



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONSTRUCTION CODES COORDINATING BOARD**

**MINUTES OF REGULAR MEETING
Thursday, August 20, 2015
1100 4th Street, S.W. – 4th Floor- Conference Room E4302
10:00 am – 12:00 pm**

Members Present	Board Members Not Present	Board Staff Present	Other Persons Present
Paul Waters (Chair)	Herbert Taylor	Jill Stern (DCRA)	Kellie Farster, SK&A Structural Engineers, PLLC
Alex Berley (Vice Chair)		LaShawn Dickey	Kirsten Bowden, AOBA (by conference call)
Jatinder Khokhar			Kiana Royster (DCRA)
Marc Fetterman			Eric Jones, Associated Builders and Contractors, Inc., Metro Washington Chapter
Armando Lourenco			
Robert Hershey			
Rabbiah Sabbakhan			
David Epley			
Bill Updike			
Ethan Landis (by conference call)			

1. Preliminary Matters

(i) Call to Order

The meeting was called to order by Paul Waters, Chair, at 10:15 a.m. with a roll call of members and other persons present.

(ii) Adoption of Meeting Agenda

The meeting agenda was unanimously approved by the Board upon motion made by Jatinder Khokhar and duly seconded by Bill Updike.

(iii) Review & Approval of Meeting Minutes

The meeting minutes for the Thursday July 16, 2015 Regular Meeting were unanimously approved by the Board, upon motion made by Jatinder Khokhar and duly seconded by Bill Updike.

2. Status Updates and Administrative Matters

(i) Rulemaking and Legislative Proceedings.

Jill Stern provided the following status updates on rulemaking and legislative proceedings of potential interest to the Board.



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- a. Rulemaking to Amend Title 16, DCMR to conform the DCRA and FEMS schedule of civil infractions to the 2013 Construction Codes. The comment deadline expired on August 1, 2015 and comments were received from three parties: AOBA, National Elevator Industry, Inc., and the law firm of O'Donoghue & O'Donoghue on behalf of the Elevator Industry Work Preservation Fund. The Second Emergency Rulemaking (modifying the existing schedule of infractions) expires on September 20, 2015 and will be extended.
- b. Construction Codes Harmonization Act of 2014 to bring the D.C. Code into conformance with the new Construction Codes. A September 23, 2015 hearing has been scheduled by the Committee on Business, Consumer and Regulatory Affairs, chaired by CM Orange. Additional language has been drafted by DCRA to delete Title 6 Chapter 6 Subchapter 1 Sections 1, 2, 3, 4, 6, which are inconsistent with the new Construction Codes. Marc Fetterman asked that the additional language could be provided to the Board.
- c. New Sign Regulations. DDOT has indicated that a Third Notice will be released, but no word on timing.
- d. Construction Code Errata. The Fire Code Errata Notice was published in the DC Register on July 17, 2015. A new Errata, to correct Chapter 8 of the Property Maintenance Code, was circulated to the Board, and has been submitted to ODAI for publication.
- e. Professional Licensing Amendment Act of 2015. Matt Orlins has been working with the Professional Licensing Division to develop an amendment to Title 47 of the D.C. Code to establish a Board of Professional Construction and to require professional licenses for contracting professionals. Board members asked that a copy be distributed to the Board so that they may review and provide comments. Jill Stern indicated that she would ask Matt Orlins whether the proposed legislation was ready to be circulated. Several Board members supported the idea of a Board of Professional Construction, and Ethan Landis pointed out that neighboring jurisdictions already have such Boards and require professional licensing of contractors. Ethan Landis also asked whether it would be possible to introduce the concept of a "builder's warranty" as long as the issue of contractor professionalism had been raised, since it is difficult for home owners to collect damages or obtain restitution for shoddy construction jobs.

(ii) Update on Board Recruitment and Timing of New Code Development Cycle

Paul Waters advised the Board that the Mayor's Office of Talent and Appointments (MOTA) is still looking at candidates for CCCB appointment and that he still did not have a firm timeline for the appointments. Marc Fetterman urged the Chair to communicate to MOTA that the failure to finalize Board appointments is affecting the Board's ability to start work on the new code cycle, and has delayed formation of new Technical Advisory Groups and review of the 2015 ICC Codes. Paul Waters committed to appoint Green and Energy TAG Chairs within the next two weeks if MOTA has not announced remainder of Board appointments by that date.

To date, David Epley and Paul Waters are the only government Board members who have been officially sworn-in. LaShawn Dickey agreed to check on the date of the next swearing-in ceremony and send out an email to the remaining government Board members who need to be sworn-in.

(iii) Amendment of By-Laws

Jill Stern asked the Board members whether there were any comments on the By-Law revisions that had been circulated at the July 2015 Board meeting, and which would allow for TAG participation by conference call. Although the Board members had agreed to review the proposed changes and get back to her with any



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comments or suggestions, she indicated that no one had followed up. The Board indicated a desire to discuss the proposed revision of Article 4, Section 3 before acting on the amendment. Marc Fetterman expressed concern that TAG work is sufficiently complex and technical that it did not seem desirable to allow for TAG members to participate by telephone. Bill Updike indicated that he would generally want Green Building TAG members to participate in-person. Other Board members discussed the need for flexibility to allow for telephonic participation where necessary for TAG action, and indicated the benefits of ensuring the largest possible TAG attendance. In response to a question about public meeting requirements being met, Jill Stern advised that the public meeting law allows for telephonic meetings as long as the meeting notice provides the conference call number for anyone who wants to participate. Following discussion, the Board consensus was that electronic participation should be allowed subject to the discretion of the TAG Chair. Jill Stern agreed to revise the By-Laws accordingly, and to recirculate before the September Board meeting.

(iv) Other Matters

Following up on his inquiries at previous Board meetings, Marc Fetterman asked for an update on “outreach” concerning the new smoke alarm and carbon monoxide alarm requirements that will be applicable to all single and multi-family dwellings in the City as of March 2017. Herb Taylor was not in attendance and Paul Water will reach out to him prior to the next Board meeting, and also discuss the matter with the DCRA Director, since everyone agreed that the city-wide importance of this life safety issue needs to be addressed at a Mayoral level.

The issuance of third party plans review and third party inspections documents as administrative bulletins was raised by Marc Fetterman, and Robbie Sabbakhan reported that revisions have been made. He will circulate the documents to the Board prior to final approval, and both documents should be issued as administrative bulletins in the next 30 to 60 days.

Robbie Sabbakhan advised the Board that DCRA has received a “3” rating from the Insurance Services Office Inc. pursuant to its Building Code Effectiveness Grading Schedule. He explained that the rating is very good compared to other jurisdictions (with 1 being the highest rating and 10 the lowest), and is a measure of the resources and support made available to building code enforcement and the use of those resources as they apply to the mitigation of natural hazards common to the District of Columbia. The rating may result in lower insurance premiums to D.C. residents and businesses, and he indicated that an important factor in the favorable rating was D.C.’s code development process and the timely adoption of the 2012 model codes.

In response to a question about DCRA maintaining and publishing a calendar of CCCB and TAG meetings, Jill Stern said that she is still working with IT staff on achieving this goal.

3. Consideration of Code Change Proposals

The Board turned next to consideration of new and pending code change proposals. A summary of the Board’s discussions and official actions are provided below.

(i) Expanded Child Development Homes

Jill Stern indicated that all of the code change proposals relating to child development homes had now been adopted by the Board, with the exception of the Fire Code change proposal (FC-CCCB-3-1-2014) which would conform the Fire Code with the Residential Code revisions adopted by the CCCB. The Fire Code proposal had been approved by the Fire TAG but additional revisions were made to the proposal following IP TAG



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feed-back, and the proposal had been sent back to the Fire TAG for further consideration. Herb Taylor was not at the Board meeting, so it was agreed to defer consideration until the September meeting.

(ii) Adjacent Property Notifications and Underpinning

The Board next turned to the code change proposals relating to underpinning and adjacent property notifications (BC-CCCB-18-1-2014, BC-CCCB-33-1-2014, and RC-CCCB-3-1-2014) which were previously introduced to the Board for consideration. The proposals had been referred to the Structural TAG for consideration. Alex Berley indicated that the Structural TAG had met once on the proposals, and he had also participated in telephone calls with the NYC Building Department to learn more about its handling of adjacent property issues including underpinning. He informed the Board that the Structural TAG thought it could be helpful in revising the proposed DCRA Administrative Bulletin and Underpinning Guidelines, and that these documents could help address the problems being encountered from unmonitored and uncoordinated underpinning work, and possibly obviate the need for extensive code revisions. Alex Berley believed that the Structural TAG could complete its review and revision of the Administrative Bulletin and Guidelines before the next Board meeting in September.

Ethan Landis indicated that the Residential TAG members, with the exception of Cindy Verbeek, have been inactive, so that, instead of convening a Residential TAG meeting to consider code change proposal RC-CCCB-3-1-2014, he would provide his input to the Structural TAG. Robbie Sabbakhan and Jatinder Khokhar committed to make sure that there was active DCRA participation in the Structural and Residential TAGs.

(iii) Unsafe Buildings and Structures

A code change proposal, to revise Section 109 of the Property Maintenance Code (to conform to changes made in the parallel Building Code provision) was introduced to the Board, and referred to the Property Maintenance TAG for review and recommendation (PMC-CCCB-1-1-2014). Code change proposal FC-CCCB-1-1-2014, to conform Section 111 of the Fire Code to recently approved revisions to the Building Code, had previously been referred to the Fire TAG.

Building Code	Sections	Status	Action Taken 8.20.15 CCCB Meeting
BC-CCCB-1-3-2014	105.4.1 & 3301.3	Submitted to Chair 4.23.15; referred to IP TAG 4.23.15	Deferred
BC-CCCB-18-1-2014	1811 (NEW)	Submitted to Chair 6.18.15; Referred by Chair to Building and Structural TAGs 6.18.15 (companion proposal to RC-CCCB-3-1-2014); Building TAG meeting 7.8.15;	Deferred to next meeting 9.17.15; awaiting Structural TAG consideration



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		Structural TAG meeting 7.23.15	
BC-CCCB-33-1-2014	3307	Submitted to Chair 6.18.15; Referred by Chair to Building and Structural TAGs 6.18.15; Building TAG Meeting 7.8.15; Structural TAG meeting 7.23.15	Deferred to next meeting 9.17.15; awaiting Structural TAG consideration
Residential Code	Sections	Status	Action Taken
RC-CCCB-3-1-2014	R324 & R409 (NEW)	Submitted to Chair 6.18.15; Referred by Chair to Residential TAG 6.18.15 (companion proposal to BC-CCCB-18-1-2014)	Deferred to next meeting 9.17.15; awaiting Structural TAG consideration
Property Maintenance Code	Sections	Status	Action Taken
PMC-1-1-2014	109	Submitted to Chair 8.17.15	Introduced by Jatinder Khokhar. Referred to PMC TAG for consideration.
Fire Code	Sections	Status	Action Taken
FC-CCCB-1-1-2014	111 (parallel change to BC-CCCB-1-4-2014)	Submitted to Chair 7.16.15; referred to Fire TAG (7.16.15)	Deferred to next meeting 9.17.15; awaiting Fire TAG consideration
FC-CCCB-3-1-2014	319 & Appendix K	Submitted to Chair 4.29.15; Referred to Fire TAG 5.21.15; approved by Fire TAG with revisions (6.17.15); CCCB Deferred for further consideration by Fire TAG (6.18.15).	Deferred to next meeting 9.17.15; awaiting Fire TAG consideration



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4. Comments by Members of the Public

No comments from the public.

5. Adjournment

The meeting was adjourned at 11:55 am upon motion made by Robert Hershey and duly seconded by Bill Updike. The next Board meeting is scheduled for September 17, 2015.