DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF EMERGENCY RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs ("Department"), pursuant to the authority set forth in Section 12 of the Coronavirus Omnibus Emergency Amendment Act of 2020, effective May 13, 2020 (D.C. Act 23-317; 67 DCR 5235 (May 22, 2020)), and Mayor's Order 2020-79, dated July 22, 2020, hereby gives notice of an emergency rulemaking to amend Chapter 8 (Housing Code: Cleanliness, Sanitation, and Safety) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) to add a new Section 809 (Residential Accommodation Cleaning Requirements).

This rulemaking amends Chapter 8 of Title 14 DCMR by creating a new section that establishes that owners of a housing accommodation, or their representatives, within the District must clean common areas on a regular basis during a declared public health emergency.

This emergency rulemaking is necessary to protect the well-being of the District of Columbia as it responds to the COVID-19 global pandemic. During the declared public health emergency, it is imperative that common areas that are frequently and regularly touched and visited be thoroughly cleaned and disinfected to diminish the spread of COVID-19.

This emergency rulemaking was adopted on August 6, 2020. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring December 4, 2020.

A new Section 809, RESIDENTIAL ACCOMMODATION CLEANING REQUIREMENTS, of Chapter 8, HOUSING CODE: CLEANLINESS, SANITATION, AND SAFETY, of Title 14 DCMR, HOUSING, is added to read as follows:

809 RESIDENTIAL ACCOMMODATION CLEANING REQUIREMENTS

809.1 During a public health emergency, the owner or representative of the owner of a housing accommodation shall clean common areas of the housing accommodation on a regular basis, including, but not limited to, surfaces that are regularly touched, such as doors, railings, seating, and the exterior of mailboxes.

809.2 Depending on the housing accommodation, the owner, or representative of the owner, shall follow DC Health guidance specific to their setting, *i.e.*, nursing homes and assisted living facilities.

809.3 Per guidance and recommendations from the Centers for Disease Control and Prevention (CDC), surfaces frequently touched by multiple people, such as doors, railings, seating, and exterior of mailboxes, should be cleaned and disinfected at least daily.

809.4 The owner or representative of the owner of a housing accommodation and/or contracted third-party cleaning services must clean and disinfect regularly touched surfaces, listed in § 809.1, by:

(a) Wearing disposable gloves and other personal protective equipment (PPE), as needed per responsibilities, while cleaning and disinfecting;

(b) Routinely cleaning surfaces with soap and water first, then using disinfectant;

(c) Disinfecting surfaces with recommended EPA-registered household disinfectant, while following the instructions on the label to ensure safe and effective use of the product;

(d) Ensuring cleaning staff and other staff clean hands often, including immediately after completing the cleaning by throwing away gloves and washing hands with soap and water for at least twenty (20) seconds, or hand sanitizer with at least sixty percent (60%) alcohol.

809.5 During a public health emergency, the owner or representative of the owner of a housing accommodation shall maintain cleaning logs that record when common areas have been cleaned.

(a) Log entries for each cleaning must be maintained for at least ninety (90) days, or longer per the accommodation's internal policies, following that cleaning;

(b) Cleaning logs must, at minimum, include the following information: the frequency of the cleanings with date(s) and time(s), the name(s) of the person(s) who cleaned and/or disinfected, and the address of the property cleaned; and

(c) Upon request, the owner or representative of the owner of a housing accommodation shall provide the Department with electronic cleaning logs (scanned, PDF copies of paper records are acceptable) to ensure that proper cleaning safeguards are in-place and being successfully implemented within the housing accommodation.

809.99 For the purposes of this section, the following words and terms shall have the meanings ascribed:

"Public health emergency" – a period of time for which the Mayor has declared a public health emergency pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"Housing Accommodation" – any structure or building in the District containing one (1) or more residential units that are not occupied by the owner of the housing accommodation, including an apartment, efficiency apartment, room, accessory dwelling unit, cooperative, homeowner association, condominium, multifamily apartment building, nursing home, assisted living facility, or group home.