

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 Congressional Review 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 108 (D.C. Official Code § 8-651.08) is amended as follows:

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

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

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

“(2) A stop work order under this subsection shall contain:

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

35 “(B) The conditions under which the cited work will be permitted to

36 resume;

37 “(C) The address of the property;

38 “(D) The specific areas of the property and specific activities covered by

39 the stop work order;

40 “(E) The specific section of this act that was violated or that may be

41 imminently violated; and

42 “(F) A description of the right to request review of the stop work order

43 under paragraph (6) of this subsection, information on how to request such review, and the

44 deadline to file such a request.

45 “(3)(A) No stop work order under this subsection shall be issued or considered

46 valid unless it contains all of the information specified in paragraph (2) of this subsection and the

47 signature of the issuing official.

48 “(B) A stop work order issued pursuant to this subsection shall be

49 narrowly tailored to mandate only the cessation or holding of the portion of work that would

50 violate the provisions of this act.

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

52 “(A) Personal service on the property owner or on the property owner’s

53 agent; or

54 “(B) Posting the stop work order in a conspicuous location on the property

55 subject to the stop work order.

56 “(5) The Mayor shall lift the stop work order when the Mayor determines that the
57 violation or potential violation leading to the issuance of the stop work order has been corrected
58 or abated to the satisfaction of the Mayor.

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

62 “(B) Upon receipt of a request for review that complies with subparagraph
63 (A) of this paragraph, the Mayor shall affirm, modify, or reverse the stop work order within 15
64 business days after receipt of the request. If the Mayor does not act upon the review request
65 within the 15 business day period, the stop work order shall be reversed. A decision of the Mayor
66 under this subparagraph shall be a final decision on the specific issue in the review request.

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

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

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

75 (b) Section 103(b) (D.C. Official Code § 8-651.03(b)) is repealed.

76 Sec. 3. Fiscal impact statement.

77 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
78 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
79 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

80 Sec. 4. Effective date.

81 This act shall take effect following approval by the Mayor (or in the event of veto by the
82 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
83 90 days, as provided for emergency acts of the Council of the District of Columbia in section
84 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
85 D.C. Official Code § 1-204.12(a)).