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Office of the Secretary

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Title 14 - Housing

## Chapter 4 Housing Code: General Requirements

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### 400 GENERAL PROVISIONS

400.1 No owner, licensee, or tenant shall occupy or permit the occupancy of any habitation in violation of this subtitle.

400.2 Every owner or licensee shall advise each tenant in writing, either by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted under this subtitle in the habitation leased or rented to that tenant.

400.3 No person shall rent or offer to rent any habitation, or the furnishings of a habitation, unless the habitation and its furnishings are in a clean, safe, and sanitary condition, in repair, and free from rodents or vermin.

400.4 The owner or licensee of each residential building shall provide and maintain the facilities, utilities, and services required by this subtitle.

400.5 Each facility and utility provided in a residential building to comply with the requirements of this subtitle shall be properly and safely installed, and shall be maintained in a safe and good working condition.

400.6 If an owner or licensee of any residential building furnishes any facilities for cooking, storage, or refrigeration of food, those facilities shall be maintained by the owner or licensee in a safe and good working condition.

400.7 No person shall rent or offer for rent any habitation or operate any housing business in any building, or part of a building, in which there is another business, trade, or commercial activity from which noxious gases, fumes, mists, vapors, dusts, offensive odors, or excessive noise arise or are generated.

400.8 The use of any building or other structure (or any part of any building or structure) as a tenement unit or tenement house is prohibited.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is contained in paragraphs 28 and 46 of section 7 of An Act To make appropriations to provide for the government of the District of Columbia for 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, to amend section 7 [of the Act of 1902], Public, 237, 47 Stat. 550 (1932); and An Act approved July 22, 1947, Public Law 215, 61 Stat. 402.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR §§ 2301, 2303, 2304, Commissioners’ Order 55-1503 (August 11, 1955).

## **401 PRIVACY**

401.1 Common space shall be accessible to the occupants of every dwelling unit for which such space is provided without the necessity of going through another habitation.

401.2 Water closets, showers, and bathtubs shall be located in a room or compartment which affords privacy to a person within that room or compartment.

401.3 Bathrooms or sleeping rooms shall be accessible to the occupants of rooming units without the necessity of the occupants going through any of the following:

- (a) Another rooming unit;
- (b) A bathroom;
- (c) A sleeping room which is part of another habitation; or
- (d) A commercial or industrial establishment.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR § 2307, Commissioners’ Order 55-1503 (August 11, 1955).

## **402 OCCUPANCY REQUIREMENTS**

402.1 Each dwelling unit shall contain the following minimum amount of floor area in order to comply with the occupancy requirements of this subtitle:

- (a) At least one hundred thirty square feet (130 ft.<sup>2</sup>) of floor area in habitable rooms for the first occupant of the dwelling unit;
- (b) At least ninety square feet (90 ft.<sup>2</sup>) of additional floor area in habitable rooms for each additional occupant of the dwelling unit up to a total of seven (7) occupants; and
- (c) At least seventy-five square feet (75 ft.<sup>2</sup>) of additional floor area in habitable rooms for each additional occupant of the dwelling unit if the dwelling unit is to be occupied by more than seven (7) persons.

402.2 Each room used for sleeping purposes by not more than one (1) occupant shall be a habitable room containing at least seventy square feet (70 ft.<sup>2</sup>) of habitable room area.

402.3 Each room used for sleeping by two (2) or more occupants shall be a habitable room containing at least fifty square feet (50 ft.<sup>2</sup>) of habitable room area for each occupant.

402.4 No sleeping facilities shall be permitted in any room in which there is located any of the following:

- (a) A furnace;
- (b) A space heater using an open flame, unless that space heater is effectively flue connected;
- (c) A domestic water heater; or
- (d) A gas meter.

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR §§ 2305, 2306, Commissioners' Order 55-1503 (August 11, 1955).

### **403 HABITABLE ROOMS**

403.1 No room other than a habitable room shall be used for living or sleeping, or, in a dwelling unit, for the preparation of meals or for eating, except as provided otherwise in this section.

403.2 Each habitable room shall conform to the requirements of this subtitle.

403.3 A room that is used only for the preparation of meals which is not daylighted as required by Chapter 6 (but which otherwise meets the requirements of this subtitle) may continue to be used for the preparation of meals; provided, that the floor area of that room shall not be included in calculating the total habitable area of the dwelling unit of which it is a part.

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR §§ 2302, 2201, Commissioners' Order 55-1503 (August 11, 1955).

### **404 HABITABLE ROOMS PARTIALLY BELOW GROUND**

404.1 Any room with more than fifty percent (50%) of any exterior wall area from floor to ceiling below ground level (using average level along each exterior wall) shall not be used as a habitable room, except as otherwise provided in this section.

404.2 In a building in existence prior to June 9, 1960, where there is an existing open well or areaway which is three feet (3 ft.) or more in width immediately adjacent to any exterior wall, that wall shall be considered above ground level for the length and depth of the open well or areaway.

404.3 Whenever any building in existence prior to the effective date of this amendment (June 9, 1960) is altered to conform to the requirements of this section, the newly constructed court or areaway immediately adjacent to any exterior wall shall be four feet (4 ft.) or more in width and of a depth necessary so that one-half (1/2) the height of all portions of any exterior wall of the room, measured from floor to ceiling, shall be above the ground immediately adjacent to the newly constructed court or areaway.

404.4 Whenever any existing building is altered to conform to the requirements of this section, a permit shall be obtained from the Director, and all alterations must conform in other respects to the applicable requirements of the Building Code of the District of Columbia (Title 12, DCMR).

404.5 Areaways constructed on buildings erected after the effective date of this amendment (June 9, 1960) shall comply fully with the applicable requirements of the Building Code (Title 12, DCMR) and the Zoning Regulations (Title 11, DCMR).

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR § 2204, Commissioners' Order 55-1503 (August 11, 1955), as amended by Part IV of Commissioners' Order 60-1255, effective June 9, 1960, 6 DCR 316 (June 27, 1960).

## **405 CEILING HEIGHT IN HABITABLE ROOMS**

405.1 In any room that is otherwise a habitable room, only that portion of the room area that has a clear ceiling height of not less than seven feet (7 ft.) shall be counted as habitable room area, except as otherwise provided in this section.

405.2 In any dwelling unit or rooming unit, not more than fifty percent (50%) of the total habitable space may be in a room or rooms having a sloping ceiling.

405.3 In those rooms with a sloping ceiling, at least seventy-five percent (75%) of the habitable room area shall have a clear ceiling height of not less than seven feet (7 ft.), and any part of the room where the ceiling height is less than five feet (5 ft.) shall not be considered in computing the habitable room area.

405.4 All habitable room area shall have a minimum clear head room of six feet eight inches (6 ft. 8 in.) under beams, pipes, ducts, or other construction projections from the ceiling.

405.5 Beams spaced closer than four feet (4 ft.), face-to-face, shall be considered as joists and shall have a minimum clear head room of not less than seven feet (7 ft.).

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR § 2205, Commissioners' Order 55-1503 (August 11, 1955).

## **406 SUBDIVISION OF HABITABLE ROOMS**

406.1 No habitable room shall be divided in any manner into space intended for living, sleeping, eating, or cooking purposes by an installed partition or divider of any type above four feet (4 ft.) in height, unless each such subdivided part complies with the requirements for a habitable room, except as otherwise provided in this section.

406.2 The enclosure of cabinet-type kitchenettes by doors or other closing devices, where those kitchenettes are too small to be occupied when the doors or other closing devices are closed in a normal manner, and where those kitchenettes are continuously mechanically ventilated, at least when closed, shall not be deemed to subdivide the room.

406.3 If any separation of a habitable room leaves a clear unobstructed opening between the parts of that habitable room at least equal to eighty percent (80%) of the cross sectional area of that part of the room receiving its light through any other part, that separation shall not be in violation of this section.

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR § 2206, Commissioners' Order 55-1503 (August 11, 1955).

## 499 DEFINITIONS

499.1 The definitions and provisions of section 199 of chapter 1 of this title shall be applicable to this chapter.

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