



**MURIEL BOWSER**  
**MAYOR**

10/5/2020

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 proposed resolution entitled the "Construction Codes Fire Safety Amendment Approval Resolution of 2020."


This resolution will amend the 2017 District of Columbia Building Code and the 2017 District of Columbia Fire Code to remove an exemption that allows removal of portable fire extinguishers from residential and other occupancies in certain circumstances. The exemption was inadvertently included in new construction codes that became effective May 29, 2020, but the Construction Code Coordinating Board approved emergency rulemaking to simultaneously remove the exemption on the effective date. The resolution makes the emergency rulemaking permanent.

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

Sincerely,

  
Muriel Bowser  
Enclosures

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Chairman Phil Mendelson  
at the request of the Mayor

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PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
\_\_\_\_\_

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

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13 To approve proposed rules of the District of Columbia Department of Consumer and  
14 Regulatory Affairs Construction Codes Coordinating Board that would amend  
15 Title 12 of the District of Columbia Municipal Regulations to improve fire safety.

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17 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That  
18 this resolution may be cited as the "Construction Codes Fire Safety Amendment  
19 Approval Resolution of 2020".

20 Sec. 2. Pursuant to D.C. Official Code § 6-1409(a), the Council of the District of  
21 Columbia approves the proposed rulemaking by the District of Columbia Department of  
22 Consumer and Regulatory Affairs ("DCRA") that will improve fire safety.

23 Sec. 3 The proposed rulemaking would amend section 906.1 of the 2017 District  
24 of Columbia Building Code and section 906.1 of the 2017 District of Columbia Fire Code  
25 (Titles 12-A and 12-H, respectively, of the District of Columbia Municipal Regulations).  
26 The amendments would remove an exemption that allows removal of portable fire  
27 extinguishers from residential and other occupancies in certain circumstances. These  
28 amendments will conform these construction codes to the standards of the International

29 Building Code (2018 edition) and the International Fire Code (2018 edition) published by  
30 the International Code Council.

31 Sec. 4. The Secretary to the Council of the District of Columbia shall transmit a  
32 copy of this resolution, upon its adoption, to the Mayor, the Director of DCRA, and the  
33 Chairperson of the Construction Codes Coordinating Board.

34 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 2017) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessitated by the immediate need to revise Section 906.1 of the 2017 District of Columbia Building Code and Section 906.1 of the 2017 District of Columbia Fire Code (together the "Codes") for fire safety reasons, since Section 906.1 in the Codes contains an exemption that would allow removal of portable fire extinguishers from residential and other occupancies contrary to model code provisions. The subject amendment will conform Section 906.1 to the International Building Code (2018 edition) and the International Fire Code (2018 edition) published by the International Code Council.

This emergency rulemaking was adopted on May 29, 2020, to become effective immediately. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness and will expire on September 26, 2020.

To clearly show the changes being made to the Codes, 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.

**2017 District of Columbia Building Code**

**Amend Section 906.1 of the District of Columbia Building Code Supplement of 2017, 12A DCMR, to read as follows:**

**CHAPTER 9**

**906 PORTABLE FIRE EXTINGUISHERS**

~~*Strike the exception to Section 906.1 Item 1 in the International Building Code in its entirety and*~~

~~insert new exceptions to Section 906.1 Item 1 in the Building Code in its place to read as follows:~~

Strike Section 906.1 in the International Building Code in its entirety and insert a new Section 906.1 in the Building Code in its place to read as follows:

**906.1 Where required.** Portable fire extinguishers shall be installed in all of the following locations:

1. In Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

**Exceptions:**

- ~~1. In new and existing Group A, B, E and R occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.~~
- ~~2. 1. In Group R-2 occupancies, which are not equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each *dwelling unit* is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.~~
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2- A:20-B:C.
3. Within 30 feet (9144 mm) distance of travel from of commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
4. In areas where flammable or *combustible liquids* are stored, used or dispensed.
5. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1 of the *Fire Code*.
6. Where required by the *Fire Code* sections indicated in Table 906.1.
7. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the *fire code official*.

[No Change to Table 906.1]

## 2017 District of Columbia Fire Code

Amend Section 906.1 of the District of Columbia Fire Code Supplement of 2017, 12H DCMR, to read as follows:

### CHAPTER 9

#### 906 PORTABLE FIRE EXTINGUISHERS

~~Strike the exception to Section 906.1 Item 1 in the International Fire Code in its entirety and insert new exceptions to Section 906.1 Item 1 in the Fire Code in its place to read as follows:~~

Strike Section 906.1 in the International Fire Code in its entirety and insert new Section 906.1 in its place in the Fire Code to read as follows:

**906.1 Where required.** Portable fire extinguishers shall be installed in all of the following locations:

1. In Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

#### **Exceptions:**

~~1. In new and existing Group A, B, E and R occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.~~

~~2.1. In Group R-2 occupancies, which are not equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each *dwelling unit* is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.~~

2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2- A:20-B:C.

2. Within 30 feet (9144 mm) distance of travel from ~~of~~ commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.

3. In areas where flammable or *combustible liquids* are stored, used or dispensed.

4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the *fire code official*.

[No Change to Table 906.1]

All persons desiring to comment on the proposed regulations should submit comments in writing to Danielle Gurkin, 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 [Danielle.gurkin@dc.gov](mailto:Danielle.gurkin@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 Emergency and Proposed Rulemaking should email the CCCB Chairperson at the email address above or call (202) 442-4400. After publication of the subject Notice of Emergency and Proposed Rulemaking in the *D.C. Register*, a copy of the proposed rules can be downloaded from the website of the Office of the Secretary of the District of Columbia/Office of Documents and Administrative Issuances at <https://www.dcregs.dc.gov/>.


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:** October 1, 2020

**SUBJECT:** Fiscal Impact Statement – Construction Codes Fire Safety Amendment  
Approval Resolution of 2020

**REFERENCE:** Draft Resolution provided to the Office of Revenue Analysis on  
September 22, 2020

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**Conclusion**

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the resolution.

**Background**

The resolution changes the District of Columbia Building Code<sup>1</sup> to remove an exemption that allows removal of portable fire extinguishers from residential and other structures in certain circumstances. The exemption was inadvertently included in new construction codes that became effective May 29, 2020, but the Construction Code Coordinating Board approved emergency rulemaking<sup>2</sup> to simultaneously remove the exemption on the effective date. The resolution makes the emergency rulemaking permanent.

**Financial Plan Impact**

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<sup>1</sup> Section 906.1 of the 2017 District of Columbia Building Code and section 906.1 of the 2017 District of Columbia Fire Code (Titles 12-A and 12-H, respectively, of the District of Columbia Municipal Regulations).

<sup>2</sup> 67 DCR 6972 (June 5, 2020). - The Emergency Rulemaking was adopted on May 29, 2020, simultaneous to the new code adoption, and expires September 26, 2020. A second Emergency Rulemaking was adopted September 25, 2020 (DC Register citation not yet available.)



**The Honorable Phil Mendelson**

**FIS: "Construction Codes Fire Safety Amendment Approval Resolution of 2020," Draft resolution provided to the Office of Revenue Analysis on September 22, 2020**

**Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the resolution. Since the exemption has never been in effect, this is a technical action that maintains the status quo and has no fiscal impact.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



LEGAL COUNSEL DIVISION

**MEMORANDUM**

**TO: Ronan Gulstone**  
**Director**  
**Office of Policy and Legislative Affairs**

**FROM: Brian K. Flowers**  
**Deputy Attorney General**  
**Legal Counsel Division**

**DATE: October 2, 2020**

**SUBJECT: Legal Sufficiency Review of Draft "Construction Codes Fire Safety  
Amendment Approval Resolution of 2020"  
(AR-20-120-C)**

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**This is to Certify that** this Office has reviewed the above-referenced proposed legislation 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.

*Brian K. Flowers*

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**Brian K. Flowers**