

AN ACT

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District of
Columbia
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Construction Codes Approval and Amendments Act of 1986 to provide for stiffer penalties for violation of the Construction Codes, to clarify the types of injunctive relief available to prevent, deter, and penalize illegal construction activity in the District of Columbia, to clarify the standard for injunctive relief for violation of the Construction Codes, to include illegal construction activity as a basis for denying building permits; to amend section 23-581 of the District of Columbia Official Code to include illegal construction as a probable cause misdemeanor; and to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to provide for civil fines, penalties, and fees to be imposed as alternative sanctions for any infraction of the requirements for building registration, inspection, fees, or maintenance, and to adjust the reporting period for updates to the vacant building list.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Abatement of Nuisance Construction Projects Temporary Amendment Act of 2005”.

Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

(a) Section 7 (D.C. Official Code § 6-1406) is amended as follows:

Note,
§ 6-1406

(1) Subsection (a) is amended as follows:

(A) Strike the figure “\$300” and insert the figure “\$2,000” in its place.

(B) Strike the phrase “10 days” and insert the phrase “90 days” in its

place.

(2) A new subsection (d) is added to read as follows:

“(d) Prosecutions pursuant to subsections (a) and (b) of this section shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.”.

(b) Section 8 (D.C. Official Code § 6-1407) is amended to read as follows:

“(a) Whenever it appears that any person, association, or business entity has engaged, is

Note,
§ 6-1407

engaged, or is about to engage in acts or practices constituting a violation or infraction of any provision or orders issued under the Construction Codes, the Office of the Attorney General may bring an action in the Superior Court of the District of Columbia for injunctive relief. Injunctive relief shall be granted on a showing that it will prevent, deter, or penalize illegal construction activity in the District.

“(b) This relief shall include:

“(1) Ordering the sealing of structures and locations at which construction activity has occurred or is occurring in violation of the Construction Codes;

“(2) Ordering the cessation of all construction activity at locations in which, or in structures where, construction activity has occurred or is occurring in violation of the Construction Codes;

“(3) Ordering the removal or correction to structures built or altered in violation of the Construction Codes; or

“(4) Any other equitable relief that prevents, deters, or penalizes illegal construction activity in the District.

“(c) In addition, upon a proper showing, an ex parte, interlocutory, or permanent injunction may be granted without bond. The Superior Court of the District of Columbia may also issue a mandatory injunction commanding compliance with any provision or order issued under the Construction Codes.”.

Sec. 3. Section 23-581(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (F) to read as follows:

Note,
§ 23-581

“(F) The following offenses specified in section 113.7 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 113.7; 51 DCR 371):

Offense: Illegal construction Specified in § 113.7 (12A DCMR § 113.7)”.

Sec. 4. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 10 (D.C. Official Code § 42-3131.10) is amended by adding new subsections (c) and (d) to read as follows:

Note,
§ 42-3131.10

“(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of sections 6, 7, 9, or 12 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.*).

“(d) Prosecutions under sections 6, 7, 9, or 12 shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.”.

(b) Section 11(a)(2) (D.C. Official Code 42-3131.11(a)) is amended by striking the word “quarterly” and inserting the word “semiannually” in its place.

Note,
§ 42-3131.11

Sec. 5. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(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. 6. Effective date.

(a) This act shall take effect following approval by 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 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia