

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES
ADMINISTRATIVE BULLETIN CC2015-02**

Issuer:	Melinda Bolling, Director
Issuance Date:	December 11, 2015
Effective Date:	December 11, 2015
Purpose:	This document sets forth procedures and requirements for notification of owners of one-family or two-family dwellings or townhouses in Residence, Special Purpose and Mixed-Use Districts by parties undertaking construction work on adjoining premises.
Related Code Sections:	2013 District of Columbia Building Code: 12 A DCMR §§ 104.1.1, 105.3 and 3307.1
Subject(s):	Notification of adjoining property owners of Construction Work

I. Background

This Administrative Bulletin (Bulletin) sets forth procedures and requirements for notification of owners of detached one-family or two-family dwellings (including townhouses) in Residence, Special Purpose and Mixed-Use Districts by persons who intend to undertake Construction Work on adjoining premises. “Construction Work” for purposes of this Administrative Bulletin shall mean construction, alteration, repair, demolition, or raze of a premises or the excavation of property for which a building permit is required, except as otherwise excluded by this Administrative Bulletin. The property in Residence, Special Purpose or Mixed- Use Districts, on which Construction Work will take place, is referred to as the “Construction Site.”

Persons undertaking Construction Work in the District of Columbia must always be cognizant of their responsibility to protect adjoining premises, take appropriate safeguards and be aware of their potential liability for damage to adjoining property. Section 3307.1 of the *2013 District of Columbia Building Code* states the general requirement that:

Adjoining public and private property shall be protected from damage during construction, alteration, repair, demolition or raze of a premises at the expense of the person causing the

work. Protection must be provided for lots, and for all elements of a building or other structure, including, but not limited to, footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition or raze activities.

In a densely populated urban area like the District of Columbia, Construction Work on a Construction Site often creates a concern for adjoining residential neighbors. Consequently—and pursuant to Section 105.3, Item 11, of the *2013 Building Code*—this Bulletin establishes a requirement that all persons undertaking Construction Work on a Construction Site in a Residence, Special Purpose or Mixed Use District shall provide a notice to each property owner of a one-family or two-family dwelling or townhouse on a lot adjoining the Construction Site that complies with this *Administrative Bulletin*, in addition to any other notifications that may be required by the *Building Code* or by any other laws and regulations.

The notification procedures and requirements set forth in this Administrative Bulletin supplement notification requirements pursuant to other laws or regulations. These include, but are not limited to:

1. Section 3307.2 of the *2013 District of Columbia Building Code*, which imposes specific and detailed notification requirements for Construction Work that potentially affects the structural stability of adjoining property such as excavations or where a party wall or underpinning is involved; and
2. Section 105.1.7 of the *2013 District of Columbia Building Code*, which requires persons undertaking raze work to comply with specific notification requirements.

The notification shall be provided to each adjoining property owner prior to commencement of work and shall be required regardless of whether the permit was issued under the *Building Code*, *Residential Code* or *Existing Building Code*. Adjoining property shall mean any property with a common lot line with the Construction Site. Notification is not required for Construction Work that (a) occurs entirely within the interior of a building or structure; and (b) is authorized pursuant to a postcard permit issued by DCRA.

II. Notification Letter Requirements

A. Information Required with Permit Application.

Effective upon publication of this Administrative Bulletin in the D.C. Register, a permit applicant for Construction Work on a Construction Site shall be required, pursuant to the Code Official's authority in Section 105.3 (item 13), 12-A DCMR, to provide the following information in permit applications:

1. Identification of property addresses of all one-family or two-family dwellings or townhouses on a lot adjoining the Construction Site; and
2. A statement that the permit applicant will provide a notification letter to the owner of the identified adjoining properties, as required by this Administrative Bulletin, prior to the start of the Construction Work.

A permit application will be deemed incomplete without the information specified above.

B. Form of Notification

The owner of the Construction Site shall provide written notification prior to the start of Construction Work that includes the following information:

1. The scope of the project and its proposed start and completion dates;
2. A reference to District of Columbia regulations that cover issues commonly arising during Construction Work;
3. Contact information for the property owner, contractor, or other person to be contacted in the event of any construction-related issues; and
4. Additional information as the code official may specify.

An approved notification form is attached to this Administrative Bulletin.

C. Delivery of Notification

Delivery of the notification letter will be satisfied by mailing a copy to the tax owner of record of the adjoining property by first-class mail. The person sending the notification shall rely on the name and address obtained from the Real Property Assessment Database available through the District of Columbia Office of Tax & Revenue, for mailing purposes.

D. Enforcement

This Administrative Bulletin is intended to facilitate communications between the person undertaking Construction Work and the adjoining property owner and is not intended to solicit approval or rejection of a proposed project. Rather, it simply serves as notification of the intended work.

If the work is commenced without giving the notice required by this Administrative Bulletin, the adjoining owner may seek to stop the work until the requisite notification letter is provided by seeking a stop work order from DCRA by calling DCRA's Illegal Construction Unit, at (202) 442-STOP (7867), or calling 311 during non-business hours.

A copy of this Administrative Bulletin is available at:

<http://dcra.dc.gov/page/administrative-bulletins>

Attachment to Administrative Bulletin CC2015-02

[Owner Letterhead]

OWNER PRE-CONSTRUCTION NOTICE

DATE: _____

TO: (tax record owner of adjoining property)

PROJECT ADDRESS: _____ Washington, DC 20 ____

(Street Address)

Dear Resident:

Soon construction will begin at the above address pursuant to a permit issued by the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). As the owner of the property where the construction work will take place, I/we intend(s) to minimize any disruption or inconvenience by taking necessary precautions to protect your property.

The purpose of this letter is to provide an overview of the types of issues that commonly arise during construction, and to provide you with our contact information if you should have any concerns.

INFORMATION ABOUT THE PROJECT

1. DESCRIPTION OF PROJECT: _____

Permit(s) for the project will be kept on the work site and conspicuously displayed at a location visible from the street until the completion of the project. Additional information about the permit may be obtained on the DCRA website at: <http://pivs.dcr.dcgov/OBPAT/Default.aspx> or at the DCRA Records Room located at 1100 4th Street, SW, 2nd Floor, where the public can request and review documents associated with all issued building permits.

2. PROPOSED START AND COMPLETION DATE: _____

ISSUES THAT MAY ARISE DURING CONSTRUCTION WORK

1. PROTECTION OF ADJOINING PROPERTY. Adjoining property will be protected from damage, including lots, and all elements of a building or other structure, including but not limited to footings, foundations, party walls, chimneys, skylights, and roofs. Provisions will be made to control water runoff and erosion during construction, demolition, or raze activities.

2. **CONSTRUCTION OUTSIDE OF PERMITTED HOURS.** Authorized construction hours permitted in the District of Columbia for work conducted under a permit are from 7 a.m. to 7 p.m., Monday through Saturday, excluding legal holidays. An after-hours permit from DCRA is required to work beyond permitted construction hours and is subject to noise regulation.

3. **CONSTRUCTION NOISE.** No noise from construction, excluding minor home repairs, is permitted within a residential, special purpose, or waterfront zone on any Sunday or legal holiday—or after 7:00 p.m. and before 7:00 a.m. Monday - Saturday. During permitted construction hours, the noise level will comply with the District of Columbia noise regulations (20 DCMR, Chapters 27, 28 and 29). District regulations require the noise level to be measured at the property line of the property on which the noise source is located. In a Residential or Special Purpose District, the noise level cannot exceed 60 db(A) during the daytime and 55 db(A) during the nighttime.

4. **LOCATION OF CONSTRUCTION MATERIAL.** Construction equipment and materials shall be stored and placed in a way that does not endanger the public, the workers, or adjoining property for the duration of the construction project.

5. **PORTABLE SANITARY FACILITIES.** The Occupational Safety and Health Administration (OSHA) requires the provision and availability of toilet facilities on construction jobsites. Any portable sanitary facilities will be located within the boundaries of the property line, and a permit will be obtained from DCRA for facilities to be used by workers on the construction site.

6. **EXTERIOR PROPERTY AREAS.** All exterior property and premises will be maintained in a clean, safe, and sanitary condition.

7. **RUBBISH AND GARBAGE.** The exterior and interior of the premises will be maintained free from any accumulation of rubbish and garbage. Rubbish will be disposed of in a clean and sanitary manner by placement in approved containers. The public space from the property line of the building or lot, and extending eighteen inches (18 in.) from the curb line (or the lateral lines of the roadway) into the abutting roadway, will be maintained in a clean condition.

8. **DUMPSTERS.** The undersigned property owner will be responsible for the collection and disposal of construction and demolition wastes and material. A dumpster may be used for this purpose, and if the dumpster is located on a roadway or other public space, a public space permit from DDOT will be obtained.

9. **FENCE DAMAGE:** This is a civil matter between the contractor and homeowner.

10. LEAD PAINT AND/OR ASBESTOS. Any demolition and razing activities will comply with the applicable regulations governing lead-based paint promulgated, or as may be promulgated, by the District's Department of Energy and Environment (DOEE) or the federal Environmental Protection Agency (EPA) and will conform to all pertinent lead abatement requirements in D.C. Official Code § 8-231.01 et seq. (2012 Repl. and 2013 Supp.), including all pertinent implementing regulations. Any asbestos removal will comply with all DDOE and EPA regulations and will be performed by a licensed asbestos removal contractor pursuant to an asbestos abatement permit issued by DOEE.

11. PEDESTRIAN TRAFFIC. District of Columbia regulations require pedestrians to be protected during construction. This protection may include walkways, directional barricades, or construction railings where appropriate.

12. SIGNAGE. Temporary construction signs giving the name and address of the engineers, architects, contractors and financing institutions involved in the project may be displayed at the construction site. This signage will comply with District of Columbia regulations.

13. PUBLIC SPACE. The District of Columbia prohibits the creation or placement of hazardous obstructions or deposits in public space. We will not occupy public space unless expressly authorized through a public space permit obtained from the District Department of Transportation (DDOT). Public space in the District of Columbia includes all the publicly owned property between lot lines, including streets, alleys, and parks. Public space also includes the area of a street devoted to open space, greenery, or parks, which lies between the lot line and the edge of the actual or planned sidewalk.

14. WATER. We will not take water from a fire hydrant unless permission has been granted by DC Water and a fire hydrant use permit has been obtained. We will not obstruct access to fire hydrants.

15. PARKING. If we need to occupy or use public space for construction activity, we will provide advance notice by posting "Emergency No Parking" signs 72 hours prior to the work.

16. SERVICE TRUCKS. If the construction work takes place on a residential parking zoned street, we will obtain a temporary parking permit to authorize parking for commercial vehicles, while the operator of the vehicle is actually involved in the performance of construction, maintenance, repair, or reconstruction work at an address on a residential permit parking street. All service-oriented trucks and vehicles will display the name, address, and phone number of their business on the side of the vehicle before being parked in a construction staging area.

17. TREES. A Special Tree removal permit issued by the Urban Forestry Administration of the District of Columbia Department of Transportation will be obtained prior to

topping, cutting down, removing, girdling, breaking, or destroying any Special Tree.
"Special Tree" means a tree with a circumference of 55 inches or more.

CONTACT INFORMATION

If you have any concerns related to this project, please call or email the person identified below:

Name: _____
Company: _____
Phone: _____
Email: _____

Sincerely,

(Signature of person who owns property where the construction work will take place)

Name of Property Owner: _____

Name of General Contractor or Construction Manager for the Project:
