

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

**TITLE 6.**  
**HOUSING AND BUILDING RESTRICTIONS**  
**AND REGULATIONS.**

**CHAPTER 7.**  
**FIRE SAFETY.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 7. FIRE SAFETY.

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# CHAPTER 7. FIRE SAFETY.

## SUBCHAPTER I. GENERAL.

### PART A. FIRE ESCAPES, ELEVATORS, STAIRWAYS, ETC.

#### **§ 6-701.01. FIRE ESCAPES--BUILDINGS USED AS DWELLINGS; EXCEPTIONS.**

It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building 3 or more stories in height, constructed or used or intended to be used as an apartment house, tenement house, flat, rooming house, lodging house, hotel, hospital, seminary, academy, school, college, institute, dormitory, asylum, sanitarium, hall, place of amusement, office building, or store, or of any building 3 or more stories in height, or over 30 feet in height, other than a private dwelling, in which sleeping quarters for the accommodation of 10 or more persons are provided above the 1st floor, to provide and cause to be erected and fixed to every such building 1 or more suitable fire escapes, connecting with each floor above the 1st floor by easily accessible and unobstructed openings, in such location and numbers and of such material, type, and construction as the Council of the District of Columbia may determine; except that buildings designed and built as single-family dwellings, and converted to use as apartment houses, in which not more than 3 families reside, including the owner or lessee, or rooming houses in which sleeping accommodations are provided for less than 10 persons above the 1st floor, not more than 3 stories nor more than 40 feet in height, and having a total floor area not more than 3,000 square feet above the 1st floor, shall be exempted from the provisions of this section; and except that buildings used solely as apartment houses, not more than 3 stories nor more than 40 feet in height, so arranged that not more than 5 apartments per floor open directly, without an intervening hall or corridor, on a fire-resistive stairway, 3 feet or more in width, enclosed with masonry walls in which fire-resistive doors are provided at all openings, shall be exempted from the provisions of this section.

(Mar. 19, 1906, 34 Stat. 70, ch. 957, § 1; Mar. 2, 1907, 34 Stat. 1247, ch. 2566, § 1; June 4, 1934, 48 Stat. 843, ch. 388.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-501.

1973 Ed., § 5-301.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(117) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### **§ 6-701.02. FIRE ESCAPES--COMMERCIAL BUILDINGS; ACCESS TO ESCAPES; HALLWAY AND STAIRWAY LIGHTS.**

It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building already erected, or which may hereafter be erected, in which 10 or more persons are employed at the same time

in any of the stories above the 2nd story, except 3-story buildings used exclusively as stores or for office purposes, and having at least 2 stairways from the ground floor each 3 or more feet wide and separated from each other by a distance of at least 30 feet, from 1 of which stairways shall be easy access to the roof, to provide and cause to be erected and affixed thereto a sufficient number of the aforesaid fire escapes, the location and number of the same to be determined by the Mayor of the District of Columbia, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Mayor, from sunset to sunrise.

(Mar. 19, 1906, 34 Stat. 70, ch. 957, § 2; Mar. 2, 1907, 34 Stat. 1247, ch. 2566; June 4, 1934, 48 Stat. 843, ch. 388.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-502.

1973 Ed., § 5-302.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 6-701.03. DUTY OF OWNER TO PROVIDE FIRE SAFETY MEASURES.**

It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building used or intended to be used as set forth in § 6-701.01 where fire escapes are required, or any building in which 10 or more persons are employed, as set forth in § 6-701.02, where fire escapes are required, also to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, and alarm gongs and striking stations in such locations and numbers and of such type and character as the Mayor of the District of Columbia may determine; except that in buildings less than 6 stories in height, standpipes will not be required when fire extinguishers are installed in such numbers and of such type and character as the Mayor of the District of Columbia may determine.

(Mar. 19, 1906, 34 Stat. 70, ch. 957, § 3; Mar. 2, 1907, 34 Stat. 1247, ch. 2566; June 4, 1934, 48 Stat. 843, ch. 388.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-503.

1973 Ed., § 5-303.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2, of Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-314, February 22, 2010, 57 DCR 1649).

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 6-701.03A. FIRE SAFETY REQUIREMENTS FOR HIGH-RISE BUILDINGS.**

(a) The owner of a high-rise building shall:

- (1) Prepare and maintain a fire safety and evacuation plan for the building; and
- (2) Conduct fire drills at least once every 12 months.

(b) A violation of this section shall be subject to civil penalties as established by the Mayor pursuant to rulemaking.

(c) For the purposes of this section, the term "high-rise building" shall mean any building having occupied floors more than 75 feet above the lowest level of fire department vehicle access.

(Mar. 19, 1906, ch. 957, § 3a, as added Mar. 11, 2010, D.C. Law 18-116, § 2, 57 DCR 893.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

Law 18-116, the "Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-178, which was referred to the Committee on Public Safety and the Judiciary. The bill was adopted on first and second readings on December 1, 2009, and December 15, 2009, respectively. Signed by the Mayor on January 11, 2010, it was assigned Act No. 18-264 and transmitted to both Houses of Congress for its review. D.C. Law 18-116 became effective on March 11, 2010.

#### *Delegation of Authority*

Delegation of Authority under the Fire Alarm Notice and Tenant Fire Safety Emergency Amendment Act of 2009, see Mayor's Order 2009-101, June 12, 2009 (56 DCR 6844).

## **§ 6-701.04. REGULATIONS AUTHORIZED FOR ENFORCEMENT OF PART.**

The Mayor of the District of Columbia is hereby authorized and directed to issue such orders and the Council of the District of Columbia is hereby authorized and directed to adopt, and the Mayor to enforce, such regulations not inconsistent with law as may be necessary to accomplish the purposes and carry into effect the provisions of this part, and the Mayor is hereby authorized and directed to require any alterations or changes that may become necessary in buildings now or hereafter erected, in order properly to locate or relocate fire escapes, or to afford access to fire escapes, and to require any changes or alterations in any building that may be necessary in order to provide for the erection of additional fire escapes, or for the installation of other appliances required by this part, when in the judgment of the Mayor such additional fire escapes or appliances are necessary.

(Mar. 19, 1906, 34 Stat. 71, ch. 957, § 4; June 4, 1934, 48 Stat. 844, ch. 388.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 5-504.

1973 Ed., § 5-304.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(118) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Development of model construction codes: See Act of July 1, 1983, D.C. Law 5- 15, 30 DCR 2661.

## **§ 6-701.05. ELEVATORS AND STAIRWAYS EXTENDING TO BASEMENT; EXEMPTIONS FOR CERTAIN OFFICE BUILDINGS.**

(a) Each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or enclosure separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or enclosure unless the same be provided with fireproof doors.

(b) Such buildings as are used solely for office buildings above the 2nd floor and defined under the building regulations of the District of Columbia to be fireproof are exempted from the requirements of this part as to fire escapes, guide signs, and alarm gongs; but when the face of a wall of any such fireproof building is within 30 feet of a combustible building or structure, or when the side or sides, front or rear of such building or structure faces within 30 feet of a combustible building, or contains a light or air shaft or similar recess within 30 feet of a combustible building, then each and every window or opening in said wall or walls shall be protected from fire by automatic iron shutters or wire glass in fireproof sash and frames.

(Mar. 19, 1906, 34 Stat. 71, ch. 957, § 5; Mar. 2, 1907, 34 Stat. 1247, ch. 2566; June 4, 1934, 48 Stat. 844, ch. 388.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-505.

1973 Ed., § 5-305.

## **§ 6-701.06. OBSTRUCTION OF HALLS AND STAIRWAYS.**

It shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building enumerated in this part with baggage, trunks, furniture, cans, or with any other thing whatsoever.

(Mar. 19, 1906, 34 Stat. 71, ch. 957, § 6; June 4, 1934, 48 Stat. 844, ch. 388.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-506.

1973 Ed., § 5-306.

## **§ 6-701.07. OBSTRUCTION OF FIRE ESCAPES AND APPROACHES.**

No door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any encumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

(Mar. 19, 1906, 34 Stat. 71, ch. 957, § 7; June 4, 1934, 48 Stat. 844, ch. 388.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-507.

1973 Ed., § 5-307.

## **§ 6-701.08. VIOLATIONS OF PART.**

Any person failing or neglecting to provide fire escapes, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs, and striking stations, or other appliances required by this part, after notice from the Mayor of the District of Columbia so to do, shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$100 and shall be punished by a further fine of \$5 for each day that he fails to comply with such notice. Any person violating any other provision of this part or regulations promulgated hereunder shall be punished, upon conviction thereof, by a fine of not less than \$10 nor more than \$100 for each offense.

(Mar. 19, 1906, 34 Stat. 71, ch. 957, § 8; June 4, 1934, 48 Stat. 845, ch. 388.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-508.

1973 Ed., § 5-308.

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 6-701.09. NOTICE REQUIRING PROVISION OF FIRE SAFETY MEASURES-- CONTENTS.**

The notice from the Mayor of the District of Columbia requiring the erection of fire escapes and other appliances enumerated in this part shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than 90 days be allowed for compliance with said notice unless the Mayor shall, in his discretion, deem it necessary to extend their time.

(Mar. 19, 1906, 34 Stat. 71, ch. 957, § 9; June 4, 1934, 48 Stat. 845, ch. 388.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 5-509.

1973 Ed., § 5-309.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 6-701.10. NOTICE REQUIRING PROVISION OF FIRE SAFETY MEASURES-- SERVICE; FAILURE OF OWNER TO COMPLY.**

Such notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search if forwarded by registered mail or by certified mail to the last known address of the person to be notified and not returned by the post office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post office authorities, if published on 10 consecutive days in a daily newspaper published in the District of Columbia, or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided, or if delivered to the agent, trustee, executor, or other legal representative of the estate of such person. Any notice to a corporation shall, for the purposes of this part, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right, and notice to a foreign corporation shall, for the purposes of this part, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia; provided, that in case of failure or refusal of the owner entitled to the beneficial use, rental, or control of any buildings specified in this part, to comply with the requirements of the notice



provided for in § 6-701.09, the Mayor of the District of Columbia is hereby empowered and it is his duty to cause such erection of fire escapes and other appliances mentioned in the notice provided for, and he is hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of 10% per annum, which certificates may be turned over by the Mayor of the District of Columbia to the contractor for doing the work.

(Mar. 19, 1906, 34 Stat. 71, ch. 957, § 10; Mar. 2, 1907, 34 Stat. 1248, ch. 2566, § 1; June 4, 1934, 48 Stat. 845, ch. 388; June 11, 1960, 74 Stat. 203, Pub. L. 86-507, § 1(42).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-510.

1973 Ed., § 5-310.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 6-701.11. INJUNCTION TO RESTRAIN USE OF BUILDING IN VIOLATION OF PART.**

The Superior Court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its Mayor, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this part.

(Mar. 19, 1906, 34 Stat. 72, ch. 957, § 11; June 4, 1934, 48 Stat. 846, ch. 388; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 571, Pub. L. 91-358, title I, § 155(c)(16).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-511.

1973 Ed., § 5-311.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 6-701.12. DEFINITIONS.**

As used in this part:

- (1) The terms "apartment house," "tenement house," and "flat" mean a building in which rooms in suites are provided for occupancy by 3 or more families.
- (2) The term "rooming house" means a building in which rooms are rented and sleeping quarters provided to accommodate 10 or more persons, not including the family of the owner or lessee.
- (3) The term "lodging house" means a building in which sleeping quarters are provided to

accommodate 10 or more transients.

(4) The term "hotel" means a building in which meals are served and rooms are provided for the accommodation of 10 or more transients.

(5) The term "elevator shaft" includes a dumbwaiter shaft.

(6) The term "fire escape" means an exterior open stairway or arrangement of ladders constructed entirely of incombustible materials and of approved design, or an interior or exterior stairway of fire-resistive construction with enclosing walls of masonry with fire-resistive doors and windows.

(7) The term "standpipe" means a vertical iron or steel pipe provided with hose connections and valves, so arranged as to supply water for firefighting purposes.

(8) The terms "fireproof" and "fire-resistive" have the same meaning as is ascribed to the term "fire-resistive" in the Building Code approved pursuant to the Construction Codes Approval and Amendments Act of 1986.

(Mar. 19, 1906, ch. 957, § 12; June 4, 1934, 48 Stat. 846, ch. 388; Mar. 21, 1987, D.C. Law 6-216, § 13(d), 34 DCR 1072.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-512.

1973 Ed., § 5-312.

##### *Legislative History of Laws*

Law 6-216, the "Construction Codes Approval and Amendments Act of 1986," was introduced in Council and assigned Bill No. 6-500, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 18, 1986, and December 16, 1986, respectively. Signed by the Mayor on February 2, 1987, it was assigned Act No. 6-279 and transmitted to both Houses of Congress for its review.

##### *References in Text*

The "Construction Codes Approval and Amendments Act of 1986," referred to in paragraph (8), is D.C. Law 6-216.

## **PART B. FEES; NOTICES.**

### **§ 6-703.01. FEES FOR INSPECTION OF BUILDINGS; FEES FOR ANNUAL HAULING PERMITS FOR CERTAIN MULTIAXLE MOTOR VEHICLES.**

(a) The Mayor of the District of Columbia is authorized and directed, from time to time, to prescribe a schedule of fees to be paid for inspecting passenger elevators and for inspecting hotels, public halls, moving-picture shows, theaters, and other places of amusement which are required to have annual licenses, and for inspecting buildings which are required by law to have fire escapes; and he is further authorized and directed to impose fees for all inspections of service to be performed by any public officer or employee of the District of Columbia under any law or regulation in force July 11, 1919, or thereafter enacted; said fees to cover the cost and expense of such inspections or service; and a schedule of such fees shall be printed and conspicuously displayed in the office of the said Mayor, and said fees shall be paid to the Collector of Taxes, District of Columbia, and paid for each fiscal year into the General Fund of the District of Columbia. Notwithstanding the provisions of the preceding sentence, in the case of a single unit motor vehicle which has 3 or more axles and is designed to unload itself and which is operated in the District of Columbia under an annual hauling permit of the District of Columbia, the fee for such permit shall be as follows:

(1) \$680 if such motor vehicle is first placed in service after July 1, 1970;

(2) If such motor vehicle is in service on or before July 1, 1970, and operated at a gross weight:

(A) In excess of the weight permitted under normal operations under applicable regulations of the Mayor of the District of Columbia but less than 50,000 pounds, a fee of \$380;

(B) Of 50,000 pounds or more but less than 55,000 pounds, a fee of \$480;

(C) Of 55,000 pounds or more but less than 60,000 pounds, a fee of \$580; or

(D) Of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of \$680.

(b) The Mayor of the District of Columbia is authorized to increase, from time to time, the fees prescribed by paragraphs (1) and (2) of subsection (a) of this section, taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of the motor vehicles for which hauling permit fees are prescribed

under the preceding sentence. Proceeds from fees from annual hauling permits for such vehicles shall be deposited in the highway fund created by § 47-2301.

(July 11, 1919, 41 Stat. 69, ch. 7; Feb. 22, 1921, 41 Stat. 1144, ch. 70, § 7; June 28, 1944, 58 Stat. 533, ch. 300, § 18; Jan. 5, 1971, 84 Stat. 1930, Pub. L. 91-650, title I, § 104(a); May 10, 1989, D.C. Law 7-231, § 17, 36 DCR 492; Sept. 14, 2011, D.C. Law 19-21, § 9036, 58 DCR 6226.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-516.

1973 Ed., § 5-316.

##### *Effect of Amendments*

D.C. Law 19-21, in subsec. (a), substituted "General Fund" for "Treasury of the United States to the credit of the General Fund".

##### *Legislative History of Laws*

Law 7-231, the "Technical Amendments Act of 1988," was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988, and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

For history of Law 19-21, see notes under § 6-226.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Delegation of Authority*

Delegation of authority pursuant to An Act Making Appropriations to Provide for the Expenses of the Government of D.C. for the FY Ending June 30, 1920 and for Other Purposes; and to the License Fees and Charges Act of 1976, see Mayor's Order 99-158, October 13, 1999 (46 DCR 8841).

##### *Miscellaneous Notes*

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office, consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division, would continue under the direction and control of the Director of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96 dated March 7, 1969.

## **§ 6-703.02. INTERSTATE AGREEMENT CONCERNING HAULING PERMIT FEES FOR CERTAIN MULTIAXLE MOTOR VEHICLES.**

The Mayor of the District of Columbia may enter into an interstate agreement with the Commonwealth of

Virginia or with the State of Maryland, or with both, which shall stipulate that any person: (1) who operates in the District of Columbia and in the state which is a party to the agreement a single unit motor vehicle which has 3 or more axles and which is designed to unload itself; (2) who has registered that motor vehicle in the District of Columbia or in that state; and (3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by § 6-703.01, and a similar fee imposed on the motor vehicle by that state, shall not be required to pay a fee described in clause (3) of this section which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Mayor enters into an interstate agreement under this section, he may adjust the annual hauling permit fees of the District of Columbia referred to in clause (3) of this section so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each state which is a party to such agreement of the vehicles referred to in clause (1) of this section shall be uniform.

(June 30, 1972, 86 Stat. 392, Pub. L. 92-327, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-517.

1973 Ed., § 5-316a.

### **§ 6-703.03. REGULATIONS AUTHORIZED CONCERNING MEANS OF EGRESS AND FIRE SAFETY APPLIANCES.**

The Council of the District of Columbia, for protection against fire, is hereby authorized, after public hearing, to promulgate regulations to require the owner entitled to the beneficial use, rental, or control of any building now existing or hereafter erected, other than a private dwelling, which is 3 or more stories or over 30 feet in height, or is used as a hospital, school, asylum, sanitarium, convalescent home, or for similar use, or as a place of amusement, public assembly, restaurant, or for similar use, to provide, install and maintain sufficient and suitable means of egress, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs and striking stations, and such other appliances as the Council may deem necessary for such buildings.

(Dec. 24, 1942, 56 Stat. 1083, ch. 818, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-518.

1973 Ed., § 5-317.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(119) Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 6-703.04. OCCUPANCY AFTER RECEIPT OF NOTICE.**

It shall be unlawful for any person to occupy any building 30 days after notice in writing from the Mayor of the District of Columbia or his designated agents that the owner entitled to the beneficial use, rental, or control of any building has failed or neglected to comply with the notice provided for by § 6-703.05 to provide any such building with means of egress or appliances required by the regulations promulgated by the Council of the District of Columbia under § 6-703.03.

(Dec. 24, 1942, 56 Stat. 1083, ch. 812, § 2.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-519.

1973 Ed., § 5-318.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 6-703.05. NOTICE REQUIRING INSTALLATION OF MEANS OF EGRESS OR FIRE SAFETY APPLIANCES.**

The notice from the Mayor of the District of Columbia requiring the erection of means of egress and other appliances required by the regulations promulgated under § 6-703.03 shall specify the character and number of means of egress or other appliances to be provided, the location of the same, and the time within which said means of egress or other appliances shall be provided, and in no case shall more than 90 days be allowed for compliance with said notice unless the Mayor shall, in his discretion, deem it necessary to extend their time.

(Dec. 24, 1942, 56 Stat. 1084, ch. 818, § 3.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-520.

1973 Ed., § 5-319.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 6-703.06. VIOLATION OF §§ 6-703.03 TO 6-703.09.**

Any owner entitled to the beneficial use, rental, or control of any building failing or neglecting to provide means of egress, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs and striking stations, or other appliances required by the regulations promulgated under §§ 6-703.03 to 6-703.09 after notice from the Mayor of the District of Columbia or his designated agents so to do, shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$100 per day for each and every day he fails to comply with such notice. Any person violating any other provision of §§ 6-703.03 to 6-703.09 or regulations promulgated hereunder shall be punished, upon conviction thereof, by a fine of not less than \$10 nor more than \$100 per day for each and every day such violation exists.

(Dec. 24, 1942, 56 Stat. 1084, ch. 818, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 5-521.

1973 Ed., § 5-320.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 6-703.07. SERVICE OF NOTICE.**

Any notice required by §§ 6-703.03 to 6-703.09 shall be deemed to have been served if delivered to the person to be notified or left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or, if no such residence or place of business can be found in said District of Columbia by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or, if no such office can be found in said District, by reasonable search, if forwarded by registered mail or by certified mail to the last known address of the person to be notified and not returned by the post office authorities, or, if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post office authorities, if published on 10 consecutive days in a daily newspaper published in the District of Columbia, or, if by reason of an outstanding unrecorded transfer of title, the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore provided or delivered to the agent, trustee, executor, or other legal representative of the estate of such person. Any notice to a corporation shall, for the purposes of §§ 6-703.03 to 6-703.09, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the services of notices on natural persons holding property in their own right, or if no such officer can be found in said District by reasonable search, then by publication for 10 consecutive days in a daily newspaper published in the District of Columbia, and notice to a foreign corporation shall, for the purposes of §§ 6-703.03 to 6-703.09, be deemed to have been served if served on any agent of such corporation personally or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia, or if published on 10 consecutive days in a daily newspaper published in the District of Columbia.

(Dec. 24, 1942, 56 Stat. 1084, ch. 818, § 5; June 11, 1960, 74 Stat. 203, Pub. L. 86-507, § 1(44).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-522.

1973 Ed., § 5-321.

### **§ 6-703.08. FAILURE OF OWNER TO COMPLY WITH NOTICE.**

In case of failure or refusal of the owner entitled to the beneficial use, rental, or control of any building required by the regulations promulgated under §§ 6-703.03 to 6-703.09 to comply with the requirements of the notice provided for in § 6-703.05, the Mayor of the District of Columbia or his designated agents are hereby empowered to cause such construction and installation of means of egress and other appliances mentioned in the notice provided for, and the Mayor is hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, said assessment to bear interest at the rate and be collected in the manner provided in § 47-1205.

(Dec. 24, 1942, 56 Stat. 1084, ch. 818, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-523.

1973 Ed., § 5-322.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia

and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 6-703.09. INJUNCTION TO RESTRAIN USE OF BUILDING IN VIOLATION OF §§ 6- 703.03 TO 6-703.09.**

The Superior Court of the District of Columbia, in term time or in vacation, may upon a petition of the District of Columbia filed by its said Mayor, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of §§ 6-703.03 to 6- 703.09 or of the regulations promulgated under §§ 6-703.03 to 6-703.09 by the owner, lessee, or occupant.

(Dec. 24, 1942, 56 Stat. 1085, ch. 818, § 7; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 571, Pub. L. 91-358, title I, § 155(c)(17).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-524.

1973 Ed., § 5-323.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **SUBCHAPTER II. CORRECTING CONDITIONS VIOLATIVE OF LAW.**

### **§ 6-711.01. MAYOR MAY CORRECT CONDITIONS VIOLATIVE OF LAW; ASSESSMENT OF COST; LIEN ON PROPERTY; FUND TO PAY COSTS; SUMMARY CORRECTIVE ACTION OF LIFE-OR-HEALTH THREATENING CONDITION.**

Recodified at § 42-3131.01.

(Apr. 14, 1906, 34 Stat. 114, ch. 1626, § 1; Jan. 5, 1980, D.C. Law 3-45, § 2, 26 DCR 2305; June 14, 1980, D.C. Law 3-70, § 7(m), 27 DCR 1776; Mar. 10, 1983, D.C. Law 4-205, § 2, 30 DCR 188; Oct. 20, 1988, D.C. Law 7-177, § 8, 35 DCR 6158; Feb. 27, 1998, D.C. Law 12-52, § 2, 44 DCR 6226; Mar. 26, 1999, D.C. Law 12-201, § 2, 45 DCR 8410.)

### **§ 6-711.02. INSPECTION OF BUILDINGS FOR VIOLATIVE CONDITIONS; INTERFERENCE WITH INSPECTION.**

Recodified at § 42-3131.02.

(Apr. 14, 1906, 34 Stat. 115, ch. 1626, § 2.)

### **§ 6-711.03. NOTICE REQUIRING CORRECTION OF UNLAWFUL CONDITIONS; SERVICE.**

## **SUBCHAPTER III. ALTERATIONS TO RENTAL UNITS CAUSING VIOLATIONS OF HOUSING REGULATIONS AFTER NOTICE TO VACATE.**

### **§ 6-731.01. PROHIBITED.**

Notwithstanding any other provision of law except §§ 6-731.02 and 6-731.03, no person shall, during the period of time after the giving of a notice to vacate any rental unit (as defined by Chapter 35 of Title 42) and before the actual vacation of such unit, cause any alteration to the structure, plumbing apparatus, or electrical apparatus of the housing accommodation (as defined by Chapter 35 of Title 42) in which such unit is located, the result of which alteration is to cause such rental unit to come to be in substantial violation (or, if already in substantial violation, to be in greater violation) of the housing regulations of the District of Columbia for a period of time in excess of 24 hours; provided, that it shall not be a defense to an allegation of a violation of this section that the notice to vacate was invalid.

(Apr. 23, 1977, D.C. Law 1-129, § 2, 23 DCR 9693.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-525.

1973 Ed., § 5-324.

##### *References in Text*

The references to "Chapter 35 of Title 42" originally read "Chapter 15 of Title 45" [1981 Ed.]; however, the provisions of former § 45-1551 [1981 Ed.] expired and have been superseded by the provisions of § 42-3504.01. See notes to §§ 42-4051 and 42-3504.01.

##### *Legislative History of Laws*

Law 1-129, the "Act to Preserve the Habitability of Rental Units Subject to Notices to Vacate" was introduced in Council and assigned Bill No. 1-360, which was referred to the Committee on Housing and Urban Development. The Bill was adopted on first and second readings on October 12, 1976, and November 23, 1976, respectively. Enacted without signature by the Mayor on January 9, 1977, it was assigned Act No. 1-223 and transmitted to both Houses of Congress for its review.

### **§ 6-731.02. EXEMPTION BY CONSENT OF TENANTS.**

Section 6-731.01 shall not apply to any person performing any alteration upon any housing accommodation if the tenants of unvacated rental units, which are the subject of notices to vacate and which can reasonably be expected to be caused by the alteration to come to be in substantial violation (or, if already in substantial violation, to be in greater violation) of the housing regulations of the District of Columbia for a period of time in excess of 24 hours, agree in writing to the alteration after receiving written notice of the alteration and its effect upon the habitability of the affected units.

(Apr. 23, 1977, D.C. Law 1-129, § 3, 23 DCR 9693.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-526.

1973 Ed., § 5-325.

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-129, see Historical and Statutory Notes following § 6-731.01.

### **§ 6-731.03. EXEMPTION BY MAYOR.**

The Mayor of the District of Columbia, or his designee, may grant an exemption from the provisions of § 6-731.01 in the event he, or his designee, inspects a housing accommodation wherein there are unvacated



units subject to a notice to vacate and finds that a proposed alteration, while it may cause such a rental unit to come to be in substantial violation (or, if already in substantial violation, to be in greater violation) of the housing regulations of the District of Columbia for a period of time in excess of 24 hours, is, nevertheless, necessary for the immediate safety of the habitants of the accommodation.

(Apr. 23, 1977, D.C. Law 1-129, § 4, 23 DCR 9693.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-527.

1973 Ed., § 5-326.

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-129, see Historical and Statutory Notes following § 6-731.01.

### **§ 6-731.04. PENALTY.**

Any person violating § 6-731.01 shall be imprisoned for not more than 10 days, fined not more than \$300, or both.

(Apr. 23, 1977, D.C. Law 1-129, § 5, 23 DCR 9693.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-528.

1973 Ed., § 5-327.

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-129, see Historical and Statutory Notes following § 6-731.01.

## **SUBCHAPTER IV. SMOKE DETECTORS.**

### **§ 6-751.01. DEFINITIONS.**

As used in this subchapter:

(1) The term "dwelling unit" means a structure, building, area, room, or combination of rooms occupied by persons for sleeping or living.

(2)(A) The term "hospital" means a building or part thereof used for the medical, psychiatric, obstetrical, or surgical care, on a 24-hour basis, of inpatients.

(B) The term "hospital" includes general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such facilities providing inpatient care.

(3)(A) The term "nursing home" means a building, or part thereof, used for the lodging, boarding, and nursing care, on a 24-hour basis, of persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person.

(B) The term "nursing home" includes nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries of homes for the aged.

(4)(A) The term "owner" means any person who, alone or jointly or severally with other persons, has legal title to any premises.

(B) The term "owner" includes any person who has charge, care, or control over any premises as:

(i) An agent, officer, fiduciary, or employee of the owner;

(ii) The committee, conservator, or legal guardian of an owner who is non compos mentis, a minor, or otherwise under a disability;

(iii) A trustee, elected or appointed, or a person required by law to execute a trust, other than a trustee under a deed of trust, to secure the payment of money; or

(iv) An executor, administrator, receiver, fiduciary, officer appointed by any court, or other similar representative of the owner or his estate.

(C) The term "owner" does not include a lessee, sublessee, or other person who merely has the right to occupy or possess a premises.

(5)(A) The term "residential-custodial care facility" means a building, or part thereof, used for the lodging or boarding of persons who are incapable of self-preservation because of age or physical or mental limitation, or who are detained for correctional purposes.

(B) The term "residential-custodial care facility" includes homes for the aged, nurseries (custodial care for children under 6 years of age), institutions for persons with intellectual disabilities (care institutions), and halfway houses, as well as sheltered living facilities and halfway houses operated by the District of Columbia Department of Corrections and District of Columbia Department of Human Resources.

(C) The term "residential-custodial care facility" does not include day care facilities that do not provide lodging or boarding for institutional occupants.

(6)(A) The term "sleeping area" means a bedroom or room intended for sleeping, or a combination of bedrooms or rooms intended for sleeping within a dwelling unit, which are located on the same floor and are not separated by another habitable room, such as a living room, dining room, or kitchen, but not a bathroom, hallway, or closet. A dwelling unit may have more than 1 sleeping area.

(B) The term "sleeping area" does not include common usage areas in structures with more than 1 dwelling unit, such as corridors, lobbies, and basements.

(7) The term "smoke detector" means a device which detects visible or invisible particles of combustion.

(8) The term "substantially rehabilitated" means any improvement to a structure which is valued greater than one-half of the assessed valuation of the property including the land.

(9) The term "visual alert system" means a visual warning device or system that, when activated by or in conjunction with an audible smoke detector and warning system, provides a light signal sufficient to warn a deaf or hearing-impaired person of the presence of fire or smoke. The term "visual alert system" shall include a visual warning system that has multiple functions if 1 of the functions of the system is to warn a deaf or hearing-impaired person of the presence of fire or smoke.

(June 20, 1978, D.C. Law 2-81, § 2, 24 DCR 9050; Mar. 9, 1988, D.C. Law 7-84, § 2(a), 34 DCR 8122; Apr. 24, 2007, D.C. Law 16-305, § 20, 53 DCR 6198; Sept. 26, 2012, D.C. Law 19-169, § 14, 59 DCR 5567.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-529.

1973 Ed., § 5-328.

##### *Effect of Amendments*

D.C. Law 16-305, in par. (5)(B), substituted "persons with mental retardation" for "the mentally retarded".

D.C. Law 19-169, in par. (5)(B), substituted "intellectual disabilities" for "mental retardation".

##### *Legislative History of Laws*

Law 2-81, the "Smoke Detector Act of 1978," was introduced in Council and assigned Bill No. 2-157, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 21, 1978, and March 7, 1978, respectively. Signed by the Mayor on April 17, 1978, it was assigned Act No. 2-178 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-84, see Historical and Statutory Notes following § 6-751.02a.

For Law 16-305, see notes following § 6-201.

Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-189, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 6, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to both Houses of Congress for its review. D.C. Law 19-169 became effective on September 26, 2012.

## **§ 6-751.02. GENERAL REQUIREMENTS.**

(a) The owner of each new or existing dwelling unit, hotel, motel, hospital, nursing home, and residential-custodial care facility shall install smoke detectors as required by this subchapter. The Mayor shall install smoke detectors in each dwelling unit, hospital, nursing home, jail, prison, and residential-custodial care facility owned by the District of Columbia.

(b) The owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility which is constructed or substantially rehabilitated under a building permit issued after September 30, 1978, shall install smoke detectors as required by this subchapter. No certificate of

occupancy may be issued for any dwelling unit, hotel, motel, hospital, nursing home, or residential-custodial care facility unless smoke detectors have been installed as required by this subchapter.

(c) The owner of each dwelling unit, hotel, motel, and hospital, except as provided in subsections (b) and (d) of this section, shall install smoke detectors as required by this subchapter within 3 years of June 20, 1978.

(d) The Mayor shall install smoke detectors, as required by this subchapter, in each dwelling unit, hospital, jail and prison owned by the District of Columbia, except as provided in subsection (b) of this section, within 2 years of June 20, 1978.

(e) Except as provided in subsection (b) and except as provided in § 14(d) of title VII of the Health Care and Community Residence Facilities Regulation, enacted June 14, 1974 (Reg. No. 74-15):

(1) The owner of each residential-custodial care facility and nursing home shall install smoke detectors as required by this subchapter by January 1, 1980;

(2) The Mayor shall install smoke detectors as required by this subchapter in each residential-custodial care facility and nursing home owned by the District of Columbia by January 1, 1980.

(June 20, 1978, D.C. Law 2-81, § 3, 24 DCR 9050; Dec. 21, 1979, D.C. Law 3-42, § 2(a)-(e), 26 DCR 2082.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-530.

1973 Ed., § 5-329.

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-81, see Historical and Statutory Notes following § 6-751.01.

Law 3-42, the "Regulation Enforcement and Fire Safety Amendment Act of 1979," was introduced in Council and assigned Bill No. 3-150, which was referred to the Committee on the Judiciary and the Committee on Human Resources. The Bill was adopted on first and second readings on September 25, 1979, and October 9, 1979, respectively. Signed by the Mayor on October 30, 1979, it was assigned Act No. 3-114 and transmitted to both Houses of Congress for its review.

## **§ 6-751.02A. VISUAL ALERT SYSTEMS.**

(a)(1) The owner of each hotel or motel shall have available on the premises at least 1 visual alert system for every 50 units or less.

(2) Each hotel or motel shall provide a visual alert system to any guest or patron upon request. In circumstances in which the number of requests for visual alert systems exceeds the number of visual alert systems available, the hotel or motel shall make arrangements to procure additional systems, which shall be provided to the guest or patron within 8 hours of his or her request.

(3) A notice informing guests and patrons of the availability of visual alert systems for deaf or hearing-impaired persons shall be posted either conspicuously in the lobby of the hotel or motel or placed conspicuously in the room of each guest or patron.

(b) Upon the request of a deaf or hearing-impaired person, the owner of each dwelling unit, hospital, nursing home, or residential-custodial care facility shall provide a visual alert system in each room in which a deaf or hearing-impaired person resides.

(c) Upon the request of a deaf or hearing-impaired person, the Mayor shall provide a visual alert system in each dwelling unit, hospital, nursing home, jail, prison, or residential-custodial care facility owned by the District of Columbia in which a deaf or hearing-impaired person resides.

(June 20, 1978, D.C. Law 2-81, § 3a, as added Mar. 9, 1988, D.C. Law 7-84, § 2(b), 34 DCR 8122.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-530.1.

##### *Legislative History of Laws*

Law 7-84, the "Visual Alert Systems for the Deaf and Hearing-Impaired Amendment Act of 1987," was introduced in Council and assigned Bill No. 7-96, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 10, 1987 and November 24, 1987, respectively. Signed by the Mayor on December 10, 1987, it was assigned Act No 7-119 and transmitted to both Houses of Congress for its review.

## **§ 6-751.03. LOCATIONS.**

(a) The owner of each dwelling unit shall install at least 1 smoke detector to protect each sleeping area. In an efficiency, the owner shall install the smoke detector in the room used for sleeping. In all other dwelling units, the owner shall install the smoke detector outside the bedrooms but in the immediate vicinity of the sleeping area.

(b) The owner of each hotel and motel shall install at least 1 smoke detector to protect each guest room or guest suite. The owner of each dormitory shall install at least 1 smoke detector to protect each resident room or resident suite. For the purpose of this subsection, "guest suite" or "resident suite" means a combination of rooms that are always occupied as a single unit. The owner of the hotel, motel or dormitory shall install the smoke detectors as directed by the Mayor of the District of Columbia.

(c) The owner of each hospital, nursing home, jail, prison, and residential-custodial care facility shall install smoke detectors as directed by the Mayor of the District of Columbia and as follows:

(1) In each corridor that is adjacent to a room used for sleeping, but in no case may the smoke detectors be spaced further apart than 30 feet or more than 15 feet from any wall; or

(2) In each room used for sleeping.

(d) An owner subject to this subchapter shall install each smoke detector on the ceiling at a minimum of 6 inches from the wall, or on a wall at a minimum of 6 inches from the ceiling.

(e) An owner subject to this subchapter may not install a smoke detector in a dead air space, such as where the ceiling meets the wall.

(June 20, 1978, D.C. Law 2-81, § 4, 24 DCR 9050; Dec. 21, 1979, D.C. Law 3-42, § 2(f), (g), 26 DCR 2082.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 5-531.

1973 Ed., § 5-330.

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-81, see Historical and Statutory Notes following § 6-751.01.

For legislative history of D.C. Law 3-42, see Historical and Statutory Notes following § 6-751.02.

## **§ 6-751.04. EQUIPMENT.**

(a) An owner subject to this subchapter shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal. The owner shall install a smoke detector which is of a type approved by the Mayor of the District of Columbia consistent with any appropriate federal regulations. The owner shall install a smoke detector in accordance with specifications of the manufacturer or in compliance with the National Fire Protection Association Standards 72-E and 74 (1974 Edition).

(b) Within 40 days after June 20, 1978, and before approving any type of smoke detector pursuant to this section, the Mayor of the District of Columbia or his designated agent shall hold a public hearing at which he shall consider, in addition to any other matter he considers relevant, any potential radiological danger presented by any of the types of smoke detectors under consideration.

(June 20, 1978, D.C. Law 2-81, § 5, 24 DCR 9050; Dec. 21, 1979, D.C. Law 3-42, § 2(g), 26 DCR 2082.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 5-532.

1973 Ed., § 5-331.

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-81, see Historical and Statutory Notes following § 6-751.01.

For legislative history of D.C. Law 3-42, see Historical and Statutory Notes following § 6-751.02.

## **§ 6-751.05. INSTALLATION.**

(a) Except as provided in subsections (b) and (c) of this section, the owner of each dwelling unit, hotel,

motel, hospital, nursing home, jail, prison, and residential-custodial care facility shall directly wire the smoke detector to the power supply of the building.

(b) In each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility which is in existence on September 30, 1978, or which is constructed under a building permit issued before October 1, 1978, or which is substantially rehabilitated, the owner may install a smoke detector which operates from a plug-in outlet fitted with a plug restrainer device if the outlet is not controlled by an on-off switch and if the cord connecting the smoke detector with the outlet is not controlled by an on-off switch.

(c) In each dwelling unit in a structure with only 1 dwelling unit which is in existence on September 30, 1978, or which is constructed under a building permit issued before October 1, 1978, or which is substantially rehabilitated, the owner may install a monitored battery-powered smoke detector.

(June 20, 1978, D.C. Law 2-81, § 6, 24 DCR 9050.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-533.

1973 Ed., § 5-332.

##### *Temporary Amendments of Section*

Section 2 of D.C. Law 18-22 added subsec. (d) to read as follows:

"(d)(1) Within 30 days of the effective date of the Fire Alarm Notice and Tenant Fire Safety Emergency Amendment Act of 2009, passed on emergency basis on March 3, 2009 (Enrolled version of Bill 18-168), and in addition to any existing requirements in law or regulation, an owner of a building containing 2 or more dwelling or rooming units shall provide written notice, in a language delineated by the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), as necessary, to each tenant by first class mail, and post notice in conspicuous places in common areas of the building, as required in this subsection. Written notice shall also be provided to each new tenant, as required in this subsection. The Mayor shall provide a sample form of the notice required by this subsection.

"(2) The written notice shall include, at a minimum, instructions on the operation of a building fire alarm, whether this alarm is separate from the smoke alarms in individual apartments, and a statement that the building alarm is not necessarily connected to the fire department or emergency rescue, and that, in the event of a fire, they must be contacted immediately by calling 911.

"(3) Failure to post notice as required by this subsection shall be a violation of this act, and subject to penalties as provided in this act.

"(4) In addition to the notice required by this subsection, the owner, or the owner's agent, shall maintain a fire safety plan and conduct fire drills in each building that is subject to the provisions of this subsection, and contains 5 or more units, at least once every 12 months."

Section 4(b) of D.C. Law 18-22 provides that the act shall expire after 225 days of its having taken effect.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Fire Alarm Notice and Tenant Fire Safety Emergency Amendment Act of 2009 (D.C. Act 18-33, March 16, 2009, 56 DCR 2340).

For temporary (90 day) amendment of section, see § 2 of Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-110, June 18, 2009, 56 DCR 4936).

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-81, see Historical and Statutory Notes following § 6-751.01.

## **§ 6-751.05A. SMOKE AND CARBON MONOXIDE DETECTOR AND BATTERY PROGRAM.**

(a) The Mayor shall develop a program to test and install smoke and carbon monoxide detectors and batteries in District residences, and to educate District residents on the use of the detectors. The program shall be re-developed annually. The program may include:

- (1) Door-to-door outreach;
- (2) A public information campaign, including printed and mass media materials, or community events in each ward of the District;
- (3) The provision or installation of a smoke or combination smoke/carbon monoxide detector in a person's residence; and

(4) Detector installation by personnel of the Fire and Emergency Medical Services Department, other District personnel, or such other persons who are willing to provide this service at no cost on behalf of the District.

(b) The program shall specify that any person who agrees to receive and install a smoke or combination smoke/carbon monoxide detector shall permit a representative of the Fire and Emergency Medical Services Department to inspect the installation of the unit to confirm that the installation occurred and was done properly.

(c) Any resident or property owner participating in the program shall indemnify and hold harmless the District, its officers, employees, agents, and assigns for the provision and installation of the smoke or combination smoke/carbon monoxide detectors or batteries.

(June 20, 1978, D.C. Law 2-81, § 6a, as added Mar. 20, 2009, D.C. Law 17- 313, § 2, 56 DCR 37.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 17-313, the "Smoke and Carbon Monoxide Detector Program Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-594 which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 18, 2008, and December 2, 2008, respectively. Signed by the Mayor on December 19, 2008, it was assigned Act No. 17-613 and transmitted to both Houses of Congress for its review. D.C. Law 17-313 became effective on March 20, 2009.

### **§ 6-751.05B. ANNUAL REPORT ON SMOKE AND CARBON MONOXIDE DETECTOR AND BATTERY PROGRAM.**

(a)(1) No later than December 31st of each year, the Mayor shall provide to the Council an annual report on the smoke and carbon monoxide detector and battery program for the previous fiscal year.

(2) The annual report on the smoke and carbon monoxide detector and battery program may be included in an annual report of the Fire and Emergency Medical Services Department if the annual report is issued by December 31st following the end of the fiscal year.

(b) The annual report shall include the following information, pertaining to the fiscal year:

(1) Number of smoke and carbon monoxide detectors installed;

(2) Amount of monetary donations received;

(3) Amount of in-kind donations received;

(4) Number of hours contributed by Fire and Emergency Medical Services Department personnel in developing and implementing this program;

(5) Statistics on the number of fires in the District, including information on the number of fires with no smoke detectors or less than fully functional smoke detectors; and

(6) Additional information regarding the effectiveness of the program.

(June 20, 1978, D.C. Law 2-81, § 6b, as added Mar. 20, 2009, D.C. Law 17- 313, § 2, 56 DCR 37.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 17-313, see notes following § 6-751.05a.

### **§ 6-751.05C. ACCEPTANCE OF GIFTS AND GRANTS OF SMOKE AND CARBON MONOXIDE DETECTORS, BATTERIES, AND FUNDS; AUTHORITY TO PURCHASE DETECTORS AND BATTERIES.**

Notwithstanding any other provision of law, the Mayor may accept gifts and grants of smoke and carbon monoxide detectors, batteries, and funds to conduct a program to provide detectors and batteries free of charge to residents of the District, and to install or arrange for the installation of detectors free of charge to residents. The Mayor may use donated funds to purchase or contract to purchase smoke and carbon monoxide detectors and batteries to conduct the program. The funding source for such contracts shall include any funds annually appropriated for this purpose, any funds accepted under this section, and block grant and other grant monies as available.

(June 20, 1978, D.C. Law 2-81, § 6c, as added Mar. 20, 2009, D.C. Law 17- 313, § 2, 56 DCR 37.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 17-313, see notes following § 6-751.05a.

### **§ 6-751.06. MAINTENANCE.**

An owner subject to this subchapter shall maintain each smoke detector in a reliable operating condition and shall make periodic inspections and tests to ensure that each smoke detector is in proper working condition.

(June 20, 1978, D.C. Law 2-81, § 7, 24 DCR 9050.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-534.

1973 Ed., § 5-333.

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-81, see Historical and Statutory Notes following § 6-751.01.

### **§ 6-751.07. PERMITS.**

No owner may permanently wire a smoke detector to the electrical system of a structure without first obtaining an electrical permit from the Permit Division of the Department of Licenses, Investigation and Inspections.

(June 20, 1978, D.C. Law 2-81, § 8, 24 DCR 9050.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-535.

1973 Ed., § 5-334.

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-81, see Historical and Statutory Notes following § 6-751.01.

### **§ 6-751.08. OTHER APPLICABLE STANDARDS.**

Any person who installs a smoke detector shall comply with the requirements of this subchapter and the National Fire Protection Association Standards 72-E and 74 (1974 Edition). In the event of a conflict between this subchapter and the National Fire Protection Association Standards 72-E and 74 (1974 Edition), this subchapter takes precedence.

(June 20, 1978, D.C. Law 2-81, § 9, 24 DCR 9050.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-536.

1973 Ed., § 5-335.

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-81, see Historical and Statutory Notes following § 6-751.01.

### **§ 6-751.09. CIVIL PENALTIES.**

(a)(1) An owner of a single-family residence who fails to comply with the provisions of this subchapter shall be assessed a civil penalty of \$100 for each violation.

(2) An owner of a building containing 2, 3, or 4 dwelling or rooming units who fails to comply with the provisions of this subchapter shall be assessed a civil fine of \$200 for each violation.

(3) An owner of a building containing 5 or more dwelling units or any hotel, motel, hospital, nursing home, or residential custodial care facility unit who fails to comply with the provisions of this subchapter shall be assessed a civil penalty of \$300 for each violation.

(b) For the purpose of this section, each day a dwelling unit, hotel, motel, hospital, nursing home, or residential custodial care facility fails to comply with this subchapter shall constitute a separate violation.

(c)(1) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this subchapter, or any rules or regulations issued under the authority of this subchapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this subchapter shall be pursuant to Chapter 18 of Title 2.

(2) After a 45-day period of Council review, the Mayor shall issue the procedures described in paragraph (1) of this subsection pursuant to subchapter I of Chapter 5 of Title 2, provided that the Council of the District of Columbia does not disapprove the rules, by resolution, within 45 days of their submission to the Council, excluding Saturdays, Sundays, holidays, and days during which the Council is in recess.

(d) To enforce this subchapter, the Mayor may seek either the civil penalties in this section or the criminal penalties in § 2104 of The Housing Code of the District of Columbia or § 6-1406(a) and (b), but the Mayor shall not seek both the civil penalties and the criminal penalties to enforce a related series of violations.

(June 20, 1978, D.C. Law 2-81, § 9a, as added Mar. 13, 1985, D.C. Law 5- 139, § 2, 31 DCR 5751; Mar. 21, 1987, D.C. Law 6-216, § 13(e), 34 DCR 1072; May 10, 1989, D.C. Law 7-231, § 19, 36 DCR 492; Mar. 8, 1991, D.C. Law 8-237, § 29, 38 DCR 314.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-537.

##### *Legislative History of Laws*

Law 5-139, the "Smoke Detector Act of 1978 Amendment Act of 1984," was introduced in Council and assigned Bill No. 5-418, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on September 12, 1984, and October 9, 1984, respectively. Signed by the Mayor on October 25, 1984, it was assigned Act No. 5-197 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-216, see Historical and Statutory Notes following § 6-701.12.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 6-703.01.

Law 8-237, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990," was introduced in Council and assigned Bill No. 8-203, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-320 and transmitted to both Houses of Congress for its review.

##### *References in Text*

"Section 2104 of The Housing Code of the District of Columbia," referred to in subsection (d) of this section, is classified to 14 DCMR § 102.1.

## **§ 6-751.10. INSTALLATION BY TENANT.**

(a) A tenant of a dwelling unit that is not in compliance with this subchapter may purchase, install, and maintain a smoke detector or visual alert system, or arrange for proper installation and maintenance of a smoke detector or visual alert system, and may deduct the reasonable costs from the rent for the dwelling unit. No tenant shall be charged, evicted, or penalized in any fashion for failure to pay the reasonable cost deducted from the rent for the dwelling unit.

(b) In units required to have a smoke detector or visual alert system directly wired to the power supply of the building, and where the landlord fails to install and maintain the smoke detector or visual alert system, the tenant may purchase, install, and maintain battery-operated units at the owner's expense.

(c) No act or omission by a tenant under this section shall relieve the owner of responsibility to ensure full and continuing compliance with this subchapter, nor shall an act or an omission relieve the owner of liability for failure to comply with this subchapter.

(d) Nothing in this section shall be construed to impose a penalty or other liability on a tenant for failure to install or maintain a smoke detector or visual alert system, nor shall this section be construed to mean that a tenant who fails to install or maintain a smoke detector or visual alert system is contributorily negligent.

(June 20, 1978, D.C. Law 2-81, § 9b, as added Mar. 13, 1985, D.C. Law 5- 139, § 2, 31 DCR 5751; Mar. 9, 1988, D.C. Law 7-84, § 2(c), 34 DCR 8122.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 5-538.



*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3, of Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-314, February 22, 2010, 57 DCR 1649).

*Legislative History of Laws*

For legislative history of D.C. Law 5-139, see Historical and Statutory Notes following § 6-751.09.

For legislative history of D.C. Law 7-84, see Historical and Statutory Notes following § 6-751.02a.

**§ 6-751.11. SMOKE DETECTOR AND FIRE ALARM NOTICE.**

(a)(1) An owner of an apartment building shall post in conspicuous places in the common areas of the building and provide to each tenant or unit owner, by hand or first-class mail, a written notice that includes:

(A) Instructions on the operation of the apartment building fire alarm;

(B) Whether the apartment building fire alarm is separate from or connected to the smoke detectors in the individual dwelling units;

(C) Whether the apartment building fire alarm is connected to the Fire and Emergency Medical Services Department; and

(D) A warning that in the event of a fire the Fire and Emergency Medical Services Department must be contacted immediately by calling 911.

(2) The notice required by paragraph (1) of this subsection shall be on a form developed by the Mayor and published by the Mayor in English and in the languages required under § 2-1933.

(b) For the purposes of this section, the term:

(1) "Apartment building" means a structure containing 4 or more dwelling units, including a condominium or cooperative but excluding a single-family residence.

(2) "Condominium" shall have the same meaning as provided in § 42-2002(2).

(3) "Cooperative" shall have the same meaning as provided for the term "cooperative housing association" in § 42-3501.03(7).

(June 20, 1978, D.C. Law 2-81, § 9c, as added Mar. 11, 2010, D.C. Law 18- 116, § 3, 57 DCR 893.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 18-116, see notes following § 6-701.03a.

*Delegation of Authority*

Delegation of Authority under the Fire Alarm Notice and Tenant Fire Safety Emergency Amendment Act of 2009, see Mayor's Order 2009-101, June 12, 2009 (56 DCR 6844).