

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Urban Forest Preservation Act of 2002 to authorize the Mayor to issue stop work orders to preserve Special Trees and Heritage Trees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Urban Forest Preservation Stop Work Order Authority Emergency Amendment Act of 2022”.

Sec. 2. The Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 8-651.02) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Critical root zone” means the area of soil within a circle circumscribed around a tree’s trunk using a radius, measured in inches, determined by multiplying the number of inches in the tree diameter by no less than 18.”.

(2) A new paragraph (5A) is added to read as follows:

“(5A) “Stop work order” means a written notice from the Mayor mandating the cessation or holding of work.”.

(3) A new paragraph (6A) is added to read as follows:

34 “(6A) “Tree diameter” means the length of a straight line segment that passes
35 through the center of a tree and whose endpoints lie on the circumference of the tree, measured
36 using a tree’s circumference 54 inches above the ground level.”.

37 (b) Section 108 (D.C. Official Code § 8-651.08) is amended as follows:

38 (1) The existing text is designated as subsection (a).

39 (2) A new subsection (b) is added to read as follows:

40 “(b)(1) In addition to or instead of imposing a civil fine, penalty, or fee under subsection
41 (a) of this section, the Mayor may issue a stop work order if the Mayor finds that any work is
42 being performed, or may be performed imminently, in violation of the provisions of this act.
43 A stop work order under this subsection shall be in writing and in a form prescribed by the
44 Mayor.

45 “(2) A stop work order under this subsection shall contain the following
46 information:

47 “(A) The reason for the stop work order;

48 “(B) The conditions under which the cited work will be permitted to
49 resume;

50 “(C) The address of the property;

51 “(D) The specific areas of the property and specific activities covered by
52 the stop work order;

53 “(E) The specific section of this act that was violated or that may be
54 imminently violated; and

55 “(F) A description of the right to request review of the stop work order
56 under paragraph (6) of this subsection, information on how to request such review, and the

57 deadline to file such a request.

58 “(3)(A) No stop work order under this subsection shall be issued nor considered
59 valid unless it contains all of the information specified in paragraph (2) of this subsection and the
60 signature of the issuing official.

61 “(B) A stop work order issued pursuant to this section shall be narrowly
62 tailored to mandate only the cessation of the portion of work that risks harming a Special Tree or
63 Heritage Tree or the critical root zone of a Special Tree or Heritage Tree.

64 “(4) The Mayor shall effect service of a stop work order by:

65 “(A) Personal service on the property owner or on the property owner’s
66 agent; or

67 “(B) Posting the stop work order in a conspicuous location on the property
68 subject to the stop work order.

69 “(5) The Mayor shall lift the stop work order when the Mayor deems that the
70 violation or potential violation leading to the issuance of the stop work order has been corrected
71 or abated to the satisfaction of the Mayor.

72 “(6)(A) No later than 10 business days after receiving notice of a stop work order,
73 the property owner or the property owner’s agent may request review by the Mayor and shall
74 state, in writing, the grounds for the requested review.

75 “(B) Upon receipt of a request for review that complies with subparagraph
76 (A) of this paragraph, the Mayor shall affirm, modify, or reverse the stop work order within 15
77 business days of receipt of the request. If the Mayor does not act upon the review request within
78 the 15 business day period, the stop work order shall be lifted. A decision of the Mayor under
79 this subparagraph shall be a final decision on the specific issue in the review request.

80 “(7) Before a stop work order under this subsection is issued, the Mayor may
81 issue a warning notice to the property owner or the property owner’s agent.

82 “(8) A violation of a stop work order issued under this subsection shall constitute
83 a violation of this act.

84 “(9) Whenever it appears that any person has violated, or is about to violate, a
85 stop work order issued under this subsection, the Office of the Attorney General for the District
86 of Columbia may bring an action in the Superior Court of the District of Columbia for injunctive
87 relief.”.

88 Sec. 3. Fiscal impact statement.

89 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
90 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
91 October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

92 Sec. 4. Effective date.

93 This act shall take effect following approval by the Mayor (or in the event of veto by the
94 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
95 90 days, as provided for emergency acts of the Council of the District of Columbia in section
96 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
97 D.C. Official Code § 1-204.12(a)).