

105 HOUSING AND CONSTRUCTION CODES VIOLATIONS

105.1 Whenever a duly designated agent of the District finds reasonable grounds to believe that there exists a violation of a provision of this subtitle or a provision of the International Property Maintenance Code, as amended by the District of Columbia Property Maintenance Code Supplement in Title 12 of the District of Columbia Municipal Regulations, he or she may, either singularly or in combination:

- (a) Issue a notice of violation, which may afford the person responsible for the correction of the violation an opportunity to abate the violation;
- (b) Issue a notice of infraction, assessing a fine for the presence of the violation;
- (c) Issue a combined notice of violation and notice of infraction;
- (d) Issue any other order or notice authorized to be issued by the code official;
or
- (e) Effect summary correction of the violation, as authorized by law.

105.1a Notwithstanding any other provision of this section, whenever a duly designated agent of the District finds reasonable grounds to believe that there exists a violation of 16 DCMR §§ 3305.1(s), 3305.2(uu), or 3305.3(vvv), or any violation of 16 DCMR § 3305.1 that has not been abated within six (6) months, he or she shall notify the Office of the Attorney General of the matter and shall, either singularly or in combination:

- (a) Issue a notice of violation, which may afford the person responsible for the correction of the violation an opportunity to abate the violation;
- (b) Issue a notice of infraction, assessing a fine for the presence of the violation;
- (c) Issue a combined notice of violation and notice of infraction;
- (d) Issue any other order or notice authorized to be issued by the code official;
or
- (e) Effect summary correction of the violation, as authorized by law.

105.1b On or before October 1 of each year, the Department shall submit a report to the Mayor and the Council that details, with respect to Subsection 105.1a, the number of notifications that were provided to the Office of the Attorney General, the number of notices of infraction and notices of violation that were issued, the total

District of Columbia Municipal Regulations

value of any fines collected, and the number of summary corrections completed during the prior year.

- 105.2 A notice of violation or order shall direct the discontinuance of the illegal action or condition or the abatement of the violation.
- 105.3 Except as provided in Subsection 105.1a, 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 the Housing Regulations.
- 105.4 Each notice of violation shall:
- (a) Be in writing;
 - (b) State the nature of the violation;
 - (c) Indicate the section or sections of this subtitle or the International Property Maintenance Code, as amended by the District of Columbia Property Maintenance Code Supplement being violated;
 - (d) Allow a reasonable time for the performance of any act required by the notice; and
 - (e) Be signed by the Director or the Director's authorized agent.
- 105.5 Each notice shall be served upon the person or persons responsible for correcting the violation described in the notice.
- 105.6 Service of the notice 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.)).

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR § 1301, Commissioners' Order 55-1503 (August 11, 1955); as amended by Emergency and Proposed Rulemaking published at 58 DCR 3075 (April 8, 2011) [EXPIRED]; as amended by Emergency Rulemaking published at 58 DCR 6449 (July 29, 2011)[EXPIRED]; as amended by Final Rulemaking published at 58 DCR 9817, 9819 (November 18, 2011); as amended by the Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-0287; 66 DCR 1650 (February 8, 2019)).