

AN ACT

*Codification  
District of  
Columbia  
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Construction Codes Approval and Amendments Act of 1986 to provide for increased penalties for violation of the Construction Codes, to clarify the types of injunctive relief available to prevent illegal construction activity in the District of Columbia, to clarify the standard for injunctive relief for violation of the Construction Codes; 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 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:

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

(A) Strike the phrase "\$300" and insert the phrase "\$2000" in its place.

(B) Strike the phrase "10 days" and insert the phrase "90 days" in its place.

(2) Subsection (b) is amended by striking the phrase "\$300" and inserting the phrase "\$2000" in its place.

(3) Subsection (c) is amended by striking the phrase "may be imposed as alternative sanctions

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§ 6-1406

for any infraction ” and inserting the phrase “may be imposed, in addition to other available remedies, for any infraction” in its place. (4) 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:

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§ 6-1407

“(a) Whenever it appears that any person, association, or business entity has engaged, is 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 for the District of Columbia 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 illegal construction activity in the District of Columbia. A plaintiff shall not be required to prove irreparable harm to obtain a preliminary injunction.

“(b) The injunctive 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 and remodeling 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 illegal construction activity in the District of Columbia.

“(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.”.

(c) A new section 8a is added to read as follows:

“Sec. 8a. Building permit denial.

“An applicant may be denied a building permit by the Mayor for a period of:

“(1) Ten years from the date of final order on a criminal conviction against the applicant for a Construction Code or zoning regulations crime;

“(2) Three years after receipt of 5 or more stop work orders by the applicant in any 12-month period;

“(3) Three years after final administrative adjudication against the applicant for violation of the Construction Code or zoning regulations; or

“(4) Three years from the date of revocation of a building permit or certificate of occupancy issued to the applicant.”.

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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:

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§ 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).

Offense: Illegal construction Specified in section 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. 114; 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 subsection (d) to read as follows:

Amend  
§ 42-3131.10

“(d) Criminal prosecutions under sections 5 through 15 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)(2)) is amended by striking the word “quarterly” and inserting the word “semiannual” in its place.

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§ 42-3131.11

**Sec. 5. Inclusion in the budget and financial plan.**

**This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.**

**Sec. 6. Fiscal impact statement.**

**The Council adopts the fiscal impact statement in the committee report 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)).** This act is subject to inclusion in an appropriation or an approved financial plan.

Sec. 7. Effective date.

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

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

**Chairman  
Council of the District of Columbia**

**Mayor  
District of Columbia**