



DOB

DC DEPARTMENT OF BUILDINGS

Neighbor Notification

Office of Construction and Building Standards

Tuesday, November 22, 2022

Agenda

- **Who We Are**
 - Department of Buildings (DOB) Neighbor Notification Review Team
 - Kolas Elion – Project Manager
 - Terrell Garner – Program Analyst
 - Robert Simpkins – Program Analyst
 - Michael Brown – Program Manager
- **Neighbor Notification Process**
 - What is Neighbor Notification, and what are its requirements?
 - Review Process Summary
- **Technical Objection Process**
 - Technical Objection Overview
 - Roles and Responsibilities
- **Insurance Education Center**

Who We Are

- The **District of Columbia Department of Buildings (DOB)** is one of the District's newest agencies, having begun its service on October 1, 2022.
- Its mission is to protect the safety of residents, businesses, and visitors and advance the development of the built environment through permitting, inspections, and code enforcement.
- DOB is separated into five different offices:
 - Office of the Director
 - Office of Construction and Building Standards
 - Office of Zoning Administration
 - Office of Residential Inspection
 - Office of Strategic Code Enforcement

Neighbor Notification: Key Contacts

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What is Neighbor Notification?

- The Neighbor Notification Program is carried out by DOB's Office of Construction and Building Standards. It is part of the District of Columbia's laws and regulations that protect residents and their property when a neighbor is doing construction.
- When undertaking a building project, District of Columbia law requires that adjoining property be protected from damage at the expense of the person having the work done. When a project could impact and/or damage adjoining properties, DC Code requires that notification of the project be provided to adjoining property owners.
- In addition, when a permit applicant requires access to the adjacent property in order to perform protective work, the applicant must obtain permission from the owner of the adjacent property.

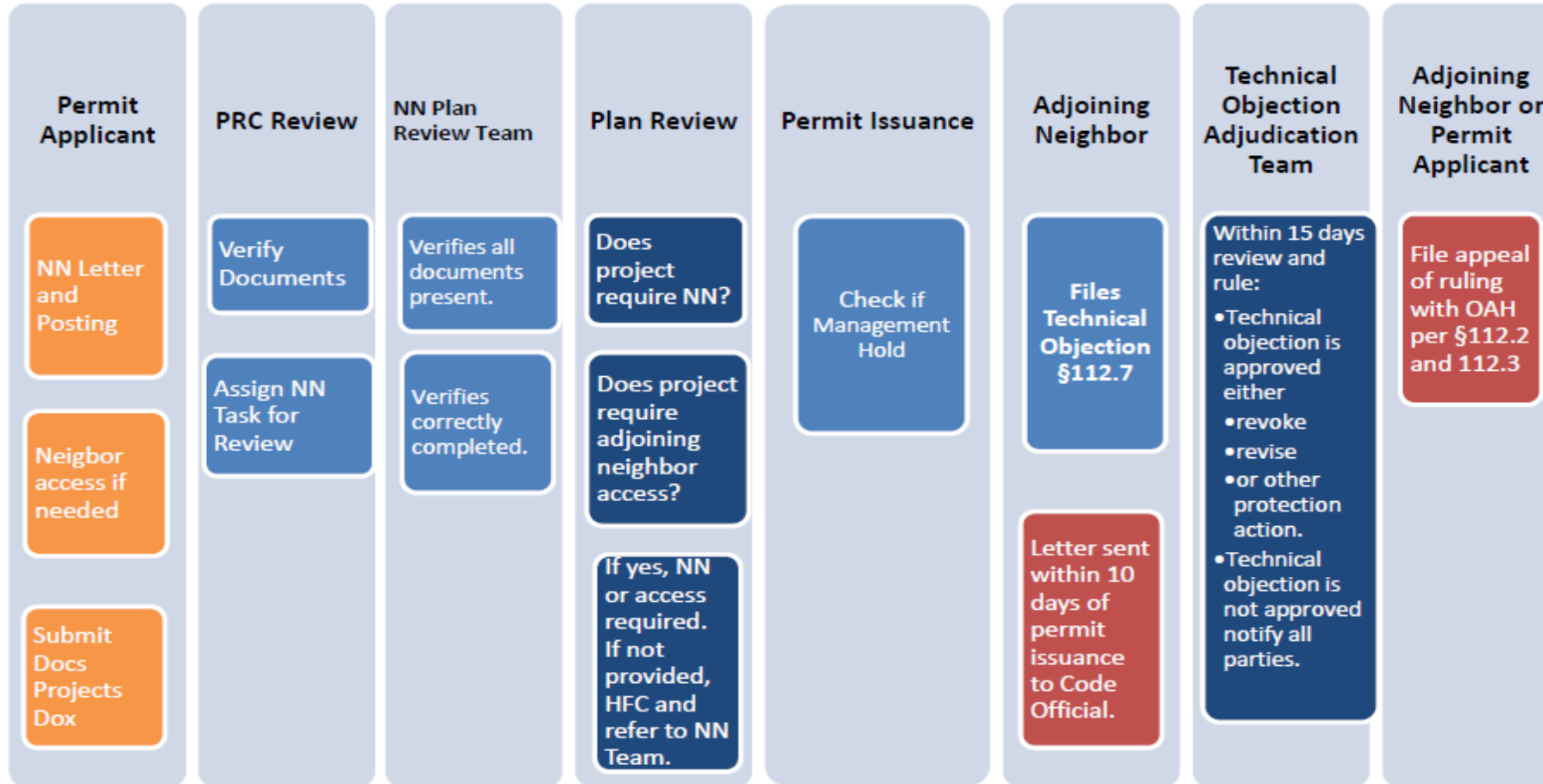
When Is Neighbor Notification Required?

- The [2017 District of Columbia Building Code](#) is the regulatory text that governs construction code in the District. It outlines several instances in which Neighbor Notification is required:
- **§105.4.4.4 Raze Permits**
 - Structural work within 3 feet of an adjoining lot line
 - Excavation work more than 3 feet below existing grade
- **§106.2.18.3**
 - **(1)** Where excavation requiring a permit will occur on the construction site, except where the code official determines that the excavation work will not have any adverse impact on structural or lateral support of the adjoining premises.

When Is Neighbor Notification Required?

- **§106.2.18.3 (cont.)**
 - **(2)** Where there is a need to install permanent or temporary structural support for an adjoining premises or portion thereof, including but not limited to underpinning, as a result of the proposed work.
 - **(3)** Where the proposed work will alter imposed loads on a party wall or any load-bearing member of an adjoining premises.
 - **(4)** Where access to an adjoining premises is required to install protective measures or undertake other work required by §3307.
 - **(5)** Where the proposed work will render or potentially render adjoining or adjacent premises noncompliant with the Chimney Provisions (as defined in §3307.1.1) or with the snow load requirements in §1603.1.3 or §R301.2.3 of the Residential Code, as applicable.

Neighbor Notification Process



Neighbor Notification Process

- **1) Permit Applicant Actions**

- When undertaking a project, applicants should refer to DOB's [Neighbor Notification webpage](#) to determine if their project requires Neighbor Notification.
- If their project does require Neighbor Notification, it is important that all the proper documentation is submitted to DOB via ProjectDox. While DOB customer service stands ready to assist applicants in submitting their documents, a handy [checklist](#) is also provided to aid applicants in compiling the necessary documentation.
- These forms are a vital part of the Neighbor Notification process.

Neighbor Notification Forms

DC Department of Buildings
NEIGHBOR NOTIFICATION CHECKLIST – PERMIT APPLICANT

<u>Required Documents</u>	<u>Check If Included</u>
1.) Copy of Checklist	
2.) Copy of Neighbor Notification Form(s)	
3.) Copy of Neighbor Notification Evidence of Delivery	
4.) Copy of Notice of Filing of a Building Permit Application 11X17	
5.) Pictures of Posted Notice of Filing of a Building Permit Application	
6.) Notarized Affidavit of Maintenance	
7.) Request for Access Form (If Required)	

Directions: Submit this checklist and all documents as one PDF into Supporting Documents with your Project Dax upload.

Protecting Adjacent and Adjoining Property Owners from Construction Damage Amendment Act of 2022

Do you have a special insurance to protect your construction project and adjacent neighbor from property damage?

Yes No

Are you aware that DC may soon require special insurance to help Protect District Homeowners from Construction-Related Property Damage. To learn more visit <https://dob.dc.gov/insurancecenter>?

Yes No

Property Owner Signature

Printed Name

Date

Application Checklist

- Lists required documents for submission by permit applicant
- Provides resources for insurance to protect District homeowners

Neighbor Notification Forms

Neighbor Notification Letter

- Outlines and describes location and nature of work
- Indicates necessary permits and potential implications to neighboring properties

DC Department of Buildings

NEIGHBOR NOTIFICATION LETTER

DATE		PERMIT NUMBER	
ADDRESS OF PROPOSED WORK			
OWNER INFORMATION		NEIGHBORING OWNER INFORMATION	
NAME		NAME	
ADDRESS		ADDRESS	
PHONE		PHONE	
EMAIL		EMAIL	

The District of Columbia Municipal Regulations, 12A D.C.M.R. § 106.2.18.3, requires that owners of properties neighboring construction work be notified in writing prior to issuance of a permit.

DESCRIPTION OF WORK (SAME AS ON PERMIT APPLICATION):

This permit will include the following work requiring this notification:

- Excavation requiring a permit will occur on the construction site.
- There is a need to install permanent or temporary structural support for an adjoining premises or portion thereof, including but not limited to underpinning, as a result of the proposed work.
- The proposed work will alter imposed loads on a party wall or any load-bearing member of an adjoining premises. (i.e., vertical addition)
- Access to an adjoining premises is required to install protective measures or undertake other work required by Section 3307 (i.e., bracing of shared walls, install shared roof flashing, underpinning) to protect the neighboring property. (CHECK ONE)
 - Your permission is required to access your property. The permit applicant will contact you with additional documentation.
 - This access does not require permission as limited access is authorized by §3307.2.2 or §3307.4.1 of the District of Columbia Construction Code.
- The proposed work will render or potentially render adjoining or adjacent premises noncompliant with the Chimney Provisions (vertical addition will be within 2 feet of your chimney or vent, the permit applicant will need to make the chimney/vent code compliant) or with the snow load requirements (vertical addition may cause an increase in the amount of snow that accumulates on your roof. The permit applicant will need to examine your roof structure and determine if your roof will need to be reinforced)
- Applications for raze permits where the raze work involves any structural work within 3 feet of an adjoining lot line or excavation work more than 3 feet below existing grade

You can monitor the status of this permit submission by checking the DOB SCOUT application: <https://scout.dcr.dcgov/> Copies of the proposed plans are available on the DOB eRecords website: <https://dobonline-ms.dcr.dcgov/eRecords/>

Neighbor Notification Program - Neighbor Notification Form



Neighbor Notification Forms

DC Department of Buildings

NOTICE OF FILING OF A BUILDING PERMIT APPLICATION

Address of work:

Description of work:

Permit Application No. _____

A permit application has been filed for this property. This notice posted in compliance with the requirement of 12A D.C.M.R. § 106.2.18.3.1.1 for scopes of work listed under §§106.2.18.3 and 105.4.4.4.

This notice must be posted for at least a 30-day period immediately prior to the issuance of any permit.

For more information, please contact us through our online inquiry form, phone at 202.671.3500 or live chat available on dob.dc.gov.

This document is 11x17 in size



Notice of Filing a Building Permit Application

- Outlines and describes location and nature of work
- Must be posted for at least 30 days immediately prior to issuance of permit(s)



Neighbor Notification Forms

DC Department of Buildings
AFFIDAVIT OF MAINTENANCE

DATE	_____	PERMIT NUMBER	_____
ADDRESS OF PROPOSED WORK	_____		
OWNER INFORMATION			
NAME	_____		
ADDRESS	_____		
PHONE	_____		
EMAIL	_____		

I, the property owner/permit applicant identified above, in accordance with 12A D.C.M.R. § 106.2.18.3.1.3, hereby states that a Notice of Filing of a Building Permit Application that complies with the requirements set forth in 12A D.C.M.R. § 106.2.18.3.1.1 will be posted on the premises at the address of proposed work listed above and will be continuously maintained for the requisite 30-day period of time as prescribed in 12A D.C.M.R. § 106.2.18.3.1.1(1). Furthermore, I understand that the permit application(s) associated with my project will not be issued without the submission of evidence of notification as required by 12A D.C.M.R. § 106.2.18.3.1.

I declare under penalty of perjury that the foregoing is true and correct.

Signed by (Owner of Property/Permit Applicant): _____

Date: _____

NOTARIZATION REQUIRED

District of Columbia

Signed and sworn to (or affirmed) before me on (date) _____

by (affiant) _____

(Signature of notarial officer)

(Seal)

(Title of office)

My commission expires: _____

Affidavit of Maintenance

- This signed affidavit affirms the completion and posting of a Notice of Filing a Building Permit Notification
- Permit applications will not be issued without evidence of notification to neighbors

Neighbor Notification Forms

Request for Access

DC Department of Buildings

**REQUEST TO ACCESS YOUR PREMISES TO
PERFORM WORK TO PROTECT YOUR PROPERTY
DURING CONSTRUCTION**

DATE	PERMIT NUMBER
ADDRESS OF PROPOSED WORK	
OWNER INFORMATION	NEIGHBORING OWNER INFORMATION
NAME	NAME
ADDRESS	ADDRESS
PHONE	PHONE
EMAIL	EMAIL

Access to your property is necessary to determine or perform work to protect your property during construction at the address above. The following tests and/or measures will be taken to protect your property during construction:

You can monitor the status of this permit submission by checking [SCOUT](#), DOB's consolidated online database.

Copies of the proposed plans are available on [eRecords](#), DOB's online records management system. If you have additional questions, please send an email to nn.dcta@dc.gov with the subject of "Neighbor Notification question." Include the address and permit number in the subject line.

This section is to be completed by the owner of the neighboring property

Requested access to my property is: Granted Denied*

Conditions/Other Notes:

*IF ACCESS IS DENIED, I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR UNDERTAKING PROTECTIVE WORK TO MAKE MY OWN PROPERTY SAFE AND FOR OBTAINING ANY NECESSARY PERMITS TO DO SO, WITHOUT DELAY, SO AS NOT TO IMPEDE OR MATERIALLY DELAY THE PROPOSED CONSTRUCTION IN ACCORDANCE WITH 12A D.C.M.R. §3307.1.3.1.

Signature of Owner of Adjoining Property	Date
Address of Owner of Adjoining Property	
Email Address	Phone Number

- This form contains provisions for requesting access to neighboring properties to perform protective work
- The owner of the neighboring property must grant access to the project property in order to perform work to protect the neighboring property
- If the neighboring property owner denies access, they will be ultimately responsible for undertaking protective work to make their own property safe so as not to impede the proposed construction. If there is no response to the Request, the applicant may change plans or obtain a court order granting access

Neighbor Notification Process

- **2) Plan Review Coordinator (PRC) Review**

- When the permit plans and required forms are uploaded, the PRC will verify the required documents are uploaded and activate the Neighbor Notification review task.

- **3) Neighbor Notification Review**

- Verify that all Neighbor Notification documents have been uploaded and verify that all the required neighbors were notified.
- Verify that the permit applicant owner information is correct.
- Verify that the Neighbor Notification Form was sent by approved means:
 - USPS Certified Mail receipt
 - Receipt from Federal Express, UPS, or DHL
- Verify the photographic proof of posting “Notice of the Filing of a Permit Application”
- Verify that the “Affidavit of Maintenance” is signed and notarized.
- Verify that the Request for Access Form(s) are included as needed, review the forms for completeness and accuracy.

Neighbor Notification Process

- **4) Plan Reviewer**

- Final check of project to verify the activation of Neighbor Notification review.
- Determine if proposed work requires applicant to access neighboring property to perform protective work.
- If protective work is required, verify that the Request for Access Form is uploaded.

- **5) Permit Issuance**

- If there is no management hold on the permit at this point, it is issued.

Following Permit Issuance: Technical Objections

- **§112.7 Limited right of reconsideration of Code Official by Owner of Adjoining Premises** establishes the guidelines for the owner of adjoining premises to file a technical objection.
- The Neighbor Notification plan reviewer will receive and process requests for reconsideration, also known as Technical Objections.
- **What is a Technical Objection?** Work authorized by the permit will not protect the adjoining premises of the objecting owner from structural damage (§112.7).

Following Permit Issuance: Technical Objections

- The permit authorizes one or more construction activities identified in §106.2.18.3:
 - Where excavation requiring a permit will occur on the construction site.
 - Need to install permanent or temporary structural support; i.e. underpinning.
 - Work will alter imposed loads on a party wall or any load-bearing member of an adjoining premises.
 - Access to adjoining premises is required to install protective measures.
 - Proposed work will render or potentially render adjoining or adjacent premises non-compliant with the Chimney Provisions or with snow load requirements.

Technical Objection: Roles and Responsibilities

- **Adjoining Owner Technical Objection Service Level Agreement**
 - The owner to such notification by a permit applicant shall have ten (10) business days from the date the permit is issued to seek reconsideration by the code official. **(§112.7)**.
 - The review by the code official shall be completed within fifteen (15) business days of receipt of a written reconsideration request **(§112.7.1)**.

Technical Objection Review Outcomes

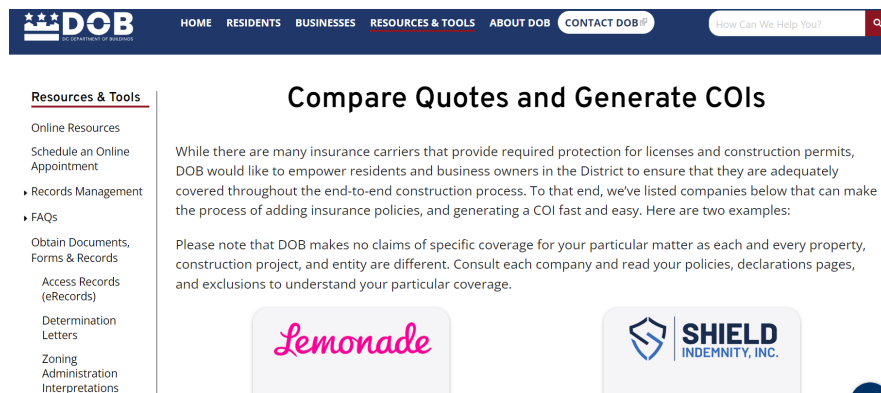
- **Persuasive** – Permit holder is required to:
 - A) Revise the proposed work plan.
 - B) Amend the permit.
 - C) Revoke the permit.
 - D) Take actions to protect the adjoining premises sufficient to meet code requirements.
- **Denied** – Permit is deemed affirmed. Claimant may appeal to OAH. §112.2 and §112.3.
- **Not Acted Upon** – Permit is deemed affirmed.

Proposed Legislation to Help Protect District Homeowners

- In July, Mayor Muriel Bowser introduced legislation requiring special liability coverage that would protect District homeowners from construction-related damage caused by neighboring projects.
- The “Protecting Adjacent and Adjoining Property Owners from Construction Damage Amendment Act of 2022” would require property owners, contractors, or persons applying for a permit for construction or demolition work to obtain liability insurance to insure adjacent and adjoining property owners for loss or damage arising out of that work.
- Current District law requires contractors to provide proof of liability insurance before they may be issued a license. Furthermore, the DC Building Code requires contractors and building owners to take appropriate precautions to prevent damage to adjoining buildings during construction or demolition. However, no requirements exist to obtain liability insurance coverage for adjacent or adjoining properties.
- Once enacted, this proposed legislation will close gaps in insurance requirements and provide coverage for adjoining and adjacent District homeowners negatively impacted by damage during construction, addition, alteration, repair, demolition or raze.

Insurance Education Center (IEC)

- DOB's Insurance Education Center (IEC) helps customers navigate the often complex insurance industry so that they have fundamental information and can better identify questions that they may want to raise with an insurance professional.
- We've also provided quick and easy ways to compare and add coverage for initial or additional insurance coverage for homeowners and contractors, with a goal to ensure that they are educated, informed AND insured, whether as a licensed professional or during their or their neighbor's construction project.



The screenshot shows the DOB website's 'Resources & Tools' section. The main heading is 'Compare Quotes and Generate COIs'. Below the heading, there is a paragraph explaining that DOB provides protection for licenses and construction permits, and aims to empower residents and business owners. It mentions that DOB has listed companies that can make the process of adding insurance policies and generating a COI fast and easy. Two examples are provided: Lemonade and SHIELD INDEMNITY, INC. The page also includes a sidebar with a list of resources and tools, and a search bar at the top.

Resources & Tools

Online Resources
Schedule an Online Appointment

Records Management

FAQs

Obtain Documents, Forms & Records

Access Records (eRecords)

Determination Letters

Zoning Administration Interpretations

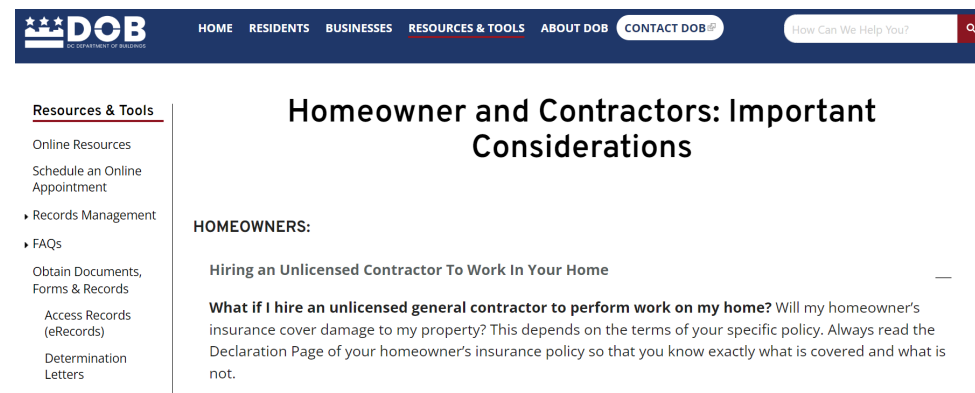
Compare Quotes and Generate COIs

While there are many insurance carriers that provide required protection for licenses and construction permits, DOB would like to empower residents and business owners in the District to ensure that they are adequately covered throughout the end-to-end construction process. To that end, we've listed companies below that can make the process of adding insurance policies, and generating a COI fast and easy. Here are two examples:

Please note that DOB makes no claims of specific coverage for your particular matter as each and every property, construction project, and entity are different. Consult each company and read your policies, declarations pages, and exclusions to understand your particular coverage.

Lemonade

SHIELD INDEMNITY, INC.



The screenshot shows the DOB website's 'Resources & Tools' section. The main heading is 'Homeowner and Contractors: Important Considerations'. Below the heading, there is a section titled 'HOMEOWNERS:' with a sub-heading 'Hiring an Unlicensed Contractor To Work In Your Home'. The text explains that hiring an unlicensed general contractor to perform work on a home can be risky and that homeowners should always read the Declaration Page of their insurance policy to understand what is covered and what is not. The page also includes a sidebar with a list of resources and tools, and a search bar at the top.

Resources & Tools

Online Resources
Schedule an Online Appointment

Records Management

FAQs

Obtain Documents, Forms & Records

Access Records (eRecords)

Determination Letters

Homeowner and Contractors: Important Considerations

HOMEOWNERS:

Hiring an Unlicensed Contractor To Work In Your Home

What if I hire an unlicensed general contractor to perform work on my home? Will my homeowner's insurance cover damage to my property? This depends on the terms of your specific policy. Always read the Declaration Page of your homeowner's insurance policy so that you know exactly what is covered and what is not.

Questions?

- Our agency prides itself on our commitment to customer service. If you should have any questions about Neighbor Notification, or any of the services DOB provides, please do not hesitate to contact us.
- Reach out to DOB via [email at dob@dc.gov](mailto:dob@dc.gov), through our [online inquiry form](#), or during normal business hours using the live chat available on dob.dc.gov or by phone at 202.671.3500. We will get back to you in three business days or less.

Connect with DOB



Contact: DOB@dc.gov



Facebook: www.facebook.com/deptofbuildings



Twitter: twitter.com/DC_DOB



Instagram: www.instagram.com/deptofbuildings

