

800 GENERAL PROVISIONS

- 800.1 All premises occupied for residential purposes shall be kept in a clean, safe, and sanitary condition, including, but not limited to, the requirements of this chapter.
- 800.2 Floors, floor coverings, and other walking surfaces shall be clean and free of dirt, dust, filth, garbage, human or animal wastes, litter, refuse, or any other insanitary matter.
- 800.3 Walls, ceilings, windows, and doorways shall be clean and free of cobwebs, dirt, dust, greasy film, soot, or any other insanitary matter.
- 800.4 Plumbing fixtures shall be kept in a clean, sanitary condition, and shall be kept free of dirt, filth, human or animal wastes, or any other insanitary matter. Each occupant shall exercise care in the proper use and operation of plumbing fixtures.
- 800.5 Areaways, walkways, and yards shall be clean and free of ashes, filth, garbage, human or animal wastes, litter, refuse, or any other insanitary matter.
- 800.6 Other portions of each premise which are not specifically listed in this section shall be kept clean, and in a safe and sanitary condition.
- 800.7 The owner, user, or any person having the right to use any private passageway or alley, shall not permit any ashes, debris, dirt, filth, garbage, human or animal waste, litter, refuse, stagnant water, or any other insanitary matter to remain on that passageway or alley.
- 800.8 The owner of any premises shall maintain the premises free of any condition that may render the premises unhealthy or unsanitary for the occupant, the neighborhood or the community at large pursuant to An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114, ch. 1626; D.C. Official Code §§ 42-3131, *et seq.* (2010 Repl. & 2011 Supp.)).
- 800.9 Premises maintained in violation of this chapter create a danger to the health, welfare or safety of the occupants and public, and, constitute a public nuisance.
- 800.10 The following types of vegetative growth are prohibited:

- (a) Vegetative growth that exceeds ten inches (10 in.) in height or is untended;
- (b) Shrubbery that is a detriment to the health, safety, or welfare of the public;
- (c) Vegetative growth, regardless of height, that creates a harbor or concealment, including hiding places for persons and harbors or concealments for refuse or trash;
- (d) Vegetative growth that harbors, or provides a refuge for, snakes, rodents, or other vermin, including rats and mice;
- (e) Vegetative growth that creates an unpleasant or noxious odor;
- (f) Vegetative growth that constitutes a fire hazard;
- (g) Vegetative growth that creates a breeding place for mosquitoes; and
- (h) Vegetative growth that is dead or diseased.

800.11 This chapter does not apply to weeds, grasses, or other vegetation, which is planted for agricultural use if such weeds, grasses or vegetation are, located at least one hundred fifty feet (150 ft.) from property zoned for nonagricultural use.

800.12 Nothing in this chapter shall prohibit an owner of any premises from maintaining healthy plants, grasses, or shrubbery in tended grounds, gardens, or landscape designed yards, which exceed ten inches (10 in.) in height.

800.13 The accumulation of trash on a premise shall constitute an unsanitary and unhealthy condition if it creates a:

- (a) Harbor or concealment (including hiding places for persons);
- (b) Harbor or refuge for snakes, rodents, or other vermin, including rats and mice;
- (c) Noxious or unpleasant odor; or
- (d) Fire hazard.

- 800.14 In addition to other penalties authorized by statute or regulation, the code official may serve one (1) or more of the following notices, which may impose a fine or other penalty, on an owner of property in violation of the provisions of this chapter:
- (a) A notice of violation;
 - (b) A notice of infraction;
 - (c) A combined notice of violation and notice of infraction; or
 - (d) Any other order or notice authorized to be issued by the code official.
- 800.15 Issuance of a notice of violation, notice of infraction, or combined notice of violation and notice of infraction pursuant to this section, prior to taking other enforcement action, is at the discretion of the code official. Failure to issue a notice of violation, notice of infraction, or combined notice of violation and notice of infraction shall not be a bar or a prerequisite to criminal prosecution, civil action, corrective action, or civil infraction proceeding based upon a violation of this chapter.
- 800.16 The owner of the premises may give written consent to the Mayor or the Mayor's designee authorizing the removal of trash or the mowing of weeds or grass pursuant to a notice of violation requiring abatement of a prohibited condition. By giving such written consent, the owner waives the right to an administrative hearing challenging the Mayor's action.
- 800.17 Pursuant to this chapter, the Mayor or the Mayor's designee is authorized to take summary abatement action to correct a violation of this chapter where a condition exists that imminently endangers the health, safety, or welfare of the occupant of the premises or the public.
- 800.18 If the owner of any premises is issued a notice of violation but fails to comply with the notice of violation, and another notice is issued for the same condition during the same growing season, the District may summarily abate the nuisance.
- 800.19 If the code official, in his or her discretion, decides to serve a notice of violation, the notice of violation shall state:
- (a) The reason or reasons that support the notice of violation;

- (b) That the owner of the premises must comply with the requirements of the notice no later than seven (7) days after the date of receipt of the notice, unless within that time the notice has been appealed;
- (c) That if the owner does not comply with the requirements of the notice or appeal the notice within the seven (7)-day period, the District may abate the violation on its own, without the consent of the owner; and
- (d) That the costs for such abatement shall be assessed against the owner of the premises and that failure to pay such costs may result in a lien being placed upon the premises without further notice to the owner.

800.20 Service of the notice of violation may be effected upon the owner of the premises by those methods outlined in section 3 of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (34 Stat. 114; D.C. Official Code § 42-3131.03(2010 Repl. & 2011 Supp.)).

800.21 Civil fines, penalties and fees may be imposed as an alternative sanction for any infraction of the provisions of this chapter, or of any rules or regulations issued under the authority of this chapter, pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

800.22 If the Mayor or the Mayor's designee must summarily abate a nuisance as set forth in this chapter, he or she is authorized to assess the fair market value of the correction or the actual costs of the correction, whichever is higher, and all expenses as a tax on the premises from which the condition arose as provided in the Act. The tax shall be carried on the District tax roll as a general tax.

800.23 Interest shall accrue on any unpaid bill at the rate of one and a half percent (1 1/2%) per month, or part thereof, from the date of the bill pursuant to D.C. Official Code § 47-1205(a)(2005 Repl.).

800.24 The revolving fund established, pursuant to the Act (D.C. Official Code § 6-711.01 (b)(1)(2008 Repl.)) provides funding for the abatement of nuisances in the District, and for other purposes. Monies in the revolving fund shall be available to cover the cost of correcting

nuisances and other incidentals that may arise in enforcing any action authorized by this chapter or the Act. Any amount assessed and collected as a tax against real property pursuant to this chapter shall be deposited to the credit of the revolving fund.

AUTHORITY: Unless otherwise noted, the authority for this chapter is contained at paragraphs 28 and 46 of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes (“Act of 1902”), Public, 218, 32 Stat. 590, approved July 1, 1902, as amended by: An Act approved July 1, 1932, Public, No. 237, 47 Stat. 550; and by An Act approved July 22, 1947, Public Law 215, 61 Stat. 402.

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR §§ 2602 and 2603, Commissioners’ Order 55-1503 (August 11, 1955); as amended by Notice of Emergency and Proposed Rulemaking at 49 DCR 4886 (May 24, 2002) [EXPIRED]; as amended by Final Rulemaking published at 50 DCR 4938 (June 20, 2003); as amended by Notice of Emergency and Proposed Rulemaking published at 58 DCR 3075 (April 8, 2011) [EXPIRED]; as amended by Notice of Emergency Rulemaking published at 58 DCR 6449 (July 29, 2011)[EXPIRED]; as amended by Notice of Final Rulemaking published at 58 DCR 9817, 9820 (November 18, 2011).