

**NURSING & COMMUNITY RESIDENCE PROTECTION § 44-1004.03**

**SUBCHAPTER IV. PRIVATE RIGHTS OF ACTION.**

**§ 44-1004.01. Injunctive relief.**

A resident, a resident's representative, the Long-Term Care Ombudsman, or the Corporation Counsel may bring an action in court for a temporary restraining order, preliminary injunction, or permanent injunction to enjoin a facility from violating any provision in subchapter III of this chapter, any rule issued by the Mayor pursuant to that subchapter, or any standard or resident's right established pursuant to § 44-504(a)(3) and (4).

(Apr. 18, 1986, D.C. Law 6-108, § 401, 33 DCR 1510.)

**Historical and Statutory Notes**

**Prior Codifications**

1981 Ed., § 32-1451.

**Legislative History of Laws**

For legislative history of D.C. Law 6-108, see Historical and Statutory Notes following § 44-1001.01.

**§ 44-1004.02. Mandamus.**

A resident, a resident's representative, the Long-Term Care Ombudsman, or the licensee or administrator of a facility may bring an action in court for mandamus to order the Mayor or any District government agency to comply with subchapter III of this chapter, any rule issued by the Mayor pursuant to that subchapter, or any other District or federal law relevant to the operation of a facility or the care of its residents. Any person bringing an action under this section shall give the Mayor at least 5 days advance notice (excluding Saturdays, Sundays, and legal holidays) before the action is filed in court.

(Apr. 18, 1986, D.C. Law 6-108, § 402, 33 DCR 1510.)

**Historical and Statutory Notes**

**Prior Codifications**

1981 Ed., § 32-1452.

**Legislative History of Laws**

For legislative history of D.C. Law 6-108, see Historical and Statutory Notes following § 44-1001.01.

**§ 44-1004.03. Civil action for damages.**

(a) A resident or resident's representative may bring an action in court to recover actual and punitive damages for any injury that results from a violation of subsection (b) of this section, subchapter III of this chapter, any rule issued by the Mayor pursuant to subchapter III of this chapter, or any standard or resident's right established pursuant to § 44-504(a)(3) and (4). Upon proof of a violation and subject to subsection (c) of this section, the resident shall be awarded 3 times the actual damages or \$100, whichever is greater, and may be awarded punitive damages of up to \$5,000.

(b) No owner, licensee, administrator, or employee of a facility shall take any action that adversely affects a resident's rights, privileges, or living arrangement in retaliation for that resident, his or her representative, or the Long-Term Care Ombudsman having exercised a right conferred by District or