DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409(a) (2004 Supp.)), and Mayor's Order 87-259, dated November 13, 1987, hereby gives notice of adoption of the following amendments to Sections 105A (Permits), 113A (Violations and Infractions), and 114A (Stop Work Order) of Chapter 1A (Administration and Enforcement), Title 12A (Building Code) of the District of Columbia Municipal Regulations (DCMR), the Construction Codes Supplement of 2003. This final rule allows immediate corrective action against violators of properly issued and posted stop work orders.

The emergency and proposed rulemaking was published in the *D.C. Register* on February 11, 2005. Pursuant to section 10 of the Act, the proposed rulemaking was submitted to the Council of the District of Columbia for a 45-day period of review. Forty-five (45) days elapsed and the Council took no action. Therefore, the rules are deemed approved. No changes have been made to the emergency and proposed rulemaking and no comments were received. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Sections 105A, 113A, and 114A of Chapter 1A, Title 12A, DCMR are amended as follows:

Section 105A is amended by adding a new subsection 105.8 to read as follows:

> **105.8 Posting of Fines.** Where civil infraction citations have been issued to an applicant for a building permit for illegal construction under §113.7, all applicable fine amounts must be posted with the Treasurer of the District of Columbia, by the applicant, prior to the issuance of any permit. Upon adjudication of said civil infraction citations, any fines or penalties not assessed to the applicant will be refunded.

Section 113A is amended as follows:

The first sentence of subsection 113.7 is amended to read as follows:

> If a building or structure or part thereof is deemed to have been erected, constructed, reconstructed, converted, or altered in violation of the Construction Codes or the Zoning Regulations, said actions shall constitute illegal construction, and the code official is authorized to order the condition corrected within a specified time frame deemed reasonable by the code official.

Section 114A is amended as follows:

Subsection 114.1 is amended by deleting the last sentence.

Subsection 114.2 is renumbered as subsection 114.9.

Subsection 114.3 is renumbered as subsection 114.10 and amended to read as follows:

114.10 Unlawful Continuance. Any person who shall continue any work in or about a structure after said structure has been posted with a stop work order, except work as has been approved and directed to remove a violation or unsafe condition, shall be subject to the penalties set forth in D.C. Official Code § 6-1406 (2001) and the injunctive relief set out in D.C. Official Code § 6-1407 (2001).

A new subsection 114.2 is added to read as follows:

114.2 Location of Posted Stop Work Order. The code official shall post a stop work order in a location on the construction site that is visible to the public and other government officials.

A new subsection 114.3 is added to read as follows:

114.3 Removal of a Posted Stop Work Order. Unauthorized removal of a posted stop work order is a violation of the Construction Codes and subject to the penalties provided in D.C. Official Code § 6-1406 (2001) and the injunctive relief set out in D.C. Official Code § 6-1407 (2001).

A new subsection 114.4 is added to read as follows:

114.4 Access Required to Post a Stop Work Order. Where the code official requires access into a structure to post a stop work order, the owner of the structure, or his or her agent, must provide the required access within twenty-four (24) hours of receiving written notice from the code official pursuant to § 114.1.

A new subsection 114.5 is added to read as follows:

114.5 Public Notice of Stop Work Order. The code official may make public, by publishing in a newspaper of general distribution or at the DCRA website, a list of the addresses where stop work orders have posted. The code official shall provide copies of written stop work order notices, issued pursuant to § 114.1, to the Metropolitan Police Department Commander of the District where the address of the stop work order is located.

A new subsection 114.6 is added to read as follows:

114.6 Scope of Stop Work Order for Illegal Construction. A stop work order issued for illegal construction under §113.7 shall mean the cessation of any and all work at the building or structure, regardless of whether the work is subject to building permit requirements.

114.6.1 Stop Work Order for All Activity at a Construction Site. When the code official issues a stop work order for illegal construction under §113.7, it shall be a violation of the stop work order for the owner or agent to enter the site. The code official may provide for temporary access to allow the owner, or his or her agent, to ensure the ongoing security and/or safety of the property. An owner or agent of property under the restrictions of a stop work order must first receive approval from the code official to enter the property for any reason.

A new subsection 114.7 is added to read as follows:

114.7 Owner and/or Designated Agent Responsible for Ensuring Compliance with Stop Work Order. The owner of the property, or his or her agent, serving as the contractor of record, shall be deemed to have violated the stop work order where his or her subordinate employees, workers, and sub-contractors do not comply with the requirements of the stop work order.

A new subsection 114.8 is added to read as follows:

114.8 Code Official May Seek a Warrant for Violation of Stop Work Order. Upon finding that the requirements of a stop work order have been violated, including the removal of a stop work order, the code official may seek a warrant for the arrest of the owner or agent.

DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF PLANNING
DEPARTMENT OF HEALTH
DEPARTMENT OF MENTAL HEALTH
AND
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

NOTICE OF FINAL RULEMAKING

CIVIL INFRACTIONS: SCHEDULE OF FINES AMENDMENTS

The Directors of the Department of Consumer and Regulatory Affairs (DCRA), the Office of Planning (OP), the Department of Health (DOH), the Department of Mental Health (DMH), and the Department of Insurance, Securities, and Banking (DISB), pursuant to the authority set forth in section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 ("the Act"), effective October 5, 1985, (D.C. Law 6-42; D.C. Official Code § 2-1801.04); section 10 of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2-144, as amended, D.C. Official Code § 6-1110), section 4902 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731); section 114 of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56, D.C. Official Code § 7-1131.14); section 4 of the Department of Insurance and Securities Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-103); Mayor's Order 2004-46, dated March 22, 2004; Mayor's Order 2002-103, dated June 18, 2002; and Mayor's Order 99-141, dated September 2, 1999, Mayor's Order 86-38, dated March 6, 1986, Mayor's Order 83-119, dated May 6,1983, Mayor's Order 83-25, dated January 3, 1983, Mayor's Order 79-50, dated March 21, 1979, hereby gives notice that final rulemaking action was taken on May 19, 2005 to adopt the following rulemaking to amend Title 16 of the District of Columbia Municipal Regulations (DCMR).

The final rules amend the definitions of Class 1, Class 2 and Class 3 infractions, increase the fine amounts for all classes of infractions, and expand the definition of recidivism for housing providers. In addition, the final rulemaking divides the civil infractions schedule of fines by District of Columbia Government agencies including the DCRA, Fire and Emergency Medical Services (D.C. Fire and EMS), DMH, DOH, DISB and the Historic Preservation Office (HPO) of the OP.

The rules were published as proposed rulemaking on April 1, 2005, in 52 DCR 3253. On February 16, 2005, the proposed rulemaking was submitted to the Council of the District of Columbia for a 60-day period of review. The period of review ended on May 1, 2005 and the Council did not disapprove or amend the proposed rulemaking. The proposed rules included a redesignation of Title 16 to encompass chapters 1 – 31 and a new Title 16A to encompass chapters 32 and 33. There will not be a new Title 16A. Chapter 32 of Title 16 will continue to

contain the Schedule of Fines for the Act, including definitions of the classes of infractions, the fine amounts for each class, and related provisions regarding recidivism. New Chapters 33 – 38 of Title 16 will contain the classification of infractions for the listed District Government agencies with a clarifiying provision in each chapter indicating that the the provisions of Chapter 32, will apply to each infraction listed in the new chapters. (The current 16 DCMR Chapter 33 containing fines for the DMH have been moved to the new 16 DCMR Chapter 35). Comments have been received and considered. No substantive changes have been made to the proposed rules. The proposed rules have been renumbered as described above, and references to some of the DMH's infractions were changed to reflect those DMH regulations that have been moved from Title 22 DCMR to Title 22A DCMR. The heading in Chapter 38 was changed to clarify that the historic preservation infractions are being promulgated by the Office of Planning. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 32 of Title 16 DCMR (Civil Infractions Schedule of Fines) is amended to read as follows:

CHAPTER 32 CIVIL INFRACTIONS: SCHEDULE OF FINES

Secs.

3200 Classes of Infractions
3201 Fine Amounts

3200 CLASSES OF INFRACTIONS

3200.1 The schedule of fines set forth in this chapter shall include the following classes:

(a) Class 1 - Egregious infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia;

(b) Class 2 - Other serious infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia;

(c) Class 3 - Infractions that involve a failure to comply with a law or rule requiring periodic renewal of licenses or permits, or infractions that are serious and have an immediate, substantial impact on the health, safety, or welfare of persons within the District of Columbia;

(d) Class 4 - Infractions that involve a failure to post required licenses or permits, or infractions that are minor, but have the potential to be hazardous to the health, safety, or welfare of persons within the District of Columbia; and

(e) Class 5 - Infractions that collectively create a nuisance but individually do not pose a threat to the health, safety, or welfare of persons within the District of Columbia.

3200.2 The schedule of fines may also include infractions that have not been classified in accordance with § 3200.1.

3201 FINE AMOUNTS

3201.1 The fines for the infractions specified in § 3200.1 shall be as follows:

(a) For Class 1 infractions, the fines are as follows:

(1) For the first offense.....$ 2,000;

(2) For the second offense.....$ 4,000;

(3) For the third offense..... $ 8,000;

(4) For the fourth and subsequent offenses.....$16,000;

(b) For Class 2 infractions, the fines are as follows:

(1) For the first offense.....$ 1,000;

(2) For the second offense.....$ 2,000;

(3) For the third offense.....$ 4,000;

(4) For the fourth and subsequent offenses.....$ 8,000;

(c) For Class 3 infractions, the fines are as follows:

(1) For the first offense.....$ 500;

(2) For the second offense.....$ 1,000;

(3) For the third offense..... $ 2,000;

(4) For the fourth and subsequent offenses.....$ 4,000;

(d) For Class 4 infractions, the fines are as follows:

(1) For the first offense.....$ 100;

(2) For the second offense.....$ 200;

(3) For the third offense..... $ 400;

(4) For the fourth and subsequent offenses.....$ 800;

(e) For Class 5 infractions, the fines are as follows:

(1) For the first offense.....$ 50;

(2) For the second offense.....$ 100;

(3) For the third offense..... $ 200;

(4) For the fourth and subsequent offenses.....$ 400.

3201.2 An infraction shall be a repeat infraction and shall carry the enhanced penalties set forth in § 3201.1 if:

(a) The infraction is a violation by the same person of the same provision of a law or rule committed within 3 years following the initial infraction; or

(b) The infraction is a violation by the same person within the same three-year (3 year) period and involves the same property, building or dwelling unit as the initial infraction and where both infractions involve a violation of any housing code provision or housing regulation of the Housing Regulations Subtitle A of Title 14 DCMR.

3201.3 An infraction committed by an individual acting as agent, partner, director, officer, or employee of a person shall be considered to have been committed by that person.

3201.4 For purpose of this Title, the term "person" means corporations, firms, agencies, companies, associations, organizations, partnerships, societies, and joint stock companies, as well as individuals.

3201.5 When a Notice of Infraction is issued, an the infraction is for the violation of a law contained in an unenacted title of the D.C. Official Code, or any superseding official code, the Notice of Infraction may cite the D.C. Official Code, or any superseding official code, provision instead of the organic law citation cited in this Title.

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3201.6 The parenthetical language which follows the laws or regulations listed in this Title is only descriptive and the provisions of the cited law or regulation are controlling if there is any conflict between the cited law or regulation and the descriptive parenthetical language.

Chapter 33 of Title 16 DCMR is amended to read as follows:

CHAPTER 33 DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS (DCRA) INFRACTIONS

Secs.

3300 Administrative Procedures and Schedule of Fines Applicable
3301 Business and Professional Licensing Administration Infractions
3302 Corporation Division Infractions
3303 Office of Investigation, Weights and Measures Infractions
3304 Towing Service for Motor Vehicles Infractions
3305 Housing Inspection Division Infractions
3306 Building Inspection Division Infractions
3307 Building Condemnation Division Infractions
3308 Rental Accommodations and Conversion Division Infractions
3309 Fire Protection Division Infractions
3310 Housing Protection Division Noise Infractions
3311 Vacant Property Infractions
3312 Zoning Division Infractions

3300 ADMINISTRATIVE PROCEDURES AND SCHEDULE OF FINES APPLICABLE

3300.1 The civil infractions set forth in this chapter are subject to the provisions of Chapter 31 (Administrative Procedures) and Chapter 32 (Schedule of Fines) of this Title.

3301 BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION INFRACTIONS

3301.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 47-2808 (crying or conducting an auction without a license endorsement);

(b) D.C. Official Code § 47-2814 (possessing explosives without a license; operating a wholesale fireworks business without a license endorsement);

(c) D.C. Official Code § 47-2814 (operating a gasoline dealer business without a license endorsement);

(d) D.C. Official Code § 47-2815 (possessing pyroxlin without a license endorsement);

(e) D.C. Official Code § 47-2817 (operating a hand and power laundry without a license endorsement);

(f) D.C. Official Code § 47-2817 (operating a dry cleaning business without a license endorsement);

(g) D.C. Official Code § 47-2820(a) (operating a motion picture business without a license endorsement);

(h) D.C. Official Code § 47-2820(b) (operating a building in which skating rinks, fairs, carnivals, balls, dances, exhibitions, lectures, or entertainment of any description including theatrical or dramatic performances of any kind are conducted, for profit or gain, including a public hall or an amusement arcade, without a license endorsement);

(i) D.C. Official Code § 47-2821 (operating a bowling alley, billiard parlor or pool hall business without a license endorsement);

(j) D.C. Official Code § 47-2823 (operating grounds used for an athletic exhibition or amusement pack without a license endorsement);

(k) D.C. Official Code § 47-2826 (operating a special event without a license endorsement);

(l) D.C. Official Code § 47-2827 (selling food products without a license endorsement);

(m) D.C. Official Code § 47-2828 (engaging in the business of home improvement contracting without a license endorsement);

(n) D.C. Official Code § 47-2832 (operating a motor vehicle repair business without a license endorsement);

(o) D.C. Official Code § 47-2832.01 (operating a parking establishment business without a license endorsement);

(p) D.C. Official Code § 47-2834 (operating a street or public space vending business without a license endorsement);

(q) D.C. Official Code § 47-2835 (operating as a solicitor without a license endorsement);

(r) D.C. Official Code § 47-2836 (operating a tour guide Class A or Class B business without a license endorsement);

(s) D.C. Official Code § 47-2838 (dealing in dangerous or deadly weapons without a license endorsement);

(t) D.C. Official Code § 47-2839 (operating a private detective business or operating as a private detective without a license endorsement);

(u) D.C. Official Code § 47-2851.02 (engaging in business without a basic business license or proper license endorsement);

(v) D.C. Official Code § 47-2851.03a:

1. operating an automobile repossession business without a license endorsement;

2. operating as a motor vehicle dealer without a license endorsement;

3. operating an employment agency, employer paid personnel service, job listing service, employment counseling service or as an employment counselor without a license endorsement;

4. operating as a home improvement contractor without a license endorsement

5. operating as a motor vehicle sales person without a license endorsement;

6. engaging in the business of, or operating a bed and breakfast inn without a license endorsement;

7. engaging in the business of, or operating an automobile driving school without a license endorsement; or

8. engaging in the business of, or operating as a pawnbroker without a license endorsement.

(w) D.C. Official Code § 47-2851.03a (engaging in any business activity requiring licensure under D.C. Official Code §47-2851.03a without a license endorsement);

(x) D.C. Official Code § 47-2853.02 (practicing, attempting to practice, or offering to practice any of the following occupations or professions without a valid license, certificate or registration:

i. Architect;
ii. Asbestos Worker;
iii. Barber;

iv. Certified Public Accountant;
v. Cosmetologist;
vi. Electrician;
vii. Interior Designer;
viii. Land Surveyor;
ix. Operating Engineer;
x. Plumber/Gasfitter;
xi. Professional Engineer;
xii. Property Manager;
xiii. Real Estate Appraiser;
xiv. Real Estate Broker;
xv. Real Estate Salesperson;
xvi. Refrigeration and Air Conditioning Mechanic; or
xvii. Steam Engineer);

(y) D.C. Official Code § 47-2883.01 (engaging in the home improvement business without proper bonding);

(z) D.C. Official Code § 47-2884.04 (operating as a pawn broker without proper bonding);

(aa) D.C. Official Code § 47-2885.19 (selling over-the-counter preparations (patent medicine) without a license);

(bb) D.C. Official Code § 47-2887.03(a) (acting as an athletic agent in the District of Columbia without holding a certificate of registration);

(cc) Section 6 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; **D.C. Official Code §3-405(e)**) (operating a funeral establishment without a license endorsement);

(dd) Section 4 of the District of Columbia Solid Waste Facility Permit Act of 1995, effective Feb. 27, 1996 (D.C. Law 11-94; **D.C. Official Code §8-1053**)(operating a solid waste collection business without a license endorsement);

(ee) Section 15 of the Veterinary Practice Act of 1982, effective Mar. 9, 1983 (D.C. Law 4-171; **D.C. Official Code § 3-514**) (engaging in prohibited veterinary acts);

(ff) Section 12 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; **D.C. Official Code §- 3-411**) (engaging in prohibited funeral directing or servicing acts);

(gg) Section 7 of the Boxing and Wrestling commission Act of 1975 effective Oct. 8, 1975 (D.C. Law 1-20; **D.C. Official Code §3-606(b)**) (engaging or

participating in a boxing or wrestling contest, match, or exhibition without a valid license or permit);

(hh) Section 6 of the Security and Fire Alarm Systems Regulation Act of 1980, effective Sept. 26, 1980 (D.C. Law 3-107; **D.C. Official Code §7-2805**) (operating an alarm dealer and agent business without a license endorsement); or

(ii) Section 4 of An Act To provide full and fair disclosure of the character of charitable, benevolent, patriotic, or other solicitations in the District of Columbia, approved July 10,1957 (71 Stat. 279;**D.C. Official Code §44-1703(a)**) (engaging in the conduct of charitable solicitation without a certificate of registration).

3301.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) D.C. Official Code § 47-2853.17 (employing an unlicensed person to engage in any occupation or profession that is regulated pursuant to D.C. Official Code § 47-2853.04);

(b) D.C. Official Code § 47-2853.26 (representing to the public by title, description of services, methods, or procedures, or otherwise that the person is authorized to practice any occupation or profession that is regulated pursuant to D.C. Official Code § 47-2853.04);

(c) Employment Services Licensing and Regulation Act of 1984, effective Mar. 13, 1985 (D.C. Law 5-136; **D.C. Official Code § 32-401 *et seq.***, except § 32-402(a)) (violation of any provision of the Employment Services Licensing and Regulation Act of 1984, D.C. Law 5-136, or rule issued pursuant thereto, except section 3(a); (D.C.Official Code § 32-402(a)); or

(d) Automobile Consumer Protection Act of 1984, effective Mar. 14, 1985 (D.C. Law 5-162; **D.C. Official Code § 50-501 *et seq.***) (violation of any provision of the Automobile consumer Protection Act of 1984, or rule issued pursuant thereto).

3302 CORPORATION DIVISION INFRACTIONS

3302.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) Section 151 of the District of Columbia Business Corporation Act (**D.C. Official Code § 29-101.151**) (submitting a document containing a false statement);

(b) Section 109 of the District of Columbia Nonprofit Corporation Act, 76 Stat. 306, (**D.C. Official Code § 29-301.109**) (submitting a document of a non-profit corporation containing a false statement);

(c) Section 34 of An Act To amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations (hereafter the "District of Columbia Cooperative Association Act"), approved June 19, 1940 (54 Stat. 488, ch. 397; **D.C. Official Code § 29-934**) (submitting a report of a cooperative association containing a false statement);

(d) Section 69 of the Limited Liability Company Act of 1994, (**D.C. Official Code § 29-1068**) (operating a LLC after revocation of the Articles of Organization or Certificate of Registration);

(e) Section 207 of the Uniform Limited Partnership Act of 1987, (**D.C. Official Code § 33-202.07**) (filing a false statement in certificate of limited partnership);

(f) Section 907 of the Uniform Limited Partnership Act of 1987 (**D.C. Official Code § 29-209.07**) (doing business without certificate of authority; or

(g) Section 45 of the District of Columbia Business Corporation Act (**D.C. Official Code § 29-101.45**) (failure to make an entry, allow an inspection of books or keep books open for inspection).

3302.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) Section 48 of the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 199, ch. 269; **D.C. Official Code § 29-101.48**) (failure of a domestic corporation to file articles of incorporation);

(b) Section 119 of the District of Columbia Business Corporation Act (**D.C. Official Code § 29-101.119**) (failure of a foreign corporation to obtain a certificate of authority);

(c) Section 25 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990, effective Mar. 8, 1991 (D.C. Law 8-237; **D.C. Official Code § 29-101.124**) (operating a corporation after revocation of the articles of incorporation or certificate of authority);

(d) Section 87 of the District of Columbia Nonprofit Corporation Act, approved, Aug. 6, 1962 (76 Stat. 299; **D.C. Official Code § 29-301.87**)

(operating a non-profit corporation after revocation of the articles of incorporation or certificate of authority);

(e) Section 14 of the District of Columbia Professional Corporation Act (**D.C. Official Code § 29- 414**) (failure of a foreign professional corporation to obtain a certificate of authority);

(f) Section 7 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; **D.C. Official Code § 29-1006**) (failure of a domestic LLC to file Articles of Organization);

(g) Section 59 of the Limited Liability Company Act of 1994 (**D.C. Official Code § 29-1058**) (failure of a foreign LLC to obtain a certificate of registration);

(h) Section 11 of the Limited Liability Company Act of 1994, (**D.C. Official Code § 29-1010**) (requirement to appoint or maintain a registered agent);

(i) Section 65 of the Limited Liability Company Act of 1994, (**D.C. Official Code § 29-1064**) (failure to file a two-year report);

(j) Section 205 of the Uniform Limited Partnership Act of 1987, effective, Dec. 10, 1987 (D.C. Law 10-138; **D.C. Official Code § 33-202.06**) (failure to file certificate of limited partnership); or

(k) Section 902 of the Uniform Limited Partnership Act of 1987 (**D.C. Official Code § 29-209.02**) (failure to file a foreign limited liability partnership statement of qualification).

3302.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) Section 10 of the District of Columbia Business Corporation Act (**D.C. Official Code § 29-101.10**) (failure to appoint or maintain a registered agent);

(b) Section 98 of the District of Columbia Business Corporation Act (**D.C. Official Code § 29-101.98**) (failure to file a two-year report);

(c) Section 30 of the District of Columbia Nonprofit Corporation Act (**D.C. Official Code § 29- 301.30**) (failure of a domestic non-profit corporation to file articles of incorporation);

(d) Section 82 of the District of Columbia Nonprofit Corporation Act (**D.C. Official Code § 29-301.82**) (failure of a foreign corporation to obtain a certificate of authority);

(e) Section 38 of the District of Columbia Cooperative Association Act (**D.C. Official Code § 29-938**) (paying or receiving compensation or a promotion commission for cooperative housing);

(f) Section 39 of the District of Columbia Cooperative Association Act (**D.C. Official Code § 29-939**) (spreading a false report about the management or finances of any cooperative association);

(g) Section 106 of the District of Columbia Business Corporation Act (**D.C. Official Code § 29-101.106**) (failure of a foreign corporation to appoint or maintain a registered agent);

(h) Section 11 of the District of Columbia Nonprofit Corporation Act (**D.C. Official Code § 29-301.11**) (failure of a domestic non-profit corporation to appoint or maintain a registered agent);

(i) Section 71 of the District of Columbia Nonprofit Corporation Act (**D.C. Official Code § 29-301.71**) (failure of a foreign non-profit corporation to appoint or maintain a registered agent);

(j) Section 14 of the District of Columbia Professional Corporation Act (**D.C. Official Code § 29-414**) (failure of a professional corporation to appoint or maintain a registered agent);

(k) Section 112 of the District of Columbia Business Corporation Act (**D.C. Official Code § 29-101.112**) (failure of a foreign corporation to file a two-year report);

(l) Section 85 of the District of Columbia Nonprofit Corporation Act, (**D.C. Official Code § 29-301.85**) (failure of a domestic and foreign non-profit corporation to file a 2-year report);

(m) Section 19 of the District of Columbia Professional Corporation Act (**D.C. Official Code § 29-419**) (failure of a professional corporation to file a two-year report);

(n) Section 35 of the District of Columbia Cooperative Association Act (**D.C. Official Code § 29-935**) (failure of a cooperative association to file an annual report);

(o) Section 6 of the District of Columbia Cooperative Association Act (**D.C. Official Code § 29-906**) (failure of a cooperative association to file articles of incorporation); or

(p) Section 37 of the District of Columbia Cooperative Association Act, (**D.C. Official Code § 29-937**) (unauthorized use of term "cooperative").

3302.4 Violation of any provision of the District of Columbia Business Corporation Act, **D.C. Official Code §§ 29-101 et seq.**, District of Columbia Non-Profit Corporation Act, **D.C. Official Code §§ 29-301 et seq.**, District of Columbia Professional Corporation Act, **D.C. Official Code § 29-401 et seq.**, or the District of Columbia Cooperative Association Act, **D.C. Official Code §§ 29-901 et seq.**, **D.C. Official Code 29-101 et seq.**, D.C. Limited Liability Company Act of 1994, **D.C. Official Code § 29-1001 et seq.**, or rule issued pursuant to any of these Acts, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction.

3303 DCRA OFFICE OF INVESTIGATION - WEIGHTS AND MEASURES INFRACTIONS

3303.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) Chapter 118, Section 32a of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, effective December 7, 2004 (D.C. Law 15-205; **D.C. Official Code § 37-201.32a**) (operating a weighing or measuring devise without payment of the registration and inspection fee);

(b) Chapter 118, Section 3, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, approved Mar. 3, 1921 (41 Stat. 1218; D.C. **Official Code § 37-201.03(a)**) (use of any weighing device that has not been inspected and approved);

(c) Chapter 118, Section 4, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1218; **D.C. Official Code § 37-201.04**) (use of any weighing device that has been altered without inspection and approval or after altering any tag or label attached thereto without the permission of the Director);

(d) Chapter 118, Section 5, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1218; **D.C. Official Code § 37-201.05**) (obstruction of inspection);

(e) Chapter 118, Section 20 of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1223; **D.C. Official Code § 37-201.20**) (use of a pump or similar device which does not measure correctly); or

(f) Chapter 118, Section 22, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1224; **D.C. Official Code § 37-201.22**) (refusing inspection).

3303.2 22 DCMR 1910.2(d) Failure of a pharmacy to maintain a prescription balance shall be a Class 2 infraction.

3303.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) Chapter 118, Section 7, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1219; **D.C. Official Code § 37-201.07**) (selling commodities short measured);

(b) Chapter 118, Section 8, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1219; **D.C. Official Code § 37-201.08**) (selling commodities short weight);

(c) Chapter 118, Section 9, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1219; **D.C. Official Code § 37-201.09**) (failure to maintain vending machine);

(d) Chapter 118, Section 10, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1219; **D.C. Official Code § 37-201.10**) (giving improper sales ticket);

(e) Chapter 118, Section 11, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1219; **D.C. Official Code**

§ 37-201.119(c)) (non-compliance with request for delivery ticket, product weight or vehicle weight for the sale of coal, charcoal or coke);

(f) Chapter 118, Section 11, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1219; **D.C. Official Code § 37-201.11(f)**) (failure to display name and address on coal, charcoal or coke delivery vehicle);

(g) Chapter 118, Section 12, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1220; **D.C. Official Code § 37-201.12**) (failure to sell ice by weight or failure to maintain scale on delivery vehicle);

(h) Chapter 118, Section 13, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1220; **D.C. Official Code § 37-201.13**) (failure to maintain proper printings and markings);

(i) Chapter 118, Section 14, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1221; **D.C. Official Code § 37-201.14(a)**) (selling frozen or fluid dairy products improperly measured or labeled);

(j) Chapter 118, Section 14, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1221; **D.C. Official Code § 37-201.14(b)**) (improperly labeled milk varieties);

(k) Chapter 118, Section 15, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1221; **D.C. Official Code § 37-201.15)** (selling fruits, vegetables or dry commodities in either non-standard containers, incorrect weight or incorrect count);

(l) Chapter 118, Section 16, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of

Columbia and for other purposes, (41 Stat. 1223; **D.C. Official Code § 37-201.16**) (use of prohibited containers for dry measure);

(m) Chapter 118, Section 16, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1223; **D.C. Official Code § 37-201.16(a)**) (failure to provide quantity markings on food package);

(n) Chapter 118, Section 17, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1223; **D.C. Official Code § 37-201.17**) (not selling fire wood in proper measurements);

(o) Chapter 118, Section 18, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1223; **D.C. Official Code § 37-201.18**) (using non-standard liquid measurements);

(p) Chapter 118, Section 19, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1223; **D.C. Official Code § 37-201.19**) (selling oysters short measured or selling fish, meat, butter or cheese by means other than avoirdupois weight);

(q) Chapter 118, Section 21, of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (41 Stat. 1224; **D.C. Official Code § 37-201.21**) (failure to sell by prorate quantity); or

(r) Violation of any provision of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, (Chapter 118, 41 Stat. 1217, **D.C. Official Code § 37-201.01 *et seq.***), or rule issued pursuant to that Act which provision or rule is not cited elsewhere in this section, shall be a class 3 infraction.

3304 TOWING SERVICE FOR MOTOR VEHICLES INFRACTIONS

3304.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 16 DCMR § 401.2 (failure to permit inspection by an authorized government official, including inspecting and photographing of towing equipment, tow trucks, towing storage lots, logs and documents related to towing services initiated in the District);

(b) 16 DCMR § 401.3 (failure to permit inspection of a towing service storage lot by officials of DCRA and other authorized government agencies);

(c) 16 DCMR § 401.4 (interfering with an authorized inspection);

(d) 16 DCMR § 401.5 (failure to surrender records upon lawful demand by an authorized government official);

(e) 16 DCMR § 401.6 (submitting towing service records that were created after demand for inspection by an authorized government official; or, creating towing service records after an authorized government official demands an inspection);

(f) 16 DCMR § 402.1 (owning a towing business without proper licensure);

(g) 16 DCMR § 402.2 (owning a towing service storage lot without proper licensure);

(h) 16 DCMR § 403.2 (unauthorized operation of a tow truck, or operating an unlicensed tow truck);

(i) 16 DCMR § 405.1 (failure to locate secured storage lot in the District of Columbia; or, failure to provide descriptive signage on lot; or, failure to comply with other District laws and regulations; or, failure to comply with District zoning rules);

(j) 16 DCMR § 406.3 (failure to obtain a towing control number before initiating a public tow);

(k) 16 DCMR § 406.7 (towing from private property without consent of the owner and without a citation for the vehicle issued by law enforcement personnel; or, towing from private property without being directed by a police officer in an emergency; or, failure to comply with provisions of D.C. Official Code §§ 50-2651 through 50-2654 (2001));

(l) 16 DCMR § 408.1 (charging rates for public tows that exceed rates specified in the Director's Schedule of Maximum Rates in § 408.1);

(m) 16 DCMR § 408.2 (charging rates for private tows that exceed rates specified in the towing business' Basic Business License Endorsement Application);

(n) 16 DCMR § 409.3 (charging for services not provided);

(o) 16 DCMR § 410.1 (operating or offering to engage in the towing business without valid licensure; or, operating a towing storage lot without valid licensure);

(p) 16 DCMR § 410.6 (charging more than one towing fee for towing to a repair facility owned or operated by person or entity conducting tow);

(q) 16 DCMR § 410.9 (soliciting or providing unauthorized towing service at the scene of an accident);

(r) 16 DCMR § 410.11 (failure to provide an itemized receipt for charges related to towing or storing of a vehicle);

(s) 16 DCMR § 410.14 (failure to surrender suspended, revoked or canceled license or endorsement);

(t) 16 DCMR § 410.16 (permitting the unlawful use of a towing license or endorsement; or, the unlawful use of a towing license or endorsement);

(u) 16 DCMR § 411.3 (failure to appear when summoned by the Director);

(v) 16 DCMR § 411.8 (performing towing services, including operating a towing service storage lot, without a license or endorsement; or, performing towing services, including operating a towing service storage lot, with a license that has been revoked, cancelled or suspended); or

(w) 16 DCMR § 411.9 (failure to remove accident debris from roadway before towing a vehicle involved in a collision).

3304.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 16 DCMR § 402.4(c) (failure to report discontinuance of availability of towing service storage lot to Director at least ten (10) days prior to discontinuance of availability);

(b) 16 DCMR § 402.6 (failure to update information provided in an application for a license or endorsement to DCRA within fourteen (14) days of change);

(c) 16 DCMR § 402.7 (failure to identify person with financial interest in towing business or towing service storage lot);

(d) 16 DCMR § 402.8 (owning or operating a towing business or truck, or towing service storage lot within five (5) years of specified auto related misdemeanor or felony);

(e) 16 DCMR § 403.1 (operating or using a tow truck without an authorized unique identifier);

(f) 16 DCMR § 403.4 (failure to display license in manner specified by the Director);

(g) 16 DCMR § 404.1 (failure to maintain at least one fully equipped and licensed tow truck);

(h) 16 DCMR § 404.2 (failure to mark cab of tow truck with trade name, primary location and primary telephone number, as specified);

(i) 16 DCMR § 404.3 (failure to mark cab of tow truck with private towing and storage fees, as specified);

(j) 16 DCMR § 404.4 (failure to mark cab of tow truck with alphanumeric identifier, as specified);

(k) 16 DCMR § 404.5 (failure to equip tow truck with operable communication system, as specified; or, failure to produce a current permit and license, as required, to operate the communications system);

(l) 16 DCMR § 404.11 (improper use of equipment while towing; or, towing without manufacturer's minimally specified equipment for a particular vehicle);

(m) 16 DCMR § 406.4 (failure to provide information to Department of Public Works (DPW) before initiating a tow from private real property);

(n) 16 DCMR § 408.3 (failure to submit documentary evidence to Director within seventy-two (72) hours after collecting extra charges under extraordinary circumstances; or, failure to provide a refund of disapproved charges within seventy-two (72) hours of receipt of notice of disapproval);

(o) 16 DCMR 408.4 (towing storage lot failure to remain open as required for the reclaiming of vehicles);

(p) 16 DCMR § 408.5 (charging for towing service, in response to a dispatch, after authorized official determines that service is not required; or, failure to notify DPW that a public tow has been discontinued);

(q) 16 DCMR § 408.6 (failure to discontinue tow and release vehicle upon request by owner/operator and after payment of lawful rate (and concurrence of requesting official, if present; or, failure to notify DPW that a tow has been discontinued);

(r) 16 DCMR § 408.8 (failure to accept lawful payment for towing services rendered);

(s) 16 DCMR § 408.10 (performing repair work on a public tow vehicle without written consent of the owner or owner's agent);

(t) 16 DCMR § 409.4 (failure to exhibit statements or receipts upon request; or, failure to retain statements and receipts for three (3) years from date of issuance);

(u) 16 DCMR § 409.6 (assessing charges for providing unnecessary services; or, assessing charges for the use of unnecessary equipment);

(v) 16 DCMR § 409.7 (failure to release vehicle after tender of lawful payment by owner or owner's agent);

(w) 16 DCMR § 410.3 (unauthorized removal of vehicle involved in accident);

(x) 16 DCMR § 410.8 (installing or maintaining a receiver capable of tuning to MPD radio frequencies);

(y) 16 DCMR § 410.10 (depositing a vehicle that is inoperable or in disrepair upon public space, without direction from an authorized official; or, depositing a vehicle that is inoperable or in disrepair upon private property without permission of the owner of the property);

(z) 16 DCMR § 410.18 (towing vehicles in the District of Columbia without current insurance coverage, as required); or

(aa) 16 DCMR § 411.11 (failure to provide documentary proof of current insurance coverage, upon the request of any District government official).

3304.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 16 DCMR § 400.8 (failure to provide insurance information, upon request by the owner or operator of a towed vehicle, as requested);

(b) 16 DCMR § 405.3 (failure to contact DPW with required information prior to releasing a public tow vehicle);

(c) 16 DCMR § 405.7 (failure to provide "Owner's Bill of Rights for Towed Vehicles" to vehicle owner or operator on the scene before a tow; or, failure to post "Owner's Bill of Rights for Towed Vehicles" at towing service storage lot);

(d) 16 DCMR § 406.3 (failure to display towing control number as prescribed by DPW; or, failure to use towing control number on documents related to the tow);

(e) 16 DCMR § 406.5 (failure to obtain towing control number after emergency; or, failure to provide information as required after an emergency);

(f) 16 DCMR § 406.8 (failure to assume responsibility for loss or damaged sustained as a result of a public tow; or, failure to provide appropriately trained personnel to tow vehicles);

(g) 16 DCMR § 407.2 (initiating the private tow of a vehicle without obtaining written consent, as specified);

(h) 16 DCMR § 408.7 (failure to release vehicle to authorized person when presented with proof of personal identification and lawful payment);

(i) 16 DCMR § 408.9 (failure to provide Owner's Bill of Rights for Towed Vehicles upon release of vehicle; or, failure to provide legal authority for towing of vehicle, including towing control number; or, failure to provide itemized charges; or, failure to provide a receipt);

(j) 16 DCMR § 409.1 (for private tow: failure to furnish an itemized estimate of charges; or, failure to furnish an itemized estimate of charges on approved form; or, failure to obtain signature of owner or operator before initiating tow);

(k) 16 DCMR § 409.3 (failure to document actual amount paid; or, failure to sign receipt);

(l) 16 DCMR § 410.4 (soliciting or requiring repair work as a condition for towing of vehicle);

(m) 16 DCMR § 410.5 (removing a vehicle from the scene of an accident or event and depositing it upon public space, without direction from a police officer);

(n) 16 DCMR § 410.7 (towing to a repair facility without prior written consent); or

(o) 16 DCMR § 410.17 (failure to perform tow in accordance with vehicle manufacturer's instructions; or, failure to perform a tow in accordance with the tow crane manufacturer's instructions).

3304.4 Violation of any of the following provisions shall be a Class 4 infraction:

(a) 16 DCMR § 405.2(b), (c), (d) (failure to maintain a log; or, failure to properly record entries in log; or, failure to retain log for inspection three (3) years after last entry);

(b) 16 DCMR § 408.11 (using an improper form to obtain consent for repair work on a public tow vehicle);

(c) 16 DCMR § 409.2 (failure to provide complete information in itemized estimate of charges);

(d) 16 DCMR § 410.2 (misrepresentation); or

(e) 16 DCMR § 411.10 (failure to report the presence of alleged hazardous materials, as required).

3304.5 Violation of any of the following provisions shall be a Class 5 infraction:

(a) 16 DCMR § 404.6 (failure to maintain tie-down devices, chains, or straps, as specified);

(b) 16 DCMR § 404.7 (engaging in recovery towing without proper equipment, as specified);

(c) 16 DCMR § 404.8 (operating a crane tow truck without proper equipment, as specified);

(d) 16 DCMR § 404.9 (operating wheel lift tow truck without proper equipment, as specified);

(e) 16 DCMR § 404.10(a-h) (failure to maintain equipment in good working order);

(f) 16 DCMR § 405.4 (failure to clearly designate or identify towing business assigned to each apportioned section);

(g) 16 DCMR § 405.5 (failure to clearly designate storage spaces; or, failure to clearly identify towing business assigned to each space in an apportioned section); or

(h) 16 DCMR § 410.13 (failure to allow inspection of vehicle before receiving payment of fees; or, failure to allow inspection before release of vehicle).

3305 HOUSING INSPECTION DIVISION INFRACTIONS

3305.1 Violation of the following provision shall be a Class 1 infraction:

(a) Any flagrant, fraudulent, or willful violation by a housing provider of any of the Housing Regulations, Subtitle A of Title 14 DCMR, that constitutes an imminent danger to the health or safety of any tenant or occupant of a housing unit or housing accommodation, or that imminently endangers the health, safety or welfare of the surrounding community including, but not limited to, the interruption of electrical, heat, gas, water, or other essential services when the interruption results from other than natural causes;

(b) Section 1 of An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, approved Mar. 1, 1899 (41 Stat. 1218; **D.C. Official Code § 6-801**) (failure to secure or repair an unsafe structure);

(c) Section 3 of An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, (**D.C. Official Code § 6-803**) (attempting to repair after expiration of allowed period, or interfering with authorized agents);

(d) Section 4 of An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, (**D.C. Official Code § 6-804**) (allowing a nuisance to exist on any lot or parcel of land in the District of Columbia which affects the public health, comfort, safety and welfare of citizens);

(e) 14 DCMR § 103.2 (removal of placard by an unauthorized person);

(f) 14 DCMR § 402.4 (permitting a sleeping facility to be located in a room with a furnace, open flame, space heater, domestic water heater, or gas meter);

(g) 14 DCMR § 404.4 (failure to obtain a permit for building alterations and conform to requirements of the International Code Council (ICC) International Building Code and Title 12 of the District of Columbia Municipal Regulations, the Construction Codes Supplement of 2003);

(h) 14 DCMR § 704.1 (permitting to exist on premises a foundation or structural member that fails to provide a safe, firm and substantial base and support for the structure at all points);

(i) 14 DCMR § 901.1 (failure to maintain fire extinguishing equipment in an operable condition);

(j) 14 DCMR § 901.2 (failure to maintain fire proofing or fire protective construction in a good state of repair);

(k) 14 DCMR § 902.1 (failure to maintain an egress facility in a good state of repair);

(l) 14 DCMR § 902.3 (failure to maintain a fire door in an openable condition);

(m) 14 DCMR § 902.4 (failure to maintain a public or exit corridor free of obstruction);

(n) 14 DCMR § 904.1 (failure to maintain a fire alarm system in an operable condition);

(o) 14 DCMR § 904.4 (failure to properly install a smoke detector or otherwise comply with the Smoke Detector Act of 1978, effective June 20, 1978 (D.C. Law 2-81; **D.C. Official Code § 6-751.01** ***et seq.***);

(p) 14 DCMR § 1115.4 (permitting the employment of a food handler afflicted with a communicable disease);

(q) 14 DCMR § 1201.1 (failure to maintain an office or agent in the District of Columbia); or

(r) 14 DCMR § 1401.1 (permitting the use of a structure for other than a one-family dwelling without a valid Certificate of Occupancy).

3305.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 14 DCMR § 103.3 (permitting the occupancy of an apartment or tenement thirty (30) days or more after the posting of a placard);

(b) 14 DCMR § 104.1 (refusal to permit any designated agent of the District entry into the premises);

(c) 14 DCMR § 104.4 (refusal to permit inspection of premises);

(d) 14 DCMR § 400.1 (permitting the occupancy of any habitation in violation of 14 DCMR, Chapter 4);

(e) 14 DCMR § 400.7 (renting a habitation in a building in which noxious gases or offensive odors are generated by a commercial activity);

(f) 14 DCMR §§ 402.1 to 402.3 (failure to comply with occupancy requirements);

(g) 14 DCMR § 403.1 (unlawful use of uninhabitable rooms);

(h) 14 DCMR § 500.1 (failure to provide adequate heating, ventilating, or lighting facility);

(i) 14 DCMR § 501.2 (failure to provide and maintain a heating facility capable of maintaining a temperature of seventy degrees Fahrenheit (70 [degrees] F.) in a building or part of a building used for habitation);

(j) 14 DCMR § 501.4 (failure to supply sufficient heat);

(k) 14 DCMR § 501.6 or 501.7 (failure to comply with the inspection, correction of defects and certification requirements);

(l) 14 DCMR § 510 (failure to comply with a requirement concerning air conditioning maintenance);

(m) 14 DCMR § 600.1 (failure to provide required facilities, utilities and fixtures);

(n) 14 DCMR § 600.3 (failure to provide utility service);

(o) 14 DCMR § 606.3 or 606.4 (failure to comply with the inspection, correction of defects and certification requirements);

(p) 14 DCMR § 701.3 (failure to use a repair material of suitable kind or quality, or to perform or repair in a workmanlike manner);

(q) 14 DCMR § 702.2 (failure to maintain smoke pipe or chimney which is adequately supported and free from leakage or obstruction);

(r) 14 DCMR § 702.4 (permitting to exist on premises a chimney on which the total area of all flue openings exceeds the net area of the flue);

(s) 14 DCMR § 707.1 (failure to comply with the requirements concerning the removal and repainting of loose or peeling wall covering or paint on interior surfaces);

(t) 14 DCMR § 707.3 (permitting an unlawful quantity of lead to be present on an interior or exterior surface of a residential premise);

(u) 14 DCMR § 707.5 (failure to remove peeling or flaking paint and to make the surface tight on inaccessible exterior surfaces);

(v) 14 DCMR § 707.6 (failure to obtain compliance certification from DCRA prior to refinishing that the conditions affecting the surface has been abated in accordance with these regulations);

(w) 14 DCMR § 707.7 (failure to comply with an order to abate issued pursuant to the provisions of 14 DCMR Section 707.4);

(x) 14 DCMR § 708.5 (failure to install or maintain required porch balustrade or other guard);

(y) 14 DCMR § 903.1 (failure to maintain an exit or emergency light in an operable condition);

(z) 14 DCMR § 903.2 (failure to maintain a lighted exit or emergency light);

(aa) 14 DCMR § 904.2 (failure to provide or maintain a sign concerning the operation of the local fire alarm system at each striking station);

(bb) 14 DCMR § 904.3 (failure to properly post and maintain a sign concerning fires);

(cc) 14 DCMR § 905.1 (permitting a rag or refuse material to be deposited or remain in a dwelling);

(dd) 14 DCMR § 905.2 (failure to maintain premises free of combustible refuse or debris, accumulated grease, or oil spillage);

(ee) 14 DCMR § 905.3 (permitting the accumulation of combustible junk);

(ff) 14 DCMR § 906.2 (permitting the installation or maintenance of a heating or cooking facility in violation of District law);

(gg) 14 DCMR § 906.5 (failure to connect an oil heater to a flue or install an oil heater in compliance with the Fire Prevention Code);

(hh) 14 DCMR § 906.5 (permitting the placement of ashes in a combustible receptacle, or on or against a combustible material);

(ii) 14 DCMR § 906.7 (failure to maintain an incinerator, shaft, spark

arrestor or hopper door in a fire-safe condition);

(jj) 14 DCMR § 906.8 (failure to maintain a gas meter room free from combustible material or to properly ventilate a gas meter room);

(kk) 14 DCMR § 1001.1 (failure to designate a manager or other person who is responsible for the premises);

(ll) 14 DCMR § 1001.2 (failure of the designated manager to reside on the premises and have complete charge of the premises);

(mm) 14 DCMR § 1003.4 (failure to ensure access to a rooming unit at any reasonable hour);

(nn) 14 DCMR § 1004.3 or 1114.1 (failure to conspicuously color a preparation used for exterminating vermin, or store such a preparation in a container clearly labeled "POISON");

(oo) 14 DCMR § 1004.3 or 1114.2 (permitting a container of poison to be placed with a receptacle containing a food substance);

(pp) 14 DCMR § 1111.1 (permitting the storage or display of food or drink which is not protected from contamination);

(qq) 14 DCMR § 1113.3 (permitting the storage or service of shellfish from a source not approved by the U.S. Public Health Service);

(rr) 14 DCMR § 1114.3 (permitting the use of a substance containing poison to clean or polish eating or cooking utensils);

(ss) 14 DCMR § 1205.1 (failure to maintain elevators in good working order);

(tt) 14 DCMR § 1301.1 (failure to designate a manager or other person who shall superintend the operation of a hotel or motel).

3305.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 14 DCMR § 220.1(b) (failure to pay reinspection fee for routine housing inspections);

(b) 14 DCMR § 400.2 (failure to advice the tenant of the maximum number of occupants permitted in the habitation);

(c) 14 DCMR § 400.3 (renting or offering to rent a habitation that is not clean, safe, and free of vermin and rodents);

(d) 14 DCMR § 400.4 (owner fails to provide and maintain the required facilities, utilities and services);

(e) 14 DCMR § 400.8 (permitting the use of a structure as a tenement unit or tenement house);

(f) 14 DCMR § 405.2 (permitting more than fifty percent (50%) of the total habitable space in a room having a sloping ceiling);

(g) 14 DCMR § 405.3 (failing to comply with a requirement concerning ceiling height in a habitable room);

(h) 14 DCMR § 405.4 (habitable room does not have a minimum clear head room of six feet eight inches (6 ft. 8 in.) under pipes or other construction projects);

(i) 14 DCMR § 406 (permitting the subdivision of a habitable room in violation of 14 DCMR § 406);

(j) 14 DCMR § 404.1 (permitting any room with more than fifty percent (50%) of any exterior wall area to be used as a habitable room);

(k) 14 DCMR § 404.3 (failure to comply with the requirements of this section when altering any building in existence prior to June 9, 1960);

(l) 14 DCMR § 404.5 (areaways constructed on buildings erected after June 9, 1960, does not comply with requirements of the International Code Council (ICC) International Building Code and Title 12 of the District of Columbia Municipal Regulations, the Construction Codes Supplement of 2003 and Zoning Regulations);

(m) 14 DCMR § 500.2 (failure to properly or safely install, or maintain in a safe and working condition, a required facility);

(n) 14 DCMR § 501.1 (failure to provide and maintain adequate eating facilities);

(o) 14 DCMR § 501.3 (providing a heating facility that does not permit the temperature to be maintained at or below the maximums established by 14 DCMR § 501.3);

(p) 14 DCMR § 502 (failure to comply with a lighting requirement for habitable rooms);

(q) 14 DCMR § 503.1 (failure to maintain a yard surrounding a habitation free of light obstruction);

(r) 14 DCMR § 504.1 (failure to provide or maintain adequate bathroom lighting);

(s) 14 DCMR § 505.2 (failure to provide or maintain required artificial illumination of a hallway or stair);

(t) 14 DCMR § 506.1 (failure to provide required natural or mechanical ventilation for each habitable room);

(u) 14 DCMR § 506.3, 506.4, 506.5, 506.8, or 506.9 (failure to comply with a requirement concerning the ventilation of habitable rooms);

(v) 14 DCMR § 506.7 (failure to provide or maintain required openable area in case of mechanical ventilation failure);

(w) 14 DCMR § 506.10 (permitting a prohibited recirculation of air);

(x) 14 DCMR § 506.11 (permitting air from prohibited locations to be drawn into a habitable room);

(y) 14 DCMR § 509.1 (permitting a prohibited obstruction of ventilation);

(z) 14 DCMR § 600.2 (failure to properly install each facility, utility, or fixture);

(aa) 14 DCMR § 600.4 (failure to maintain in a safe and good working condition a facility for cooling, storing, or refrigerating food);

(bb) 14 DCMR § 601 (failure to comply with a requirement concerning plumbing facilities);

(cc) 14 DCMR § 602.1 (failure to provide a lavatory, water closet and bathing facilities for each dwelling unit);

(dd) 14 DCMR § 602.2 or 602.3 (failure to provide a sufficient number of bathing facilities);

(ee) 14 DCMR § 606.1 or 606.2 (failure to comply with a requirement concerning water heating facilities);

(ff) 14 DCMR § 701.1 (failure to maintain all structures located on a premise in a sanitary and structurally sound condition);

(gg) 14 DCMR § 702.1 (failure to maintain a roof so that it does not leak, and so that rain water is properly drained there from);

(hh) 14 DCMR § 702.6 (failure to provide a flue opening with a flue crock, or with a metal or masonry thimble);

(ii) 14 DCMR § 705.6 (permitting to exist on premises a window, window frame, door, or door frame which does not completely exclude rain and substantially exclude wind);

(jj) 14 DCMR §§ 708.1 to 708.4, §§ 708.7 to 708.9, or § 708.11 (failure to comply with a requirement concerning stairways, steps, guardrails, or porches);

(kk) 14 DCMR, Chapter 8 (failure to comply with a requirement concerning the cleanliness and sanitation of premises occupied for residential purposes);

(ll) 14 DCMR § 800.9 (premises creates a danger to the health, welfare or safety of the occupants, public and/or constitute a public nuisance;

(mm) 14 DCMR § 800.10 (excessive vegetative growth or weeds exceeding ten (10) inches in height is unattended or creates a dense area of shrubbery that is a detriment to the health, safety and welfare of the public;

(nn) 14 DCMR § 800.13 (accumulation of trash on any premises for more than seven (7) calendar days shall constitute an insanitary and unhealthy condition if it creates: harbor or concealment (including hiding places for person(s); deposit or accumulation or refuse or trash; harbor for rodents and vermin, or a refuge for snakes, rats or other rodents; noxious or an unpleasant order; or fire hazard;

(oo) 14 DCMR § 900.2 (failure to afford protection against accident to a person in or about premises on which there is an unoccupied or uncompleted building);

(pp) 14 DCMR § 901.3 (failure to submit fire inspection report or correct cited violations);

(qq) 14 DCMR § 905.4 (permitting the accumulation of combustible junk);

(rr) 14 DCMR § 907.1 (failure to properly notify the Fire Department of a fire);

(ss) 14 DCMR § 1003.1 or 1003.2 (failure to provide an entrance door lock or key thereto);

(tt) 14 DCMR § 1003.3 (failure to retain a duplicate key);

(uu) 14 DCMR § 1005.4 (failure to maintain clean and sanitary bedding);

(vv) 14 DCMR § 1005.5 or 1005.6 (failure to provide required clean linens and towels);

(ww) 14 DCMR § 1103.1 or 1103.3 (operating a boarding house without first qualifying for a Manager's Certificate);

(xx) 14 DCMR § 1104.1 (permitting a sleeping facility to exist in a room where food is prepared, served, or stored, or where utensils are washed or stored);

(yy) 14 DCMR § 1104.2 (permitting the use of a room for sleeping without required ceiling clearance over floor area);

(zz) 14 DCMR § 1104.5 (failure to maintain clean and sanitary bedding);

(aaa) 14 DCMR § 1104.6 or 1104.7 (failure to provide required clean linens and towels);

(bbb) 14 DCMR § 1106 or 1107 (failure to comply with a requirement concerning the construction, maintenance, or ventilation of rooms in which food or drink is stored, prepared, or served, or in which utensils are washed or stored);

(ccc) 14 DCMR § 1109 (failure to comply with a requirement concerning food preparation or dishwashing facilities);

(ddd) 14 DCMR § 1110 (failure to comply with a requirement concerning storage or handling utensils or the use of kitchens);

(eee) 14 DCMR §§ 1111.2 to 1111.4 (failure to comply with a requirement concerning the storage or handling of food);

(fff) 14 DCMR § 1112 (failure to comply with a requirement concerning refrigeration equipment or the refrigeration of food or drink);

(ggg) 14 DCMR § 1113.1, 1113.2, or 1113.4 (failure to comply with a requirement concerning food, drink, service of milk, or the construction of cream dispensers);

(hhh) 14 DCMR § 1116 (failure to comply with a requirement concerning employee cleanliness);

(iii) 14 DCMR § 1117 (failure to comply with a requirement concerning lavatory facilities);

(jjj) 14 DCMR § 1118.2 (failure to keep a soiled linen, coat, or apron in a vermin-proof container);

(kkk) 14 DCMR § 1201.2 (failure to submit a timely notification to the Director of any change in the appointment of a general agent, manager or attorney);

(lll) 14 DCMR § 1205.3 (failure to comply with the Elevator Code when altering, repairing or replacing elevator service);

(mmm) 14 DCMR § 1302 (failure to comply with a requirement concerning registration of occupants);

(nnn) 14 DCMR § 1303 (failure to comply with a requirement concerning room keys);

(ooo) 14 DCMR § 1304 (failure to comply with a requirement concerning the cleaning and maintenance of hotel or motel rooms);

(ppp) 14 DCMR § 1305 (failure to comply with a requirement concerning the posting of permissible occupancy rates);

(qqq) 14 DCMR § 1304 (failure to comply with a requirement concerning the maximum permissible occupancy of hotel or motel rooms);

(rrr) 14 DCMR § 1308 (failure to comply with a security requirement concerning high density use of hotel or motel rooms);

(sss) 14 DCMR § 1307, 1309, or 1310 (failure to comply with a requirement concerning the high density use of hotel or motel rooms);

(ttt) 14 DCMR § 1311 (failure to comply with a requirement concerning the high density use of hotel or motel bathroom facilities);

(uuu) Violation of any provision of the Housing Regulations of the District of Columbia, 14 DCMR, Chapters 1 through 14, which provision is not cited elsewhere in this section, shall be a Class 3 infraction.

3305.4 Violation of any of the following provisions shall be a Class 4 infraction:

(a) 14 DCMR § 401.1 (failure to provide required occupant access to common space);

(b) 14 DCMR § 401.2 (failure to locate a watercloset, shower, or bathtub in a room so as to afford privacy);

(c) 14 DCMR § 401.3 (failure to provide required occupant access to a bathroom or sleeping room);

(d) 14 DCMR § 507 (failure to comply with a requirement concerning the ventilation of bathrooms);

(e) 14 DCMR § 508 (failure to maintain a mechanical ventilation system in safe and good working condition or in constant operation);

(f) 14 DCMR § 603 (failure to comply with a requirement concerning waterproof floors in toilets);

(g) 14 DCMR § 604 (failure to comply with a requirement concerning access to bathrooms);

(h) 14 DCMR § 605 (failure to comply with a requirement concerning electrical outlets);

(i) 14 DCMR § 607.2 (failure to provide a required lock or key to a habitation door, or to maintain a lock in good repair);

(j) 14 DCMR § 701.2 (failure to maintain a walkway in good repair, free of holes, and safe for walking purposes);

(k) 14 DCMR § 702.3 (permitting to exist on premises a chimney which is not reasonable plumb);

(l) 14 DCMR § 702.5 (failure to close a chimney opening which is not required);

(m) 14 DCMR § 703 (failure to comply with a requirement concerning gutters or drainage);

(n) 14 DCMR § 704.2 (failure to maintain exterior walls in a structurally sound condition);

(o) 14 DCMR § 704.3 (failure to keep a masonry wall pointed);

(p) 14 DCMR § 705.1 (failure to supply a window with window panes that are free of open cracks and holes);

(q) 14 DCMR § 705.4 (permitting to exist on premises a door, transom, side light, skylight, door hinge, or door latch which is not in good condition);

(r) 14 DCMR § 705.5 (failure to comply with a requirement concerning an exterior door);

(s) 14 DCMR § 705.7 (failure to construct or maintain a basement hatchway so as to prevent the entrance of rodents, rain, or surface drainage water into a dwelling);

(t) 14 DCMR § 706 (failure to comply with a requirement concerning interior walls, floors, or ceilings);

(u) 14 DCMR § 708.6 or 708.10 (failure to provide a required balustrade or other guard);

(v) 14 DCMR § 903.3 (failure to maintain an exit directional sign);

(w) 14 DCMR § 1002 (failure to comply with a requirement concerning registration or room assignment);

(x) 14 DCMR § 1004.1 (permitting food in a sleeping room to be kept in a container which is not vermin-proof);

(y) 14 DCMR § 1005.1 (permitting the use of a sleeping room with inadequate ceiling clearance);

(z) 14 DCMR § 1101 (failure to comply with a requirement concerning resident managers);

(aa) 14 DCMR § 1102 (failure to comply with a requirement concerning registration or room assignment);

(bb) 14 DCMR § 1105 (failure to comply with a requirement concerning room keys);

(cc) 14 DCMR § 1108 (failure to comply with a lighting requirement);

(dd) 14 DCMR § 1118.1 (failure to provide adequate lockers or dressing rooms);

(ee) 14 DCMR § 1202.1 (failure to timely establish and maintain tenant register);

(ff) 14 DCMR § 1203 (failure to comply with a requirement concerning the posting of building management information); or

(gg) 14 DCMR § 1204.3 (failure to provide a secure, approved mail

receptacle).

3306 BUILDING INSPECTION DIVISION INFRACTIONS

3306.1 CONSTRUCTION INSPECTION INFRACTIONS

3306.1.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 12A DCMR 105.1, 105.1.15, 105.1.16, and 105.1.17 (working without a required permit);

(b) 12A DCMR 105.1, 105.1.15.1, 105.1.16.1, and 105.1.17.1 (exceeding scope of permit);

(c) 12A DCMR 115.1 (failure to remedy dangerous conditions or remove hazardous materials);

(d) 12A DCMR 114.1 (failure to comply with terms of a 'Stop Work Order');

(e) 12A DCMR 114.1 (unauthorized removal of a posted stop work order);

(f) 12A DCMR 115.5 (failure to comply with terms of posted "Unsafe to Use" notice); or

(g) International Property Maintenance Code 302.1 (exterior of property not in clean or sanitary condition).

3306.2 PLUMBING INSPECTION INFRACTIONS

The following abbreviations apply to this section:
IPC- International Plumbing Code
IPMC- International Property Maintenance Code

3306.2.1 Violation of the following provision shall be a Class 1 infraction:

(a) IPC 114.3 (failure to comply with terms of a 'Stop Work Order');

(b) IPC 120.1 (HVAC work performed by non-D.C. licensed mechanic);

(c) IPMC 505.4 (hot water exceeds 120 degrees °F.);

(d) 12A DCMR 114.1 (unauthorized removal of a posted stop work order);

(e) 12A DCMR 119.4.4 (plumbing work performed by non-D.C. licensed plumber); or

(f) 12A DCMR 105.1 (working without a permit).

3306.2.2 Violation of the following provisions shall be a Class 2 infraction:

(a) 12F DCMR P-1101.2.2 (sump pump discharge into public space);

(b) 12F DCMR 1101.2.2 (discharge of water from sump pump directly to adjacent property); or

(c) IPC 802.1-4 (swimming pool water discharge into public/park space).

3306.2.3 Violation of the following provisions shall be a Class 3 infraction:

(a) IPMC 506.2 (obstruction of drains);

(b) IPMC 506.2 (plumbing system not maintained);

(c) 12A DCMR 115.1 (mechanical system not maintained);

(d) 12A DCMR 115.1 (downspout(s) not connected to terminals);

(e) IPMC 506.2 (main sewer line obstructed).

3306.2.4 Violation of the following provisions shall be a Class 4 infraction:

(a) IPMC 505.4 (no hot water at peak demand); or

(b) IPC 604.7 (inadequate water pressure).

3306.3 ELECTRICAL INSPECTION INFRACTIONS

3306.3.1 Violation of the following provision shall be a Class 1 infraction:

(a) 12A DCMR 105.1.14 (working without the required electrical permit);

(b) 12A DCMR 105.1.14.1 (exceeding scope of permit);

(c) 12A DCMR § 114A (failure to comply with terms of a Stop Work Order); or

(d) 12A DCMR 114.1 (unauthorized removal of a posted stop work order).

3306.4 BOILER INSPECTION INFRACTIONS

3306.4.1 Violation of the following provisions shall be a Class 1 infraction:

(a) 12A DCMR § 114A (failure to comply with terms of a Stop Work Order);

(b) 12A DCMR 114.1 (unauthorized removal of a posted stop work order);

(c) 12E DCMR M-013.7 (failure to obtain a boiler Certificate of Inspection);

(d) 12E DCMR M-1013.9.1 (violation of conditions of posted Unsafe to Use notice);

(e) 12E DCMR M-1014.2.1 (failure to obtain a boiler installation permit);

(f) 12E DCMR M- 1014.2.1 (no installations permit for boiler and/or unfired pressure vessels);

(g) 17 DCMR 400.2 (operating engineering equipment without proper D.C. engineer's license); or

(h) 12E DCMR M-1013.1.1 (alteration and repair of boilers without required permit).

3306.4.2 Violation of the following provisions shall be a Class 2 infraction:

(a) 12E DCMR M-1014.9.2 (improper location or clearance of a boiler); or

(b) 12E DCMR M-1016.1.2 (welder working without a D.C. certification).

3306.4.3 Violation of the following provision shall be a Class 3 infraction:

12E DCMR M-1013.8 (failure to make a timely repair, alteration, or cleaning, to a boiler specified in a notice of deficiency).

3306.4.4 Violation of the following provisions shall be a Class 4 infraction:

(a) 12E DCMR M-1013.9.1 (improper boiler or pressure vessel operation);

(b) 12E DCMR M-1013.9.1 (certificate of inspection not properly posted); or

(c) 12A DCMR § 109 (denial of entry to boiler room).

3306.5 ELEVATOR INSPECTION INFRACTIONS

The following abbreviations apply to this section:
ASME- American Society of Mechanical Engineers
NFPA- National Fire Protection Association

3306.5.1 Violation of the following provisions shall be a Class 1 infraction:

(a) 12A DCMR § 105A (installation of elevators, escalators, dumbwaiters, man lift(s), and other traveyors without a permit);

(b) 12A DCMR § 114A (failure to comply with terms of a Stop Work Order);

(c) 12A DCMR 114.1 (unauthorized removal of a posted stop work order).or

(d) 12A DCMR 115.5 (failure to comply with terms of posted Unsafe to Use notice).

3306.5.2 Violation of the following provisions shall be a Class 2 infraction:

(a) ASME A17.1- Rule 1001.1 (Failure to have semi–annual inspections performed);

(b) ASME A17.1- Rule 1002.3 (failure to schedule five year governor speed and safety test);

(c) ASME A17.1- Rule 101.1a and/or 101.3d (failure to provide required fire rated door at elevator machine room with self-closing and self-locking device);

(d) ASME A17.1 -Rule 101.a, 101.3d (b) and/or 106.1d 4) (failure to provide a UL listed fire rated self-closing, self-locking, device at machine room door of elevators or pit doors);

(e) ASME A17.1 –Rule 204.7a (failure to provide emergency light and bell operation); or

(f) ASME A17.1 – Appendix 211 (failure to repair emergency phone on elevators).

3306.5.3 Violation of the following provisions shall be a Class 3 infraction:

(a) ASME A17.1- Rule 1206.1h (failure to provide required class fire extinguisher in elevator machine room);

(b) ASME A17.1- Rule 210.1e (3) (failure of elevator to level at floor);

(c) ASME A17.1- Appendix (failure to post fire emergency instruction pictograph adjacent to each non-egress hall push button);

(d) NFPA 70 §620-51(a) (main line disconnects unable to be locked in the off position);

(e) ASME A17.1-Rule 1206.2a (failure to remove all materials not related to the operation from the pit); or

3306.5.4 Violation of the following provisions shall be a Class 4 infraction:

(a) ASME A17.1- Rule 1206.2a (excessive lint and dust in hoist ways);

(b) ASME A17.1- Rule 101.2 (non-related equipment in elevator machine room);

(c) ASME A17.1- 211 (door closure button on elevators in disrepair); or

(d) ASME A17.1-Rule 1206.2a (unclean elevator pits)

3307 BUILDING CONDEMNATION DIVISION INFRACTIONS

3307.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) Section 4 of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, approved May 1, 1906 (34 Stat. 158, ch. 2073; **D.C. Official Code § 6-904**) (permitting the occupancy of a condemned building without authorization by the Board for the Condemnation of Insanitary Buildings);

(b) Section 5 of an Act To create a board for the condemnation of insanitary buildings in the District of Columbia (**D.C. Official Code § 6-905**) (failure to obtain any required permit when work is undertaken to repair, make habitable or demolish a condemned building.); or

(c) Section 12 of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia (**D.C. Official Code § 6-912**) (defacing, removing or concealing any copy of any order of condemnation which has been affixed to any condemned building).

3307.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) Section 11 of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia (**D.C. Official Code § 6-911**)

(hindering, preventing or refusing to permit a lawful inspection of the premises.);

(b) Section 3 of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia (**D.C. Official Code § 6-903**) (failure to show cause within the time specified why such building or part of building should not be condemned);

(c) Section 7 of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia (**D.C. Official Code § 6-907**) (failure of the owner to cause such building to be put into a habitable and sanitary condition or to be demolished and removed within the time specified by the Board in the order of condemnation); or

(d) Section 15 of an Act To create a board for the condemnation of insanitary buildings in the District of Columbia (**D.C. Official Code § 6-915**) (tenants or occupants neglecting or causing to exist unsanitary conditions which have led to the condemnation of a building.

3308 RENTAL ACCOMMODATIONS AND CONVERSION DIVISION INFRACTIONS

3308.1 A violation of section 901 (b) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; **D.C. Official Code § 42-3509.01 (b)**), or when based upon a violation of section 208 of the Rental Housing Act of 1985 (**D.C. Official Code § 42-3502.08 (a)(1)**) (increasing rent when not properly licensed), shall be a Class 1 infraction.

3308.2 A violation of Section 901 (b) of the Rental Housing Act of 1985 (**D.C. Official Code § 42-3509.01 (b)**), when based upon a violation of any of the following provisions, shall be a Class 2 infraction:

(a) Section 205 (f) of the Rental Housing Act of 1985 (**D.C. Official Code § 42-3502.05(f)**) (failure to timely register);

(b) Section 205 (g) of the Rental Housing Act of 1985 (**D.C. Official Code § 42-3502.05(g)**) (failure to file an amended registration form); or

(c) Section 501 of the Rental Housing Act of 1985 (**D.C. Official Code § 42-3505.01**) (failure to comply with a requirement concerning evictions).

3309 DCRA FIRE PROTECTION DIVISION INFRACTIONS

The following abbreviations apply to this section:

IFC- International Fire Code
IBC- International Building Code
NFPA- National Fire Protection Association
IPMC- International Property Maintenance Code

3309.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 12G DCMR PM-§ 705,1 (failure to remedy dangerous conditions to remove hazardous materials);

(b) 12A DCMR § 114A (failure to comply with terms of a 'Stop Work Order');

(c) 12A DCMR § 114.1 (unauthorized removal of a posted stop work order);

(d) IFC § 609.1 (failure to provide and maintain a ventilating hood or duct over commercial cooking appliances);

(e) IFC § 609.2.2 (failure to provide an approved fire suppression system for existing food operations);

(f) IBC § 709.3 (failure to maintain all required fire resistance rated doors or smoke barriers);

(g) IFC § 901.6(failure to maintain in an operative condition at all times fire protection and life safety systems, devices, units, or service equipment.);

(h) IFC § 906.1 (failure to provide fire extinguishers);

(i) IFC § 1010.16.7 (failure to maintain in a safe condition and free of all obstructions the means of egress from each part of the building);

(j) IBC § 1003.2.2.4 (overcrowding or admitting persons beyond the established posted occupants load);

(k) IFC § 1011.2 (aisles, passageways or stairways are obstructed in such manner as to interfere with fire fighting access during hours when the building is open to the public);

(l) IFC § 1010.5 (failure to provide adequate lighting for stairways, hallways and other means of egress); or

(m) IBC § 1006.1 (exits fail to discharge directly at a public way or at a yard, court or open space of the required width and size to provide all occupants with a safe access to a public way).

3309.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) IPMC §302.1 (permitting the accumulation of waste paper, wood, hay straws, weeds, litter or combustible or flammable waste or rubbish of any kind);

(b) IFC § 904.11 (failure to provide or maintain an automatic activation kitchen hood fire extinguishing system);

(c) IFC § 904.11.1 (failure to provide or maintain a manual activation device for the hood fire extinguishing system);

(d) NFPA70 §110.32 (failure to provide the required clearance between all electrical service equipment and storage);

(e) IFC § 904.11.5 (failure to provide a sufficient number of portable fire extinguishers);

(f) IFC § 906.2 or 12G DCMR § PM-705.2 (failure to maintain, test or recharge hand operated portable fire extinguishing equipment);

(g) IFC § 1011.3 (storing combustible or flammable materials on any portion of an exit, elevator car, stairway, fire escape or other means of egress);

(h) IBC § 1003.3.1.1 (door openings fail to meet the requirements of minimum width based upon occupant load);

(i) IBC § 1003.1.9 (doors are not equipped with approved panic hardware);

(j) IBC § 1003.3.1.2 (exit doors swing in the wrong direction);

(k) 12E DCMR § M-1004.1 (failure to provide an oil burner emergency switch);

(l) IBC § 1003.2.11.2 (failure to provide emergency lights, alarms or power back-up);

(m) IBC § 1003.2.10.2 (permitting decorations, furnishings or equipment, which impairs the visibility of exit signs);

(n) IBC § 1003.3.1.8.3 (failure to maintain self-closing and automatic doors or to provide a fire or smoke barrier);

(o) IBC § 1003.2.2.5 (failure to conspicuously post sign stating the number of occupants permitted within such space for each place of assembly);

(p) IBC § 1003.2.10.2 (failure to maintain exit signs in theaters or other places of public assembly); or

(q) IBC § 805 (decorative materials are not non-combustible or flame resistant).

3309.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) IFC § 904.1 (extinguishing systems are not inspected and tagged);

(b) IBC § 1003.2.10.2 or 12G DCMR § PM-702.6 (exit signs are not maintained or clearly illuminated at all times when the building is occupied); or

(c) Any provision of the District of Columbia Construction Code Supplement of 2003 (12 DCMR), the 2000 International Property Maintenance Code, or the 2000 International Fire Code which is not cited elsewhere in this section shall be a Class3 infraction.

3310 HOUSING INSPECTION DIVISION NOISE INFRACTIONS

3310.1 Reserved

3310.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 2701.1 (causing or permitting sounds emanating from operations, activities or other sources under one's control to exceed the maximum noise level);

(b) 20 DCMR § 2800.2 (using, operating, or permitting to be used any musical instrument device, loud speaker, sound amplifier, or other device in excess of the maximum noise level);

(c) 20 DCMR § 2802.1 (permitting noise levels resulting from construction or demolition to exceed the maximum noise level);

(d) 20 DCMR § 2803.2 (permitting noise to emanate from construction, excluding home repairs within residential, special purpose, or waterfront zone on any Sunday or legal holiday, or after 7:00 p.m., and before 7:00 a.m., on any weekday);

(e) 20 DCMR § 2804.2 (permitting blasting with explosives on any Sunday or legal holiday or at nighttime on weekdays, without a special permit);

(f) 20 DCMR § 2806.2 (operating or permitting the operation of any refuse collection vehicle in any residential, special purpose, or waterfront zone at nighttime on any day of the week);

(g) 20 DCMR § 2810.1 (selling or offering to sell a new motor vehicle or motor cycle that is to be registered for use upon the public highway that exceeds the maximum noise levels; or

(h) 20 DCMR § 2810.2 (failure of the manufacturer, distributor, importer or his or her designated agent to certify in writing to the Mayor that all motor vehicles or motorcycles sold by him or her in the District comply with the applicable maximum noise levels).

3310.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 2703.3 (permitting noise to emanate from railroad cars operated by the Washington Metropolitan Area Transit Authority to exceed the maximum noise level);

(b) 20 DCMR § 2801.2 (permitting noise resulting from the use of any air conditioning, refrigerator, heat pump, fan, swimming pool equipment, or other mechanical equipment to exceed the maximum noise level);

(c) 20 DCMR § 2811.5 (operating a motor vehicle equipped with an engine speed governor that generates a sound level in excess of the maximum noise level);

(d) 20 DCMR § 2812.1 (modifying or altering the exhaust system of a motor vehicle or motorcycle in a manner that will amplify or increase the noise emitted by the vehicle in excess of the maximum noise level); or

(e) 20 DCMR § 2812.2 (using, operating a motor vehicle or a motorcycle having an exhaust system that has been modified or altered in a manner that will increase the noise emitted by the vehicle above the maximum noise level);

3310.4 Violation of any provision of the District of Columbia Noise Control Regulations, 20 DCMR, Chapters 27 to 29, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction.

3311 VACANT PROPERTY INFRACTIONS

3311.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) Section 6(a) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.06(a)**) (failure to initiate registration of a vacant building within 30 days after a building becomes vacant);

(b) Section 6(a) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.06(a)**) (failure to complete registration of a vacant building within 120 days after a building becomes vacant);

(c) Section 6(e) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, effective April 27, 2001 (D.C Law 13-281; **D.C. Official Code § 42-3131.06(e)**) (failure to report change of name or address of owner within 30 days of occurrence);

(d) Section 7(a) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.07(a)**) (failure to allow inspection of vacant building); or

(e) Section 7(a)(5) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.07(a)(5)**) (making false statements or misrepresentations upon the registration application).

3311.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) Section 6(a) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.06(a)**) (failure to pay appropriate registration fees);

(b) Section 6(b) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.06(b)**) (failure to apply for registration after exemption status expires);

(c) Section 6(d) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.06(d)**) (failure to apply for new registration after registered building is transferred or otherwise conveyed);

(d) Section 6(a) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official**

Code § 42-3131.06(a)) (failure to maintain a vacant building in compliance with the requirements of D.C. Official Code § 42-3131.12);

(e) Section 7(a) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.07(a)**) (failure to timely renew registration status);

(f) Section 7(a)(2)(A) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.07(a)(2)(A)**) (vacant property is detrimental to the public health, safety and welfare);

(g) Section 7(a)(2)(B) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.07(2)(B)**) (property unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the neighborhood);

(h) Section 7(a)(2)(C) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.07(2)(C)**) (poses a hazard to police officers or fire fighters entering the building in an emergency);

(i) Section 7(a)(3) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.07(3)**) (the building fails to comply with the Fire, Building and Housing code of the District); or

(j) Section 8 of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.08**) (proceeding with an operation related to registration after notice of revocation issued).

3311.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) Section 12(1) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Code § 42-3131.12(1)**) (doors, windows, areaways, and other openings are not weather tight and secured against entry by birds, vermin, and trespassers; or missing or broken doors, windows and other openings are not covered with ½ inch CDX plywood that is weather protected, tightly fitted to the opening, and secured by screws or bolts);

(b) Section 12(2) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(2)**) (the roof and flashing are not sound and tight, will

admit moisture, or are not drained to prevent dampness or deterioration in the walls or interior);

(c) Section 12(3) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(3)**) (the building storm drainage system is not adequately sized and installed in an approved manner and functional);

(d) Section 12(4) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(4)**) (the interior and/or exterior are not maintained in good repair, structurally sound, free from debris, rubbish and garbage, and sanitary so as not to threaten public health or safety);

(e) Section 12(5) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(5)**) (the structural members are not free of deterioration and capable of safely bearing imposed dead and live loads);

(f) Section 12(6) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12 (6)**) (the foundation walls are not plumb, free from open cracks and breaks, or vermin proof);

(g) Section 12(7) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(7)**) (the exterior walls are not free of holes, breaks, or loose and/or rotting materials, and exposed metal and wood surfaces are not protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint);

(h) Section 12(8) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(8)**) (the cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features are not safe, anchored, and in good repair, and exposed metal and wood surfaces are not protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint);

(i) Section 12(9) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(9)**) (all balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features are not in good repair, anchored, safe and sound, and exposed metal and wood surfaces are not protected from the elements and against

decay or rust by periodic application of weather-coating materials, such as paint);

(j) Section 12(10) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(10)**) (chimneys, cooling towers, smokestacks, and similar appurtenances are not structurally safe, sound, and in good repair, and exposed metal and wood surfaces are not protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint);

(k) Section 12(11) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(11)**) (openings in sidewalks are not safe for pedestrian travel);

(l) Section 12(12) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(12)**) (accessory and appurtenant structures such as garaged, sheds, and fences are not free from safety, health and fire hazards); or

(m) Section 12(13) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District (**D.C. Official Code § 42-3131.12(13)**) (the property on which a structure is located is not clean, safe, and sanitary and threatens the public health or safety).

3312 ZONING DIVISION INFRACTIONS

3312.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 11 DCMR § 3203 (failure to obtain a certificate of occupancy or use beyond scope of certificate of occupancy);

(b) 11 DCMR § 3205 (failure to comply with conditions in Board of Zoning Adjustment or Zoning Commission orders); or

(c) 11 DCMR § 2101.1 (failure to provide required parking).

3312.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 11 DCMR § 400.1 (failure to conform to height limitations for buildings allowed in residential districts);

(b) 11 DCMR § 530.1 (failure to conform to height limitations for

buildings allowed in special purpose districts);

(c) 11 DCMR § 930.1 (failure to conform to height limitations for buildings allowed in waterfront districts);

(d) 11 DCMR § 630.1 (failure to conform to height limitations for buildings allowed in mixed-use districts);

(e) 11 DCMR § 1203.1 (failure to conform to height limitations for buildings allowed in Capitol Interest Districts);

(f) 11 DCMR § 770.1 (failure to conform to height limitations for buildings allowed in commercial districts);

(g) 11 DCMR § 840.1 (failure to conform to height limitations for buildings allowed in industrial districts);

(h) 11 DCMR § 2101.2 (failure to obtain Board of Zoning Adjustment approval prior to reducing required accessory parking);

(i) 11 DCMR § 2115 (failure to comply with the size requirements for parking spaces for vehicles);

(j) 11 DCMR § 2200.1 (failure to provide and/or maintain a loading berth, loading platform or service/delivery loading space);

(k) 11 DCMR § 2303 (failure to keep parking lot free of refuse and debris); or

(l) 11 DCMR § 2303.1(b) (failure to design a parking lot so that no vehicle or any part of a vehicle projects over the lot line or building line).

3312.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 11 DCMR § 203 (failure to obtain a home occupation permit, or use beyond scope of a home occupation permit).

(b) 11 DCMR § 402 (failure to comply with limitations on floor area ratios allowed in residential districts);

(c) 11 DCMR § 531 (failure to comply with limitations on floor area ratios allowed in special purpose districts):

(d) 11 DCMR § 631 (failure to comply with limitations on floor area ratios allowed in mixed-use districts);

(e) 11 DCMR § 771 (failure to comply with limitations on floor area ratios allowed in commercial districts);

(f) 11 DCMR § 841 (failure to comply with limitations on floor area ratios allowed in industrial districts);

(g) 11 DCMR § 931(failure to comply with limitations on floor area ratios for buildings and structures in waterfront districts);

(h) 11 DCMR § 1203.3 (failure to comply with limitations on floor area ratios allowed in Capitol Interest Districts);

(i) DCMR § 2119.1 (failure to provide bicycle parking spaces when required);

(j) 11 DCMR § 2117.3 (failure to stripe and line all required parking spaces);

(k) DCMR § 2117.11 (failure to provide landscaping for parking spaces when required);

(l) 11 DCMR § 2117.12 (failure to properly screen all open parking spaces when required);

(m) DCMR § 2119.2 (failure to provide clean, secure and convenient bicycle facilities);

(n) 11 DCMR § 2505 (failure to comply with requirements for the excavation of rock, clay, sand, or gravel for commercial purposes or the operation of a rock quarry); or

(o) DCMR § 3203.3 or 12 DCMR § 118.1.4 (failure to conspicuously post a certificate of occupancy).

3312.4 Violation of any of the following provisions shall be a Class 4 infraction:

(a) 11 DCMR § 403 (failure to comply with limitations on lot occupancy allowed in residential district);

(b) 11 DCMR § 532 (failure to comply with limitations on lot occupancy allowed in special purpose, waterfront district);

(c) 11 DCMR § 634 (failure to comply with limitations on lot occupancy allowed in mixed-use district);

(d) 11 DCMR § 772 (failure to comply with limitations on lot occupancy allowed in commercial district);

(e) 11 DCMR § 932 (failure to comply with limitations on lot occupancy allowed in waterfront district);

(f) 11 DCMR § 404 (failure to comply with limitations on rear yards allowed in residential districts);

(g) 11 DCMR § 534 (failure to comply with limitations on rear yards allowed in special purpose districts);

(h) 11 DCMR § 636 (failure to comply with limitations on rear yards allowed in mixed use districts);

(i) 11 DCMR § 774 (failure to comply with limitations on rear yards allowed in commercial districts);

(j) 11 DCMR § 842 (failure to comply with limitations on rear yards allowed in industrial districts);

(k) 11 DCMR § 933 (failure to comply with limitations on rear yards allowed in waterfront districts);

(l) 11 DCMR §405 (failure to comply with limitations on side yards allowed in residential districts);

(m) 11 DCMR § 535 (failure to comply with limitations on side yards allowed in special purpose districts);

(n) 11 DCMR § 934 (failure to comply with limitations on side yards allowed in waterfront districts);

(o) 11 DCMR § 775 (failure to comply with limitations on side yards allowed in commercial districts);

(p) 11 DCMR § 843 (failure to comply with limitations on side yards allowed in industrial districts);

(q) 11 DCMR § 533 (failure to comply with limitations on residential recreation space required in special purpose districts);

(r) 11 DCMR § 635 (failure to comply with limitations on private residential recreation space allowed in mixed use districts);

(s) 11 DCMR § 773 (failure to comply with limitations on residential recreation space allowed in commercial districts);

(t) 11 DCMR § 2119.8 (failure to post a sign stating where bicycle parking spaces are located in the building when such spaces are required); or

(u) 11 DCMR § 2504 (failure to comply with limitations on the removal of topsoil or sod).

Title 16 DCMR is amended to add a new Chapter 34 to read as follows:

CHAPTER 34 FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DEPARTMENT INFRACTIONS

Secs.

3400 Administrative Procedures and Schedule of Fines Applicable
3401 Fire Prevention Code Infractions
3402 Security And Fire Alarms Systems Infractions

3400 ADMINISTRATIVE PROCEDURES AND SCHEDULE OF FINES APPLICABLE

3400.1 The civil infractions set forth in this chapter are subject to the provisions of Chapter 31 (Administrative Procedures) and Chapter 32 (Schedule of Fines) of this Title.

3401 FIRE PREVENTION CODE INFRACTIONS

The following abbreviations apply to this section:
IFC- International Fire Code

3401.1 Violations of any of the following provisions of the Fire Prevention Code shall be a Class 1 Infraction:

(a) 12H DCMR § F-102.3 (change in occupancy that will subject the structure to special provisions of the Fire Prevention Code or Building Code without approval of the code official);

(b) 12H DCMR § F-107.1 (failure to obtain and maintain required permits on the premises, including operational or installation permits as described by 12H DCMR §§ F-107.9 and 107.10);

(c) 12H DCMR § F-109.7 (obstructing operations of the Fire Department in connection with extinguishment or control of any fire, or action relating to other emergencies);

(d) 12H DCMR § F-110.1 (failure to remedy dangerous conditions or remove hazardous materials);

(e) 12H DCMR § F-110.1(1) (failure to remedy hazardous conditions liable to cause or contribute to the spread of fire in, or on, the premises, building or structure, or endangering life or property);

(f) 12H DCMR § F-110.1(8) (failure to remedy hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials);

(g) 12H DCMR § F-110.2 (failure to maintain, on a structure, premises, or lot, the fire protection equipment, systems or devices, means of egress or safeguards required by Fire Prevention Code);

(h) 12H DCMR § F-110.3 (failure to remedy unsafe conditions in a existing structure or vacant structure, or a deficiency in a means of egress);

(i) 12H DCMR § F-111.2 (refusal to leave, or interference with the evacuation of other occupants or continuance of any operation after receiving an evacuation order);

(j) 12H DCMR § F-112.2 (failure to comply with a notice of violation issued by the code official);

(k) IFC § 311.2.1 (failure to secure exterior and interior openings of vacant premises);

(l) 12H DCMR § F-603.4 (failure to prohibit the use of portable unvented heaters or fuel fired heating equipment in use Group A, E, I, R-1, R-2, R-3 and R-4);

(m) 12H DCMR § F-604.1 (failure to maintain and inspect emergency and standby systems in accordance with ICC Electric Code, NFPA 110 and NFPA 111);

(n) 12H DCMR F-904.1 (failure to inspect, test and maintain automatic fire-extinguishing systems (except sprinkler systems) in accordance with the International Fire Code and the applicable referenced standards);

(o) 12H DCMR § F-1011.5 (failure to post occupant load);

(p) 12H DCMR § F-1011.6 (permitting overcrowding or admitting persons beyond the established occupant load); or

(q) 12H DCMR § F-3309.1.1 (engaging in the manufacturing, possession, storage, display, sale, setting off, or discharge of prohibited fireworks).

3401.2 Violations of any of the following provisions of the Fire Prevention Code shall be a Class 2 infraction:

(a) 12H DCMR § F-307.5 (operating charcoal burners and other open-flame cooking devices on a balcony or within 10 feet of combustible construction);

(b) 12H DCMR § F-308.3 (failure to obtain a permit for open flame use in an educational or assembly occupancy);

(c) 12H DCMR § F-314.5.1 (failure to provide a fire prevention attendant in a temporary exhibit of an unsprinklered building);

(d) IFC § 404.2 (failure to prepare and maintain a fire safety and evacuation plan in accordance with this section);

(e) IFC § 405.5 (failure to maintain emergency evacuation drill records);

(f) IFC § 406.3 (failure to ensure employees are provided with fire prevention, evacuation and fire safety training);

(g) IFC § 505.1 (failure to provide approved, legible and visible building address or identification);

(h) IFC § 508.5.4 (obstructing fire hydrants, department connections or other fire protection system control valves);

(i) 12H DCMR § F-907.3.1.5.2 (failure to install approved single-station smoke alarms in existing dwelling units, congregate residences, and hotel and lodging house guestrooms); or

(j) 12H DCMR § F-1012.1 (failure to maintain emergency escape windows operational).

3401.3 Violation of any of the following provisions of the Fire Prevention Code shall be a Class 3 infraction:

(a) IFC § 605.3 (failure to provide and maintain required clearance in front of electrical service equipment);

(b) IFC § 803.1.3 (obstruction of egress or exit access visibility by placement furnishings or other objects);

(c) IFC § 906.1 (failure to provide portable fire extinguishers in required occupancies and locations); or

(d) 12H DCMR § F-1012.2 (failure to ensure security bars, grilles and screens over emergency escape windows are releasable or removable from the inside without use of a key or tool).

3401.4 Violation of any the following provisions of the Fire Prevention Code shall be a Class 4 infraction:

(a) IFC 304.1 (failure to prohibit the accumulation of prohibited waste);

(b) IFC 310.4 (removing, obscuring, defacing, mutilating or destroying "No Smoking" signs);

(c) IFC 803.3.2 (failure to limit artwork and teaching material to not more than
20 percent on walls of corridors in educational occupancies);

(e) IFC 804.1.1 (failure to prohibit display of natural cut trees in certain occupancies); or

(f) 12H DCMR F-1013.1 (failure to provide stair identification of interior and exterior doors connecting more than three stories).

3401.5 Violation of any provision of the Fire Prevention Code not otherwise listed in this section shall be a Class 5 infraction.

3402 SECURITY AND FIRE ALARM SYSTEMS INFRACTIONS

3402.1 Reserved

3402.2 Reserved

3402.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) Section 5(a) of the Security and Fire Alarm Systems Regulation Act of 1980, effective Sept. 26, 1980 (D.C. Law 3-107; **D.C. Official Code § 7-2804(a)**)(engaging in the business of an alarm dealer within the District of Columbia without an alarm dealer's license);

(b) Section 6(a) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2805(a)**) (acting as an alarm system agent within the District of Columbia without an alarm agent's license); or

(c) Section 9(a) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2808(c)**) (installing or maintaining an alarm system which does not have some safeguard which allows reasonable delay to halt or recall an accidental alarm activation before the alarm is communicated to the Metropolitan Police Department or the Fire and Emergency Medical Services Department).

3402.4 Violation of any of the following provisions shall be a class 4 infraction:

(a) Section 4 of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C Official Code § 7-2803**) (using any unapproved signaling device to transmit, or cause to be transmitted, a prerecorded message to report any fire, burglary, holdup or other emergency directly to the Metropolitan Police Department or the District of Columbia Fire and Emergency Medical Services Department);

(b) Section 6(e) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2805(e)**) (failing to display upon request a valid license identification card while installing, inspecting, maintaining, servicing or repairing an alarm system);

(c) Section 7(a) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2806(a)**) (failure of an alarm dealer to maintain and secure records);

(d) Section 7(b) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2806(b)**) (failure to maintain alarm agent user records as required by law);

(e) Section 7(c) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2806(c)**) (failure to post sign indicating alarm dealer);

(g) Section 7(d) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2806(d)**) (failure to adequately train or instruct employees);

(h) Section 8(d) of the Security and Fire Alarm Systems Regulation Act of 1980 1980 (**D.C. Official Code § 7-2807(d)**) (failure of user to maintain posted name of alarm agent or dealer);

(i) Section 8(a) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2807(a)**) (causing or permitting a false alarm);

(j) Section 8(c) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C. Official Code § 7-2807(c)**) (failure to maintain an alarm system in good working order or failing to promptly repair defects);

(k) Section 8(d) of the Security and Fire Alarm Systems Regulation Act of 1980 (**D.C Official Code § 7-2807(d)**) (failure of user to have person properly respond to scene when requested); or

(l) Section 9 of the Security and Fire Alarm Systems Regulation Act of 1980 **(D.C. Official Code § 7-2808(a))** (installing or maintaining a system by any person which creates an improper sound).

Title 16 DCMR is amended to add a new Chapter 35 to read as follows:

CHAPTER 35 DEPARTMENT OF MENTAL HEALTH (DMH) INFRACTIONS

Secs.

3500 Administrative Procedures and Schedule of Fines Applicable
3501 Community Residence Facility Infractions
3502 Mental Health Rehabilitative Services Provider Infractions

3500 ADMINISTRATIVE PROCEDURES AND SCHEDULE OF FINES APPLICABLE

3500.1 The civil infractions set forth in this chapter are subject to the provisions of Chapter 31 (Administrative Procedures) and Chapter 32 (Schedule of Fines) of this Title.

3501 COMMUNITY RESIDENCE FACILITY INFRACTIONS

3501.1 Violation of the following provisions shall be a Class 1 infraction:

(a) 22 DCMR § 3800.5 (operating a CRF without proper licensure);

(b) 22 DCMR § 3811.1 (failure of fire exits to meet requirements);

(c) 22 DCMR § 3811.2 (improper locking of fire exit doors);

(d) 22 DCMR § 3811.3 (failure to maintain proper fire exit access);

(e) 22 DCMR § 3811.4 (failure to comply with the requirements of 12 DCMR § 914);

(f) 22 DCMR § 3819.1 (working in or owning a MHCRF after conviction for abusing or mistreating another person);

(g) 22 DCMR § 3819.5 (failure to make reasonable efforts to ensure that persons known to have abused or mistreated another person do not provide services in a MHCRF);

(h) 22 DCMR § 3819.6 (employee or volunteer provides direct services while under influence of drugs or alcohol or while infected with communicable disease);

(i) 22 DCMR § 3819.7 (providing care in MHCRF without proper licensure, certification or registration);

(j) 22 DCMR § 3819.8 (assigning duties inconsistent with employee's license, job description, training and experience);

(k) 22 DCMR § 3829.1 or 3829.2 (failure to provide oral or written notice of any serious illness, accident, or unusual incident);

(l) 22 DCMR § 3829.4 (failure to notify an appropriate person in the case of the death of a resident); or

(m) 22 DCMR §§ 3835.4, 3835.5, 3836.4, 3837.4, or 3838.5 (failure to comply with staffing requirements).

3501.2 Violation of the following provisions shall be a Class 2 infraction:

(a) 22 DCMR §§ 3803.1, 3835.2, 3836.2, 3837.1 or 3838.3 (exceeding maximum occupancy);

(b) 22 DCMR § 3803.5 (failure to make residence physically accessible);

(c) 22 DCMR §§ 3806.1 or 3806.3 (failure to comply with heating and cooling requirements);

(d) 22 DCMR § 3813.1 (failure to keep food handler certificate current or failure to apply nutrition and management principles);

(e) 22 DCMR § 3813.2 (failure to promote residents' participation and skill development in menu planning, shopping, food storage, and kitchen maintenance);

(f) 22 DCMR §§ 3813.3 to 3813.5 (failure to comply with meal service regulations);

(g) 22 DCMR § 3813.6 (failure to provide clean, wholesome, and unspoiled food and drink);

(h) 22 DCMR § 3822.1 (failure to keep confidential resident's record and any MHCRF records that contain information identifying residents);

(i) 22 DCMR § 3823.3 (failure to keep resident's medication record inaccessible to other residents and visitors);

(j) 22 DCMR §§ 3823.4 to 3823.10, or §3823.12 (improper administration of medications);

(k) 22 DCMR § 3823.10 (failure to report and document medication errors, reactions or adverse responses);

(l) 22 DCMR § 3823.11 (failure to document and report resident's refusal of medication);

(m) 22 DCMR §§ 3824.1 or 3824.2 (failure to carry or provide proof of required insurance);

(n) 22 DCMR § 3830.1 (failure to notify the CMHS and physician of change that may require relocating resident);

(o) 22 DCMR §§ 3830.2 or 3820.3 (improper discharge, transfer or relocation of a resident);

(p) 22 DCMR § 3830.4 (failure to readmit resident transferred from MHCRF within ninety (90) days);

(q) 22 DCMR § 3830.5 (failure to hold bed for SSI resident admitted to public mental institution in which Medicaid is paying fifty percent (50%) or more of cost of care);

(r) 22 DCMR §§ 3831.1 or 3831.2 (restraining or confining a resident);

(s) 22 DCMR §§ 3833.1 to 3833.7 (failure to comply with service coordination, case management, and support services regulations);

(t) 22 DCMR §§ 3835.1 or 3836.1 (failure to provide homelike setting in a Supported Residence or a Supported Rehabilitative Residence);

(u) 22 DCMR §§ 3835.7, 3836.9, or 3837.7 (failure to have a Residence Director);

(v) 22 DCMR §§ 3836.3 or 3837.2 (failure to provide specialized services or programming when necessary);

(w) 22 DCMR §§ 3836.5 (failure to provide staff assistance with daily living activities, personal supervision, meals, lodging, and rehabilitative and specialized services);

(x) 22 DCMR §§ 3836.6 (failure to provide consistent and therapeutic environment);

(y) 22 DCMR § 3836.7 (failure to coordinate rehabilitation under the direction of the resident's designated treatment team);

(z) 22 DCMR § 3837.5 (failure to provide staffing specialists according to special program needs);

(aa) 22 DCMR §§ 3837.8 or 3838.6 (failure to have Residence Director or staff member present when residents are at the residence, or failure to provide clinical back-up services); or

(bb) 22 DCMR §§ 3837.9 or 3838.7 (failure of Residence Director of Intensive Residence or a Transitional Residence to meet requirements of § 3818 and appropriate experience requirements).

3501.3 Violation of the following provisions shall be a Class 3 infraction:

(a) 22 DCMR § 3801.1 (failure to explain rights and responsibilities, provide a written statement of rights and responsibilities, or make available a copy of rights);

(b) 22 DCMR §§ 3801.2, 3801.4, or 3827.4 (discrimination or reprisal against a resident);

(c) 22 DCMR § 3801.3 (failure to provide resident and resident's legal representative a signed, written admission contract prior to admission);

(d) 22 DCMR § 3801.5 (failure to provide resident a copy of grievance procedures);

(e) 22 DCMR § 3801.6 (failure to provide resident privacy for provision of personal and medical care);

(f) 22 DCMR § 3801.7 (failure to provide resident opportunity to participate in developing individual treatment plan);

(g) 22 DCMR § 3801.8 (failure to provide resident adequate and humane treatment by competent and qualified staff);

(h) 22 DCMR § 3801.9 (failure to inform resident of condition and progress);

(i) 22 DCMR § 3801.10 (failure to keep resident's treatment record confidential);

(j) 22 DCMR § 3801.11 (failure to provide resident the opportunity to meet with members of the treatment team);

(k) 22 DCMR § 3801.12 (failure to provide resident periodic review of treatment plan);

(l) 22 DCMR §§ 3801.13 to 3801.16 (failure to comply with resident's visitation and communication rights);

(m) 22 DCMR §§ 3801.17 or 3801.18 (denying resident's right to refuse life sustaining treatment and execute advanced directives or the limited right to refuse psychiatric treatment and supportive services);

(n) 22 DCMR § 3801.19, 3801.23, or 3801.24 (failure to provide resident access to authorized representatives, District government officials, or Long Term Care Ombudsman);

(o) 22 DCMR § 3801.20 (failure to assist resident in registering and exercising right to vote);

(p) 22 DCMR § 3801.21 (imposing a religious belief or practice on a resident);

(q) 22 DCMR § 3801.22 (failure to provide resident opportunities to participate in social, religious and community activities);

(r) 22 DCMR § 3801.25 (denying resident the right to manage his or her financial affairs);

(s) 22 DCMR § 3801.26 (using residents as research subjects without resident's consent, or for research that does not comply with federal and District laws and regulations and DMH policy);

(t) 22 DCMR § 3801.27 (requiring resident to perform unauthorized unpaid work);

(u) 22 DCMR § 3801.28 (failure to comply with Title III of the Nursing Home and Community Residence Facility Residents' Protection Act of 1985 for transfers, discharges or relocations);

(v) 22 DCMR §§ 3801.29 or 3801.30 (failure to have required rules or failure to provide resident with a copy of the MHCRF's rules);

(w) 22 DCMR § 3801.31 (failure of resident to comply with MHCRF rules);

(x) 22 DCMR § 3802.5 (failure to maintain pest control program and keep premises free from insects and rodents);

(y) 22 DCMR § 3802.6 (failure to maintain readily available first aid supplies);

(z) 22 DCMR § 3802.7 (failure to protect residents from asbestos hazards);

(aa) 22 DCMR § 3802.8 (failure to equip, furnish and maintain residence in a comfortable, congenial home-like setting for residents and staff);

(bb) 22 DCMR § 3802.9 (failure to provide adequate collection, storage, and removal of trash and refuse);

(cc) 22 DCMR § 3802.10 (failure to screen windows during insect season);

(dd) 22 DCMR § 3802.11 (failure to securely fasten carpets or use non-skid pads);

(ee) 22 DCMR § 3802.12 (failure to keep hallways, porches, stairways, stairwells and basements free from obstructions);

(ff) 22 DCMR § 3802.13 (failure to equip ramps and stairways with firmly secured handrails or banisters);

(gg) 22 DCMR § 3802.14 (failure to use lead-free paint or remove old paint or plaster containing lead);

(hh) 22 DCMR § 3802.15 (failure to design and maintain walls and floors to minimize accidents);

(ii) 22 DCMR § 3802.16 (failure to have pets examined by licensed veterinarian or keep pet vaccinations current);

(jj) 22 DCMR §§ 3804.1 to 3804.3 (failure to provide adequate lighting);

(kk) 22 DCMR §§ 3805.1 or 3805.2 (failure to ensure that water supply and water distribution system conform to District laws and regulations, or failure to have adequate plumbing);

(ll) 22 DCMR § 3806.4 (failure to clean functioning fireplace chimney annually);

(mm) 22 DCMR §§ 3807.2, 3807.3, or 3807.7 (failure to provide adequate bedroom facilities);

(nn) 22 DCMR § 3808.3 (failure to provide properly anchored grab bars or handrails in toilet and bathing areas when needed);

(oo) 22 DCMR § 3813.7 (failure to provide fresh water and clean drinking glasses);

(pp) 22 DCMR § 3813.8 (failure to provide assistance to eat when necessary);

(qq) 22 DCMR §§ 3814.1 to 3814.4 (failure to comply with diet requirements);

(rr) 22 DCMR §§ 3816.3 or 3816.4 (failure to safeguard and account for resident's personal articles);

(ss) 22 DCMR §§ 3816.5, 3816.9, or 3816.10 (failure to comply with personal property and funds requirements);

(tt) 22 DCMR § 3817.2 (failure to provide annual physician exams);

(uu) 22 DCMR § 3817.3 (failure to include in resident's permanent record copies of medical examinations, physicians' reports, and physicians' recommendations for care);

(vv) 22 DCMR § 3817.4 (failure to assist resident in making arrangements for medical or dental examinations when resident is unable to do so);

(ww) 22 DCMR §§ 3818.1 to 3818.3 (failure to comply with training, experience, and credentials requirements for Residence Directors);

(xx) 22 DCMR § 3818.4 (failure of Residence Director to complete minimum responsibilities);

(yy) 22 DCMR § 3818.5 (failure to ensure adequate supervision when Residence Director is absent);

(zz) 22 DCMR § 3819.2 (failure to have written personnel policy);

(aaa) 22 DCMR § 3819.3 (failure to ensure that MHCRF staff have annual physical examinations);

(bbb) 22 DCMR § 3819.4 (failure to maintain accurate personnel records);

(ccc) 22 DCMR §§ 3819.10 or 3819.11 (failure to comply with volunteer and paid staff training and screening requirements);

(ddd) 22 DCMR §§ 3820.1 to 3820.3, 3820.5, 3821.1 to 3821.3, or 3823.1 (failure to properly maintain records);

(eee) 22 DCMR § 3820.4 (failure to notify agency of changes in occupancy level);

(fff) 22 DCMR § 3820.6 (failure to investigate allegations of mistreatment and promptly report findings resulting from investigation);

(ggg) 22 DCMR § 3820.7 (failure to make resident's financial records available for audit);

(hhh) 22 DCMR § 3825.1 (failure to have written program statement with all required elements);

(iii) 22 DCMR § 3827.1 (failure to admit and retain only those persons that can be safely and adequately cared for);

(jjj) 22 DCMR § 3827.2 (disqualifying a person from placement because the person is not ambulatory, needs medication assistance, has active substance abuse, or needs limited or intermittent nursing care);

(kkk) 22 DCMR § 3827.3 (failure to follow written admission criteria or present criteria to resident upon admission);

(lll) 22 DCMR § 3827.5 (failure to provide written reasons for denying admission);

(mmm) 22 DCMR § 3827.6 (refusal to make reasonable accommodations to admit resident who is deaf, blind, non-English speaking, or physically or mentally disabled);

(nnn) 22 DCMR §§ 3827.7 to 3827.9, or 3827.11 (failure to comply with pre-admission medical assessment requirements);

(ooo) 22 DCMR § 3829.3 (failure to have written emergency policies and procedures);

(ppp) 22 DCMR §§ 3829.5 or 3829.6 (failure to follow procedures and laws regarding resident deaths); or

(qqq) 22 DCMR §§ 3832.1 to 3832.5 (failure to comply with rehabilitation regulations).

3501.4 Violation of the following provisions shall be a Class 4 infraction:

(a) 22 DCMR § 3802.1 (improper use of exterior name or logo);

(b) 22 DCMR § 3802.2 (failure to properly maintain and provide access to green areas);

(c) 22 DCMR § 3802.3 (locating MHCRF in area with noxious, hazardous smoke and fumes or with loud and irritating noises);

(d) 22 DCMR § 3802.4 (failure to provide functional, safe, comfortable, and supportive environment);

(e) 22 DCMR § 3807.4 (failure to keep beds three feet (3 ft.) or more from another bed or a radiator);

(f) 22 DCMR §§ 3808.2 or 3808.4 (failure to provide adequate equipment or adequate privacy and safety in toilets and bathing facilities);

(g) 22 DCMR § 3815.1 (failure to maintain interior and exterior in safe, clean, orderly, attractive and sanitary manner);

(h) 22 DCMR §§ 3815.2 or 3815.4 to 3815.8 (failure to provide sufficient quantities of clean and sanitary linens, linen storage, or laundering facilities);

(i) 22 DCMR § 3816.1 (improperly increasing fee for care);

(j) 22 DCMR § 3816.2 (denying resident reasonable personal possessions and furnishings in living quarters);

(k) 22 DCMR § 3816.6 (failure to copy and make available to residents the record required by § 3816.5);

(l) 22 DCMR § 3816.11 (failure to encourage residents to wear their own clothing);

(m) 22 DCMR § 3817.5 (failure to maintain a list of names and telephone numbers of residents' physicians); or

(n) 22 DCMR §§ 3834.1 to 3834.4 (failure to comply with requirements regarding resident activities).

3502 MENTAL HEALTH PROVIDER CERTIFICATION INFRACTIONS

3502.1 Violation of the following provisions shall be a Class 1 infraction:

(a) 22A DCMR § 3410.28(1) (failure to establish and comply with a medication policy governing the purchasing, receipt, storage, distribution, return, and destruction of medication, and failure of the policy to comply with applicable federal and District laws and regulations regarding the same);

(b) 22A DCMR § 3416.1 (failure to utilize medication/somatic treatment services needed for effective mental health treatment); or

(c) 22A DCMR § 3416.2 (failure to monitor the side effects of medication and adverse reactions and to provide education and direction for symptom and medication self-management).

3502.2 Violation of the following provisions shall be a Class 2 infraction:

(a) 22A DCMR § 3410.3 (failure to hire qualified personnel, and to comply with all applicable federal and District laws and regulations);

(b) 22A DCMR § 3401.13 (failure to notify DMH immediately of any changes in its operation, changes in ownership or control, changes in service, changes in affiliation and referral arrangements);

(c) 22A DCMR § 3402.1 (failure to offer rehabilitative or palliative services rendered by certified MHRS providers to eligible consumers who require such services);

(d) 22A DCMR §§ 3402.3, 3410.7, and 3410.8 (failure to provide MHRS by a physician or a licensed practitioner of the healing arts, and qualified practitioners and credentialed staff, under the supervision of qualified practitioners, acting within their scope of practice as identified in § 3413);

(e) 22A DCMR § 3402.7 (failure to use qualified practitioners who meet eligibility requirements described in § 3413 to render MHRS through DMH-certified MHRS providers);

(f) 22A DCMR § 3402.8 (failure to provide service that is medically necessary, delivered by a DMH-certified MHRS provider as described in §§ 3410, 3411, and 3412, and qualified practitioners as identified in § 3413 in accordance with the approved individualized recovery plan (IRP) or individualized plan of care (IPC) and that meets other service specific standards);

(g) 22A DCMR § 3402.10 (failure to ensure that all consumers have the right to file a grievance and receive notice of fair hearing rights);

(h) 22A DCMR § 3403.2 (failure to ensure eligible consumers have a primary diagnosis on either Axis 1 or 2 of the DSM-IV);

(i) 22A DCMR § 3404.2 (failure to obtain either prior authorization or re-authorization under § 3424 for required services described in §§ 3408.1 and 3424);

(j) 22A DCMR § 3405.1 (failure to post the statement of consumer rights in strategic and conspicuous areas, and failure to provide a statement of

consumer rights and responsibilities to consumers consistent with federal and District regulations);

(k) 22A DCMR § 3405.2 (failure to document and distribute the consumer rights statement to consumers during the intake process);

(l) 22A DCMR § 3405.4 (failure to obtain written informed consent to treatment from consumers which complies with applicable federal and District laws);

(m) 22A DCMR § 3405.5 (failure to obtain the release of mental health information from consumers and comply with the requirements of 42 CFR Part II governing the confidentiality and release of drug and alcohol treatment record);

(n) 22A DCMR § 3405.7 (failure to incorporate advance instructions for mental health treatment, durable power of attorney for health care, and advance directives into the IRP/IPC planning process);

(o) 22A DCMR § 3406.1 (failure to inform consumers of the full choices of MHRS providers, qualified practitioners and other mental health service providers available, including information about peer support and family support services and groups and how to access these services);

(p) 22A DCMR § 3406.5 to 3406.7 (failure to inform consumers of the choice of providers of MHRS available in accordance with the MHRS provider's MH Consumer Choice Policy);

(q) 22A DCMR §§ 3407, 3408.1 to 3408.20, and 3410.12 (failure to include all required elements in the IRP/IPC);

(r) 22A DCMR §§ 3409.1 to 3409.9 (failure of each specified subprovider, and specialty provider to follow individual service specific plan (ISSP) development and implementation guidelines as specified if the IRP/IPC requires the consumer receive such service);

(s) 22A DCMR § 3410.12 (failure to establish and comply with policies and procedures governing the coordination of the treatment planning process, including procedures for designing, implementing, reviewing, and revising each consumer's IRP/IPC and ISSPs that comply with the requirements of §§ 3407, 3408, 3409.9, and 3410.12);

(t) 22A DCMR § 3410.15 (failure to establish and comply with policies and procedures for handling routine, urgent, and emergency situations);

(u) 22A DCMR §§ 3410.16 to 3410.19 (failure to establish and comply with policies for clinical record documentation, security, and confidentiality of consumer and family information, clinical records retention, maintenance, purging and destruction, and for disclosure of consumer and family information, and informed consent that comply with applicable federal and District laws and regulations);

(v) 22A DCMR § 3410.24 (failure to document how the provider respects consumers' and families' right to privacy and confidentiality when services are provided in natural settings);

(w) 22A DCMR § 3410.26 (failure to establish and comply with anti-discrimination policies and procedures relative to hiring, promotion, and provision of services to consumers that comply with applicable federal and District laws and regulations);

(x) 22A DCMR § 3410.27 (failure to establish and comply with a written Quality Improvement (QI) plan describing the objectives and scope of its QI program and requiring MHRS provider staff, consumer, and family involvement in the QI program);

(y) 22A DCMR §§ 3410.28(a) to 3410.28(k) (failure to comply with the requirements for facilities management);

(z) 22A DCMR § 3410.30 (failure to establish and comply with policies and procedures governing the retention, maintenance, purging and destruction of the provider's business records and failure to include all other required elements);

(aa) 22A DCMR § 3410.31 (failure to comply with requirements for maintaining certification, provider status, and contracts);

(bb) 22A DCMR § 3410.32 (failure to obtain and maintain minimum insurance coverage as required by District laws and regulation);

(cc) 22A DCMR § 3410.37 (failure to operate according to all applicable federal and District laws and regulations relating to fraud and abuse in health care, the provision of mental health services, and the Medicaid program);

(dd) 22A DCMR § 3410.38 (failure to comply with DMH approved plan for ensuring corporate compliance with applicable federal and District laws and regulations);

(ee) 22A DCMR § 3410.42 (failure to manage information in compliance with the confidentiality requirements contained in applicable federal and District laws and regulations);

(ff) 22A DCMR § 3410.43 (failure to establish and comply with a disaster recovery plan for maintaining the security of data and information);

(gg) 22A DCMR § 3411.1 (failure of CSA to comply with the general certification standards described in § 3410);

(hh) 22A DCMR § 3411.2 (failure of CSA to provide clinical managers and clinical management for consumers and to ensure the development/approval of IRPs/IPCs);

(ii) 22A DCMR § 3411.3 (failure of CSA to satisfy minimum staffing requirements);

(jj) 22A DCMR § 3411.4 (failure of CSA to comply with clinical operations requirements);

(kk) 22A DCMR § 3411.5 (failure of CSA to comply with service accessibility requirements);

(ll) 22A DCMR § 3411.6 (failure of CSA to have a QI program directed by a QI Committee comprised of qualified practitioners that comply with § 3410.27);

(mm) 22A DCMR § 3413.1 (failure to use qualified practitioners as authorized to provide MHRS);

(nn) 22A DCMR § 3413.2 (failure to use qualified practitioners and credentialed staff with supervision as authorized);

(oo) 22A DCMR § 3414.1 (failure to comply with service specific MHRS standards);

(pp) 22A DCMR § 3414.2 (failure to provide covered core services);

(qq) 22A DCMR § 3414.3 (failure to provide covered specialty services);

(rr) 22A DCMR §§ 3415.1 to 3415.9 (failure to provide diagnostic/assessment services as required);

(ss) 22A DCMR §§ 3416.3 to 3416.6 (failure to provide medication/somatic treatment services as required);

(tt) 22A DCMR § 3417.1 (failure to provide counseling and psychotherapy services as defined);

(uu) 22A DCMR § 3417.2 (failure to include skill building techniques as necessary to access community resources and support systems, interpersonal skills, and restoration or enhancement of the family unit and support of the family);

(vv) 22A DCMR §§ 3418.1 to 3418.8 (failure to provide community support services as required);

(ww) 22A DCMR §§ 3419.1 to 3419.6 (failure to provide crisis/emergency services as required);

(xx) 22A DCMR §§ 3420.1 to 3420.8 (failure to provide rehabilitation services as required;

(yy) 22A DCMR §§ 3421.1 to 3421.12 (failure to provide intensive day treatment services as required);

(zz) 22A DCMR §§ 3422.1 to 3422.11 (failure to provide community- based interventions services as required);

(aaa) 22A DCMR §§ 3423.1 to 3423.10 (failure to provide assertive community treatment as required; and

(bbb) 22A DCMR § 3405.3 (failure to establish and comply with a well-publicized complaint and grievance system); or

(ccc) Violation of any of the following requirements to become certified by the Department of Mental Health (DMH), as required by the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), to provide mental health services in the District:

1. 22A DCMR § 3400 (providing community based mental health rehabilitation services (MHRS) in the District without obtaining certification from DMH as a core services agency (CSA), subprovider or specialty provider of MHRS);

2. 29 DCMR § 706 (operating Medicaid day treatment programs for consumers of mental health services and mental health supports without obtaining mental health certification from DMH);

3. 29 DCMR § 800 (operating free standing mental health clinics without obtaining mental health certification from DMH);

4. 29 DCMR § 948 (operating a residential treatment center for children and youth without obtaining mental health certification from DMH); and

5. 29 DCMR § 4600 (operating mobile community outreach treatment teams without obtaining mental health certification from DMH).

3502.3 Violation of the following provisions shall be a Class 3 infraction:

(a) 22A DCMR §3401.4 (failure to allow an on-site survey to be conducted at the time of certification application or certification renewal, or at any other time and failure to allow access to all records necessary to verify compliance with certification standards);

(b) 22A DCMR § 3402.9 (failure to ensure that all consumers have a free choice of MHRS providers and free choice of qualified practitioners delivering services through a DMH-certified MHRS provider, as described in § 3406);

(c) 22A DCMR § 3403.3 (failure to ensure that persons with a primary substance abuse diagnosis only are not receiving MHRS);

(d) 22A DCMR § 3410.21 (failure to make language interpreters available as needed for persons who do not use English as a first language or use a non-primary language for communication);

(e) 22A DCMR § 3410.22 (failure to ensure supervision by an interpreter certified by the National Registry of Interpreters for the Deaf and ongoing training in sign language interpreting);

(f) 22A DCMR § 3410.23 (failure to provide or utilize a TTY communication line (or an equivalent)

(g) 22A DCMR §§ 3401.1 and 3401.15 (failure to renew certification at least ninety (90) days prior to the termination of current certification);

(h) 22A DCMR § 3410.1 (failure to maintain a certificate of good standing to conduct business in the District of Columbia);

(i) 22A DCMR § 3411.11 (failure of CSA to submit or update IRP/IPC information to the DMH contract management system at least every ninety (90) days); or

(j) 22A DCMR §§ 3412.1 to 3412.10, and 3412.13 to 3412.17 (failure of subprovider or specialty provider to comply with specified provider requirements).

3502.4 Violation of the following provisions shall be a Class 4 infraction:

(a) 22A DCMR § 3410.2 (failure to maintain the MHRS clinical operations policies and procedures as required);

(b) 22A DCMR § 3410.4 (failure to establish and comply with policies and procedures for the selection or hiring of staff);

(c) 22A DCMR § 3410.5 (failure to establish and comply with the requirement to have written job descriptions for all positions including the job responsibilities and reporting relationships);

(d) 22A DCMR § 3410.6 (failure to establish and comply with the policies and procedures on periodic evaluation of clinical and administrative staff performance);

(e) 22A DCMR § 3410.9 (failure to orient staff on the MHRS during the first three (3) months of employment and on an ongoing basis);

(f) 22A DCMR § 3410.10 (failure to establish and comply with the annual training plan for staff);

(g) 22A DCMR § 3410.25 (failure to provide an in-service training program for all staff regarding sensitivity to cultural issues, increasing cultural competence of all staff, and treating consumers with dignity and respect);

(h) 22A DCMR § 3410.33 (failure to establish and comply with policies and procedures governing billing and payment according to the certification standards);

(i) 22A DCMR § 3410.34 (failure to submit claims for consumers within ninety (90) days of the date of service, or thirty (30) days after a secondary or third party payer has adjudicated a claim for this service);

(j) 22A DCMR § 3410.35 (failure to establish a sliding fee schedule covering each of the MHRS and not impose additional charges for services beyond Medicaid payment);

(k) 22A DCMR § 3411.7 (failure of CSA to make a play area available for children in the waiting room area);

(l) 22A DCMR § 3411.8 (failure of CSA to have a full-time controller, chief financial officer, or a designated individual responsible for executing or overseeing the financial operations of the CSA);

(m) 22A DCMR § 3411.9 (failure of CSA to have an annual audit by a CPA firm or failure to submit the audit to DMH within one hundred-twenty (120) days after close of the CSA's fiscal year);

(n) 22A DCMR § 3411.10 (failure of CSA to enter into an affiliation agreement with its subproviders and/or specialty providers that specifies the responsibilities of the parties);

(o) 22A DCMR § 3411.13 (failure of CSA to have an affiliated provider policy, subcontractor policy, consumer and family education policy, on-call system policy and outreach policy, reviewed and approved by DMH);

(p) 22A DCMR § 3412.11 (failure of a subprovider or specialty provider with total annual revenues exceeding three hundred thousand dollars ($ 300,000) to have an annual audit by a certified public accounting firm in accordance with generally accepted auditing standards and to submit a copy of the audit report ninety (90) days after the end of its fiscal year);

(q) 22A DCMR § 3412.12 (failure of a subprovider or specialty provider with total annual revenues less than three hundred thousand dollars ($ 300,000) to submit a financial statement reviewed by an independent certified public accounting firm one hundred twenty (120) days after the end of its fiscal year); or

(r) 22A DCMR § 3401.7 (failure to describe the action to be taken and the timeframes for correcting the areas of non-compliance and to submit a written plan of correction within ten (10) working days after receipt of the written statement of non-compliance).

3502.5 Violation of any provision of the Mental Health Rehabilitation Services Provider Certification Standards, 22 DCMR, Chapter 34, in which the provision or rule is not cited elsewhere in this chapter, shall be a Class 4 infraction.