

105 PERMITS

Strike Chapter 1 of the International Building Code in its entirety and insert the following in its place to read as follows:

105.1 Required Permits. Depending on the scope of work, an *owner* or authorized agent who intends to undertake any of the activities set forth in items 1 through 4 below, or to cause any such work to be done, shall first make application to the *code official* and obtain the required permit(s) relevant to the intended work:

1. Construct, enlarge, alter, repair, move, demolish, or change the occupancy of a *building* or other *structure*; or
2. Erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the *Construction Codes*, or to cause any such work to be done; or
3. Install tower cranes or other similar hoisting devices on public space or private property; or
4. Undertake any other activity regulated by the *Construction Codes*.

105.1.1 Classification of Permits. For the purposes of the *Construction Codes*, permits issued by the *Department* shall be classified as follows:

1. Building permits.
2. Raze permits.
3. Trade permits:
 - 3.1. Electrical;
 - 3.2. Gas;
 - 3.3. Mechanical;
 - 3.4. Plumbing;
 - 3.5. Elevators and conveying systems;
 - 3.6. Boilers.
4. Sign permits (subject to Sections 105.1.11 and 3107).

5. Foundation and earthwork permits.
6. Miscellaneous permits.
 - 6.1. Projection permits;
 - 6.2. Crane and derrick permits;
 - 6.3. After-hours permits;
 - 6.4. Other activities as may be determined by the *code official*, and set forth by the *Department* in *administrative bulletins*.

105.1.2 Permitted Construction 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. Mondays through Saturdays, excluding legal holidays.

105.1.3 After Hours Permit. Any request to work pursuant to a permit beyond permitted construction hours shall be made by application to the *code official* and shall be subject to noise regulations set forth in 20 DCMR. No after-hours permit shall be issued for work in an area zoned “residential” under the *Zoning Regulations* then in effect, or in an area within 500 feet (152 400 mm) of such residential zone, or within 500 feet (152 400 mm) of a *building* with sleeping quarters, unless the *code official* determines that not issuing such permit would pose a threat to public safety, health and welfare.

105.1.4 Establishment of Special Flood Hazard Areas. The District of Columbia has established a *Special Flood Hazard Area*, as delineated on the Federal Emergency Management Agency’s Flood Insurance Rate Map and adopted by the District at 20 DCMR § 3101.2. For purposes only of this subsection and 20 DCMR Chapter 31, “development,” as defined in 20 DCMR § 3199.1, shall mean any man-made change to improved or unimproved real estate, including but not limited to *buildings* or other *structures*, streets and other paving, utilities, filing, grading, excavation, mining, dredging, drilling operations, storage of equipment or materials, and the subdivision of land.

105.1.5 Annual Permit. In lieu of an individual permit for each alteration to an already *approved* electrical, gas, mechanical or plumbing installation, the *code official* is authorized, upon application therefore, to issue an annual permit allowing alterations to such installations to any person, firm or corporation regularly employing one or more qualified tradespersons in the *building*, other *structure* or on the *premises* owned or operated by the applicant for the permit.

105.1.5.1 Annual Permit Records. The person or entity to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The *code official* shall have access to such

records at all times or such records shall be filed with the *code official* as designated.

105.1.6 Licensing Requirements. Electrical, mechanical, plumbing, elevator and fuel work requiring a permit shall be performed, as applicable, by a licensed electrician, plumber, gas-fitter, elevator mechanic, elevator contractor and/or refrigeration and air-conditioning mechanic licensed pursuant to D.C. Official Code §§ 47- 2853.01 *et seq.* (2012 Repl.).

105.1.7 Raze Permits. Before a raze permit is issued, the *owner* of the *building* or other *structure* to be razed, or the *owner's* agent, shall post and maintain a notice furnished by the *code official* on the façade fronting on the public street of the *building* or other *structure* as designated by the *code official*, so as to be visible from the public way. The raze permit shall not be issued by the *code official* until at least 30 days after the date the notice is posted on the *building* or other *structure*. This notification requirement shall not apply to any emergency raze ordered by the *code official*. Violations of this subsection shall be deemed a Class 3 infraction pursuant to 16 DCMR § 3200.

105.1.7.1 Other Requirements. Prior to issuing a raze permit, the *code official* is authorized to require the *applicant* to submit clearances and/or information, including, but not limited to, asbestos removal, utility disconnects, grading plans, and historic preservation, and to provide notification to adjoining property *owners* where party walls are involved.

105.1.7.2 Fee. The applicant for a raze permit shall pay a fee for the furnishing of the notice required under Section 105.1.7 in accordance with the applicable fee schedule published in the *D.C. Register*, as amended from time to time.

105.1.8 Emergency Work. When necessary to make emergency repairs or replacements to *buildings*, other *structures* or systems, an application for a permit to cover all emergency work shall be submitted no later than the first business day following the performance of such emergency work.

105.1.9 Posting of Permit. The permit, or a copy thereof, shall be kept on the work site and conspicuously displayed at a location visible from the street until the completion of the project. Public information deemed relevant by the *code official* for all permits issued by the *Department* shall be published on the *Department's* website.

105.1.10 Grounds for Permit Denial. The *code official* is authorized to deny permits pursuant to D.C. Official Code § 6-1408.01 (2012 Repl.).

105.1.11 Signs. To the extent that the *code official* is designated as the permitting and enforcement official for signs, pursuant to any District of Columbia laws and

regulations, including, but not limited to, the Sign Regulation Emergency Amendment Act of 2012, enacted July 11, 2012 (D.C. Act 19-387; 59 DCR 8491), any substantially similar successor legislation; Section 1 of An Act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.21 (2012 Repl.), and Mayor's Order 2011-181, dated October 31, 2011 ("Sign Legislation"), the duties and powers of the *code official* shall be governed by (a) Chapter 1, 12 DCMR A and (b) Chapter 1, 12 DCMR G, including, but, not limited to, the *code official's* authority to receive applications, to review submittal documents and issue permits, to institute administrative and legal actions to correct violations or infractions, and to inspect *premises*.

105.1.11.1 Applicable Requirements. Signs shall be designed, constructed and maintained in accordance with the requirements of Title 12 of the DCMR, including, but not limited to, Appendix N to the *Building Code Supplement* which is hereby expressly adopted and incorporated by reference, and the *Property Maintenance Code*, until such time as the District of Columbia adopts superseding regulations pursuant to the Sign Legislation.

105.1.12 Stormwater Management and Erosion and Sediment Control. A permit shall not be issued for a major substantial improvement activity (as defined by 21 DCMR Chapter 5) or a land-disturbing activity regulated by 21 DCMR Chapter 5, until the submitted plans reflect the pertinent features approved by the official charged with the administration and enforcement of 21 DCMR Chapter 5, and the requirements of D.C. Law 5-188, Water Pollution Control Act of 1984, as amended.

105.2 Work Exempted from Permit. This Section 105.2 sets forth exemptions from permit requirements, subject to historic and *Special Flood Hazard Area* restrictions set forth in Sections 105.2.5 and 105.2.6 respectively. Exemptions from permit requirements of the *Construction Codes* shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the *Construction Codes* or of any other laws, regulations or ordinances of the District of Columbia.

Building:

1. Brick pointing.
2. Caulking, patching and plaster repair of non-rated assemblies.
3. Installation of window screens and storm windows.
4. Repair in kind of existing fences.

District of Columbia Municipal Regulations

5. Painting other than fire-retardant paint.
6. Papering, tiling, carpeting, floor covering, cabinets, countertops and similar finish work.
7. Replacement *in kind* of one of the items listed hereafter. For the purpose of this section, “replacement in kind”, means replacement with a feature of like material that replicates the existing feature in proportion, appearance, texture, design, detail and dimensions.
 - 7.1. Roofing and coping.
 - 7.2. Siding.
 - 7.3. Gutters and downspouts and fascia.
 - 7.4. Private sidewalks and driveways.
 - 7.5. Patios
 - 7.6. Non-rated suspended ceiling tile.
 - 7.7. Not more than 160 square feet (14.9 m²) of gypsum board excluding installation of fire-rated gypsum wall board or shaft liner.
8. A single garden storage shed that does not exceed 50 square feet (4.65 m²) in area, is less than ten feet (3048 mm) in overall height, is an accessory *structure* to a *building* of Use Group R-3 or to a *building* under the jurisdiction of the *Residential Code*, and is erected on a lot with no other exempted storage shed.
9. Prefabricated pools, accessory to a Use Group R-3 occupancy, or accessory to *buildings* under the jurisdiction of the *Residential Code*, which are less than 24 inches (610 mm) deep, do not exceed 1000 gallons (3785.41L), are installed entirely above ground and are not designed or manufactured to be connected to a circulation system.
10. Retaining walls that are not over four feet (1219 mm) in height, measured from the bottom of the footing to the top of the wall, for one and two family dwellings only where the area of land disturbance is less than 50 square feet (4.65 m²).
11. Shade cloth *structures* constructed for nursery or agricultural purposes, not including service systems.

District of Columbia Municipal Regulations

12. Swings and other playground equipment accessory to one- and two-family dwellings.
13. Movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1753 mm) in height.
14. A one-story mausoleum not exceeding 250 square feet (23 m²) in footprint area provided the mausoleum (a) is of Type I or II construction; (b) does not contain any habitable space; and (c) does not require any utility connections. Notwithstanding the applicability of this permit exemption, the person undertaking the proposed work shall comply with applicable requirements of the U.S. Commission of Fine Arts (Shipstead-Luce Act of 1930, Public Law 71-231 and Public Law 76-248; Old Georgetown Act of 1950, Public Law 81-808), and the Department of Energy and the Environment (Stormwater Management, Soil Erosion and Sediment Control, 21 DCMR Chapter 5).

Electrical:

1. Repair portable electrical equipment.
2. Repair lighting fixtures.
3. Repair or replace ballasts, sockets, receptacles, or snap switches.
4. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles, and other minor repairs at existing outlets.
5. Electrical equipment used for radio and television transmissions; however, a permit is required for equipment and wiring for a power supply and the installations of towers and antennas.
6. Listed cord-and-plug connected temporary decorative lighting.
7. Reinstallation of plug receptacles but not the outlets thereof.
8. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
9. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

District of Columbia Municipal Regulations

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment or appliances regulated by the *Construction Codes*.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigerating systems containing 10 pounds (5 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainage, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the *Construction Codes*.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. Repair or replacement of water meters performed by DC Water.

105.2.1 [Reserved].

105.2.2 Ordinary Repairs. Permits are not required for ordinary repairs to *buildings*, other *structures* or equipment. Ordinary repairs shall not include:

1. The cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a *structure* affecting the egress requirements; or
2. Addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public Service Agencies. A permit shall not be required under the *Construction Codes* for the installation, alteration or repair of equipment and facilities used for generation, transmission, distribution, metering or treatment that is under the ownership or control of public service agencies subject to the jurisdiction of the Public Services Commission or DC Water.

Exception: A permit shall be required for all projects involving land-disturbing activities or major substantial improvement activities as defined in 21 DCMR Chapter 5, and for all work described in Section 105.2.5.

105.2.4 [Reserved].

105.2.5 Permit Exemptions Not Applicable in Historic Districts or to Historically Designated Structures. When the proposed scope of work would qualify to be exempted from permit pursuant to Section 105.2 of this chapter, and the work is to occur on the land of or the exterior of *buildings* or other *structures* located in historic districts, or of historically designated *buildings* or other *structures*, an application for a building permit pursuant to Section 105.1 shall be required for the following work described in Section 105.2 **Building:** 1. Brick pointing; 4. Repair or replacement of fences, except as deemed an ordinary repair; 5. Painting of unpainted exterior masonry at a landmark property; 7. Replacement in kind, except of interior ceiling tile and gypsum board; 8. Garden storage shed; 9. Prefabricated pools; and 10. Retaining walls.

105.2.6 Permit Exemptions Not Applicable in Special Flood Hazard Areas. When the proposed scope of work would qualify to be exempted from permit requirements pursuant to Section 105.2 of this chapter, and the work is to occur on land designated as a *Special Flood Hazard Area* on the Federal Emergency Management Agency's Flood Insurance Rate Map for the District (20 DCMR § 3101.2), a building permit shall be required.

105.3

Application for Permit. To obtain a permit, the *owner* or the authorized agent (herein referred to as the applicant) shall submit to the *code official* an application for permit. Where a permit is required, it shall be obtained by applicant prior to the commencement of any work, except as provided in Section 105.1.8. For trade permits, the applicant shall be the contractor responsible for the work to be done.

An application shall be submitted in the form prescribed and provided by the *code official*. Unless otherwise specified by the *code official*, the application shall:

1. Be accompanied by any filing fee deposit required pursuant to Section 108.2.1.1 and any other fees required by the *code official* to be paid at the time of filing. All other fees shall be paid prior to issuance of the permit pursuant to Section 108.
2. Clearly identify and describe the work to be covered by the permit for which application is made.
3. Describe the land on which the proposed work is to be done by legal description, street address, lot and square or similar description that will readily identify and definitively locate the proposed *building* or work.
4. Provide sufficient information clearly distinguishing existing versus proposed use.
5. Indicate the use and occupancy for which the proposed work is intended.
6. Be accompanied by a fully completed intake form and supporting submittal documents as required by Section 106.
7. Include an accurate breakdown of construction valuation in accordance with Section 108.3.
8. Include a valid electronic mail address for communications relating to the application and for electronic service of notices and orders related to the permit.
9. Include the applicant's certification that the information provided in the application is true and correct to the best of the applicant's knowledge, and acknowledging the applicability of criminal penalties for false statements as provided in Section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405 (2013 Supp.)).
10. Include the "Standards of External Effects" application required by the District of Columbia Zoning Regulations (11 DCMR, Chapter 8) if the property is located in a CM or M zone district.

11. Provide name and contact information, including a valid electronic mailing address, for the general contractor or construction manager, if known, when the application is filed. If the information is not known at the time of filing, the information shall be provided to the *code official* as soon as the general constructor or construction manager is selected, but no later than the scheduling of the first inspection.
12. Be signed by the applicant, or the applicant's authorized agent. The application form shall contain the statement "Making of a false statement in this form is punishable by criminal penalties pursuant to D.C. Official Code § 22-2405" in the applicant's signature box.
13. Provide such other data and information as required by the *code official*.
14. For applications to authorize electrical, mechanical, plumbing or fuel gas work, include the name, signature and license number of the *person* performing the work as required by Section 105.1.6.

105.3.1 Action on Application. The *code official* shall examine or cause to be examined all applications for permit and amendments to applications within a reasonable time after filing. The *code official* may reject an application at the time of filing if the application and required supporting documents are not substantially complete. If deficiencies in the application, plans or other supporting documents are discovered during processing, the *code official* is authorized, in his or her discretion, to give the applicant an opportunity to correct the deficiencies prior to taking action to approve or reject the application. If the application or the plans do not conform to the requirements of all pertinent laws, the *code official* is authorized to reject such application. The *code official* shall state the reasons for the rejection in writing, citing specific sections of the *Construction Codes*, and stating the applicant's right of appeal under Section 112. If the *code official* is satisfied that the proposed work conforms to the requirements of the *Construction Codes* and all applicable laws, rules, and regulations, the *code official* shall issue a permit as soon as practicable.

105.3.1.1 Third-Party Plan Review. An applicant shall have the option of providing for a third-party plan review agency to perform a code compliance review of a project, at the applicant's expense, pursuant and subject to the provisions of: this Section 105.3.1; the Homestart Regulatory Improvement Amendment Act, effective June 25, 2002 (D.C. Law 14-162; D.C. Official Code § 6-1405.03 (2012 Repl.)); and the Third-Party Plan Review Program Procedure Manual, adopted by the *Department* on January 2, 2011 (the "Third-Party Plan Review Manual"), as amended.

105.3.1.2 Third-Party Plan Review Procedures. An applicant may seek an expedited submittal documents review by providing the *code official* with a certified report(s) of the findings of the third-party plan review agency, in a format acceptable to the *code official*. The *code official* shall accept such reports from *approved* third-party plan review agency or agencies, as provided for in the Third-Party Plan Review Manual.

If the *code official* is satisfied that the report and the proposed submittal documents or certified components of submittal documents conform to the requirements of the *Construction Codes*, the *Department* shall complete its review within 15 business days of application submission. The *code official's* final approval of the submittal documents and issuance of related permits will be provided upon receipt of approvals from other reviewing agencies.

105.3.2 Payment of Delinquent Fines and Penalties. The *code official* may refuse to issue a permit if the *owner*, applicant, or responsible officer has outstanding fines or penalties imposed under the *Construction Codes*, or if the *code official* determines that the *owner*, applicant, or responsible officer is in violation of any provision of the *Construction Codes*.

105.3.3 By Whom Application is Made. Application for a permit shall be made by the *owner* or lessee of the *premises*, including any *building* or other *structure*, or by the authorized agent of either. The licensed engineer, architect or interior designer employed in connection with the proposed work shall be allowed to submit an application for a building permit on behalf of the *owner* or lessee if an authorized agent.

105.3.3.1 Transfer of Permit Application. If the *owner* or lessee of the *premises*, including any *building* or other *structure*, should change, an unexpired permit application may be transferred to a new *owner* or lessee upon approval by the *code official* of an application by the new *owner* or lessee, in a form specified by the *code official*.

105.3.3.2 Penalties for False Statements. False statements in an application may subject the permit to revocation pursuant to Section 105.6. Applicants are also subject to the penalties of Section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405 (2013 Supp.)) for false statements.

105.3.4 Approval of Partial Plans. The *code official* is authorized to issue a partial permit for earth retention or the construction of foundations before the entire plans and specifications for the whole *building* or other *structure* have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the *Construction Codes*. Issuance of

a partial permit by the *code official* does not constitute assurance that a permit for the entire structure will be granted. The holder of such partial permit for earth retention or foundations will proceed with the construction at the holder's own risk and without assurance that a permit for the entire *structure* will be granted.

105.3.5 Approval of Submittal Documents. When the *code official* issues a permit, the submittal documents shall be *approved*, in writing or by stamp, as "Approved." Unless submitted electronically, one set of *approved* submittal documents so reviewed shall be retained by the *code official* and the other sets shall be returned to the applicant; at least one *approved* set shall be kept at the work site and shall be open to inspection by the *code official*.

105.3.6 Signature on Permit. The *code official's* signature shall be attached to every permit; or the *code official* may authorize a subordinate to affix a facsimile of the *code official's* signature to permits. The *code official's* signature shall not be construed as indicating that the construction complies with any other requirement of District law or regulation other than the *Construction Codes* and the *Zoning Regulations*. The permit does not grant a waiver of the maximum height allowed under An Act to regulate the height of buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code §§ 6-601.01 to 6-601.09 (2012 Repl.)), unless expressly indicated on the permit.

105.3.7 Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The *code official* is authorized to grant a maximum of two extensions of time for agency consideration of a permit application, not exceeding 180 days each, provided that the extension is requested in writing and justifiable cause demonstrated. Refunds of the unused portion of the application file deposit shall be made pursuant to Section 108.6.

105.3.8 Amendments to Permit. The holder of a valid active building permit shall be authorized to amend it or to amend the plans, application or other records pertaining to the permit by filing, at any time before completion of the work for which the original permit was issued, an application for revision of a building permit, accompanied by a copy of the originally *approved* submittal documents and, unless submitted electronically, by two sets of the revised plans. Once such amendments are *approved* and the revised permit is issued, it shall be deemed part of the original permit and shall be kept therewith in the official records of the *Department*. A revision permit shall become invalid upon expiration of the original building permit it amends. The extension provisions of Section 105.5.1 shall apply to the original building permit and shall only affect the respective revision permits to the extent that the original building permit is extended.

105.3.9 Electronic Mail Address Update. While applications are pending for processing and after issuance of a permit, applicants and permit holders are

required to update the electronic mailing address provided in the underlying permit application as specified in Section 105.3, items 8 and 11.

105.3.10 Design Professional in Responsible Charge. All design for new construction work, alteration, repair, expansion, addition, or modification work involving the practice of professional architecture, which shall have the same meaning as the term “practice of architecture” in D.C. Official Code § 47-2853.61, shall be prepared only by an architect licensed by the District and work involving the practice of professional engineering, which shall have the same meaning as the term “practice of engineering” in D.C. Official Code § 47-2853.131, shall be prepared only by an engineer licensed by the District. All drawings, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a licensed architect or licensed engineer and shall bear the signature and seal of the architect or the engineer. Plans for non-structural alterations and repairs of a building, including the layout of interior spaces, which do not adversely affect any structural member or any part of the structure having a required fire resistance rating, or the public safety, health, or welfare, and which do not involve the practice of engineering as defined by applicable District of Columbia laws, shall be deemed to comply with this section when such plans are prepared, signed, and sealed by an interior designer licensed and registered in the District of Columbia in accordance with applicable District of Columbia laws.

105.3.10.1 Exemptions. The professional services of a registered architect, professional engineer or an interior designer are not required for the following:

1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the professional registration of architects, engineers and interior designers.
2. Nonstructural alteration of any *building* of R-3 occupancies or of any *building* under the jurisdiction of the *Residential Code*.
3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from building permit by Section 105.2.
4. Preparation of drawings or details for the installation of water and sewer *building* connections to a single family residential *structure*. The *code official* is authorized to accept drawings and details prepared by a licensed plumber.

105.3.10.2 Substitute Design Professional. If the circumstances require, the *owner* shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge.

105.3.10.3 Attestation. An application for a building permit requiring a stamp from a design professional shall include an attestation by the design professional in responsible charge stating as follows:

- (a) For architects: “I am responsible for determining that the architectural designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the architectural designs included in this application.”
- (b) For engineers: “I am responsible for determining that the engineering designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the engineering designs included in this application.”

105.3.11 Green Building Incentives. In order to foster green building development and encourage the District’s sustainability goals, including resource conservation and increased energy and water efficiency, the *code official* is authorized to develop incentives for projects which meet voluntary green building standards as set forth in the *Department’s Administrative Bulletins*. Such incentives may include, but are not limited to, expedited permit processing.

105.3.12 Permit Applications in Special Flood Hazard Areas. An applicant for a building permit in a *Special Flood Hazard Area* shall comply with the *Floodplain Management Regulations*.

105.4 Compliance with Code. The permit shall be an authorization to proceed with the work for which the permit was issued and shall not be construed as authority to violate, cancel or set aside any of the provisions of the *Construction Codes*, except as specifically stipulated by modification granted in accordance with Sections 104.10 and 104.10.1.

105.5 Expiration of Permit. Any permit issued shall become null and void if the authorized work is not begun and inspected pursuant to Section 109 within one year after the permit is issued, or if the authorized work is suspended, abandoned or not inspected pursuant to Section 109 for a period of one year. In determining whether work has been suspended or abandoned under this Section 105.5, including exceptions thereto, the *code official* shall have the right to request documentation from the permit holder and to inspect the *premises*, including any *building* or other *structure*, for which the permit has been granted.

Exceptions:

1. Any permit issued for construction regulated by the *Residential Code* shall become invalid if the authorized work is not begun within 180 days after the permit is issued, or if the authorized work is suspended or abandoned for a period of 180 days after the date work is begun as evidenced by lack of continuous work.
2. Any permit issued for work that is to occur on land designated as a *Special Flood Hazard Area* on the Federal Emergency Management Agency's Flood Insurance Rate Map shall become invalid if the authorized work is not begun within 180 days after the permit is issued, or if the authorized work is suspended or abandoned for a period of 180 days after the date work is begun as evidenced by a lack of continuous work.
3. Any permit issued for work on *premises*, including any *buildings* or other *structures*, that have been deemed to be unsafe or unfit for human occupancy (in accordance with Section 115), or abandoned or deteriorated property (in accordance with D.C. Official Code § 42-3171.01 *et seq.*(2012 Repl.)), shall become invalid if the authorized work is not begun within 30 days after the permit is issued and completed within six months after the date work is begun, unless the permit is extended in accordance with Section 105.5.1.
4. The *code official* has the authority to reinstate, in writing, an expired permit upon a showing of applicable extenuating circumstances.

105.5.1 Extension of Permit. A permit may be extended upon written request, prior to expiration and upon a showing of good cause. The *code official* is authorized to grant extensions of time not to exceed 180 days per extension. Not more than four extensions of time will be granted to any permit. The *code official* may issue an extension for a period of 365 days upon demonstration of need at the time of extension application, but, in no event, shall the aggregate extensions of time exceed two years.

Exceptions:

1. For any permit issued for work on *premises*, including any *buildings* or other *structures*, that have been deemed to be unsafe or unfit for human occupancy (in accordance with Section 115), or abandoned or deteriorated property (in accordance with D.C. Official Code § 42-3171.01 *et seq.* (2012 Repl.)), work must commence within 30 days after the initial permit is issued, and be completed within 180 days after the date work is begun, unless an extension of time is granted by the *code official*. If the work has not been completed within the 180 day period or any extension period

granted by the *code official*, the *Department* is authorized to complete the work in accordance with D.C. Official Code § 42-3131.01 *et seq.* (2012 Repl.) and to seek any other remedies or penalties authorized by law, including monetary fines, criminal prosecution, or court orders directing correction or abatement of the violation.

2. The *code official* shall have the discretion to inspect the *premises*, including any *building* or other *structure*, for which a permit extension has been requested prior to granting an extension.

105.5.2 [Reserved].

105.5.3 Transferability of Permits. Where a permit holder transfers a *premises*, including any *building* or other *structure*, for which an unexpired permit has been issued, except where restricted by Section 113.9, the permit may be transferred to the new *owner*, upon application by the new *owner* in a form specified by the *code official*. Permits for installations related to electrical, gas, mechanical, plumbing, elevator and fire protection systems are not transferable.

105.6

Revocation of Permits. The *code official* is authorized to revoke a permit or approval issued under the *Construction Codes* or the District of Columbia Zoning Regulations (11 DCMR) (the *Zoning Regulations*), for any of the following conditions:

1. Where there is a false statement or misrepresentation of fact, or other significant inaccuracy, in the application or on the plans on which a permit or approval was based, that substantively affected the approval, including, but not limited to, inaccuracies with respect to pre-existing conditions;
2. When the construction does not comply with the *Construction Codes* (or any modification duly granted thereunder by the *code official*), the *Zoning Regulations* (or any relief granted therefrom by the Board of Zoning Adjustment or the Zoning Commission), the permit, the revised permit, one or more conditions of any Board of Zoning Adjustment or Zoning Commission Order that authorized the construction, or the *approved* plans and other information filed to obtain the permit, and when the permit holder fails to correct the non-conforming situation within the time period specified in a notice or order issued under Section 113;
3. When the permit holder has been cited under 12 DCMR A § 115 for one or more violations of the *Construction Codes* which, by the determination of the *code official*, threaten the health and safety of the public in the District of Columbia, and when the permit holder fails to restore safety or otherwise remedy the situation under the terms and conditions of the *code official's* order and within the time period specified;

District of Columbia Municipal Regulations

4. When the construction has been posted with two or more stop work orders, under 12 DCMR A § 114, and the permit holder fails to comply with conditions stated in the orders prior to resuming construction, in two or more instances, so as to establish a pattern indicative of the permit holder's unwillingness to fully comply with the *Construction Codes*;
5. When permits are issued to a contractor whose license has expired, or is suspended or revoked by the Board having jurisdiction;
6. When the *code official* determines that the permit has been issued in error or on the basis of incorrect information supplied; or
7. When the use is located in a CM or M zone district and the use violates the "Standards of External Effects" described in the *Zoning Regulations*.

105.6.1 Effective Date of Revocations. Revocations based on items 1, 2, 4, 5, 6 or 7 of Section 105.6 are proposed actions and shall become final upon occurrence of one of the following conditions:

1. If the permit holder fails to request a hearing from: (a) the Office of Administrative Hearings within 15 business days of receipt after service pursuant to Section 105.6.3 of the notice of revocation with respect to violations of the *Construction Codes*; or (b) the Board of Zoning Adjustment within 60 days of receipt after service pursuant to Section 105.6.3 of the notice of revocation with respect to violations of the *Zoning Regulations*; or
2. If the Office of Administrative Hearings or Board of Zoning Adjustment finds that grounds exist to revoke the permit following a hearing requested by the permit holder pursuant to Section 105.6.4.

105.6.1.1 Summary Revocations; Cancellations.

1. Revocations based on item 3 of Section 105.6 shall be summary revocations and shall take effect on the date ordered by the *code official*.
2. The *code official* shall have the right to declare a permit null and void, if the agency determines that the permit was erroneously issued as the result of administrative or clerical error and notifies the permit holder of the error within five business days of permit issuance. Upon such notification, the permit holder shall promptly surrender the permit for cancellation, however, the failure to surrender the permit voluntarily for cancellation shall not affect its invalidity and the permit shall be cancelled upon notification to the permit holder in accordance with Section 105.6.3.

105.6.1.2 Board of Zoning Adjustment Order. When a written order of the Board of Zoning Adjustment concludes that a permit was issued in error, the permit shall be revoked, effective 10 days after the Board of Zoning Adjustment Order is served upon the permit holder. The revocation may be appealed to the District of Columbia Court of Appeals pursuant to Section 11 of An Act To prescribe administrative procedures for the District of Columbia Government, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510 (2012 Repl.)).

105.6.2 Notice of Revocation. Except as provided in Section 105.6.1.1, the permit holder shall be provided, pursuant to Section 105.6.3, written notice of the *code official's* order to revoke the permit. This notice shall include the following:

1. A copy of the written order;
2. A statement of the grounds for the action taken, citing the provisions of the D.C. Official Code, the *Construction Codes* or the *Zoning Regulations* which have been violated; and
3. A statement advising the permit holder of the right to appeal the revocation in accordance with Section 105.6.4.

105.6.3 Service of Notice to Revoke a Permit. The *code official* shall effect service of a notice to revoke a permit by one of the following methods:

1. Personal service on the permit holder or the permit holder's agent;
2. Delivering the notice to the last known home or business address of the permit holder as identified by the permit application, the tax records, or business license records, and leaving it with a person over the age of 16 years old residing or employed therein;
3. Mailing the notice, via first class mail postage prepaid, at least 10 days prior to the date of the proposed action, to the last known home or business address of the permit holder or the permit holder's agent as identified by the permit application, the tax records, or business license records; or
4. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the *structure* affected by such notice.

105.6.3.1 Respondent's Agent. For the purposes of this section, respondent's agent shall mean a general agent, employee, registered agent or attorney of the respondent.

105.6.3.2 Subsequent Notifications. Once the initial notice has been served:

1. The respondent shall notify the *Department* of all changes of address or of a preferred address to receive all future notices regarding the revocation. This notification by the respondent shall be in writing; and
2. All other notices, orders, or any other information regarding the revocation may be sent by the *Department* via first class mail, postage prepaid.

105.6.4 Appeal from Action. The permit holder may request a hearing by the Office of Administrative Hearings or the Board of Zoning Adjustment as provided below.

105.6.4.1 Office of Administrative Hearings. The permit holder may appeal a notice of revocation to the Office of Administrative Hearings (OAH) no later than 10 business days after service of written notice of the revocation upon the permit holder, pursuant to Chapter 18A of Title 2 of the D.C. Official Code (D.C. Official Code § 2-1801.01 *et seq.* (2012 Repl.)) and any regulations promulgated thereunder. The appeal shall specify that the *Construction Codes* or the rules legally adopted thereunder have been incorrectly interpreted or applied by the *code official*, that the provisions of the *Construction Codes* do not fully apply, or that an equally good or better form of construction can be used. OAH shall have no authority to waive requirements of the *Construction Codes*.

105.6.4.2 Board of Zoning Adjustment. To the extent that a revocation is based in whole or in part upon a violation of the *Zoning Regulations*, any appeal of the zoning-based ground shall be heard by the Board of Zoning Adjustment in accordance with Section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk and uses of buildings and other structures and the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938, as amended, (52 Stat. 799; D.C. Official Code § 6-641.07 (2012 Repl.)) and Chapter 32 of the *Zoning Regulations* (11 DCMR). The appeal shall be filed no later than 60 days after service of written notice of the revocation upon the permit holder, pursuant to D.C. Official Code § 6-641.09 (2012 Repl.), and the *Zoning Regulations*. The permit holder shall specify the provisions of the *Zoning Regulations* on which the appeal is based.

105.6.4.3 Expedited Hearings. When a summary revocation is ordered under item 3 of Section 105.6 of this chapter, the permit holder may request an expedited hearing from OAH within 72 hours (excluding

District of Columbia Municipal Regulations

Saturdays, Sundays, and legal holidays) of service of notice pursuant to Section 105.6.3, to review the reasonableness of the revocation order. At this hearing, the *code official* shall have the burden of establishing a prima facie case of immediate or serious and continuing endangerment. The OAH may not stay the *code official's* decision to revoke a permit under item 3 of Section 105.6 pending the final resolution of the hearing.

105.7 Posting of Fines. Where civil infraction citations have been issued to an applicant for a building permit for illegal construction under Section 113.7, all applicable fine amounts must be posted with the Treasurer of the District of Columbia by the applicant, prior to the issuance of any permit. Upon adjudication of said civil infraction citations, any fines or penalties not assessed to the applicant will be refunded.

SOURCE: Final Rulemaking published at 61 DCR 2782 (March 28, 2014 – Part 2); as amended by Final Rulemaking published at 63 DCR 15739 (December 23, 2016); as amended by the Professional Engineers Licensure and Regulation Clarification Amendment Act of 2016, effective April 15, 2017 (D.C. Law 21-0272; 64 DCR 946 (February 3, 2017)); as amended by Final Rulemaking published at 64 DCR 4621 (May 12, 2017); as amended by the Interior Design Regulation Amendment Act of 2017, enacted July 31, 2017 (D.C. Act 22-130; 64 DCR 7652 (August 11, 2017)).

The *District of Columbia Building Code* (2013), referred to as the “*Building Code*,” consists of the 2012 edition of the *International Building Code* as amended by the *District of Columbia Building Code Supplement* (2013)(12 DCMR A). The *International Building Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ibc/2012/index.htm?bu=IC-P-2012-000001&bu2=IC-P-2012-000019>.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



4 Steps to Obtaining a Basic Business License

The following steps need to be completed before submitting a Basic Business License (BBL) application.

Step 1: Corporate Registration

- If operating as a corporate entity (corporation, limited liability company, or partnership).

Trade Name Registration

- If planning to use a fictitious or shortened version of the corporate name when conducting business. Visit corp.dcra.dc.gov.

Step 2: Registration with Internal Revenue Service and DC Office of Tax and Revenue

Internal Revenue Service (IRS):

Apply for Employer Identification Number (EIN) online at irs.gov, in-person at 77 K Street, NE, Washington, DC 20002, or via telephone at (202) 803-9000.

DC Office of Tax (OTR):

Register EIN with the DC Office of Tax and Revenue online at mytax.dc.gov, in-person at 1101 4th Street, SW, 2nd Floor, Washington, DC 20024, or via telephone at (202) 727-4TAX.

For-Profit:

Complete *FR-500 (Combined Business Tax Registration)*

Non-Profit:

Complete *FR-500 (Combined Business Tax Registration)*
Complete *FR-164 (OTR Application for Exemption)*

Clean Hands Certification:

Sign an affidavit stating you do not owe more than \$100 to the Government of the District of Columbia. Visit dcra.dc.gov/publication/dcra-clean-hands-self-certification-form.

Step 3: Registration with Office of the Zoning Administrator

Certificate of Occupancy (COO):

If operating out of an office location in the District.
Visit dcra.dc.gov/service/get-certificate-occupancy.

Home Occupation Permit (HOP):

If conducting business out of a home in the District.
Visit dcra.dc.gov/service/get-home-occupation-permit.

Step 4: Basic Business License (BBL) Application

- Submit a BBL application including the required supporting documentation and payment.**
Your business' activities determine the type of Basic Business License required.
Visit mybusiness.dc.gov.

1100 4th Street, SW, 2nd Floor, Washington, DC 20024 | Helpline 202.442.4400 | dcra.dc.gov

110 CERTIFICATE OF OCCUPANCY

Strike Chapter 1 of the International Building Code in its entirety and insert the following in its place to read as follows:

110.1 General Requirement for Certificate of Occupancy. Except as provided in Section 3203 of the *Zoning Regulations*, no *person* shall use any *structure*, land, or part thereof for any purpose, and no change in use or load shall be made, until a Certificate of Occupancy has been issued stating that the use complies with the applicable *Zoning Regulations* and the *Construction Codes*, including related building, electrical, plumbing, mechanical and fire protection requirements. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the applicable *Construction Codes*, *Zoning Regulations* or other laws or regulations of the District. The person or entity to which a certificate of occupancy is issued is referred to herein as the “certificate holder.” When a change in ownership occurs, a new certificate of occupancy shall be applied for in the name of the new *owner*.

110.1.1 New Buildings. A *building* or other *structure* hereafter erected shall not be used or occupied in whole or in part until the certificate of occupancy has been issued by the *code official*, in accordance with the applicable *Construction Codes* and the *Zoning Regulations* following a final inspection pursuant to Section 109.3.14 of the *Building Code*.

Exceptions:

1. One-family *dwelling*s;
2. *Community-Based Residential Facility* with six or fewer residents; or
3. A conditional certificate of occupancy has been issued pursuant to Section 110.4.

110.1.2 Change in Ownership. For changes in ownership of *structures*, land, or parts thereof with an existing valid Certificate of Occupancy, a new Certificate of Occupancy shall be issued in the name of the new *owner* without re-inspection, provided there is no proposed change in use, floor layout or occupancy load.

110.1.2.1 Compliance. To monitor compliance with Section 110.1.2, the *Department* may review change of ownership applications and conduct inspections to determine if there has been a change in use, occupancy load, or floor layout, and certificates of occupancy that have been determined to have been erroneously issued on the basis of a change in ownership shall be revoked.

110.1.3 Change in Use, Load or Floor Layout. For changes in use, occupancy load or tenant floor layout, a new Certificate of Occupancy shall be required. In the foregoing circumstances, a construction permit application must be filed pursuant to Section 105.1.1(1) and *approved* by the *Department*, in order to confirm that the new use, load or tenant floor layout complies with the *Construction Codes* and *Zoning Regulations*. An application for certificate of occupancy will not be accepted for filing until a permit application has been granted, or a determination has been made that a permit application is not required under the circumstances.

110.1.4 Use Designation. A certificate of occupancy shall only be issued for stated uses, including accessory uses, which have been identified in the *Zoning Regulations*. In the case of §§ 701.5, 721.4, 741.4 and 751.4 of the *Zoning Regulations*, which permit other retail and service uses similar to those uses expressly permitted in the applicable Commercial Districts, the certificate of occupancy shall first state the expressly permitted use and then indicate the similar use that is being authorized.

110.1.5 Special Restrictions for Projects Subject to Green Construction Code Alternate Compliance Paths.

110.1.5.1 Projects Subject to the Green Building Act. Prior to issuance of a certificate of occupancy for projects subject to the Green Building Act and Section 302 of the *Green Construction Code*, and where provided for therein, the *owner* shall submit the financial security required by Section 302 of the *Green Construction Code*.

110.1.5.2 Projects Not Subject to the Green Building Act. For projects electing an alternate compliance pathway pursuant to Sections 101.4.9.4.2.2, 101.4.9.4.2.3, or 101.4.9.4.2.4, prior to issuance of a certificate of occupancy, or prior to issuance of the first certificate of occupancy for occupiable space in a *story above grade plane* where a project has multiple certificates of occupancy, the *code official* is authorized to request additional documentation as deemed necessary to confirm that the project is on track to be certified as compliant with the elected pathway.

110.1.6 Certificate Issued. After the *code official* inspects the *building* or other *structure* and finds no violations of the provisions of the *Construction Codes*, the *Zoning Regulations* or other laws that are enforced by the *Department*, the *code official* shall issue a certificate of occupancy containing the following:

1. The building permit number (if applicable);
2. The address of the *structure*;

District of Columbia Municipal Regulations

3. The name and address of the property or business *owner*, as applicable;
4. A description of that portion of the *structure* for which the certificate is issued;
5. The name of the *code official*;
6. The use and occupancy, in accordance with the provisions of Chapter 3 of the *Building Code*;
7. The use and occupancy in accordance with the *Zoning Regulations*;
8. The design occupant load;
9. Any special stipulations and conditions of the building permit; and
10. Date of issuance.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required;
12. The edition of the code under which the permit was issued; and
13. The type of construction as defined in Chapter 6.

110.1.7 Exemption from Certificate. A Certificate of Occupancy shall not be required for any use exempted by 11 DCMR § 3203.

110.1.8 Posting of Certificate. All Certificates of Occupancy shall be conspicuously posted in or upon the *premises* to which they apply so that they are readily visible to anyone entering the *premises*, except sanctuary and nave areas of *places of religious worship* in Group A-3.

110.2 Application for Certificate. Application for a Certificate of Occupancy shall be made in accordance with Sections 110.2 through 110.2.3.4.

110.2.1 Application Procedure. All applications for Certificate of Occupancy shall be filed with the *Department* on the prescribed forms provided by the *code official*. The applicant shall pay the prescribed filing fee at the time of the application. If a property is located in a CM or M zone district, the “Standards of External Effects” application required by the *Zoning Regulations* shall also be submitted. Where field inspections are deemed necessary, the inspection process shall be in accordance with Sections 110.2.2.

110.2.1.1 Building Permits. Applications for a certificate of occupancy, other than for a change of ownership with no proposed change in use,

occupancy load or floor layout, will not be accepted unless a building permit application has previously been filed and granted, or the *Department* has determined that a permit application is not required.

110.2.1.2 Compliance with Conditions. If an application pertains to a *structure* or use authorized by an order of the Zoning Commission or Board of Zoning Adjustment and the permission granted in that order was made subject to conditions, the application shall include a copy of the order and a statement demonstrating compliance with all conditions that were to be satisfied prior to the issuance of a certificate of occupancy.

110.2.2 Inspections. Following the filing of a certificate of occupancy application, except for a change in ownership pursuant to Section 110.1.2, inspections shall be conducted to confirm compliance with the applicable *Construction Codes* and the *Zoning Regulations*. Notice of all existing violations of the applicable *Construction Codes* and *Zoning Regulations* shall be provided to the applicant within ten *business days* after the date of the inspection.

110.2.2.1 Service of Notice. The notice of existing violations shall be personally delivered to the applicant or sent by first class mail, postage prepaid. Where the notice is mailed, a certificate of mailing completed by the *person* responsible for mailing shall constitute proof of service.

110.2.2.2 Reinspection. If a notice of existing violations is issued, a reinspection shall be made within ten business days after the date of notification by the applicant that all required corrections have been made.

110.2.2.3 Expiration of Application. Except as provided in Sections 110.2.3 through 110.2.3.4, the failure to comply with all applicable District of Columbia laws and regulations pertaining to the issuance of a Certificate of Occupancy, within the prescribed timeframe in a notice of existing violations, shall cause the application to be canceled without further notice to the applicant, and the applicant shall be required to file a new Certificate of Occupancy application and pay the required fees.

110.2.2.4 Access to the Premises. Refusal to permit entry for inspection of the *premises* shall result in the cancellation of the Certificate of Occupancy application without further notice to the applicant.

110.2.3 Extensions. The *code official* is authorized to grant an extension to comply with the notice of existing violations for any of the following reasons:

1. The District Government has performed all the required services but due to extenuating circumstances the applicant is unable, through no fault of his or her own, to bring the property into compliance; or

2. Other special or unusual circumstances as determined by the *code official*.

110.2.3.1 Filing for Extension. All requests for extensions shall be made in writing and addressed to the *code official*. All requests for extensions shall be filed at least 15 business days prior to the expiration of the prescribed time period. The request shall specify the following:

1. The basis for the request including the details of all efforts on the part of the applicant to bring the property for which an extension is requested into compliance;
2. The facts which support the request in sufficient detail to enable the *code official* to make an informed judgment; and
3. Any other information as the *code official* may deem necessary.

110.2.3.2 Disposition of Request for Extension. The extension requested shall either be granted or denied by the *code official* as soon as practicable after receipt of all required information. The decision to grant or deny the extension shall be delivered to the applicant in writing by first class mail or personal service, and the provisions of Section 110.2.2.1 shall apply to the pertinent extension request records.

110.2.3.3 Period of Extension. A decision to grant an extension shall set forth the extended period of time by which compliance shall be achieved.

110.2.3.4 Extensions for Reinspection. If a reinspection is required, the reinspection shall be made within 10 business days after the date of notification by the applicant that all required corrections have been made.

110.3 Occupancy Dependent on Construction. Sections 110.3.1 through 110.3.5 regulate the issuance of a certificate of occupancy for the use of a *structure*, or part thereof, if the establishment of the use is dependent upon the erection, construction, conversion, or alteration of the *structure*, or part thereof.

110.3.1 Proposed use. The intended use shall be designated as a proposed use at the time of application for the building permit on which the use depends.

110.3.2 Provisional Occupancy. At the time of approval of the building permit application by the Zoning Administrator, the proposed use shall become the provisional occupancy *approved* by the *code official*.

110.3.3 Expiration of Provisional Approval. A building permit shall be obtained within six months of approval of the provisional occupancy, otherwise the zoning approval granted pursuant to Section 110.3.2 shall expire.

110.3.4 Final Occupancy Approval. The use designated as the *approved* provisional occupancy shall become final upon issuance of a Certificate of Occupancy pursuant to the provisions of Section 110.

110.3.5 Construction Completion Required. If the erection or alteration of a *structure*, or part thereof, is contemplated, a certificate of occupancy for that *structure*, or part thereof, shall not be issued until the erection or alteration is completed to the point that the *structure*, or part thereof, is deemed by the *code official* to be available for occupancy and in compliance with the requirements of the applicable laws and regulations.

110.4 Conditional Occupancy. The *code official* is authorized to issue a conditional certificate of occupancy for which a permit for work has been issued, in the following circumstances:

110.4.1 Completion of a Portion of the Work. The *code official* is authorized to issue a conditional certificate of occupancy to permit the conditional use and conditional occupancy of a *building*, other *structure*, or a portion thereof, in advance of the completion of all work covered by the permit, and prior to the issuance of a certificate of occupancy under Section 110.1 above, if the *building*, other *structure*, or a portion thereof may be safely occupied notwithstanding incomplete work covered by the permit. The *code official* is authorized to specify when the conditional certificate of occupancy issued under this section will expire.

110.4.2 Completion of Core and Shell. The *code official* is authorized to issue a conditional certificate of occupancy for a *building* or other *structure* after determining that the core and shell of the *building* or other *structure* are substantially and materially complete, in accordance with the *Construction Codes*. The issuance of a conditional certificate of occupancy under this section shall not grant, allow, or permit use or occupancy, for any reason or purpose, of any other portion of the *building* or other *structure* for which a certificate of occupancy is required under Section 110.1.

110.4.3 Other Circumstances. The *code official* is authorized to issue a conditional certificate of occupancy in other circumstances, prior to the issuance of the final certificate of occupancy, if the *building*, other *structure*, or a portion thereof may be safely occupied, where the *code official* determines that the public interest warrants such conditional occupancy. The *code official* is authorized to specify when the conditional certificate of occupancy issued under this section will expire.

110.5 Revocation of a Certificate of Occupancy. The *code official* is authorized to revoke a certificate of occupancy pursuant to any of the Sections 110.5.1 through 110.5.5.

110.5.1 Different Occupancy. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if the actual occupancy does not conform with that which was permitted.

110.5.2 Misleading Declaration by Applicant. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if the *code official* determines that it was obtained based on an application that contained any material misrepresentation.

110.5.3 Certificate Issued in Error. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if the *code official* determines that it was issued in error.

110.5.3.1 Cancellation. The *code official* shall have the right to declare a certificate of occupancy null and void on the grounds of administrative or clerical error, and to cancel the certificate of occupancy, if such error is discovered within five business days after the date of issuance of the certificate of occupancy and notice is provided to the certificate holder within the five day period. Upon notification of cancellation, the holder shall promptly surrender the certificate of occupancy for cancellation, provided, however, that the failure to voluntarily surrender the certificate shall not affect its invalidity and the cancellation shall be effective upon notification.

110.5.3.2 Board of Zoning Adjustment. When a written order of the Board of Zoning Adjustment concludes that a certificate of occupancy was issued in error, the certificate of occupancy shall be revoked effective ten days after the Board of Zoning Adjustment Order becomes final pursuant to the provisions of the *Zoning Regulations*. Appeal of revocations under this provision shall be governed by Section 110.6.1.

110.5.4 Incomplete Alteration, Repair or Addition. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if all of the following conditions are verified:

1. The *building* or space under such certificate of occupancy is undergoing *alteration* or repair, or an addition thereto is being constructed, under a duly issued building permit, and the original use is being continued during the construction period; and
2. The *code official* deems that construction is not progressing at a reasonable pace and the unfinished portion of the project, as shown on the

approved permit drawings, or the missing systems or portions thereof, are such that the *code official* deems that the safety, health or welfare of the public or of the occupants is seriously threatened thereby.

110.5.5 Additional Grounds for Revocation.

110.5.5.1 Completion of Construction Work. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice, if, upon completion of work pursuant to a duly issued building permit, the *owner* or occupant does not apply for a new certificate of occupancy within 30 days after completion of the work and a new certificate of occupancy is required. A new certificate of occupancy is required when there is a change in use, occupancy or load.

110.5.5.2 Violation of Zoning Order Conditions. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice, if the use is being operated in violation of one or more conditions of any Board of Zoning Adjustment or Zoning Commission order that authorized the establishment of the use or the construction, renovation, or *alteration* of the building in which the use is located. Such violations include, but are not limited to, the failure to establish or maintain any public benefit in accordance with a condition set forth in any Zoning Commission order granting a planned unit development on the property in which the use is located.

110.5.6 Service of Notice to Revoke a Certificate of Occupancy. The *code official* shall effect service of a notice to revoke a certificate of occupancy by one of the following methods:

1. Personal service on the certificate holder or the certificate holder's agent;
2. By electronic mail to the last-known electronic mail address of the certificate holder or the certificate holder's agent, provided that a copy of the notice or order is posted in a conspicuous place in or about the *structure* affected by such notice;
3. Delivering the notice to the last known home or business address of the certificate holder as identified by the certificate application, the tax records, or business license records, and leaving it with a person over the age of 16 years old residing or employed therein;
4. Mailing the notice, via first class mail postage prepaid, at least 10 days prior to the date of the proposed action, to the last known home or business address of the certificate holder or the certificate holder's agent as identified by the certificate application, the tax records, or business license records; or

5. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the *structure* affected by such notice.

Exception: A Board of Zoning Adjustment Order finding that a certificate of occupancy has been issued in error constitutes the Notice of Revocation required under this section.

110.5.7. Content of Notice. Except as provided in Section 110.5.3.2, the Notice of Revocation shall contain the effective date of revocation.

110.5.8 Effective Date of Revocation. Revocations based on Sections 110.5.1, 110.5.2, 110.5.4, or 110.5.5 are proposed actions and shall become final upon occurrence of one of the following conditions:

1. If the certificate holder fails to request a hearing from (a) the Office of Administrative Hearings within 10 business days of receipt of the notice of revocation with respect to violations of the *Construction Codes* or (b) the Board of Zoning Adjustment within 60 days of receipt of the notice of revocation with respect to violations of the *Zoning Regulations*; or
2. If the Office of Administrative Hearings or Board of Zoning Adjustment finds that grounds exist to revoke the permit as the result of a hearing requested by the certificate holder pursuant to Section 110.6.

110.5.8.1 Summary Revocations; Cancellations. Revocations based on Section 110.5.3.1 shall be summary revocations and shall take effect on the date ordered by the *code official*.

110.6 Appeal from Action. Any *person* aggrieved by the action of the *code official* granting, withholding, or revoking a Certificate of Occupancy, based in whole or in part upon the *Zoning Regulations*, may appeal the action to the Board of Zoning Adjustment, pursuant to D.C. Official Code § 6-641.07 (2012 Repl.) and the *Zoning Regulations*, no later than 60 days after service of written notice of the action upon the applicant or permit holder. All other appeals shall be filed before the Office of Administrative Hearings within the time period required.

110.6.1 Limitation on Appeal. No appeal may be taken to the Board of Zoning Adjustment when a ground for the revocation is a Board of Zoning Adjustment Order finding that the certificate of occupancy was issued in error. The revocation in such cases may be appealed to the District of Columbia Court of Appeals pursuant to D.C. Official Code § 2-510.

110.6.2 Stay pending appeal. The filing of an appeal of the revocation shall not operate to stay the revocation.

110.7 Certificate of Occupancy Fees. A fee for the processing and issuance of a certificate of occupancy shall be paid to the D.C. Treasurer in accordance with the applicable fee schedule.

110.7.1 Fee Schedule. The Director is authorized to establish, from time to time, by *approved* rules, a schedule of unit rates and other fees for certificates of occupancy, partial certificates of occupancy and other related miscellaneous services.

110.7.2 Filing Fee. The fee for filing an application for certificate of occupancy shall be in accordance with the current user fee schedule.

110.8 Records. The Director or his or her designee shall be the custodian of Certificate of Occupancy records. The records shall include, but not limited to, the following:

1. Pending Certificate of Occupancy applications;
2. Extensions granted pursuant to Sections 110.2.3 through 110.2.3.4; and
3. All *approved* applications for Certificates of Occupancy, issued Certificates of Occupancy and copies of all cancellation notices and related correspondence.

SOURCE: Final Rulemaking published at 61 DCR 2782 (March 28, 2014 – Part 2); as amended by Final Rulemaking published at 62 DCR 103 (January 2, 2015).

The *District of Columbia Building Code* (2013), referred to as the “*Building Code*,” consists of the 2012 edition of the *International Building Code* as amended by the *District of Columbia Building Code Supplement* (2013)(12 DCMR A). The *International Building Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ibc/2012/index.htm?bu=IC-P-2012-000001&bu2=IC-P-2012-000019>.