



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Corporation Counsel

Commercial Division
Land Use & Public Works Section



MEMORANDUM

TO: Denzil Noble
Acting Building and Land Regulation Administrator
Department of Consumer and
Regulatory Affairs

FROM: Alan H. Bergstein 
Section Chief
Commercial Division
Land Use & Public Works Section

DATE: April 4, 2001

SUBJECT: Legal Advice regarding the steps that must be taken to give zoning inspectors
the authority to issue stop work orders under the District of Columbia
Building Code Supplement of 1999, 12A DCMR 117

This memorandum responds to the Zoning Administrator's inquiry whether additional steps must be taken to give zoning inspectors the authority to issue stop work orders using the District of Columbia Building Code Supplement of 1999 ("Building Code"), 12A DCMR §117.0. Stop Work Order. The Building Code explicitly states that the Director of the Department of Consumer and Regulatory Affairs ("Department/DCRA") shall enforce the code's provisions. 12A DCMR §104.1. The zoning inspectors are employees within the Zoning Division, Building and Land Regulation Administration ("BLRA") of the Department. Thus, whether additional steps are necessary depends upon how far the authority to enforce the Building Code has been delegated within DCRA.

The Director derives his authority to enforce building and zoning regulations from past executive delegations¹, statutes², and the provisions of the Building Code itself. The Building Code

¹ See, Order of the Commissioner No. 69-96, effective March 7, 1969; Mayor's Order No. 78-42, effective February 17, 1978; Reorganization Plan No. 1 of 1982, effective July 3, 1982, regarding Building and Zoning Regulation Administration; and Reorganization Plan No. 1 of 1983, effective March 31, 1983, establishing the District of Columbia Department of Consumer and Regulatory Affairs.

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identifies DCRA's Director as the code official who shall enforce the Building Code. 12A DCMR 104.1. Section 104.1.1 permits the code official to delegate his or her duties under the building code. 12A DCMR 104.1.1. Thus, the Director, if he has not already done so, may delegate his authority to issue stop work orders under section 117 to the zoning inspectors. Zoning inspectors may rely upon section 117 for authority to issue stop work orders related to zoning violations because the Building Code compels Zoning Regulations compliance review by DCRA's Zoning Division. 12A DCMR 107.15. If the Director has not re-delegated his authority or earlier delegations did not include the Zoning Division, an appropriate internal delegation to include the Zoning Division or the zoning inspectors is required.

Please do not hesitate to call Assistant Corporation Counsel Patricia Young at (202) 442-9776 if you have any further questions regarding this matter.

AHB\pny
(WL-01-01)

cc: ✓ Michael D. Johnson, Zoning Administrator

² D.C. Code §1-322(a)(1999); Zoning Act of 1938, §11, 5 D.C. Code §427(a)(1999 Supp.); Construction Codes Approval and Amendment Act of 1986, effective March 21, 1987, D.C. Law 6-216, §6a, as added April 20, 1999, D.C. Law 12-261, §3002, D.C. Code §5-1305.1(a)(1999 Supp.).