

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 32A.
LEAD LEVEL TEST OF WATER IN MULTIPLE
DWELLINGS.

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CHAPTER 32A. LEAD LEVEL TEST OF WATER IN MULTIPLE DWELLINGS.

§ 42-3251. DEFINITIONS.

For the purposes of this chapter, the term:

(1) "Dwelling unit" means any habitable room or group of habitable rooms located within a residential building and forming a single unit which is used or intended to be used for living, sleeping, and the preparation and eating of meals; including a bachelor apartment.

(2) "Multiple Dwelling" means any residential building containing 3 or more dwelling units, 3 or more rooming units, or any combination of dwelling or rooming units totaling 3 or more.

(3) "Owner" means any individual, corporation, association, or partnership listed as the legal title holder of record and any owners' association legally incorporated in accordance with Chapter 9 of Title 29 or Chapter 19 of this title that is the recognized representative of the households in a condominium or cooperative housing building.

(4) "WASA" means the District of Columbia Water and Sewer Authority established by § 34-2202.02.

(Apr. 8, 2005, D.C. Law 15-303, § 2, 52 DCR 1690; July 2, 2011, D.C. Law 18-378, § 3(ii), 58 DCR 1720.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-378, in par. (3), validated a previously made technical correction.

Temporary Addition of Section

For temporary (225 day) addition, see § 2 of Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004 (D.C. Law 15-206, December 7, 2004, law notification 52 DCR 450).

Legislative History of Laws

Law 15-303, the "Multiple Dwelling Residence Water Lead Level Test Act of 2004", was introduced in Council and assigned Bill No. 15-980, which was referred to the Committee on Public works and the Environment. The Bill was adopted on first and second readings on November 9, 2004, and December 7, 2004, respectively. Signed by the Mayor on December 29, 2004, it was assigned Act No. 15-700 and transmitted to both Houses of Congress for its review. D.C. Law 15-303 became effective on April 8, 2005.

For history of Law 18-378, see notes under § 42-1218.

§ 42-3252. TESTING.

(a) The Mayor shall require the owner of a multiple dwelling to order a water lead level test kit from WASA to sample the tap water in a dwelling or rooming unit for the presence of lead within 15 calendar days of a written request to do so by a rental tenant or owner-occupant of the unit. The rental tenant or owner-occupant shall also send a copy of this written request to the Mayor.

(b)(1) The owner shall order a water lead level test kit for each rental tenant and owner-occupant of the dwelling who requests a test, up to a maximum of 2% of the total units in the multiple dwelling or 6 units, whichever is less. In multiple dwellings of less than 50 units, the owner shall order at least one water lead level test kit if requested to by a rental tenant or owner-occupant of the dwelling.

(2) An owner shall be required to order a water lead level test kit pursuant to this chapter no more than once in a 6-month period for each unit whose rental tenant or owner-occupant requests a test kit.

(c) WASA shall send a water lead level test kit to each owner upon request. At the time WASA sends a water lead level test kit to an owner in response to a request pursuant to this chapter, WASA shall also send written notice to the Mayor that it has sent the water lead level test kit.

(d) Within 15 calendar days of receiving the water lead level test kit from WASA, the owner shall provide the water lead level test kit to an occupant of each unit being tested and send written certification to the Mayor that the owner has provided the kit.

(e) The rental tenant or owner-occupant of the unit being tested shall send a sample of the water it collects from the unit to WASA to have it tested for the lead level.

(f) WASA shall ensure the conducting of a lead level test of the water sample at its expense and shall mail the result of the water lead level test to both the dwelling owner and to the rental tenant or owner-occupant of the unit in which the water sample was collected when the result is available.

(g) Within 15 calendar days of receiving the water lead level test result from WASA, the owner shall:

(1) Provide a written copy of the water lead level test result to any rental tenant or owner-occupant of the multiple dwelling who requests a copy of the test result and post the test result in a conspicuous place on the dwelling's premises; and

(2) Send written certification to the Mayor that the owner has provided a written copy of, and posted, the water lead level test result in the manner prescribed by this subsection.

(Apr. 8, 2005, D.C. Law 15-303, § 3, 52 DCR 1690.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 3 of Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004 (D.C. Law 15-206, December 7, 2004, law notification 52 DCR 450).

Legislative History of Laws

For Law 15-303, see notes following § 42-3251.

§ 42-3253. VIOLATIONS.

(a) Whenever the Mayor finds reasonable grounds to believe that a violation of any provision of this chapter exists, he or she shall give notice of the alleged violation to the person or persons responsible for that violation. Each notice of violation shall be in writing and shall meet the following requirements:

(1) State the nature of the violation;

(2) Indicate the provision of this chapter being violated;

(3) Allow a reasonable time for the performance of any corrective action required by the notice; and

(4) Be signed by the Mayor or the Mayor's authorized agent.

(b) Each notice shall be served upon the persons responsible for correcting the violation described in the notice.

(c) The notice shall be to be properly served upon the person to be notified if served by any of the following means:

(1) By serving a copy of the notice upon the person personally;

(2) By leaving a copy of the notice at the person's usual place of business or at the person's usual residence with a person over the age of 16 years;

(3) If no residence or place of business can be found in the District following a reasonable search, by leaving a copy of the notice with any agent of the person to be notified who has any authority or duty with reference to the premises to which the notice relates, or by leaving a copy of the notice at the office of that agent with any person employed in that office;

(4) By mailing a copy of the notice with a receipt of notice included, postage prepaid, to the last known address of the person to be notified; or

(5) By publishing a copy of the notice on 3 consecutive days in a daily newspaper of general circulation published in the District.

(d) Failure of an owner to comply with the provisions of this chapter upon a determination by the Mayor that a violation has occurred shall be punishable by a fine of \$100 for each day of noncompliance.

(Apr. 8, 2005, D.C. Law 15-303, § 4, 52 DCR 1690.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 4 of Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004 (D.C. Law 15-206, December 7, 2004, law notification 52 DCR 450).

For Law 15-303, see notes following § 42-3251.

§ 42-3254. RULES AND PROCEDURES.

The Mayor is authorized to promulgate rules and to establish procedures to implement this chapter.
(Apr. 8, 2005, D.C. Law 15-303, § 5, 52 DCR 1690.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 5 of Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004 (D.C. Law 15-206, December 7, 2004, law notification 52 DCR 450).

Legislative History of Laws

For Law 15-303, see notes following § 42-3251.

Delegation of Authority

Delegation of Authority to the Director, Department of Health, see Mayor's Order 2005-102, June 17, 2005 (52 DCR 8169).

§ 42-3255. FINES AND PENALTIES.

Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this chapter, or the rules.
(Apr. 8, 2005, D.C. Law 15-303, § 6, 52 DCR 1690.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 6 of Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004 (D.C. Law 15-206, December 7, 2004, law notification 52 DCR 450).

Legislative History of Laws

For Law 15-303, see notes following § 42-3251.