

9907 NOTICES OF VIOLATION, INFRACTION, OR ORDER

9907.1 The Department may issue a notice of violation, notice of infraction, or order on a respondent imposing a civil fine or other civil penalty, whenever the Department has reasonable grounds to believe the respondent is in violation of this chapter.

9907.2 The Department may refer violations of this chapter to the Office of the Attorney General.

9907.3 For purposes of determining whether a host is in violation of this chapter, if any part of a listing for a short-term rental claims or suggests that a short-term rental guest will have exclusive use of the host's entire residence during the guest's stay, this shall serve as prima facie evidence that the short-term rental is a vacation rental, notwithstanding the type of license endorsement actually issued. A host may, however, note in a listing that a short-term rental guest will have exclusive access of a certain portion of the property (i.e., an English basement, or a defined space within the overall property).

9907.4 Notices and orders shall be in writing in a form prescribed by the Department and shall include:

- (a) The name of the respondent;
- (b) The address of the host's primary residence or a description of the host's primary residence sufficient for identification;
- (c) A citation or reference to the provision of this chapter which the respondent has violated;
- (d) The circumstances giving rise to the violation, including the time and place of the violation;
- (e) The amount of the civil fine applicable to the violation;
- (f) A statement that:
 - (1) The fine must be paid within thirty (30) calendar days of the date that the notice has been served on the respondent;
 - (2) The respondent has the right to request a hearing before OAH; and
 - (3) If the respondent fails to pay the fine or request a hearing within thirty (30) calendar days of the date the notice is served on respondent, a penalty equal to the amount of the fine may

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be imposed and the respondent's license may be suspended
until the fine has been paid; and

(g) Any other information that the Department may require.

SOURCE: Final Rulemaking 68 DCR 012598 (December 3, 2021).