

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To authorize the Mayor to require the owner of a multiple dwelling, upon written request by a rental tenant or owner-occupant of that dwelling, to order a water lead level test kit for that tenant or owner-occupant within 15 calendar days of receiving the written request to allow the tenant or owner-occupant to collect a sample of his or her tap water and have it tested for lead, to ensure that the water sample is tested for lead and that the result is provided to the tenant or owner-occupant and any other rental tenant or owner-occupant of the dwelling who requests a copy and that the result is conspicuously posted on the premises; and to establish a penalty for failure to comply with the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Multiple Dwelling Residence Water Lead Level Test Act of 2004".

Sec. 2. Definitions.

"For the purposes of this act, the term:

(1) "Dwelling unit" means any habitable room or group of habitable rooms located within a residential building and forming a single unit which is used or intended to be used for living, sleeping, and the preparation and eating of meals, including a bachelor apartment.

(2) "Multiple Dwelling" means any residential building containing 3 or more dwelling units, 3 or more rooming units, or any combination of dwelling or rooming units totaling 3 or more.

(3) "Owner" means any individual, corporation, association, or partnership listed as the legal title holder of record and any owners' association legally incorporated in accordance with the District of Columbia Cooperation Association Act, approved June 19, 1940 (54 Stat. 480; D.C. Official Code § 29-901 *et seq.*), or the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*), that is the recognized representative of the households in a condominium or cooperative housing building.

(4) "WASA" means the District of Columbia Water and Sewer Authority established by section 202 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.02).

Sec. 3. Testing.

(a) The Mayor shall require the owner of a multiple dwelling to order a water lead level test kit from WASA to sample the tap water in a dwelling or rooming unit for the presence of lead within 15 calendar days of a written request to do so by a rental tenant or owner-occupant of the unit. The rental tenant or owner-occupant shall also send a copy of this written request to the Mayor.

(b)(1) The owner shall order a water lead level test kit for each rental tenant and owner-occupant of the dwelling who requests a test, up to a maximum of 2% of the total units in the multiple dwelling or 6 units, whichever is less. In multiple dwellings of less than 50 units, the owner shall order at least one water lead level test kit if requested to by a rental tenant or owner-occupant of the dwelling.

(2) An owner shall be required to order a water lead level test kit pursuant to this act no more than once in a 6-month period for each unit whose rental tenant or owner-occupant requests a test kit.

(c) WASA shall send a water lead level test kit to each owner upon request. At the time WASA sends a water lead level test kit to an owner in response to a request pursuant to this act, WASA shall also send written notice to the Mayor that it has sent the water lead level test kit.

(d) Within 15 calendar days of receiving the water lead level test kit from WASA, the owner shall provide the water lead level test kit to an occupant of each unit being tested and send written certification to the Mayor that the owner has provided the kit.

(e) The rental tenant or owner-occupant of the unit being tested shall send a sample of the water it collects from the unit to WASA to have it tested for the lead level.

(f) WASA shall ensure the conducting of a lead level test of the water sample at its expense and shall mail the result of the water lead level test to both the dwelling owner and to the rental tenant or owner-occupant of the unit in which the water sample was collected when the result is available.

(g) Within 15 calendar days of receiving the water lead level test result from WASA, the owner shall:

(1) Provide a written copy of the water lead level test result to any rental tenant or owner-occupant of the multiple dwelling who requests a copy of the test result and post the test result in a conspicuous place on the dwelling's premises; and

(2) Send written certification to the Mayor that the owner has provided a written copy of, and posted, the water lead level test result in the manner prescribed by this subsection.

Sec. 4. Violations.

(a) Whenever the Mayor finds reasonable grounds to believe that a violation of any provision of this act exists, he or she shall give notice of the alleged violation to the person or persons responsible for that violation. Each notice of violation shall be in writing and shall meet the following requirements:

- (1) State the nature of the violation;
 - (2) Indicate the provision of this act being violated;
 - (3) Allow a reasonable time for the performance of any corrective action required by the notice; and
 - (4) Be signed by the Mayor or the Mayor's authorized agent.
- (b) Each notice shall be served upon the persons responsible for correcting the violation described in the notice.
- (c) The notice shall be to be properly served upon the person to be notified if served by any of the following means:
- (1) By serving a copy of the notice upon the person personally;
 - (2) By leaving a copy of the notice at the person's usual place of business or at the person's usual residence with a person over the age of 16 years;
 - (3) If no residence or place of business can be found in the District following a reasonable search, by leaving a copy of the notice with any agent of the person to be notified who has any authority or duty with reference to the premises to which the notice relates, or by leaving a copy of the notice at the office of that agent with any person employed in that office;
 - (4) By mailing a copy of the notice with a receipt of notice included, postage prepaid, to the last known address of the person to be notified; or
 - (5) By publishing a copy of the notice on 3 consecutive days in a daily newspaper of general circulation published in the District.
- (d) Failure of an owner to comply with the provisions of this act upon a determination by the Mayor that a violation has occurred shall be punishable by a fine of \$100 for each day of noncompliance.

Sec. 5. Rules and procedures.

The Mayor is authorized to promulgate rules and to establish procedures to implement this act.

Sec. 6. Fines and penalties.

Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

ENROLLED ORIGINAL

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia