

## 199 DEFINITIONS

199.1 For the purpose of chapters 1 through 19 of this subtitle (the District of Columbia Housing Code), the following words and terms shall have the meanings ascribed:

**Apartment** - one or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupant of the room(s).

**Apartment house** - any building or part of a building in which there are three (3) or more apartments, as defined in this section, which are occupied, or offered for occupancy, for consideration; or three (3) or more apartments plus one or more bachelor apartment(s).

**Ashes** - the residue from the burning of wood, coal, coke, or other combustible material, and includes household incinerator ashes, or oyster or clamshells.

**Bachelor apartment** - one or more habitable rooms with bathroom facilities exclusively for the use of and under the control of the occupant of the room(s), in a building containing three (3) or more apartments as defined in this section; provided, that in that building no kitchen facilities or privileges are available to or used by the occupant of the bachelor apartment. For the purpose of this subtitle, a bachelor apartment shall be considered a dwelling unit.

**Bathing facility** - either a bathtub or a shower.

**Bathroom** - any room or compartment containing a water closet, shower, or bathtub, or any combination of those facilities.

**Board of Appeals and Review** - the District of Columbia Board of Appeals and Review established by Mayor's Order 96-27, effective March 5, 1996.

**Boarding house** - any building or part of a building, other than a hotel, used as, maintained as, advertised as, or held out to be an enclosure where meals or lunches are furnished for a consideration to five (5) or more transients who have sleeping accommodations upon the premises, or to five (5) or more boarders.

**Chief of Police** - the Chief of Police of the District of Columbia, or his or her agent.

**Common space** - all portions of the premises used in common by the occupants of a building housing more than one habitation and not under the exclusive control of the tenant of any one habitation.

**Custodial care** - the care of persons who may be dangerous to themselves or others, or who are alcoholics or drug addicts. This care may include any or all of the following procedures:

- (a) Giving of bedside care;

- (b) Administration of medicines;
- (c) Provision of special diets; or
- (d) Carrying out of treatments prescribed by a physician.

**Dietetic facilities** - any place where food, drinks, or refreshments are prepared, stored, or served; and any place or room where utensils are washed, rinsed, sterilized, or stored ready for use.

**Director** - the Director of the agency of the District of Columbia to whom authority and responsibility for the implementation and enforcement of any provision of this subtitle has been delegated by the Mayor.

**Domiciliary care** - the care required by a person because of an infirmity, chronic disease, or advancing age. This care may include any or all of the following procedures:

- (a) Personal care;
- (b) Provision of special diets;
- (c) Feeding in sleeping rooms;
- (d) Giving of bedside care; or
- (e) Assistance in rising, feeding, dressing, walking, toileting, or any other ordinary activity of life.

**Dwelling** - a residential building used or intended to be used for human habitation by members of not more than one family.

**Dwelling, multiple** - any residential building containing three (3) or more dwelling units, three (3) or more rooming units, or any combination of dwelling or rooming units totaling three (3) or more.

**Dwelling, two family** - a residential building used or intended to be used for human habitation by not more than two (2) families, each with separate household arrangements.

**Dwelling unit** - any habitable room or group of habitable rooms located within a residential building and forming a single unit which is used or intended to be used for living, sleeping, and the preparation and eating of meals. For purposes of this subtitle, "dwelling unit" includes bachelor apartment.

**Eating, drinking, or cooking utensils** - any kitchenware, tableware, cutlery, glassware, utensils, containers, or other equipment with which food or drink comes in contact during preparation, serving, or storage.

**Exterior Surface** - exterior surfaces readily accessible to children under the age of eight (8) years for any dwelling, dwelling unit, or other structure on residential premises including publicly owned residential property. Readily accessible exterior surfaces shall specifically include doors, door frames, railings, steps, window frames and sills.

**Family** - as used in this subtitle, the term “family” includes, but is not limited to, a single person living alone.

**Fire Chief** - the Fire Chief of the District of Columbia or his or her agent.

**Food Handler** - any person who handles food or drink during the preparation or serving of the food or drink, or who comes in contact with any eating, drinking, or cooking utensils.

**Garbage** - the animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food.

**Habitable room** - an undivided enclosed space which has sufficient light and ventilation, protection against the elements, and of a ceiling height to comply with this subtitle, and which is properly located with reference to the ground surface to comply with this subtitle.

Habitable rooms include rooms used for living or sleeping, and rooms in dwelling units used for the preparation or eating of meals, but do not include attics, cellars, closets, corridors, hallways, laundries, serving or storage pantries, bathrooms, or similar places.

**Habitation** - any place used as a dwelling unit or rooming unit.

**Hotel** - any building or part of a building where not less than thirty (30) habitable rooms are reserved exclusively for transient guests, and where meals are prepared in a kitchen on the premises by the management or a concessionaire of the management to be eaten in a dining room accommodating simultaneously not less than thirty (30) persons (which dining room shall be communicating with the lobby).

If kitchen or dining room facilities are operated by a concessionaire, the hotel licensee and its manager shall be liable for compliance with all regulations applicable to the kitchen and dining area, including the penalties under those regulations, unless otherwise specifically provided in this subtitle.

**Interior surface** - any surface in the interior of any residential building, including, but not limited to, any portion of a window, window frame, door, door frame, wall, ceiling, stair, rail, spindle, balustrade, or other guard or appurtenance.

**Motel** - a building containing not less than thirty (30) non-connecting habitable rooms, suites, or combinations of rooms and suites reserved exclusively for transient guests. Each room or suite must have a private bath and at least one (1) private parking space. The term "motel" shall include motor courts, tourist courts, and motor lodges.

**Nurse's aide** - anyone who through an in-service program has been trained to give to convalescents services which do not require the skills of a professional or practical nurse.

**Nursing care** - care required by a person because of a mental or physical condition during recovery from an injury or disease, or during delivery or seventy-two (72) hours after delivery. This care may include any or all of the following procedures:

- (a) Giving of bedside care;
- (b) Administration of medicines;
- (c) Provision of special diets;
- (d) Application of dressings and bandages; or
- (e) Carrying out of treatments prescribed by a physician.

**Occupant** - any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a habitation.

**Operator** - the licensee of any premises subject to being licensed under the provisions of the License Act of July 1, 1902, as amended (Title 47, Chapter 28, D.C. Official Code (2001), or the agent of a licensee appointed to conduct the business of the licensee.

**Owner** - any person who, alone or jointly or severally with others, meets either of the following criteria:

- (a) Has legal title to any building arranged, designed, or used (in whole or in part) to house one or more habitations; or
- (b) Has charge, care, or control of any building arranged, designed or used (in whole or in part) to house one or more habitations, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court. Any persons representing the actual owner shall be bound to comply with the terms of this subtitle, and any notice or rules and regulations issued pursuant to this subtitle, to the same extent as if he or she were the owner.

**Person** - any individual, firm, partnership, corporation, company, or association; and includes any personal representative, trustee, receiver, assignee or other similar representative. In determining permissible occupancy only those persons over one year of age shall be considered.

**Physician** - a person licensed to practice the healing art in the District of Columbia.

**Practical nurse** - a person who has graduated from a school of practical nursing approved by the National Association of Practical Nurse Education, or who has attended at least one year of an approved school of professional nursing, or who is licensed in a state as a practical nurse.

**Premises** - a building, together with any fences, walls, sheds, garages, or other accessory buildings appurtenant to that building, and the area of land surrounding the building and actually or by legal construction forming one enclosure in which the building is located.

**Professional nurse** - a person who is currently registered by the Nurses' Examining Board of the District of Columbia to practice professional nursing in the District of Columbia.

**Refuse** - any solid household wastes excepting ashes, dead animals, garbage, or human excreta.

**Resident** - a person who makes the District of Columbia his or her principal place of abode.

**Residential building** - any building which is wholly or partly used or intended to be used for living and sleeping by human occupants.

**Residential premises** - any building wholly or partly used or intended to be used for living and sleeping by human occupants, together with any fences, walls, sheds, garages, or other accessory buildings appurtenant to the building, and the area of land surrounding the building and actually or by legal construction forming one enclosure in which such a building is located.

**Rooming house** - any building or part of a building, other than a hotel or a motel, containing sleeping accommodations occupied for a consideration by or offered for occupancy for a consideration to five (5) or more persons who are not members of the immediate family of the owner or lessee of the building or part of the building, and which accommodations are not under the exclusive control of the occupants of the accommodations.

**Rooming unit** - any habitable room or group of habitable rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for the preparation or eating of meals.

**Service of notice** - the owner or authorized agent shall be notified by personal service or by

registered mail to the last known address and by conspicuous posting on the property. If the owner or address is unknown, or cannot be located, notice shall be provided by conspicuous posting on the property. (D.C. Law 10-157)

**Structure unfit for human occupancy** - a structure or surrounding area that is unsafe, unlawful, in a serious state of disrepair, unsanitary, or vermin or rat infested; or that contains filth or contamination, lacks ventilation, illumination, sanitary or heating facilities, or other equipment or maintenance required by this subtitle; or that constitutes a hazard to its occupants or to the public. (D.C. Law 10-157)

**Tenant** - any person who holds or possesses a habitation in subordination to the title of the owner of the premises in which such habitation is located, with the consent of such owner.

**Tenement** - a dwelling unit consisting of one or more habitable rooms under the exclusive control of the tenant of each dwelling, who does not also have in connection with the dwelling unit bathroom facilities under his or her exclusive control. The term “tenement” shall not include “apartment” or “bachelor apartment,” as defined in this chapter.

**Tenement house** - any building or part of a building containing three (3) or more tenements occupied or offered for occupancy for a consideration; or any building or part of a building containing a combination of three (3) or more tenements and apartments, of which not more than two (2) are apartments, occupied or offered for occupancy for a consideration.

**Transient** - any person living in a rooming unit for a period of not more than five (5) consecutive days during any one stay in that unit.

**Unlawful structure** - a structure found in whole or in part to be occupied by more persons than permitted by this subtitle, that was erected, altered, or occupied contrary to District law or in which unlawful activity is taking place. (D.C. Law 10-157)

**Unsafe equipment** - any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, fire extinguishers, smoke detectors, or other equipment on the premises or within the structure that is in such a state of disrepair or condition that it is a hazard to the life, health, safety, or property of occupants of the structure or premises, or to the public. (D.C. Law 10-157)

**Unsafe structure** - a structure which, all or part thereof, is found to be dangerous to the life, health, safety, and property of its occupants or the public owing to the lack of minimum safeguards for protection from fire as required in this chapter; or that contains unsafe equipment; or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is reasonably likely. (D.C. Law 10-157)

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR § 1102,

Commissioners' Order 55-1503 (August 11, 1953); as amended by: Commissioners' Order 63-1354, dated June 6, 1963, 9 DCR 276 (June 24, 1963; section 1 of the Order of the Commissioner, dated March 27, 1970, 16 DCR 386 (April 20, 1970); section 1 of Regulation No. 73-7, approved April 12, 1973 (19 DCR 931); section 201 of the Community Residence Facilities Licensure Act of 1977, D.C. Law 2-35, 24 DCR 4056, incorporating by reference from the text of D.C. Act 2-68, 24 DCR 1458, 1514 (August 9, 1977); section 2 of the Lead-Based Poisoning Prevention Act of 1983, D.C. Law 5-35, 42 DCR 5407, incorporating by reference from the text of D.C. Act 5-57, 30 DCR 4156 (August 19, 1983); and section 2 of the Imminently Dangerous Premises Amendment Act of 1994, D.C. Law 10-157, 41 DCR 6392, incorporating by reference the text of D.C. Act 10-275, 41 DCR 4878, 4879 (July 22, 1994).