

B 24-0924 -- Redline

Introduced to Engrossed -- Protecting Adjacent and Adjoining Property Owners from Construction Damage Amendment Act of 2022

Deletions ~~struck~~ · Insertions underlined

~~MURIEL BOWSER~~ ENGROSSED MAYOR ORIGINAL Jly, 2022 A The BILL Honorable Phil 24-924 Mendelson 5 Chairman, IN Council of the THE District of Columbia COUNCIL John A. Wilson Building OF Washington, THE DC DISTRICT 2000 4 Avenue, OF NW, COLUMBIA Suite 7 5049 Dear To Chairman amend Mendelson: section 6a of the Construction Codes Approval and Amendments Act of 1986 to require property owners, contractors, or persons applying for specific permits for construction work to demonstrate that his or her insurance will insure adjacent property owners for loss or damage that arises out of the proposed construction work.

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RguatryAfir, atrnst. hrpph@c. over(02)42895. Construction Damage Amendment Act of 2022".

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~~"(ii) The Building Code Official may also require such insurance for a permit for work that does
not require neighbor notification under the Construction Codes if the
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roeribasedonthescopis associatedwiththeworkpobeperformedunder thormt", (i)The
pliatforapemittfrwhichnsraceisrqirdunder subparagraph (ori) othsparahllsubmitp rsuh isuacetoheDepartment
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~~(i) The Mayor may sue rlsto implemehisoton, pursuao te authority provided in Section 10 of the Construction Codes
Approval and Amendments Act of 1986, effective March 21, 1987 (D.C.~~

Official Code Sec. 6-1405.01(a)) is amended by adding a new paragraph (2A) to read as follows:

"(2A)(A) The Building Code Official shall require, for permits covered pursuant subparagraph (B) of this
paragraph, that the property owner, contractor, or person applying for the permit:

"(i) Demonstrate, to the satisfaction of the Building Code Official, that his or her insurance includes
coverage against claims for injuries to persons or damages to property from all adjacent and adjoining
property owners and lawful occupants of the properties ENGROSSED ORIGINAL for risks of loss, damage to
property, or injury to or death of persons arising out of or in connection with the performance of the
work proposed to be performed under the permit.

The insurance shall be in an amount per occurrence and in the aggregate as specified by the Mayor
through rulemaking pursuant to subparagraph (D) of this paragraph;

or "(ii) If his or her insurance is not sufficient to meet the requirements of sub-subparagraph (i) of
this subparagraph, then he or she must either amend his or her insurance policy so that the policy
complies with sub-subparagraph (i) of this subparagraph, or obtain additional insurance against claims
for injuries to persons or damages to property from all adjacent and adjoining property owners and lawful
occupants of the properties for risks of loss, damage to property, or injury to or death of persons
arising out of or in connection with the performance of the work proposed to be performed under the

permit.

Additional insurance shall be of a kind and in an amount specified by the Mayor through rulemaking pursuant to subparagraph (D) of this paragraph.

"(B) The following permits shall require insurance pursuant to subparagraph (A) of this paragraph after 90 days after final rules are promulgated by the Mayor pursuant to subparagraph (D) of this paragraph:

"(i) An addition, alteration, and repair permit in which the applicant will be engaging in construction at the property line or on the party wall of an adjacent or adjoining property;

"(ii) A demolition permit;

ENGROSSED ORIGINAL "(iii) An excavation permit;

"(iv) A raze permit;

and "(v) A sheeting and shoring permit.

"(C)(i) The applicant for a permit for which insurance is required under subparagraph (B) of this paragraph shall:

"(I) Submit proof of insurance to the Department before the issuance of the permit;

"(II) Demonstrate, on a form promulgated by the Department, that the insurance meets the requirements of sub-paragraph (A) of this paragraph;

and "(II) Maintain the required insurance for the duration of the permit and any renewals thereof.

In the event that the insurance expires, is cancelled, or otherwise terminates, the applicant shall immediately notify the Department, and, where applicable, provide proof of new or renewed insurance that satisfies the requirements of subparagraph (A) of this paragraph.

"(ii) If, at any time, the insurance required by this paragraph is found to be absent or non-compliant by the Building Code Official, the Department shall issue a stop work order relating to the permit for which insurance is required.

The stop work order shall remain in place until the permit holder provides proof of new or renewed insurance that satisfies the requirements of this paragraph.

ENGROSSED ORIGINAL "(D) The Mayor shall issue rules to implement this paragraph, pursuant to the authority provided in Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C.

Law 6-216;

D.C.

~~e 3. Fiscal impact statement. Sec. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat.~~

~~2038; 1-301.47a). Official Code Sec. Sec.~~

Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat.

2038;

D.C.

Official Code Sec. 1-301.47a).

Sec.

~~This 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.~~

~~Official Code Sec. 1-206.02(c)(1)), and publication in the District of Columbia Register.~~

~~D.C. OFFICE OF THE ATTORNEY GENERAL x k B E E S e.~~

Cont. Division Official MEMOR. Code Sec. 1-206.02(c)(1)), and publication in the District of Columbia Register.

TO:

~~Bryan Hum Interim Chief of Policy and Legislative Affairs FROM:~~

~~Brian K. Flowers Deputy Attorney~~

~~Legal Counsel Division DATE:~~

~~May 18, 2022 SUBJECT:~~

~~Legal Policy Review of Draft Legislation "Protecting Adjacent and~~

~~Adjoining Property Owners from Construction Damage Amendment Act of 2022" (AD-22-141) This is to certify that t~~

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