesitate to contact me at 724-5524.


Janet M. Robins