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11 A BILL

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15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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20 To amend the Construction Codes Approval and Amendments Act of 1986 to regulate sound  
21 attenuation standards for new residential construction in activity areas or entertainment  
22 areas; to amend the Office of and Commission on Nightlife and Culture Establishment  
23 Act of 2018 to create a grant program for soundproofing entertainment venues; to amend  
24 Chapter 8 of Title 47 of the District of Columbia Official Code to create a property tax  
25 deduction for soundproofing buildings; and to require the Mayor to publish a report on  
26 strategies to accommodate outdoor performances.  
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28 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
29 act may be cited as the “Harmonious Living Amendment Act of 2021”.

30 Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March  
31 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*) is amended as follows:

32 (a) Section 2 (D.C. Official Code § 6-1401) is amended by adding new paragraphs (13),  
33 (14), (15), and (16) to read as follows:

34 “(13) “Activity area” includes any parcel or lot within or with exterior boundaries  
35 abutting the following zones as defined in Title 11 of the District of Columbia Municipal  
36 Regulations:

37 “(A) ARTS-1 through ARTS-4;

38 “(B) MU-4 through MU-29

39 “(C) NC-6 through NC-16.

40 “(D) D-1 through D-8.

41 “(14) “Entertainment area” means any parcel or lot with exterior boundaries  
42 within 300 feet of an entertainment venue.

43 “(15) “Entertainment venue” means an establishment with:

44 “(A) An on-premises retailer’s license for a nightclub, club, or  
45 multipurpose facility as provided in D.C. Official Code § 25-113; or

46 “(B) A manufacturer’s license, class A, B, or C, holding an on-site sales  
47 and consumption permit or a retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/B, and  
48 D/B, with an entertainment endorsement as provided in D.C. Official Code § 25-113.01.

49 “(16) “DNL” means the Day-Night Average Sound Level in dBA, calculated in  
50 accordance with the procedures outlined in “Information on Levels of Environmental Noise  
51 Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety,” EPA Report  
52 No. 550/9-74-004, 1974.”.

53 (b) A new section 10d is added to read as follows:

54 “Sec. 10d. Sound attenuation in new residential buildings.

55 “(a) Notwithstanding any other provision of this act, construction permits shall not be  
56 granted for new residential construction occurring after January 1, 2022:

57 “(1) Within an activity area, unless the plans are designed to ensure that overall  
58 sound level reduction for residential units results in a DNL of 45 dBA or lower; or

59 “(2) Within an entertainment area, unless the plans are designed to ensure that:

60                   “(A) Residential units meet or exceed a composite Outdoor/Indoor  
61 Transmission Class of not less than 32, as determined by the test procedures set forth in the  
62 Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of  
63 Building Partitions and Elements (ASTM E90) and the rating procedures set forth in the  
64 Standard Classification for Rating Outdoor-Indoor Sound Attenuation (ASTM E1332); and

65                   “(B) Residential units achieve an indoor sound level reduction for  
66 frequencies between 80 and 160 hertz of not less than 30 dBA.

67           “(b) Any parcel or lot designated as part of both an entertainment area and an activity area  
68 shall be subject to the requirements of an entertainment area.

69           “(c) For all residential buildings within an entertainment area or activity area, a disclosure  
70 notice shall be provided with all lease or purchase agreements stating:

71                   “(1) The location of the building is within an entertainment area or activity area;

72                   “(2) Expected sound levels within an entertainment area or activity area may be  
73 higher than non-entertainment or activity areas;

74                   “(3) A description of the soundproofing measures present in the building; and

75                   “(4) Where possible, a list of entertainment venues within 300 feet of the  
76 residential building and additional details such as opening year and daily hours of operation.”.

77           “(d) The Mayor may issue rules to implement this section, including designating  
78 additional locations as an entertainment area or activity area.”.

79           Sec. 3. The Office of and Commission on Nightlife and Culture Establishment Act of 2018,  
80 effective December 13, 2018 (D.C. Law 22-191; D.C. Official Code § 3-661 *et seq.*) is amended  
81 as follows:

82           (a) A new section 3a is added that reads as follows:

83 “Sec. 3a. Grants for soundproofing upgrades.

84 “(a) The Office shall establish and administer a grant program to assist entertainment  
85 venues, as defined by section 2(15) of the Construction Codes Approval and Amendments Act of  
86 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401(15)), for the  
87 purpose of acquiring and installing soundproofing measures to mitigate sound transfer between  
88 an entertainment venue and adjacent or nearby residential or commercial buildings.

89 “(b) The Office shall establish the criteria for eligibility to receive a grant under this section.

90 “(c) Grants may be issued to reimburse entertainment venues for expenses incurred up to  
91 24 months prior to any grant application deadline.”.

92 (b) A new section 7 is added to read as follows:

93 “Sec. 7. Outdoor performance.

94 “(a) Within 180 days of the enactment of this section, the Office shall publish a report on  
95 outdoor performances in the District and strategies for accommodating performances on public  
96 space that are in the vicinity of residential or mixed-use areas.

97 “(b) The report shall include:

98 “(1) An inventory of public spaces where outdoor performance frequently occurs  
99 and locations where it may be encouraged;

100 “(2) Design guidelines and an action plan for accommodating outdoor  
101 performances that mitigates excessive sound attributable to the performances, with a focus on  
102 physical improvements like streetscape design, building code revisions, band shells, or other  
103 design standards to contain sound; and

104                   “(3) A list of buildings within proximity to common or prospective outdoor  
105 performance locations that may be insufficiently soundproofed and recommendations for  
106 remedy; and

107                   “(4) A review of regulations governing outdoor performance and  
108 recommendations for reform.”.

109           Sec. 4. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as  
110 follows:

111           (a) The table of contents is amended by adding a new section designation to read as follows:  
112           “47-870. Sound insulation real property tax deduction.”.

113           (b) A new section 47-870 is added to read as follows:

114           “Sec. 47-870. Sound attenuation real property tax deduction.

115           “(a) For taxable years beginning in 2023, the Mayor shall deduct from the assessed value  
116 of real property for a qualified property within an entertainment or activity area, as those terms are  
117 defined in § 6-1401, expenses paid to install sound attenuation measures that achieve no less than  
118 10 dBA of additional interior sound level reduction.

119           “(b) The deduction shall be apportioned equally between each installment during a tax year  
120 and shall not be carried forward or back.

121           “(c) No deduction in assessed value under this section shall exceed \$50,000 per residential  
122 dwelling unit in a qualified property, per tax year.

123           “(d) For the purposes of this section, the term "qualified property" means residential real  
124 property:

125                   “(1)(A) Contains not more than 5 dwelling units, whether as a row, detached, or  
126 semidetached structure, or is a single dwelling unit owned as a condominium; and

127                               "(B) Used exclusively for non-transient residential dwelling purposes; or  
128                               "(2) That is owned by a cooperative housing association; provided, that at least  
129 50% of the dwelling units contained therein are occupied by the shareholders or members of  
130 such cooperative housing association."

131               Sec. 5. Fiscal impact statement.

132               The Council adopts the fiscal impact statement in the committee report as the fiscal  
133 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
134 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

135               Sec. 6. Effective date.

136               This act shall take effect after approval by the Mayor (or in the event of veto by the  
137 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
138 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
139 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
140 Columbia Register.