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Title 14 - Housing

# Chapter 7 Housing Code: Construction, Maintenance, and Repairs

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## 700 GENERAL PROVISIONS

700.1 The purpose of this subtitle is to require repairs and maintenance designed to make a premises or neighborhood healthy and safe. These requirements are in addition to the basic repairs and maintenance needed to keep out the elements.

700.2 Every premises accommodating one (1) or more habitations shall be maintained and kept in repair to provide decent living accommodations for the occupants.

**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, No. 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, No. 237, 47 Stat. 550; and An Act approved July 22, 1947, Public Law 215, 61 Stat. 402.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR § 2501, Commissioners’ Order 55-1503 (August 11, 1955), as amended by Commissioners’ Order 58-458 (April 1, 1958).

## **701 GENERAL MAINTENANCE AND REPAIRS**

701.1 All structures located on a premises including, but not limited to, accessory structures (such as walls, garages, fences, and sheds) shall be maintained in a sanitary and structurally sound condition and in good repair.

701.2 All walkways on private property shall be maintained in good repair, free of holes and safe for walking purposes.

701.3 Material used in making any repair shall be of a quality and kind suitable for the purpose for which it is used, and of a kind normally used by a good mechanic in the appropriate trade. Each repair shall be done in a workmanlike manner.

701.4 Construction details for alterations, additions or other work done as a result of any standard established in this subtitle shall be accomplished under permit and in the manner provided in the Building Code, Electrical Code, Plumbing Code, or other building regulations of the District of Columbia, as applicable.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR §§ 1209, 2513, 2514 and 2515, Commissioners' Order 55-1503 (August 11, 1955), as amended by Commissioners' Order 58-458 (April 1, 1958).

## **702 ROOFS AND CHIMNEYS**

702.1 The roof shall be maintained so it does not leak, and all rain water shall be drained and conveyed from the roof so that it does not cause wet walls or ceilings.

702.2 Each smoke pipe and each chimney shall be adequately supported, free from obstruction, and maintained in such condition that there will be no leakage or backing up of noxious or dangerous gases.

702.3 Each chimney shall be reasonably plumb.

702.4 The total area of all flue openings shall not exceed the net area of the chimney flue.

702.5 Unrequired openings in chimneys shall be closed with masonry.

702.6 All flue openings in chimneys shall be supplied with flue crocks, or metal or masonry thimbles.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR §§ 2507 and 2509, Commissioners' Order 55-1503 (August 11, 1955).

## **703 GUTTERS AND DRAINAGE**

703.1 All gutters and downspouts shall be properly connected, and shall be maintained in good condition, free of holes and obstructions.

703.2 Water shall be conveyed off premises in accordance with the plumbing regulations of the District of Columbia.

703.3 The owner of any premises used in whole or in part for residential purposes shall cause the yard or area at the premises to be graded and paved so that all drainage flows freely from all parts of the premises into any sewer traps which may have been provided for that purpose.

703.4 If there are no sewer traps, the drainage shall flow away from any inhabited building on the premises.

703.5 Yard spaces and other areas appurtenant to a residential building shall be graded by the owner to avoid the accumulation of water.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR §§ 1203, 2510 and 2604, Commissioners' Order 55-1503 (August 11, 1955).

## **704 FOUNDATIONS, STRUCTURAL MEMBERS, AND EXTERIOR WALLS**

704.1 Foundations and structural members shall provide a safe, firm, and substantial base and support for the structure at all points.

704.2 Exterior walls shall be structurally sound and free of cracks and holes through which rodents or the elements can enter the buildings.

704.3 Masonry walls shall be kept pointed.

704.4 All exterior surfacing materials shall be kept securely fastened in place.

704.5 All exterior wood surfaces shall be kept painted, varnished, shellacked, or covered with other preservative, unless the wood is customarily used in its natural state.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR §§ 2503 and 2512, Commissioners' Order 55-1503 (August 11, 1955).

## **705 WINDOWS AND DOORS**

705.1 Each window shall be fully supplied with window panes which are without open cracks or holes.

705.2 Each window sash shall be in good condition and shall fit reasonably well within its frame.

705.3 Each window, other than fixed windows, shall be capable of being easily opened and held in open or closed position by window hardware.

705.4 Each door, transom, side light, skylight, door hinge, and door latch shall be in good condition.

705.5 Each exterior door, when closed, shall fit reasonably well within its frame and shall be equipped with a lock which will permit easy egress without a key but will prevent entrance to the multi-unit dwelling without a key unless the door is opened from the inside, electrically or otherwise, by one (1) of the tenants or by an employee of the building owner.

705.6 All windows, doors, and their frames shall be constructed and maintained in relation to each other and to wall construction to do the following:

- (a) Exclude rain completely from entering the structure: and
- (b) Exclude wind substantially from entering the structure.

705.7 Each basement hatchway shall be constructed and maintained to prevent the entrance of rodents, rain, and surface drainage water into the dwelling.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR § 2506, Commissioners' Order 55-1503 (August 11, 1955), as amended by section 2 of the Mandatory Lock Amendment Act of 1984, D.C. Law 5-131, 31 DCR 5716-17 (November 16, 1984).

## **706 INTERIOR WALLS, FLOORS, AND CEILINGS**

706.1 Each interior wall or ceiling shall be structurally sound and free of loose plaster or other loose structural or surfacing material.

706.2 Each interior wall or ceiling shall be free of holes and wide cracks.

706.3 Each floor shall be structurally sound, reasonably level, and free of holes and wide cracks.

706.4 Each floor shall be free of loose, splintered, protruding, or rotting floor boards.

706.5 The floors and interior wall surfaces of residential buildings shall be maintained reasonably free of dampness.

706.6 In any habitable room where any wall or floor surface is damp, that condition shall be corrected, and the wall or floor shall be maintained in a corrected condition.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR §§ 2504, 2505 and 2511, Commissioners' Order 55-1503 (August 11, 1955).

## **707 PEELING WALL COVERING OR PAINT**

707.1 Loose or peeling wall covering or paint on interior surfaces shall be removed, and the surface so exposed shall be repainted or repapered by the owner, except as provided otherwise in § 707.2.

707.2 If a room or ceiling is completely replastered and white-coated, that room or ceiling need not be painted or papered.

707.3 The owner of any residential premises in which there resides a child under the age of eight (8) years or to which a child under the age of eight (8) years is a regular visitor who spends a substantial portion of his or her time in the premises, shall maintain the interior and exterior surfaces of the residential premises free of lead or lead in its compounds in any quantity exceeding five-tenths (0.5) of one percent (1%) of the total weight of the material or more than seven-tenths of a milligram per square centimeter (0.7 mg/cm<sup>2</sup>), or in any quantity sufficient to constitute a hazard to the health of any resident of the residential premises or any regular visitor to the residential premises who spends a substantial portion of his or her time in the residential premises.

707.4 The Director of the Department of Housing and Community Development shall order the owner of the residential premises as described in § 707.3 in which a lead poisoning hazard was found to do any of the following:

(a) Remove all materials containing lead or lead in its compounds from the interior or exterior surfaces to their base surface, under the safety conditions approved by the Director of Housing and Community Development, and then either cover surfaces with a paint not containing lead or lead in its compounds in a quantity exceeding five-tenths (0.5) of one percent (1%) of the total weight of the material or seven-tenths of a milligram per square centimeter (0.7 mg/cm<sup>2</sup>) of the material or leave the surfaces in their natural state provided that the flame spread rating of the natural state is at least equal to that required by the Second Amendment to the 1972 D.C. Building Code.

(b) Cover the interior or exterior surfaces with a durable material approved by the Director of the Department of Housing and Community Development; or

(c) Eliminate the lead hazard by other methods approved by the Director of the Department of Housing and Community Development.

707.5 Inaccessible exterior surfaces shall be scraped to remove peeling and flaking paint and to make the surface tight.

707.6 No surface which is the subject of a notice pursuant to § 707.4 shall be refinished until an inspector from the Department of Housing and Community Development has certified in writing that the condition affecting the surface has been abated in accordance with these regulations.

707.7 Any owner who is served with an order pursuant to § 707.4 shall comply with the order within ten (10) days of its service upon him or her or shall obtain an extension of the ten (10)-day period from the Director of the Department of Housing and Community Development. No extension shall exceed thirty (30) days, but thirty (30)-day extensions may be renewed at the discretion of the Director of the Department of Housing and Community Development.

707.8 The Mayor of the District of Columbia shall designate an agent of the District of Columbia to inspect any residential premises where there is reason to believe lead may present a health hazard because of the presence of a child under the age of eight (8) years who lives in the premises or is a regular visitor to the premises who spends a substantial portion of his or her time there.

707.9 For the purpose of this section, the phrase "a substantial portion of his or her time" means at least ten (10) hours per week in the aggregate on a regular basis.

707.10 The designated agent is authorized to secure specimens of paint, plaster, or structural materials, and to analyze or cause an analysis to be made of the specimens to determine the quantity of lead or lead in its compounds contained in the material whenever the agent:

(a) Upon inspection finds the presence of flaking, peeling, chipped or loose paint, plaster, or structural materials on any interior or exterior surface of any residential premises; or

(b) Has other reasonable grounds to believe that a hazard may exist to the health of any inhabitant of or visitor to the residential premises because of the presence of lead or lead in its compounds on the surfaces.

707.11 The agent may, instead of securing specimens, as described in § 707.10, test a surface with an *in situ* analyzer device.

707.12 In instances where suspected lead poisoning has been reported and verified, the Mayor or his or her designated agent may cause the inspection of any exterior surface, beyond those surfaces specifically defined in §199, and order corrections of any exterior surface condition found hazardous under § 707.13; provided, that there is a reasonable probability that the exterior surface conditions on the property other than those specifically defined in § 199 are related to the reported lead poisoning.

707.13 In any case in which analysis reveals the presence of lead or lead in its compounds in a quantity exceeding five-tenths (0.5) of one percent (1%) or more of the total weight of materials or seven-tenths of a milligram or more per square centimeter (0.7 mg/cm<sup>2</sup>) or in a quantity otherwise sufficient to constitute a hazard to the health of any inhabitant of the residential premises under the age of eight (8) years, or regular visitor to the residential premises under the age eight (8) years who spends a substantial portion of his or her time there, the agency shall notify the Director of the Department of Housing and Community

Development, in writing, within seventy-two (72) hours, that a lead poisoning hazard exists.

707.14 The Director of the Department of Housing and Community Development shall notify, in writing, the inhabitants and the owner of record of the property that lead in a quantity sufficient to constitute a hazard was found and that a lead poisoning hazard exists.

707.15 In order to determine compliance with the provisions of this section, the Mayor and any other duly authorized official of the District of Columbia having jurisdiction over, or responsibilities pertaining to, any residential premises shall have the right, after presenting official credentials of identification and authority issued by the District of Columbia either with or without prior notice, to enter upon and into any residential premises in which any of the following conditions exist:

(a) One (1) or more children under the age of eight (8) years reside at the premises and there is chipped, peeling, or flaking paint, or other materials on one (1) or more surfaces which are reasonably accessible to children under the age of eight (8) years; or

(b) A medical evaluation completed within the sixty (60)-day period preceding an inspection has revealed the presence of lead toxicity in any occupant or regular visitor to the premises who spends a substantial portion of his or her time there.

707.16 The entry and inspection pursuant to § 707.15 shall take place with the least possible disruption to the occupants.

707.17 The right of entry and inspection set forth in 707.15 shall be extended to any residential premises which the Mayor has reason to believe are in violation of the provisions of this section.

707.18 No entry or inspection of any residential premises shall be made without the permission of the occupant of the premises unless a warrant is obtained first from the Superior Court of the District of Columbia pursuant to D.C. Official Code § 11-941 (2001), authorizing the entry and inspection for the purpose of determining compliance with provisions of this section.

707.19 Any entry and inspection shall be made with the least possible disruption to the occupants.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR § 2605, Commissioners' Order 55-1503 (August 11, 1955), as amended by section 2 of the Lead-Based Paint Poisoning Prevention Act of 1983, D.C. Law 5-35, 30 DCR 5407 (Oct. 21, 1983), incorporating by reference the text of D.C. Act 5-57, 30 DCR 4156 (August 19, 1983).

## **708 STAIRWAYS, STEPS, AND PORCHES**

708.1 Stairways, steps, and porches shall be firm, and the walking surfaces shall be sufficiently smooth so as to be readily cleaned and provide safe passageways free of tripping hazards.

708.2 Treads shall be reasonably level and in any flight evenly spaced.

708.3 Interior stairs more than two (2) risers high shall have an enclosing wall, balustrade, or other guard on each side, and shall have a handrail on at least one side.

708.4 All stair well openings shall have a balustrade or other guard along the entire length of any open or otherwise unprotected side.

708.5 Open porches forty-two inches (42") or more above the ground shall have balustrades

or other guards not more than forty-two inches (42") in height along the entire length of any open, unprotected side.

708.6 Open porches less than forty-two inches (42") but more than twenty-four inches (24") above the ground shall have balustrades, or other guards not more than forty-two inches (42") in height or a top rail not more than forty-two inches (42") above the porch floor with an intermediate rail approximately midway between the floor and top rail along the entire length of any open unprotected side.

708.7 Exterior flights of stairs more than twenty-four inches (24") in height, attached to buildings or an appurtenance of buildings, including a porch or landing, shall be protected with a handrail, balustrade, or other guard on at least one side.

708.8 If an exterior flight of stairs extends more than forty-two inches (42"), each side of the stairs shall be protected by either a handrail, balustrade, or wall.

708.9 If an exterior flight of stairs is protected by two (2) walls, one shall have a handrail which will clear the wall by not less than one and one-half inches (1½") to provide maximum safety.

708.10 The vertical distance from the top of any handrail, balustrade, or other guard to the surface of any platform or front edge of any stair tread shall be not less than thirty inches (30") and not more than forty-two inches (42").

708.11 All steps, rails, balustrades, or other guards shall be of sound material and securely fastened.

**SOURCE:** The Housing Regulations of the District of Columbia, 5G DCRR § 2508, Commissioners' Order 55-1503 (August 11, 1955), as amended by Commissioners' Order 66-313 dated March 8, 1966, 12 DCR 198 (March 28, 1966).

## 799 DEFINITIONS

799.1 The provisions of section 199 of Chapter 1 of this title and the definitions set forth in that section shall be applicable to this chapter.

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