

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 42.**  
**REAL PROPERTY.**

**CHAPTER 33.**  
**MASTER-METERED APARTMENT BUILDINGS.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 33. MASTER-METERED APARTMENT**  
**BUILDINGS.**

---

**TABLE OF CONTENTS**

---

[§ 42-3301. Definitions.](#)

[§ 42-3302. Opportunity for tenants to receive service in own names; payments made by tenants.](#)

[§ 42-3303. Appointment of receiver; termination.](#)

[§ 42-3304. Penalties.](#)

[§ 42-3305. Exclusiveness of remedy.](#)

[§ 42-3306. Findings required prior to termination of service.](#)

[§ 42-3307. Regulations.](#)

# CHAPTER 33. MASTER-METERED APARTMENT BUILDINGS.

## **§ 42-3301. DEFINITIONS.**

For the purposes of this chapter:

- (1) The term "apartment house" means any building or part thereof, not used primarily for transient occupancy, in which there are 3 or more apartments, each with 1 or more habitable rooms with kitchen and bathroom facilities exclusively for use of and under the control of the occupant thereof.
- (2) The term "tenant" means any person who holds or possesses a habitation in subordination to the title of the owner of the premises in which such habitation is located, with the consent of the owner.

(Sept. 13, 1980, D.C. Law 3-94, § 2, 27 DCR 3500.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-541.

#### *Legislative History of Laws*

Law 3-94 was introduced in Council and assigned Bill No. 3-186, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on June 3, 1980 and June 17, 1980, respectively. Signed by the Mayor on July 9, 1980, it was assigned Act No. 3-216 and transmitted to both Houses of Congress for its review.

## **§ 42-3302. OPPORTUNITY FOR TENANTS TO RECEIVE SERVICE IN OWN NAMES; PAYMENTS MADE BY TENANTS.**

(a) Wherever an owner, agent, lessor or manager of an apartment house is billed directly by a company, electricity supplier, natural gas supplier, or gas company (any of which shall be referred to as "company") for service furnished to such apartment house not occupied exclusively by such owner, agent, lessor or manager, and such company has actual or constructive knowledge that the tenants of such apartment house are not the persons to whom the company sends its bills, such company shall not terminate such service for nonpayment of a delinquent account owed to such company by such owner, agent, lessor or manager unless such company provides an opportunity, where practicable, for such tenants to receive service in their own names, either individually or collectively, without any liability for the amount due while service was billed directly to the lessor, owner, agent or manager. Security deposits or guarantees of payment may only be required as provided in part V of the Consumer Bill of Rights, Public Service Commission of the District of Columbia Order No. 6084 (15 DCMR 307) and the Public Service Commission of the District of Columbia Formal Case No. 760 (15 DCMR 409); provided, however, if it is not practicable for such tenants to receive service in their own names, the company shall not terminate service to such apartment house but may pursue the remedy provided in § 42-3303.

(b) Any payments made by the tenants of any apartment house pursuant to subsection (a) of this section shall be deemed to be in lieu of an equal amount of rent or payment for use and occupancy and each tenant shall be permitted to deduct such amounts from any sum of rent or payment for use and occupancy due and owing or to become due and owing to the owner, agent, lessor or manager.

(c) Nothing in this section shall be construed to prevent the company from pursuing any other action or remedy at law or equity that it may have against the owner, agent, lessor or manager.

(Sept. 13, 1980, D.C. Law 3-94, § 3, 27 DCR 3500; Feb. 24, 1987, D.C. Law 6-192, § 20, 33 DCR 7836; May 9, 2000, D.C. Law 13-107, § 202(a), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 20(a), 51 DCR 10549.)

### *HISTORICAL AND STATUTORY NOTES*

1981 Ed., § 43-542.

*Effect of Amendments*

D.C. Law 13-107 in subsec. (a) substituted "company, electricity supplier, or gas company (any of which shall be referred to as 'company') for service" for "electric or gas company for utility service".

D.C. Law 15-227, in subsec. (a), substituted "natural gas supplier, or gas company" for "or gas company".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 8(a) of Prevention of Unauthorized Switching of Customer Natural Gas Accounts Temporary Act of 2001 (D.C. Law 14-13, July 10, 2001, law notification 48 DCR 6589).

*Legislative History of Laws*

For legislative history of D.C. Law 3-94, see Historical and Statutory Notes following § 42-3301.

Law 6-192 was introduced in Council and assigned Bill No. 6-544, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 5, 1986 and November 18, 1986, respectively. Signed by the Mayor on December 10, 1986, it was assigned Act No. 6-246 and transmitted to both Houses of Congress for its review.

Law 13-107, the "Retail Electric Competition and Consumer Protection Act of 1999," was introduced in Council and assigned Bill No. 13-284, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 18, 2000, it was assigned Act No. 13-256 and transmitted to both Houses of Congress for its review. D.C. Law 13-107 became effective on May 9, 2000.

Law 15-227, the "Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004", was introduced in Council and assigned Bill No. 15-679, and was retained by Council. The Bill was adopted on first and second readings on July 13, 2004, and October 5, 2004, respectively. Signed by the Mayor on November 1, 2004, it was assigned Act No. 15-567 and transmitted to both Houses of Congress for its review. D.C. Law 15-227 became effective on March 16, 2005.

*References in Text*

"The Consumer Bill of Rights," referred to in the second sentence of subsection (a) of this section, is now included as Chapter V of Title 15, D.C.M.R.

## **§ 42-3303. APPOINTMENT OF RECEIVER; TERMINATION.**

(a)(1) Upon nonpayment of a delinquent account by the owner, agent, lessor, or manager of an apartment house who is billed directly by a company, electricity supplier, or gas company (any of which shall be referred to as "company") for service furnished to such apartment house, such company, or the tenants residing in the affected apartment house, may petition the Superior Court of the District of Columbia for appointment of a receiver of the rents or payments for use and occupancy for such apartment house. The Chief Judge of the Superior Court or such Judge's designee, upon presentation by the petitioner of a verified petition indicating such nonpayment of a delinquent account, shall immediately issue an order requiring such owner, agent, lessor, or manager, as respondent, to show cause why a receiver should not be appointed.

(2) The order of the Court, together with a copy of the verified petition, shall be served on the owner, agent, lessor, or manager at his last known address or by such other method as the Court may direct and shall be posted in a conspicuous place upon the apartment house in question.

(3) A hearing on the show cause order shall be held no later than 72 hours after its issuance or the first court day thereafter. Upon a prima facie showing by affidavit, testimony or otherwise, that delinquent electric company, electricity supplier, gas company, or natural gas supplier bills on the subject apartment house remain unpaid, the Court shall forthwith appoint a receiver to collect rents or payments for use and occupancy from the tenants thereof and to pay current electric company, electricity supplier, or gas company bills as hereinafter required. Prior to said hearing, respondent may file an answer to the petition raising such grounds of defense as respondent may have; except, that any set-offs, counterclaims, or third-party claims shall not be grounds for refusing to appoint a receiver.

(4) The receiver appointed by the Court shall have the authority to take such action as it deems necessary to collect all rents or payments for use and occupancy from the tenants of the apartment house in question in place of the owner, agent, lessor or manager. Any monies remaining after such payments, fees and costs shall be turned over to the owner, agent, lessor, or manager. The receiver shall pay the electric company, electricity supplier, gas company, or natural gas supplier from the rents and payments for services provided the company on and after the date of his appointment. The

owner, agent, lessor, or manager shall be liable for the reasonable fees and costs determined by the Court to be due the receiver, which fees and costs may be recovered from the rents or payments for use and occupancy under the control of the receiver; provided, that no fees or costs shall be turned over until after payment of current electric company, electricity supplier, gas company, or natural gas supplier on the apartment house has been made. Any monies remaining after such payments, fees and costs shall be turned over to the owner, agent, lessor, or manager. Upon order of the Court, the receiver shall become trustee of any escrow accounts or other funds established by the tenants or otherwise into which rents or payments for use and occupancy have been paid or are being held. The Court shall require accountings to be made by the receiver at such times as the Court determines to be just, reasonable and necessary.

(b) Any receivership established pursuant to subsection (a) of this section shall be terminated by the Court upon its finding that the arrearage which was the subject of the original petition has been satisfied, or that all tenants have agreed to assume liability in their own names for prospective service supplied by the electric company, electricity supplier, gas company, or natural gas supplier, or that the apartment house has been sold and the new owner has assumed liability for prospective service supplied by the electric company, electricity supplier, or gas company.

(c) Nothing in this section shall be construed to prevent the electric company, electricity supplier, gas company, or natural gas supplier from pursuing any other action or remedy at law or equity that it may have against the owner, agent, lessor or manager.

(d) Any owner, agent, lessor or manager who collects or attempts to collect any rent or payment for use and occupancy from any tenant of an apartment house subject to an order appointing a receiver pursuant to this section shall be found, after due notice and hearing, to be in contempt of court.

(Sept. 13, 1980, D.C. Law 3-94, § 4, 27 DCR 3500; May 9, 2000, D.C. Law 13-107, § 202(b), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 20(b), 51 DCR 10549.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-543.

##### *Effect of Amendments*

D.C. Law 13-107 in subsec. (a)(1) substituted "'company, electricity supplier, or gas company (any of which shall be referred to as 'company') for service " for "electric or gas company for utility service"; substituted in the second sentence of subsec. (a)(3) "electric company, electricity supplier, or gas company" for "utility"; rewrote the second and third sentences of subsec. (a)(4) which formerly provided: "The receiver shall pay the utility company from such rents and payments for utility services provided by such company on and after the date of his appointment. The owner, agent, lessor or manager shall be liable for such reasonable fees and costs determined by the Court to be due the receiver, which fees and costs may be recovered from the rents or payments for use and occupancy under the control of the receiver; provided, however, that no such fees or costs shall be turned over until after payment of current utility bills on the apartment house has been made."; substituted in subsec.(b) "electric company, electricity supplier, or gas" for "utility"; and, in subsec. (c) substituted "electric company, electricity supplier, or gas company" for "utility company".

D.C. Law 15-227, in subsec. (a), substituted "electric company, electricity supplier, gas company, or natural gas supplier" for "electric company, electricity supplier, or gas company" in the second sentence of par. (3), rewrote the second and third sentences of par. (4), which had read: "The receiver shall pay the electric company, electricity supplier, or gas company from the rents and payments for services provided the company on and after the date of his appointment. The owner, agent, lessor or manager shall be liable for the reasonable fees and costs determined by the Court to be due the receiver, which fees and costs may be recovered from the rents or payments for use and occupancy under the control of the receiver; provided, however, that no fees or costs shall be turned over until after payment of current electric company, electricity supplier, or gas bills on the apartment house has been made."; and, in subsecs. (b) and (c), substituted "gas company, or natural gas supplier" for "or gas company".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 8(b) of Prevention of Unauthorized Switching of Customer Natural Gas Accounts Temporary Act of 2001 (D.C. Law 14-13, July 10, 2001, law notification 48 DCR 6589).

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-94, see Historical and Statutory Notes following § 42-3301.

For Law 13-107, see notes following § 42-3302.

For Law 15-227, see notes following § 42-3302.

## **§ 42-3304. PENALTIES.**

Any wilful or malicious violation of this chapter by any owner, agent, lessor, manager or any electric company, electricity supplier, gas company, or natural gas supplier shall be punishable by a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

(Sept. 13, 1980, D.C. Law 3-94, § 5, 27 DCR 3500; May 9, 2000, D.C. Law 13-107, § 202(c), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 20(c), 51 DCR 10549.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-544.

#### *Effect of Amendments*

D.C. Law 13-107 in lieu of "utility company" substituted "electric company, electricity supplier, or gas company".

D.C. Law 15-227 substituted "gas company, or natural gas supplier" for "or gas company".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 8(c) of Prevention of Unauthorized Switching of Customer Natural Gas Accounts Temporary Act of 2001 (D.C. Law 14-13, July 10, 2001, law notification 48 DCR 6589).

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-94, see Historical and Statutory Notes following § 42-3301.

For Law 13-107, see notes following § 42-3302.

For Law 15-227, see notes following § 42-3302.

## **§ 42-3305. EXCLUSIVENESS OF REMEDY.**

Nothing in this chapter shall be construed to prevent the tenant of such apartment house from pursuing any other action or remedy at law or equity that it may have against the owner, agent, lessor, manager or company.

(Sept. 13, 1980, D.C. Law 3-94, § 6, 27 DCR 3500.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-545.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-94, see Historical and Statutory Notes following § 42-3301.

## **§ 42-3306. FINDINGS REQUIRED PRIOR TO TERMINATION OF SERVICE.**

(a) It shall be unlawful for any electric company, electricity supplier, gas company, or natural gas supplier to terminate service at the request of the owner, agent, lessor, or manager of an apartment house subject to this chapter, unless the Public Service Commission first makes a finding that all units within the apartment house are not lawfully occupied, or the Public Service Commission finds that services provided by such company shall be provided by other means.

(b) Nothing in this section shall be construed to relieve any owner, agent, lessor, or manager of an apartment house from liability under a contract for the provision of services with an electric company, electricity supplier, gas company, or natural gas supplier until such time as the Public Service Commission makes its findings as required by subsection (a) of this section.

(Sept. 13, 1980, D.C. Law 3-94, § 7, 27 DCR 3500; May 9, 2000, D.C. Law 13-107, § 202(d), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 20(d), 51 DCR 10549.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-546.

#### *Effect of Amendments*

D.C. Law 13-107 substituted "electric company, electricity supplier, or gas company" for "gas or electric company".

D.C. Law 15-227 substituted "gas company, or natural gas supplier" for "or gas company".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 8(d) of Prevention of Unauthorized Switching of Customer Natural Gas Accounts Temporary Act of 2001 (D.C. Law 14-13, July 10, 2001, law notification 48 DCR 6589).

*Legislative History of Laws*

For legislative history of D.C. Law 3-94, see Historical and Statutory Notes following § 42-3301.

For Law 13-107, see notes following § 42-3302.

For Law 15-227, see notes following § 42-3302.

## **§ 42-3307. REGULATIONS.**

The Public Service Commission shall adopt regulations necessary to carry out the purposes of this chapter. Such regulations shall include, but not be limited to, establishing procedures by which the company shall notify tenants of an affected apartment house that monies are owed the company.

(Sept. 13, 1980, D.C. Law 3-94, § 8, 27 DCR 3500.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-547.

*Legislative History of Laws*

For legislative history of D.C. Law 3-94, see Historical and Statutory Notes following § 42-3301.