OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF THIRD EMERGENCY RULEMAKING

The City Administrator, pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl.)), and Mayor's Order 2015-36, dated January 9, 2015, and in furtherance of the District of Columbia's response to the public emergency and public health emergency originally declared by Mayor's Order 2020-45, dated March 11, 2020, and Mayor's Order 2020-46, dated March 11, 2020, hereby gives notice of the adoption of the following amendment, on an emergency basis, to Chapter 1 (Administration and Enforcement) of Title 12 (Construction Codes Supplement of 2017), Subtitle A (Building Code Supplement of 2017), of the District of Columbia Municipal Regulations ("DCMR").

This third emergency rulemaking provides the Director of the Department of Consumer and Regulatory Affairs with the authority to temporarily suspend specific requirements of the Construction Codes for construction directly related to preparation, response, mitigation, or recovery efforts related to public emergency and public health emergency declarations.

This third emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the COVID-19 global pandemic. During the declared public health emergency, structures may need to be constructed expeditiously as part of the District's response and existing structures may need to be used for purposes not originally intended. The authority to waive Construction Code requirements, on a case-by-case basis, will help facilitate the expeditious construction of new structures and variant uses of existing structures, and thereby improve the ability of the District to respond to COVID-19.

An initial emergency rulemaking was adopted by the City Administrator on March 20, 2020, and became effective on that date. The Notice of Emergency Rulemaking was published in the D.C. Register on March 27, 2020, at 67 DCR 3591. The initial emergency rulemaking expired on July 18, 2020. A second emergency rulemaking was adopted by the City Administrator on September 16, 2020, and became effective on that date. The Notice of Second Emergency Rulemaking was published in the *D.C. Register* on September 25, 2020, at 67 DCR 11264. The second emergency rulemaking expired on January 14, 2021. This third emergency rulemaking was adopted on March 3, 2021. This third emergency rulemaking shall take effect on March 19, 2021, and will remain in effect for one hundred twenty (120) days after the date of adoption, expiring July 17, 2021.

Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2017, is amended as follows:

Section 104, DUTIES AND POWERS OF THE CODE OFFICIAL, is amended as follows:

A new Subsection 104.14 is added with the following:

104.14 **Public Emergency Declarations.** During a declared public emergency, the *code*

official is authorized to temporarily suspend specific requirements of the Construction Codes for temporary construction or use directly related to preparation, response, mitigation, or recovery efforts related to the public emergency. The temporary code suspension decision shall weigh the benefits to the public health, safety, and welfare that are likely to be realized because of the waiver against any risk to health or safety and any reduction in accessibility that may be caused by the waiver.