


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



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Kwame R. Brown
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: December 2, 2011

SUBJECT: Fiscal Impact Statement – “Winter Sidewalk Safety Amendment Act of 2011”

REFERENCE: Bill 19-16 as introduced on January 4, 2011

Conclusion

Funds are sufficient in the FY 2012 through FY 2015 budget and financial plan to implement the provisions of the proposed legislation.

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 for 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 and public testimony³ reveals this is a common problem posing hazards to pedestrians who are often forced to walk in the street.

The proposed legislation would establish a fine-based enforcement structure to ensure businesses and residents shovel sidewalks following a snow event. The structure would impose a fine ranging from fifty dollars to two hundred dollars on residential property owners and two hundred fifty dollars to one thousand 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. Code §9-601 *et seq.*),

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

³ Committee on Environment, Public Works, and Transportation, public hearing on February 9, 2011.

Bill 19-16, Proposed Fine Structure	
Residential Property Owners	Commercial Property Owners
- \$50 for the first offense	- \$250 for the first offense
- \$100 for the second offense	- \$500 for the second offense
- \$200 for each subsequent offense	- \$1,000 for each subsequent offense

The proposed legislation authorizes the Department of Public Works (DPW), Department of Transportation (DDOT), and Metropolitan Police Department (MPD) to issue the notices of violation. The legislation also allows the Mayor to provide limited exemptions to residential owners who are disabled or elderly. Other jurisdictions with similar enforcement structures include Boston, New York City, Philadelphia, and Arlington County.⁴

Financial Plan Impact

Funds are sufficient in the FY 2012 through FY 2015 budget and financial plan to implement the provisions of the proposed legislation. The proposed legislation authorizes DPW, DDOT, and MPD to enforce these violations, but does not mandate any specific enforcement parameters. Implementation would require inspection by the staffs of DPW and DDOT and an update of DPW electronic enforcement devices to include this new fine structure.⁵ Both Departments currently have the enforcement staffs and mechanisms in place to implement the proposed legislation at no additional cost or staffing need.⁶

MPD does not have the structure to issue notices of violation citywide that are adjudicated through the Office of Administrative Hearings. However, the Department is currently running a pilot program to ticket for litter violations in Advisory Neighborhood Commission (ANC) 4D and could enforce the provisions of the proposed legislation in that ANC. Expansion of the pilot program could have a cost, but there are no expansion plans until the existing pilot is evaluated. Thus, there is no fiscal impact related to MPD as an authorized enforcer of the proposed legislation.

Additionally, there is no historical record of sidewalk related complaints, so the Office of Revenue Analysis is unable to predict any revenue increases associated with the issuance of these violations.

⁴ Boston Code § 16-12.16; New York City Code § 16-123; Philadelphia Code § 10-720; Arlington County Ordinance § 27-24.

⁵ DDOT enforces via a paper-based violation system at this time.

⁶ DPW and DDOT raised concerns about delays in enforcement due to the other snow event related duties of enforcement staff, but this does not pose a fiscal obstacle to implementation of the proposed legislation.