

District of Columbia Official Code 2001 Edition [Currentness](#)

Division I. Government of District.

Title 6. Housing and Building Restrictions and Regulations. ([Refs & Annos](#))

▢ [Chapter 7](#). Fire Safety.

→ [Subchapter IV](#). Smoke Detectors.

→ **§ 6-751.01. Definitions.**

As used in this subchapter:

(1) The term “dwelling unit” means a structure, building, area, room, or combination of rooms occupied by persons for sleeping or living.

(2)(A) The term “hospital” means a building or part thereof used for the medical, psychiatric, obstetrical, or surgical care, on a 24-hour basis, of inpatients.

(B) The term “hospital” includes general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such facilities providing inpatient care.

(3)(A) The term “nursing home” means a building, or part thereof, used for the lodging, boarding, and nursing care, on a 24-hour basis, of persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person.

(B) The term “nursing home” includes nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries of homes for the aged.

(4)(A) The term “owner” means any person who, alone or jointly or severally with other persons, has legal title to any premises.

(B) The term “owner” includes any person who has charge, care, or control over any premises as:

(i) An agent, officer, fiduciary, or employee of the owner;

(ii) The committee, conservator, or legal guardian of an owner who is non compos mentis, a minor, or otherwise under a disability;

(iii) A trustee, elected or appointed, or a person required by law to execute a trust, other than a trustee under a deed of trust, to secure the payment of money; or

(iv) An executor, administrator, receiver, fiduciary, officer appointed by any court, or other similar representative of the owner or his estate.

(C) The term “owner” does not include a lessee, sublessee, or other person who merely has the right to occupy or possess a premises.

(5)(A) The term “residential-custodial care facility” means a building, or part thereof, used for the lodging or boarding of persons who are incapable of self-preservation because of age or physical or mental limitation, or who are detained for correctional purposes.

(B) The term “residential-custodial care facility” includes homes for the aged, nurseries (custodial care for children under 6 years of age), institutions for persons with mental retardation (care institutions), and halfway houses, as well as sheltered living facilities and halfway houses operated by the District of Columbia Department of Corrections and District of Columbia Department of Human Resources.

(C) The term “residential-custodial care facility” does not include day care facilities that do not provide lodging or boarding for institutional occupants.

(6)(A) The term “sleeping area” means a bedroom or room intended for sleeping, or a combination of bedrooms or rooms intended for sleeping within a dwelling unit, which are located on the same floor and are not separated by another habitable room, such as a living room, dining room, or kitchen, but not a bathroom, hallway, or closet. A dwelling unit may have more than 1 sleeping area.

(B) The term “sleeping area” does not include common usage areas in structures with more than 1 dwelling unit, such as corridors, lobbies, and basements.

(7) The term “smoke detector” means a device which detects visible or invisible particles of combustion.

(8) The term “substantially rehabilitated” means any improvement to a structure which is valued greater than one-half of the assessed valuation of the property including the land.

(9) The term “visual alert system” means a visual warning device or system that, when activated by or in conjunction with an audible smoke detector and warning system, provides a light signal sufficient to warn a deaf or hearing-impaired person of the presence of fire or smoke. The term “visual alert system” shall include a visual warning system that has multiple functions if 1 of the functions of the system is to warn a deaf or hear-

ing-impaired person of the presence of fire or smoke.

§ 6-751.02. General requirements.

(a) The owner of each new or existing dwelling unit, hotel, motel, hospital, nursing home, and residential-custodial care facility shall install smoke detectors as required by this subchapter. The Mayor shall install smoke detectors in each dwelling unit, hospital, nursing home, jail, prison, and residential-custodial care facility owned by the District of Columbia.

(b) The owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility which is constructed or substantially rehabilitated under a building permit issued after September 30, 1978, shall install smoke detectors as required by this subchapter. No certificate of occupancy may be issued for any dwelling unit, hotel, motel, hospital, nursing home, or residential-custodial care facility unless smoke detectors have been installed as required by this subchapter.

(c) The owner of each dwelling unit, hotel, motel, and hospital, except as provided in subsections (b) and (d) of this section, shall install smoke detectors as required by this subchapter within 3 years of June 20, 1978.

(d) The Mayor shall install smoke detectors, as required by this subchapter, in each dwelling unit, hospital, jail and prison owned by the District of Columbia, except as provided in subsection (b) of this section, within 2 years of June 20, 1978.

(e) Except as provided in subsection (b) and except as provided in § 14(d) of title VII of the Health Care and Community Residence Facilities Regulation, enacted June 14, 1974 (Reg. No. 74-15):

(1) The owner of each residential-custodial care facility and nursing home shall install smoke detectors as required by this subchapter by January 1, 1980;

(2) The Mayor shall install smoke detectors as required by this subchapter in each residential-custodial care facility and nursing home owned by the District of Columbia by January 1, 1980.

§ 6-751.02a. Visual alert systems.

(a)(1) The owner of each hotel or motel shall have available on the premises at least 1 visual alert system for every 50 units or less.

(2) Each hotel or motel shall provide a visual alert system to any guest or patron upon request. In circum-

stances in which the number of requests for visual alert systems exceeds the number of visual alert systems available, the hotel or motel shall make arrangements to procure additional systems, which shall be provided to the guest or patron within 8 hours of his or her request.

(3) A notice informing guests and patrons of the availability of visual alert systems for deaf or hearing-impaired persons shall be posted either conspicuously in the lobby of the hotel or motel or placed conspicuously in the room of each guest or patron.

(b) Upon the request of a deaf or hearing-impaired person, the owner of each dwelling unit, hospital, nursing home, or residential-custodial care facility shall provide a visual alert system in each room in which a deaf or hearing-impaired person resides.

(c) Upon the request of a deaf or hearing-impaired person, the Mayor shall provide a visual alert system in each dwelling unit, hospital, nursing home, jail, prison, or residential-custodial care facility owned by the District of Columbia in which a deaf or hearing-impaired person resides.

§ 6-751.03. Locations.

(a) The owner of each dwelling unit shall install at least 1 smoke detector to protect each sleeping area. In an efficiency, the owner shall install the smoke detector in the room used for sleeping. In all other dwelling units, the owner shall install the smoke detector outside the bedrooms but in the immediate vicinity of the sleeping area.

(b) The owner of each hotel and motel shall install at least 1 smoke detector to protect each guest room or guest suite. The owner of each dormitory shall install at least 1 smoke detector to protect each resident room or resident suite. For the purpose of this subsection, "guest suite" or "resident suite" means a combination of rooms that are always occupied as a single unit. The owner of the hotel, motel or dormitory shall install the smoke detectors as directed by the Mayor of the District of Columbia.

(c) The owner of each hospital, nursing home, jail, prison, and residential-custodial care facility shall install smoke detectors as directed by the Mayor of the District of Columbia and as follows:

(1) In each corridor that is adjacent to a room used for sleeping, but in no case may the smoke detectors be spaced further apart than 30 feet or more than 15 feet from any wall; or

(2) In each room used for sleeping.

(d) An owner subject to this subchapter shall install each smoke detector on the ceiling at a minimum of 6

inches from the wall, or on a wall at a minimum of 6 inches from the ceiling.

(e) An owner subject to this subchapter may not install a smoke detector in a dead air space, such as where the ceiling meets the wall.

§ 6-751.04. Equipment.

(a) An owner subject to this subchapter shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal. The owner shall install a smoke detector which is of a type approved by the Mayor of the District of Columbia consistent with any appropriate federal regulations. The owner shall install a smoke detector in accordance with specifications of the manufacturer or in compliance with the National Fire Protection Association Standards 72-E and 74 (1974 Edition).

(b) Within 40 days after June 20, 1978, and before approving any type of smoke detector pursuant to this section, the Mayor of the District of Columbia or his designated agent shall hold a public hearing at which he shall consider, in addition to any other matter he considers relevant, any potential radiological danger presented by any of the types of smoke detectors under consideration.

§ 6-751.05. Installation.

(a) Except as provided in subsections (b) and (c) of this section, the owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility shall directly wire the smoke detector to the power supply of the building.

(b) In each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility which is in existence on September 30, 1978, or which is constructed under a building permit issued before October 1, 1978, or which is substantially rehabilitated, the owner may install a smoke detector which operates from a plug-in outlet fitted with a plug restrainer device if the outlet is not controlled by an on-off switch and if the cord connecting the smoke detector with the outlet is not controlled by an on-off switch.

(c) In each dwelling unit in a structure with only 1 dwelling unit which is in existence on September 30, 1978, or which is constructed under a building permit issued before October 1, 1978, or which is substantially rehabilitated, the owner may install a monitored battery-powered smoke detector.

§ 6-751.05a. Smoke and carbon monoxide detector and battery program.

(a) The Mayor shall develop a program to test and install smoke and carbon monoxide detectors and batteries in District residences, and to educate District residents on the use of the detectors. The program shall be re-

developed annually. The program may include:

- (1) Door-to-door outreach;
 - (2) A public information campaign, including printed and mass media materials, or community events in each ward of the District;
 - (3) The provision or installation of a smoke or combination smoke/carbon monoxide detector in a person's residence; and
 - (4) Detector installation by personnel of the Fire and Emergency Medical Services Department, other District personnel, or such other persons who are willing to provide this service at no cost on behalf of the District.
- (b) The program shall specify that any person who agrees to receive and install a smoke or combination smoke/carbon monoxide detector shall permit a representative of the Fire and Emergency Medical Services Department to inspect the installation of the unit to confirm that the installation occurred and was done properly.
- (c) Any resident or property owner participating in the program shall indemnify and hold harmless the District, its officers, employees, agents, and assigns for the provision and installation of the smoke or combination smoke/carbon monoxide detectors or batteries.

§ 6-751.05b. Annual report on smoke and carbon monoxide detector and battery program.

- (a)(1) No later than December 31st of each year, the Mayor shall provide to the Council an annual report on the smoke and carbon monoxide detector and battery program for the previous fiscal year.
- (2) The annual report on the smoke and carbon monoxide detector and battery program may be included in an annual report of the Fire and Emergency Medical Services Department if the annual report is issued by December 31st following the end of the fiscal year.
- (b) The annual report shall include the following information, pertaining to the fiscal year:
- (1) Number of smoke and carbon monoxide detectors installed;
 - (2) Amount of monetary donations received;

- (3) Amount of in-kind donations received;
- (4) Number of hours contributed by Fire and Emergency Medical Services Department personnel in developing and implementing this program;
- (5) Statistics on the number of fires in the District, including information on the number of fires with no smoke detectors or less than fully functional smoke detectors; and
- (6) Additional information regarding the effectiveness of the program.

§ 6-751.05c. Acceptance of gifts and grants of smoke and carbon monoxide detectors, batteries, and funds; authority to purchase detectors and batteries.

Notwithstanding any other provision of law, the Mayor may accept gifts and grants of smoke and carbon monoxide detectors, batteries, and funds to conduct a program to provide detectors and batteries free of charge to residents of the District, and to install or arrange for the installation of detectors free of charge to residents. The Mayor may use donated funds to purchase or contract to purchase smoke and carbon monoxide detectors and batteries to conduct the program. The funding source for such contracts shall include any funds annually appropriated for this purpose, any funds accepted under this section, and block grant and other grant monies as available.

§ 6-751.06. Maintenance.

An owner subject to this subchapter shall maintain each smoke detector in a reliable operating condition and shall make periodic inspections and tests to ensure that each smoke detector is in proper working condition.

§ 6-751.07. Permits.

No owner may permanently wire a smoke detector to the electrical system of a structure without first obtaining an electrical permit from the Permit Division of the Department of Licenses, Investigation and Inspections.

§ 6-751.08. Other applicable standards.

Any person who installs a smoke detector shall comply with the requirements of this subchapter and the National Fire Protection Association Standards 72-E and 74 (1974 Edition). In the event of a conflict between this subchapter and the National Fire Protection Association Standards 72-E and 74 (1974 Edition), this

subchapter takes precedence.

§ 6-751.09. Civil penalties.

(a)(1) An owner of a single-family residence who fails to comply with the provisions of this subchapter shall be assessed a civil penalty of \$100 for each violation.

(2) An owner of a building containing 2, 3, or 4 dwelling or rooming units who fails to comply with the provisions of this subchapter shall be assessed a civil fine of \$200 for each violation.

(3) An owner of a building containing 5 or more dwelling units or any hotel, motel, hospital, nursing home, or residential custodial care facility unit who fails to comply with the provisions of this subchapter shall be assessed a civil penalty of \$300 for each violation.

(b) For the purpose of this section, each day a dwelling unit, hotel, motel, hospital, nursing home, or residential custodial care facility fails to comply with this subchapter shall constitute a separate violation.

(c)(1) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this subchapter, or any rules or regulations issued under the authority of this subchapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this subchapter shall be pursuant to Chapter 18 of Title 2.

(2) After a 45-day period of Council review, the Mayor shall issue the procedures described in paragraph (1) of this subsection pursuant to subchapter I of Chapter 5 of Title 2, provided that the Council of the District of Columbia does not disapprove the rules, by resolution, within 45 days of their submission to the Council, excluding Saturdays, Sundays, holidays, and days during which the Council is in recess.

(d) To enforce this subchapter, the Mayor may seek either the civil penalties in this section or the criminal penalties in § 2104 of The Housing Code of the District of Columbia or § 6-1406(a) and (b), but the Mayor shall not seek both the civil penalties and the criminal penalties to enforce a related series of violations.

§ 6-751.10. Installation by tenant.

(a) A tenant of a dwelling unit that is not in compliance with this subchapter may purchase, install, and maintain a smoke detector or visual alert system, or arrange for proper installation and maintenance of a smoke detector or visual alert system, and may deduct the reasonable costs from the rent for the dwelling unit. No tenant shall be charged, evicted, or penalized in any fashion for failure to pay the reasonable cost deducted from the rent for the dwelling unit.

(b) In units required to have a smoke detector or visual alert system directly wired to the power supply of the building, and where the landlord fails to install and maintain the smoke detector or visual alert system, the tenant may purchase, install, and maintain battery-operated units at the owner's expense.

(c) No act or omission by a tenant under this section shall relieve the owner of responsibility to ensure full and continuing compliance with this subchapter, nor shall an act or an omission relieve the owner of liability for failure to comply with this subchapter.

(d) Nothing in this section shall be construed to impose a penalty or other liability on a tenant for failure to install or maintain a smoke detector or visual alert system, nor shall this section be construed to mean that a tenant who fails to install or maintain a smoke detector or visual alert system is contributorily negligent.

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