

B 25-0750 -- Redline

Introduced to Engrossed -- Harmonious Living Amendment Act of 2024

Deletions ~~struck~~ · Insertions underlined

~~Today, ENGROSSED I ORIGINAL am A joined BILL by 3 Chairman 25-750 Mendelson 5 and IN Councilmember THE Pinto COUNCIL in OF introducing THE DISTRICT OF COLUMBIA 7~~ 9 To require the Harmonious Construction Living Codes Amendment Coordinating Act Board of to 2024 issue final rules establishing sound level reduction design requirements for any new residential property construction within an activity area or an entertainment area by no later than 30, 2026;

~~It to has require been sound nearly level five disclosures years to since tenants the or Don't purchasers Mute of DC a movement dwelling began; unit located in an activity or entertainment area starting January 1, 2026; what to emerged require as the a Mayor protest to in establish defense a of grant a program U for Street soundproofing store upgrades that of has qualifying long dwelling played units, go-goes residential music properties, in and the entertainment neighborhood venues has by blossomed no into later a than lasting October cultural 1, movement. 2026;~~

~~Tensions to that amend were the initially Office surfaced of Cable Television, Film, Music, and Entertainment Amendment Act of 2015 to require the Office of Cable Television, Film, Music and Entertainment ("Office") to provide mobile or temporary acoustic shells at specific locations for certain permitted performances, to require the Office to install five digital decibel feedback signs in 2019 specific still locations exist, in but coordination I with believe the those District tensions Department can of be Transportation, addressed and through to careful require planning. the Office to issue a report to the Council on the facilitation of outdoor performances in public space by no later than January 1, 2026; Those and who to reside require in vibrant neighborhoods throughout the District Mayor and to the allow artists persons and to spaces submit who service make requests those for communities noise so complaints special via can the continue 311 to system. co-exist, as they have for many decades. The Harmonious Living Amendment Act of 2024 accomplishes this through several complementary policy initiatives.~~

~~As a foundation, the bill sets soundproofing standards for new residential construction on mixed-use corridors and entertainment districts, with higher requirements for buildings within 300 feet of a performance venue to address crowds and low frequencies.~~

~~Currently, the District does not require any soundproofing standard for building exteriors.~~

~~For existing buildings, the bill requires a new disclosure on lease or purchase agreements for residential properties in an entertainment or activity area that informs a new renter or buyer of nearby activity and long-established cultural institutions.~~

~~New incentive programs are created for soundproofing retrofits, for residences and commercial venues alike.~~

~~The goal is to give residents and building owners tools and responsibilities to improve overall quality of life, while establishing clarity in noise ordinances that both regulate and give allowances to music venues and street musicians.~~

~~The Harmonious Living Amendment Act of 2024 derives inspiration from "Agent of Change" legislation in London, which came about after 35 percent of the city's live venues closed in less than 10 years — often due to complaints from buildings constructed well after a venue's founding.~~

~~In that spirit, I've worked with local artists, residents, music venues, and acoustics engineers to identify how the District can avoid venues seeing the same fate as we continue to add needed new housing for our residents.~~

~~If you look for where soundproofing standards are the most robust in the United States, you'll find that it's almost exclusively in proximity to highways and airports.~~

~~As a result, the guarantee of a well-soundproofed home is almost exclusively a suburban privilege.~~

~~This doesn't have to be the case.~~

~~I believe in the promise of diverse, active, and exciting urban neighborhoods that is not at odds with providing residents a high quality of life.~~

~~Previously introduced in 2021, this 2024 update to the bill goes beyond building standards to address common problems in enforcement of the District's 1970's-era noise ordinance.~~

~~Further, it includes policies that would improve the quality of performances in public spaces.~~

~~The legislation would create public spaces that are more amenable to live performances in ways that reduce residential disturbance.~~

~~Commonly active locations would have band shells or other acoustic treatments installed; where appropriate, live decibel reader displays would be introduced to public spaces to clearly communicate the District's laws and regulations.~~

~~This would be accompanied by grant programs to encourage public performances that fit well with these spaces and help advance the District's cultural vibrancy.~~

~~Ward 1 has always celebrated music, from Black Broadway and the Funk Parade to the Go-Go tapes playing from the speakers of the Shaw Metro PCS store at 7th Street and Florida Ave, NW.~~

~~The sounds of the District are often why new residents move to DC neighborhoods and why current residents wish to stay.~~

~~While the music continues to play on the corner of 7th Street and Florida Avenue NW, many beloved venues and cultural institutions remain at risk.~~

~~With collaboration and shared responsibility by everyone in a community - from longtime and recently-arrived residents to venues and musicians - this legislation charts a path that protects what makes our neighborhoods so special.~~

~~Chairman Phil Mendelson Councilmember~~

~~Brianne K.~~

~~Nadeau Councilmember Brooke Pinto A BILL IN THE COUNCIL OF THE DISTRICT OF COLUMBIA To amend the Construction Codes Approval and Amendments Act of 1986 to establish sound attenuation standards for new residential construction in~~

~~activity areas or entertainment areas, and to require information in residential lease and purchase agreements on the presence of pre-existing entertainment venues and soundproofing measures present in the structure;~~

~~to establish subsidy and incentive programs supporting the retrofit of structures to improve soundproofing;~~

~~to facilitate and manage outdoor performances in suitable public spaces through support for performers and the installation of acoustical shells or other structures mitigating transmission of sound to nearby buildings;~~

~~and to improve the equitable enforcement of decibel limits through the clear delineation of agency enforcement responsibilities, providing each enforcement agency with sound level reader and microphone devices, and establishing an enforcement response time target of no greater than two hours.~~

~~The Definitions. Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C.~~

~~(a) For purposes of this act, the term:~~

~~(1) "Activity area" includes any parcel or lot within, or with exterior boundaries abutting, the following zones as defined in Title 11 of the District of Columbia Municipal Regulations:~~

~~ENGROSSED ORIGINAL (A) ARTS-1 through ARTS-4;~~

~~(B) MU-4 through MU-29 (C) NC-6 through NC-16.~~

~~(D) D-1 through D-8.~~

~~(2) "Construction codes" shall have the same meaning as provided in section 2(2) of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C.~~

~~Official Code Sec. 6-14016-1401(2)). -et seq.) is amended as follows:-~~

~~(a)(3) Section "Dwelling 2unit" (D.C. means a room or group of rooms that form a single independent habitable unit for permanent occupation by one or more individuals, that has living facilities with permanent provisions for living, sleeping, eating, and sanitation.~~

~~OfficialThe Codeterm Sec. "dwelling 6-1401)unit" does not include a unit within a hotel, motel, or seasonal or transient facility, unless such unit is amended or will be occupied by adding a new person paragraphs at (13), risk, (14), as (15), defined and in (16) Sec. to 8-231.01(31), read for as a follows: period exceeding 30 days.~~

~~"(13)(4) "Activity" "Entertainment area" includes means any parcel or lot within or with all exterior boundaries abutting within the 300 following feet zones as defined in Title 11 of the an District entertainment of venue. Columbia Municipal Regulations:~~

~~"(A)(5) ARTS-1 "Entertainment through venue" ARTS-4; means:~~

~~"(B)(A) MU-4 An through establishment MU-29 with "(C) an NC-6 on-premises through retailer's NC-16, license for a nightclub, club, or multipurpose facility as provided for in D.C.~~

~~"(D) D-1 through D-8.~~

~~"(14) "Entertainment area" means any parcel or lot with exterior boundaries within 300 feet of an entertainment venue.~~

~~"(15) "Entertainment venue" means:~~

~~"(A) An establishment with on-premises retailer's license for a nightclub, club, or multipurpose facility as provided in D.C.~~

~~or, (B) "(B) An establishment with a manufacturer's license, class A, B, or C, holding an on-site sales and consumption permit or a retailer's license, class C/R, D/R, C/H, D/H, ENGROSSED ORIGINAL C/T, D/T, C/B, and D/B, with an entertainment endorsement as provided for in D.C.~~

~~Official Code Sec. 25-113.01, 25-113.01;~~

~~"(C) or (C)~~ Locations of cultural significance as entertainment venues, as declared by the Mayor.

~~"(16)(6) "DNL" "Median family income" means the he Day-Night median Average family Sound income Level for in the dBA, Washington calculated Metropolitan in Statistical accordance Area with as the set procedures forth outlined by in the "Information United on States Levels Department of Environmental Housing Noise and Requisite Urban Development, adjusted for household size, without regard to Protect any Public adjustments Health made by the United States Department of Housing and Welfare Urban with Development an for Adequate the Margin purposes of Safety, "the EPA programs Report it No. administers.~~

~~550/9-74-004, (7) 1974. "Residential property" means improved real property used exclusively for non-transient residential dwelling purposes.~~

~~(b) A new section 10d is added to read as follows:~~

~~"Sec.~~

~~10d.~~

~~Exterior sound attenuation in new residential buildings.~~

~~"(a) Notwithstanding any other provision of this act, construction permits shall not be granted for new residential construction occurring after January 1, 2026:~~

~~"(1) Within an activity area, unless the plans are designed to ensure that overall sound level reduction for residential units results in a DNL of 45 dBA or lower;~~

~~or "(2) Within an entertainment area, unless the plans are designed to ensure that:~~

~~"(A) Residential units meet or exceed a composite Outdoor/Indoor Transmission Class of not less than 32, as determined by the test procedures set forth in the Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements (ASTM E90) and the rating procedures set forth in the Standard Classification for Rating Outdoor-Indoor Sound Attenuation (ASTM E1332);~~

~~and "(B) Residential units achieve an indoor sound level reduction for frequencies between 80 and 160 hertz of not less than 30 dBA.~~

~~"(b) Any parcel or lot designated as part of both an entertainment area and an activity area shall be subject to the requirements of an entertainment area.~~

~~"(c) For all residential buildings within an entertainment area or activity area, a disclosure notice shall be provided with all lease or purchase agreements stating:~~

~~"(1) The location of the building is within an entertainment area or activity area;~~

~~"(2) Expected sound levels within an entertainment area or activity area may be higher than non-entertainment or activity areas;~~

~~"(3) A description of the soundproofing measures present in the building;~~

~~and "(4) A list of entertainment venues within 300 feet of the residential building and additional details such as opening year and daily hours of operation."~~

~~"(d) The Mayor may issue rules to implement this section, including designating additional locations as an entertainment area or activity area."~~

Grants Construction for Codes soundproofing Coordinating upgrades Board sound level reduction design requirements rulemaking.

~~(a) No The later Mayor than June 30, 2026, the Construction Codes Coordinating Board shall establish publish a grant notice program of to final support rulemaking amending the installation Construction of Codes measures to mitigating establish sound transfer level between reduction and design entertainment requirements venue for and any abutting new residential property construction within an activity area or nearby an residential entertainment buildings area.~~

~~(b) Eligibility for grants under this section shall extend to:~~

~~(1) Any owner of a property in a residential or mixed-use zone, as those terms are defined in 11-A DCMR Sec. 101.0 and 101.10;~~

~~and, (2) Entertainment venues, as defined in section 2(15) of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C.~~

~~Law 6-216;~~

~~D.C.~~

~~Official Code Sec. 6-1401(15)).~~

~~(c) The Commission shall establish the criteria for eligibility to receive a grant under this section, with criteria prioritizing low-income residents and buildings that do not meet the standards of sound attenuation in new construction established by section 2 of this Act.~~

~~(d) Grants may be issued to reimburse expenses incurred up to 24 months prior to any grant application deadline.~~

Outdoor Sound performance level disclosure.

~~85 (a) The Beginning Office on January 1, 2026, the owner of Cable a Television, residential Film, property Music, or and dwelling Entertainment unit Amendment located Act in of an 2015, entertainment effective area October or 9, activity 2002 area (D.C. shall disclose to the purchaser or tenant of residential property or~~

dwelling unit:

ENGROSSED ORIGINAL (1) That the location of the residential property or dwelling unit is within an entertainment area or activity area;

(2) That expected sound levels within an entertainment area or activity area may be higher than they are outside an entertainment or activity area;

(3) A brief description of any soundproofing measures present in the residential property or dwelling unit;

and (4) A list of entertainment venues within 300 feet of the residential property or dwelling unit with daily hours of operation for each venue.

(b) The disclosures set forth in subsection (a) of this section shall be provided on a sound disclosure form provided by the Mayor.

(c) The disclosures set forth in subsection (a) of this section shall be provided before the purchaser or tenant is obligated under any contract to purchase or lease the residential property or dwelling unit.

(d) No later than October 1, 2025, the Mayor shall make publicly available the sound disclosure form required by subsection (b) of this section.

Sec.

5.

Grants for soundproofing upgrades.

(a) No later than October 1, 2026, the Mayor shall establish a grant program to support the installation of measures mitigating sound transfer between an entertainment venue and abutting or nearby residential properties.

Eligibility for grants shall be limited to:

(1) Property owners whose dwelling unit or residential property are entirely located within an activity area or entertainment area;

provided, that property owners must:

ENGROSSED ORIGINAL (A) Demonstrate that he or she is current on all mortgage payments for the last 12 months;

(B) Demonstrate that he or she is current on all District and federal taxes;

and (C) Demonstrate that the dwelling unit or residential property does not meet the proposed sound level reduction design requirements published by the Construction Codes Coordinating Board;

or, (2) Entertainment venues;

provided, that the beneficial owner or owners of the entertainment venue must demonstrate that he, she, or they are current on all District and federal taxes.

(b) The Mayor shall, pursuant to Title I of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat.

1204;

D.C.

Official Code Sec. 2-501 et seq.), issue rules to implement the provisions of this section.

The rules shall, at a minimum, include the following:

(1) The maximum grant award amount for eligible property owners and entertainment venues;

(2) A list of expenses that may be covered by the grant;

and (3) A process or criteria that will prioritize grant funding for eligible property owners who are low-income or live in older properties.

For purposes of this subparagraph, the term "low-income" means the property owner has a household income that is 60% or less of the median family income.

ENGROSSED ORIGINAL Sec.

6.

The Office of Cable Television, Film, Music, and Entertainment Amendment Act of 2015, effective October 9, 2002 (D.C.

Official Code Sec. 34-1252.01 et seq.), is amended by adding a new section 204 to read as follows:

~~(a) Section 201 is amended by adding a new subsection (f) to read as follows:~~

~~"(f) The Director shall appoint a Director of Public Performance, to serve as the manager of programs to support the development of public music performance in the District, ensure that public performance meets the requirements of the District of Columbia Noise Control Act of 1977 (D.C.~~

~~Law 2-53, 20 DCMR Sec. 2700 et seq.), and to manage the duties of the Office pursuant to Section 203.~~

~~(b) A new section 203 is added to read as follows:~~

~~203.204.~~

~~"(a) Within 180 later days than of January the 1, enactment 2026, of this section, the Office shall install provide temporary public or right-mobile of-way acoustical shells or other structures meant to mitigate transmission of sound to nearby buildings for permitted events involving the use of musical instruments or amplified sound in the following locations:~~

~~and, "(2) The northwest corner of 1414th Street, N.W., and U Street, NW, located on Lot 844 in Square 204.~~

~~and "(3) UOther Street, locations N.W., as located determined on by Lot the 844 Office. in Square 204.~~

~~"(b)(1) No later than 240 January days 1, of 2026, the enactment Office of shall, this in section, coordination with the Office District shall Department of Transportation, install within the public right-of-way no fewer than five 5 digital decibel feedback signs displaying the current dBA level of the surrounding area.~~

~~"(A) Those specified in subsection (a) of this section, as well as locations of frequent violations of maximum noise levels as prescribed in 20 Chapters DCMR 27 Sec. and 2700 28 and of Title 20 of the District of Columbia Municipal Regulations (20 DCMR Sec. Sec. 2800-2700 et seq.~~

~~thand "(B) 2800 The vicinity seq.). of the 600 block of 6 Street, N.W.~~

~~"(3) ENGROSSED The ORIGINAL digital "(B) decibel The feedback vicinity signs installed pursuant to paragraph (1) of this subsection shall not be considered measurement equipment for the purposes 600 block of enforcing 6th noise Street, control NW. regulations as outlined in 20 DCMR Sec. 2900 et seq.~~

~~"(c) "(3) The Office digital shall decibel have feedback authority signs to installed establish pursuant and to administer paragraph a(1) grant of program this to subsection performers, shall businesses, not or be organizations considered engaged measurement inequipment for the management purposes of public enforcing and noise commercial control outdoor regulations spaces, as for outlined the in purposes Chapter 29 of supporting Title outdoor 20 performances of in the suitable District public of spaces Columbia as Municipal determined Regulations by (20 the DCMR Office Sec. pursuant 2900 to et this seq.). section.~~

~~"(d)(1) "(c) Within The 270 Office days shall of have the authority enactment to of establish this and section, administer the Office program shall to publish provide a grants report to on performers, outdoor businesses, performances or organizations engaged in the District management of public and strategies commercial outdoor spaces, for accommodating the purposes of supporting outdoor performances on in suitable public spaces spaces that as are determined in by the vicinity Office of pursuant residential to or this mixed-use section. areas.~~

~~"(d)(1) No later than January 1, 2026, the Office shall publish a report on outdoor performances in the District and strategies for accommodating performances on public space that are in the vicinity of residential or mixed-use areas.~~

~~and ENGROSSED ORIGINAL "(C) A list of buildings within proximate proximity to common or prospective outdoor performance locations that may be insufficiently soundproofed and recommendations for remedy; 5-7.~~

~~Chapter 311 8 noise of complaints Title and 47 reporting. of the District of Columbia Official Code is amended as follows:~~

~~(a) The (a) table of contents is Beginning amended by adding a new section designation January to read as follows: 1, 2026, the Mayor shall permit persons to submit requests via the District's 311 system regarding noise complaints.~~

~~"47-870. The 311 system shall provide categories for noise complaints, such as trash truck noise or violations of Sec. 25-725 and route the complaint to the appropriate enforcement agency.~~

~~Sound (b) insulation Beginning real January property 1, tax 2027, deduction." and each year thereafter, the Mayor shall submit to Council a report of the number of requests for service received pursuant to subsection (a) of this section and the number of warnings and citations issued for violations of the District's noise control laws and regulations.~~

~~(b) A new section 47-870 is added to read as follows:~~

~~"Sec.~~

~~47-870.~~

~~Sound attenuation real property tax deduction.~~

~~"(a) For taxable years beginning in 2023, the Mayor shall deduct from the assessed value of real property for a qualified property within an entertainment or activity area, as those terms are defined in Sec. 6-1401, expenses paid to install sound attenuation measures that achieve no less than 10 dBA of additional interior sound level reduction.~~

~~"(b) The deduction shall be apportioned equally between each installment during a tax year and shall not be carried forward or back.~~

~~"(c) No deduction in assessed value under this section shall exceed \$50,000 per residential dwelling unit in a qualified property, per tax year.~~

~~"(d) For the purposes of this section, the term "qualified property" means residential real property:~~

~~"(1)(A) Contains not more than 5 dwelling units, whether as a row, detached, or semidetached structure,~~

~~or is a single dwelling unit owned as a condominium;~~
~~and "(B) Used exclusively for non-transient residential dwelling purposes;~~
~~or "(2) That is owned by a cooperative housing association;~~
~~provided, that at least 50% of the dwelling units contained therein are occupied by the shareholders or members of such cooperative housing association."~~

~~6-8.~~

~~Enforcement~~Applicability. ~~responsibilities and coordination.~~

~~(a) The~~This ~~primary~~act ~~responsibility~~shall ~~for~~apply ~~enforcement~~upon ~~of~~the ~~noise~~date ~~control~~of ~~regulations~~inclusion ~~and~~of ~~issuance~~its ~~of~~fiscal ~~notices~~effect ~~of~~in ~~infraction~~an ~~shall~~approved ~~be~~budget ~~as~~and ~~follows:~~financial plan.

~~(1)(b) The enforcement~~Chief of ~~Financial~~construction ~~Officer~~noises ~~shall~~control ~~certify~~regulations, ~~the~~pursuant ~~date~~to ~~Title 20, Sections 2802 and 2803 of the District~~inclusion ~~of Columbia~~the ~~Municipal~~fiscal ~~Regulations~~effect ~~(20in DCMR~~an ~~Sec. approved 2802),~~budget ~~and all~~financial ~~structural~~plan ~~soundproofing~~regulations and related ~~provide~~building ~~notice~~code ~~to~~requirements ~~shall be the sole~~Budget ~~responsibility~~Director ~~of the Department~~Council ~~of Buildings;~~the certification.

~~(2)ENGROSSED~~ ~~Notwithstanding~~ORIGINAL ~~paragraph(c)(1) (1)~~The of ~~Budget~~this ~~Director~~subsection, ~~the~~enforcement of noise control regulations in public space ~~shall because~~the primary ~~notice~~responsibility ~~of the Department~~certification of ~~to~~Licensing ~~be~~and ~~published~~Consumer ~~in~~Protection, ~~unless the~~agency ~~District is outside of its~~Columbia ~~operating~~Register. ~~hours or additional enforcement resources are requested;~~

~~(3)(2) The enforcement~~date ~~of noise~~publication ~~control regulations related to licensed alcohol establishments, including the enforcement of sound attenuation procedures included in voluntary agreements, shall be the primary~~notice ~~responsibility of the Alcohol~~certification ~~Beverages~~shall ~~and~~not ~~Cannabis~~affect ~~Administration, unless the agency~~applicability ~~is outside of its~~this ~~operating~~act. ~~hours or additional enforcement resources are requested;~~

~~(4) The enforcement of noise control regulations originating from private properties or other establishments shall be the primary responsibility of the Metropolitan Police Department.~~

~~(b) The Mayor shall establish separate categories of 311 service requests for each enforcement responsibility enumerated in subsection (a) of this section, to be routed to the appropriate agency.~~

~~(1) The service level agreement and response time target for service requests established pursuant to this subsection shall be no greater than two hours.~~

~~(2) Beginning January 1, 2025 and each year thereafter, the Mayor shall submit to Council a report of the number of requests for service received pursuant to this subsection, and the number of agency responses that exceeded the maximum service level agreement pursuant to paragraph (1) of this subsection.~~

~~(c) The Mayor shall ensure that each agency responsible for enforcement of noise control regulations is equipped with no fewer than five (5) sound-level reader and microphone devices compliant with the requirements of Section 2901 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR Sec. 2901).~~

~~(d) The Mayor shall ensure that each agency responsible for enforcement of noise control regulations is able to engage in direct radio communication with enforcement officers from other agencies.~~

~~7-9.~~

~~7-10.~~

This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and 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)),~~1-206.02(c)(1)). ~~and publication in the District of Columbia Register.~~

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