


Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Construction Codes Approval and Amendments Act of 1986 to require that fines for certain infractions pertaining to housing and buildings be adjusted annually pursuant to the Consumer Price Index; and to amend section 16-3201 of the District of Columbia Municipal Regulations to increase the fines for certain infractions pertaining to housing and buildings, and to require that these fines be adjusted annually pursuant to the Consumer Price Index.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DCRA Infraction Fine Increase Amendment Act of 2017".

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) Sections 2 through 10c (D.C. Official Code §§ 6-1401 through 6-1412) is designated as Part A.

(b) A new Part B is added to read as follows:

"Part B.

"Sec. 15. DCRA housing and building infractions fine; periodic adjustments,

Beginning on January 1, 2018, and every year thereafter, the fine amounts listed in section 16-3201.1 (16 DCMR 3201.1) for the infractions listed in sections 16-3300 through 16-3313 (16 DCMR 3300 – 16 DCMR 3313) shall be adjusted according to the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by the United States Bureau of Labor Statistics."

34 Sec. 3. Section 16-3201 of the District of Columbia Municipal Regulations is amended
35 by adding new subsections 3201.8 and 3201.9 to read as follows:

36 “3201.8 The fine amounts for the following infractions shall be double the amounts
37 provided in subsection 3201.01:

38 “(a) 16-3305.1(a). Any flagrant, fraudulent, or willful violation by a housing provider of
39 any of the Housing Regulations, Subtitle A of Title 14 DCMR, that constitutes an imminent
40 danger to the health or safety of any tenant or occupant of a housing unit or housing
41 accommodation, or that imminently endangers the health, safety or welfare of the surrounding
42 community including, but not limited to, the interruption of electrical, heat, gas, water, or other
43 essential services when the interruption results from other than natural causes, or any successor
44 Class 1 infraction for any flagrant, fraudulent, or willful violation by a housing provider of any
45 of the Housing Regulations, Subtitle A of Title 14 DCMR, that constitutes an imminent danger
46 to the health or safety of any tenant or occupant of a housing unit or housing accommodation, or
47 that imminently endangers the health, safety or welfare of the surrounding community;

48 “(b) 16-3305.1(b). Section 1 of An Act To authorize the Commissioners of the District of
49 Columbia to remove dangerous or unsafe buildings and parts thereof, approved Mar. 1, 1899 (41
50 Stat. 1218; D.C. Official Code § 6-801) (failure to secure or repair an unsafe structure), or any
51 successor Class 1 infraction for failure to secure or repair an unsafe structure;

52 “(c) 16-3305.1(c). Section 3 of An Act To authorize the Commissioners of the District of
53 Columbia to remove dangerous or unsafe buildings and parts thereof, (D.C. Official Code § 6-
54 803) (attempting to repair after expiration of allowed period, or interfering with authorized
55 agents), or any successor Class 1 infraction for attempting to repair after expiration of allowed
56 period, or interfering with authorized agents;

57 “(d) 16-3305.1(d). Section 4 of An Act To authorize the Commissioners of the District of
58 Columbia to remove dangerous or unsafe buildings and parts thereof, (D.C. Official Code § 6-
59 804) (allowing a nuisance to exist on any lot or parcel of land in the District of Columbia which
60 affects the public health, comfort, safety and welfare of citizens), or any successor Class 1
61 infraction for allowing a nuisance to exist on any lot or parcel of land in the District of Columbia
62 which affects the public health, comfort, safety and welfare of citizens;

63 “(e) 16-3305.1(q). 14 DCMR § 1201.1 (failure to maintain an office or agent in the
64 District of Columbia), or any successor Class 1 infraction for failure to maintain an office or
65 agent in the District of Columbia;

66 “(f) 16-3306.1.1(a). 12A DCMR 105.1, 105.1.15, 105.1.16, and 105.1.17 (working
67 without a required permit), or any successor Class 1 infraction for working without a required
68 permit;

69 “(g) 16-3306.1.1(b).12A DCMR 105.1, 105.1.15.1, 105.1.16.1, and 105.1.17.1
70 (exceeding scope of permit), or any successor Class 1 infraction for exceeding scope of permit;

71 “(h) 16-3306.1.1(c).12A DCMR 115.1 (failure to remedy dangerous conditions or
72 remove hazardous materials), or any successor Class 1 infraction for failure to remedy dangerous
73 conditions or remove hazardous materials;

74 “(i) 16-3306.1.1(d).12A DCMR 114.1 (failure to comply with terms of a 'Stop Work
75 Order'), or any successor Class 1 infraction for failure to comply with terms of a 'Stop Work
76 Order';

77 “(j) 16-3306.1.1(e).12A DCMR 114.1 (unauthorized removal of a posted stop work
78 order), or any successor Class 1 infraction for unauthorized removal of a posted stop work order;
79 and

80 “(k) 16-3306.1.1(f).12A DCMR 115.5 (failure to comply with terms of posted "Unsafe
81 to Use" notice), or any successor Class 1 infraction for failure to comply with terms of posted
82 "Unsafe to Use" notice.

83 “3201.9 Beginning on January 1, 2018, and every year thereafter, the fine amounts listed
84 in section 16-3201.1 (16 DCMR 3201.1) for the infractions listed in sections 16-3300 through
85 16-3313 (16 DCMR 3300 – 16 DCMR 3313) shall be adjusted according to the Consumer Price
86 Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by
87 the United States Bureau of Labor Statistics.”.

88 Sec. 4. Fiscal impact statement.

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

92 Sec. 5. Effective date.

93 This act shall take effect following approval by the Mayor (or in the event of veto by the
94 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
95 provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved December
96 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
97 Columbia Register.