

Government of the District of Columbia
Office of the Chief Financial Officer



Jeff DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeff DeWitt
Chief Financial Officer 

DATE: September 9, 2014

SUBJECT: Fiscal Impact Statement – Winter Sidewalk Safety Amendment Act of 2014

REFERENCE: Bill 20-715, Draft Committee Print as shared with the Office of Revenue Analysis on September 3, 2014

Conclusion

Funds are not sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill. Implementation of the bill will cost \$130,000 in FY 2015.

Background

District law¹ requires residents and businesses to shovel public sidewalks abutting their properties within eight daylight hours of the termination of a snow or sleet event. The current enforcement mechanism requires the Mayor to abate the situation and allows the District to sue an owner or occupant recovering expenses and assessing a fine in an amount not exceeding twenty-five dollars.² The Office of the Attorney General has not pursued any cases under these regulations.

The bill establishes a fine-based enforcement structure to ensure businesses and residents shovel sidewalks following a snow or sleet event and authorizes the Department of Public Works (DPW), Department of Transportation (DDOT), and Metropolitan Police Department (MPD) to issue notices of violation. Fines will range from twenty-five dollars to one hundred dollars on residential property owners and one hundred twenty-five dollars to five hundred dollars on commercial property owners for non-compliance. The fine schedule is outlined as follows:

¹ An act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, approved September 16, 1922 (42 Stat. 846; D.C. Official Code § 9-601 *et seq.*).

² D.C. Official Code § 9-605 and § 9-606.

The Honorable Phil Mendelson

FIS: Bill 20-715, "Winter Sidewalk Safety Amendment Act of 2014," Draft Committee Print shared with the Office of Revenue Analysis on September 3, 2014

Bill 20-715, Proposed Fine Structure	
Residential Property Owners	Commercial Property Owners
- \$25 for the first offense	- \$125 for the first offense
- \$50 for the second offense	- \$250 for the second offense
- \$100 for each subsequent offense	- \$500 for each subsequent offense

Additionally, the bill clearly defines that clearing the entire width of a sidewalk, up to a thirty-six inch wide path is what constitutes compliance with the law.

The bill requires the Mayor to provide written notice to property owners of their obligations under the bill and to promulgate rules that provide limited exceptions for senior and disabled property owners. Both of these actions must take place by July 1, 2015.

Financial Plan Impact

Funds are not sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

Notifying in writing all property owners about their obligations to clear sidewalks after snow and sleet events will require DPW to send notice to over 130,000 properties. This is a one-time mailing that will require additional resources at a cost approximately \$130,000.

The bill also authorizes, but does not mandate, DPW, DDOT, and MPD to enforce these violations. DPW and DDOT would be the agencies primarily responsible for implementation and currently have the enforcement staffs and mechanisms in place to implement the proposed legislation at no additional cost or staffing need.

As a practical matter, enforcement of these violations will be constrained by the ability of the enforcing agencies to dedicate staff resources following a snow or sleet event. DPW and DDOT staff are dedicated to roadway snow removal efforts until all roadways are cleared, which could be days after a snow or sleet event. MPD staff is also focused on public safety matters during and immediately following a snow or sleet event and are unlikely to have the capacity to enforce sidewalk violations.

Given the difficulties with enforcement and lack of historical record of sidewalk related complaints, the Office of Revenue Analysis will not certify any revenue increases associated with the issuance of these violations.