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Regulation No. 74-1

January 19, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENTS TO TITLE 8, CHAPTER 6, PART I OF THE DISTRICT OF COLUMBIA HEALTH REGULATIONS

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to make all reasonable and usual regulations for the protection of the health of the citizens; and

WHEREAS, the District of Columbia Council is authorized by D.C. Code Section 2344 of Title 47, 1973 Edition pursuant to Section 402 (391), Reorganization Plan No. 3 of 1967, to require licenses and regulate businesses which in the judgment of the Council require inspection, supervision, or regulation; and

WHEREAS, Section 6-114, D.C. Code, 1973 Edition and Section 402 (133) of Reorganization Plan No. 3 of 1967 authorizes the District of Columbia Council to make health regulations and alter, amend, or repeal prior health regulations; and

WHEREAS, Section 33-104, D.C. Code, 1973 Edition and Section 402 (258) of Reorganization Plan No. 3 of 1967 authorizes the District of Columbia Council to adopt rules and regulations for collecting and examining drugs and food.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 8-6:102 of the District of Columbia Health Regulations is hereby repealed and the following section is inserted to read as follows:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 20, 1973

Adopted on second and final reading January 8, 1974

Presented to the Mayor-Commissioner January 10, 1974 (Date)

Edward D. Wells
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

January 19, 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward D. Wells
Secretary of the City Council

P-251

Certified copies are available.

"8-6:102 DEFINITIONS.

"(a) Adulterated Food means any food to which it is determined that any of the following circumstances apply:

(1) It bears or contains any poisonous or deleterious substance if there is a reasonable probability that it will be injurious to health: Provided, That if such poisonous or deleterious substance is a food additive, color additive or pesticide chemical as the terms are used in Title 21 U.S.C., 1970 ed., such food shall not be deemed to be adulterated when the quantity of such food additive, color additive, or pesticide chemical is in compliance with the applicable provisions of Title 21, Parts 120 and 121 of the Code of Federal Regulations: And provided further, That if such poisonous or deleterious substance is not a food additive, color additive or pesticide chemical, such food shall not be deemed to be adulterated when the quantity of such poisonous or deleterious substance which it contains raises no reasonable probability that it will be injurious to health.

(2) Any substance has been substituted in whole or part therefor;

(3) Any damage or inferiority has been concealed in any manner;

(4) Any essential constituent thereof has been in whole or in substantial part omitted or abstracted therefrom; or

(5) Any substance has been added thereto, or mixed therewith, so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is.

"(b) Consumer means the purchaser of any food or any person who eats that food.

"(c) Container means the package, wrapper, or other receptacle in which food may be placed and includes, but is not limited to, any cup, mug, glass, jar, can, bottle, box or bag.

"(d) Director means the Director of the District Department of Environmental Services or his representative.

"(e) District means the territorial area known as the District of Columbia or the municipal government of the District of Columbia, as the text requires.

"(f) Food means any article used for consumption by a human being or by an animal.

"(g) Food Contact Surface means any surface, which may be, or which may come, in direct contact with food, or any surface with which food may come in contact and which drains onto a surface normally in contact with food.

"(h) Food Establishment means any part, or parts, of any premises, building, or vehicle used in the conduct of a food operation.

"(i) Food Operation means any activity involved in the importation, preparation, processing, transportation, service, storage or sale of food for public or private consumption, except the activity performed by a member of a household in providing, preparing or serving food for a member of the household or for a nonpaying guest of the household.

"(j) Food Retail Operation means a food operation in which food is sold for public or private consumption.

"(k) Food Service Operation means a food operation in which food is served, or prepared and served, for consumption in or about the food establishment; or in which food is prepared for service and consumption elsewhere.

"(l) Food Unfit for Consumption means any food that is unwholesome, adulterated, or otherwise unfit food.

"(m) Otherwise Unfit Food means any food to which it is determined that any of the following circumstances apply:

(1) It has been mixed with, or has become in such association with, known unwholesome or adulterated food so that all, or any part, of the whole lot or mixture may be unfit for consumption;

(2) It is part of an identifiable lot or group, part of which is known to be unwholesome or adulterated;

(3) It has, by reason of exposure to known sources of contamination, become suspect of harboring or carrying organisms or materials that are filth borne or disease producing;

(4) It has, by reason of known exposure to improper temperature, become so changed from its normal state of preservation as to be unsafe or likely to become unsafe for consumption; or

(5) It contains or there is reasonable cause to believe that it contains pathogenic organisms because of the source of the product and because of the lack of proper processing, or because the method of preparation used is such that suspected pathogenic organisms were not removed or destroyed or may have been introduced.

"(n) Person means any individual, firm, partnership, company, corporation, trustee, association, or any other private or public entity.

"(o) Potentially Hazardous Food means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious and toxicogenic micro-organisms: Provided, That such food does not include products in hermetically sealed containers processed by any method approved by the Director which shall prevent spoilage and does not include dehydrated, dry, or powdered products which are so low in moisture content as to preclude rapid development of micro-organisms.

"(p) Pull Date means the last date on which a food should be sold without a significant risk of spoilage, loss of value, or loss of palatability, if stored by the consumer after that date for the period and in the manner which such food can reasonably be expected to be stored.

"(q) Sanitize means the effective use of a bactericidal treatment of a clean surface of equipment or utensil by a process approved by the Director as being effective in destroying micro-organisms including pathogens.

"(r) Unwholesome Food means any food to which it is determined that any of the following circumstances apply:

(1) It is composed in whole or in part of any filthy, putrid,

or decomposed substance;

(2) It has been processed, prepared, packed or held under unsanitary conditions whereby any part of it may have been contaminated with filth or rendered injurious to health;

(3) It has been produced in whole or in part from an animal which has died otherwise than by being slaughtered, or if slaughtered the animal was at the time of slaughter in any feverish or diseased condition; or

(4) It is packaged in a container composed of any poisonous or deleterious substance which may render the contents of the container injurious to health."

Section 2. Section 8-6:104 of the District of Columbia Health Regulations is hereby repealed and the following section is inserted to read as follows:

"8-6:104 TEMPERATURE CONTROL

"(a) Potentially Hazardous Food. No person shall store any potentially hazardous food except at a safe holding temperature which shall be any food temperature below 45°F. or any food temperature above 140°F. No person shall allow any potentially hazardous food, not in storage, to remain at a food temperature between the limits of the safe holding temperatures for such time as may produce a reasonable probability that it will become unfit for consumption. When potentially hazardous food is prepared or processed and is to be stored hot or cold, it shall be heated or chilled to a safe holding temperature at a rapid rate. Potentially hazardous foods shall be kept at all times under appropriate refrigeration at a temperature no higher than 45°F. or under appropriate heat treatment at a temperature no lower than 140°F. except for normal defrost cycles, loading and unloading, repackaging, or for temporary conditions beyond the immediate control of the person who has care and supervision of the product. No potentially hazardous food may be sold or held out for sale which has been transported, stored or otherwise kept at a food temperature between the limits of the safeholding temperatures for such time as may produce a reasonable probability that it will become unfit for consumption.

"(b) Frozen Food. No person shall store, display or transport any food intended for sale in the frozen state unless it is held at a safe temperature. The safe temperature for such food shall be a space and product temperature of 0°F. or lower except for normal defrost cycles, loading and unloading,repackaging, or for temporary conditions beyond the immediate control of the person who has care and supervision of the frozen food. In any case, the internal temperature of the frozen food shall not exceed 10°F. and such frozen food shall be returned to 0° as quickly and safely as possible. Bags, suitable for keeping frozen foods cold for a reasonable time shall be available to consumers upon demand. No food may be sold or held out for sale which has been transported, stored or otherwise kept for any significant period of time at a temperature exceeding that provided in this subsection.

"(c) Equipment. All refrigeration equipment and equipment for hot storage shall have thermometers which are easily readable, in proper working condition, and accurate, within a range of plus or minus two degrees. The thermometers in all refrigeration display cases accessible to consumers shall be able to be easily read by consumers. Refrigeration equipment shall be properly maintained and defrosted as necessary to prevent accumulation of frost or ice."

Section 3. Section 8-6:106 of the District of Columbia Health Regulations is hereby amended by inserting the following new subsections:

"(d) Open Dating. Sixty days following the effective date of this regulation, all pasteurized fluid milk; fresh meat, poultry, fish, bread products, eggs, butter, cheese, cold meat cuts, mildly processed pasteurized products and potentially hazardous foods sold in food retail operations which are pre-wrapped and not intended to be eaten on the premises of the food operation shall have easily understood pull dates prominently displayed on their containers after which the food may not be sold unless isolated and prominently labelled as being beyond the last date on which the food should be sold without a significant risk of spoilage, loss of value, or loss of palatability, if stored by the consumer after that date for the period and in the manner which such food can reasonably be expected to be stored. The display area where such isolated items are kept shall be marked in such a manner to advise the consumer that the goods therein have been isolated due to the passing of the pull date. The Director ninety days following the effective date of this regulation, shall publish a list, after public hearing, of other foods to be pull dated. This list shall be reviewed annually and revised as necessary. If any such food is rewrapped, the new package shall retain the original pull dates and the package must be marked prominently with a "Rewrapped."

"(e) Eggs. Only eggs that can meet United States Department of Agriculture standards shall be sold. Placards shall be prominently displayed in the egg display area which shall summarize the United States Department of Agriculture standards relating to eggs, or where such information may be obtained, and the food retail operation's policy on refunds for the purchase of cracked or damaged eggs."

"(f) Canned and Other Non-Potentially Hazardous Food. Containers which are seriously damaged to the extent as may produce a reasonable probability that the food contained therein will become unfit for human consumption, including but not limited to, a bulged end or lid, visible evidence of content leakage, fractured score lines on pull top lids, being open to outside contamination or damaged along critical seams shall not be sold. No mislabelled or unlabelled containers shall be sold."

Section 4. Subsection 8-6:109(b) of the District of Columbia Health Regulations is hereby repealed and the following subsection is inserted to read as follows:

"(b) No person shall work or be allowed to work in any capacity, the activities of which include contact with unprotected food, contact with food contact surfaces, or the care and use of food in a food operation:

(1) When such person is afflicted with a contagious disease or boils, serious burns, major open cuts, infected wounds, sores, acute upper respiratory infection or communicable gastro intestinal disease.

(2) When such person is not wearing a clean uniform or garments or is not using effective hair restraints;

(3) When such person is using tobacco in any form;

(4) When such person does not use hygienic work practices."

Section 5. Section 8-6:109 of the District of Columbia Health Regulations is hereby amended by inserting the following new subsections:

"(d) Every employee of a food operation working in any capacity,

the activities of which include contact with unprotected food for human consumption or the care or use of food contact surfaces including the floors, if afflicted with a contagious disease or boils, serious burns, major open cuts, infected wounds, sores, or an acute upper respiratory infection or gastro intestinal disease, shall be required by his employer to be examined by a physician before commencing his employment with said employer or in continuing or resuming work. Appropriate stool examinations shall be included if gastro intestinal disease is present.

"(e) The Director shall prescribe a minimum training program concerning food handling and sanitation for the supervisors of persons who have immediate contact with unprotected food for human consumption or those who care for or maintain the surfaces that have direct contact with food which shall include the floors. Within 18 months of the date of enactment of this regulation, supervisory personnel engaged in any type of food operation shall be required to possess a card issued by the Director indicating that such person has successfully completed the requirements of the Department of Environmental Services as regards proper food sanitation. A refresher training program shall be taken by every supervisory employee at least every three years after completing the initial training program. The training program may be given by the licensee or any other person or organization. The Director may also operate such training program with full costs to be borne by the employer of the employees or the employee himself."

Section 6. Subsection 8-6:110(a)(1) of the District of Columbia Health Regulations is hereby amended by deleting in the last sentence the words, "cutting blocks and boards, baker's tables of hard maple or equivalent material, which is non-toxic, smooth, and free of cracks, crevices and open seams" and inserting "tables of hard maple or equivalent for baking purposes which are non-toxic, smooth, and free of cracks, crevices and open seams."

Section 7. Subsection 8-6:110(c) of the District of Columbia Health Regulations is hereby repealed and the following subsection is inserted to read as follows:

"(c) Compliance with Equipment Requirements. The Director shall in accordance with the District of Columbia Administrative Procedures Act, § 1-1501 et. seq. D.C. Code 1973 ed., promulgate:

(1) Minimum requirements regarding equipment and utensil specifications; and

(2) Minimum requirements regarding the installation of equipment and utensils; and

(3) Requirements relating to the types of machinery, equipment, and utensils necessary to conduct business pursuant to this Article. Requirements pursuant to this section shall be adopted no later than 90 days after the enactment of this Article."

Section 8. Section 8-6:111 of the District of Columbia Health Regulations is hereby amended by deleting the clause: "Provided, That existing food establishments involved exclusively with previously wrapped, canned, packaged, or bottled food, or with whole nuts, fruits or vegetables that are commonly cooked, peeled, shelled, or washed before being eaten, shall not be required to provide hot running water until on and after July 1, 1968."

Section 9. Subsection 8-6:111(b)(2) of the District of Columbia Health Regulations is hereby amended by adding in the first sentence before the words "and which" and after the words "employed", the clause, "Provided,

That five or less employees of both sexes may use one toilet," and by deleting the words in the last sentence, "of Public Health."

Section 10. Subsection 8-6:111(b)(3) of the District of Columbia Health Regulations is hereby amended by adding at the end of the second paragraph following the words, "food contact surfaces", a new sentence to read: "Any area of a food operation in which fresh meat is handled shall have its own hand washing facility, other than in a toilet room, located no more than 20 feet from where the meat is handled. The Director may in his discretion order said hand washing facility to be closer than 20 feet." The words "of Public Health" in the last paragraph of the subsection shall be deleted.

Section 11. Subsection 8-6:114(a) of the District of Columbia Health Regulations is hereby amended by deleting the last sentence and adding to the second to the last sentence: "and a suitable sweeping compound shall be used for the purpose of cleaning the floors. Sawdust and other like material shall not be placed on the floors of a food operation. After the effective date of this regulation, all new or replaced display cases shall form a tight joint with the floor so as to effectively prevent refuse from being dropped under the unit and to permit easy cleaning."

Section 12. Subsection 8-6:114(b) of the District of Columbia Health Regulations is hereby amended by adding the following sentence at the end of the paragraph: "In all new construction following the date of enactment of this regulation, a coved floor to wall juncture is required."

Section 13. Subsection 8-6:114(d) of the District of Columbia Health Regulations is hereby amended by adding the following: "At least 35 foot candles of light shall be required on all working surfaces and at least 25 foot candles on all other surfaces and equipment, in food preparation, utensil-washing and hand washing areas, and toilet rooms. Sources of artificial light shall be provided and used to the extent necessary to provide the required amounts of light on these surfaces when in use and when being cleaned. At least 15 foot candles of light at a distance of 30 inches (76.20 cm) from the floor shall be required in all other areas, including dining areas during cleaning operations. All artificial lighting fixtures shall be provided with protective shielding in food preparation, service station areas, display areas, all refrigeration units, utensil and equipment washing areas."

Section 14. Subsection 8-6:114(e) of the District of Columbia Health Regulations is hereby amended by adding the following sentence: "The minimum requirements for ventilation shall be in accordance with the D.C. Building Code."

Section 15. Subsection 8-6:114(g) of the District of Columbia Health Regulations is hereby amended by adding at the beginning of the paragraph the sentence, "All toilet rooms shall have hot running water, soap and single service disposal towels."

Section 16. Subsection 8-6:114(i) of the District of Columbia Health Regulations is hereby amended by changing subsections (1), (2), (3) and (4) to (2), (3), (4) and (5) respectively, and adding a new subsection (1) which shall read as follows: "(1) The building and equipment in good repair."

Section 17. Section 8-6:115 of the District of Columbia Health Regulations is amended by inserting between the first and second sentence the following new sentences: "All trash and storage areas shall be vermin-proof. All trash including unclean discarded boxes shall be kept in containers which shall be tightly covered."

Section 18. Subsection 8-6:116(a) of the District of Columbia Health Regulations is hereby amended by deleting the last paragraph.

Section 19. a) Section 8-6:117 of the District of Columbia Health Regulations is amended by adding "(a)" before the first sentence. b) The following new subsections shall be added to Section 8-6:117 of the District of Columbia Health Regulations:

"(b) Inspection. The Director shall inspect each food operation at least four times a year. He may conduct more than four inspections if he deems such additional inspections necessary.

"(c) Reinspection. If a food operation has received a warning notice or its license is suspended or revoked because of the failure to receive a passing grade in any inspection, said licensee may request reinspection at any time. Said request for reinspection must be made by the licensee and said licensee must certify to his belief that the deficiencies have been corrected. Upon receipt of a request for reinspection, the Director shall perform such reinspection of the food operation within three working days. A food establishment may not resume operation or remove from public view any warning given until such time as the Director has reinspected the food operation and certified that said operation is in compliance with the provisions of this Part.

"(d) 1) Records. The Director shall keep and maintain records of every inspection made of any food operation within the District. 2) All records describing or pertaining to such inspections shall be open for public inspection during reasonable business hours. The form to be used for each food operation inspection shall be designated as Form ES 109 and shall read as follows:

REGULATION 74-1

Address _____ Date _____

Name of Licensee _____ Officer of Firm _____

Trading as _____ USDA Cert. # _____ Customer # _____

Food Service [ ] Retail Store [ ] Other [ ] Number of Samples Collected [ ]

NOTICE TO ESTABLISHMENT

This inspection was conducted:

To determine compliance with District regulations. [ ]

To determine compliance with District and Federal regulations under a cooperative agreement with the U.S. Department of Agriculture. [ ]

Effective action must be taken this date to correct all underlined deficiencies having a demerit value of 6. Other underlined deficiencies must be corrected as indicated under "Remarks." Failure to make the indicated correction within the specified time may result in court proceedings being initiated for the enforcement thereof.

A. STRUCTURE	
1. Floors: clean - easily cleanable - in good repair - properly drained	2
2. Walls, ceiling and overheads: clean - easily cleanable - no scaling paint - in good repair	2
3. Lighting: adequate for operation	2
4 Ventilation: rooms reasonably free from odors, condensation, smoke etc.	2
5. Toilets/dressing rooms: clean - convenient - adequate - properly constructed and ventilated	2
6. Handwashing facilities: adequate - properly located - soap and towels	6
7. Plumbing: potable water supply - sufficient hot and cold running water - no back siphonage or cross connections - no overhead waste lines in critical areas	6
DEMERITS A	
B. EQUIPMENT	
1. Installation: equipment location permits easy access to and cleaning of equipment and adjacent surfaces or properly sealed to adjacent surfaces	2
2. Refrigerated and hot food holding equipment: adequate - capable of maintaining proper food temperature - in good repair - provision for separation of raw and finished products	6
3. Food Contact surfaces of equipment and multi-use eating and cooking utensils: constructed of suitable material - free of cracks, crevices, chips, rust or paint - equipment easily disassembled and readily cleanable - clean and sanitized before each use - proper facilities and material available for cleaning and sanitizing	6
4. Non-food contact surfaces: Proper construction - clean - in good repair - suitable facilities and materials available for cleaning	6
5. Cooking units, hoods, and filters: clean - in good repair	2
DEMERITS B	

C. MEAT & MEAT PRODUCTS, INGREDIENTS, ICE, OTHER FOODS	
1. (a) Source: approved (b) Trichinae treatment for appropriate product containing pork muscle tissue	6
2. Condition: sound - clean - unadulterated - only authorized food additives used	6
3. Labeling: proper - no false or misleading statements - products accurately described - accurate net weights	4
4. Temperature of potentially hazardous food: 45° F. or less or 140°F. or more - frozen foods at 0°F. or below	6
DEMERITS C.	
D PERSONNEL	
1. Outer garments: appropriate and washable - clean - proper hair restraints	2
2. Good apparent health	6
3. Hygienic practices: good personal hygiene - hands washed and clean - proper and minimal personal contact with food and food contact surfaces	6
DEMERITS D	
E. GENERAL	
1. Premises: no rodent harborage - effective vermin control - only permitted pesticides used and properly stored - premises free of trash and litter - no birds or unauthorized animals - facilities and materials available for cleaning	6
2. General storage: storage areas clean, adequate and properly utilized - food product ingredients, utensils and single service items protected from contamination - soiled linens and clean linens separated - contents of containers properly identified - poisonous materials properly labeled, handled and stored	6
3. Operating methods: food protected during dispensing, display, packaging, processing, and transportation - containers and wrappings sanitary - proper sequence of operations	6
4. Waste containers: properly constructed and used - clean	2
DEMERITS E	

TOTAL DEMERITS [ ]

REMARKS:

INSPECTED BY: _____ RECEIVED BY: _____

FOOD ESTABLISHMENT INSPECTION REPORT LC-32 FORM ES-109 FEB. 1972

"(e) Posting. The Director shall make a summary of the results of each inspection and provide the licensee with a copy of the summary. Such summary shall include a separate description of each violation of any of the provisions of this regulation existing at the time of the inspection. If the licensee receives a sanitation rating of less than 85 percent but above 69 percent and there is no imminent danger to public health, the Director shall post the warning notice and inspection summary prominently in the same location as the license is displayed. Such warning notice and inspection summary shall remain where posted until such time as the Director finds the food operation to be in compliance with these regulations to the degree that the licensee has a sanitation rating of 85 percent or higher and there is no imminent danger to the public health.

The Director shall develop and implement a Certificate of Merit system for food operations consistently receiving high sanitation inspection ratings. The licensee who is awarded such a certificate of merit may post it in the same location as the license is displayed until such time as the Director finds the licensee no longer meets the requirements for the Certificate. Upon notification by the Director that the licensee fails to meet the requirements for the Certificate of Merit, the licensee shall remove such Certificate."

Section 20. Section 8-6:118 of the District of Columbia Health Regulations is hereby amended by deleting the words "Department of Public Health", and inserting "Department of Environmental Services."

Section 21. Section 8-6:120 of the District of Columbia Health Regulations is hereby repealed and a new section 8-6:120 is hereby inserted to read as follows:

"8-6:120. Revocation or Suspension of License. (a) Failure to comply with any of the provisions of this regulation shall be grounds for the revocation or suspension of any license issued for a food operation pursuant to Sec. 47-2327 of the D.C. Code. For the purpose of this provision, a sanitation rating using Form ES 109, of less than 85 percent is prima facie evidence of failure to comply with these regulations: Provided, That, the Director may declare any condition evidence of failure to comply with these regulations if he determines that there is imminent danger to the public health.

"(b) If after inspection, the Director finds that the food operation has a sanitation rating using Form ES 109 of less than 85 percent but above 69 percent and there is no imminent danger to the public health:

(1) He shall issue a warning notice; and

(2) Unless a subsequent rating within two weeks is 85 percent or higher, he shall take steps to suspend the food operation license: Provided, That the licensee may request an extension of time within which to make necessary corrections when the two-week period is not reasonable. The Director may give no more time than is reasonably necessary to bring the food operation into full compliance, Provided, That, the Director may give no more time than 60 days.

"(c) If after inspection, the Director finds that the food operation has a sanitation rating using Form ES 109 of less than 70 percent or there is imminent danger to the public health:

(1) He shall immediately revoke or suspend the license; and

(2) He shall advise the licensee in writing at the time of the issuance of the citation of his opportunity to be heard by the Director by making a request in writing within 24 hours of the suspension or revocation.

If such a hearing is requested by the licensee, it shall be conducted by the Director within two calendar days following receipt of the request. Such request shall not act as a stay of the suspension or revocation of the license. The Director shall advise the licensee in writing at the time of the hearing of his right to appeal the results of the hearing before the Board of Appeals and Review in accordance with Organization Order No. 112, C2. A request by the licensee for a hearing before the Board of Appeals and Review shall not act as a stay of the suspension or revocation of the license nor any fines that have been levied as a result of the suspension or revocation.

"(d) Upon suspension the food operation shall cease operations. If it is found that the food operation continues as such, the licensee shall be fined $300.00 per day for every part or whole of the day of operation during the period of suspension or revocation is in effect pending resolution of the matter."

"(e) No person shall operate a food establishment without a license as required by these regulations. Any person found to be operating a food establishment without a license may be fined $300.00 or imprisoned for 90 days pursuant to Sec. 47-2347 of the D.C. Code."

Section 22. Section 8-6:122 of the District of Columbia Health Regulations is hereby amended by deleting the words "Department of Public Health", and inserting the words, "Department of Environmental Services" and by adding the following paragraph:

"All variance requests shall be published in the District of Columbia Register at least 30 days before the Director shall consider the request on its merits. Said publication shall be the expense of the requesting party. The publication shall contain a brief statement describing the variance sought and the reason the variance is necessary. Opportunity for public comment within 30 days after publication shall be granted. The Director shall maintain a public record of all variances granted and such record shall state the bases upon which the variances were granted. No variance shall be granted for reasons other than those stated in the record."

Section 23. Independence of Sections. Each section of this Part, and every part of each section, is hereby declared independent of every other, and the holding of any section, or part thereof, to be void or ineffective for any cause shall not be deemed to affect any other section, or part thereof.

Section 24. Except as otherwise provided, the provisions of this regulation shall become effective ninety (90) days after enactment.

Regulation No. 74-2

March 1, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO AIR QUALITY CONTROL REGULATIONS CONCERNING EMISSIONS FROM STATIONARY SOURCES

Councilman Rockwood H. Foster Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to make all reasonable and usual regulations for the protection of the health of its citizens (§ 1-226, D.C. Code, 1967 Ed., Supp. V 1972); and

WHEREAS, the Clean Air Act of 1970, as amended, 42 U.S. Code §§ 1857 et seq, permits local jurisdictions to amend regulations previously approved by the Environmental Protection Agency; and

WHEREAS, the Air Quality Control Act, § 8-611 et seq, D.C. Code, 1967 ed. (Supp. V. 1972) authorizes the District of Columbia Council to make and revise regulations regarding the air quality of the District of Columbia; and

WHEREAS, the District of Columbia Council has consistently supported cooperative planning efforts to achieve a higher air quality standard in the Washington Metropolitan area; and

WHEREAS, this amendment conforms to such a regional planning standard.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 8-2:702 and Section 8-2:707 of the Air Quality Control Regulations (Health Regulations) are hereby amended as follows:

A. Section 8-2:702 DEFINITIONS is amended by the addition of the following:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on February 5, 1974

Adopted on second and final reading February 19, 1974

Presented to the Mayor-Commissioner February 19, 1974
Date

Secretary of the City Council

Approved Walter E. Washington
Mayor-Commissioner

1 MAR 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Secretary of the City Council

P-251

Certified copies are available.

Dry Cleaning Operation: The process by which an organic solvent is used in the commercial cleaning of garments and other materials.

Gasoline: Any petroleum distillate having a Reid vapor pressure of four (4) pounds or greater.

Loading Facility: Any aggregation or combination of gasoline loading equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

Photochemically Reactive Solvent: Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: five percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: eight percent;

(iii) A combination of ethylbenzene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: twenty percent.

B. Section 8-2:707 CONTROL OF ORGANIC COMPOUNDS is amended as follows:

1. Sections 8-2:707 (a), (b), (c) and (g) are hereby repealed.

2. New Section 8-2:707 (a), (b), (c), (d), (e) and (f) are hereby adopted; subparagraphs formerly numbered (d), (e) and (f) are hereby renumbered (g), (h) and (i) respectively.

Section 8-2:707 CONTROL OF ORGANIC COMPOUNDS

(a) Storage of Petroleum Products:

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices in good working order and in operation:

(1) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(3) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Commissioner.

(b) Volatile Organic Compounds or Gasoline Loading into Tank Trucks, Trailers and Railroad Tank Cars:

A person shall not load volatile organic compounds or gasoline into any tank truck, trailer, or railroad tank car from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent in good working order and in operation.

When loading is effected through the hatches of a tank truck, trailer, or railroad tank car with a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid drainage from the loading device when it is removed from the hatch of any tank truck, trailer, or railroad tank car, or to accomplish complete drainage before such removal.

When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

The vapor disposal portion of the system shall consist of one of the following:

(1) A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system.

(2) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from tank trucks, trailers and railroad tank cars being loaded.

(3) Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Commissioner.

(c) Volatile Organic Compounds or Gasoline Transfer Vapor Control:

(1) No person shall transfer volatile organic compounds or gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(A) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight (dry break) vapor return line from the storage container to the delivery vessel and system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(B) If a "vapor-tight vapor return" system is used to meet

the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an absorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with Section 8-2:707 (d).

(C) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent which can recover at least 90 percent by weight of the organic compounds in the vapor displaced from the delivery vessel during refilling.

(2) The provisions of this paragraph (c) shall not apply to the following:

(A) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph; provided, however, said containers are equipped with submerged fill pipes.

(B) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(3) Compliance Schedule:

Every owner or operator of a stationary storage container or delivery vessel subject to this section paragraphs (a), (b) and (c) herein shall meet the following compliance schedule:

(A) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Commissioner no later than 45 days following the effective date of this section.

(B) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Commissioner within five days of the date compliance is achieved.

(4) Any owner or operator of a source subject to paragraphs (a), (b) and (c) of this section may, not later than 45 days following the effective date of this section, submit to the Commissioner for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraphs (a), (b) and (c) of this section as expeditiously as practicable but no later than June 30, 1974. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to:

(A) Submittal of final control plan to the Commissioner;

(B) Letting of necessary contracts for construction process or changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification;

(C) Initiation of on-site construction or installation of emission control equipment or process modification;

(D) Final compliance.

(5) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within five days after deadline for each increment of progress certify to the Commissioner whether or not the required increment of the approved compliance schedule has been met.

(d) Control of Evaporative Losses from the Filling of Vehicular Tanks:

(1) No person shall transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(A) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle.

(B) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.

(C) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(2) The system referred to in paragraph (d) 1 of this section may consist of a vapor-tight vapor return line from the fill nozzle filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(3) Components of the systems required by paragraph (c) of this section can be used for compliance with paragraph (d)1 of this section.

(4) If it is demonstrated to the satisfaction of the Commissioner that it is impractical to comply with the provisions of paragraph (d)1 of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (d)1 of this section.

(5) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule:

(A) June 1, 1974 - Submit to the Commissioner a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (d)1 of this section.

(B) November 1, 1974 - Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(C) January 1, 1975 - Initiate on-site construction or installation of emission control equipment.

(D) May 1, 1977 - Complete on-site construction or installation of emission control equipment or process modification.

(E) May 31, 1977 - Assure final compliance with the provisions of paragraph (d)1 of this section.

(F) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Commissioner, within five days

after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(6) Paragraph (d)5 of this section shall not apply:

(A) To a source which is presently in compliance with paragraph (d)1 of this section and which has certified such compliance to the Commissioner by June 1, 1974. The Commissioner may request whatever information he considers necessary for proper certification.

(B) To a source whose owner or operator submits to the Commissioner by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Commissioner, such schedule shall satisfy the requirements of this paragraph for the affected source.

(e) Dry Cleaning Operation:

(1) No person shall operate a dry cleaning operation using other than perchloroethylene, 1, 1, 1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent; provided that dry cleaning operations emitting less than three pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.

(2) If incineration is used as a control technique, 90 percent or more of the carbon in the organic emissions being incinerated must be oxidized to carbon dioxide.

(3) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraphs (e)1 of this section by discontinuing the use of photochemically reactive solvents no later than April 1, 1974, or by controlling emissions as required by paragraphs (1) and (2) of this section no later than May 31, 1975.

(f) Organic Solvents:

(1) No person shall discharge into the atmosphere more than 15 pounds of photochemically reactive solvents in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent.

(2) No person shall discharge into the atmosphere more than 40 pounds of non-photochemically reactive solvents in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at lease 85 percent. Dry cleaning operations are exempt from the requirements of this paragraph.

Section 2. These amendments shall become effective immediately upon enactment.

Regulation No. 74-3

March 15, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE CONSUMER GOODS REPAIR REGULATION

Councilman Tedson J. Meyers Presents the following regulation:

WHEREAS, Sec. 402(4) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 1-226 with respect to making reasonable and usual police regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, Sec. 402 (391) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the authority to license businesses or callings pursuant to Sec. 47-2344 of the District of Columbia Code; and

WHEREAS, the Council finds that the public is in need of protection from repair dealers who may be incompetent in their trade or unfair in their dealings; and

WHEREAS, the Council finds that incompetence, fraud and deceptive practices erode public confidence in the consumer goods repair industry itself; and

WHEREAS, the Council finds that increased reliance upon highly technical products in everyday life requires the public, of necessity, to deal with and rely upon people who hold themselves out as able to keep such items safe and in good repair; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE				X		SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on February 5, 1974

Adopted on second and final reading March 5, 1974

Presented to the Mayor-Commissioner March 5, 1974
Date

Secretary of the City Council

Approved _____
Mayor-Commissioner

15 MAR 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated herein.

_____
Secretary of the City Council

P-251

Certified copies are available.

WHEREAS, the Council believes that regulating repair industries in the manner set forth herein will make such businesses attractive to all area consumers, thereby enhancing the business community of the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The District of Columbia Consumer Goods Repair Regulation, set forth as Appendix I, hereto, is hereby adopted.

Section 2. This regulation shall take effect 120 days following enactment.

APPENDIX I

TITLE I -- DEFINITIONS

Sec. 101. As used in this regulation, unless the context requires a different meaning:

(1) "Board" means the Board of Consumer Goods Repair Services, as established by this regulation.

(2) "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(3) "Consumer Goods" means chattels owned and normally used by an individual for personal, family, or household purposes; and such chattels, normally used for personal, family, or household purposes, which are acquired or used for commercial or business purposes other than for sale or resale.

(4) "Consumer Goods Repair Dealer" means any person who for compensation undertakes to perform or have performed repair services on consumer goods in the District, unless such person performs such services solely in the course of carrying out his duties as a salaried employee of an organization or public agency. Persons licensed pursuant to D. C. Code provisions or other federal laws or regulations relating to the rendering of repair services are exempt from this definition unless they perform other repair services not covered by such statute or regulation and are otherwise subject to the provisions of this regulation.

(5) "Council" means the District of Columbia Council.

(6) "Customer" means the person who presents consumer goods for repair cost estimates and/or repairs, or the person in whose name the written estimate and final bill, as defined in sections 505 and 511 respectively of this regulation, are issued.

(7) "District" means the District of Columbia.

(8) "Organization" means a corporation, agency, trust, estate, partnership, cooperative association, or individually owned business.

(9) "Person" means a natural person or an organization.

(10) "Repair Industry Category" means consumer goods repair services which fall into a broad class or into a category of related consumer goods as established and defined by the Board.

(11) "Repair Services" means any kind of activity, including labor, performed or agreed to be performed for compensation involving inspection, pick-up, installation, adjustment, servicing, modification, replacement of parts, or improvement of consumer goods in the District unless such activity is performed in fulfillment of a long-term commercial service contract with a business or commercial organization.

(12) "Repair Specialty" means consumer goods repair services which fall into a subcategory of a repair industry category as specified and defined by the Board.

(13) "Supervisory Inspector" means a repair technician, service manager, or other employee, agent or independent contractor licensed pursuant to Sec. 301(b) of this regulation and authorized by a licensed consumer goods repair dealer to ascertain on behalf of that dealer that all work performed on consumer goods by that dealer within such supervisory inspector's repair industry category or specialty has been performed properly, in accordance with accepted standards of that repair industry category or specialty and in conformity with all regulations governing repair services in the District.

TITLE II -- ADMINISTRATION

Sec. 201. Board to be Established. The Commissioner shall establish a five-member Board of Consumer Goods Repair Services which shall be responsible for the regulation of the consumer goods repair industry in the District. The Commissioner shall appoint, with the advice and consent of the Council, all members of the Board. The Commissioner shall determine the qualifications, tenure, and compensation for Board members. The Board shall include three (3) members having no occupational affiliation with any business or industry within the scope of this regulation and who represent District consumers. In addition, the Executive Director of the Office of Consumer Affairs shall participate as an ex-officio non-voting member in all deliberations of the Board which do not conflict with his duties pursuant to Commissioner's Order 73-225.

Sec. 202. Board Shall Administer Licensing Program. The primary responsibility for the administration of the licensing program established pursuant to Title III of this regulation shall rest with the Board.

Sec. 203. Functions of the Board. The Board shall perform the following functions:

(a) Conduct from time to time investigations and public hearings to determine the need for regulation of additional repair industry categories. Within twenty-four months after the effective date of this regulation the Board shall conduct a series of such investigations and hearings on the repair industry categories listed in Sec. 603. The first of these hearings shall cover repair of major appliances and shall be held within one hundred and eighty days after the effective date of this regulation. Within six weeks after each hearing on a specific repair industry category, the Board shall report its findings to the Council and, when so indicated, recommend action to provide for inclusion of such category within the scope of this regulation.

(b) Establish license classifications for consumer goods repair dealers and supervisory inspectors licensed by this regulation. These classifications shall include:

(1) The designation of repair industry specialties within their respective repair industry categories and specific consumer goods repair services within their appropriate specialties.

(2) The type of repair industry license required by each consumer goods repair dealer and the type of supervisory inspector to be required by each such dealer.

(c) Establish, in its discretion, advisory panels for each repair industry category required by this regulation to serve as technical consultants to the Board and to assist in the preparation of competency examinations. Each such advisory panel shall consist of three (3) members, to be appointed by the Commissioner from recommendations submitted to him by the Board, two of whom shall be representatives of the relevant repair industry category or specialty and one of whom shall not be affiliated with any repair industry category but has relevant technical expertise. Tenure for advisory panel members shall be determined by the Commissioner.

(d) Develop, after appropriate study, a recommended fee system for repair dealer and supervisory inspector licensees to be presented to the Commissioner within twelve months after the effective date of this regulation. Such a system shall be devised pursuant to Sec. 47-2344 of the D. C. Code so that the license fee shall be commensurate with the cost to the District of the inspection, competency testing, and other regulatory functions required by this regulation. The proposed system shall be so structured as to fairly apportion the above costs among the licensees.

(e) Devise and administer a competency examination system for the licensing of supervisory inspectors in each repair industry category or specialty covered by this regulation. In carrying out this function the Board shall:

(1) Prepare and conduct, at least semi-annually, practical examinations which measure diagnostic and performance ability rather than written and communicative skills. Written components in such tests shall be kept to a minimum. The content of such examinations shall be determined by the Board with the assistance of the appropriate advisory panels. OR

(2) Certify the use of privately developed examinations, or other appropriate examinations, for the licensing of supervisory inspectors in any given repair industry category or specialty. Competency examinations not developed by the Board shall be certified only when such examinations are:

(A) Conducted at least semi-annually in the District of Columbia.

(B) Approved by the Board as reliable indicators of performance ability and reviewed by it regularly.

(C) Administered with the participation of the Board or according to standards approved by the Board.

(3) When such a Board certified examination is wholly or primarily in written form, make available a practical examination as specified in (1) above. When more than one examination has been made available and/or certified by the Board, the applicant shall have the option to choose which examination to take.

(f) Establish pursuant to the D. C. Administrative Procedure Act (title 1, chapter 15 of the D. C. Code), the necessary rules to carry out the provisions of this regulation.

TITLE III - LICENSURE

Sec. 301. Repair License Required.

(a) Consumer Goods Repair Dealer License

(1) Not later than 120 days after the effective date of this regulation each consumer goods repair dealer who provides repair services in the District in the motor vehicles repair category, pursuant to Sec. 601(a) of this regulation, and each such dealer who provides services in the electronics equipment repair category pursuant to Sec. 602(a) of this regulation, shall obtain a license from the Board pursuant to the provisions of this title.

(2) At such time as consumer goods repair dealer licensure becomes mandatory in repair industry categories other than the motor vehicle and electronics equipment categories, each consumer goods repair dealer shall be required to secure a separate license for each repair industry category subject to this regulation and in which he provides repair services. If such a dealer confines his repair services to one or more specialties within such a category, he shall be required to secure a license only for each such specialty in which he provides repair services.

(3) When a consumer goods repair dealer operates more than one place of business offering repair services subject to this regulation, he shall obtain a separate consumer goods repair dealer license for each such place of business.

(b) Supervisory Inspector License

(1) Not later than 30 months after the effective date of this regulation each motor vehicle and electronics equipment repair dealer shall be licensed as a supervisory inspector or shall be required to employ, pursuant to Sec. 502 of this regulation, a supervisory inspector who shall be licensed pursuant to the requirements of this title.

(2) Not later than 18 months after the effective date of this regulation, the Board shall establish an interim program for competency testing and registration of motor vehicles and electronics equipment supervisory inspectors. After such date, and effective for a period of one year following the establishment of such interim program, any individual who has successfully passed the appropriate competency test and has otherwise complied with the licensing requirements for supervisory inspectors shall be designated by the Board as a "Registered Automotive Supervisory Inspector" or a "Registered Electronics Supervisory Inspector", as the case may be, in the appropriate repair industry category or in a designated repair specialty within that category.

(c) Failure to Obtain a License an Affirmative Defense

Failure to obtain a license as required by this section may be raised as an affirmative defense to any suit brought by a consumer goods repair dealer or supervisory inspector seeking to collect payment for services performed by him in his area of licensure.

Sec. 302. Qualifications for Consumer Goods Repair Dealer License

(a) Each applicant for a consumer goods repair dealer license shall demonstrate to the Board that he (1) conducts or intends to conduct repair services in the District and that (2) he has supplied the Board with such other information as is required by Sec. 304 of this regulation and as may be required by the Board.

(b) Each applicant for a consumer goods repair dealer license shall file with the Board a corporate surety bond in the amount of $2,000, except that any such applicant dealer who employs more than five repairmen shall file a corporate surety bond in the amount of $5,000. Such corporate surety bond shall serve as protection for any person aggrieved by violation of this regulation, pursuant to Sec. 47-2345(c) of the D. C. Code.

Sec. 303. Qualifications for Supervisory Inspector License

Each applicant for a supervisory inspector license shall demonstrate to the Board, in a manner to be prescribed by the Board, that he:

(1) is at least 18 years of age

(2) is physically fit to perform the duties of a supervisory inspector

(3) has successfully passed the competency examination administered or certified by the Board pursuant to Sec. 203(e) of this regulation and

(4) is of good moral character. An applicant shall be presumed to be of good moral character unless he has been convicted of a crime which the Board finds has a substantial relationship to the functions and responsibilities to be performed by a supervisory inspector and has not demonstrated good moral character subsequent to his conviction.

Sec. 304. Application for Licensure

(a) Each applicant for a consumer goods repair dealer or supervisory inspector license shall file with the Board, on a form provided by it, an application for licensure. Each applicant for a consumer goods repair dealer license shall, in addition, submit to the Board a copy of the "written estimate" and "final bill" forms required by Sections 505 and 511 of this regulation.

(b) If there is a change in any information submitted to the Board pursuant to this title, the applicant shall furnish new, corrected information to the Board within 20 days.

(c) The furnishing of false, misleading, or fraudulent information shall be grounds for refusal to issue or to renew a license.

Sec. 305. License Fee. Each application for a consumer goods repair dealer or supervisory inspector license or for renewal of such license shall be accompanied by a fee to be determined by the Commissioner pursuant to Sec. 47-2344 of the D. C. Code and Sec. 203(d) of this regulation.

Sec. 306. Grounds for License Denial

The Board may deny an application for a consumer goods repair dealer or supervisory inspector license if it finds that the applicant:

(a) has failed to meet any of the applicable qualifications for licensure provided in Sec. 302 (for consumer goods repair dealers) and Sec. 303 (for supervisory inspectors) of this regulation.

(b) was previously the holder of a license issued pursuant to this regulation, which license has been revoked and the grounds for revocation have not been removed or remedied.

(c) has engaged, after effective date of this regulation, in any of the prohibited conduct as specified in Sec. 518 of this regulation or failed to comply with an order issued pursuant to Sec. 404 of this regulation.

(d) has intentionally made a false, misleading, or fraudulent statement of material fact in his application.

Sec. 307. Renewal of License. Each license issued pursuant to this title shall be valid for a period of 12 months from the date of issuance. Application for renewal of license, on a form to be provided by the Board, shall be filed with the Board no later than 60 days before the expiration date of the license, accompanied by the license fee required by Sec. 305 of this regulation.

Sec. 308. Grounds for License Suspension, Revocation, or Refusal to Renew. Pursuant to Sec. 403 of this regulation, the Board may suspend, revoke, or refuse to renew a license issued by it when the licensee has violated any applicable provision of this regulation or has failed to comply with an order issued pursuant to Sec. 404 of this regulation.

Sec. 309. Appointment of Resident Agent

(a) Each consumer goods repair dealer licensed pursuant to this regulation who is not a resident of the District shall, upon issuance of his license by the Board, immediately appoint a resident agent who resides or who has an office in the District, and shall promptly notify the Commissioner of the name and address of such resident agent. The Commissioner shall be notified within five days of any change in the appointment of the resident agent. All judicial or other legal process intended for the non-resident licensee and related to the scope of this regulation or other laws or regulations relating to consumer goods repair transactions shall be served upon the resident agent.

(b) When a non-resident consumer goods dealer fails to appoint or maintain a registered agent in the District or whenever any such registered agent cannot with reasonable diligence be found at his office in the District, or whenever the appointment of such agent shall be revoked and no new agent is named, the Commissioner shall be the agent upon whom any process or other legal notice may be served and upon whom any notice or demand required or permitted by law to be served upon such person may be served. Service on the Commissioner of any such process, notice, or demand shall be made by delivering to and leaving with the Commissioner or his designated agent duplicate copies of such process, notice, or demand. In the event of such service, the Commissioner shall cause one of such copies thereof to be forwarded by registered mail, addressed to the last known address of the non-resident consumer goods repair dealer.

(c) The Commissioner shall keep a record of all processes, notices, and demands served upon him under this section and shall record therein the time of such service and his action with reference thereto.

Sec. 310. License not Transferable. No consumer goods repair dealer or supervisory inspector license shall be transferred from the person to whom it was issued.

Sec. 311. Display of License. A consumer goods repair dealer or supervisory inspector license shall be prominently displayed by the licensee at his place of business or employment.

TITLE IV - REMEDIES AND ENFORCEMENT

Sec. 401. Investigations

(a) For purposes of administering, or discovering violations of this regulation, the Board shall be authorized to conduct such investigations and hearings as it deems necessary.

(b) The Board may at any time during normal business hours inspect records relating to matters within the scope of this regulation of any person subject to this regulation. If such records are located outside the District, such a person shall at his option either make them available to the Board at a convenient location within the District or pay the reasonable and necessary expenses for the Board to examine them at the place where they are maintained. The Board may designate representatives, including comparable officials of the State in which the records are located, to inspect them on its behalf.

(c) Each consumer goods repair dealer shall prepare and maintain, at the appropriate place of business, records on every repair job. Such records shall be available for inspection by the Board pursuant to subsection (b) of this section, for a minimum period of four years and shall include:

(1) a copy of each written estimate, as required by Sec. 505 of this regulation

(2) a copy of each final bill, as required by Sec. 511 of this regulation

(3) the name and address of the customer ordering the repair work

(4) a description of the article repaired, including type, serial number, or license tag number in the case of motor vehicles, and such other information as would reasonably identify the repaired item; and

(5) all changes of significant identifying numbers

Sec. 402. Complaint Handling Procedures

(a) A complainant or class of complainants may file with the Board, or with the District Office of Consumer Affairs, a complaint alleging violation of this regulation, provided that no person may file such a complaint with the Board when he has previously brought that same complaint before a court of law.

(b) Consistent with Commissioner's Order No. 73-225, all complaints alleging violation of this regulation which are received by the Board, or any other agency or office of the District Government shall be submitted to the Director, District Office of Consumer Affairs, for preliminary action. When a complaint remains unresolved, after mediation by the District Office of Consumer Affairs, or when that office determines that action involving denial, suspension, or revocation of a license or refusal to renew may be appropriate, or when a pattern of complaints arises against a person, the matter shall then be referred, with recommendations for disposition, to the Board for further action.

Sec. 403. Board Action on Complaints

(a) On complaint filed by the Director of the Office of Consumer Affairs (pursuant to Sec. 402 of this regulation), on Board initiative, or responsive to a petition filed by a complainant or a class of complainants who failed to obtain relief pursuant to Sec. 402, the Board may:

(1) deny, suspend, revoke or refuse to renew any license issued pursuant to this regulation.

(2) issue a cease and desist order against persons the Board determines to be in violation of this regulation, pursuant to Sec. 404 of this regulation.

(3) refer the complaint, when the Board determines that immediate legal action may be necessary, to the Corporation Counsel, who shall seek restraining action, including temporary or permanent injunctions, or initiate other appropriate legal action.

(b) The Board shall provide notice to the applicant or licensee of its intended action and shall notify such applicant or licensee of his right to a hearing relating to Board action authorized by subsection (a) of this section. All hearings conducted by the Board shall be conducted pursuant to Title 5DD of the District of Columbia Rules and Regulations and shall be consistent with the provisions of the D. C. Administrative Procedure Act (D. C. Code title 1, chapter 15).

(c) For purposes of hearings held pursuant to this section, the Board shall have the power to issue subpoenas in the name of the Chief Judge of the Superior Court of the District of Columbia to compel witnesses to appear and testify and/or to produce all books, records, papers or documents before the Board.

Sec. 404. Cease and Desist Orders

(a) Upon a finding by the Board that a person is in violation of this regulation and that such violation has an immediate impact on that person's customers, the Board may issue an order requiring that person to cease and desist from such conduct and to take affirmative action, including restitution equivalent to, but not exceeding, the decrease in value of the consumer goods resulting from the violation.

(b) If the Board determines that a cease and desist order issued pursuant to subsection (a) of this section has not resulted in corrected action within 15 days following issuance of the order, the Board shall refer the matter to the Corporation Counsel, and to other interested District government agents, who shall initiate appropriate legal action.

Sec. 405. Penalties

Any person who violates any provision of this regulation shall be subject to a fine not exceeding $300 or to imprisonment not to exceed 90 days for each violation, pursuant to Section 47-2347 of the D. C. Code.

TITLE V

GENERAL CONSUMER PROTECTIONS

SUBTITLE I REPAIR SERVICE REQUIREMENTS

Sec. 501. Rules to be Displayed. All consumer goods repair dealers shall display a sign, designed and approved by the Board, summarizing the major requirements which govern the consumer goods repair industry in the District. Such sign shall be conspicuously posted in the business transaction areas of all repair service facilities.

Sec. 502. Supervisory Inspector Required. For each and every consumer goods repair category or specialty for which a consumer goods repair dealer has been issued a license pursuant to this regulation, such dealer shall retain the services of at least one supervisory inspector licensed to serve in such category or specialty, pursuant to Sec. 301(b) of this regulation; except that, when a consumer goods repair dealer is licensed to perform repair services in a single repair industry category which includes several specialties, he need not retain a licensed supervisory inspector licensed in that category, provided that such consumer goods repair dealer employs for each and every specialty in which he provides services a supervisory inspector licensed to serve in that specialty. Consumer goods repair dealers who perform no repair services within their establishments or provide repair services in specific categories only through subcontract with other repair dealers shall not be required to employ or designate supervisory inspectors in such categories.

Sec. 503. Prior Disclosure of Service Charges. Prior to making any home visit for the purpose of making or estimating costs of repairs, a consumer goods repair dealer shall fully disclose any service charge or other fees which will be imposed whether or not repair services are performed.

Sec. 504. Receiving Items to be Repaired.

(a) Upon taking possession of goods to be repaired, whether received at a consumer goods dealer location or taken from a home, a consumer goods repairman shall give the customer a receipt fully disclosing the following:

(1) the name, business address, and telephone number of the consumer goods repair dealer (as such information appears on the license) who is taking possession of the goods or whose agent is taking possession of the goods.

(2) the name and signature of the person who actually takes the goods into custody and the date such item was received for repair.

(3) a description of the goods to be repaired including make and model number or such other features as will reasonably identify such goods.

(b) When it is possible to give the customer a written estimate, as defined in Sec. 505 of this regulation, or any other document which fully discloses all of the information required by this section when taking custody of the item, such document may be supplied in lieu of the receipt required by this section.

Sec. 505. Written Estimate Required.

(a) Prior to initiating any repair work, the consumer goods repair dealer shall provide to the customer a written estimate and receive written authorization from the customer to make repairs on the basis of said written estimate, unless the customer chooses to waive his right to a written estimate prior to authorizing repairs pursuant to Sec. 506 of this regulation.

(b) The written estimate shall be signed by the customer and the consumer goods repair dealer, or the appropriate supervisory inspector, and shall contain the following:

(1) The name, address, and telephone number of the repair dealer as they appear on the dealer's license for the specific place of business in which the goods are accepted for repair or to which they will be taken when picked up at a residence or commercial organization.

(2) Name and address of customer.

(3) Identification and description of the item to be repaired.

(4) The date the item was received for repair; odometer reading for motor vehicles on this date, the date the estimate was issued; and the promised completion date of the repair.

(5) A notation of all malfunctions as described by the customer.

(6) A notation by the dealer or supervisory inspector of all repairs required to correct the malfunctions described by the customer.

(7) A general description of all repairs authorized by the customer.

(8) A general description of the labor required for the completion of the authorized repairs, and the cost of such labor.

(9) A general description of the parts to be replaced or added to complete the authorized repairs, and the total costs of such parts.

(10) A statement of all additional charges, itemized as follows:

(A) CHARGE FOR SUPPLYING THE ESTIMATE (in bold type)

(B) Service call charges

(C) Service and handling charges

(D) Tax

(E) Other charges

(11) The total charges to the customer (items 8, 9 and 10 herein) and a form statement that the final bill will not exceed these total charges by more than 20% for repairs costing $300 or less or by more than 10% for repairs costing in excess of $300, subject to the provisions of Sec. 507.

(12) The following statement: "Bond Filed with Board."

(13) The following inscription in bold type: "Save this document. To make inquiries, contact the District of Columbia Office of Consumer Affairs between (hours of operation) at (address and telephone number)."

(14) A form statement and accompanying check-off box whereby the customer may indicate, when signing the estimate or authorizing repairs orally, whether he does or does not wish to waive his right to the return of any replaced part.

(15) A separate waiver section, as specified in Sec. 506 of this regulation, whereby the customer may authorize oral communication of the information required on the written estimate by signing his initials separately in a designated spot below the waiver option.

Sec. 506. Oral Communication of Written Estimate.

(a) If the customer so chooses, he may modify his right to receive a written estimate prior to authorizing repairs by signing the separate waiver provision on the written estimate form. This waiver provision shall be in a form required by the Board and shall:

(1) Provide the customer with the option to authorize repairs on the basis of the consumer goods repair dealer's oral communication of the estimated repair cost and the other information required on the written estimate. The customer shall exercise this option by signing his name and the date in the space provided for waiver option. It shall be the responsibility of the customer to contact the consumer goods repair dealer or supervisory inspector for oral communication of the estimate.

(2) Contain on the top in bold letters the following statement: YOU HAVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE WHICH IS SIGNED BY YOU AND THE DEALER BEFORE REPAIR SERVICES ARE AUTHORIZED AND BEGUN.

(3) State any charges which will be made in the event that the customer, upon receiving the estimate orally, elects not to proceed with the repairs.

(4) Instruct the customer to indicate, on the appropriate space on the written estimate form or waiver form, whether he does or does not wish to receive the replaced parts.

(5) Give the date and time after which storage charges will be imposed if the customer fails to contact the consumer goods repair dealer for oral communication of the estimate.

(b) Oral communication of the information required on the written estimate shall in no way be considered a substitute for a written estimate. When a customer chooses to authorize repairs on the basis of such oral communication, a written estimate, as required by Sec. 505 of this regulation, shall be completed by the dealer at the time of the oral communication and presented to the customer along with the final bill.

(c) If a customer chooses to authorize repairs on the basis of an oral communication of the information contained on the written estimate, the customer's oral consent shall be considered sufficient authorization to initiate repairs,

provided that the date, time and manner in which such oral consent was received is recorded on the written estimate and provided that a copy of the written estimate is given to the customer along with the final bill.

Sec. 507. Modification of Estimated Costs. The total cost for repair services shall not exceed the total cost quoted on the estimate (written and, if applicable, oral) by more than 20% for repairs costing $300 or less, or by more than 10% for repairs costing more than $300; unless the customer, subsequent to oral acceptance of an estimate or after signing a written estimate, agrees orally or in writing to modification of the estimated cost beyond the allowable excess. Any such change in estimated cost agreed to orally by the customer shall be noted by the dealer on the written estimate along with the date, time, and manner in which such change was agreed to.

Sec. 508. Exemptions from Estimate Requirements. The following shall be exempted from Sections 505, 506 and 507 of this regulation:

(1) repairs the estimated cost of which is $15.00 or less, including service charges and other miscellaneous items. Final costs for such repairs shall not exceed the original estimate by more than 20% (including tax and other charges).

(2) Repairs which, because of parts and labor warranty or other reason, are performed at no cost to the customer.

(3) Repairs performed totally in a residence, provided that the customer upon calling the consumer goods repair dealer to come to his home, specifically waives the estimate requirement because neither the customer nor an authorized adult agent for the customer will be present in the home when the goods are inspected and repairs performed. Such a previous waiver of the estimate requirement shall be inapplicable, should the customer or an agent previously authorized by him be present when the goods are inspected for repair.

Sec. 509. Modifying Repair Orders. A consumer goods repair dealer may reserve the right to require customers to authorize in writing any substantive changes in or additions to repairs authorized by the customer.

Sec. 510. Return of Replaced Parts.

(a) The consumer goods repair dealer shall deliver to the customer in the container in which a new part was packed any part replaced by such new part, unless the customer expressly waives this requirement by so indicating on the written estimate as provided in Sections 505(b) (14) and 506(a) (4) of this regulation.

(b) Exhibit and tender of a replaced part to the customer is sufficient where the part:

(1) is too large to be easily moved or,

(2) must be returned to the manufacturer if the customer wishes to take advantage of a parts warranty or,

(3) can be rebuilt and the repairman purchases it from the customer for that purpose.

Sec. 511. Tender of Goods and Final Bill.

(a) In every repair transaction the consumer goods repair dealer shall present to the customer, at time of return of repaired goods, a properly signed copy of the final bill, as specified in (c) below. When such final bill is on reverse side of the written estimate form or otherwise a part of the written estimate form, items (1), (2), (3), (11) and (12) of the final bill, as itemized in (c) below, need not be repeated in the final bill, provided they are clearly stated on the written estimate.

(b) Tender of consumer goods as repaired shall constitute certification by the dealer that he has fulfilled his obligations according to the provisions of the regulation.

(c) The final bill shall be a written statement signed by the dealer or the appropriate supervisory inspector and shall contain the following:

(1) The name, address and telephone number of the repair dealer as they appear on the dealer's license for the specified place of business in which the goods were accepted for repair or to which they were taken after being picked up at a residence or commercial organization.

(2) The name and address of the customer.

(3) Identification and description of the item repaired.

(4) The date the item was received for repair, the date the estimate was issued, and the date on which the repair was completed.

(5) A general notation of each stage of labor required to complete the authorized repairs, the amount of time required to complete each stage, and the total cost of such labor.

(6) An itemization of each part added to or replaced in the repaired goods and a specific disclosure if any such parts are rebuilt, reconditioned, or used; a description by name, factory part, number or by name, class and type, of each part added or replaced; and the charges levied for each part added or replaced. No miscellaneous designations, such as "shop supplies" or "shop materials" shall be used.

(7) An itemized statement of all additional charges including but not limited to charges for supplying estimate, service calls, storage, service and handling, taxes, and other charges.

(8) Identification of each repairman who in whole or in part performed repairs on the consumer goods and identification of the specific stage of repair for which each repairman named was partially or wholly responsible.

(9) A statement identifying any and all work which was subcontracted to any other repair dealer including, when requested by the customer, the name and address of any subcontractors who have performed repair work on the consumer goods in question or any parts thereof.

(10) A statement describing the exact nature of any warranty on the repairs performed, including labor and parts unless such warranty is attached to the final bill; or, when there is no warranty, a disclosure of this fact.

(11) The following statement: "Bond Filed With Board."

(12) The following statement in bold type, on either side of the final bill form: "Save this document. To make inquiries, contact the District of Columbia Office of Consumer Affairs between (hours of operation) at (address and telephone number.)"

(13) The following statement in bold type: "All labor performed and parts added or replaced where necessary to perform the repairs authorized by the customer."

Sec. 512. Promised Repair Completion Date.

(a) The consumer goods repair dealer shall make available to the customer the repaired goods, together with the final bill, on or before the promised date specified on the written estimate (or specified orally and noted on the written estimate) unless the customer is notified of a delay, and the new anticipated completion date is provided, in advance of the original date on which the goods were promised.

(b) If repair is delayed beyond the promised completion date, the customer shall have the right upon request to prompt return of the goods. In requesting such return the customer shall specify whether the goods should be reassembled in such a manner as not to be inferior to their condition at the time they were presented for repair, or in such a lesser condition of assembly as the customer shall designate as acceptable. In either case, where the delay is caused solely by circumstances beyond the control of the consumer goods repair dealer, such repair dealer shall be entitled to charge the customer for the value of the services and parts supplied. An exact accounting of such services and parts shall be given to the customer.

Sec. 513. Return of Unrepaired Consumer Goods.

(a) If authorized repairs are not completed because of (1) the repair dealer's inability, unwillingness or failure to perform such repairs or (2) the customer's unwillingness to accept an increase in the cost of repairs beyond the percentage increase allowed in Sec. 507 of this regulation, the customer shall have the right to prompt return of such goods with all parts properly reassembled and in a condition which is in no way inferior to the condition of the goods when they were presented for repair. If repairs are not completed for any of the above reasons, there shall be no charge to the customer other than those charges, as specified in the written estimate, which cover such items as the supplying of the estimate, service calls, or storage charges.

(b) If previously authorized repairs are not completed because of the customer's decision, for reasons other than that described in subsection (a) (2) of this section, not to proceed with such repairs, the customer shall have the right to prompt return of the goods; provided that, whether the customer demands the return of the goods or not, the consumer goods repair dealer shall be entitled to charge the customer for the value of the services and parts supplied. An exact accounting of such services and parts shall be given to the customer.

Sec. 514. Retention of Goods in Event of Dispute. In the event of a dispute between the customer and the consumer goods repair dealer regarding charges, adequacy of service, or compliance with any of the provisions of this

regulation, the consumer goods repair dealer shall have a lien by operation of law on said goods, if the customer refuses to pay the charges itemized on the written estimate, until the dispute has been resolved by referral to and action by the Board, as provided in Title IV of this regulation, unless the customer posts a bond or security according to rules promulgated by the Board.

Sec. 515. Storage Charges. Storage charges may be charged by a consumer goods repair dealer when:

(1) The customer has been notified:

(A) that repairs have been completed;

(B) of the date after which storage charges will begin to accrue; and

(C) of the cost of such storage charges.

(2) The customer has failed to call the dealer for oral communication of an estimate as required in Sec. 506(a) (5) of this regulation.

(3) The Board, upon review pursuant to Sections 403 and 404 of this regulation, has determined that the dealer is entitled to storage charges.

Sec. 516. Subcontracted Work. When a consumer goods repair dealer subcontracts repair services on consumer goods or parts thereof to other consumer goods repair dealers, he shall be responsible and liable for the quality and adequacy of such subcontracted work and of all parts involved.

Sec. 517. Warranty Cards to be Given to Customer. Where a new part is installed in making repairs, the warranty card covering such new part, if any, shall be delivered to the customer by attaching the warranty card to the final bill.

SUBTITLE II PROHIBITED PRACTICES

Sec. 518. Prohibited Conduct. Licensees shall not:

(1) Make or authorize any statement written or oral which is untrue of misleading, and which is known, or which by the exercise of reasonable diligence should be known, to be untrue or misleading. Advertising deemed to be misleading or untrue shall include, but not be limited to, advertising which fails to conform to the requirements of Sec. 519 of this regulation.

(2) Fail or refuse to give the customer a copy of the final bill or any document requiring his signature, as soon as the customer signs such document.

(3) Commit any act related to the operation of consumer repair services involving dishonesty, fraud, or deceit.

(4) Follow any course of conduct which constitutes gross negligence.

(5) Make false promises of a character likely to influence, persuade, or induce a customer to authorize the repair service, or maintenance of a consumer good.

(6) Aid or abet an associate, employer, or partner in the commission of any of the acts prohibited under this regulation.

(7) Condone or affirm the commission by an employee of any act prohibited by this regulation.

(8) Exhibit a persistent pattern of conduct which departs from or disregards accepted trade standards.

(9) Fail in any material respect to comply with the applicable provisions of this regulation or the regulations adopted pursuant to it.

Sec. 519. Advertising.

(a) Advertisements by consumer goods repair dealers shall contain the following information:

(1) The name of the business enterprise as shown on the license.

(2) The business telephone number as listed in the local telephone directory.

(b) The use of words such as "guarantee", "guaranteed", "no-fix-no-pay", or words of like import are prohibited unless the terms or qualifications are clearly and completely stated, including the disclosure of:

(1) The nature and extent of the guarantee as to time, parts, and/or labor.

(2) The identity of the guarantor (e.g., surety), clearly identifying whether the consumer goods repair dealer, the manufacturer, the retailer, or any combination thereof is the guarantor.

(c) If such terms as "repaired in the home" are included in an advertisement, that advertisement shall disclose any additional charges for repairs not completed in the home as contemplated.

(d) If a price is quoted in an advertisement, the advertisement shall disclose the following:

(1) Whether the price quoted includes final cost to the customer.

(2) Whether the item offered is new, used, rebuilt, reconditioned, or rejuvenated as such terms are defined by the Board.

(e) The use of the word "free" is not permited in any advertisement unless the repair service is without cost whatsoever. If the offer for free service is conditioned in any way, such conditions shall be clearly set forth in the advertisement.

(f) Terms such as "24-Hour", "Day and Night", or words of like import, shall not be used to describe the operations of the firm unless service can in fact be provided to the public at any time during the 24 hours of each and every day. When advertisers using such terms solicit service in the home, such solicitors shall be able to respond and commence repairs within six (6) hours after receiving a job order.

(g) The use of phrases such as "factory trained", "factory specialist", "factory authorized", "authorized", "licensed", "certified", or words of like import shall be accompanied by identification of the factory, board, or organization which "trained", "authorized", "classified" as a "specialist", "licensed" or "certified" the person so designated.

TITLE VI - CLASSIFICATION OF SERVICES

Sec. 601. Repair of Motor Vehicles

(a) There shall be a repair industry category designated as "motor vehicles" which shall include any passenger vehicle fully or partially powered by an internal combustion engine or an electric motor, and intended primarily as a means of transportation. This category shall include trailers which are intended primarily for attachment to such passenger vehicles.

(b) With respect to repair of motor vehicles, the Board shall:

(1) establish and publish appropriate technical definitions, practices and procedural requirements consistent with this regulation and designed to assure public safety in the field of automotive repair.

(2) identify motor vehicle repair services to be included within the scope of this regulation, including but not limited to such services as repairing or changing tires; lubrication; installing light bulbs, batteries, windshield wiper blades, and other minor accessories; cleaning, adjusting, and replacing spark plugs; replacing fan belts, oil, and air filters; and other minor services as determined by the Board which require mechanical expertise to be performed properly and have given rise to a high incidence of fraud or deceptive practices or involve a part of the motor vehicle essential to its safe operation.

(3) establish definitions of the following automotive repair terms and services along with such others as the Board may deem appropriate:

(A) Motor
- Minimum overhaul
- Engine overhaul
- Tuneup

(B) Brake System
- Brake adjustment and replacement
- Brake drum, replace
- Brake drum, turn
- Drum brake linings, renew
- Wheel cylinder, rebuild
- Master cylinder, rebuild

(C) Visibility
Sealed beam, replace
Aim headlights
Speedometer cable, replace
Windshield wiper motor, replace

(D) Steering and Suspension
Ball joint, replace
Shock absorber, replace
Wheel bearing, replace
Wheel balance
Front end alignment
Power steering gear, recondition
Power steering hose, replace

(E) Exhaust System
Tail-pipe, replace
Muffler, replace
Exhaust pipe, replace

(F) Ignition System
Cable set, replace
Spark plugs (set), replace or clean
Tune-up
Points and condenser, replace
Retiming

(G) Fuel System
Carburetor, replace
Fuel pump, replace
Fuel filter, replace
Air cleaner, replace

(c) Establish repair industry specialties within the category of motor vehicles repair and identify the specific types of motor vehicles repair services to be included in each specialty.

Sec. 602. Repair of Electronics Equipment.

(a) There shall be a repair industry category designated as "electronics equipment" which shall include television receivers, radios, audio or video tape recorders, and/or players, phonographs, amplifiers, speakers, transmitters, receiver systems, and any associated electronic components normally used or sold for use in the home.

(b) With respect to repair of electronics equipment, the Board shall:

(1) Establish technical definitions, practices, and procedural requirements consistent with this regulation, including definitions of the following electronics equipment repair terms and services along with such others as the Board may deem appropriate:

(A) service call
(B) rebuilt
(C) reconditioned
(D) alignment of television
(E) rejuvenation
(F) picture tube brightener
(G) grades and component description schedules

(2) Establish repair industry specialties within the electronics equipment repair category (such as TV repair, sound reproduction equipment, etc.) and identify the types of electronics equipment repair services included in each specialty.

Sec. 603. Other Consumer Goods Repair Categories

(a) The following repair industry categories shall be subject to investigation and hearings by the Board to determine the need for further regulation:

(1) major electrical and gas appliances such as refrigerators and freezers, clothes washers and dryers, ranges and ovens, humidifiers, room air conditioning units, etc.

(2) small electrical appliances such as electric irons, toasters and waffle irons, electric fry pans, food and beverage blenders, coffee makers, hair dryers, electric shavers, small motors, sewing machines, lamps, electric tools, etc.

(3) burglar and fire alarms

(4) bicycles

(5) musical instruments

(6) furniture

(7) camera equipment and optical goods

(8) jewelry

(9) safes and locks

(10) clocks and watches

(11) garden equipment

(b) The Board shall identify specific consumer goods which fall within these categories and designate, at its discretion, additional repair industry categories for Board investigation and hearings.

TITLE VII - MISCELLANEOUS PROVISIONS

Sec. 701. Rights and Remedies, and Judicial Review.

(a) Nothing herein shall prevent any person from exercising any right or from seeking any remedy to which he might otherwise be entitled, or from filing any complaint with any other agency.

(b) Nothing herein shall be interpreted to deprive any person of his claims and defenses under the District of Columbia Uniform Commercial Code (Subtitle I of title 28, D. C. Code).

(c) Nothing in this regulation shall be deemed to deprive any aggrieved party of such judicial review of orders of the Council or of any other agency or authority of the District as may be available.

Sec. 702. Saving Provision, Repealed Regulations. Any regulations superseded by this regulation shall remain in full force and effect for the purpose of any criminal prosecution, civil litigation, or administrative action pending at the effective date hereof or which may be instituted after such effective date as a result of any act or omission thereunder which preceded such effective date.

Sec. 703. Severability of Sections. If any provision of this regulation is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

Regulation No. 74-4

March 15, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING THE DISTRICT OF COLUMBIA HIGHWAYS AND TRAFFIC REGULATIONS TO REQUIRE TRAFFIC TO STOP ON A YELLOW TRAFFIC SIGNAL

Councilman Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized pursuant to paragraph (297) of section 402 of Reorganization Plan No. 3 of 1967 to make rules and regulations respecting the movement of vehicular traffic under D. C. Code, sec. 40-603(e), and

WHEREAS, the District of Columbia Council finds that it is necessary to amend the Highways and Traffic Regulations of the District of Columbia to attain better safety, traffic engineering, and enforcement.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 11(b) (1) of Article III of the Highways and Traffic Regulations is amended to read as follows:

"1. Vehicular traffic facing a steady yellow signal is thereby warned that a related green signal is being terminated or that a red signal will be exhibited thereafter, or both. Such vehicular traffic shall stop before entering the nearest crosswalk of the intersection, unless so close to the intersection that a stop cannot safely be made."

Section 2. This regulation shall take effect thirty (30) days after enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on January 22, 1974

Adopted on second and final reading March 5, 1974

Presented to the Mayor-Commissioner March 5, 1974 (Date)

Edward P. Wilk, Jr.
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

15 MAR 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward P. Wilk
Secretary of the City Council

P-251

Certified copies are available.

Regulation No. 74-5

April 21, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO THE BICYCLE CODE PROVISIONS OF TITLE 32, DISTRICT OF COLUMBIA RULES AND REGULATIONS

Councilman Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, the District of Columbia is authorized pursuant to paragraph (4) of section 402 of Reorganization Plan No. 3 of 1967 to prescribe reasonable and usual police regulations under D. C. Code, section 1-226; and

WHEREAS, the District of Columbia Council is authorized pursuant to paragraphs (295) and (297) of section 402 of Reorganization Plan No. 3 of 1967 to prescribe rules and regulations relating to vehicles and the control of traffic under D. C. Code, sections 40-603 (a) and (e); and

WHEREAS, the District of Columbia Council finds it to be in the interest of persons in the District of Columbia to amend the Bicycle Code provisions of Title 32, District of Columbia Rules and Regulations, to require the mandatory registration of bicycles as a deterrent to theft, to foster the safe use of bicycles on the streets and highways of the District of Columbia, and for other purposes.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Title 32 of the District of Columbia Rules and Regulations (Motor Vehicle Regulations of the District of Columbia), is hereby amended:

(1) by amending subsection (c) of Section 11.101 to read as follows:

"(c) 'Bicycle Registration Period' - a five year period beginning on the date of registration and ending five years from that date."

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
Nevius	X					Foster	X					Parker	X				
Tucker				X		Meyers	X					Robinson	X				
Ford	X					Moore				X		Selden	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on March 5, 1974

Adopted on second and final reading April 2, 1974

Presented to the Mayor-Commissioner April 11, 1974
Date

Edward B. Wells
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

21 APR 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wells
Secretary of the City Council

P-251

Certified copies are available.

(2) by amending the final word of subsection (s) of section 11.101 as follows:

"... period."

(3) by adding to section 11.101 subsections (k) and (u) to read as follows and by redesignating the present subsections (k) thru (s):

"(k) 'Person' - Any corporation, or other entity, or any natural person or individual."

"(u) 'Registration Plate' - A numbered metal plate issued for each bicycle which shall identify that bicycle as having been registered for a current bicycle registration period."

(4) by amending subsections (f) and (g) of section 11.203 to read as follows:

"(f) No persons shall ride bicycles abreast of each other unless to do so does not endanger themselves or unduly impede or obstruct traffic.

"(g) No person shall operate a bicycle at a speed in excess of any posted limit or greater than is reasonable and prudent under the conditions then existing."

(5) by adding the following phrase before the period at the end of subsection (h) of section 11.203: "and shall travel at a speed no greater than the posted speed limit of the adjacent roadway provided that such speed is safe for the conditions then existing on the sidewalk".

(6) by adding the following new subsections (j) and (k) to section 11.203:

"(j) No person operating a bicycle shall sound any warning device at any intersection so as to interfere with the obedience to the instructions of official traffic control signals or to the directions by police traffic control officers.

"(k) No person shall operate a bicycle except in obedience to the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer or other person authorized to direct or control traffic."

(7) by amending section 11.301 to read as follows:

"Section 11.301 - MANDATORY REGISTRATION

"(a) No person shall operate a bicycle in the District of Columbia unless such bicycle has been validly registered as provided by this chapter and bears a serial number, a valid registration tag and valid registration plate, as provided by this chapter, or unless it is validly registered in another jurisdiction, when required by applicable law of such jurisdiction, and bears readily visible evidence of being registered.

"(b) Subsections (a) shall not apply to the operation of a bicycle within fourteen (14) days of its acquisition by its owner: Provided, that the operator thereof possesses written proof as to the ownership and date of acquisition of the bicycle. Subsections (a) shall not apply to the operation of a bicycle within fourteen (14) days of its being brought into the District except when being operated as a means of transportation to or from a place of employment on a route which requires the operation of the bicycle both outside and within the District of Columbia."

"(c) Every bicycle operated in the District shall be registered as provided by this chapter within fourteen (14) days of its acquisition or of its being brought into the District; provided that a non-resident owner who has registered his bicycle for the current registration period under the laws of another jurisdiction is exempted from this provision.

"(d) Each bicycle registration under this chapter shall expire upon the destruction, sale, or transfer of the registered bicycle and the original owner thereof shall give notice to the Commissioner. The registration of a bicycle may be renewed upon application of the subsequent owner.

"(e) An application for renewal of a registration may be made during the thirty-day period immediately preceeding the date of expiration of a registration.

"(f) Upon each application for registration, one dollar ($1.00) shall be charged to cover the cost of such registration.

"(g) Notwithstanding any other provision of this chapter requiring both a registration tag and a metal registration plate, the Commissioner may in his discretion issue only a numbered stamp or sticker in lieu thereof, during the period prior to May 1, 1975. Any stamp or sticker so issued shall constitute a registration tag and registration plate required under section 11.301 (a) and for all purposes of this chapter. The Commissioner shall provide for the issuance of a metal registration plate, prior to June 1, 1975, in addition to such stamp or sticker. It shall be a criminal offense for any person to operate a bicycle registered under the provisions of this chapter after June 1, 1975 without both a registration tag and a metal registration plate.

(8) by inserting in subsection (b) of section 11.302 after "Section 11.601 (c)" the following: "and (e)".

(9) by striking out in subsection (b) of section 11.302 under item 2. the word "year" and substituting "period" therein.

(10) by adding to subsection (b) of section 11.302 after item 2. the following and by redesignating item 3. as item "4.":

"3. Affix a registration plate for the current bicycle registration period to the back frame of the bicycle between the seat and the back wheel."

(11) by amending subsection (b) of section 11.302 under the redesignated item "4." to read as follows:

"4. Issue to the owner a registration card bearing the name and address of the owner; the serial, tag and plate numbers; a brief description of the bicycle; and such other information as the Commissioner deems necessary."

(12) by repealing subsection (c) of section 11.303 and by redesignating subsection "(d)" of 11.303 as "(c)".

(13) by amending the redesignated subsection "(c)" of section 11.303 to read as follows:

"(c) No person shall transfer, remove, deface, or mutilate any valid serial number, valid registration tag or valid registration plate, or change or alter any valid bicycle registration card."

(14) by amending subsection (c) of section 11.401 to read as follows:

"(c) The purchaser of a bicycle which had previously been registered shall present that bicycle along with proof of ownership to the Commissioner for re-registration in the name of the new owner."

(15) by adding to subsection (b) of section 11.402 the words, "and registration plate", between the words "tag" and "number" at the end of the subsection.

(16) by adding the following new subsection to section 11.601

"(e) Every bicycle shall be equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with, nor shall any person upon a bicycle use, a signaling device contrary to Article VI, section 10 of the Police Regulations, nor use a siren of any kind."

Section 2. On the effective date of this regulation, all bicycles currently registered in the District shall be deemed in compliance with the registration requirements of this chapter until the date such registration shall have expired.

Section 3. This regulation shall take effect thirty (30) days after its enactment.

Regulation No. 74-6

April 26, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION RELATING TO THE ADVERTISING OF THE ANNUAL NOTICE OF SALE AND DELINQUENT REAL PROPERTY TAX LIST

Chairman John A. Nevius Presents the following regulation:

WHEREAS, the Act entitled "An Act in relation to taxes and tax sales in the District of Columbia" (D.C. Code, sec. 47-1001), as amended by section 25 (a) of the Act approved October 26, 1973, requires that a list of all taxes on real property in the District upon which taxes are levied and in arrears on the first day of July of each year and a notice of the sale of such property shall be advertised according to regulations prescribed by the District of Columbia Council.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. (a) A list of all taxes, charges, and assessments on real property in the District of Columbia subject to taxation on which said taxes, charges, and assessments have been levied and are in arrears on the first day of July of each year and a notice of the sale of such property shall be advertised once in two major daily newspapers published in the District of Columbia at least three weeks prior to the day fixed for such sale.

(b) The notice of sale shall set forth the types of delinquent taxes, charges, and assessments for which the property is being sold. The notice shall also state that the property will be sold at public auction to the highest bidder thereon, and shall recite the date, time, and place of said sale.

(c) Each item on the delinquent tax list shall contain the name of the owner of the property, a description of the delinquent

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE				X		SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on April 2, 1974

Adopted on second and final reading April 16, 1974

Presented to the Mayor-Commissioner April 16, 1974
Date

Edward D. Wilson
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

April 26, 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward D. Wilson
Secretary of the City Council

P-251

Certified copies are available.

property by parcel, square, and lot numbers, and shall indicate the total amount of taxes, penalties, interest, and charges due.

Section 2. The Commissioner may place this regulation wherever it is deemed most appropriate during the codification of the District of Columbia Rules and Regulations.

Section 3. This regulation shall take effect immediately upon enactment.

Regulation No. 74-7

April 26, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO AIR QUALITY CONTROL REGULATIONS ON VISIBLE EMISSIONS

Councilman Rockwood H. Foster Presents the following regulation:

WHEREAS, the Air Quality Control Act, §§ 8-611 et seq. D.C. Code 1967 ed. (Supp. V 1972) authorizes the District of Columbia Council to make and revise regulations regarding the air quality of the District of Columbia; and

WHEREAS, the Clean Air Act of 1970, as amended, 42 U.S. Code § 1857 et seq. permits local jurisdictions to amend regulations previously approved by the Environmental Protection Agency.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 8-2:713 of the District of Columbia Health Regulations as embodied in the Air Quality Control Regulations, 8 D.C. RR § 2:701 et seq. are hereby amended to read as follows:

"Except as otherwise provided in this regulation, no person shall cause, suffer, or allow to be emitted into the outdoor atmosphere, visible emissions from stationary sources: Provided, That discharges not exceeding 20% opacity (or No. 1 on the Ringelmann Smoke Chart) shall be permitted for 2 minutes in any 60 minute period and for an aggregate of 12 minutes in any 24 hour period. These discharges shall be allowed only for "start-up", cleaning, soot blowing, and/or adjusting combustion controls of boilers. Where the presence of uncombined water is the only reason for failure of an emission to meet the

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE				X		SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on April 2, 1974

Adopted on second and final reading April 16, 1974

Presented to the Mayor-Commissioner April 16, 1974 (Date)

Edward B. Wells, Jr.
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

April 26, 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wells
Secretary of the City Council

P-251

Certified copies are available.

requirements of this section, this section shall not be applicable. The provisions of this section shall not apply to visible emissions from interior fireplaces, or from sources set forth in Section 8-2:711 (b)."

Section 2. This regulation shall be effective immediately upon enactment.

Regulation No. 74-8

Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION CONCERNING TEMPORARY RENT INCREASE MORATORIUM

Vice-Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized, pursuant to P.L. 93-157 to control rents in the District of Columbia; and

WHEREAS, the District of Columbia Council finds that a rent control regulation is necessary; and

WHEREAS, the District of Columbia Council believes it will take 60 additional days to fully prepare a comprehensive rent control regulation, and pending such comprehensive legislation, the Council believes immediate legislation is needed to preserve the public peace, health, safety, welfare and morals, and to preserve the status quo in the housing industry within the District of Columbia.

NOW, THEREFORE, BE IT ENACTED, by the District of Columbia Council that:

Section 1. No landlord or his agent may charge a greater rent for June 1974 and July 1974 on each residential unit rented by him than he received or charged for that same unit on May 1, 1974.

Section 2. All federally-owned or federally subsidized housing shall be exempt from this regulation.

Section 3. Corporation Counsel may institute proceedings to enjoin the charging or collecting of any rent in violation of this regulation.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE				X		SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on April 16, 1974

Adopted on second and final reading April 23, 1974

Presented to the Mayor-Commissioner April 23, 1974 (Date) Edward S. Wilk (Secretary of the City Council)

Approved _____ (Mayor-Commissioner) _____ (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council Walter Washington (Mayor-Commissioner) 26 APR 1974 (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

_____ Secretary of the City Council

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Certified copies are available.

Section 4. Any person who violates the provisions of this regulation shall be subject to 90 days imprisonment and a fine not to exceed $300.00 for each rent charged in violation of this regulation.

Section 5. This regulation shall expire on July 31, 1974.

Section 6. This regulation shall take effect immediately upon adoption.

randum ● **Government of the District of Columbia**

Department, Executive Office
Agency, Office: Secretariat

TO: Edward B. Webb, Jr.
Secretary to the City Council

FROM: Martin K. Schaller
Executive Secretary, D. C.

Date: April 29, 1974

SUBJECT: Regulation Concerning Temporary Rent Increase Moratorium

The subject Regulation #74-8 presented to the Mayor-Commissioner April 23, 1974 has been disapproved by the Mayor-Commissioner, and is herewith returned to the City Council. This regulation has been disapproved so as not to conflict with Regulation #74-9 presented to the Mayor-Commissioner April 26, 1974, and approved by him on the same date.

Regulation No. 74-9

April 26, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION CONCERNING TEMPORARY RENT INCREASE MORATORIUM

Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized, pursuant to PL. 93-157 to control rents in the District of Columbia; and

WHEREAS, the District of Columbia Council finds that a rent control regulation is necessary; and

WHEREAS, the District of Columbia Council believes it will take 60 additional days to fully prepare a comprehensive rent control regulation, and pending such comprehensive legislation, the Council believes immediate legislation is needed to preserve the public peace, health, safety, welfare and morals, and to preserve the status quo in the housing industry within the District of Columbia; and

WHEREAS, on April 23, 1974 the City Council, having found that it was necessary to put into effect before May 1, 1974, immediate legislation to preserve the public peace, health, safety, welfare and morals, and to preserve the status quo in the housing industry within the District of Columbia, passed Regulation No. 74-8 (Regulation Concerning Temporary Rent Increase Moratorium); and

WHEREAS, Section 4 of said Regulation (the penalty clause) was not in conformity with the penalty provision of Section 7 of the D. C. Rent Control Act of 1973 (PL. 93-157) upon which authority said regulation is based on; and

WHEREAS, the provisions of the regulation may not be inconsistent with provisions of the Act; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER				X		PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON				X	
FORD	X					MOORE				X		SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on _____

Adopted on second and final reading April 26, 1974

Presented to the Mayor-Commissioner April 26, 1974 (Date) Robert S. Moore Acting Secretary of the City Council

Approved Walter Washington Mayor-Commissioner 4/26/74 Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Robert S. Moore Acting Secretary of the City Council

P-251

Certified copies are available.

WHEREAS, the City Council finds that a regulation for temporary rent increase moratorium to be effective before May 1, 1974 is necessary for the immediate preservation of the public peace, health, safety, welfare and morals, and to preserve the status quo in the housing industry within the District of Columbia; and

WHEREAS, under the rules of the City Council it is not possible to re-enact said Regulation 74-8 to conform to the provisions of the Act on or before May 1, 1974.

NOW, THEREFORE, BE IT ENACTED, by the District of Columbia Council that:

Section 1. No landlord or his agent may charge a greater rent for June 1974 and July 1974 on each residential unit rented by him than he received or charged for that same unit on May 1, 1974.

Section 2. All federally-owned or federally subsidized housing shall be exempt from this regulation.

Section 3. Corporation Counsel may institute proceedings to enjoin the charging or collecting of any rent in violation of this regulation.

Section 4. Any person who wilfully violates any provision of this regulation shall be fined not more than $5,000 for each such violation.

Section 5. This regulation shall expire on July 31, 1974.

Section 6. This regulation shall take effect immediately upon enactment.

Regulation No. 74-10

May 17, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO THE MOTOR VEHICLE CODE TO PERMIT THE TRANSFER OF MOTOR VEHICLE IDENTIFICATION TAGS BETWEEN MOTOR VEHICLES OWNED BY THE SAME INDIVIDUAL

Councilman Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized pursuant to paragraphs (286) and (288) of section 402 of Reorganization Plan No. 3 of 1967 to prescribe rules and regulations for the registration of motor vehicles under D. C. Code, sec. 40-102; and

WHEREAS, the District of Columbia Council finds that it is necessary to amend certain regulations in Title 32, District of Columbia Rules and Regulations, relating to the transfer of identification tags.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Title 32 of the District of Columbia Rules and Regulations (Motor Vehicle Regulations for the District of Columbia), is hereby amended:

(1) by amending subsection (a) of section 3.309 to read as follows:

"(a) A registrant who acquires a vehicle and desires the transfer of identification tags from a vehicle currently registered in his name to the newly-acquired vehicle shall, within five (5) business days after such acquirement, request the Director to prepare an application to transfer the valid registration and owner's identification tags to the newly-acquired vehicle."; and

(2) by striking out in subsections (b) and (c) of section 3.309 the word

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on April 2, 1974

Adopted on second and final reading May 7, 1974

Presented to the Mayor-Commissioner May 7, 1974
Date

Approved _____
Mayor-Commissioner

Edward S. Wells Jr.
Secretary of the City Council

17 MAY 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward S. Wells Jr.
Secretary of the City Council

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Certified copies are available.

"disposed" wherever it appears therein and inserting in lieu thereof "earlier-acquired" in each such place.

Section 2. This regulation shall take effect immediately upon enactment.

Regulation No. 74-11

May 31, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE HOUSING REGULATIONS OF THE DISTRICT OF COLUMBIA REGARDING THE BOARD OF APPEALS AND REVIEW

Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, Paragraph (5), Section 402, Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the authority to adopt regulations concerning the issuance of building regulations, of which the Housing Regulations of the District of Columbia are a part thereof

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The second sentence of Section 1302.1 of the Housing Regulations of the District of Columbia is hereby amended to read as follows:

"Such appeal shall be filed within ten (10) days after the date of service of the notice of violation unless, in the public interest, such notice of violation specifies a period of less than ten (10) days, but not less than twenty-four (24) hours, within which to file such appeal: Except, where a request for a variance has been submitted to the Director of the Department of Economic Development in accordance with the provisions of Section 2702 of these regulations, such appeal shall be filed within 10 days after the date of service of the notice of the final determination on such request for a variance."

Section 2. Section 1302.2 of the Housing Regulations of the District of Columbia is hereby amended to read as follows:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on May 7, 1974

Adopted on second and final reading May 21, 1974

Presented to the Mayor-Commissioner May 21, 1974
Date

Edward B. Webb
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

May 31, 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb
Secretary of the City Council

P-251

Certified copies are available.

"The Board of Appeals and Review shall in accordance with Organization Order No. 112, as the same may be amended from time to time, and its rules of practice and procedure, provide the appellant with an opportunity for a hearing. The decision of the Board of Appeals and Review sustaining, modifying, or vacating notices issued under the authority of these regulations shall be the final administrative remedy."

Section 3. The second sentence of the first paragraph of Section 2703 of the Housing Regulations of the District of Columbia is hereby amended to read as follows:

"Such appeal shall be filed within ten (10) days after the date of service of the notice of violation unless, in the public interest, such notice of violation specifies a period of less than ten (10) days, but not less than twenty-four (24) hours, within which to file such appeal: Except, where a request for a variance has been submitted to the Director of the Department of Economic Development in accordance with the provisions of Section 2702 of this Code, such appeal shall be filed within 10 days after the date of service of the notice of the final determination on such request for a variance."

Section 4. The second paragraph of Section 2703 of the Housing Regulations of the District of Columbia is hereby amended to read as follows:

"The Board of Appeals and Review shall in accordance with Organization Order No. 112, as the same may be amended from time to time, and its rules of practice and procedure, provide the appellant with an opportunity for a hearing. The decision of the Board of Appeals and Review sustaining, modifying, or vacating actions from which the appeal is taken from these regulations shall be the final administrative remedy."

Section 5. This Regulation shall take effect immediately upon enactment.

Regulation No. 74-12

May 31, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION CONCERNING OFFERING OF ALCOHOLIC BEVERAGES FOR SALE IN ORIGINAL CONTAINERS (WINE SAMPLING)

Councilman Tedson J. Meyers Presents the following regulation:

WHEREAS, under Section 25-107 of the D. C. Code (1973 edition) the District of Columbia Council has the authority to enact regulations governing the offering of alcoholic beverages for sale, and

WHEREAS, retailers have indicated a desire to be permitted to invite prospective purchasers to sample a wine prior to purchase.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. No licensee holding a retailer's Class A license shall sell or deliver from the place described in said license, any alcoholic beverage other than in the original container, except that a portion of said premises specifically approved by the A.B.C. Board for that purpose, may be used for the sampling of wines. No sales shall be permitted in the said area so approved.

Section 2. This regulation, as hereby adopted, shall be so compiled and published as is deemed appropriate by the Commissioner for their orderly arrangement within the District of Columbia Rules and Regulations maintained by him.

Section 3. This regulation shall take effect immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on May 7, 1974

Adopted on second and final reading May 21, 1974

Presented to the Mayor-Commissioner May 21, 1974 (Date)

Edward B. Wilk
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

31 MAY 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wilk
Secretary of the City Council

P-251

Certified copies are available.

Regulation No. 74-13

May 31, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION CONCERNING TEMPORARY RENT INCREASE MORATORIUM

Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized, pursuant to PL. 93-157 to control rents in the District of Columbia; and

WHEREAS, the District of Columbia Council finds that a rent control regulation is necessary; and

WHEREAS, the District of Columbia Council believes it will take 60 additional days to fully prepare a comprehensive rent control regulation, and pending such comprehensive legislation, the Council believes immediate legislation is needed to preserve the public peace, health, safety, welfare and morals, and to preserve the status quo in the housing industry within the District of Columbia; and

WHEREAS, on April 26, 1974 the City Council, having found that it was necessary to put into effect before May 1, 1974, immediate legislation to preserve the public peace, health, safety, welfare and morals, and to preserve the status quo in the housing industry within the District of Columbia, passed Regulation No. 74-9 (Regulation Concerning Temporary Rent Increase Moratorium); and

WHEREAS, a legal question has arisen regarding the procedures followed in enacting Regulation No. 74-9; and

WHEREAS, the City Council finds that a regulation for temporary rent increase moratorium to be effective before May 1, 1974 is necessary for the immediate preservation of the public peace, health, safety, welfare and morals, and to preserve the status quo in the housing industry within the District of Columbia; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE				X		SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on ~~first~~ emergency reading at a meeting of the District of Columbia City Council on May 31, 1974

~~Adopted on second and final reading~~

Presented to the Mayor-Commissioner May 31, 1974 (Date)

Edward B. Wehby
Secretary of the City Council

Approved _____ (Mayor-Commissioner)

31 MAY 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wehby
Secretary of the City Council

P-251

Certified copies are available.

WHEREAS, the Council finds that the same is necessary for a moratorium to be effective before June 1, 1974; and

WHEREAS, the provisions of this regulation, below are identical to those of Regulation No. 74-9.

NOW, THEREFORE, BE IT ENACTED, by the District of Columbia Council that:

Section 1. No landlord or his agent may charge a greater rent for June 1974 and July 1974 on each residential unit rented by him than he received or charged for that same unit on May 1, 1974.

Section 2. All federally-owned or federally-subsidized housing shall be exempt from this regulation.

Section 3. Corporation Counsel may institute proceedings to enjoin the charging or collection of any rent in violation of this regulation.

Section 4. Any person who willfully violates any provision of this regulation shall be fined not more than $5,000 for each such violation.

Section 5. This regulation shall expire on July 31, 1974.

Section 6. This regulation shall take effect immediately upon enactment.

PROOF OF PUBLICATION

—IN—

The Washington Post

District of Columbia, ss.

Personally appeared before me, a Notary Public in and for the said District, Frank E. Malosky, well known to me to be Asst. Credit Mgr. of The Washington Post a daily newspaper printed and published in the City of Washington, District of Columbia, and made oath in due form of law that the annexed advertisement was published in said newspaper at the times mentioned in the Certificate opposite hereto.

Witness my hand and official seal this 22nd day of October, 19 75

Fred O Matthews

NOTARY PUBLIC, D. C.

REGULATION OF THE
DISTRICT OF COLUMBIA
REGULATION NO. 74-13

The District of Columbia Council adopted the regulation below on an emergency basis in a special meeting called for that purpose on Friday May 31, 1974. That regulation is as follows:

Title: Regulation concerneing temporary rent increase moratorium.

Section 1. No landlord or his agent may charge a greater rent for June 1974 and July 1974 on each residential unit rented by him, than he received or charged for that same unit on May 1, 1974.

Section 2. All Federally owned or federally subsidized housing shall be exempt from this regulation.

Section 3. Corporation Council may institute proceedings to enjoin the charging or collecting of any rent in violation of this regulation.

Section 4. Any person who willfully violates any provision of this regulation shall be fined not more than $5000 for each such violation.

Section 5. This regulation shall expire on July 31, 1974.

Section 6. This regulation shall take effect immediately upon enactment.

Enactment Date: May 31, 1974.
EDWARD B. WEBB, JR. Secretary

I Hereby Certify that the foregoing advertisement was printed and published in The Washington Post a daily newspaper, upon the following dates at a cost of FORTY SEVEN AND 02/100 Dollars:

June 2, 1974

Ed Malosky

Regulation No. 74-14

June 14, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION OF SLOW-MOVING VEHICLES

Councilman Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council finds that it is in the interest of traffic safety to regulate certain slow-moving vehicles using the public highways of the District of Columbia; and

WHEREAS, the District of Columbia Council is authorized to make and modify regulations relating to the movement of traffic and the equipment for motor vehicles.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Title 32 of the District of Columbia Rules and Regulations (Motor Vehicle Regulations for the District of Columbia), is amended by adding after section 6.412 the following new section:

"Section 6.413 - EMBLEM REQUIRED ON SLOW-MOVING VEHICLES.

"(a) As used in this section, the term 'slow-moving motor vehicle' means (1) any motor vehicle designed for operation at speeds not in excess of fifteen miles per hour, or (2) any motor vehicle which is generally utilized in its operation for a purpose which normally requires it to be operated at speeds not in excess of fifteen miles per hour, or (3) any motor vehicle or other vehicle while being towed by a motor vehicle within the scope of paragraphs (1) and (2) of this subsection. The term 'slow-moving motor vehicle' shall not include any

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER				X		PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on May 21 1974

Adopted on second and final reading June 4, 1974

Presented to the Mayor-Commissioner June 4, 1974
Date

Edward F. Wahl
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

June 14, 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:
Date

Disapproved and returned to the City Council
Mayor-Commissioner

Date

Readopted
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward F. Wahl
Secretary of the City Council

P-251

Certified copies are available.

motor vehicle specifically excluded by the Commissioner or his designated agent from the requirements of this section.

"(b) A slow-moving vehicle emblem shall consist of a fluorescent yellow-orange triangle with a dark red reflective border conforming insofar as practical to standard ASAE S276.2 (revised March 1967) adopted by the American Society of Agricultural Engineers.

"(c) Any slow-moving vehicle using the public highways of the District of Columbia at any time during the day or night shall display a slow-moving vehicle emblem of the type set forth in subsection (b) of this section. The use of such emblem shall be in addition to any other lighting devices, flags, or other equipment required by law. The use of such emblem in any manner or for any purpose other than as provided in this subsection is prohibited."

Section 2. This regulation shall take effect immediately upon enactment.

Regulation No. 74-15

June 14, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE HEALTH CARE FACILITIES REGULATION

Dr. Henry S. Robinson, Jr. **Presents the following regulation:**

WHEREAS, the District of Columbia Council is authorized to make all reasonable and usual regulations for the protection of the health of the citizens; and

WHEREAS, the District of Columbia Council is authorized by §§ 1-226 D. C. Code 1973 ed., pursuant to Section 402(4) of Reorganization Plan No. 3 of 1967 to make and enforce all such reasonable and usual police regulations as may be deemed necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, the District of Columbia Council is authorized by §§ 47-2344 D. C. Code 1973 ed., pursuant to Section 402(391) of Reorganization Plan No. 3 of 1967 to require licenses and regulate businesses which in the judgment of the Council require inspection, supervision or regulation; and

WHEREAS, the District of Columbia Council is authorized by §§ 1-228 D. C. Code 1973 ed., pursuant to Section 402(5) of Reorganization Plan No. 3 of 1967 to make building regulations; and

WHEREAS, the District of Columbia Council is authorized by §§ 6-118 D. C. Code 1973 ed., pursuant to Section 402(134) of Reorganization Plan No. 3 of 1967 to promulgate rules and regulations to prevent and control the spread of communicable diseases; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER				X		PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on February 5, 1974

Adopted on second and final reading June 4, 1974

Presented to the Mayor-Commissioner June 4, 1974 (Date) Edward B. Wehst (Secretary of the City Council)

Approved Walter E. Washington (Mayor-Commissioner) June 14, 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Wehst (Secretary of the City Council)

P-251

Certified copies are available.

WHEREAS, the District of Columbia Council is authorized by § 33-405 D.C. Code 1973 ed., pursuant to Section 402(262) to make rules and regulations for the administration and enforcement of the Narcotics Drug Act of June 20, 1938.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The District of Columbia Council hereby adopts the following regulation to be known as the Health Care Facilities Regulation:

"TITLE I. Purpose, Scope, Definitions and Separability of Provisions

Section 1. The purpose of this regulation is to provide standards for the establishment and maintenance of proprietary and non-profit health care facilities, and public facilities operated by the District Government, in order to protect and promote the health, welfare and safety of all individuals residing therein.

Section 2. This regulation shall apply to the establishment, maintenance, and operation of health care facilities and shall be supplemental to existing Federal laws and regulations pertaining to the establishment, maintenance, and operation of such facilities and every constituent unit thereof, and to such laws and regulations relating to the design, construction, quality of materials, maintenance and operation of all buildings and structures and the activities and businesses carried on therein.

This regulation is intended to set forth the requirements for the establishment, maintenance and operations of health care facilities.

This regulation shall be made available to the public upon request and shall be maintained on file in the Commissioner's office for inspection during the regular business hours.

Section 3. For purposes of this regulation the following terms shall have the meanings ascribed:

(1) Activity of Daily Living: Getting in and out of bed, bathing, dressing, eating, walking, and taking medications prescribed for self-administration.

(2) Administrator: The person responsible for planning, organizing, directing, and controlling the operation of a health care facility, or who in fact performs such functions, whether or not such functions are shared by more than one person.

(3) Commissioner: Commissioner of the District of Columbia or his designated agent.

(4) Continuous: Available at all times without cessation, break or interruption, 7 days a week, 24 hours a day.

(5) Dentist: An individual licensed to practice dentistry in the District pursuant to title II, chapter 3 of the District of Columbia Code.

(6) Dietary Service: An organized service applying principles of nutrition and management to menu planning, food preparation and service provided to patients and personnel in the facility.

(7) Dietitian: An individual who meets the qualifications and

standards for membership in the American Dietetic Association, and who applies the principles of nutrition and management to menu planning, food preparation, and service.

(8) District: The District of Columbia.

(9) Existing Skilled Care Facility: A skilled care facility in operation prior to the effective date of this regulation.

(10) Facility: The overall organization and program and services including staff personnel, the building or buildings, equipment and supplies necessary for implementation of health, nursing and sheltered care services.

(11) Full Time: The number of days per week and hours per day that constitutes the regularly scheduled working week of the employees in a health care facility.

(12) Food Service Manager: A person who meets the qualifications and standards for membership in the Hospital Institutional and Educational Food-Service Society or who has satisfactorially completed special courses approved by the Commissioner in Food Service Supervision and who has had supervised work experience in all phases of food service.

(13) Food Service Personnel: Those persons who prepare or serve food or are in any way involved with the use, care, or maintenance of kitchen equipment or the sanitation and housekeeping functions involved in the preparation and serving of food.

(14) Health Care Facility: A residential facility providing medical or non-medical services consistent with accepted professional, therapeutic, medical care concepts and practices as well as current health programs and legislation. The term shall include and refer to the following levels of care:

1. Skilled Care Facilities
2. Intermediate Nursing Care Facilities
3. Supervised Personal Care Facilities

(15) Health Related Services: Services other than medical pertaining to protective, preventive, and personal services performed by qualified personnel. These services shall include but not be limited to dietary, dental, podiatry, social services, restorative, pharmaceutical and patient activity.

(16) Intermediate Care: Professional nursing services provided under the direction of a physician to individuals who do not have such an illness, disease, injury or other condition as to require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide. Services include both regular and continuing health related services.

(17) Intermediate Nursing Care Facility: A facility or distinct part thereof primarily engaged in providing intermediate care.

(18) Licensed Practical Nurse: A person who is currently licensed by the Practical Nurses' Examining Board of the District pursuant to subchapter II of chapter 4, title 2 of the District of Columbia Code.

(19) Maintain: To keep in a state of efficiency.

(20) Medical Records Practitioner: A person who is eligible for certification as a Registered Record Administrator (RRA), or an Accredited Record Technician (ART) by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the Council on Medical Education of the American Medical Association and the American Medical Record Association.

(21) Nursing Assistant or Aide: Anyone who has been trained to give services to patients which do not require the skills of a professional or practical nurse.

(22) Nursing Personnel: Registered nurses, licensed practical nurses, practical nurses, nursing assistants, aides and orderlies.

(23) Occupational Therapist: A person who is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or is eligible for the National Registration Examination of the American Occupational Therapy Association; or has two years of appropriate experience as an occupational therapist , and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service.

(24) Owner: Any person who, alone or jointly or severally with others, shall have legal title to any building or premises arranged, designed or used in whole or in part, to house one or more persons.

(25) Patient: An individual who is in need of and receiving professional services directed by a physician toward maintenance, improvement, or protection of mental and physical health or alleviation of disability or pain.

(26) Permissible Occupancy: The maximum number of patients or residents for which the facility is licensed to care.

(27) Person: Individuals, partnerships, corporations, associations, executors, administrators, guardians, trustees and agents.

(28) Personal Care: General supervision of and direct assistance to an individual who, because of advanced age, infirmity, physical or mental limitations, is unable to perform his activities of daily living.

(29) Pharmacist: A pharmacist licensed in the District pursuant to title 2, chapter 6 of the District of Columbia Code.

(30) Physician: A person licensed or registered to practice the healing art in the District pursuant to subchapter I of chapter I, title 2 of the District of Columbia Code.

(31) Physical Therapist: A person who is licensed to practice physical therapy pursuant to subchapter III of chapter 4, title 2 of the District of Columbia Code.

(32) Podiatrist: An individual licensed to practice podiatry in the District pursuant to title 2, chapter 7 of the District of Columbia Code.

(33) Practical Nurse: A person who has graduated from a school of practical nursing approved by the National Association of Practical Nurse Education, or who has attended at least one year of an approved school of professional nursing.

(34) Principal Physician: A physician who is available to the facility to provide medical consultation related to the patient care policies and procedures and who shall provide emergency medical care in the facility or in the absence of the patient's private physician.

(35) Professional Nurse: A registered nurse or licensed practical nurse.

(36) Professional Nursing Services: Those medical services pertaining to the curative, restorative, and preventive aspects of nursing care that are performed or supervised by a registered nurse or licensed practical nurse under the direction of a physician.

(37) Qualified Personnel: Persons holding official credentials, accreditation registration, certification or holding licenses issued by the District. The term as used in these regulations shall include administrators, dentists, dietitians, occupational therapists, professional nurses, physicians, podiatrists, speech pathologists or audiologists, pharmacists, patient activity specialist and social workers.

(38) Registered Nurse: A person who is licensed and currently registered by the Nurses' Examining Board of the District pursuant to subchapter I of chapter 4, title 2 of the District; or a person licensed in another jurisdiction whose application for licensure is pending in the District. Registered nurse shall be abbreviated RN.

(39) Resident: A person in a health care facility who is independent and self-sufficient to the extent that only minimum supervision is necessary in a protective environment.

(40) Resident Beds: Accommodations with supporting services such as food, laundry, and housekeeping for residents who generally stay in excess of 24 hours.

(41) Skilled Care Facility: A facility or distinct part thereof primarily engaged in providing to in-patients continuous professional nursing coverage and health related services under the direct supervision of physicians. Skilled care facilities are solely limited to those facilities classified as nursing homes, convalescent homes, and extended care facilities which provide 24-hour professional nursing services and a complete program of health related and rehabilitative services under the direct supervision of a full-time Medical Director or principal physicians.

(42) Skilled Nursing Services: A service furnished by or under direct supervision of professional nurses to assure the safety of the patient and achieve the medically desired results.

(43) Social Worker: A graduate of a school of social work accredited by the Council on Social Work Education or a person with a Baccalurate degree with experience in social service.

(44) Speech Pathologist or Audiologist: A person who meets the education and experience requirements for a Certificate of Clinical Competence in the appropriate area (speech pathology or audiology) granted by the American Speech and Hearing Association; or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

(45) Sponsor: The person, persons, or agency legally responsible for the welfare and support of a patient or resident and/or having legal authority to act on behalf of the patient or resident.

(46) Supervision: Direct overseeing and inspection of a particular act, function or activity.

(47) Supervised Personal Care Facility: A facility or distinct part thereof providing, in a supervised environment, personal care assistance and other health related services which shall be provided under the direction of a physician

(48) Therapeutic Diet: A regimen prescribed by a physician for the treatment of a patient with a specific illness through modification and/or control of calories, increase or decrease of nutrients, changes in texture of food, or restriction of specific ingredients.

Section 4. Separability of Provisions

If any provision of this regulation is declared unconstitutional, by a court of competent jurisdiction, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the regulation and the applicability of such provision to other persons and circumstances shall not be affected thereby.

TITLE II. License of Health Care Facilities

Section 1. - License Requirements for Health Care Facilities

(a) No person shall either directly or indirectly operate a health care facility without having first obtained a license from the Commissioner authorizing that operation.

(b) No license to operate a hospital, sanitatorium or other facility for the care, custody, shelter, or treatment of the physically or mentally ill shall be deemed to authorize the operation of a health care facility. The operation of a health care facility which is part of a hospital, sanitorium or other facility or is operated in conjunction with, or under the same management, as a hospital, sanitorium, or other facility for the care, custody, shelter, or treatment of the physically or mentally ill shall require a license as a health care facility pursuant to this regulation.

(c) A separate license shall be required for each health care facility when more than one health care facility is operated by the same owner at different premises. Only one license shall be required for a health care facility located in separate buildings on the same grounds or premises and operated by one owner.

(d) Unless specifically exempted by this regulation, the provisions and requirements herein, shall apply to all health care facilities established or operated in the District and the Commissioner shall have the necessary power, including subpoena power pursuant to sections 1-237 and 4-601 of the District of Columbia Code to supervise, inspect and investigate those facilities to determine compliance with this regulation.

(e) Each license shall set forth the name and address of the premises of the health care facility, the name of the licensee, and the licensed bed capacity in each level of health care within the facility.

(f) The license shall be posted in a conspicuous place on the licensed premises.

(g) Each license shall be issued only for the premises and person or persons named as applicants in the application and shall not be valid for use by any other person or persons or at any place other than that designated in the license. Any transfer as to person or place without the approval of the Commissioner shall cause an immediate forfeiture of such license.

(h) Each license certificate in the licensee's possession shall be the property of the District and shall be returned to the Commissioner immediately upon the suspension or revocation of a license, or upon the refusal to renew a license or upon its forfeiture in accordance with subsection (g) of this section or

in accordance with section 5 of this title, or if operation of a facility is discontinued by the voluntary action of the licensee.

Section 2. Fees:

(a) The Commissioner shall pursuant to section 47-2344 of the District of Columbia Code fix and may adjust from time to time, health care facility license fees which shall in his judgment be commensurate with the cost to the District of inspections, supervision and regulation required by this regulation.

(b) No license fee pursuant to subsection (a) of this section shall be required of any health care facility operated by the District Government.

Section 3. Certificate of Need

Prior to the issuance of a permit for new construction or renovation of a skilled care or intermediate nursing care facility in the District, a Certificate of Need shall be secured from the Commissioner pursuant to section 8-7:128 of the District of Columbia Health Regulations.

Section 4. Application for License:

(a) Any owner of a health care facility proposing to operate a health care facility in the District shall, prior to the commencement of operation, make application to the Commissioner for a health care facility license. The application shall contain the following information, all of which shall be a matter of public record, available for inspection upon request during regular business hours:

(1) The name, age, address and occupation of the owner making application; or in the case of a corporation or association, the names, ages, addresses, and occupations of the officers and directors thereof.

(2) The name, age, address and occupation of the individual designated by the applicant as the administrator of the facility and any additional information concerning that individual which the Commissioner may require.

(3) The address of the premises which are to constitute the health care facility, together with a description of all structures and facilities forming a part thereof in such detail as the Commissioner may require.

(4) The name by which the facility is to be known.

(5) The name and address of the owner or owners of the facility and if the owner is a corporation, the names and addresses of the officers, directors and stockholders owning at least 1% of the authorized and issued stock of the corporation.

(6) The name, address, and occupation of any person not set forth in the preceding paragraph who will be entitled to receive directly or indirectly through a designee, or assignee, any pecuniary profit from the operation of the home, other than compensation for services rendered.

(7) The level or levels of health care to be provided and the maximum bed capacity in each level.

(8) A program statement describing the programs and services to be provided including contractural and staff resources.

(9) Proof that the premises are in conformity with all applicable federal and local health, safety, and zoning regulations, and building codes, and that any necessary permits for occupancy have been issued by the appropriate authorities and are in full force.

(10) Other reasonable information which the Commissioner may require in order to permit him to ascertain whether the applicant is in a position to operate a health care facility in conformity with the provisions of this regulation.

(b) An applicant for a health care facility license shall sign the license application and shall affirm that all statements therein are true. The applicant's signature shall be in the case of an individual owner that of the individual, in the case of a partnership that of all partners thereof, in case of a corporation by two of the officers thereof, one of whom shall be the President.

(c) Each applicant shall provide an annual budget, financial records, and such information, and such assurances as the Commissioner shall require, concerning financial resources and insurance coverage to demonstrate an ability to provide adequate care and protection to the patients and/or residents during the licensed period.

(d) Each applicant shall inform the Commissioner within 10 days of any change in the facts stated in the license application.

Section 5. Issuance of License and Notification of Change in Circumstances:

(a) The Commissioner shall issue a license upon receipt of a completed application, and after (1) at least one on-site facility inspection by the Commissioner to ascertain complaince with this regulation, and (2) a determinatior by him that the representations made in the application are correct and sufficient, to show that the applicant has complied with the requirements of this regulation.

(b) A license issued by the Commissioner shall expire one year from the date of issuance.

(c) The name of the facility shall not be changed without notice to the Commissioner. The words "hospital", "rehabilitation center" or any words conveying a substantially similar meaning shall not be used in the name of a health care facility. A new license shall be issued bearing the new name of the facility and the same expiration date as the license issued in the facilities' former name.

(d) Written approval shall be required by the Commissioner for any change in ownership of the facility. Such approval may be granted only upon a demonstration that the health care facility and its operation will conform with all licensing requirements as though it were the subject of an application for original license. The Commissioner shall be promptly notified of any change in the administrator of the facility.

(e) The owner of a health care facility shall inform the Commissioner of any change in the operation, program, or services of a facility of a degree or character which may affect its licensure.

(f) No license shall be issued to an applicant who has been previously convicted of operating a health care facility without a valid license within the past five years from date of application.

Section 6. License Renewal, Suspension and Revocation

(a) The Commissioner shall be required to renew a health care facility license when he has determined that the licensee has complied with the provisions of this regulation.

(b) Application for renewal of a health care facility license shall be submitted to the Commissioner on a form approved by him not later than ninety days prior to the expiration date of that license.

(c) The Commissioner may, after providing notice and opportunity for hearing in accordance with Section 7 of this title, deny, refuse to renew, or suspend or revoke any license if he finds any of the following:

(1) A failure to comply with the provisions of this regulation.

(2) A failure to comply with any other Federal or District law or regulations applicable to health care facilities.

(3) That any licensee has misrepresented to the Commissioner or other appropriate government official, any material fact in obtaining a license, describing a resident's condition, care or services with respect to any matter governed by this regulation.

(4) That any licensee, administrator, or person in charge of the facility has committed, aided, abetted, or permitted to be committed, any acts of dishonesty, fraud, gross negligence, abuse, assault, battery or other illegal acts in the operation of the facility.

(5) That any licensee has since the granting of the license been convicted of a felony or any other crime involving honesty, integrity or morals.

(d) The Commissioner shall suspend a license whenever he finds that the failure of a facility to comply with any provision of this regulation or with any other Federal or District law or regulation applicable to such facility, is of such a serious nature and magnitude that there is an immediate danger to the health, safety or welfare of the patients or residents therein. Such suspension shall continue until the immediate danger has been corrected and the facility has been reinspected by the Commissioner.

(e) If the Commissioner finds that the immediate interests of the patients or residents in a facility would be best served by affording the facility an opportunity to correct a condition which would otherwise constitute a basis for suspension, revocation of, or refusal to renew a license under subsection (c) of this section, he may affort the licensee the opportunity to correct the violation within 30 days after receipt of a notice to correct.

Section 7. Hearings and Judicial Review:

(a) The Commissioner, after giving notice to the licensee or applicant for a license and an opportunity for a hearing, may suspend or revoke any license issued hereunder, or may deny issuance of a license for failure to comply with or for a violation of these regulations. Any person desiring a hearing shall make such request in writing within (5) five days after issuance of the notice. In each case the Commissioner shall maintain an official record, shall serve upon the licensee or the applicant a proposed decision including

findings of fact and conclusions of law and shall render the final decision in writing accompanied by findings of fact and conclusions of law. Each case shall be determined in accordance with the provisions of the District of Columbia Administrative Procedure Act as set forth in Sections 1-1509 and 1-1510 of the District of Columbia Code.

(b) The Commissioner may take emergency action pursuant to section 1-1505(c) of the District of Columbia Code with regard to any suspension or revocation provided for in section 6 of this title.

TITLE III. Penalties, Remedies and Enforcement Procedures

Section 1. Penalties and Remedies

(a) Any person who violates any provision of this regulation shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed $300.00, or to a term of imprisonment not to exceed ninety days.

(b) The imposition of any fine or term of imprisonment pursuant to subsection (a) of this section shall be in addition to any denial, suspension, revocation, or refusal to renew a health care facility license which may result from the violation.

(c) Each day of any violation shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense, except that no further penalties shall be imposed for the period during which any appeal from a conviction of such offense is pending.

(d) Any person or representative thereof, who is damaged due to a violation of this regulation shall:

(1) have a civil cause of action against any person violating this regulation, and

(2) be entitled to recover from any such person:

(A) Actual damages
(B) Punitive damages
(C) A reasonable attorney's fee and litigation costs reasonably incurred.

Section 2. Right of Entry, Inspection and Subpoena Powers

(a) The Commissioner and any other duly authorized official of the District having jurisdiction over, or responsibilities pertaining to any health care facilities, patients or residents in such facilities, shall have the right after presenting official credentials of indentification and authority issued by the District either with, or without prior notice, to enter upon and into the premises of any health care facility licensed pursuant to this regulation or for which an application for license has been made, in order to determine compliance, and to facilitate verification of information submitted on, or in connection with, an application for licensure pursuant to provisions of this regulation. The conduct of the authorized official shall be such that the entry and inspection shall take place with the least possible disruption to the patients.

(b) The right of entry and inspection shall be extended to any premises which the Commissioner has reason to believe is being operated or maintained as a health care facility without a valid license. Provided, however, that no entry or inspection of any unlicensed premises shall be made without the permission

of the owner or administrator in charge thereof, unless a warrant is first obtained from the District of Columbia Superior Court pursuant to District of Columbia Code section 11-541 authorizing the entry or inspection for the purpose of determining compliance with provisions of this regulation. Such entry and inspection shall be made with the least possible disruption to the patients.

Section 3. Access Requirements Relating to Health Care Facilities

(a) The health care facility shall permit members of community organizations and representatives of community legal services programs, whose purposes include rendering assistance without charge to nursing home patients, to have full and free access to the health care facility in order to:

(1) Visit, talk with, and make personal, social and legal services available to all patients.

(2) Inform patients of their rights and entitlements, and their corresponding obligations, under Federal and District laws by means of distribution of educational materials and discussion in groups and with individual patients.

(3) Assist patients in asserting their legal rights regarding claims for public assistance, medical assistance, and social security benefits, as well as in all other matters in which patients are aggrieved. Assistance may be provided individually, as well as on a group basis, and may include organizational activity, as well as counseling and litigation.

(4) Inspect all areas of the health care facility except the living areas of a patient who protests such inspection. Such authority shall not include the right to examine the business records of the facility without the consent of the Administrator, nor the clinical record of a patient without his consent.

(5) Engage in all other methods of assisting, advising, and representing patients so as to extend to them the full enjoyment of their rights.

(b) Such access shall be permitted between the hours of 8:00 a.m., and 8:00 p.m. daily.

(c) Persons entering a health care facility pursuant to this section shall promptly advise the Administrator or the Acting Administrator or other available agent of the facility of their presence. Such persons shall not enter the living area of any patient without identifying himself to the patient and without receiving the patient's permission to enter.

(d) Individual patients shall have the complete right to terminate any visit by persons having access pursuant to this section. Communications between a patient and such persons shall be confidential, unless the patient authorizes the release of such information.

(e) No patient shall be punished or harassed by the health care facility or by its agent or employees because of his efforts to avail himself of his rights.

(f) The health care facility shall, in a conspicuous place at or near the entrance to the facility and on each floor of the facility, post a notice which sets forth this section and shall upon admission, or in the case of a person who is already a patient in such home, within 48 hours of the effective date of this

regulation, provide every patient with a personal copy of such notice. In the case of a patient who for any reason cannot either read or read English, such notice shall be given orally as well as in writing. A certification of the provision of personal notice as required herein shall be entered in a patient's clinical record.

(g) Nothing in this section shall be construed to restrict any right or privilege of any health care facility patient to receive visitors who are not representatives of community organizations or legal services programs as defined in subsection (a) of this section.

Section 4. Payment of Public Funds to Unlicensed Facilities

(a) No person, department, agency, officer or employee of the District shall pay, or approve for payment, from public funds, any amount or amounts to a health care facility under any Federal or District program of public assistance or other aid in connection with services provided, or to be provided, to an actual or prospective patient or resident in such facility unless that facility has a current license issued by the Commissioner under this regulation.

Section 5. Research

If a health care facility conducts research, or allows research to be conducted within the facility it shall follow, and comply with the statement of assurance on research involving human subjects required by the United States Department of Health, Education and Welfare.

Section 6. Period for Compliance with Standards

(a) If any health care facility, in operation before the effective date of this regulation, is determined by the Commissioner to have deficiencies under the requirements of this regulation, such facilities shall be licensed for a period of one year after the expiration of the facility's current license, with an additional extension of up to 12 months if approved by the Commissioner, Provided, That:

(1) The facility submits a written plan of correction which contains the specific steps that it will take to meet all such requirements and a timetable detailing the corrective steps to be taken and when correction of deficiencies will be accomplished.

(2) The Commissioner makes a finding that the facility is reasonably able to meet such requirements through corrective steps and they can be completed during the allowable period of time.

(3) During the period allowed for corrections, the facility be in compliance with existing District Fire Safety and Sanitation Codes and regulations and the 1967 edition of the Life Safety Code.

(4) The facility is surveyed by officials designated by the Commissioner at least semiannually until corrections are completed and the Commissioner finds on the basis of such surveys that the facility has in fact made substantial effort and progress in its plan of correction as evidenced by supporting documentation, signed contracts and/or work orders.

TITLE IV. Prohibition of Discriminatory Practices

Section 1. Discriminatory Practices Prohibited:

(a) All health care facilities licensed by the District shall

comply with applicable provisions of Titles VI and VII of the Civil Rights Act of 1964 (78 Stat. 241).

(b) Discrimination and/or isolation based upon age, race, religion, sex, socio-economic or intellectual characteristics within the facility in recreational activities, meals and other social functions shall be prohibited unless medically recommended by the patient's physician in writing, in which case such recommendation shall be entered in the patient's clinical record.

(c) No patient shall be denied admission to a health care facility or discharged from a health care facility based upon the patients marital status.

TITLE V. Skilled Care Facility Standards:

Section 1.- Administrative Management

(a) Administrator - A full-time Administrator shall be employed five consecutive days per week during regular business hours. He shall be responsible for the internal operation of the facility.

(1) The Administrator shall have the following qualifications:

(A) He shall be licensed under District of Columbia Council Regulation No. 70-37.

(B) He shall be certified annually by a licensed physician as having no physical or mental disabilities or personality disturbances which would significantly interfere with carrying out his responsibilities.

(2) In the absence of the Administrator, a registered nurse, physician or licensed administrator shall be designated as Acting Administrator, with full authority, to act for him in his absence.

(3) Adequate written guidelines for the Acting Administrator shall be provided.

(b) Personnel Licensure - All personnel required to be licensed shall maintain current licensure in the District. A list of all personnel with current registration numbers shall be on file and available to agents of the Commissioner.

(c) Personnel Policies - Personnel policies shall be written and available to all staff and to agents of the District. These policies shall include, but not be limited to the following:

(1) Wage scales, hours of work, vacation, sick leave, insurance and other benefits.

(2) Pre-employment and annual medical examinations by a licensed physician. These medical examinations shall include, but not be limited to, medical history, physical examination, chest x-ray and other appropriate tests as indicated.

(3) Plans for orientation of all personnel and for regularly scheduled staff meetings.

(4) Annual evaluation of employee performance by

appropriate supervisor.

(5) Position descriptions for each category of personnel. Each employee shall be given a copy of his position description.

(6) Personnel file for each employee.

(d) General Admission Policies - The facility shall admit and retain only those patients who can be treated safely and adequately within the limitation of the licensing requirements and who require the level of care provided.

(1) Admission requirements which are predicated upon religion, sex, organizational membership, lodges, orders, etc., shall be in writing. Whenever a facility denies an applicant admission to the facility, the reason for such denial shall be given to the applicant in writing.

(2) Policies regarding patient fees and payments and refund policies shall be in writing and copies of such policies shall be provided to the Commissioner as well as to each patient and sponsor.

(e) Patient Status Policies

(1) There shall be written procedures to be followed whenever there is a significant change in patient's health status or in charges, billings or other related administrative matters.

(A) In case of serious illness or accident, medical care shall be secured immediately and the Administrator or Director of Nursing Services shall immediately notify the next of kin or sponsor and document in the patient's record.

(B) Death shall be determined and pronounced only by a physician. In the case of death, both the patient's attending physician and the next of kin or sponsor shall be notified promptly.

(C) The facility shall provide for deaths to be investigated in accordance with District of Columbia Code, Title XI, chapter 23.

(2) Information describing the care and services provided by the facility shall be accurate and clearly stated. Patient and sponsor, shall be given a written copy of fees and a detailed description of care and services provided signed by the Administrator, prior to admission.

(3) Patient Status Policy - The Administrator shall report to a patient sponsor at least every six months regarding the general physical and mental condition of the patient.

(f) Any patient determined to be competent may discharge himself from the facility upon presentation of a written release; Provided That, the sponsor or next of kin of patients determined to be legally incompetent shall be notified prior to the release of the patient. No patient who is determined to be competent shall be transfered or discharged by the facility on a non-emergency basis without a written order from the attending physician and without having first been consulted and informed. Any transfer or discharge on a non-emergency basis of an incompetent patient shall require a written order from the attending physician and timely notification of next of kin and sponsor.

(g) Transfer Agreement - There shall be a written agreement with one or more hospitals so that there will be reasonable assurance that transfer

of patients will be affected between the hospitals and the skilled care facility whenever such transfer has been medically determined necessary by the attending physician.

(1) The agreement shall be with a hospital located in the District.

(2) The agreement shall specify that the hospital will accept, immediately, any emergency patient from the facility.

(3) The agreement shall provide that all necessary medical and social information accompany the patient, both to and from the facility and the hospital.

(4) The terms of the agreement shall be established jointly by the facility and the hospital participating in the agreement.

(5) The agreement shall designate responsibility for provision and payment of transportation to and from the hospital.

(6) Each facility shall maintain a copy of the agreement in its administrative files.

(h) Visitors - Each patient shall be permitted to receive visitors, privately, at any reasonable hour.

(i) Posting of License - All licenses, permits and certifications shall be posted in a conspicuously visible location in the room or hallway immediately inside the main or front door. The license for the facility shall indicate the permissible occupancy for the building and where applicable, the specified number of beds designated for each level of care. No facility shall have more patients than the number of beds for which licensed, except in case of an emergency when temporary permission may be granted by the Commissioner.

(j) Emergency Care of Patients - The facility shall have written policies and procedures governing the care of patients in an emergency, i.e., during a communicable disease episode; food poisoning outbreak; or when a patient is critically ill or mentally disturbed.

(1) Any occurrence of communicable diseases, as defined by section 8-5:104 of the District of Columbia Health Regulations, food poisoning or dysentery or other unusual occurrence which threatens the welfare, safety or health of any patient, shall be reported immediately by the examining physician to the Commissioner.

(2) The facility shall furnish such information related to such occurrences as the Commissioner may require.

(3) The patient's attending physician and next of kin and sponsor shall be notified of the emergency.

(k) Rights of Patients - A supportive environment shall be provided and maintained to promote self-esteem, personal dignity, and to insure that the patient's property and civil rights are respected and protected. The

following "rights and privileges" of the patient shall be in writing and a copy shall be given to each patient and sponsor upon admission:

(1) The Administrator shall not handle the personal business affairs of patients, without first being authorized to do so in writing by the patient, if competent, or if not, by his sponsor.

(2) An accurate record shall be kept of all funds and personal property desposited for safekeeping with the facility for use by the patient. This record shall contain a listing of all deposits and all withdrawals made, substantiated by receipts. A copy of the record shall be presented to the patient and sponsor on a semi-annual basis and upon transfer or discharge from the facility.

(3) The facility shall provide for the safekeeping of possessions and valuables of patients if they request this service, Provided That, a limitation may be places on the dollar value of the valuables and possessions accepted by the facility. In such cases the patient or his sponsor shall be provided with a receipt for these items.

(4) Patients shall be encouraged and allowed to wear their own clothing. If clothing is provided by the facility, it shall be appropriate and it shall not be dehumanizing.

(5) Patient's mail shall be delivered unopened.

(6) Patients shall have access to a telephone or the right to have a private telephone.

(7) Provisions shall be made for patients, who so desire, to bring personal possessions and furnishings to their living quarters in the facility unless the facility can demonstrate that it is not practical or feasible or safe.

(8) Patients shall have the right of privacy in their rooms and facility personnel shall respect this right by knocking on the door before entering a patient's room.

(9) Physical and mental harassment or abuse of patient is prohibited.

(10) Each patient shall have the right to retain the services of his personal physician at his own expense if able or under medicare, medicaid or any other plan. When appropriate, the personal physician shall supply the health care facility with his medical findings after examining the patient.

(11) Provisions shall be made to meet the spiritual needs of the patient by:

(A) Advising the proper clergyman, when requested by the patient or sponsor, of the patient's admission to the facility.

(B) Allowing patients to attend religious services of their choice in the community.

(12) No religious beliefs or practices shall be imposed on any patient.

(13) Patients shall be provided the right of registration

and disposition of complaints without being intimidated by threat of discharge or other reprisal. All patients, next of kin and/or sponsors shall be provided with the address and telephone number of the local Social Security Office and the District Licensing Office as designated by the Commissioner.

(l) Insurance Coverage - The facility shall carry sufficient insurance to cover the four basic exposures:

(1) Hazard (fire, extended coverage and vandalism)

(2) Consequential (indirect) loss from operation breakdowns

(3) Theft

(4) Legal risk (liability)

(A) The liability insurance shall include malpractice of at least $100,000 and comprehensive general of at least $300,000 - $500,000.

(B) The facility shall carry Workmen's Compensation insurance for all employees pursuant to section 36-501 of the District of Columbia Code.

Section 2. - Administrative Records

(a) The Administrator shall maintain current and accurate records which shall be on file and available at all times for inspection and review by the Commissioner.

(b) Records related to patients - Within 30 days after the end of each calendar year, the Administrator shall report the following information to the Commissioner on appropriate forms to be provided by the Commissioner.

(1) Total admissions

(2) Total discharges

(3) Total number of deaths

(4) Authorized bed capacity

(5) Average daily bed occupancy

(6) Total days of care given

(7) Total number of autopsies

(8) Aggregate number of patients receiving restorative services, dental services and podiatric services according to type of service.

(c) Administrative Records - Within 30 days after the end of each calendar year, the Administrator shall report the following administrative information to the Commissioner on appropriate forms to be provided by the Commissioner.

(1) Payroll records

(2) Reports of fire inspection

(3) Compliance reports of Life Safety Code

(4) Report of inspection of fire alarm system and fire drills

(5) Report of elevator inspection

(6) Disaster plan and procedures

(7) Certification of flame spread rating of carpets and curtains

(8) Contracts for services including but not limited to the following: waste removal, exterminating service, linen service and food service

(9) Radiation survey report of x-ray equipment (if applicable)

(10) Contracts or written agreements for professional services including but not limited to the following: physician services, restorative services, diagnostic and laboratory services, dental services, podiatry services, social services, medical records and dietary consultant services. Contracts with consultants shall specify the number of hours to be provided.

(d) Unusual Occurrence and Incident Reports - The facility shall maintain individual reports of unusual occurrences and incidences including but not limited to accidents, injuries and drug errors.

(e) Maintenance and Retention of Records - A qualified employee shall be assigned the responsibility for assuring that records are maintained, completed and preserved. All administrative records shall be filed and retained for at least 5 years.

Section 3. - Patient Care Policies

(a) There shall be written policies to govern the nursing care and related medical and other services provided. These policies shall be developed with the advice of a committee of professional personnel, including the Medical Director, the Director of Nursing Services, one or more physicians and one or more registered nurses. Policies shall include but not be limited to the following:

(1) Physician services

(2) Nursing services

(3) Dietary services

(4) Restorative services (physical, occupational, and speech therapy)

(5) Pharmaceutical services

(6) Diagnostic services

(7) Emergency care of patients

(8) Dental services

(9) Podiatry services

(10) Social services

(11) Patient activities

(12) Clinical records

(13) Utilization review

(14) Environmental controls, management and safety

(15) Unusual occurences and incidents including but not limited to accidents, injuries and drug errors.

(16) Infection control

(b) Policies shall be reviewed by the Committee at least annually with written notation, signature, and date of review.

(c) The Administrator shall be responsible for the execution of these policies.

Section 4. - Admission Policies

(a) Patients in need of nursing care shall be admitted to the facility only upon the written recommendation of a physician.

(b) The facility shall secure patient information prior to, or at the time of admission, which shall include but not be limited to the following:

(1) Current medical findings

(2) Diagnosis

(3) Treatment plan and rehabilitation potential

(4) Summary of the course of treatment followed prior to admission

(5) Orders from a physician for the immediate care of the patient

(c) A physical examination of the patient shall have been performed not more than 5 days prior to admission, or performed within 48 hours after admission.

(d) If medical orders for the immediate care of a patient are unobtainable at the time of admission, the Medical Director or Principal Physician responsible for emergency care shall give temporary orders.

Section 5. - Physician Services and Medical Supervision of Patients

(a) A Medical Director or Principal Physician shall assume full responsibility for the overall supervision of medical care provided in the facility.

(b) All patients shall be under the supervision of a physician and shall be seen as often as their condition requires, but no less...

than every 30 days.

(1) The physician shall prescribe a planned regimen of medical care which covers the following: Medications and treatment, restorative services, diet, special procedures for the health and safety of the patient, patient activities and plans for continuing care and discharge.

(2) Patient's total program of care shall be reviewed and revised at intervals appropriate to his needs, but no less than every 30 days.

(3) Medications and treatments ordered shall be in effect for the specified number of days indicated by the physician, not to exceed a period of 30 days unless recorded in writing by the physician.

(4) Telephone orders shall be accepted by qualified professional nurses only and recorded, and shall be countersigned by the physician within 48 hours.

(5) The physician shall make arrangements for the medical care of the patient in his absence.

(6) Documentation of the medical supervision of patient shall be evidenced by orders and progress notes in the patient's record, written and signed by the patient's physician.

(7) Each patient shall have a comprehensive medical examination and evaluation of his health status at least every six months which shall be documented in the record. Clinical laboratory and other appropriate tests shall be given annually.

(c) Physicians for Emergency Care - The Administrator shall obtain a written agreement from one or more physicians to provide necessary medical care in case of an emergency.

(1) A schedule listing the names and telephone numbers of each physician and the specific days each is on call shall be posted at each nursing station.

(2) There shall be established procedures, written and posted, to be followed in an emergency, which cover the immediate care of the patient, persons to be notified, and reports to be prepared.

Section 6. - Nursing Services

(a) Nursing Service Requirements - A registered nurse shall be on duty at the facility on a 24-hour basis, 7 days per week. In addition, the facility shall provide 24-hour professional nursing service which is sufficient to meet the nursing needs of all patients as determined by the Commissioner.

(b) Director of Nursing Services - There shall be a registered nurse employed full time as Director of Nursing Services and who devotes full time to the nursing service of the facility.

(1) The Director of Nursing Services shall be qualified by education and/or experience, with appropriate documentation, in specialty areas related to the facility.

(2) The Director of Nursing Services shall:

(A) Develop and maintain nursing objectives, standards of nursing practice, nursing procedures manuals, and written job descriptions for each level of nursing personnel.

(B) Recommend to the Administrator the number and levels of nursing personnel to be employed, recruit and select, and recommend termination of employment when necessary.

(C) Assign and supervise all levels of nursing personnel.

(D) Participate in budget planning for nursing services.

(E) Participate in the development and implementation of patient care policies.

(F) Coordinate nursing services with other paramedical services.

(G) Plan and conduct orientation programs for new nursing personnel and continuing inservice education for all nursing personnel.

(H) Actively participate in the selection of prospective patients in terms of nursing staff available in the facility.

(c) Registered Nurses - There shall be registered nurses employed on a 24-hour basis, 7 days per week to provide and supervise the nursing care of all patients.

(1) A registered nurse shall be qualified by education and/or experience, with appropriate documentation, in specialty areas related to the facility.

(2) A registered nurse shall:

(A) Make daily rounds to all nursing units performing such functions as visiting patients, reviewing clinical records, medication orders and cards, patient care plans and staff assignments.

(B) Accompany physicians when visiting patients

(C) Have the ability to recognize significant changes in the condition of patients and take appropriate action.

(d) Nursing Personnel - Nursing personnel shall be assigned duties consistent with their training and experience.

(1) The amount of nursing time available for patient care shall be exclusive of non-nursing duties.

(2) Sufficient nursing time shall be available to assure that each patient:

(A) Receives treatments, medications and diet as prescribed.

(B) Receives proper care to prevent decubiti.

(C) Is kept comfortable, clean and well groomed.

(D) Is treated with dignity, kindness, consideration and respect.

(e) Staffing - A sufficient number of nursing personnel shall be employed and on duty, fully clothed and awake, at all times to meet the total needs of the patients 24 hours a day, 7 days per week. The facility shall provide at least 2.4 hours of bedside nursing care per patient on a 24-hour basis, 7 days per week excluding the hours of the Director of Nursing Services and any assistant directors of nursing services. The following table sets out the required nursing service staffing:

REQUIRED NURSING SERVICE STAFFING

	Bed Capacity								
	20 or Less	21-30	31-40	41-50	51-60	61-70	71-80	81-9-	91-100
Duty Hours	1 R.N.	1 R.N.	1 R.N.	1 R.N.	2 R.N.	2R.N.	2R.N.	2R.N.	2R.N.
7:00 A.M. - 3:00 P.M.	2 N.P.	1L.P.N. 2 N.P.	1L.P.N. 3 N.P.	2L.P.N. 3N.P.	2L.P.N. 4N.P.	3L.P.N. 4N.P.	3L.P.N. 5N.P.	3L.P.N. 6N.P.	3L.P.N. 7N.P.
3:00 P.M. - 11:00 P.M.	1R.N. 1N.P.	1R.N. 1L.P.N. 1N.P.	1R.N. 1L.P.N. 2N.P.	1R.N. 2L.P.N. 2N.P.	2R.N. 2L.P.N. 2N.P.	2R.N. 3L.P.N. 2N.P.	2R.N. 3L.P.N. 3N.P.	2R.N. 3L.P.N. 4N.P.	2R.N. 3L.P.N. 5N.P.
11:00 P.M. - 7:00 A.M.	1R.N. 1N.P.	1R.N. 1N.P.	1R.N. 1L.P.N. 1N.P.	1R.N. 1L.P.N. 2N.P.	1R.N. 1L.P.N. 2N.P.	1R.N. 2L.P.N. 2N.P.	1R.N. 2L.P.N. 3N.P.	1R.N. 2L.P.N. 4N.P.	1R.N. 2L.P.N. 5N.P.

R.N. - Registered Nurse

L.P.N. - Licensed Practical Nurse.

N.P. - Nursing Personnel

In facilities with over 100 patient beds additional professional nurses and nursing personnel shall be employed to provide at least 2.4 hours of bedside nursing care per patient day on a 24-hour basis, 7 days per week, maintaining a staffing pattern as outlined in the table. If the facility provides more than one level of health care, i.e., skilled care and intermediate , etc., the nursing staff ratio shall be determined by the licensed bed capacity in each level of care within the facility. The licensed bed capacity shall be determined by the annual rate of utilization of beds in each level of care which shall be subject to review and change, not to exceed semi-annually, upon the written request of the licensee to the Commissioner.

(f) Restraint and Confinement - The facility shall have a written policy that defines the use of restraint and a procedure for monitoring the use consistent with the following requirements:

(1) Physical restraints shall be employed only upon written order in the clinical record by a physician to protect the patient from injury to himself or to others.

(2) Restraint shall not be employed as a means of punishment or for the convenience of the staff, or as a substitute for a therapeutic program.

(3) Orders for restraint shall not be in force for longer than twelve (12) hours, subject to written renewal by a physician.

(4) A patient placed in restraint shall be checked at least every 30 minutes by nursing personnel trained in the use of restraint. A record of each check shall be maintained in the patient's clinical record.

(5) Mechanical restraint shall be designed and used so as not to cause physical injury to the patient and used so as to cause the least possible discomfort.

(6) Motion and exercise shall be provided for a period of not less than 10 minutes during each 2 - hour period of restraint.

(7) Confinement of a patient in a locked room shall be prohibited.

(8) Totally enclosed beds and barred enclosures shall be considered restraint.

(9) Drugs shall not be used excessively, as punishment, for the convenience of staff, as a substitute for therapeutic programs or in quantities that interfere with a patient's rehabilitation potential or activities of daily living.

(g) Restorative Nursing Care Program - The facility shall have a restorative nursing care program directed toward assisting each patient to achieve and maintain the highest level of self-care, esteem, and independence.

(1) Restorative nursing care initiated in the hospital shall be continued immediately upon admission to the facility.

(2) The nursing staff shall evaluate the rehabilitation potential of all patients and make recommendations to the physician for appropriate orders.

(3) The nursing staff shall practice restorative

nursing skills in their daily care of patients. These skills shall include:

(A) Maintaining good body alignment and proper positioning of bedfast patients.

(B) Encouraging and assisting bedfast patients to change position at least every two (2) hours, day and night to stimulate circulation and prevent decubiti and deformities.

(C) Keeping patients active and out of bed for reasonable periods of time, except when contradicted by physician's orders.

(D) Encouraging patients to achieve independence in activities of daily living by teaching self-care, transfer and ambulation activities and by redirecting their interests if necessary.

(E) Assisting patients to adjust to their disabilities and to use their prosthetic devices.

(F) Achieving good body alignment and balance of patients using mechanical supports which are properly designed and applied under the supervision of a professional nurse.

(G) Initiating a bladder and bowel training program for the incontinent patient.

(H) Assisting patients to carry out prescribed physical therapy exercises between visits by the physical therapist.

(h) Inservice Education Program - There shall be an inservice education program in effect for all nursing personnel in addition to detailed job orientation for new personnel. Inservice programs shall be scheduled and conducted monthly for all nursing personnel on each tour of duty, and records of these programs shall be maintained and available for review by the Commissioner. Inservice programs shall include but not be limited to the following:

(1) Emergency procedures, disaster plans and fire evacuation plans.

(2) Speciality areas related to the facility.

(3) Drugs, therapeutics and pharmaceutical services.

(4) Dietary needs and services.

(5) Patient care plans and policies

(6) Clinical records, reporting and recording policies and procedures.

(7) Social and psychological aspects of patient care.

(8) Restorative services, physical therapy, occupational therapy and speech therapy.

(9) Dental needs and services.

(10) Podiatry needs and services.

(11) Therapeutic patient activities.

(12) Infection control

Nursing personnel shall be encouraged by the Administrator and Director of Nursing Services to attend education and training programs, conducted in the community, that relate to patient care.

(i) Nursing Care Plan - There shall be a written nursi ng care plan for each patient including diagnosis, treatment prescribed, long and short-term goals and other pertinent information.

(1) The nursing care plan shall include daily nursing care needs. How these needs can best be met, patient's preferences, dietary needs, methods and approaches recommended, and modifications necessary to insure best results.

(2) Nursing care plans shall be available for use by all personnel responsible for rendering direct services to patients.

(3) Nursing care plans shall be reviewed and revised by the registered nurse as needed, at least every 30 days, and signed and dated by the registered nurse.

(4) Relevant nursing information from the nursing care plan shall be included with other medical information when patients are transferred.

(5) Infection Control - There shall be an Infection Control Committee composed of members of the medical, nursing, administrative, dietary, pharmacy, housekeeping, maintenance and other services. The Committee shall establish policies and procedures for investigating, controlling and preventing infections in the facility. The Committee shall monitor staff performance to insure that the policies and procedures are executed. The Committee shall conduct quarterly meetings and keep minutes for review by the Commissioner. The infection control policies and procedures shall be reviewed annually and revised as needed. Environmental Services including housekeeping, pest control, laundry, and linen supply shall be in accordance with sections 16 through 20 of this title.

(j) Dietary Supervision - The dietary needs of each patient shall be documented in the nursing care plan.

(1) Nursing personnel shall observe in the record that patients are served diets as prescribed.

(2) Patients needing assistance in eating shall be given such assistance promptly upon receipt of meals.

(3) Adaptive devices shall be provided to contribute to the patient's independence in eating.

(4) Food and fluid intake of patients shall be observed and deviations from normal recorded, and reported to the Director of Nursing Services, physician and dietitian.

Section 7. - Dietary Services

(a) The facility shall provide qualified dietary and food service personnel to meet the general and specific needs of all patients. All

food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption and served in accordance with title 8, chapter 6, part 1 of the D.C. Health Regulations. Specific dietary services shall be in accordance with the following:

(1) Supervision - The individual responsible for total food service shall be a dietitian or food service manager who receives regularly scheduled consultation no less than four (4) hours per week from a dietitian, or the facility shall employ a contract food service fulfilling the same requirements.

(2) Staffing - The required ratio of full time food service personnel including relief personnel to patients shall be no less than (1) one food service worker to every ten (10) patients to insure that the dietary needs of patients are met. There shall be food service employees on duty for a period of 12 or more hours per day, seven (7) days per week. Dietary supervisory personnel shall not be included in the staffing ratio.

(3) Menus - Menus shall be planned at least one week in advance and the current week's menu posted in the food preparation area. All changes in menu shall be recorded. Standard routine diet modifications appropriate to the needs of individual patients shall be prepared by the dietitian or dietary consultant and posted as a supplement to the menu. Substitutions of equal nutritive value shall be offered to patients in the event that food is refused.

(4) Inservice Education - A regularly scheduled program of inservice education shall be conducted for all food service personnel. Records shall be maintained on such inservice programs and shall be available for review by the Commissioner.

(5) Employee Records - Current employee records shall be maintained and shall include a resume of each employee's training and experience, evidence of health examinations, reports of accidents occuring on duty, and work assignments consistent with employee qualifications.

(6) Health Examinations - All food service personnel shall have pre-employment and annual physical examinations by a licensed physician, and shall be certified by him in writing as having no evidence of communicable disease or carrier state, and as being in good health. The health examination shall include a medical history, physical examination by the physician, chest x-ray and such other laboratory tests including stool cultures as may be indicated. The certificate of health shall be kept on file in the Administrator's office and shall be available for inspection by the Commissioner.

(7) Employees Clothing - Food service employees shall wear clean, washable garments while working and shall keep their hands clean at all times. All female employees shall wear hairnets and all male employees shall have clean hair or head coverings while engaged in the preparation and serving of food. No tobacco products shall be used nor shall smoking be permitted, in any food preparation area.

(b) The facility shall meet the following general dietary requirements:

(1) Three or more meals a day shall be served. In addition, to the extent medically possible, snacks and bedtime nourishment shall be offered.

(2) Meals shall be scheduled so that the maximum interval between meals is five (5) hours, except that there shall be

no more than 14 hours between a substantial evening meal and breakfast the following day.

(3) The minimum daily food requirement for each patient, unless otherwise ordered by the patient's physician, shall be:

(A) Two or more 8 ounce cups of milk or milk products.

(B) Two or more servings (4 to 6 ounces cooked weight) of protein (meat, fish, eggs or poultry).

(C) Two or more servings of fruit, one of which shall include citrus fruit or other good source of vitamin C.

(D) Two or more servings of vegetables, one of which shall include a dark green or deep yellow vegetable as a source of vitamin A.

(E) Four or more servings of whole grain or enriched bread or cereal.

(F) Other foods needed to complete meals and to provide additional food energy to fulfill caloric needs.

(4) Feeding assistance shall be provided to patients who are blind or otherwise handicapped.

(5) Provisions shall be made for group dining. If patients are unable to go to the central dining room, a convenient area closer to their living quarters shall be designated for group dining pursuant to section 18(d) of this title.

(c) Nutritional requirements shall be in accordance with:

(1) Physician's orders and, to the extent medically possible, meet the dietary allowances of the Food and Nutrition Board of the National Academy of Science, adjusted for age, sex and activity.

(2) Therapeutic Diets - Special (modified) diets shall be prescribed by the attending physician and prepared under the guidance of a Dietitian. The diet prescription shall be a part of the patient's clinical record. Changes in diet orders, authorized by the physician, shall be forwarded in writing to the kitchen and notation made in the patient's clinical chart. In the absence of the dietitian, the food service manager shall have sufficient knowledge of food values to make appropriate substitutions when necessary.

(3) The dietitian shall have access to the patient's clinical record and shall document all observations, consultations and instructions regarding patient acceptance and tolerance of prescribed diets.

(d) Dietary Records - The following records shall be maintained and available for review by the Commissioner:

(1) Menus as served shall be filed and retained for 30 days.

(2) Record of food purchased for preparation shall be filed and retained for 90 days.

no more than 14 hours between a substantial evening meal and breakfast the following day.

(3) The minimum daily food requirement for each patient, unless otherwise ordered by the patient's physician, shall be:

(A) Two or more 8 ounce cups of milk or milk products.

(B) Two or more servings (4 to 6 ounces cooked weight) of protein (meat, fish, eggs or poultry).

(C) Two or more servings of fruit, one of which shall include citrus fruit or other good source of vitamin C.

(D) Two or more servings of vegetables, one of which shall include a dark green or deep yellow vegetable as a source of vitamin A.

(E) Four or more servings of whole grain or enriched bread or cereal.

(F) Other foods needed to complete meals and to provide additional food energy to fulfill caloric needs.

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(3) The dietitian shall have access to the patient's clinical record and shall document all observations, consultations and instructions regarding patient acceptance and tolerance of prescribed diets.

(d) Dietary Records - The following records shall be maintained and available for review by the Commissioner:

(1) Menus as served shall be filed and retained for 30 days.

(2) Record of food purchased for preparation shall be filed and retained for 90 days.

(e) Diet Manual - A current diet manual recommended by the Commissioner shall be readily available to food service personnel and supervisors of nursing service.

(f) Tested Recipes - A file of tested recipes adjusted to appropriate yield shall be maintained and used by all personnel engaged in food preparation.

(g) Food on Hand - Supplies of staple non-perishable food for a minimum of a one-week period, and of perishable foods for a minimum of a two-day period shall be maintained on the premises.

(h) Budget - The dietitian or food service manager shall participate in planning and budgeting for the dietary needs of all patients and shall be responsible for determining the quantity, quality and variety of food purchased.

Section 8.- Restorative Services

(a) The facility shall provide directly or through written contract physical therapy, occupational therapy and speech therapy services to meet the physical needs of all patients, in addition to restorative nursing care.

(b) Restorative services shall be administered in accordance with physician's orders and by a physical therapist, occupational therapist and speech pathologist or audiologist.

(c) Restorative services assistants shall be employed by the facility to assist the therapists in performing functions not requiring therapy expertise. Restorative services assistants shall receive continuing on-the-job training under the supervision of the therapists.

(d) Restorative services, including modalities to be used, frequency, and anticipated goals shall be written and included as part of the total patient care plan.

(e) Therapists' treatment plan and progress notes for each patient shall be signed, dated and made a part of the patient's complete clinical record.

(1) Patients receiving therapy shall be re-evaluated by the physician and therapist at least every 30 days. There shall be documentation of the evaluation included in the patient's clinical record.

(2) Therapist's progress notes shall be informative to the physician and nursing personnel so that the patient's activity can be maintained and supported by nursing personnel.

(f) The facility shall provide therapy services areas of sufficient size to accommodate and store necessary equipment and supplies and to facilitate movement of disabled patients pursuant to section 18(f) of this title.

(g) Each therapist shall participate in preparing a budget and determine the need for equipment necessary for services provided. Each therapist shall advise the Administrator of the need for equipment purchase, rental, storage and maintenance of same.

(h) There shall be regularly scheduled inservice education programs for therapy staff. Records of these programs shall be kept on file and available for inspection by the Commissioner.

Section 9.- Pharmaceutical Services

(a) District and Federal laws, regulations, standards, administrative guidelines and rules regulating the procurement, handling, storage, administering and recording of drugs shall be complied with.

(b) The facility shall have written methods and procedures for its pharmaceutical services developed by a staff pharmacist, a consultant pharmacist, or a pharmaceutical advisory committee which shall include one or more licensed pharmacists. These written methods and procedures shall be in accordance with accepted professional pharmaceutical practices, shall be reviewed annually and shall be approved by the Commissioner.

(1) If the facility has a pharmacy, a licensed pharmacist shall be employed to administer the pharmacy department.

(2) If the facility does not have a pharmacy, it shall have procedures for promptly and conveniently obtaining prescribed drugs and biologicals from community pharmacists and shall employ a consultant pharmacist.

(3) If the facility does not have a pharmacy, but does maintain a supply of drugs:

(A) The consultant pharmacist shall be responsible for the control of all bulk drugs and maintain records of their receipt and disposition.

(B) The consultant pharmacist shall dispense drugs from the drug supply, properly label them and shall make them available to appropriate professional nursing personnel.

(C) Provision shall be made for emergency withdrawl of medications from the drug supply.

(c) Physician Orders

(1) All medications administered to patients shall be ordered in writing by the patient's physician.

(A) Oral (telephone) orders shall be given only to a professional nurse, immediately reduced to writing in the patient's clinical record, signed by the professional nurse, and countersigned by the physician within 48 hours.

(B) Medication orders shall contain specific instructions as to dosage per time interval, (hours, day, week, months), the time when the medication is to be administered and the route of administration, whether orally, intramuscularly, intravenously, rectally, etc.

(C) The physician shall note on the patient's clinical record when applicable, the condition(s) for which the medication has been ordered, expected reactions or possible adverse reactions, and procedures for attending to such expected or possible reactions.

(2) Medication Stop Order Policies - The facility shall have written "medication stop order policies" approved by the Medical Director to ensure that a medication is administered correctly and for only as long a period as is necessary.

(A) The registered nurse and the prescribing physician together shall review monthly each patient's medications. Such review shall be signed and dated by the physician in the patient's clinical record.

(B) The patient's attending physician shall be notified of stop order policies and contacted promptly by the professional nurse for renewal of medication orders to provide continuity of the patient's therapeutic regimen.

(C) Orders for anticoagulant drugs shall be re-affirmed every 72 hours by the attending physician.

(d) Administration of Medications - All medications shall be prepared and administered only by a physician or by professional nursing personnel. Each administered dose shall be properly and promptly recorded and initialed in the patient's clinical record by the person administering the medication. Items necessary for the proper preparation and administration of medications shall be available at the nursing station.

(1) Medications shall be prepared immediately preceding administration and the person preparing the medication must administer the medication.

(2) In administering medications, medication cards or other systems approved by the Commissioner shall be used and checked against the physician's order. The physician or professional nurse administering the medication shall personally verify the identity of the patient immediately before administering the medication.

(3) Medication errors and drug reactions shall be immediately reported to the patient's physician and an entry thereof made in the patient's clinical record as well as on an incident report.

(4) Refusal of medications by a patient shall be documented on his clinical record and reported immediately to his attending physician.

(5) Self-administration of medications by patients is prohibited, except for emergency drugs on special order of the patient's physician, or in a pre-discharge program under the supervision of a professional nurse.

(6) Medications shall be released to patients on discharge only on the written authorization of the patient's physician.

(7) Up-to-date medication reference texts and sources of information such as tests on pharmacology, posology, the Physician's Desk Reference or the American Society of Hospital Pharmacists Formulary shall be provided by the Administrator.

(e) Labeling and Storage of Medications - Medications shall be stored in a locked cabinet at the nurse's station. Cabinets shall be well lighted and of sufficient size to permit storage without crowding and shall be maintained in a clean and orderly manner. Medication preparation areas shall be of sufficient size, well lighted and shall have counters which are constructed of non-porous, easily cleanable materials; shall have a pharmaceutical sink, and a climate conditioning to insure proper storage temperatures for the medications.

(1) All medications shall be labeled by a pharmacist and such label shall contain the following information.

(A) Patient's full name

(B) Physician's full name

(C) Prescription number

(D) Date of issue

(E) Name and strength of drug

(F) Expiration date of all time-dated drugs

(G) Name, address and telephone number of the pharmacy issuing the drug

(H) If the drug is dispensed under its "generic"name, the manufacturer's name and the lot or control number shall also appear on the label.

(2) Labels shall be securely affixed to the outside of medication containers and shall be properly protected with transparent tapes or other suitable means.

(3) The medications of each patient shall be kept and stored in their original containers. There shall be no transferring of of medications between containers.

(4) Medications requiring refrigeration shall be kept in a pharmaceutical refrigerator, or in a separate locked compartment within a refrigerator at or near the nursing station. All refrigeration used for storage of medications shall have thermometers which are easily readable, in proper working condition and accurate within a range of plus or minus two degrees.

(5) Medications labelled for "external use" or "poison" shall be kept separate from other medications in a locked cabinet.

(6) Medication containers having soiled, damaged, illegible or otherwise incomplete labels shall either be returned to the issuing pharmacist for relabeling or shall be properly destroyed. Nursing personnel shall not package, repackage, return to containers nor label in whole, or in part, any medications, nor alter in any way a medication label.

(7) Medications having an expiration date shall be removed from usage and properly destroyed after such date. Medications no longer in use, or medications, or written prescriptions for patients who have left the facility shall be properly destroyed. Such disposal shall be witnessed by an authorized representative of the facility and a signed notation shall be made on the patient's chart.

(f) Control of "Controlled Substances"

(1) The facility shall comply with all District and Federal laws relating to the procurement, storage, dispensing, administration and dis posal of all "Controlled Substances" as defined by 21 U.S. Code section 803(6).

(2) Double-locked cabinets, or securely fastened, locked boxes or drawers within lockable medicine cabinets, shall be provided for the storage of all substances controlled by the "Comprehensive Drug Abuse Prevention and Control Act of 1970."

Section 10. - Diagnostic Services

(a) The facility shall have a written agreement with a physician or licensed laboratory, approved by the District for obtaining required clinical laboratory, x-ray, audiological, ophthalmologic, and other diagnostic services.

(b) The physician having ordered the laboratory work, shall be promptly notified by the Director of Nursing Services of the test results.

(c) Arrangements shall be made by the facility for transportation of patients, if necessary, to and from source of diagnostic services.

(d) All diagnostic reports shall be included in the clinical record.

Section 11. - Dental and Podiatric Services

(a) The facility shall have a written agreement with a dentist for obtaining regular and emergency dental services. Dental services shall include diagnostic, preventive, educational, consultative, or corrective procedures administered by or under the supervision of a dentist.

(b) Dental care shall be rendered upon need or request of the patient or sponsor.

(c) The facility shall have a written agreement with a podiatrist for obtaining routine and emergency podiatric services. Podiatric services shall include direct services to patients, as well as consultation and inservice training for nursing personnel.

(d) Appropriate space and equipment with proper maintenance shall be provided in the facility for dental and podiatric services, or transportation shall be arranged by the facility for patients to visit the dentist's or podiatrist's office.

(e) Medications or treatments prescribed by the dentist or podiatrist shall be in writing and included as part of the patient's clinical record. Nursing personnel shall assist patients in carrying out the dentist's or podiatrist's orders.

(f) Reports of treatment by the dentist or podiatrist shall be documented at the time of each visit, and included in the clinical record of each patient.

Section 12. - Social Services

(a) The facility shall provide social services, directly or through contractual services, to meet the medically related social needs of patients.

(b) There shall be a Social Worker in the facility who has the responsibility for recognizing social problems and taking necessary action to solve them.

(c) A complete social evaluation of each patient shall be made as soon as possible after admission to identify patient's needs. A plan shall be formulated to meet these needs during his treatment and care in the facility and in planning for his discharge.

(d) The social evaluation, plan of care, all social...

service activity and reports shall be incorporated in the patient's clinical record.

(e) The Social Worker shall participate in clinical staff conferences, including utilization review committee meetings, and confer with attending physicians at intervals during the patient's stay in the facility, and prior to discharge of the patient.

(f) The Social Worker shall plan for orientation and inservice education programs, case conferences, and staff orientation to community services.

Section 13 - Patient Activities

(a) Patient activities suited to the needs and interests of all patients shall be provided as an important therapeutic adjunct to the active treatment program and to encourage restoration to self-care and resumption of normal activities of daily living. A patient's activity program shall include, but not be limited to, active, passive, individual and group activities directed toward stimulating interest and participation in hobbies, music, drama, arts and crafts, and social functions. Suitable activities shall be provided for patients who are unable to leave their rooms. Patients shall be encouraged but not forced to participate in patient activity programs.

(b) Director of Patient Activities - In facilities of 50 or more beds, a Director of Patient Activities shall be employed to plan, organize and direct a daily patient activity program. This individual shall hold current registration in the National Therapeutic Recreation Society as a therapeutic recreation specialist or possess qualifications necessary for such registration and shall be required to work the number of hours per week as prescribed.

(c) Patient Activities Specialist - A patient activities specialist is a person who works under the direct supervision of the Director of Patient Activities when appropriate. This individual meets the qualifications necessary for registration as a Therapeutic Specialist in the National Therapeutic Recreation Society, or has two (2) years full time paid experience in a health care facility, or (60) sixty hours of specialized training in therapeutic recreation and patient activities. If the patient activities specialist is employed in a facility with fewer than 50 beds which does not employ a Director of Patient Activities, the non-registered patient activities specialist must receive at least (16) sixteen hours of consultation per month, from a person who meets the qualifications of a Director of Patient Activities. The number of patient activities specialists and hours of work required shall be determined by the following table:

NUMBER OF BEDS	HOURS REQUIRED	RESPONSIBLE PERSONS
1-10 beds	10 hours per week (at least 3 days)	Administrator/owner or patient activities specialist
11-29 beds	20 hours per week (at least 5 days)	patient activities specialist
30-49 beds	30 hours per week (at least 5 days)	patient activities specialist
50-100 beds	60 hours per week	Director of Patient Activities 1 patient activities specialist

For additional beds, the following shall be required:

1-29 additional beds	20 hours per week (5 days)	1 Director of Patient Activities 1 patient activities specialist (for total 80 hours per week)
30-50 additional beds	30 hours per week	1 Director of Patient Activities 2 patient activities specialists (for total 90 hours per week)
51-100 additional beds	60 hours per week	1 Director of Patient Activities 2 patient activities specialists (for total 120 hours per week)

The ratio of patient activity specialists to residents shall be no less than one (1) activity specialist to every fifty (50) residents.

(d) In addition to staff requirements, activity program schedules and execution of same shall be approved by the Commissioner.

(e) Qualifications and Responsibilities of the Director of Patient Activities

(1) The Director of Patient Activities shall supervise the activity specialists and coordinate their activities with nursing, social services, physical therapy, and dietary and other services.

(2) In the absence of a Director of Volunteers, the Director of Patient Activities shall be responsible for recruitment, training and supervision of patient activity volunteers, if volunteers are used.

(3) The Director of Patient Activities shall make the fullest possible use of community, social and recreational resources.

(4) The Director of Patient Activities shall evaluate all patients on admission to determine their therapeutic and diversional needs. These evaluations shall be reviewed every 90 days and signed, dated, and incorporated in the patient's clinical record.

(5) The Director of Patient Activities shall prepare a detailed budget and determine the type of equipment and supplies necessary to provide adequate programs, and shall advise the administrator regarding the purchase, storage and maintenance of same.

(6) The Director of Patient Activities shall prepare a calendar of regular monthly activities and post this calendar in conspicuous locations. The entire activity program shall be reviewed and updated at least every 6 months.

(7) The Director of Patient Activities shall attend facility staff meetings.

(f) Provision of Space - Appropriate space shall ...

be provided for recreational activities to accommodate and store necessary equipment and supplies and to facilitate movement of disabled persons, i.e., wheelchair.

(g) Inservice Education

(1) A regularly scheduled program of inservice education shall be conducted for all patient activity staff, volunteers, and other facility personnel.

(2) These programs shall include community involvement and be directed towards interpreting the aims and methods of the activity programs.

(3) Records of all inservice education programs shall be maintained and shall be available for review by the Commissioner.

Section 14. - Clinical Records

(a) A clinical record shall be established and maintained for each patient admitted to the facility, and all information contained therein shall be treated as confidential. A Medical Records Practitioner, or qualified employee of the facility, shall be employed full-time and assigned the responsibility for assuring that records are maintained, completed and preserved. If the facility does not employ a Medical Records Practitioner the designated employee shall be trained by and receive regular consultation from a person so qualified.

(b) The clinical record shall serve as a basis for planning patient care and shall provide a means of communication between the physician and other professional disciplines contributing to the patient's care.

(c) The clinical record shall furnish documentary evidence of the course of the patient's illness and treatment and shall serve as a basis for review, study and evaluation of the medical care rendered to the patient.

(d) The forms appropriate for use in maintaining the clinical records shall be subject to approval by the Commissioner.

(1) Composition of Record - Each clinical record, with all entries kept current, dated, and signed with full signatures and discipline identification, shall include but not be limited to the following:

(A) Patient Register: The patient's name age, sex, marital status, social security, medicaid numbers, home address, religion, and date admitted; names, addresses and telephone numbers of personal physician, dentist, next of kin or sponsor; admitting diagnosis, final diagnosis, condition on discharge, disposition, date of discharge, and any other information required by the Commissioner.

(B) Transfer Information: A hospital discharge summary or transfer form from attending physician.

(C) Medical Evaluation: Patient's medical history, physical examination, diagnosis, prognosis, and an estimation of rehabilitation potential.

(D) Physician's Orders: All medications, diet, treatment and rehabilitation procedures required for the safety and well-

being of the patient.

(E) Physician's Progress Notes:

(1) Shall be written at the time of observation to describe significant changes in the patient's condition, when medication and treatment orders are changed, and when the patient's condition remains stable to indicate a status quo condition.

(2) At least a monthly statement note shall be entered.

(3) On discharge, the patient's medical experience shall be summarized by the attending physician.

(F) Medication and Treatment: A daily record of all medications and treatment given.

(G) Nursing Notes: Shall be kept daily and in accordance with the policies of the nursing service.

(H) Physician's Consultative Reports: Statement of medical consultants of various disciplines concerning the patient's status and treatment.

(I) Laboratory, X-ray and Diagnostic Reports

(J) Service Reports: On-going reports of physical therapy, occupational therapy, speech therapy, podiatry, dental, patient activity and nutritional and social services.

(K) Accident or Incident Reports: Detailed reports of any unusual occurrences, including medication reactions.

(L) List of Patient's Personal Belongings: Shall be made at the time of admission, and updated at appropriate intervals.

(2) Patient Care Plan - A comprehensive patient care plan shall be developed and maintained for each patient and readily available to all personnel involved in rendering direct services to patient.

(A) The patient care plan shall be inclusive and shall indicate the patient's needs with appropriate orders for the following services: Nursing, restorative, dietary,dental, diagnostic, patient activity, social and podiatry.

(B) Upon discharge, the patient care plan shall be incorporated in the clinical records.

(3) Retention of Records - All clinical records of discharged patients shall be completed within 15 days and shall be filed and retained for at least 5 years.

Section 15. - Utilization Review

(a) A utilization review plan shall be developed with the advice of the committee of professional personnel responsible for promulgation and enforcement of patient care policies pursuant to section 3 of this title.

(b) Utilization reviews shall be made, on a sample or other basis, of admissions, duration of stay, and professional services furnished for the purpose of analyzing the medical necessity of the services, and of promoting the most effective use of available health facilities and services. Such reviews shall emphasize identification and analysis of patterns of patient care in order to maintain consistent high quality.

(c) Utilization Review Plan - The facility shall have a written description of its utilization review plan which shall include:

(1) Frequency of meetings

(2) The type of records to be kept

(3) The method to be used in selecting cases on a sample or other basis

(4) The definition of what constitutes the period or periods of extended duration

(5) Arrangements for committee reports and their dissemination

(6) Responsibilities of the facility's administrative staff in support of utilization review

(d) Composition of the Utilization Review Committee - The utilization review committee shall include:

(1) Two or more physicians, with the inclusion of other professional personnel, or

(2) A committee or group outside the facility composed of two or more physicians which is established by a local medical society, and some or all of the hospitals and extended care facilities in the locality.

Section 16. Environmental Requirements

(a) Skilled care facilities shall be designed, constructed, located, equipped and maintained to provide a functional, healthful, safe, comfortable and supportive environment for all persons using the facilities. The physical plant of skilled care facilities shall provide maximum environmental support for the goals of services offered and shall be responsive to the needs of patients, staff and the visiting public.

(b) Criteria for appropriate location of skilled care facilities.

(1) Accompanying the plans and program information required by section 17 (a) of this title, a statement of compliance with the following criteria for location of facilities shall be submitted to the Commissioner:

(A) Facilities shall be accessible to the fullest extent possible to the patient groups served. Faciliites shall be located on or near major streets and roads and along, or within easy walking distance of public transportation routes and shopping areas. Location in a remote area will not be acceptable except where it can be shown that there is a special need for services in such an area.

(B) Skilled care facilities shall be located in areas containing, and shall be located reasonably near, a sufficient number and variety of community resources to carry out all contractural and in-house program requirements including but not limited to those listed in sections 1, 5 and 13 of title 5 of this regulation, such as hospital services, patient activity programs, volunteer participation, etc.

(C) Ambient Noise Level-Skilled care facilities shall not be located in proximity to sources of loud, continuous, or impact noises. The facility shall be remotely located from railroads, factories, airports, and similar noise sources. The ambient noise level at the proposed sites of new skilled care facilities shall not exceed 55 decibels during the day and 50 decibels at night in residential or special purpose zones, or 60 decibels during the day and 55 decibels at night in commercial zones, and shall otherwise comply with any District of Columbia regulation relating to noise control standards.

(D) Air Pollution-Skilled care facilities shall be located in areas reasonably free from noxious and hazardous smoke and fumes, and the location of these facilities shall otherwise be in compliance with the Air Quality Control Regulations of the District of Columbia (D.C. Council Reg. No. 72-12, as amended).

(2) The Commissioner shall develop additional guidelines to assure the appropriate and equitable location of skilled care facilities throughout the District.

Section 17. Physical Structure and Construction Requirements

(a) Procedure for review-Before a skilled care facility is constructed, added to, or remodelled, or before an existing structure is converted for use as a skilled care facility, properly prepared plans, specifications, a study indicating facility elevator needs, and a program statement indicating location

and use of rooms, and the location, size and type of fixed equipment, shall be submitted to the Commissioner for review and approval before a permit for such construction is issued.

(b) Applicable General Codes.

(1) The physical plant of a skilled care facility shall conform to all applicable portions of the Housing Regulations of the District of Columbia, and shall meet all other applicable District rules and regulations. All new construction of skilled care facilities, and all additions to, repairs and remodeling of existing buildings used for these facilities, shall conform to the District of Columbia Building Code (Title 5A-1, District of Columbia Rules and Regulations, hereafter referred to as DCRR), to all other applicable District of Columbia rules and regulations, to the National Fire Protection Association (NFPA) Standard No. 101 (1967), Section 10-1, "Hospitals, Nursing Homes and Residential-Custodial Care Occupancies," and to the American National Standards Institute, Inc. Document No. A 117.1-1961, "American Standards Institute, Inc. Document No. A 117.1-1961, "American Standard Specifications for Making Buildings and Facilities Accessible to, Usable by, the Physically Handicapped." All new construction for skilled care facilities shall comply with the minimum requirements of the Hill-Burton Program (administered by the Health Services and Mental Health Administration of the U.S. Department of Health, Education and Welfare), as specified in "General Standards for Construction and Equipment for Hospital and Medical Facilities," Section 9: Facility for Long-Term Care - Nursing Homes. and Chronic Disease Hospitals, Public Health Service publication No. 930-A-7, as revised, 1969, (hereafter referred to as Hill-Burton standards).

(2) All additions to existing skilled care facilities shall comply with the minimum standards of Hill-Burton, Sections 9.14-9.18. For the purpose of this regulation, conversions of existing buildings to skilled care facilities shall be considered as new construction. Existing skilled care facilities shall comply with the provisions of the NFPA Standard No. 101, Section 10-2.

(3) Where District code requirements conflict with those of the federal or national agencies adopted by reference above, the more stringent shall apply, except that requirements specified in Sections 16-18 of this Title shall supersede any other requirements.

(c) Other Construction Requirements. In addition to compliance with all applicable standards and regulations, all skilled care facilities, including those in operation before the effective date of this regulation, shall comply with the following:

(1) Electrical Systems.

(A) General: All electrical systems shall be designed, constructed, maintained and inspected in accordance with the National Electrical Code (Title 5B-1, DCRR) and the District of Columbia Electrical Code (Title 5b-2, DCRR), and all other applicable District rules and regulations. Electrical cords and appliances shall be maintained in a safe condition and frayed wires, cracked or damaged switches and plugs shall be replaced. The use of exposed wiring shall not be permitted.

(B) Emergency Electrical System: The facility shall have available, and in working order, an emergency electrical system approved by the Commissioner. The emergency electrical system shall provide lighting and power for lights at nursing stations, telephone switchboards, night lights, exits, stairways, corridors, boiler

rooms and fire alarm systems. Emergency power shall be provided for a minimum of one (1) elevator where elevators are used for transporting patients.

(C) Artificial Illumination Levels.

(i) General illumination levels. Lighting levels throughout the facility shall conform to the following minimum lighting level table, provided that the facility shall provide any additional lighting level as may be needed by patients with visual impairments and as may be needed for special tasks. The facility and its lighting system shall be designed, equipped and maintained to avoid high brightness, highly reflective surfaces and glare.

MINIMUM LIGHTING LEVELS FOR SKILLED CARE FACILITIES
(Footcandles on the task)

Corridors and interior ramps	20
Stairways other than exits	20
Exit stairways & landings	20
Doorways	10
Administrative & Lobby areas	30
Chapel and/or quiet areas	20
Physical Therapy	20
Occupational Therapy	30
Dining Area	30
Social Area	30
Patient Care Unit-General	10
Patient Care Unit-Reading	30
Nurses Station - General	30
Nurses Station - Desks & Charts	50
Utility Rooms	20
Pharmacy Area	30
Kitchen - General	30
Kitchen - Work Areas	70
Laundry Rooms	30
Janitor's Closet	15
Boiler Room	20
Toilet Facilities	20

(ii) Night Lights. The facility shall be equipped with night lights providing no less than one (1) foot-candle of illumination in corridors, toilets, patients bedrooms and similar areas.

(iii) Type of Light. General area lighting levels may be provided by flourescent lighting. Some incandescent lighting shall be provided in patient's bedrooms, living and social areas.

(2) Natural Lighting. Every habitable room shall contain windows in size and area and in specifications in accordance with the District of Columbia Building Code. In habitable rooms, windows shall be of an openable type, with sills no higher than 3'-0" above the floor. Obscure glass, glass blocks or similar non-transparent and distortion-producing materials for openings shall not satisfy window area requirements under this regulation.

(3) Water Supply and Distribution General.

(A) Water supply and distribution systems shall conform with the District of Columbia Plumbing Code (Title 5C-2, DCRR) and with the Model Plumbing Code for the Washington Metropolitan Areas, (Title 5C-1, DCRR), and all other applicable District rules and regulations.

(B) Safe Supply. The water supply shall be approved by the Commissioner. Samples for bacteriological testing shall be taken. There shall be no crossconnection between the safe water supply and water supplies that are questionable or unsafe, or any source of pollution through which a safe supply might become contaminated.

(C) Hot and cold water. Each sink, lavatory, bathtub and shower shall have a continuous supply of hot and cold running water. The temperature of hot water at fixtures used by patients shall be automatically controlled and shall not exceed 110 degrees Farenheit. An adequate supply of hot water for patient use shall be available at all times. The water supply system shall also include a separate or boosted supply at higher temperatures for the kitchen, dishwashing and laundry uses. Water pressure shall be 15 p.s.i. on all floors during periods of peak demand.

(D) Drinking water. Drinking fountains shall be installed in areas available for general patients use. Half of the number of fountains provided shall be installed for use by wheelchair patients, and shall not project into corridors or rooms.

(4) Sewerage Systems. The system for the disposal of water-carried sewerage shall be constructed, operated and maintained in accordance with the codes referenced in paragraph 3 of this section.

(5) Solid waste Disposal.

(A) General. Solid waste management including disposal and incineration in skilled care facilities shall comply with the Solid Waste Regulations of the District of Columbia (D.C. Council Reg. No. 71-21), with the Air Quality Control Regulations of the District of Columbia (D.C. Council Reg. No. 72-12, as amended), the D.C. Building Code, and all other applicable District rules and regulations.

(B) Any person making, using, storing or having in his charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible waste materials, shall, at the close of each working day, remove all such material, which shall be completely baled and stacked in an orderly manner, from the building or store such material in suitable vaults or in metal or metal lined and metal covered receptacles or bins. The frequency of trash and garbage pick ups shall be adequate to prevent long storage periods.

(C) Trash and refuse. Adequate facilities shall be provided for the collection and storage of all trash and other refuse accumulations in a health care facility. All such wastes shall be handled and stored in a manner pursuant to Title 8, chapter 6, Part I of the District of Columbia Health Regulations (General Food Regulations).

(D) Food grinders. Each skilled care facility served by a sanitary sewer and conducting activities any of which generate food waste (garbage) shall have and use one or more food waste (garbage) grinders and shall otherwise be in compliance with D.C. Council Reg. No. 71-21, Solid Waste Regulation, as amended.

(6) Heating and cooling

(A) General. All fuel burning heating equipment shall be designed, installed, vented and maintained in good repair in accordance with the Fuel Burning Equipment Code (Title 5H, DCRR), with the Air Quality Control Regulations

(D.C. Council Reg. No. 72-12, as amended), and all other applicable District rules and regulations. Air conditioning equipment and its installation shall comply with the Refrigerator and Air-Conditioning Code (Title 5F, DCRR) and all other applicable District rules and regulations.

(B) Minimum temperature capability of system. The heating system shall be of a size and capacity to maintain a temperature of 70 degrees Farenheit and a relative humidity of 25% in all occupied rooms. Each room used by patients shall be maintained at a minimum temperature of 70 degrees Farenheit between 7:00 AM and 10:00 PM and 66 degrees Farenheit other times, whenever such room is occupied. The heating system shall be thermostatically controlled from one or more areas.

(C) Other Requirements. Heating and cooling systems shall provide freedom from drafts. Heating fixtures shall be properly shielded for the safety of the patient. Each heating source shall be equipped with hand controls. No portable room heaters, space heaters or fireplaces shall be permitted as primary sources of heat in any room, although fireplaces may be utilized for decorative and social/recreational purposes. Only authorized persons shall have access to boiler and mechanical equipment rooms.

(7) Ventilation and Exhaust Systems.

(A) Each facility shall be well-ventilated through the use of windows, forced air, or both. Both natural and mechanical ventilation and exhaust shall comply with the provisions of the D.C. Building Code, and all other applicable District rules and regulations.

(B) If only natural ventilation is relied upon, the total openable area shall equal at least 1/16th of the floor area served. When openable area other than windows is included in the required area, at least 50% of the required area shall be furnished by a window or windows. Ventilating skylights may be permitted to furnish not more than 50% of the required openable area.

(C) Mechanical ventilation shall consist of a system providing habitable rooms with a minimum of two air changes per hour, and all other areas with at least ten air changes per hour. Not more than 25% of the kitchen air may be obtained from the dining room or other rooms. Not more than 50% recirculation of air shall be permitted within rooms inwhich food or drink is served. Corridors shall not be used to exhaust air from any room with unusually high levels of odor or humidity.

(D) Isolation rooms and connected bathrooms shall be exhausted in such a manner as to prevent contamination of other areas.

(E) All cooking units that create smoke, steam gases, fumes, odors, vapors or excessive heat shall be hooded and vented, or locally vented, to the outside air by forced draft, in such a manner as to effectively remove such conditions: Provided that, small burners used intermittently for short periods of time, warming equipment, bread toasters, coffee urns, and radiant cooking units need not be so vented unless they, or a combination of such units, create a nuisance. Stove and other cooking unit ventilation hoods shall be provided with automatic fire extingushment systems.

(F) Air velocities across the face of any louver, grill or other ventilating opening shall not exceed 400 cubic feet per minute. In all duct and fan installations, noise generation shall not exceed by more than 10 decibels the existing

noise level in the area served.

(G) All ventilation and exhaust systems shall be maintained in good operating order. Air filters shall be provided and properly cleaned, regularly replaced and maintained in all recirculating air systems.

(8) Accoustical Insulation and Noise Reduction.

(A) General. In a skilled care facility, no patient room or area shall have a general noise level in excess of 45 decibels at any time. In addition, every effort shall be made in the facility to reduce noise levels, and impact and air borne sound transmission. Air spaces around ducts and other openings into rooms and air spaces under and around doors and partitions shall be properly sealed to maintain sound isolation.

(B) Carpeting and Fabrics. Wall-to-wall carpeting, suitable for use under wheelchairs and rolling equipment shall be used in all patient areas where the general noise level would otherwise exceed 45 decibels at anytime. Window curtains of soft fabric, fabric wall hangings and other materials that absorb sound shall be used in areas of high noise generation. Carpeting shall not be used in wet work areas, kitchens and treatment rooms. Throw or scatter rugs shall not be used except for non-slip entrance mats mounted flush with floor surface.

(C) Flame-Resistant Properties of Carpeting and Fabrics. All curtains used for decorative or accoustical purposes, cubicle curtains, and other fabrics hung on walls shall be of flame-proof material and shall be maintained flame-resistant. All carpeting in skilled care facilities shall have a flame spread rating of not over 75 or, in fully sprinklered buildings, a rating of not over 200 and shall otherwise comply with the Bureau of Health Insurance-State Agency Letter No. 172, "Guidelines for the Surveying of Carpets in ECF's and Non-Accredited Hospitals", (Baltimore, Maryland, January 1973, U.S. Department of Health, Edcuation and Welfare, Social Security Administration).

(9) Elevators. Elevators shall be designed, constructed, maintained and inspected in accordance with the District of Columbia Elevator Code (Titles 5E-2 and 5E-1, DCRR) and other applicable District rules and regulations. Electric or electro-hydraulic elevators shall be installed in the facility if either patients' bedrooms or other patient areas are located on floors above street level. Elevators shall be of a sufficient size to accommodate a wheeled stretcher. Car doors of non-hospital type elevators shall have a minimum clear opening of 32". Cabs floors shall stop automatically flush with each floor level. Elevators shall be equipped with a by-pass switch to enable emergency express use. The number of elevators in the facility shall be determined by an elevator need study submitted by the owner of a skilled care facility to be approved by the Commissioner and shall be provided in the following minimum ratio:

No. of Beds	No. of Elevators
1-59	2(one of which shall be a hospital type)
60-200	3(one of which shall be a hospital type)
201-350	4(one of which shall be a hospital type)
Over 350	A study of the facility

shall be made to determine the need for number of additional elevators

(10) Wall, Ceilings, Floors and Finishes. Walls and floors shall be designed and maintained to minimize the incidence of accidents. Hazards such as projecting sharp corners shall be avoided. Walls and ceilings generally shall be made of materials that permit frequent washing. Finishes in areas exposed to water, high humidity or grease shall be moisture-proof and grease proof. Floors shall be easily cleanable, either carpeted or of non-slip surface. All floor materials shall be mounted flush with adjacent materials to provide unbroken surfaces facilitating wheelchair use. Door threshholds and expansion joint covers shall be flush with the floor. Where the floor directly above is used by patients, ceilings of unheated rooms or of rooms where there is high heat generation such as boiler or laundry rooms, kitchens, etc., shall be insulated to prevent heat loss or transfer. Floors on grade or above air spaces shall also be insulated to prevent heat loss.

(11) Ramps, Stairs and Corridors. Doorway, passage way and stair well design shall meet the requirements of the D.C. Building Code, all other applicable District rules and regulations, the NFPA Standard No. 101 Sections 10-1 and 10-2 and the ANSI standards in document A117.1-1961. Such circulation routes shall be kept free from obstructions at all times. Ramps, stairways and corridors shall be equipped with firmly secured handrails or bannisters on each side. Handrail ends shall return to the wall. Ramps shall be generally designed for wheelchair use, with a maximum gradient of 8.33% (1 to 12).

Section 18.

Architectural Program Requirements

(a) General. The provision of space in a skilled care facility and the way in which the facility is equipped, furnished and maintained shall provide a home-like setting for patients while providing the staff a pleasant and functional working environment. Utilization of decoration, color, furnishings, etc., shall be designed to minimize the institutional character of facilities and services. The limited mobility of patients shall be considered in designating uses and proximity relationships for various rooms in the facility. Patients shall find readily accessible from their bedrooms any room for their social, recreational and dining activiites. Staff shall be afforded adequate and pleasant working space, as well as space appropriate to their personal needs.

(b) Outdoor Space. Every new skilled care facility shall provide in its design and on its property some outdoor area for use by patients, staff and the visiting public for quiet recreation. Residents shall be encouraged to go outdoors. Steps shall not be included in the design of the outdoor space and the space shall be accessible from the ground floor level of the facility without the use of ramps or steps, whenever possible. The outdoor space shall be well-planted and maintained. It shall be of sufficient size and shape to permit three or more sitting areas that are reasonably private from one another. The space shall be so located to receive direct sunlight for at least four (4) hours each day. Existing skilled care facilities shall provide such space meeting the above requirements as their existing property affords.

(c) Nursing Unit.

Each nursing unit shall have the following major service areas within it:

(1) Nursing station. Space and faciliites shall be provided for the supervision and care of patients.

(A) Space and facilities for the proper and easy maintenance of medical records shall be provided and shall consist of an ample writing surface, well-lighted and within easy reach of file cabinets or other record storage equipment. A separate, fully enclosed room shall be provided for major record-keeping duties. The room shall be well-ventilated, reasonably insulated from sound, and equipped with a telephone.

(B) Other office space shall be provided, as needed.

(C) At least one toilet room with a lavatory for nursing staff and a limited access area for storage of staff clothing and personal items shall be provided both convenient to the nursing station.

(D) A medication preparation and storage room adjacent to nursing station shall be provided. The room shall be well-lighted, fully enclosed and equipped with hot and cold water fixtures and a locked refrigerator, and other locked cabinets used only for storage of medications and drug supplies, including "controlled substances." The room may also be used as a "clean workroom" for nursing procedures, if there is adequate space to ensure a separate work area and counter space for medication preparation from those of nursing procedures. A single sink unit may be used for both activities. Access to the room shall be limited.

(E) A telephone for use by staff, shall be provided.

(F) A call system register shall be provided indicating signals from each patient bedroom, toilet room and bath or shower room and from each patient social recreation space.

(2) Storage Areas. Adequate space shall be provided in each nursing unit for the storage of all equipment, for clean linens and for other non-pharmaceutical supplies.

(3) Utility Rooms. Adequate space shall be provided in each nursing unit for the separate handling of various "solied" functions. Separate rooms shall be provided when various "soiled" functions should not be mixed. All such rooms shall contain a clinical sink, adequate work counters and cabinet space, and waste and soiled linen receptacles. Adequate facilities shall be provided for the following "soiled" functions:

(1) The safe handling and storage of soiled linens;

(2) The sanitary disposal of dressings and infected materials;

(3) The cleaning and sanitizing of bed pans, equipped with a sanitary, self-closing waste receptacle;

(4) The sterilization of glassware, enamelware, stainless steel, instruments, syringes, needles and rubber goods, etc., equipped, if necessary, with an instrument sterilizer approved by the Fire Department of the District of Columbia.

(5) The sterilization, cleaning and disinfecting of patients equipment and for the storage of individual patient equipment which has been properly labeled.

(4) Patient Bedrooms. Patient bedrooms shall be designed and equipped for providing nursing care and for the comfort and privacy of patients. Bedrooms shall provide a personal, home-like atmosphere.

(A) Each bedroom shall have direct access to a major corridor and at least one window. Patient bedrooms shall not be located on floors below grade.

(B) A lavatory with hot and cold running water shall be located either in each patient bedroom or in a bathroom adjacent to the bedroom.

(C) Each bedroom shall be equipped with a bed appropriate to the patient's physical condition; a bedside table/cabinet

with individual reading lamps for each bed, within easy reach of each bed, and equipped with at least a 100-watt bulb; a call system; at least one comfortable chair for each occupant of the room; a bureau providing some lockable storage space for personal items, with a surface on top for the display of photographs and other personal items, a wardrobe or closet for each occupant; a clock with numbers at least one inch high ; a large print calendar; and a mirror in an appropriate ; place to be easily used as a grooming aid. Institutional furnishings shall be avoided except as needed for medical purposes. The room should be pleasantly decorated, with curtains, rugs, etc. Patients should be encouraged to do their own decorating, including the hanging of personal pictures, the display of personal items, etc.

(B) Multi-bed rooms shall have flame proof curtains or other devices for patient privacy.

(C) All bedrooms shall be equipped with telephones or telephone jacks. Bedfast patients shall have a telephone at bedside at all times.

(D) Patients rooms shall be equipped with sufficient electrical receptacles to permit installation of television sets and radio sets with remote controls and individual bed sound box, in multiple occupancy rooms. Bedfast patients shall be provided television and/or radio upon request, without charge.

(E) Single bedrooms shall be provided as isolation facilities for patients with infectious and contagious diseases, for patients who develop acute illness, or who are in terminal phases of illness, and for patients who are unduly disturbing to others. The rooms shall be ventilated in such a manner to prevent contagion and shall have separate, adjacent toilet and bathing facilities.

(F) No patient bedroom shall have more than four (4) occupants. Single or double occupancy should be the basic unit of accommodating patients. At least three feet (3') of space shall be maintained around beds in multiple occupancy rooms.

(G) Doors to patient bedrooms shall be lockable from the inside or outside by the patient. Keys shall be readily available to attendants as well as furnished to the patient/occupant of the room.

(H) Multiple occupancy rooms shall provide no less than 90 square feet per patient exclusive of closets, toilet rooms, wardrobes and vestibules. Minimum room dimension for double rooms, exclusive of toilet room, closets, etc., shall be10' - 0". Minimum gross room dimension for other multi-occupancy rooms shall be 12' - 0".

(I) Single occupancy rooms shall provide no less than 120 square feet per patient exclusive of closets, wardrobes, toilet rooms and vestibules. Minimum room dimension shall be 10' - 0".

(J) All patient bedrooms shall be distinctly lettered or numbered on the door.

(5) Patient Toilet and Bathrooms.

(A) Toilet facilities, lavatories, bathtubs and showers must be located on the same floor as the bedrooms they serve. Toilet and lavatories shall be located within 50 feet of the bedrooms

they serve. Fixtures shall be provided on each floor in the following ratios to the number of persons served on each floor.

No. of Patients of each sex	Water Closets	Lavs.	Tubs or Showers
1-6	1	1	1
7-12	2	2	2
13-18	3	3	3
19-26	4	4	4
Each eight or fewer additional patients of each sex add:	1	1	1

No fewer than one bathtub shall be provided for every 16 patients or less.

(B) Grab bars shall be installed in all toilet and bathing compartments. All toilet and bathrooms shall be equipped with sturdily-mounted handrails to provide adequate assistance to patients. Bathtubs shall be installed in a safe and approved manner. Door hardware on toilet stalls shall be of the type that operates both from the inside and outside. Connection to the nurses' call system shall be provided in every toilet, tub, or shower stall and in every toilet room or wash room used by patients.

(C) At least one (1) toilet room and stall for every ten (10) non-ambulatory patients shall be large enough to accommodate a wheelchair patient and an attendant and shall be provided on each floor where such non-ambulatory patients reside. When such toilet requirements are met, it is not necessary to count non-ambulatory patients again for the purposes of calculating standard water closet needs as specified in the fixture table in paragraph 5(A) of this section. Doors to toilet rooms and toilet stalls shall have a minimum width of 2'-10" to admit a wheelchair.

(D) All bathrooms, tubs and shower stalls shall be large enough to accommodate a wheelchair patient and attendant. Showers shall be no less than four (4) feet square in size and shall have no curbs.

(E) Every toilet, shower or tub shall be installed in a separate stall or room.

(F) In addition to those that may be located in patient bedrooms, lavatories shall be provided in the same room with, or directly adjacent to all toilets or urinals. Where multiple toilets are installed in the same room, lavatories shall be provided in the ratio of at least one for every three toilets or urinals. In multiple installations, urinals may be substituted for water closets in male facilities if the ratio does not exceed one (1) urinal for every two (2) water closets.

(G) Patient toilet and bathing facilities shall not be used by staff.

(H) At least one (1) room for toilet training shall be provided in each nursing unit for every eight(8) patients in that unit who are incontinent in bowel or bladder functions. Three (3) feet of clearance at the front and the sides of the water closet shall be provided, as well as adequate room for other fixtures and equipment, as needed.

(I) Other patient toilet facilities - When patients have the use of common living or eating space on floors other than those on which they reside an additional toilet and lavatory shall be provided adjacent to these common spaces for each 50 persons or less of each sex.

(J) Rooms shall be arranged in the facility so that the sole entrance or exit from any bedroom or toilet room shall not be by way of any other bedroom, toilet room or food-handling area.

(6) Refreshment Stations. Every nursing unit shall have an area or unit for the storage and serving of between-meal snacks for use by staff and patients not otherwise restricted to a medically-supervised diet. The area shall contain a refrigerator for food stuffs only, a sink and approved equipment for heating foods and drinks. Space should be ample for the storage of all foods individual patients wish to store.

(7) Laundry: Each nursing unit shall be provided with a small residential-type laundry area for use by patients to wash personal clothing.

(8) Social Recreation Space

(A) Every nursing unit shall contain,on the same floor as the unit,social recreation space in the amount of 20 Sq. Ft. per an average number of patients in the unit. No single space for this purpose shall exceed 360 square feet in area, however sound-insulated flexible partitions may be used to subdivide larger space.

(B) When more than one such social space exists on a single nursing unit, one of these social spaces may be used for small group, on-ward dining if ample other social space exists to accommodate the average number of patients who may wish to occupy it at any one time.

(C) Social space shall be located as close as possible to the bedrooms of patients, and, whenever possible, within 50' of bedrooms.

(D) Social space shall contain no fewer than two openable window except in rooms smaller than 100 sq. ft. Whenever possible, all such space shall be located in the facility along walls that receive at least 2 hours of direct sunlight a day.

(E) All social spaces shall be attractively furnished with domestic (non-institutional) furniture and shall be attractively decorated. Patients shall be encouraged to participate in the decoration of the rooms. The rooms shall contain plants,pets of suitable temperament such as fish, birds, hamsters, etc. Furniture shall be arranged to create separate clusters for small group conversation.

(F) At least one (1) social space on each nursing unit shall contain a television set, a library with books, current periodicals and newspapers, and a piano.

(G) Social spaces shall be located near or adjacent to refreshment stations for easy access to food and drink.

(H) At least one (1) social space on each nursing unit shall be designated for quiet privacy of a small group and may be utilized for patients and their visitors. If such social space is not used for visiting, additional visiting space shall be provided allowing for visual and conversation-level accoustical privacy.

(g) Public Telephones - Each nursing unit shall provide semi-private or private space where ambulatory patients and visitors may make phone calls: At least one (1) telephone shall be installed for this purpose for approximately every ten (10) patients on the unit who do not have private telephones.

(d) Food Service Areas

(1) General - Food service areas shall be planned, equipped and operated in accordance with chapter 6, part 6 of the Health Regulations of the District of Columbia (Title 8, DCRR) entitled "Establishment, Maintenance and Operation of Restaurants, Delicatessens, or Catering Businesses," with chapter 6, part 1 of the Health Regulations entitled "General Food Regulations," and with all other applicable District rules and regulations.

(2) Kitchen and Dietary Area

(A) The facility shall have a kitchen area adequate to

meet its food service needs. When food is prepared on the premises, the kitchen area shall be arranged and equipped for the refrigeration, storage, preparations, and serving of food, as well as for dishwashing, utensil washing, refuse storage and removal.

(B) Food preparation areas shall be arranged for the separation of functions and so located to permit efficient service to patients.

(C) Handwashing facilities with single-service towels shall be provided for kitchen workers in all areas where food is handled and in the separate areas of each food operation.

(D) Use of food preparation areas for non-dietary functions shall be prohibited.

(E) Dining Areas - A well lighted, well ventilated area shall be provided in the facility for those patients able to eat outside their rooms. At least 12 square feet of floor area shall be provided for each patient using the room. When dining space for the entire facility is centralized on one floor, additional space on the floor of each nursing unit for small-group dining shall be provided for those patients unwilling or unable to travel to the centralized dining room. Every dining area shall have windows and shall be pleasantly furnished and decorated in a home-like style. Patients shall be encouraged to participate in decorating dining rooms. Special tables and extra square footage shall be provided in the dining area as needed, for wheelchair seating.

(e) Multi-purpose Room - Each skilled care facility shall provide at least one (1) room large enough to accommodate all patients and accompanying staff for special events of a recreational or social nature. The dining area may be used for such purposes where it can be shown that such multi-use of the room can be scheduled so that all functions can be accommodated without interference.

(f) Therapy Service Areas

(1) General - The skilled care facility shall provide areas for therapy of sufficient size to accommodate and store all necessary equipment and supplies and of a sufficient size to facilitate the movement of patients and staff. Appropriate equipment for the functions performed in this area shall be provided and properly installed, with utilities provided and properly safe-guarded. Lavatories and toilets designed for disabled patients, particularly those in wheelchairs with staff attendants, shall be provided directly adjacent to each therapy area. Therapy service areas shall include those for physical therapy, etc. and for dental and podiatry services.

(2) Physical Therapy Room - Physical therapy rooms shall be provided as needed to accommodate the full physical therapy services provided in the skilled care facility. Parallel bars, handrails, wheelchair, walkers, crutches and canes are required as standard ambulation equipment.

(3) Examination and treatment rooms - Special rooms shall be provided for examinations, treatment and other therapeutic procedures. These rooms shall be equipped with a treatment table, or special treatment chair, a lavatory or sink with knee, foot or elbow controls, an instrument sterilizer approved by the Fire Department, an instrument table and the necessary instruments and supplies.

(g) Other Patient Service Areas

(1) Concession Shop - The skilled care facility

shall provide at least one (1) area easily accessible to patients for a concession shop at which patients, staff and the public may purchase various items such as magazines, candies, small gifts, various supplies, etc. Postage stamps and stationary shall be sold in the shop. Vending machines shall not fulfill requirements for a concession shop. The shop shall be open a minimum of 4 (four) hours per day during day time working hours.

(2) Barber and beauty shop - The facility shall provide rooms for personal grooming services for both men and women patients. The services of a barber and a beautician shall be available. Rooms for these services shall be centrally located and attractively decorated. Consideration shall be given for wheelchair patients in the design and equipping of these rooms.

(3) Recreational and occupational therapy rooms - Rooms shall be provided, as needed, with appropriate equipment and utilities for the functions performed in connection with recreational and occupational therapy. If ceramics instruction is provided, the proper voltage for kiln installation shall be provided and kilns shall be installed in accordance with all applicable District rules and regulations. Sinks shall be installed with proper traps to prevent drains from clogging.

(h) In-Service Training Program Areas - Rooms shall be designated in the facility in sufficient number and size to accommodate all in-service training and continuing education programs that are provided.

(i) Public Toilet and Washing Facilities - Separate toilet and lavatory facilities shall be provided for the general public.

(j) Staff Facilities

(1) Where persons of both sexes work on the premises, separate, toilets and lavatories shall be provided for each sex. Where employees live on the premises at least one water closet, one lavatory and one bathtub or shower shall be provided for each four (4) or fewer employees of each sex so domiciled. Where employees live off the premises, at least one (1) water closet and one lavatory shall be provided for each sex, provided at least one bathtub or shower is available for employee use.

(2) Employee Change Rooms - One or more change rooms for each sex shall be provided for the use of employees not living on the premises. Individual clothing storage facilities shall be provided for all non-nursing staff. Change rooms shall be well-ventilated. Air from these rooms shall not be recirculated.

(k) Laundry Areas

(1) Patient Laundry - There shall be a separate area provided for the reception of all patient laundry, and it shall not be in the patient areas. Suitable bags shall be provided for patient linen. Patient linen shall not be sorted, laundered, rinsed, or stored in bathrooms, patient rooms, kitchens, or food storage areas.

(2) Linen Supply - The linen supply shall be at least three times the amount needed for the usual occupancy. Clean linen and clothing shall be stored in clean, dry, dust-free areas, easily accessible to nurses' stations.

(3) Laundry Facilities - Laundry facilities shall be located in areas separate from the patient units and shall be provided with the necessary washing, drying, and ironing equipment. The laundry areas shall not be used as passageways. The dryers shall be vented to the outside and

equipped with removable lint traps. Electrical equipment shall be grounded in an approved manner. The laundry facility shall be of adequate capacity to accommodate.

(4) Soiled Linen - Soiled linen shall be stored in separate well-ventilated areas and shall not be permitted to accumulate in the facility. Contaminated laundry shall be placed in double specially colored bags and processed in a manner recommended by the Commissioner. The laundry process shall be such that the finished articles shall be free of dirt, of irritating chemical residues, and pathogenic organisms.

(5) Finished Laundry - Clean, finished laundry shall be transported from the laundry to the facility in enclosed lined hampers with removable liners, or enclosed carts or dollies, or wrapped in secure paper packages.

(1) Maintenance and Housekeeping Supplies Storage

(1) Adequate provision shall be made for the storage of all housekeeping supplies and equipment in a separate room from any toilet or utility room. The storage area shall be well lighted and ventilated and shall be equipped with a janitorial sink.

(2) All poisons and toxic substances, including those used for pest control shall be stored in non-patient and in non-food preparation areas of the facility. Storage areas containing such poisons shall be locked and shall have limited access.

Section 19. Variances for existing skilled care facilities.

(a) The owner of an existing skilled care facility required to comply with the provisions of sections 16-18 of this title may be excused by the Commissioner from such compliance, either in whole or in part, upon a finding by the Commissioner that full compliance would result in exceptional or undue hardship by reason of excessive structural or mechanical renovations: Provided, that a variance may be granted only to the extent necessary, to relieve such exceptional or undue hardship, and only when compensating factors are present which give adequate protection to the public health or safety and which assure that the intent and purpose of sections 16-18 of this title are not impaired.

(b) To be considered for a variance, the owner of an existing skilled care facility shall submit a written request to the Commissioner setting forth:

(1) the specific requirements in sections 16-18 of this Title from which the owner seeks relief;

(2) the exceptional or undue hardship which would result from compliance with those requirements; and

(3) the extent to which the owner seeks to be exempted from those requirements.

(c) Any request for a variance shall be published in the District of Columbia Register at least 30 days before the Commissioner acts on the request. Such publication shall be at the expense of the requesting party. The publication shall contain a brief statement describing the variance sought and the reasons the variance is sought. Any public comment on the request for a variance shall be submitted to the Commissioner within 30 days after publication of the request. The Commissioner shall maintain a public record of all variances granted and such record shall state the basis upon which the variances were granted. No variance shall be granted for reasons other than those stated in the record.

(d) The owner of a skilled care facility adversely affected by the refusal of the Commissioner to grant a variance may appeal such action by the Commissioner pursuant to the provisions of the District of Columbia Administrative Procedure Act (title I, chapter 15 of the D.C. Code). The owner shall be notified in writing of the refusal of a variance and of his right to a hearing with respect to such refusal. A request for a hearing shall be made by the owner in writing to the Commissioner within 15 days of receipt of the notice of refusal. Failure of the owner to request a hearing, or failure of the owner to appear at a scheduled hearing shall be considered a waiver of the owner's right to a hearing and the Commissioner's refusal of the variance shall become effective immediately.

(e) Any variance granted pursuant to this section shall be reviewed by the Commissioner when the owner of the facility proposes to undertake any construction or modification of the facility as specified in section 17(a) of this title.

Section 20. Environmental Services.

(a) Housekeeping Services. The skilled care facility shall provide housekeeping and maintenance personnel to maintain the exterior and the interior of the facility in a safe, clean, orderly and attractive manner.

(1) Housekeeping personnel shall have as their primary responsibility, the the sanitary maintenance of the facility. Nursing and dietary personnel shall not perform housekeeping duties. Housekeeping personnel shall keep the facility free from offensive ordor, accumulations of dirt, rubbish, dust and hazards. Floors shall be cleaned regularly. Polish, if used, shall be of the safety non-slip type. Deordorizers shall not be used to cover up odors caused by unsanitary conditions or poor housekeeping practices.

(2) Storage areas, attics, and basements shall be kept safe and free from accumulations of extraneous materials such as refuse, discarded furniture, and other waste materials. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

(3) Patient areas - It shall be the duty of the housekeeping staff to thoroughly clean any area which has been allocated for use by a person before it is allocated for use by any other person. Patient rooms shall be cleaned and arranged in an orderly fasion and shall be well-ventilated. Odor control shall be achieved by cleanliness and proper ventilation.

(b) Maintenance Services and Pest Control.

(1) Maintenance service. Maintenance services shall include the responsibility for the provision of light, heat, power and water to the building and transmission points where they are to be used. Buildings equipment, and grounds shall be regularly maintained and attended. The building shall be maintained in good repair, free of hazards to the health and safety of patients, staff and public such as cracks, warped or loose boards, loose tiles, and loose or broken windowpanes, or any other damaged or defective parts of the building.

(2) Pest control. A pest control program shall be in operation in the facility. Pest control services shall be provided either by the maintenance staff of the facility or by contract with a recognized pest-control company.

(A) The facility shall be so constructed and maintained that the premises are free from insects and rodents, and shall be kept clean and free from debris which might provide harborage for insects and rodents.

(B) Windows shall be screened during insect seasons (March 15 through November 15, inclusive) and all openings to the outside shall be so designed that insects are excluded.

(C) Care shall be taken to use the least toxic and the least flammable effective insecticides and rodenticides.

(c) General safety and inspection.

(1) Safety. In addition to hazard-free maintenance, safety shall be further insured by prohibiting from all skilled care facilities any occupancies or activities undesirable to the health and safety of patients and staff in the facility.

(2) First aid. First aid supplies shall be maintained in a place known to, and readily available to all personnel responsible for the health and well-being of patients and staff.

(3) Administrative inspection. The administrator of the facility or an authorized representative shall regularly inspect the building(s) and grounds to insure they are free from hazards of any kind and that sanitary standards and infection control standards are developed and maintained. Investigations into the causes of accidents shall be instituted immediately upon an accident occurring and corrective measures shall be immediately adopted.

(4) Compressed Gases. The facility shall provide for safe storage and handling of flammable and non-flammable gases approved by the Commissioner. Storage rooms for flammable compressed gases shall contain no oxidizing materials. Storage rooms for flammable and non-flammable gases shall be deemed hazardous locations. All containers or cylinders shall be securely racked and fastened at all times. The caps of cylinders shall be maintained in place at all times when cylinders are not in use.

(d) Fire Protection, Prevention and Disaster Plan.

(1) Manual of Instructions. There shall be a written manual of instructions of action to be taken in the event of a fire, approved by appropriate officials of the District of Columbia Fire Department.

The manual shall include the plan to be followed in case of fire, explosion or other emergency and shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating helpless patients, frequency of fire drills, and the assignment of specific tasks and responsibilities to the personnel of each shift.

(2) The fire plan shall be developed with the assistance of qualified fire and safety experts, and all personnel shall be trained to perform specific tasks. Simulated drills testing the effectiveness of the plan shall be conducted for each shift at least four (4) times a year. The plan shall be posted through-out the facility. The most recent fire inspection report with the date of the latest inspection of the alarm system shall be available in the Administrator's office.

TITLE VI. INTERMEDIATE NURSING CARE FACILITIES

Section 1. Administrative Management, Administrative Records, Patient Care Policies and Admission Policies

Sections 1,2,3 and 4 of title 5 of this regulation relating to administrative management, administrative records, patient care policies and admission policies shall apply to intermediate nursing care facilities.

Section 2. Physician Services

Section 5 of title 5 of this regulation relating to physician services shall apply to intermediate care facilities except that the physician attendance for each patient in the facility is required at least every 60 days and more often when medically necessary as determined and documented by the attending physician. All medications prescribed by the patient's physician shall be reviewed at least quarterly.

Section 3. Nursing Services

(a) The facility shall provide a sufficient number of nursing personnel on duty at all times to meet the total nursing needs of the patients on a 24-hour a day basis, 7 days a week. Nursing personnel shall be assigned duties consistent with their training and experience.

(1) The amount of nursing time available for patient care shall be exclusive of non-nursing duties.

(2) Sufficient nursing time shall be available to assure that each patient:

(A) Receives treatments, medications and diet as prescribed.

(B) Receives proper care to prevent decubiti.

(C) Is kept comfortable, clean and well groomed.

(D) Is treated with dignity, kindness, consideration and respect.

(b) Staffing - A sufficient number of nursing personnel shall be employed and on duty fully clothed and awake at all times to meet the total needs of the patients. The facility shall provide at least 2.0 hours of bedside nursing care per patient on a 24-hour basis, 7 days per week. The following table sets out the required nursing service staffing:

In facilities with over 150 patient beds, additional professional nurses and nursing personnel shall be employed to provide 2.0 hours of bedside nursing care per patient day on a 24-hour basis, 7 days per week, maintaining a staffing pattern as outlined in the table. If the facility provides more than one level of health care, i.e., skilled care and intermediate, etc., the nursing staff ratio shall be determined by the licensed bed capacity in each level of care within the facility. The licensed bed capacity shall be determined by the annual rate of utilization of beds in each level of care which shall be subject to review and change, not to exceed semi-annually, upon the written request of the licensee to the Commissioner.

(c) Restraint and confinement, restorative nursing care program, inservice education program, nursing care plan, infection control and dietary supervision as set forth in section 6 of title 5 shall apply to intermediate nursing care facilities.

Section 4. Dietary Services

Section 7 of title 5 of this regulation relating to dietary services shall apply to intermediate nursing care facilities.

Section 5. Restorative Services

The intermediate nursing care facility shall provide directly or through contractural services, physical therapy services to meet the physical needs of all patients, in addition to restorative nursing care. A full range program of physical therapy is desirable but not mandatory, however, these services shall be made available to individual patients when specifically prescribed by his physician.

Section 6. Occupational and Speech Therapy

The intermediate nursing care facility shall provide by written agreement occupational and speech therapy services to meet the general needs of all patients. A full range program of occupational therapy and speech therapy is desirable but not mandatory, however, these services shall be made available to individual patients when specifically prescribed by his physician.

Section 7. Pharmaceutical, Diagnostic, Dental and Podiatry Services

Sections 9, 10 and 11 of title 5 of this regulation relating to pharmaceutical, diagnostic , dental and podiatry services shall apply to intermediate nursing care facilities.

Section 8. Social Services

(a) The facility shall provide for social services, directly or through contractural services, to promote preservation of the patient's physical and mental health.

(b) There shall be a designated staff member suited by training or experience who has the responsibility for recognizing social problems and taking necessary action to solve them.

(c) A social evaluation of each patient shall be made as soon as possible after admission to identify patient's needs. The designated staff member shall arrange for the necessary social services and for the integration of social services with the total patient care plan.

(d) The social evaluation, plan of care, all social

INTERMEDIATE CARE
REQUIRED NURSING SERVICE STAFFING

	20 or less	21 - 30	31 - 40	41 - 50	51 - 60	61 - 70	71 - 80
Duty hours							
7:00 A.M. -	1 RN*	1 RN*	1 RN*	1RN*	1RN	1 RN	1 RN
3:00 P.M.	1 NP	2 NP	1 LPN	1LPN	1LPN	2LPN	2LPN
			2NP	3NP	4NP	4NP	5NP
3:00 P.M.-	1LPN**	1LPN**	1LPN**	1LPN**	1RN	1RN	1RN
11:00 P.M.	1NP	2NP	2NP	3NP	1LPN	1LPN	2LPN
					3NP	4NP	5NP
11:00 P.M.-	1LPN**	1LPN**	1LPN**	1LPN**	1LPN**	1LPN	2LPN
7:00 A.M.	1NP	1NP	2NP	3NP	3NP	4NP	4NP

	81 - 90	91 - 100	101 - 110	111 - 120	121 - 130	131 - 140	141 - 150
Duty Hours							
7:00 A.M.-	1RN	2RN	2RN	2RN	3RN	3RN	3RN
3:00 P.M.	2LPN	2LPN	2-LPN	3LPN	3LPN	3LPN	3LPN
	6NP	6NP	7NP	7NP	7NP	8NP	9NP
3:00 P.M.-	1RN	2RN	2RN	2RN	2RN	2RN	2RN
11:00 P.M.	2LPN	2LPN	2LPN	3LPN	3LPN	3LPN	3LPN
	5NP	5NP	6NP	6NP	6NP	7NP	8NP
11:00 P.M.-	1RN	1RN	1RN	2RN	2RN	2RN	2RN
7:00 A.M.	1LPN	2LPN	2LPN	2LPN	2LPN	2LPN	2LPN
	5NP	5NP	5NP	5NP	5NP	6NP	7NP

R.N. - Registered Nurse
L.P.N. - Licensed Practical Nurse
N.P. - Nursing Personnel

* May be L.P.N. provided that a registered nurse is employed at least 4 hours per week, during the day tour of duty, to provide consultation.

** May be an R.N.

service activity and reports shall be incorporated in the patient's clinical record.

(e) The facility shall provide for a social worker to participate in orientation and inservice education of staff and volunteers; participate in education programs, case conferences, and staff orientation to community services.

Section 9. Patient Activities

(a) Section 13 of title 5 of this regulation relating to patient activities shall apply to intermediate nursing care facilities.

Section 10. Clinical Records

(a) A clinical record shall be maintained for each patient admitted to the facility, and all information contained therein shall be treated as confidential.

(b) The clinical record shall serve as a basis for planning patient care and shall provide a means of communication between the physician and other professional disciplines contributing to the patient's care.

(c) The clinical record shall furnish documentary evidence of the course of the patient's illness and treatment and shall serve as a basis for review, study and evaluation of medical care rendered to the patient.

(d) The forms appropriate for use in maintaining the clinical records shall be subject to approval by the Commissioner.

Section 11. Utilization Review

(a) A written plan shall be developed to provide for independent professional review and re-evaluation of patients in intermediate nursing care facilities to determine whether their current physical and mental conditions are such as to indicate continued placement in the intermediate nursing care facility. The plan shall provide procedures sufficient to determine whether the services actually rendered are adequate and responsive to the conditions and needs identified, and whether a change to other living arrangements or other facilities is indicated.

(b) Such reviews shall be conducted at intervals no longer than quarterly by or under the supervision of a physician and other appropriate medical, professional nursing, and social service personnel not employed by or having a financial interest in the institution.

Section 12. Environmental Control, Management and Safety.

Sections 16,17,18,19 and 20 of title 5 of this regulation shall apply to intermediate nursing care facilities."

Section 2. The provisions of chapter 8 of the Housing Regulations of the District of Columbia shall not apply to skilled care and intermediate nursing care facilities after the effective date of this regulation.

Section 3. This regulation shall take effect immediately upon passage.

Regulation No. 74-16

June 29, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING ARTICLE 25, POLICE REGULATIONS, TO PERMIT ISSUANCE OF IDENTIFICATION CARDS FOR NON-DRIVERS

Councilman Tedson J. Meyers Presents the following regulation:

WHEREAS, Section 402 (4) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D.C. Code, Section 1-226 with respect to making reasonable and usual police regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, numerous D.C. residents who do not drive have appealed to the Council to authorize the District of Columbia Government to issue an identification card for non-drivers to those who apply for such a card; and

WHEREAS, the Council finds making available such an identification card would be a desirable government service,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Article 25, District of Columbia Police Regulations is hereby amended by the addition of a new section 16, which shall read as follows:

Section 16. (a) The Mayor-Commissioner of the District of Columbia or his authorized agent may offer on a voluntary basis for issuance to residents of the District of Columbia, over age 15, upon the payment of a fee and the submission of an

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON				X	
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 4, 1974

Adopted on second and final reading June 18, 1974

Presented to the Mayor-Commissioner June 19, 1974
Date

Edward B. Wolff
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

28 JUN 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wolff
Secretary of the City Council

P-251

Certified copies are available.

application therefor, the amount and form of application as may be determined by the Commissioner, a special identification card which may contain the name, address, photograph and such other identifying data that the Commissioner may prescribe; provided that (1) such card carries conspicuously a notation that disclaims the bearer's authority to use the card for any purpose other than identification, and (2) carries the statement, "This identification card is furnished by the District of Columbia Government as a service to the bearer. Application for, or possession of, this card is not required by law."

(b) Such special identification card shall expire every four years, but may be renewed upon request and payment of the fee for renewal.

(c) Residents of the District of Columbia who are 65 years of age or older are exempted from paying a fee for such card.

(d) No police officer is authorized to request presentation of the card authorized by this regulation as a means of identification, although the same may be volunteered by the bearer; nor shall the agency designated by the Mayor-Commissioner to administer the program authorized in this section, after any action upon the application, retain in its files any information other than the name, address, age of applicant to whom the card is issued, the date of issuance and a reference to the document(s) relied upon in verifying the identity of the applicant.

(e) Any person who shall use fraud or misrepresentation in the application for and/or use of a special identification card issued under this Article shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $300, or imprisoned for a period not exceeding 10 days, or both.

Section 2. This regulation shall become effective thirty days following enactment.

Regulation No. 74-17

June 29, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENTS TO TITLE 32, DISTRICT OF COLUMBIA RULES AND REGULATIONS (MOTOR VEHICLE REGULATIONS FOR THE DISTRICT OF COLUMBIA)

Reverend Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the function of making rules and regulations for the registration, operation, and ownership of motor vehicles; and

WHEREAS, the District of Columbia Council finds that it is necessary to amend certain regulations in Title 32, District of Columbia Rules and Regulations (MOTOR VEHICLE REGULATIONS FOR THE DISTRICT OF COLUMBIA).

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Title 32 of the District of Columbia Rules and Regulations (Motor Vehicle Regulations for the District of Columbia), adopted by District of Columbia Council Regulation Number 72-13, is hereby amended as follows:

(1) by striking out "and regularly used" in the definition of "Commercial Vehicle" in section 1.301;

(2) by striking out "under" in section 2.301 and inserting in lieu thereof "upon", and by inserting immediately before the period at the end of such section ", or for which the prescribed fee has not been paid";

(3) by amending Section 2.305(a) (9) as follows:

"(9) Has been convicted with such frequency of offenses against traffic regulations of the District of Columbia and elsewhere as to

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON				X	
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 4, 1974

Adopted on second and final reading June 18, 1974

Presented to the Mayor-Commissioner June 19, 1974
Date

Secretary of the City Council

Approved
Mayor-Commissioner

29 JUN 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:
Date

Disapproved and returned to the City Council
Mayor-Commissioner
Date

Readopted
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Secretary of the City Council

P-251

Certified copies are available.

indicate a disrespect for traffic laws, such fact being established by the point system described in subsection (b) of this section; or a pattern of traffic offenses over a one year period which indicate a disregard for the safety of other persons or property."

(4) by amending subsections (a) and (b) of section 2.309 to read as follows, and by adding thereto a new subsection (d):

"(a) The initial period of revocation following conviction for an offense for which revocation is made mandatory by law shall be six months for the first offense, one year following a second offense, and two years following a third or subsequent offense.

"(b) The initial period of revocation under the discretionary authority of the Department shall be for six months. The period of revocation for subsequent offenses shall be established in the discretion of the Director."

"(d) Unless minimum periods have been established in individual cases involving a person's physical or mental qualifications to drive, all persons whose licenses have been revoked shall be eligible to apply for restoration of privileges at the expiration of the period for which such privileges have been revoked."

(5) by inserting "or order of suspension or revocation," immediately before "whichever" in subsection (e) of section 2.315;

(6) by inserting "that such notice has been served on him" immediately before the period in subsection (f) of section 2.315;

(7) by amending section 2.506 to read as follows:

"The Department shall not issue any license hereunder ——

(1) To any person who is under the age of 21 years;

(2) To any person who is unable to read, write and speak the English language;

(3) To any person who is covered by diplomatic immunity;

(4) To any person who does not possess a valid District motor vehicle operator's permit;

(5) To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(6) To any person who is required by these rules to take an examination unless such person shall have successfully passed such examination;

(7) To any person employed by a Federal or District of Columbia agency, whose established policy forbids such person from operating a public vehicle for hire;

(8) To any employee of the Department whose employment is concerned directly with the issuance of a license;

(9) To any person who has not, within the three years immediately preceding the date of his application for a license, resided for at least one year in the Metropolitan Area, and has not had at least one year's driving experience as a licensed motor vehicle operator in the Metropolitan Area;

(10) To any person who, by reason of his physical or mental disability, the Director has good cause to believe would not be capable of safely operating a public vehicle.

(11) To any person who has been convicted of offenses against traffic regulations of the District of Columbia and elsewhere with such frequency as to indicate a disrespect for traffic laws and a disregard for the safety of other persons or property.

(12) To any person, if --

(a) He is a chronic alcoholic or addicted to the use of drugs;

(b) He is on parole or probation at the time of the filing of his application for a license, except that if such parole or probation arose out of a conviction for a crime other than those listed in paragraph (c) below, his application may be considered for approval by the Director if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of an instructor's license.

(c) He has, within the three years immediately preceding the filing of his application, been convicted of, or during such period has served any part of a sentence for, or is currently under indictment for the commission of or an attempt to commit any of the following:

(1) murder, manslaughter, mayhem, malicious disfiguring of another, abduction, kidnapping burglary, housebreaking, robbery, or larceny;

(2) assault with intent to commit any offense punishable by imprisonment in the penitentiary;

(3) any sex offense;

(4) any violation of the narcotic laws."

(8) by amending section 2.901 by renumbering paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (6), (7), and (9); by inserting in the appropriate places the following new paragraphs:

"(1) To any person who is under the age of 21 years;"

"(5) To any employee of the Department whose employment is concerned directly with the issuance of a license;"

"(8) To any person who has been convicted with such frequency of offenses against traffic regulations of the District of Columbia and elsewhere as to indicate a disrespect for traffic laws, such fact being established by the point system described in subsection (b) of section 2.305 of this Chapter; or for a serious traffic offense or offenses which indicate a disregard for the safety of other persons or property."

and by amending new paragraph (6) by inserting "in the Metropolitan Area" immediately after operator";

(9) by striking out in subsection (d) of section 2.903 "thirty" and inserting in lieu thereof "ninety";

(10) by inserting "District of Columbia" immediately after "current" in subsection (j) of section 3.201;

(11) by striking out in subsection (k) of section 3.201 "the" the first time it appears therein and inserting in lieu thereof "except where a District of Columbia title of the vehicle accompanies the application, such";

(12) by deleting in section 3.202 the designation "(a)" and all of subsection (b);

(13) by striking out in subsection (a) of section 3.317 "vehicle owner" and inserting in lieu thereof "applicant";

(14) by striking out in subsection (b) of section 3.317 "owner" and inserting in lieu thereof "applicant"; and by inserting just before the period at the end of the first sentence of such subsection the following:

", and entitles the person in whose name such tags are to be registered to receive one unvalidated set of such tags";

(15) by amending subsection (c) of section 3.317 to read as follows:

"(c) The reservation described in this section may be made, and unvalidated sets of such tags may be issued, without reference to any specified vehicle: Provided, that such unvalidated tags may not be used as owner's identification tags, or displayed on any motor vehicle, or otherwise presented as evidence of the registration of any motor vehicle. Such reservation shall terminate at the end of the first registration year for which a motor vehicle has not been registered under such reservation: Provided further, that prior to the expiration of such registration year the person in whose name such reservation was made may renew such reservation for another registration year, by payment of a new $25.00 reservation fee. If a motor vehicle has been registered in connection with the reservation, the Director may issue validated personalized identification tags for

such vehicle and said reservation shall be maintained by the Director so long as such vehicle, or a substitute vehicle therefor, is registered.";

(16) by striking out in section 3.407 "$1.00" and inserting in lieu thereof "$2.00";

(17) by striking out in Part I of Appendix A of Chapter III "4" and inserting in lieu thereof "5";

(18) by striking out in Part II of Appendix A of Chapter III "34,000" and inserting in lieu thereof "3,400";

(19) by deleting the last sentence of Part III of Appendix A of Chapter III;

(20) by inserting "INDIVIDUAL TRANSACTION INVOLVING A" in Part VIII of Appendix A of Chapter III immediately after "EACH";

(21) by striking out in subsection (a) of section 4.205 "an approved inspection seal for";

(22) by striking out in subsection (a) of section 4.206 "as of July 1, 1969," and by inserting "current" immediately before "Motor Vehicle Inspection Manual";

(23) by striking out in subsection (b) of section 4.207 "as of July 1, 1969", and by inserting "current" immediately before "Motor Vehicle Inspection Manual";

(24) by striking out in subsection (e) of section 5.214 "special use" the last time it appears therein and inserting in lieu thereof "customer's";

(25) by striking out in subsection (a) of section 6.203 ", other than motorcycles and truck tractors," and by inserting ", other than truck tractors manufactured or assembled prior to January 1, 1968, and motorcycles" immediately after "1955";

(26) by striking out in subsection (b) of section 6.203 "twenty (20)" and inserting in lieu thereof "fifteen (15)";

(27) by striking out in subsection (a) of section 6.204 "motorcycle, motor-driven cycle, or truck tractor manufactured and assembled after September 15, 1957" and inserting in lieu thereof "truck tractor manufactured or assembled after September 15, 1957, but prior to January 1, 1968, and motorcycles and motor-driven cycles";

(28) by striking out in subsection (b) of section 6.205 "twenty (20)" and inserting in lieu thereof "fifteen (15)";

(29) by striking out in subsection (c) of section 6.209 "may be white, amber or red" and inserting in lieu thereof "shall be white";

(30) by inserting in subsection (a) of section 6.216 immediately after the designation "(a)" the following:

"The Director may register, as an authorized emergency vehicle, vehicles of any fire or police department, ambulances, and other official government-owned vehicles used for the emergency care or preservation of life, health, or property.";

(31) by striking out "such" in section 8.112 immediately following "each", and inserting in lieu thereof "individual transaction involving a"; and by adding at the end of such section the following sentence:

> "Until such fees and collection charges are paid, no services or products of the Department, including, but not limited to, original or duplicate motor vehicle operator's licenses, motor vehicle identification tags, special use tags, original or duplicate registration cards, or original or duplicate certificates of title, will be provided to such person.";

(32) by striking out in paragraph (1) of subsection (a) of section 9.511 "eight" and ".08", and inserting in lieu thereof "six" and ".06."; by striking out in paragraph (2) of such subsection "fifteen, ".15", "eight", ".08", "twenty", and ".20", and inserting in lieu thereof "ten", ".10", "six", ".06", "eleven", and ".11", respectively; and by striking out in paragraph (3) of such subsection "fifteen", ".15", "twenty", and ".20", and inserting in lieu thereof "ten", ".10","eleven", and ".11", respectively;

(33) by striking out the subsection designation "(a)" of section 9.511; and by deleting subsections (b), (c), and (d) of such section.

(34) by striking out in paragraph (1) of section 10.102 "exclusively";

(35) by adding "within the Metropolitan Area" immediately before the semi-colon in paragraph (9) of section 10.201;

(36) by redesignating paragraph (11) of section 10.201 as paragraph (12) and inserting the following new paragraph (11):

> "(11) To any person who has been convicted with such frequency of offenses against traffic regulations of the District of Columbia and elsewhere as to indicate a disrespect for traffic laws, such fact being established by the point system described in subsection (b) of section 2.305 of Title 32; or for a serious traffic offense or offenses which indicate a disregard for the safety of other persons or property."

(37) by striking out paragraph (1) of section 10.601 and redesignating paragraphs (2) and (3) as paragraphs (1) and (2) respectively; and

(38) by repealing section 10.602.

Section 2. This regulation shall take effect immediately upon enactment.

Regulation No. 74-18

June 27 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO AIR QUALITY CONTROL REGULATIONS REGARDING SOLID WASTE REDUCTION CENTER NUMBER 1 (INCINERATOR NO. 5)

Mr. Rockwood H. Foster Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to make all reasonable and usual regulations for the protection of the health of its citizens (§ 1-226, D.C. Code, 1967 Ed., Supp. V, 1972); and

WHEREAS, the Air Quality Control Act, § 8-611 et seq., D.C. Code 1967 Ed. (Supp. V, 1972) authorizes the District of Columbia Council to make and revise regulations regarding the air quality of the District of Columbia; and

WHEREAS, the Clean Air Act of 1970, as amended, 42 U.S. Code § 1857 et seq., permits local jurisdictions to amend regulations previously approved by the Environmental Protection Agency.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 8-2: 724 (a)(2) of the Health Regulations as originally adopted in Regulation No. 72-12 and as amended by Regulation No. 73-18, is hereby further amended to read as follows:

"A variance is hereby granted for the operation of the District facility known as Solid Waste Reduction Center Number 1. This variance shall expire on June 30, 1977."

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER	X					MEYERS		X				ROBINSON	X				
FORD		X				MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on June 18, 1974.

Adopted on second and final reading June 25, 1974

Presented to the Mayor-Commissioner June 25, 1974
Date

Edward F. Mahy
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

27 JUN 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Robert L. Moore
Acting Secretary of the City Council

P-251

Certified copies are available.

REGULATION 74-18

----of----

Section 2. Regulation No. 73-18 as approved on September 4, 1973 is revised and amended to read as follows:

Tests to be performed by the Department of Environmental Services.

(a) The Department of Environmental Services shall conduct stack tests on a quarterly basis to determine stack emissions from Solid Waste Reduction Center Number 1 for the following substances:

mercury
lead
sulfur dioxide
oxides of nitrogen
carbon monoxide
hydrocarbons
particulates
beryllium
asbestos

(b) The Department of Environmental Services shall conduct ambient air quality tests at least on a quarterly basis on all pollutants for which the Environmental Protection Agency has established ambient air quality standards together with tests for lead and mercury ambient levels.

(c) The results of all tests performed pursuant to this Section shall be delivered to the District of Columbia Council no later than 20 days after said tests have been completed.

(d) The results of all tests performed pursuant to this Section shall be published by the Department of Environmental Services in the D. C. Register at the earliest date practicable after said tests have been completed.

Section 3. The amendments made by this regulation shall take effect immediately upon enactment.

Regulation No. 74-19

July 26, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE COSMETOLOGY SCHOOL REGULATION

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized by § 1-226 D.C. Code 1973 ed., pursuant to Section 402(4) of Reorganization Plan No. 3 of 1967 to make and enforce all such reasonable and usual police regulations as may be deemed necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, the District of Columbia Council is authorized by § 2-1303 D.C. Code 1973 ed., pursuant to Section 402(60), Reorganization Plan No. 3 of 1967, to make rules and regulations to carry out the provisions of the Act of June 7, 1938 relating to cosmetologists.

WHEREAS, the District of Columbia Council is authorized by § 47-2344 D.C. Code 1973 ed., pursuant to Section 402(391) of Reorganization Plan No. 3 of 1967 to require licenses and regulate businesses which in the judgment of the Council require inspection, supervision or regulation.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Purpose and Scope

(a) Purpose. The purpose of these regulations is to establish requirements for schools of cosmetology in the District of Columbia.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on January 8, 1974

Adopted on second and final reading July 16, 1974

Presented to the Mayor-Commissioner July 16, 1974
Date

Edward B. Wellington
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

26 JUL 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wellington
Secretary of the City Council

P-251

Certified copies are available.

(b) Scope. These regulations shall apply to all schools of cosmetology in the District of Columbia.

Section 2. Definitions

For purposes of this regulation the following terms shall have the meanings ascribed:

(1) Board: The District of Columbia Board of Cosmetology.

(2) Instructor: An individual licensed to teach cosmetology in the District of Columbia pursuant to § 2-1317 of the District of Columbia Code.

(3) Operator: An individual licensed to practice cosmetology in the District of Columbia pursuant to § 2-1317 of the District of Columbia Code.

(4) School of Cosmetology: Any place or premises, or part thereof, wherein or whereupon cosmetology or any part of its practices are taught.

(5) Student: An individual, enrolled in a school of cosmetology, who is engaged in learning or acquiring any or all practices of cosmetology, and while so learning, performs or assists in any of the practices of cosmetology under the immediate supervision of a licensed instructor.

Section 3. Requirement of Certificate of Registration

No person shall either directly or indirectly operate a school of cosmetology without having first obtained a valid certificate of registration from the Board, pursuant to sections 2-1306 and 2-1310 of the D.C. Code. Prior to the granting of a valid certificate of registration by the Board, the applicant shall provide such information as shall be required by the Board and as further provided for in this regulation.

Section 4. Qualifications for Certification

(a) Duration of Courses of Study

Each school of cosmetology shall provide, for the purpose of teaching, courses of study of the following duration:

(1) For operator training: Fifteen hundred (1500) hours in not less than eight (8) consecutive months.

(2) For Manager/Instructor training: Two thousand (2000) hours in not less than eleven (11) consecutive months.

(3) Limited Certificates:

(A) For manicurist training: One hundred and twenty-five (125) hours in not less than one (1) month.

(B) For shampoo and scalp treatment training: One hundred and twenty-five (125) hours in not less than one (1) month.

(C) For facial training: One hundred and twenty-five (125) hours in not less than one (1) month.

(4) The period of time required to complete the courses of study listed in paragraphs (1), (2), and (3) of this section for students attending the night term of a school shall be increased as prescribed by the Board.

(b) Instructors

(1) Instructor/student ratio

No school shall provide less than one instructor for each twenty-five (25) students. The ratio of instructors to students shall be sufficient to provide that no more than five practical operations shall be supervised by any one instructor at any one time.

(2) Instructors Prohibited from Practice

No instructor in a school of cosmetology may devote any portion of his or her time to work in a beauty shop during training hours. The instructors shall be in attendance in the class room at all times during training hours.

(3) Licensed Physician Attached to Staff

Each school shall attach to its staff as a consultant, a person licensed or registered to practice the healing art in the District of Columbia pursuant to subchapter I of chapter I, title 2 of the D.C. Code, who shall lecture at least once a month on sanitation, sterilization, skin and scalp diseases, and personal hygiene.

(c) Record of Attendance

Each school shall keep a daily record of the attendance of each student, maintain regular class and instruction hours, establish grades, and hold examinations before the issuance of diplomas. A monthly report shall be submitted to the Board, listing each student in attendance, the student's license number, total number of hours attended by each student during the month covered by the report, and the cumulative total of hours of each student to date. Said report shall be submitted to the Board not later than the 10th day of the succeeding month. Upon completion of the course in which the student is enrolled, the school shall prepare a valid and accurate certificate attesting to the successful completion of the course by the student on a form to be provided by the Board. The form shall furnish the student with documentary evidence that such student has satisfactorily completed the prescribed training program, and shall be in addition to any certificate of completion which the school may confer upon a successful graduate of the school.

(d) Facsimile of Official Signature

Each school shall supply the Board with facsimile signatures, on its letterhead or a sheet of plain white paper, of the individual or individuals authorized by the owner of such school to sign all official certificates for admission of students to examinations, and all other official reports required by the Board.

(e) Maximum Class Day

The maximum amount of time spent by any student in class shall not exceed eight hours per day, nor six days per week.

(f) Separate Rooms

A school shall provide separate rooms for class work and practical instruction and a separate room for supervised practice.

(g) School to be Entirely Separate

A school shall be so located as to be entirely separate and have no connection with a beauty shop or any other place of business. An entrance for the use of the school separate and distinct from the entrance to any other office or place of business shall be provided.

(h) Advertisement

In the event that a school desires to advertise, it shall do so only as a school of cosmetology. A school and a shop not, in any form of advertising, be so designated as to mislead the public in regard to prices or location.

(i) Bottles and Containers Labeled

All bottles and containers in use must be clearly and correctly labeled as to the contents therein.

(j) Sanitary Regulations

Each school shall comply with all health and sanitary regulations for beauty shops now in force or which may be promulgated by the District of Columbia Council.

(k) Registration Blank and Certificate of Health

Each student applying for admission to a school of cosmetology shall secure, prior thereto, a registration blank from the Board of Cosmetology and a certificate of health signed by a physician licensed or registered to practice the healing art in the District of Columbia pursuant to subchapter I of chapter II, title 2 of the D.C. Code.

(l) Bulletin Board

A bulletin board shall be maintained by each school of cosmetology, and a copy of the Act of June 7, 1938, as amended, relating to the practice of cosmetology, (52 Stat. 611, D.C. Code, title 2, chapter 13.), of these regulations, the school's certificate of registration, and all instructor and student licenses granted by the Board shall be conspicuously displayed thereon at all times. In addition, commencing 90 days following the effective date of this regulation, each school shall conspicuously post on the bulletin board for the current and previous year, the number of students who have successfully completed the required course of study at the school; the number of students who have applied for the Board examination for licensure either as an operator or manager or both at the school; and the number of students from the school who have successfully passed the Board examination for licensure either as an operator or manager or both. The school shall also post where information may be obtained concerning refunds to customers and claims for damage resulting from work performed on the premises.

(m) Display of Sign

Each school shall display in a conspicuous place a sign which shall read:

"ALL WORK IN THIS SCHOOL DONE BY STUDENTS."

(n) Student Practice Upon the Public

No school shall directly or indirectly charge any money whatsoever for treatment by one of its students or for materials used in the treatment until such student shall have successfully completed at least five hundred (500) hours of training. Schools wishing to charge the public for work of a student or materials used shall first certify to the Board that the student has successfully completed the required number of hours. Upon receipt of such certification, the Board shall issue to the student an identification card indicating that such student has completed the training requirements of the Board.

(o) Curriculum, Course Schedules and Examinations

Each school curriculum, course schedule and the content and type of examinations shall be submitted to and approved by the Board. Each school shall arrange the courses devoted to each branch of the practice of cosmetology in accordance with the following schedule. Practical instruction shall consist of class work and individual instruction in all subjects.

(1) Theoretical instruction shall cover the following outline of study:

(A) Bacteriology.

(i) Growth, character, and reproduction of bacteria.

(ii) Sterilization (methods, practical antiseptics, personal hygiene).

(B) Anatomy.

(i) Bones (heads, hands).

(C) Physiology.

(i) Muscles (function, composition, divisions, blood supply, effect of stimulants and electricity, muscles of the head, face, and neck).

(ii) Nervous system (cerebro-spinal system, cranial nerves, sensory and motor nerves, functions, sympathetic nervous system, nerves of the scalp, face, and neck, nerve supply to muscles).

(iii) Circulatory system (blood, arteries, capillaries, veins, heart).

(iv) Lymph (formation, function).

(v) Respiration (function of the respiratory tract, [larynx, trachea, bronchi,] lungs, importance of ventilating and cleanliness).

(vi) Digestion (alimentary canal, absorption, elimination, skin, kidney, lungs, and intestines).

(vii) Skin (definition of skin, functions of the skin, division of the skin).

(D) Glands.

(i) Description.

(ii) Diseases of the glands (sebaceous (oil), suderiferous (sweat), malformations).

(E) Pigment Anomalies.

(i) Nevi Lentigo (freckles).

(ii) Chloasam.

(iii) Leukoderma.

(F) Finger Nails.

(i) Growth.

(ii) Divisions.

(iii) Diseases.

(G) Hair.

(i) Location and color.

(ii) Hair and racial characteristics.

(iii) Structure of the hair.

(iv) Growth of the hair.

(v) Scalp diseases.

(H) Chemistry.

(i) Bleaches.

(ii) Dyes.

(iii) Permanents.

(iv) Chemical relaxers.

(2) Schedules of practical operations during course of training

Subject	Minimum Number of Practical Operations Operator	Manager or
SHAMPOO		
Soap	30	50
Liquid dry	9	11
Special	9	11
RINSE		
Cream	6	7
Color	6	7
Special	6	8

PERMANENT		
Permanent waving	43	72
Chemical straightening	43	72
HOT WORK		
Pressing	8	12
Croquignole waiving	20	40
Blocking	8	12
Round curl	8	12
WET WORK		
Pin curl	26	34
Finger wave	26	34
Skip wave	27	34
HAIRCUTTING		
Short	16	20
Long	2	2
Trim	12	16
Thinning	16	20
DYEING AND BLEACHING		
Blocking	4	6
Liquid (combination)	10	15
Paste (bleach)	10	15
SCALP TREATMENTS		
Oily hair	10	15
Dry hair	10	15
Falling hair	12	18
FACIALS		
Arch	13	17
Plain	13	17
Bleach	13	17
Pack	13	17
Mask	13	17
Make-up	13	19
MANICURE		
Water	30	35
Cream	30	35
Hand and arm bleach	4	5
Hand and arm massage	4	5

(3) Distribution of Hours of Training

No student shall be certified by the school as having successfully completed the required course of study until such student has completed the hours of training which shall be distributed approximately as set forth below: Provided That, students enrolled for limited certificates shall be required only to complete the hours set forth in section 4(a)(3) of this regulation.

	OPERATOR	MANAGER
Manicuring	75	80
Pressing	160	225
Croquignole waving and styling	200	225
Shampooing	40	40
Permanent waving	200	225
Wet curls	125	175
Facials	50	50
Scalp treatments	25	35
Dye and bleach	100	125
Haircutting	100	125
Chemical straightening	225	230
Oral, written, and practical tests	50	75
Personal hygiene	75	125
Ethics, salesmanship	25	35
Courtesy, conduct, D.C. Law	50	50
Shop management, bookkeeping	...	100
Teaching methods, lecture courses	...	50
TOTALS	1,500	2,000

(4) Scope of Examinations

Prior to the issuance of a diploma and any certification to the Board each student shall be required to successfully complete examinations given by the school, as approved by the Board. Examinations shall cover all subjects listed in these regulations relating to theoretical instructions as well as practical and oral demonstrations by the student in manicuring, facials, shampooing, scalp treatment, rinses, dyes, finger waving, permanent waving, haircutting, sanitation and sterilization, chemical straightening, personal hygiene, ethics, D.C. Law, and for the manager course, shop management, bookkeeping, and teaching methods.

(p) Equipment required for schools of cosmetology

Minimum equipment required for schools of cosmetology with an enrollment of twenty-five students or less shall be as follows:

4 shampoo bowls
10 stoves
6 Dryers
3 Blowers
2 Facial chairs
4 All-purpose chairs
1 Vibrator
5 Manicure tables
2 Wet sterilizers
Dry sterilizer sufficiently large enough to hold equipment for 25 students.

A container for liquid sterilization on each manicure table.

Section 5. Denial, Suspension or Revocation of License

(a) Failure to comply with any provision of these regulations shall be grounds for the denial, suspension, or revocation of the certificate of registration of a school of cosmetology, pursuant to section 2-1304 of the D.C. Code.

(b) Hearing Process. Nothing herein shall be construed so as to deprive the school of cosmetology of the hearing and appeal process provided in sections 2-1304 and § 2-1305, D.C. Code.

Regulation No. 74-20

August 1, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE RENT CONTROL REGULATION FOR THE DISTRICT OF COLUMBIA

---Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, a critical situation exists in the District of Columbia by reason of the acute shortage of leased or rented rooms, apartments, houses, and other housing accommodations, resulting in increased rents and serious overcrowding and causing severe threats to the public health, safety, and welfare; and

WHEREAS, unless rents and rental services for these leased or rental dwellings are regulated and controlled, unreasonable, unjust, and exorbitant rents and rental agreements will cause disruptive and abnormal conditions in the leased or rental accommodation market, which will produce serious threats to the orderly functioning of the housing market and the economy of the District of Columbia; and

WHEREAS, upon the imposition of rent control in the District, unless occupants of rented or leased housing accommodations in the District are entitled to a reasonable advance notice of the intention of their landlords to convert from a rental basis to condominium or cooperative units, mass evictions of substantial numbers of apartment dwellers, on short notice, will cause disruptive and abnormal conditions in the leased or rental dwelling market, which will further produce serious threats to the orderly functioning of the housing market and the economy of the District of Columbia; and

WHEREAS, pursuant to the District of Columbia Rent Control Act of 1973 (87 Stat. 623 P. L. 93-157), the District of Columbia Council is authorized to make such rules and regulations as it determines necessary and appropriate to regulate

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS		X				FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 18, 1974

Adopted on second and final reading July 26, 1974

Presented to the Mayor-Commissioner July 26, 1974
Date

Edward B. Wehle Jr.
Secretary of the City Council

Approved _____
Mayor-Commissioner

1 AUG 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

_____
Secretary of the City Council

P-251

Certified copies are available.

and stabilize rents in the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The regulations set forth are hereby adopted, and shall be so compiled and published as is deemed appropriate for their orderly arrangement within the D. C. Rules and Regulations.

Section 2. Legislative Findings and Intent - The District of Columbia Council hereby finds that there is a serious shortage of rental units in the District of Columbia; that this shortage is particularly critical for households of low and moderate income; that escalating rent increases have been prevalent throughout the District of Columbia since the termination of Federal Rent Controls, on January 11, 1973; that, while most landlords have acted responsibly, there has been a significant minority of excessive increases in rents and/or decreases in services; that rent increases have been significantly higher and more prevalent on moderate priced rental units than on high priced rental units; that the protection of the health and welfare of the residents of the District of Columbia requires enactment of rent controls which protect the rights of tenants and assure landlords a fair rate of return.

It is the intent of this regulation to protect tenants from excessive rent increases, unjustified reduction of services, harassment and unreasonable eviction; to protect the right of landlords to a reasonable return on their investments; to encourage stability of ownership and tenancy and improve landlord/tenant relations; and to foster the maintenance of the existing housing stock through compliance by both landlords and tenants with the District of Columbia Housing Code and through provision of incentives to upkeep and reasonable renovation.

Section 3. Definitions - As used in this regulation -

(a) The term "Act" means the District of Columbia Rent Control Act of 1973 (87 Stat. 623; P. L. 93-157).

(b) The term "base rent" means the rent charged (converted to a monthly basis) for a housing accommodation on February 1, 1973. If such an accommodation was not rented on that date, base rent shall mean the amount of rent last charged or allowed on the accommodation between January 1, 1972 and February 1, 1973. In the event that the accommodation was not rented during that period, or the landlord can establish to the satisfaction of the Commission that the rent charged on or before February 1, 1973 cannot be determined, the base rent will be the amount of rent appropriate for that accommodation on February 1, 1973, as determined by the Commission.

(c) The term "capital improvement" means a permanent improvement or renovation other than ordinary repair, replacement or maintenance, the use of which will continue beyond a twelve month period beginning with the completion of the improvement.

(d) The term "Commission" means the District of Columbia Housing Rent Commission.

(e) The term "Commissioner" means the Commissioner of the District of Columbia, or his designated agent.

(f) The term "Council" means the District of Columbia Council established under Reorganization Plan Number 3 of 1967.

(g) The term "housing accommodation" means any building, structure,

residence, or any part thereof, and land appurtenant thereto, which is rented, leased or offered for rent or lease for dwelling purposes, including a single family residence or a room, apartment, efficiency, or group of rooms in a building, structure of residence. The term shall not include (1) any hotel, motel, or other structure used primarily for transient occupancy in which more than 60 percent of the units devoted to living quarters for tenants and guests are normally used for transient occupancy; or (2) any room or space normally rented, leased or offered for rent or lease for transient occupancy. The term "unit" of a housing accommodation shall mean any room, apartment, efficiency, or group of rooms rented or leased or offered for rent or lease within such an accommodation.

(h) The term "housing regulations" means the Housing Regulations of the District of Columbia (1971 ed.).

(i) The term "initial leasing period" shall mean that period of time during which the first tenant of a new housing accommodation or one substantially rehabilitated, occupies or rents such accommodation.

(j) The term "landlord" means an owner, lessor, sublessor, assignee, agent, or other person receiving or entitled to receive the rents or benefits for the use or occupancy of a housing accommodation as herein defined.

(k) The term "optional facilities" means any facilities or equipment made available by a landlord to a tenant at the option of the tenant and in exchange for payment of a rental fee over and above the rental fee for occupancy of the accommodation.

(l) The term "person" means an individual, corporation, partnership association, joint venture, or any organized group of individuals or the legal successor or assigns of representatives of the foregoing.

(m) The term "related facilities" means any facilities or equipment made available by a landlord to a tenant, the use of which is included upon payment of the rental fee for the housing accommodation.

(n) The term "related services" means services provided by a landlord or required by law or by the terms of a rental agreement to be provided by a landlord to a tenant in connection with the use and occupancy of any housing accommodation, including but not limited to: repairs; decorating and maintenance; furnishings and furniture; provision of light, heat, hot water, cold water, telephone answering and elevator services; kitchen, bath, and laundry facilities and privileges; use of halls, corridors, stairs, common rooms, yard, and other common areas; janitor service; and removal of trash and refuse.

(o) The term "rent" means the entire amount of money, money's worth, bonus, benefit, or gratuity demanded, received, or charged by the lessor landlord to a lessee tenant as a condition of occupancy and use of a housing accommodation, its related services, and its related facilities including, but not limited to, charges for parking and utilities and the use of recreational facilities if provided.

(p) The term "rent ceiling" means the maximum allowable amount of rent to which the base rent for any housing accommodation within the scope of this regulation may be elevated, in keeping with the provisions of this regulation.

(q) The term "substantial rehabilitation" means any improvement to or renovation of a housing accommodation for which the capital expenditure totals fifty percent or more of the estimated market price of the accommodation prior to rehabilitation, provided a building permit has been issued for such rehabilitation on or after February 1, 1973. For the purposes of this subsection, "estimated market price" shall mean one of the following, whichever us higher: (1) total

purchase price paid by the landlord for the accommodation; or (2) the estimated market value for property assessment purposes as determined by the Commissioner. Where the improvement or renovation is made to only a portion of the housing accommodation, the capital expenditure thereon should be pro rated at the percentage of the estimated market price of the whole unit which the portion bears to the whole.

(r) The term "tenant" means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy, or the benefits thereof of any housing accommodation as herein defined.

Section 4. Rent Control Coverage - The system of rent control provided in this regulation shall be applicable to all housing accommodations in the District of Columbia with the following exceptions:

(a) Any establishments which have as their primary purpose the providing of diagnosis, cure, and treatment of illness of residents, including but not limited to hospitals, convalescent homes and nursing homes, and personal care homes.

(b) Any publicly owned housing accommodations which are managed by the National Capital Housing Authority or any successor thereto; and any housing accommodation which is Federally owned or for which the mortgage or rents are Federally subsidized.

(c) Any new housing accommodation created by new construction and offered for rent or lease on or after February 2, 1973, during the initial leasing period of such accommodation, or during the first year of tenancy, whichever is shorter. For the purposes of this subsection, a new housing accommodation is an accommodation for which the initial Certificate of Occupancy was issued on or after February 1, 1973.

(d) Any dormitory operated by an institution of higher learning or private school, in which rooms are provided for its students.

(e) Any rooming house or boarding house as defined in Section 1102 of the housing regulations of the District of Columbia.

(f) A room rented by the occupant of a housing accommodation, whether such occupant is the owner of the accommodation or a tenant who leases or rents the accommodation.

Section 5. Stabilization of Rents

(a) Subject to such adjustments as are authorized in this Section and in Section 6 of this regulation, no landlord shall charge a rent for a housing accommodation in excess of the base rent as defined in Section 3(b) or, when applicable, the rent ceiling provided in subsection (f) herein.

(b) Upon the effective date of this regulation, and subject to the provisions of paragraph (i) herein, a landlord who is renting or leasing any housing accommodation within the scope of this regulation shall be entitled to charge an amount of rent for such accommodation which shall not exceed the rent ceiling computed according to the following formula:

(1) Step 1: Adding to the base rent an amount equal to four percent (4%) of base rent to allow for increased costs incurred by the landlord during calendar year 1973 after February 1, 1973; and

(2) Step 2: Adding to the figure computed in Step 1 an amount equal to eight percent (8%) of this figure to allow for increased costs incurred by the

landlord during calendar year 1974.

(c) When a landlord has initiated or completed capital improvements on an accommodation between February 1, 1973 and the effective date of this regulation, the rent ceiling for such accommodation shall be computed to make allowance for such capital improvements provided that (1) the cost of such capital improvement equals at least 25% of the estimated market value for the accommodation (or the appropriate percentage of the estimated market value when the improvement applies only to a unit of such accommodation); (2) the landlord has obtained, and made available to the tenant and the Commission the appropriate contract plans, specifications, and building permits; (3) the cost of the improvement is amortized according to the formula provided in Section 6(b)(5) of this regulation and the rent increase, notwithstanding such formula, is no more than 4% of the allowable rent ceiling for such accommodation.

(d) When, upon effective date of this regulation, the rent being charged for any housing accommodation exceeds the allowable rent ceiling as computed according to the formula provided in (b) herein, the rent for such accommodation shall be reduced to the allowable rent ceiling, effective on the next date when rent is normally due. It shall be the responsibility of the landlord to notify the tenant in writing of the required decrease at least one week prior to effective date of such decrease.

(e) Whenever the Commission finds that past or forthcoming decreases or increases in taxes, operating costs or maintenance costs may justify a change in the rent ceiling provided in this Section or additional provisions to allow for increased costs incurred by landlords, it shall present its findings and appropriate recommendations to the Council.

(f) The rent ceiling for a substantially rehabilitated housing unit as defined in Section 3(q) of this regulation, shall be computed by increasing by 125% the allowable rent ceiling for 1974 as provided in paragraph (b) of this Section.

(g) The rent ceiling for a newly constructed housing accommodation which becomes subject to this regulation after initial exemption as provided in Section 4(c) shall be the initial rent charged during the initial leasing period.

(h) Where the Commission determines that the related services and/or facilities supplied by a landlord are substantially reduced as compared to services and/or facilities previously provided, the rent ceiling shall be lowered accordingly by the Commission on its own initiative or upon petition by the tenant, in accordance with the provisions of Section 7.

(i) The Commission may (1) refuse to allow any upward adjustment of the base rent of any housing accommodation or (2) decrease the rent ceiling on such accommodation, pursuant to the procedures provided in Sections 6 and 7 of this regulation, if it determines that the accommodation does not substantially comply with the housing regulations and such lack of compliance is not caused by the tenant's neglect or misconduct.

(j) When, after effective date of this regulation, a housing accommodation becomes vacant, the rent ceiling for such accommodation shall be increased to the highest rent ceiling applicable to any substantially identical accommodation within the same rental facility, provided the tenant has vacated voluntarily or as a result of notice to quit or eviction for one of the following causes: (1) nonpayment of rent; (2) violation of an obligation to his tenancy, as provided in Section 10(b)(1) of this regulation; or (3) use of the accommodation for illegal purposes, as provided in Section 10(b)(2) of this regulation. For the purpose of this subsection, accommodations shall be defined as "substantially identical" when they contain essentially the same square footage, the same floor plan, comparable amenities and equipment, comparable

locations with respect to exposure and height (if exposure and height have previously been factors in amount of rent charged), and are in substantially comparable physical condition.

(k) The rent ceiling for any housing accommodation which (1) was purchased by the present landlord from the Federal Government on or after February 1, 1973 and (2) for which the mortgage and/or rents were Federally subsidized immediately prior to purchase shall be the rent charged on effective date of this regulation, plus 4% of the rent ceiling on that date.

(l) No rent increase authorized under these regulations shall be put into effect unless the tenant has been given written notice thirty days prior thereto. Any notice of increase of rent shall be signed by the landlord and shall contain:

(1) The amount of rent for the rent payment interval immediately preceding the proposed increase and that for the rent payment interval in which the increase becomes effective.

(2) The percentage increase and the dollar amount of the proposed increase.

(3) The effective date of the proposed increase.

(4) A statement that the unit is in substantial compliance with the housing regulations.

(5) The base rent and explanation of the manner by which the increase has been computed, when such increase is pursuant to Section 5 of this regulation.

(6) The exact method of computation of the increase, including itemization of the cost factors to which the increase is attributable, when such increase is pursuant to Sections 6 and 7 of this regulation.

(7) A statement of certification by the landlord that the increase is in compliance with all the provisions of the District of Columbia Rent Control regulation.

(8) Statement of penalties as described in Section 14(c) of this regulation.

Section 6. Adjustment in Rent Ceiling Because of Hardship

(a) In addition to those procedures for adjustments allowed under Section 5, the Commission may make such individual adjustments, either upward or downward, of the maximum rent ceilings as may be necessary to correct hardships of other inequities, and in so doing, shall observe the principle of maintaining maximum rents for housing accommodations at levels which will yield to the landlords a reasonable return from such housing accommodations.

(b) In determining whether to make an individual adjustment in the rent ceiling because of hardship, the Commission shall consider the following among other relevant factors:

(1) Increases or decreases in property taxes, provided the Commission determines that such increases or decreases reflect (i) a general tax increase or decrease; (ii) that portion of an upward assessment due to capital improvement approved by the Commission, as provided in paragraph 5; and/or (iii) a correction of a prior overevaluation or underevaluation, due to error, by the Department of Finance and Revenue.

(2) Unavoidable increases or any decreases in operating costs and maintenance expenses.

(3) Increases or decreases in living space or related services, provided that the Commission has approved any increases in space or services as being reasonable and in the interest of the affected tenants.

(4) Substantial deterioration of the housing accommodation, other than ordinary wear and tear, or failure to perform ordinary repairs, replacement or maintenance.

(5) Capital improvement of the housing accommodation as defined in Section 3(c) of this regulation provided that (i) the necessary permits for such improvements have been issued by the Commissioner and (ii) the Commission has determined that said improvements are reasonable and that the interests of the tenant have been protected. The cost of a capital improvement shall be amortized over the projected useful life of the improvement, as determined by the Commission. Based on such amortization, the cost of such capital improvement may be used to justify an upward adjustment in the rent ceiling, provided the monthly rent increase attributable to such improvement is not more than 1 1/2% of the share of the amortized cost attributable to any benefitted unit.

Section 7. Procedure for Adjustment of Rent Ceiling or Advance Ruling

(a) The Commission shall consider an upward or downward adjustment of the rent ceiling for any individual housing accommodation upon receipt of a petition for adjustment filed under oath by the landlord or tenant of such housing accommodation or upon action on its own initiative. Such petition shall be made on a form approved by the Commission. The Commission may consolidate petitions and actions relating to housing accommodations in the same building, and all such petitions and actions may be considered in a single hearing. Any finding by the Commission on a petition shall be based on the record pertaining to such petition. The Commission shall act by approving or denying each petition filed with it no later than 60 days after the filing of the petition unless extended by written consent of the parties.

(b) Upon receipt of such petition, the Commission shall notify the landlord or tenant, whichever is appropriate, by U. S. Certified Mail, or any other form of service which assures delivery, of the receipt of such petition and of the right of either party to request a hearing in writing within fifteen days of the receipt of such notice. A copy of the appropriate petition shall accompany such notification. If a hearing is timely requested by either party, or if the action is undertaken on the initiative of the Commission, notice of the time and place of the hearing shall be furnished the parties by U. S. Certified Mail at least fifteen days prior to the commencement of such hearing. Such notice shall inform the landlord or tenant, whichever is appropriate, of his right to retain legal counsel to represent him at the hearing. All hearings shall be conducted pursuant to Title 5DD of the District of Columbia Rules and Regulations and shall be consistent with the provision of the D. C. Administrative Procedure Act (D. C. Code, Sec. 1-1501 et. seq.).

(c) When a petition for adjustment is filed with the Commission or upon action initiated by the Commission, the landlord of the particular accommodation shall furnish the Commission, within fifteen (15) days after the Commission's written demand therefor, an information statement approved by the Commission, and containing such information as it may request. Such information requirements shall include but not be limited to an itemization of the actual income and operating expenses for a two-year period, ending no more than four months prior to the date of the petition for adjustment.

(d) Pursuant to receipt of a petition for adjustment or to initiation of action

by the Commission under this Section, the Commission shall notify the landlord and/or tenant, whichever is appropriate, of his right to inspect and copy all documents, records, reports and other written materials or evidence that will be used by the opposing party in support of his petition or by the Commission in support of its proposed action.

(e) When a landlord plans a capital improvement or an increase in space or related services in a housing accommodation he may, upon submission of appropriate contract plans and specifications, building permits, or in the case of increased related services, other proof of his intentions, file a petition for an advance ruling for future adjustment of the rent ceiling for such accommodation. Such petition shall be filed under oath upon a form approved by the Commission and may reflect the projected cost of the planned improvements or added related services at the time of their completion and/or implementation. The considerations and procedures governing such advance rulings shall be consistent with Section 6(b)(3) and (5) and Section 7(a), (b), (d), and (f). Any adjustment in rent ceiling conditionally approved by such advance ruling shall become effective upon submission of proof, to the satisfaction of the Commission, of fulfillment of the projected plans for improvements or added related services, as described in the petition and of the total costs thereof. Preliminary approval of a petition for advance ruling shall be subject to such subsequent review and final approval as the Commission determines as necessary and appropriate.

(f) Notwithstanding any other provision of this Section, the Commission may, without holding a hearing, refuse to adjust the rent ceiling for any individual accommodations under this Section and may dismiss any petition for adjustment if a hearing has been held under this Section for such housing accommodation within six months prior to the filing of the said petition.

Section 8. Housing Rent Commission

(a) Establishment and Functions. There is hereby established for the District of Columbia a temporary Commission to stabilize and regulate rents and to carry out and enforce the provisions of the Act, these regulations and any rules or orders promulgated and adopted by the Commission pursuant to the Act and those regulations. Members of the Commission shall be appointed within thirty days after the effective date of this regulation. The establishment, duties, powers, appointments of members, membership, compensation, and termination of the Commission shall be in accordance with the Act. Five members of the Commission shall constitute a quorum for the transaction of the business of the Commission: Provided, that at least two of the five members present shall be representatives of the interests of the tenants and two shall be representatives of the interests of landlords.

(b) Election of Vice Chairman. Within 30 days after appointment and approval of each of the nine members of the Commission, a Vice-Chairman shall be elected by the Commission from among its members.

(c) Selection and Appointment of Commission Employees. The Commission shall appoint an Executive Director, legal counsel, and such other staff as it may deem necessary. The Commission may also appoint mediators, who shall be authorized to conciliate disputes between landlord and tenants which may arise under the provisions of the Act, these regulations, or any rules or orders promulgated and adopted by the Commission pursuant to the Act and these regulations.

(d) Adoption of Rules of Procedure. The Commission is hereby authorized to adopt additional rules of procedure as it may deem necessary. In so doing, the Commission shall comply with the rule making procedures contained in the District of Columbia Administrative Procedures Act 1-1501 et. seq. D. C. Code, (1973 ed.).

(e) Complaints. The Commission shall be authorized to receive and review complaints by tenants and landlords in the District of Columbia with respect to any violation of these regulations or of any rule or order of the Commission with respect to the enforcement and the administration of such rules.

Section 9. Lease and Registration Requirements

(a) Every new tenant of a housing accommodation not excluded from coverage of this regulation by Section 4 shall be given by the landlord a written lease for the initial period of tenancy.

(b) On or before the 60th day following the appointment and confirmation of a quorum of the Commission members, every landlord of a housing accommodation not excluded from coverage of this regulation by Section 4 shall file with the Commission, on forms approved by the Commission, a registration statement for each such accommodation or group of accommodations in one building.

(c) The registration form shall contain such information as the Commission may require, including but not limited to:

(1) A description of the property, including address, number of apartments, number of stories, approximate age, type of construction, and date and number of license issued by the District of Columbia Government.

(2) A description of the utilities and air conditioning provided by the landlord and type of heating fuel used.

(3) Rental information on each unit for base rent date: total occupancy fee charged, amount of security deposit, related services included, related facilities and charges therefor on February 1, 1973, or the appropriate base rent date as provided in Section 3(b) of this regulation.

(4) Current rent information on each unit: (Same as above).

(5)(i) When an accommodation has been substantially rehabilitated, as provided in Section 3(q), the estimated market price of such unit prior to rehabilitation, a description of the rehabilitation, and the itemized costs of such rehabilitation; (ii) when an accommodation is planned to be substantially rehabilitated or in the process of being substantially rehabilitated on the effective date of this regulation, the estimated market price of such unit prior to rehabilitation, the method of computing the estimated market price, a description of the proposed rehabilitation, and the itemized estimated costs of such rehabilitation.

(6) When the rent for an accommodation has been increased to allow for capital improvements as provided in Section 5(c), the estimated market value of such accommodation prior to capital improvement, a list of all such improvements allowed for pursuant to Section 5(c), and the itemized costs of such improvements.

(7) Itemization of any outstanding violations of the housing regulations.

(8) Name and address of owner and, when applicable, resident agent.

(d) In the event that any information provided on the registration form becomes invalid or obsolete, it shall be the responsibility of the landlord to correct such information within thirty days.

(e) No petition for the upward adjustment of rent ceilings shall be granted

by the Commission for any accommodation not registered in accordance with the provisions of this Section; nor shall the landlord of any accommodation not so registered be eligible for any rent increase adjustment provided in Section 5 and applicable to that accommodation on or after the 60th day following confirmation of the Commission members.

(f) Each registration form shall be filed and available for public inspection in the Commission Office. Each landlord shall keep a duplicate of each such form and make it available upon request to the appropriate tenant or prospective tenant.

Section 10. Eviction

(a) No tenant shall be evicted from his housing accommodation for any reason other than nonpayment of rent, unless he has been served with a notice to vacate specifying therein the reason for his eviction, and a copy of such notice has been served upon the Commission.

(b) No tenant shall be evicted from his housing accommodation, notwithstanding the expiration of his lease, so long as the tenant continues to pay rent to which the landlord is entitled, unless:

(1) The tenant is violating an obligation of his tenancy, and fails, within thirty days after receiving notice thereof from the landlord, to correct such violation.

(2) An illegal act has been performed in the accommodation as determined by a court of competent jurisdiction.

(3) The landlord seeks in good faith to recover possession of the housing accommodation for his immediate and personal use and occupancy. It shall be unlawful for the owner of such premises or his agent to demand or receive rent for the premises for at least six months after recovering; or

(4) The landlord has in good faith contracted in writing to sell the accommodation for immediate and personal use and occupancy as a dwelling by the purchaser for at least six months after recovery, during which period it shall be unlawful for the purchaser of such premises or his agent to demand or receive any rent therefor. The landlord, at the time he offers the accommodation for sale, shall so notify the tenant in writing.

(5) The landlord seeks in good faith to recover possession for the immediate purpose of making alterations or renovations which cannot safely or reasonably be accomplished while the accommodation is occupied or for the immediate purpose of demolishing the accommodation and replacing it with new construction, provided that the plans for the alteration or new construction have been filed with and approved by the Commissioner of the District of Columbia or his appropriate agent. When the landlord seeks to recover repossession under this subsection for the purpose of initiating substantial rehabilitation of the accommodation, he shall be subject to the provisions of Section 12(b) of this regulation. If, however, the landlord seeks to recover possession in order to make repairs which are necessary to bring the premises into compliance with District of Columbia Housing Regulations, the tenant shall have an absolute right to repossession immediately upon completion of the repairs, at the same rent and under the same obligations; or

(6) The landlord seeks in good faith to recover possession for the immediate purpose of discontinuing the housing use and occupancy for a continuous period of not less than six months, during which period, commencing on the date possession is recovered under this subsection, it shall be unlawful for the landlord of such housing accommodation or his agent to demand or receive rent for the same.

Where the landlord seeks to recover repossession under this subsection for the purpose of initiating substantial rehabilitation of the accommodation, he shall be subject to the provisions and requirements of Section 12(b) of this regulation.

Section 11. Retaliatory Action

(a) No landlord shall take any retaliatory action against any tenant who exercises any right conferred upon him by the Act or by this regulation, or by any rule or order issued pursuant thereto. For purposes of this Section, retaliatory action shall include, but not be limited to, any action or proceeding to recover possession of a housing accommodation or action which would increase rent, decrease services, increase the obligations of a tenant or constitute an undue or unusual inconvenience, violation of privacy, harassment, or reduction in the quality or quantity of services or be any form of threat of coercion.

(b) In determining whether an action taken by a landlord against a tenant is a retaliatory action as defined in (a) above, the Commission shall take into consideration whether, within the last six months preceding such landlord's action:

(1) The tenant has made an oral or written request to the landlord or his agent to effect repairs which are necessary to bring the housing accommodation into compliance with the housing regulations; or

(2) The tenant has, either orally or in writing, contacted appropriate officials of the District of Columbia about existing violations of the housing regulations in the accommodation which he occupies or reported suspected violations which, if confirmed, render the accommodation in substantial noncompliance with the housing regulations.

(3) The tenant has, after having given reasonable notice to the landlord or his agent, either orally or in writing, of violations of the housing regulations, withheld his rent, all or in part.

(4) The tenant has organized, been a member of, or been involved in any lawful activities of a tenant organization; or

(5) The tenant has made efforts to secure or enforce any rights under his lease or contract with the landlord.

(6) The tenant has brought legal action against the landlord based on this regulation.

(c) Notwithstanding the provisions of (b) above, the landlord may maintain his action if he can show that his predominant reason in seeking eviction is one or more of the just causes for eviction provided in Section 10.

Section 12. Conversion of Housing Through Condominium Conversion, Cooperative Ownership, or Substantial Rehabilitation

(a) Every tenant of a housing accommodation which the landlord seeks to convert from a rental basis to a condominium or cooperative, shall be notified in writing 180 days prior to the conversion thereof. The landlord of such a housing accommodation shall make to each tenant a bona fide offer of sale of the unit which said tenant occupies, and the tenant shall be afforded 60 days within which to accept. No tenant shall be served with a 30-day notice to vacate until 150 days after he first received notice of the landlord's intention to convert, nor shall the notice to vacate be served prior to the expiration of the aforesaid 60-day period or receipt of the tenant's written rejection of the bona fide offer of sale of the unit which he occupies, whichever occurs first.

(b) The tenant of every housing accommodation which the landlord seeks to substantially rehabilitate shall be notified in writing 120 days prior to commencement of rehabilitation. No tenant shall be served with a 30-day notice to vacate until 90 days after he first received notice of the landlord's intention to rehabilitate. The 120-day written notice shall include the information required under Section 9(c)(5), and information indicating tenant may obtain a copy of the registration form at the office of the Commission, and its address.

Section 13. Prohibited Acts

(a) It shall be unlawful, regardless of any agreement, lease or other obligation heretofore or hereafter entered into, for any landlord to demand or receive any rent in excess of the rent ceiling established for any housing accommodation, or to do or omit any act in violation of any provisions of the Act, this regulation, or any rules or orders promulgated and adopted pursuant to the Act and these regulations.

(b) It shall be unlawful for any person required by these regulations, or any rules or orders promulgated and adopted pursuant to the Act and these regulations, to make a written registration statement or other statement and willfully include therein any false, misleading, or untrue information.

(c) It shall be unlawful for any landlord of a housing accommodation within the scope of this regulation knowingly to reduce or eliminate related services previously provided in relation to the rent or lease of such accommodation without a proportionate decrease in rent.

(d) It shall be unlawful for any landlord of a housing accommodation within the scope of this regulation to increase charges for related facilities as defined in Section 3 unless such increase in charges maintains the rent level for such accommodation within the allowable rent ceiling, as provided in Section 5.

(e) It shall be unlawful for any landlord to charge a tenant, who on effective date of this regulation, occupies a housing accommodation subject to this regulation, any security deposit not previously required by the landlord for occupancy of said housing accommodation.

(f) It shall be unlawful for a tenant to withhold his rent in whole or in part unless such rent withheld from the landlord is deposited in an escrow account established for that purpose.

(g) It shall be unlawful for any landlord to increase the rent for any accommodation above the base rent as defined in Section 3(b) of this regulation if (1) the landlord of such accommodation is not properly licensed pursuant to Section 3102 of the Housing Regulations of the District of Columbia and (2) the manager of such accommodation, when other than the landlord, is not properly registered pursuant to Section 3106 of the Housing Regulations of the District of Columbia.

Section 14. Miscellaneous Provisions

(a) Effective date: These regulations become effective immediately upon enactment.

(b) Severability. If any provision of this regulation, or any Section, sentence, clause, phrase, or word or the application thereof, in any circumstances if held invalid, the validity of the remainder of this regulation, and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected. Thereby and to this end, the provisions of this regulation are declared severable.

(c) Penalties. Any person who willfully violates any provision of this Act or any rules or order of the Commission shall be fined no more than $5,000 for each such violation.

(d) Nothing herein shall prohibit any landlord or tenant from bringing a civil course of action in a court of competent jurisdiction to enforce any right conferred upon said landlord or tenant pursuant to this regulation.

(e) Termination. The provisions of this regulation shall terminate as provided by the Act.

Regulation No. 74-20

August 1, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE RENT CONTROL REGULATION FOR THE DISTRICT OF COLUMBIA

---Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, a critical situation exists in the District of Columbia by reason of the acute shortage of leased or rented rooms, apartments, houses, and other housing accommodations, resulting in increased rents and serious overcrowding and causing severe threats to the public health, safety, and welfare; and

WHEREAS, unless rents and rental services for these leased or rental dwellings are regulated and controlled, unreasonable, unjust, and exorbitant rents and rental agreements will cause disruptive and abnormal conditions in the leased or rental accommodation market, which will produce serious threats to the orderly functioning of the housing market and the economy of the District of Columbia; and

WHEREAS, upon the imposition of rent control in the District, unless occupants of rented or leased housing accommodations in the District are entitled to a reasonable advance notice of the intention of their landlords to convert from a rental basis to condominium or cooperative units, mass evictions of substantial numbers of apartment dwellers, on short notice, will cause disruptive and abnormal conditions in the leased or rental dwelling market, which will further produce serious threats to the orderly functioning of the housing market and the economy of the District of Columbia; and

WHEREAS, pursuant to the District of Columbia Rent Control Act of 1973 (87 Stat. 623 P. L. 93-157), the District of Columbia Council is authorized to make such rules and regulations as it determines necessary and appropriate to regulate

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS		X				FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 18, 1974

Adopted on second and final reading July 26, 1974

Presented to the Mayor-Commissioner July 26, 1974 (Date) — Edward G. Wilson, Secretary of the City Council

Approved [signature] Mayor-Commissioner — 1 AUG 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ---------- Date

Disapproved and returned to the City Council ---------- Mayor-Commissioner — ---------- Date

Readopted ---------- Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. [signature] Secretary of the City Council

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Certified copies are available.

and stabilize rents in the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The regulations set forth are hereby adopted, and shall be so compiled and published as is deemed appropriate for their orderly arrangement within the D. C. Rules and Regulations.

Section 2. Legislative Findings and Intent - The District of Columbia Council hereby finds that there is a serious shortage of rental units in the District of Columbia; that this shortage is particularly critical for households of low and moderate income; that escalating rent increases have been prevalent throughout the District of Columbia since the termination of Federal Rent Controls, on January 11, 1973; that, while most landlords have acted responsibly, there has been a significant minority of excessive increases in rents and/or decreases in services; that rent increases have been significantly higher and more prevalent on moderate priced rental units than on high priced rental units; that the protection of the health and welfare of the residents of the District of Columbia requires enactment of rent controls which protect the rights of tenants and assure landlords a fair rate of return.

It is the intent of this regulation to protect tenants from excessive rent increases, unjustified reduction of services, harassment and unreasonable eviction; to protect the right of landlords to a reasonable return on their investments; to encourage stability of ownership and tenancy and improve landlord/tenant relations; and to foster the maintenance of the existing housing stock through compliance by both landlords and tenants with the District of Columbia Housing Code and through provision of incentives to upkeep and reasonable renovation.

Section 3. Definitions - As used in this regulation -

(a) The term "Act" means the District of Columbia Rent Control Act of 1973 (87 Stat. 623; P. L. 93-157).

(b) The term "base rent" means the rent charged (converted to a monthly basis) for a housing accommodation on February 1, 1973. If such an accommodation was not rented on that date, base rent shall mean the amount of rent last charged or allowed on the accommodation between January 1, 1972 and February 1, 1973. In the event that the accommodation was not rented during that period, or the landlord can establish to the satisfaction of the Commission that the rent charged on or before February 1, 1973 cannot be determined, the base rent will be the amount of rent appropriate for that accommodation on February 1, 1973, as determined by the Commission.

(c) The term "capital improvement" means a permanent improvement or renovation other than ordinary repair, replacement or maintenance, the use of which will continue beyond a twelve month period beginning with the completion of the improvement.

(d) The term "Commission" means the District of Columbia Housing Rent Commission.

(e) The term "Commissioner" means the Commissioner of the District of Columbia, or his designated agent.

(f) The term "Council" means the District of Columbia Council established under Reorganization Plan Number 3 of 1967.

(g) The term "housing accommodation" means any building, structure,

residence, or any part thereof, and land appurtenant thereto, which is rented, leased or offered for rent or lease for dwelling purposes, including a single family residence or a room, apartment, efficiency, or group of rooms in a building, structure of residence. The term shall not include (1) any hotel, motel, or other structure used primarily for transient occupancy in which more than 60 percent of the units devoted to living quarters for tenants and guests are normally used for transient occupancy; or (2) any room or space normally rented, leased or offered for rent or lease for transient occupancy. The term "unit" of a housing accommodation shall mean any room, apartment, efficiency, or group of rooms rented or leased or offered for rent or lease within such an accommodation.

(h) The term "housing regulations" means the Housing Regulations of the District of Columbia (1971 ed.).

(i) The term "initial leasing period" shall mean that period of time during which the first tenant of a new housing accommodation or one substantially rehabilitated, occupies or rents such accommodation.

(j) The term "landlord" means an owner, lessor, sublessor, assignee, agent, or other person receiving or entitled to receive the rents or benefits for the use or occupancy of a housing accommodation as herein defined.

(k) The term "optional facilities" means any facilities or equipment made available by a landlord to a tenant at the option of the tenant and in exchange for payment of a rental fee over and above the rental fee for occupancy of the accommodation.

(l) The term "person" means an individual, corporation, partnership association, joint venture, or any organized group of individuals or the legal successor or assigns of representatives of the foregoing.

(m) The term "related facilities" means any facilities or equipment made available by a landlord to a tenant, the use of which is included upon payment of the rental fee for the housing accommodation.

(n) The term "related services" means services provided by a landlord or required by law or by the terms of a rental agreement to be provided by a landlord to a tenant in connection with the use and occupancy of any housing accommodation, including but not limited to: repairs; decorating and maintenance; furnishings and furniture; provision of light, heat, hot water, cold water, telephone answering and elevator services; kitchen, bath, and laundry facilities and privileges; use of halls, corridors, stairs, common rooms, yard, and other common areas; janitor service; and removal of trash and refuse.

(o) The term "rent" means the entire amount of money, money's worth, bonus, benefit, or gratuity demanded, received, or charged by the lessor landlord to a lessee tenant as a condition of occupancy and use of a housing accommodation, its related services, and its related facilities including, but not limited to, charges for parking and utilities and the use of recreational facilities if provided.

(p) The term "rent ceiling" means the maximum allowable amount of rent to which the base rent for any housing accommodation within the scope of this regulation may be elevated, in keeping with the provisions of this regulation.

(q) The term "substantial rehabilitation" means any improvement to or renovation of a housing accommodation for which the capital expenditure totals fifty percent or more of the estimated market price of the accommodation prior to rehabilitation, provided a building permit has been issued for such rehabilitation on or after February 1, 1973. For the purposes of this subsection, "estimated market price" shall mean one of the following, whichever us higher: (1) total

purchase price paid by the landlord for the accommodation; or (2) the estimated market value for property assessment purposes as determined by the Commissioner. Where the improvement or renovation is made to only a portion of the housing accommodation, the capital expenditure thereon should be pro rated at the percentage of the estimated market price of the whole unit which the portion bears to the whole.

(r) The term "tenant" means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy, or the benefits thereof of any housing accommodation as herein defined.

Section 4. Rent Control Coverage - The system of rent control provided in this regulation shall be applicable to all housing accommodations in the District of Columbia with the following exceptions:

(a) Any establishments which have as their primary purpose the providing of diagnosis, cure, and treatment of illness of residents, including but not limited to hospitals, convalescent homes and nursing homes, and personal care homes.

(b) Any publicly owned housing accommodations which are managed by the National Capital Housing Authority or any successor thereto; and any housing accommodation which is Federally owned or for which the mortgage or rents are Federally subsidized.

(c) Any new housing accommodation created by new construction and offered for rent or lease on or after February 2, 1973, during the initial leasing period of such accommodation, or during the first year of tenancy, whichever is shorter. For the purposes of this subsection, a new housing accommodation is an accommodation for which the initial Certificate of Occupancy was issued on or after February 1, 1973.

(d) Any dormitory operated by an institution of higher learning or private school, in which rooms are provided for its students.

(e) Any rooming house or boarding house as defined in Section 1102 of the housing regulations of the District of Columbia.

(f) A room rented by the occupant of a housing accommodation, whether such occupant is the owner of the accommodation or a tenant who leases or rents the accommodation.

Section 5. Stabilization of Rents

(a) Subject to such adjustments as are authorized in this Section and in Section 6 of this regulation, no landlord shall charge a rent for a housing accommodation in excess of the base rent as defined in Section 3(b) or, when applicable, the rent ceiling provided in subsection (f) herein.

(b) Upon the effective date of this regulation, and subject to the provisions of paragraph (i) herein, a landlord who is renting or leasing any housing accommodation within the scope of this regulation shall be entitled to charge an amount of rent for such accommodation which shall not exceed the rent ceiling computed according to the following formula:

(1) Step 1: Adding to the base rent an amount equal to four percent (4%) of base rent to allow for increased costs incurred by the landlord during calendar year 1973 after February 1, 1973; and

(2) Step 2: Adding to the figure computed in Step 1 an amount equal to eight percent (8%) of this figure to allow for increased costs incurred by the

landlord during calendar year 1974.

(c) When a landlord has initiated or completed capital improvements on an accommodation between February 1, 1973 and the effective date of this regulation, the rent ceiling for such accommodation shall be computed to make allowance for such capital improvements provided that (1) the cost of such capital improvement equals at least 25% of the estimated market value for the accommodation (or the appropriate percentage of the estimated market value when the improvement applies only to a unit of such accommodation); (2) the landlord has obtained, and made available to the tenant and the Commission the appropriate contract plans, specifications, and building permits; (3) the cost of the improvement is amortized according to the formula provided in Section 6(b)(5) of this regulation and the rent increase, notwithstanding such formula, is no more than 4% of the allowable rent ceiling for such accommodation.

(d) When, upon effective date of this regulation, the rent being charged for any housing accommodation exceeds the allowable rent ceiling as computed according to the formula provided in (b) herein, the rent for such accommodation shall be reduced to the allowable rent ceiling, effective on the next date when rent is normally due. It shall be the responsibility of the landlord to notify the tenant in writing of the required decrease at least one week prior to effective date of such decrease.

(e) Whenever the Commission finds that past or forthcoming decreases or increases in taxes, operating costs or maintenance costs may justify a change in the rent ceiling provided in this Section or additional provisions to allow for increased costs incurred by landlords, it shall present its findings and appropriate recommendations to the Council.

(f) The rent ceiling for a substantially rehabilitated housing unit as defined in Section 3(q) of this regulation, shall be computed by increasing by 125% the allowable rent ceiling for 1974 as provided in paragraph (b) of this Section.

(g) The rent ceiling for a newly constructed housing accommodation which becomes subject to this regulation after initial exemption as provided in Section 4(c) shall be the initial rent charged during the initial leasing period.

(h) Where the Commission determines that the related services and/or facilities supplied by a landlord are substantially reduced as compared to services and/or facilities previously provided, the rent ceiling shall be lowered accordingly by the Commission on its own initiative or upon petition by the tenant, in accordance with the provisions of Section 7.

(i) The Commission may (1) refuse to allow any upward adjustment of the base rent of any housing accommodation or (2) decrease the rent ceiling on such accommodation, pursuant to the procedures provided in Sections 6 and 7 of this regulation, if it determines that the accommodation does not substantially comply with the housing regulations and such lack of compliance is not caused by the tenant's neglect or misconduct.

(j) When, after effective date of this regulation, a housing accommodation becomes vacant, the rent ceiling for such accommodation shall be increased to the highest rent ceiling applicable to any substantially identical accommodation within the same rental facility, provided the tenant has vacated voluntarily or as a result of notice to quit or eviction for one of the following causes: (1) nonpayment of rent; (2) violation of an obligation to his tenancy, as provided in Section 10(b)(1) of this regulation; or (3) use of the accommodation for illegal purposes, as provided in Section 10(b)(2) of this regulation. For the purpose of this subsection, accommodations shall be defined as "substantially identical" when they contain essentially the same square footage, the same floor plan, comparable amenities and equipment, comparable

locations with respect to exposure and height (if exposure and height have previously been factors in amount of rent charged), and are in substantially comparable physical condition.

(k) The rent ceiling for any housing accommodation which (1) was purchased by the present landlord from the Federal Government on or after February 1, 1973 and (2) for which the mortgage and/or rents were Federally subsidized immediately prior to purchase shall be the rent charged on effective date of this regulation, plus 4% of the rent ceiling on that date.

(l) No rent increase authorized under these regulations shall be put into effect unless the tenant has been given written notice thirty days prior thereto. Any notice of increase of rent shall be signed by the landlord and shall contain:

(1) The amount of rent for the rent payment interval immediately preceding the proposed increase and that for the rent payment interval in which the increase becomes effective.

(2) The percentage increase and the dollar amount of the proposed increase.

(3) The effective date of the proposed increase.

(4) A statement that the unit is in substantial compliance with the housing regulations.

(5) The base rent and explanation of the manner by which the increase has been computed, when such increase is pursuant to Section 5 of this regulation.

(6) The exact method of computation of the increase, including itemization of the cost factors to which the increase is attributable, when such increase is pursuant to Sections 6 and 7 of this regulation.

(7) A statement of certification by the landlord that the increase is in compliance with all the provisions of the District of Columbia Rent Control regulation.

(8) Statement of penalties as described in Section 14(c) of this regulation.

Section 6. Adjustment in Rent Ceiling Because of Hardship

(a) In addition to those procedures for adjustments allowed under Section 5, the Commission may make such individual adjustments, either upward or downward, of the maximum rent ceilings as may be necessary to correct hardships of other inequities, and in so doing, shall observe the principle of maintaining maximum rents for housing accommodations at levels which will yield to the landlords a reasonable return from such housing accommodations.

(b) In determining whether to make an individual adjustment in the rent ceiling because of hardship, the Commission shall consider the following among other relevant factors:

(1) Increases or decreases in property taxes, provided the Commission determines that such increases or decreases reflect (i) a general tax increase or decrease; (ii) that portion of an upward assessment due to capital improvement approved by the Commission, as provided in paragraph 5; and/or (iii) a correction of a prior overevaluation or underevaluation, due to error, by the Department of Finance and Revenue.

(2) Unavoidable increases or any decreases in operating costs and maintenance expenses.

(3) Increases or decreases in living space or related services, provided that the Commission has approved any increases in space or services as being reasonable and in the interest of the affected tenants.

(4) Substantial deterioration of the housing accommodation, other than ordinary wear and tear, or failure to perform ordinary repairs, replacement or maintenance.

(5) Capital improvement of the housing accommodation as defined in Section 3(c) of this regulation provided that (i) the necessary permits for such improvements have been issued by the Commissioner and (ii) the Commission has determined that said improvements are reasonable and that the interests of the tenant have been protected. The cost of a capital improvement shall be amortized over the projected useful life of the improvement, as determined by the Commission. Based on such amortization, the cost of such capital improvement may be used to justify an upward adjustment in the rent ceiling, provided the monthly rent increase attributable to such improvement is not more than 1 1/2% of the share of the amortized cost attributable to any benefitted unit.

Section 7. Procedure for Adjustment of Rent Ceiling or Advance Ruling

(a) The Commission shall consider an upward or downward adjustment of the rent ceiling for any individual housing accommodation upon receipt of a petition for adjustment filed under oath by the landlord or tenant of such housing accommodation or upon action on its own initiative. Such petition shall be made on a form approved by the Commission. The Commission may consolidate petitions and actions relating to housing accommodations in the same building, and all such petitions and actions may be considered in a single hearing. Any finding by the Commission on a petition shall be based on the record pertaining to such petition. The Commission shall act by approving or denying each petition filed with it no later than 60 days after the filing of the petition unless extended by written consent of the parties.

(b) Upon receipt of such petition, the Commission shall notify the landlord or tenant, whichever is appropriate, by U. S. Certified Mail, or any other form of service which assures delivery, of the receipt of such petition and of the right of either party to request a hearing in writing within fifteen days of the receipt of such notice. A copy of the appropriate petition shall accompany such notification. If a hearing is timely requested by either party, or if the action is undertaken on the initiative of the Commission, notice of the time and place of the hearing shall be furnished the parties by U. S. Certified Mail at least fifteen days prior to the commencement of such hearing. Such notice shall inform the landlord or tenant, whichever is appropriate, of his right to retain legal counsel to represent him at the hearing. All hearings shall be conducted pursuant to Title 5DD of the District of Columbia Rules and Regulations and shall be consistent with the provision of the D. C. Administrative Procedure Act (D. C. Code, Sec. 1-1501 et. seq.).

(c) When a petition for adjustment is filed with the Commission or upon action initiated by the Commission, the landlord of the particular accommodation shall furnish the Commission, within fifteen (15) days after the Commission's written demand therefor, an information statement approved by the Commission, and containing such information as it may request. Such information requirements shall include but not be limited to an itemization of the actual income and operating expenses for a two-year period, ending no more than four months prior to the date of the petition for adjustment.

(d) Pursuant to receipt of a petition for adjustment or to initiation of action

by the Commission under this Section, the Commission shall notify the landlord and/or tenant, whichever is appropriate, of his right to inspect and copy all documents, records, reports and other written materials or evidence that will be used by the opposing party in support of his petition or by the Commission in support of its proposed action.

(e) When a landlord plans a capital improvement or an increase in space or related services in a housing accommodation he may, upon submission of appropriate contract plans and specifications, building permits, or in the case of increased related services, other proof of his intentions, file a petition for an advance ruling for future adjustment of the rent ceiling for such accommodation. Such petition shall be filed under oath upon a form approved by the Commission and may reflect the projected cost of the planned improvements or added related services at the time of their completion and/or implementation. The considerations and procedures governing such advance rulings shall be consistent with Section 6(b)(3) and (5) and Section 7(a), (b), (d), and (f). Any adjustment in rent ceiling conditionally approved by such advance ruling shall become effective upon submission of proof, to the satisfaction of the Commission, of fulfillment of the projected plans for improvements or added related services, as described in the petition and of the total costs thereof. Preliminary approval of a petition for advance ruling shall be subject to such subsequent review and final approval as the Commission determines as necessary and appropriate.

(f) Notwithstanding any other provision of this Section, the Commission may, without holding a hearing, refuse to adjust the rent ceiling for any individual accommodations under this Section and may dismiss any petition for adjustment if a hearing has been held under this Section for such housing accommodation within six months prior to the filing of the said petition.

Section 8. Housing Rent Commission

(a) Establishment and Functions. There is hereby established for the District of Columbia a temporary Commission to stabilize and regulate rents and to carry out and enforce the provisions of the Act, these regulations and any rules or orders promulgated and adopted by the Commission pursuant to the Act and those regulations. Members of the Commission shall be appointed within thirty days after the effective date of this regulation. The establishment, duties, powers, appointments of members, membership, compensation, and termination of the Commission shall be in accordance with the Act. Five members of the Commission shall constitute a quorum for the transaction of the business of the Commission: Provided, that at least two of the five members present shall be representatives of the interests of the tenants and two shall be representatives of the interests of landlords.

(b) Election of Vice Chairman. Within 30 days after appointment and approval of each of the nine members of the Commission, a Vice-Chairman shall be elected by the Commission from among its members.

(c) Selection and Appointment of Commission Employees. The Commission shall appoint an Executive Director, legal counsel, and such other staff as it may deem necessary. The Commission may also appoint mediators, who shall be authorized to conciliate disputes between landlord and tenants which may arise under the provisions of the Act, these regulations, or any rules or orders promulgated and adopted by the Commission pursuant to the Act and these regulations.

(d) Adoption of Rules of Procedure. The Commission is hereby authorized to adopt additional rules of procedure as it may deem necessary. In so doing, the Commission shall comply with the rule making procedures contained in the District of Columbia Administrative Procedures Act 1-1501 et. seq. D. C. Code, (1973 ed.).

(e) Complaints. The Commission shall be authorized to receive and review complaints by tenants and landlords in the District of Columbia with respect to any violation of these regulations or of any rule or order of the Commission with respect to the enforcement and the administration of such rules.

Section 9. Lease and Registration Requirements

(a) Every new tenant of a housing accommodation not excluded from coverage of this regulation by Section 4 shall be given by the landlord a written lease for the initial period of tenancy.

(b) On or before the 60th day following the appointment and confirmation of a quorum of the Commission members, every landlord of a housing accommodation not excluded from coverage of this regulation by Section 4 shall file with the Commission, on forms approved by the Commission, a registration statement for each such accommodation or group of accommodations in one building.

(c) The registration form shall contain such information as the Commission may require, including but not limited to:

(1) A description of the property, including address, number of apartments, number of stories, approximate age, type of construction, and date and number of license issued by the District of Columbia Government.

(2) A description of the utilities and air conditioning provided by the landlord and type of heating fuel used.

(3) Rental information on each unit for base rent date: total occupancy fee charged, amount of security deposit, related services included, related facilities and charges therefor on February 1, 1973, or the appropriate base rent date as provided in Section 3(b) of this regulation.

(4) Current rent information on each unit: (Same as above).

(5)(i) When an accommodation has been substantially rehabilitated, as provided in Section 3(q), the estimated market price of such unit prior to rehabilitation, a description of the rehabilitation, and the itemized costs of such rehabilitation; (ii) when an accommodation is planned to be substantially rehabilitated or in the process of being substantially rehabilitated on the effective date of this regulation, the estimated market price of such unit prior to rehabilitation, the method of computing the estimated market price, a description of the proposed rehabilitation, and the itemized estimated costs of such rehabilitation.

(6) When the rent for an accommodation has been increased to allow for capital improvements as provided in Section 5(c), the estimated market value of such accommodation prior to capital improvement, a list of all such improvements allowed for pursuant to Section 5(c), and the itemized costs of such improvements.

(7) Itemization of any outstanding violations of the housing regulations.

(8) Name and address of owner and, when applicable, resident agent.

(d) In the event that any information provided on the registration form becomes invalid or obsolete, it shall be the responsibility of the landlord to correct such information within thirty days.

(e) No petition for the upward adjustment of rent ceilings shall be granted

by the Commission for any accommodation not registered in accordance with the provisions of this Section; nor shall the landlord of any accommodation not so registered be eligible for any rent increase adjustment provided in Section 5 and applicable to that accommodation on or after the 60th day following confirmation of the Commission members.

(f) Each registration form shall be filed and available for public inspection in the Commission Office. Each landlord shall keep a duplicate of each such form and make it available upon request to the appropriate tenant or prospective tenant.

Section 10. Eviction

(a) No tenant shall be evicted from his housing accommodation for any reason other than nonpayment of rent, unless he has been served with a notice to vacate specifying therein the reason for his eviction, and a copy of such notice has been served upon the Commission.

(b) No tenant shall be evicted from his housing accommodation, notwithstanding the expiration of his lease, so long as the tenant continues to pay rent to which the landlord is entitled, unless:

(1) The tenant is violating an obligation of his tenancy, and fails, within thirty days after receiving notice thereof from the landlord, to correct such violation.

(2) An illegal act has been performed in the accommodation as determined by a court of competent jurisdiction.

(3) The landlord seeks in good faith to recover possession of the housing accommodation for his immediate and personal use and occupancy. It shall be unlawful for the owner of such premises or his agent to demand or receive rent for the premises for at least six months after recovering; or

(4) The landlord has in good faith contracted in writing to sell the accommodation for immediate and personal use and occupancy as a dwelling by the purchaser for at least six months after recovery, during which period it shall be unlawful for the purchaser of such premises or his agent to demand or receive any rent therefor. The landlord, at the time he offers the accommodation for sale, shall so notify the tenant in writing.

(5) The landlord seeks in good faith to recover possession for the immediate purpose of making alterations or renovations which cannot safely or reasonably be accomplished while the accommodation is occupied or for the immediate purpose of demolishing the accommodation and replacing it with new construction, provided that the plans for the alteration or new construction have been filed with and approved by the Commissioner of the District of Columbia or his appropriate agent. When the landlord seeks to recover repossession under this subsection for the purpose of initiating substantial rehabilitation of the accommodation, he shall be subject to the provisions of Section 12(b) of this regulation. If, however, the landlord seeks to recover possession in order to make repairs which are necessary to bring the premises into compliance with District of Columbia Housing Regulations, the tenant shall have an absolute right to repossession immediately upon completion of the repairs, at the same rent and under the same obligations; or

(6) The landlord seeks in good faith to recover possession for the immediate purpose of discontinuing the housing use and occupancy for a continuous period of not less than six months, during which period, commencing on the date possession is recovered under this subsection, it shall be unlawful for the landlord of such housing accommodation or his agent to demand or receive rent for the same.

Where the landlord seeks to recover repossession under this subsection for the purpose of initiating substantial rehabilitation of the accommodation, he shall be subject to the provisions and requirements of Section 12(b) of this regulation.

Section 11. Retaliatory Action

(a) No landlord shall take any retaliatory action against any tenant who exercises any right conferred upon him by the Act or by this regulation, or by any rule or order issued pursuant thereto. For purposes of this Section, retaliatory action shall include, but not be limited to, any action or proceeding to recover possession of a housing accommodation or action which would increase rent, decrease services, increase the obligations of a tenant or constitute an undue or unusual inconvenience, violation of privacy, harassment, or reduction in the quality or quantity of services or be any form of threat of coercion.

(b) In determining whether an action taken by a landlord against a tenant is a retaliatory action as defined in (a) above, the Commission shall take into consideration whether, within the last six months preceding such landlord's action:

(1) The tenant has made an oral or written request to the landlord or his agent to effect repairs which are necessary to bring the housing accommodation into compliance with the housing regulations; or

(2) The tenant has, either orally or in writing, contacted appropriate officials of the District of Columbia about existing violations of the housing regulations in the accommodation which he occupies or reported suspected violations which, if confirmed, render the accommodation in substantial noncompliance with the housing regulations.

(3) The tenant has, after having given reasonable notice to the landlord or his agent, either orally or in writing, of violations of the housing regulations, withheld his rent, all or in part.

(4) The tenant has organized, been a member of, or been involved in any lawful activities of a tenant organization; or

(5) The tenant has made efforts to secure or enforce any rights under his lease or contract with the landlord.

(6) The tenant has brought legal action against the landlord based on this regulation.

(c) Notwithstanding the provisions of (b) above, the landlord may maintain his action if he can show that his predominant reason in seeking eviction is one or more of the just causes for eviction provided in Section 10.

Section 12. Conversion of Housing Through Condominium Conversion, Cooperative Ownership, or Substantial Rehabilitation

(a) Every tenant of a housing accommodation which the landlord seeks to convert from a rental basis to a condominium or cooperative, shall be notified in writing 180 days prior to the conversion thereof. The landlord of such a housing accommodation shall make to each tenant a bona fide offer of sale of the unit which said tenant occupies, and the tenant shall be afforded 60 days within which to accept. No tenant shall be served with a 30-day notice to vacate until 150 days after he first received notice of the landlord's intention to convert, nor shall the notice to vacate be served prior to the expiration of the aforesaid 60-day period or receipt of the tenant's written rejection of the bona fide offer of sale of the unit which he occupies, whichever occurs first.

(b) The tenant of every housing accommodation which the landlord seeks to substantially rehabilitate shall be notified in writing 120 days prior to commencement of rehabilitation. No tenant shall be served with a 30-day notice to vacate until 90 days after he first received notice of the landlord's intention to rehabilitate. The 120-day written notice shall include the information required under Section 9(c)(5), and information indicating tenant may obtain a copy of the registration form at the office of the Commission, and its address.

Section 13. Prohibited Acts

(a) It shall be unlawful, regardless of any agreement, lease or other obligation heretofore or hereafter entered into, for any landlord to demand or receive any rent in excess of the rent ceiling established for any housing accommodation, or to do or omit any act in violation of any provisions of the Act, this regulation, or any rules or orders promulgated and adopted pursuant to the Act and these regulations.

(b) It shall be unlawful for any person required by these regulations, or any rules or orders promulgated and adopted pursuant to the Act and these regulations, to make a written registration statement or other statement and willfully include therein any false, misleading, or untrue information.

(c) It shall be unlawful for any landlord of a housing accommodation within the scope of this regulation knowingly to reduce or eliminate related services previously provided in relation to the rent or lease of such accommodation without a proportionate decrease in rent.

(d) It shall be unlawful for any landlord of a housing accommodation within the scope of this regulation to increase charges for related facilities as defined in Section 3 unless such increase in charges maintains the rent level for such accommodation within the allowable rent ceiling, as provided in Section 5.

(e) It shall be unlawful for any landlord to charge a tenant, who on effective date of this regulation, occupies a housing accommodation subject to this regulation, any security deposit not previously required by the landlord for occupancy of said housing accommodation.

(f) It shall be unlawful for a tenant to withhold his rent in whole or in part unless such rent withheld from the landlord is deposited in an escrow account established for that purpose.

(g) It shall be unlawful for any landlord to increase the rent for any accommodation above the base rent as defined in Section 3(b) of this regulation if (1) the landlord of such accommodation is not properly licensed pursuant to Section 3102 of the Housing Regulations of the District of Columbia and (2) the manager of such accommodation, when other than the landlord, is not properly registered pursuant to Section 3106 of the Housing Regulations of the District of Columbia.

Section 14. Miscellaneous Provisions

(a) Effective date: These regulations become effective immediately upon enactment.

(b) Severability. If any provision of this regulation, or any Section, sentence, clause, phrase, or word or the application thereof, in any circumstances if held invalid, the validity of the remainder of this regulation, and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected. Thereby and to this end, the

(c) Penalties. Any person who willfully violates any provision of this Act or any rules or order of the Commission shall be fined no more than $5,000 for each such violation.

(d) Nothing herein shall prohibit any landlord or tenant from bringing a civil course of action in a court of competent jurisdiction to enforce any right conferred upon said landlord or tenant pursuant to this regulation.

(e) Termination. The provisions of this regulation shall terminate as provided by the Act.

DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

October 3, 1974

Honorable Sterling Tucker
Chairman
Housing and Urban Development Committee
City Council, District of Columbia
District Building, Room 500
Washington, D. C. 20004

Dear Mr. Tucker:

In light of certain unforeseen and inexplicable delays in obtaining administrative and budgetary support for the legislatively mandated activities of the Housing Rent Commission from the Government of the District of Columbia, the Commission is now faced with a crisis which threatens the effective implementation of the Rent Control regulation which became effective on August 1, 1974.

Section 9 of this regulation requires that landlords submit property registration statements on forms approved by the Commission within sixty days of the appointment and confirmation of a quorum of the Commission members. This sixty-day period expires on October 21, 1974, after which period landlords who have not filed will be in violation of Section 9 and will be subject to a penalty of up to $5,000 under Section 14(c) of the regulation.

Because of the unforeseen and inexplicable delays to which I alluded above, the Commission has been unable to prepare the necessary landlord registration forms, despite the fact that we have worked days, nights, and even on weekends to produce such forms. The perfection of that form was especially tedious because we had no typing help, we had delays in having items reproduced, and formal minutes couldn't be kept because we were forced to operate without a secretary or even a tape recorder throughout. And when we did struggle through with the form, we got after-the-fact technical advice on its layout and style which required its major re-design and further delay in spite of the fact that we had originally requested such assistance from the beginning. Then, when we received the first batch of ten thousand or more late and

10/3/74

without a prior proof as had been stipulated, we found spelling errors, inconsistencies with our formally voted instructions and obvious oversights affecting the convenience with which landlords could fill it out. Even as of this letter, not even as many as twenty thousand corrected forms are available to the public for the two hundred thousand rental units that must be registered in less than thirty days.

It is rather obvious to me that because of the delay in preparing the landlord registration form and having it available for filing by landlords, few, if any landlords can reasonably be expected to have them submitted to the Commission by the October 21st deadline. We are thus confronted with the dilemma of finding virtually every landlord in the city in violation of Section 9 of the regulation through no fault of his own, or having the Commission itself in violation of the regulation for failing to enforce Section 9.

Therefore, on behalf of the Commission, I must request that the provision in Section 9(b) of the regulation requiring that landlords submit registration statements to the Commission within sixty days of the appointment and confirmation of a quorum of the Commission members be amended by the Council so as to extend the deadline for filing another thirty days. This is a matter of utmost importance which affects the very credibility and viability of the Commission.

Sincerely yours,

Timothy L. Jenkins, Chairman
Housing Rent Commission

JACK POLLIN
3851 Calvert St., N. W.
Washington, D. C. 20007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 15, 1974

Housing Rent Commission
Government of the District of Columbia
Munsey Building, Suite 600
1329 E Street, N. W.
Washington, D. C. 20004

Attention: Mr. William Bodwitch

Gentlemen:

When the Rent Control Regulation for the District of Columbia became law on August 1, 1974, we adjusted our rents according to the law and waited patiently for the Housing Rent Commission to be formed.

Now, over two months have passed and the mechanics for "Adjustment in Rent Ceiling Because of Hardship" (Sections 6 and 7) have not been put together.

Section 7 of the law provides for an upward or downward adjustment of the rent ceiling upon submittal by the landlord (and favorable review by the Commission) of a petition prepared by the landlord on a form approved by the Commission.

A discussion by my representative (Mr. Albert Pollin) with your Mr. Bodwitch on October 2, 1974 revealed that these forms are not available and may be available by October 21, 1974. Since we are suffering extreme financial hardships daily, we are requesting that you review the attached request for adjustment as soon as possible.

We have noted that there are landlords that have not rolled back their rents as required by the law. If the Commission fails to develop adjustment procedures, landlords have no alternative but to take appropriate measures to avoid financial disaster.

Please feel free to contact any of the following in regard to this request:

Mr. Jack Pollin
3851 Calvert St., N. W.
Washington, D. C. 20007
FE. 7-7182

Mr. Albert Pollin
8809 Walnut Hill Road
Chevy Chase, Md. 20015
657-8952 293-5752

Mr. Charles Hurwitz
1609 Connecticut Ave., N. W.
Washington, D. C. 20009
AD. 4-4724

In the event you insist that we apply on the required forms, we are enclosing a self addressed stamped envelope so that you can forward these forms to us when they are available.

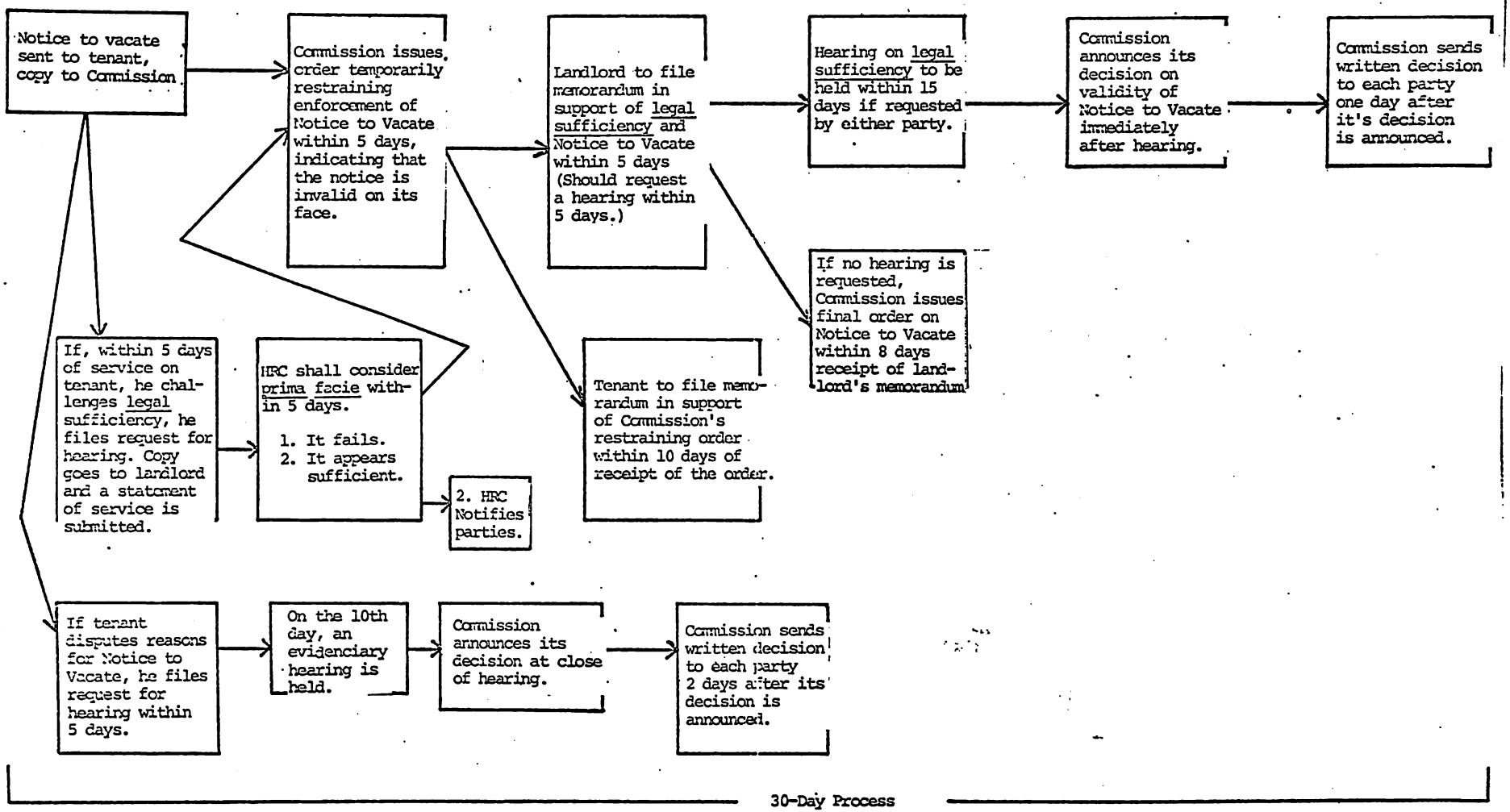
Your prompt action will be appreciated.

Yours very truly,

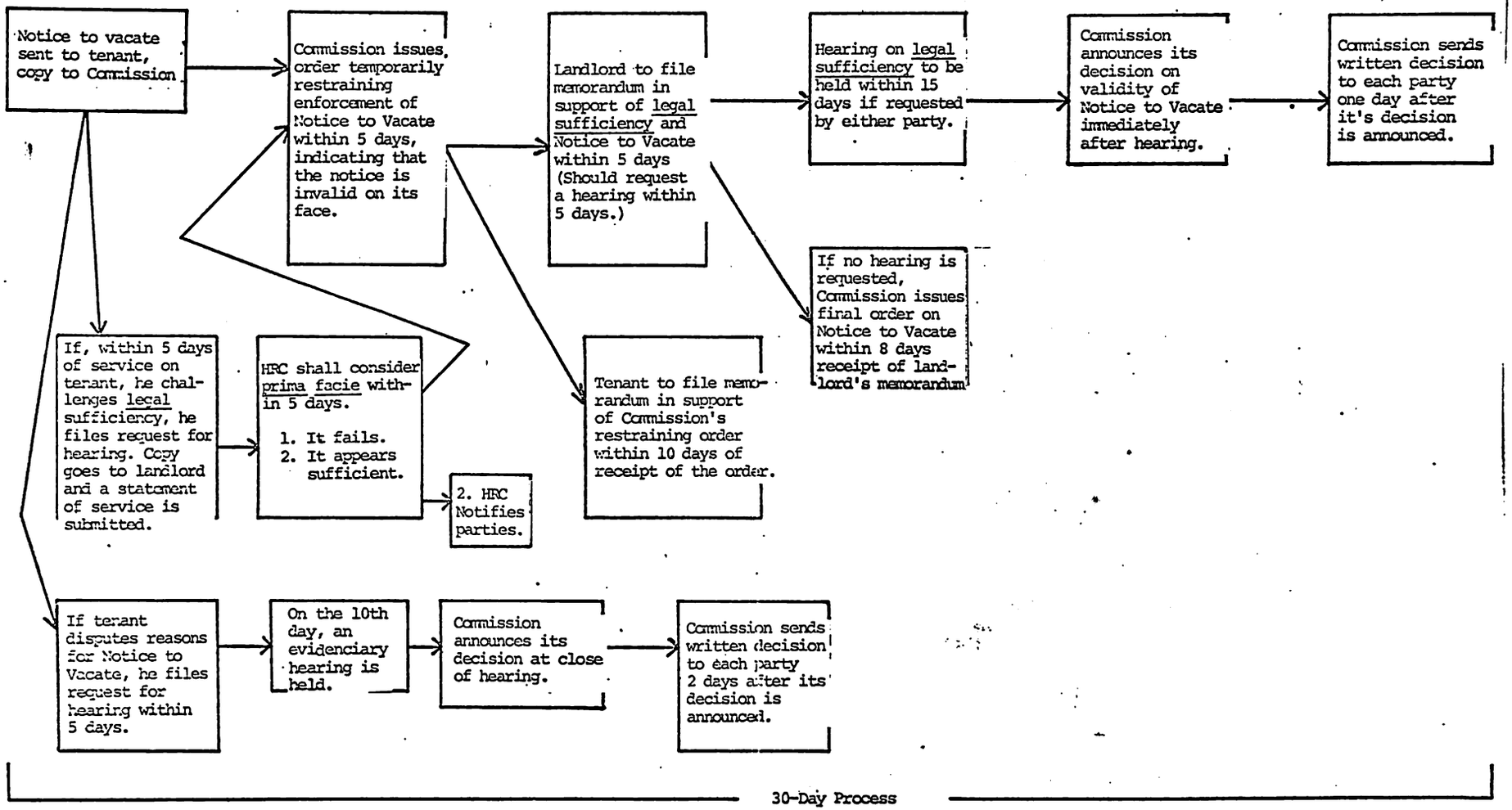
JACK POLLIN

cc: Mr. Charles Hurwitz w/encl.
Miss M. A. Beller, Esq. w/encl.
Mr. Sterling Tucker
Mayor Walter Washington
Office of Consumer Affairs- Mrs. Barbara Crawford
Washington Board of Realtors
The Washington Post - Mr. William Rasberry

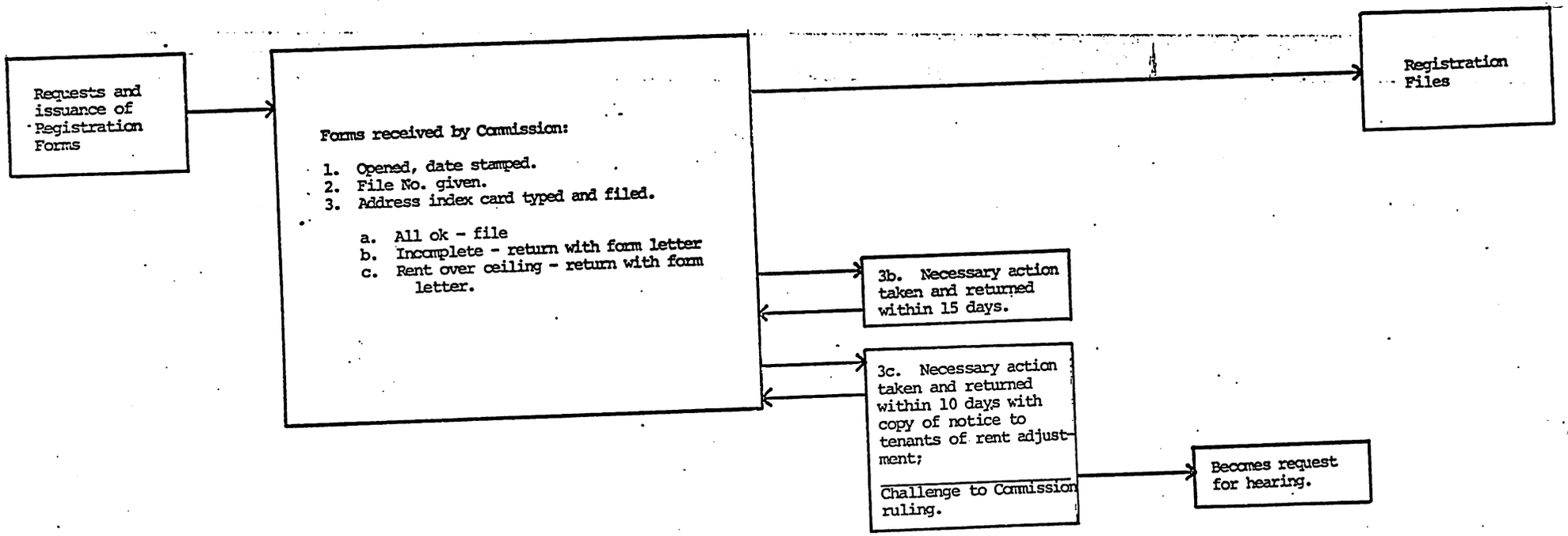
PROCEDURE WHEN COMMISSION DETERMINES THAT NOTICE TO VACATE IS PRIMA FACIE INVALID (Section 6.1 Rules of Procedure)

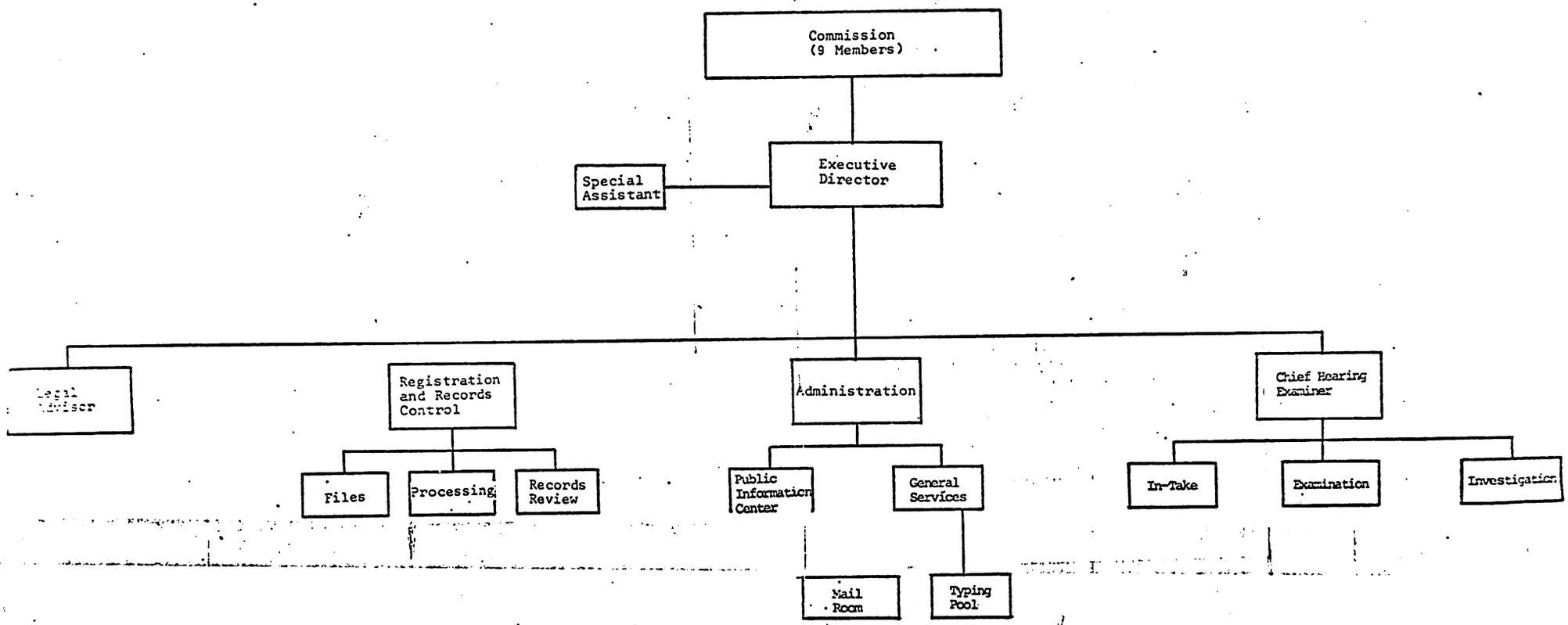


PROCEDURE WHEN COMMISSION DETERMINES THAT NOTICE TO VACATE IS PRIMA FACIE INVALID (Section 6.1 Rules of Procedure)



LANDLORD REGISTRATION




Commission
(9 Members)
Special Assistant
Executive Director
Legal Adviser
Registration and Records Control
Files
Processing
Records Review
Administration
Public Information Center
General Services
Mail Room
Typing Pool
Chief Hearing Examiner
In-Take
Examination
Investigation

In RE 4200 Cathedral Ave. Apt.
APT. BLDG. [Apt. Bldg. Address]
4200 Cathedral Avenue, N.W.

No. _____

Petition For Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

see attached list

The present rent ceiling is $ COLUMN B ($ 54,612.) per month.

The adjusted rent ceiling prayed for is $ COLUMN A ($ 61,158.) per month, effective November 1, 1974, or sooner if possible.

The name(s) of the tenant(s) of the said housing accommodation is/are Furnished upon request

The reason(s) for the adjustment prayed for is/are:

- [X] Increase in property taxes
- [X] Unavoidable increases in operating costs and maintenance expenses since February, 1973
- [ ] Increases in living space or related services
- [ ] Capital improvement ~~(including substantial rehabilitation)~~ as defined by the Internal Revenue Code.
- [ ] Inability to earn a reasonable return on investment.
- [X] Rents substantially below market for comparable accommodations.
- [X] Losses incurred ~~during~~ since June ~~1973 and continuing~~ 1974, due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- [ ] Other _____ [Specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Raymond J. Howar
Signature

RAYMOND J. HOWAR
Name

4200 CATHEDRAL AVE #21

A Proposed Limit B

pt #	TENANT 2/1/73	NEW TENANT	RENT 2/1/73	9/1/74	5/1/74 RENT
06	DIAMOND, ANTHONY	330	267.00	300.00	305-
07	COHEN, JUNE	285	229.00	257.21	262-
08	KAMATH, MADHAV	235	190.00	213-	216-
09	KRICK, ROSE	235	185.00	208.71	210-
10	MACMULLEN, URBAN	290	229.00	257-	265-
11	WINEBURG, ARTHUR	4/1/74 DIVALL 335	246.00	276-	335- 330-
12	HARPER, JOEL	315	251.00	282.21	321-
12-A	CONSTANTINOPLE, PAT	360	292.00	328-	325-
14	DEANE, MIRIAM	375	302.00	339	340-
15	BEST, CAROL	290	234.00	263-	265-
206	ROBERTSON, NELLIE	365	292.00	328.71	335-
207	NOONE, ARTHUR	295	234.00	263-	265-
208	BURTON, JUNE	235	190.00	213-	216-
209	KAUTZMAN, EURICE	235	190.00	213-	216-
210	DARGUESH, ALBERTINE	300	239.00	268-	275-
211	MILLER, LORINE	300	239.00	268-	275-
212	MILLER, ERNESTINE	355	287.00	322-	320-
12-A	WOLF, MARTIN	380	318.00	357-	343-
14	RES MANAGE				
15	POTTS, JOSEPH	310	244.00	274-	280-
16	SAID, LUCILLE	310	244.00	274-	280-
06	HALLGARTEN, KATHARYN	375	297.00	334-	340-
07	LAVERINE, JOHN	300	239.00	268-	275-
08	WATT, MILDRED	245	195.00	219.00	220-
09	MORAN, MARY	245	174.00	195.42	190-
10	LESCURE, WILLIAM	310	261.00	293-	280-
11	PERKEY, JOHN	330	261.00	293-	300-
12	HINCKLEY, ROBERT	300	267.00	300-	305-
12-A	SCHOTT, STEVEN	350	297.00	334-	340-

Apt #	TENANT 2/1/73	NEW TENANT	A Proposed RENT 2/1/73		B 9/1/74 RENT 2/1/73	
314	PARK, LEE		385	313.00	352	356
315	SACCARDI, MILDRED		305	249.00	287	256
316	HARRIS, HARRY		315	249.00	278	256
317	HATT, ROBERT		335	270.00	306	305
402	SOUTHERLAND, DOROTHY		235	190.00	213	216
403	CHISM, JOAN	4/1/74 HC	245	195.00	219	245
404	WEBBER, CATHARINE		250	200.00	225	227
405	JENNINGS, THOMAS		345	277.00	311	303
406	SHELDON, CLIFFORD		375	302.00	339	346
407	DONAHUE, MARY		300	244.00	271	256
408	GUIGON, HILDA		270	220.00	247	245
409	STEVOVICH, VLASTOVIC		250	200.00	225	227
410	BRECK, EVELYN		315	249.00	284	256
411	MCELWEE, PINCKNEY	5/1/74 TIE	330	249.00	279	330
412	SHUBAILAT, FAITH	7/1/73 SH	350	302.00	339	315
412-A	GOODPASTURE, ANNE	4/1/74 FEL	400	323.00	362	400
414	DECKER, CHARLES		390	318.00	357	356
415	DENNERT, ARTHUR		320	254.00	288	292
416	RUPP, CHARLES		320	254.00	288	292
417	HOSKINSON, GENEVIEVE		320	254.00	288	292
418	ROVAHN, PAMELA		220	179.00	201	200
501	NAVVES, CASPER		340	270.00	303	305
502	BLOCH, MALISSE	6/1/73 GOYNE	260	200.00	225	235
503	MOFFETT, BERNARD	9/1/73 RICH	260	200.00	225	235
504	CASTORO, ELSA		265	205.00	230	232
505	BRUCE, LOUIS		355	287.00	322	320
506	QUADRINO, GEORGE	5/2/74 QUEN	340	308.00	346	340
507	SRINIVASAN, MANGALAM	5/1/73 NEL	320	287.00	322	296
508	MCCOMB, ARCHIBALD		255	205.00	230	232
509	GABLEMAN, ELLEN		255	205	230	232

Apt #	Tenant Name	2/1/73 New Rent	A Proposed	Rent 2/1/73	B 9/1/74	New Rent 8/1/74
510	FRYE, III	320.		254.00	285	292-
511	EDMUNDS, WADE	320.		254.00	285	292-
512	BOWERSOCC, LINDA	360		282.00	317	325-
512-A	MEYERS, SYLVESTER	390		308.00	346	351-
514	PAUL, RUTH	400		323.00	363	367-
515	DEGNAN, GEORGE	325		259.00	290	292-
516	CHEN, THELMA	325		259.00	291	292-
517	FLATHER, ELMER	325		259.00	291	292-
518	MCCOWEN, ELEANOR	265		205.00	230	232-
519	STODARD, ELEANOR	340		282.00	317	305-
601	MILLER, ISIDORE	340		270.00	303	305-
602	JOYCE, MITZI	260		205.00	230	232-
603	Lopez, Renee	260		200.00	225	227-
604	ONG, ELEANOR	265		205.00	230	232-
605	KING, MAURICE	360		282.00	317	326-
606	~~BELL~~, V.	VACANT		308.00	346	351-
607	FINLEY, ELIZABETH	335		249.00	280	305-
608	SMITH, JOAN	255		205.00	230	232-
609	GREGORY, DORIS	255		205.00	230	232-
610	MURDOCK, ANNA	320		254.00	285	292-
611	SANDRIDGE, WILLIAM	335		267.00	300	305-
612	HANLEIN, GUSSIE	360		277.00	311	326-
1-12-A	HEMB, PAUL	390		308.00	346	351-
614	SWANSON, C.A.	525		420.00	472	475-
615	FORD, KATHRYN	265		210.00	235	235-
616	WILLIAS, MARGARET	335		256.00	287	292-
617	HOLLERMAN, CONSTANCE	335		292.00	325	305-
618	WENLEY, ELISE	265		205.00	230	232-
619	HOBSON, KATHARINE	340		270.00	303	308-
701	ROUSE, GORDON	340		270.00	303	308

Apt #	Tenant 2/1/73		Tenant		Rent 2/1/73	A Proposed 9/1/74	B 9/1/74 Rent
702	HOYBERGER, LOUISE			260	200.00	225	227-
703	WHALEN, HELEN			260	200.00	225	227-
704	DAWSON, MARY	5/23/74	Brown	275	207.00	233	275-
705	KINNEY, C.C.			355	282.00	317.74	320-
706	GREENBERG, PAUL	6/16/74	Michael	390	328.00	362.77	362-
707	HAWFIELD, ANNE			315	246.00	276.	280-
708	POULOS, ACHILLES			255	205.00	230	232-
709	SALEM, ALVA			255	205.00	230	232-
710	CLANCEY, MARTIN	6/16/74	Duggan	320	251.00	282.	282-
711	LOWMAN, HAROLD	3/1/74	Grace	350	254.00	285.91	350-
712	CARTER, ALBERT			360	295.00	331.24	325-
712-A	MARTIN, EARL	6/25/73	Jewett	390.	318.00	357.2	345-
714	CAPALYN, JANE			525.	411.00	462.	475-
715	POLI, JOSETTE			265	220.00	247.	245-
716	HODGE, MARGUERITE	10/1/73		325	259.00	291.	300-
717	HALPERT, STEWART	7/13	MARAH	335.	282.00	317.74	305-
718	TREMEARNE, THOMAS			265	205.00	230.	232-
719	KIRLIN, FLORENCE			340.	270.00	303.	305-
801	HINES, GEORGE			345	272.00	305.	305-
802	GALE, MARY			260	205.00	230.	232-
803	LEVY, SARAH			260	200.00	225.	227-
804	RONHOVDE, ERIK	7/16/73	HE	275.	210.00	236.	235-
805	MAUU, LORETTA			355	282.00	317.24	320-
806	SOBERNHEIM, RUDOLF			390	328.00	368.	362-
807	CHUMBRIS, PETER			325	249.00	280.4	282-
808	JIMMINK, MARY	7/16/74	Dell	270	226.00	254.4	245-
809	ELDRED, EDNA			255	205.00	230.	232-
810	HAMILTON, FRANCIS			320.	256.00	288.	292-
811	SACCARDI, WILLIAM			350	297.00	334.1	321-
812	CRENSHAW, HILDA	7/1/73	Mrs.	350.	277.00	312	315-

Apt #	Tenant 2/1/73	Tenant	A proposed Rent 2/1/73	B 9/1/74 Rent
702	HOYBERGER, LOUISE	260	200.00	225 227-
703	WHALEN, HELEN	260	200.00	225 227-
704	PAWSON, MARY	5/22/74 Brand 205	207.00	233 275-
705	KINNEY, C.C.	355	282.00	317/74 320-
706	GREENBERG, PAUL	6/16/74 Nickie 390	328.00	368.50 362-
707	HAWFIELD, ANNE	305	246.00	276. 280-
708	POULOS, ACHILLES	255	205.00	230 232-
709	SALEM, ALVA	255	205.00	230 232-
710	CLANCEY, MARTIN	6/16/74 Margaret 320	251.00	282 272-
711	LOWMAN, HAROLD	3/1/74 [illegible] 350	254.00	285 350-
712	CARTER, ALBERT	360	295.00	331.25 325-
712-A	MARTIN, EARL	6/25/73 [illegible] 390.	318.00	357.75 345-
714	CARALYN, JANE	525.	411.00	462. 475-
715	POLI, JOSETTE	265	220.00	247. 245-
716	HODGE, MARGGERITE	10/1/73 [illegible] 325	259.00	291 300-
717	HALPERT, STEWART	7/9/73 [illegible] 335.	282.00	317.75 305-
718	TREMEARNE, THOMAS	265	205.00	230. 232-
719	KIRLIN, FLORENCE	340.	270.00	303. 305-
801	HINES, GEORGE	345	272.00	306.25 305-
802	GALE, MARY	260	205.00	230. 232-
803	LEVY, SARAH	260	200.00	225 227-
804	RONHOVDE, ERIK	7/16/73 HE 275.	210.00	236. 235-
805	MAUU, LORETTA	355	282.00	317.25 320-
806	SOBERNHEIM, RUDOLF	390	328.00	368.50 362-
807	CHUMBRIS, PETER	325	249.00	280.75 275-
808	JIMMINK, MARY	7/16/74 Lori 270	226.00	254.25 245-
809	ELDRED, EDNA	255	205.00	230.5 232-
810	HAMILTON, FRANCIS	320.	256.00	288.5 292-
811	SACCARDI, WILLIAM	350	297.00	334.1 321-
812	CRENSHAW, HILDA	7/3/73 [illegible] 280.	277.00	312 315-

Apt #	Tenant 2/1/73	New Tenant	A Approved Rent 2/1/77	B 9/1/74 Rent 9/1/74
812-A	HELLER, CLARENCE	390.	308.00	3416 351-
814	MARTIN, THOMAS	525.	420.00	4724 475-
815	HAUG, MARIENNE	265	210.00	2360 245-
816	PYLES, FLORENCE	325	259.00	2910 300-
817	STONE, CHAPIN	325	259.00	2910 300-
818	VICKERY, MAMIE	265	205.00	230 232-
819	HOUGH, JOE	346	270.00	303 305-
901	BENZIGER, NANNIE	345	275.00	309 315-
902	GREEN, ADELAIDE	265	215.00	242 235-
903	INGOE & SEMMENS	265	205.00	230 245-
904	GOETCHERIAN, ELIZABETH	265 9/1/73	231.00	259 245-
905	DUFFEY, ESTHER	360	287.00	322 325-
906	BOTELER, DOROTHY	390	313.00	352 350-
907	SLACK, EILEEN	325	254.00	285 275-
908	RILEY, PATRICK	270 3/1/73	231.00	259 245-
909	WEHLE, RUTH	265	210.00	236 238-
910	HEUMAN, MAX	330	259.00	291 300-
911	AITKEN, LINDA	375	303.00	340 327-
912	JOSLIN, P	360	295.00	331 329-
912-A	CARTER, JOSAPHINE	390	313.00	352 350-
914	MITCHELL, MYRON	525	425.00	477 450-
915	GOUDREAU, KENNETH	275 4/1/73	235.00	264 250-
916	LINN, JOHANNES	375 3/31/74	297.00	334 340-
917	SCHLOSSER, ALLAN	375	261.00	293 340-
918	MCGUIRE, BERNICE	265	210.00	236 238-
919	HILL, B. HOWELL	345	275.00	309 315-
1001	HAMMER, ETHEL	345	275.00	309 315-
1002	TASKER, MILORED	265	205.00	230 232-
1003	TERRETTA, DOROTHEA	265	224.00	252 245-
1004	SADOW, SUE	265	210.00	236 235-

A Proposed

B 9/1/74

Apt #	Tenant 2/1	New Tenant	Rent 2/1/73	Rent 5/1	
1005	HAWKINS, LUNELLA	360.	287.00	322.	325-
1006	KERR, FLORENCE	390.	313.00	351½	356-
1007	GOLDBERG, HARRY	325	254.00	285½	292-
1008	ORLOSKI, LEON	2/1/74 325	210.00	236½	255-
1009	MERKEL, CHARLES	265	210.00	236½	235-
1010	DALLA-SANTA, PASQUAL	350	282.00	316½	315-
1011	COMMAERT, MARGARET	335	259.00	291½	300-
1012	NAGLE, RHEA	360	282.00	317½	325-
1012-A	WOLLIAK, EUGENIA	390	313.00	352½	356-
1014	CRANE, JACOB	525	425.00	477½	480-
1015	BUDMAN, ISAAC	265	210.00	236½	235-
1016	HAN, H.C.T.	335	264.00	297½	305-
1017	O'CONNELL, J.E.	335	264.00	297½	305-
1018	IRWIN, IRMA	265	210.00	236½	235-
1019	FINE, RUTH	345	275.00	309½	315-
1101	KILERANE, MICHAEL	345	275.00	309½	315-
1102	DOUGHERTY, GLADYS	5/1/73 265	205.00	230½	245-
1103	FRANCIS, MADELINE	265	205.00	230½	232-
1104	DCERES, JEANNE	265	210.00	236½	235-
1105	BERNARD, JESSE	360	287.00	322½	325-
1106	POWELL, EVELYN	390	313.00	352½	356-
1107	NANCY LANG	5/16/73 325	241.00	271½	240-
1108	PERRY, WILLIAM	275	210.00	236½	235-
1109	CONDON, DAVID	265	210.00	236½	235-
1110	RITZEN BERG + SAGON	11/4/73 350	259.00	291½	315-
1111	SNYDER, FREDERICK	6/1/74 332	261.00	293½	300-
1112	PICKERING, EILEEN	360	282.00	317½	325-
1112-A	HIRICHS, ALBERT	390	333.00	374½	367-
1114	BEYER	525	425.00	477½	486-
1115	KEYSER, CHARLOTTE	265	210.00	236½	235-
1116	SCHIFF, ERIC	335	264.00	297½	305-

A

Apt #	Tenant 2/1	New Tenant	Rent 2/1
1117	LANE	335	264.00
1118	RAUCH	265	210.00
1119	AUFRICHT	345	275.00

$58,718.00
Garage Rental + 2,440.
$61,158

B

Rent 8/1
305-
235-
315-

$53,377.00

$52,552
Garage Rental + 2060
54,612.

HOUSING RENT COMMISSION

In RE THE YORK
APT. BLDG. [Apt. Bldg., Address]
532 20th Street, N.W.

No. _____

Petition For Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ See attached list COLUMN B ($ 19,203.) per month.

The adjusted rent ceiling prayed for is $ COLUMN A ($ 22,220.) per month, effective November 1, 1974, or sooner if possible.

The name(s) of the tenant(s) of the said housing accommodation is/are furnished upon request

The reason(s) for the adjustment prayed for is/are:

- [X] Increase in property taxes
- [X] Unavoidable increases in operating costs and maintenance expenses since February, 1973
- [ ] Increases in living space or related services
- [ ] Capital improvement ~~(including substantial improvement)~~ as defined by the Internal Revenue Code.
- [ ] Inability to earn a reasonable return on investment.
- [X] Rents substantially below market for comparable accommodations.
- [X] Losses incurred since June ~~since~~ 1974. due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- [ ] Other _____ [Specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Raymond J. Howar
Signature

RAYMOND J. HOWAR
Name

#	Tenant 2/74	New Tenant	Rent 2/74	B $5 9/1/74	A Proposed Rent 8/1/74
7	LEVY		22.50	25.27	30-
58	HAWFIELD		22.50	25.27	30-
59	SHUBAILET	12/1/73 WELCH	22.50	25.27	30-
60	BLOCH	6/1/73 COYNE	22.50	25.27	30-
61	DECKER		22.50	25.27	30-
62	HATT		22.50	25.27	30-
63	ROUSE		22.50	25.27	30-
64	MITCHELL		22.50	25.27	30-
65	STEVOVICH		17.50	19.65	25-
66	MERKEL		22.50	25.27	30-
67	ORLOWSKI	8/1/73 GALEN	22.50	25.27	25-
68	DALGLIESH	11/1/73 PUGH	22.50	25.27	30-
69	EDMUNDS		22.50	25.27	30-
70	DAWSON	VACANT	22.50	25.27	30-
71	CAMMHERT		22.50	25.27	30-
72	SCHIFF		22.50	25.27	30-
73	MCELWEE	VACANT	22.50	25.27	30-
74	MANN		22.50	25.27	30-
75	FLATHER		22.50	25.27	30-
76	SOUTHERLAND		22.50	25.27	30-
77	HEMB	VACANT	22.50	25.27	30-
78	IRWIN		22.50	25.27	30-
79	GOODPASTURE	VACANT	22.50	25.27	30-
80	BURTON		22.50	25.27	30-
81	VACANT	Engineer	22.50	25.27	30-
82	DAILA-SANTA	12/1/73 FRYE	22.50	25.27	30-

The rest are outside garage

$2,060.00 $2,460.

Unit #	Tenant 2/1	New Tenant	A Rent 2/1/73	9/1/74	B Rent 5/1/73
302	OMOHUNDRO		220	172 - 193	200 -
303	KADA		235	195 - 219	216 -
304	SHEEHAN	9/1/73 Turner	220	169 - 190	200 -
305	YARASHUS	11/1/74 Lee	230	190 - 213	210 -
306	FARMER		130	100 - 112	120 -
307	TOULOUSE	6/16/74 Frank	165	133 - 149	145 -
308	RIFF	5/1/74 Simms	135	108 - 121	130 -
309	MASON		170	133 - 149	156 -
310	MCCAMBRIDGE	3/16/74 Snyder	170	133 - 149	160 -
311	GUICE		175	136 - 153	162 -
312	BLEVINS	4/1/73 Lewis	190	141 - 158	167 -
314	HOHLT	10/1/73 Easling	180	131 - 147	166 -
315	BONINA	5/1/74 Lewis	175	133 - 149	165 -
400	L'ITALIEN	11/1/74 Nicolai	175	131 - 147	165 -
401	WILSON	4/16/74 Lee	235	179 - 201	220 -
402	LORENA		225	174 - 195	205 -
403	HOULT	3/1/73 Sinnett	240	176 - 198	220 -
404	ARNOLD		225	174 - 195	200 -
405	IHNAT	3/1/73 Hall	235	179 - 201	216 -
406	GALLUCIO		130	100 - 112	120 -
407	ANDERSON		165	121 - 136	145 -
408	STEGFELNER	11/1/73 Hall	185	108 - 126	125 -
409	PETRICH	11/1/74 Shell	180	133 - 149	170 -
410	CORAZON		165	138 - 155	156 -
411	MYRICK		175	136 - 153	162 -
412	HYLE		170	131 - 147	156 -
414	SHIPLETT		170	131 - 147	156 -
415	RODRIGUEZ	3/1/74 Ryan	175	133 - 149	165 -
500	GILBERT	8/1/73 Mellas	175	141 - 158	155 -
501	HARTMAN	4/1/74 Simms	235	179 - 201	220 -
502	TEITELBAUM	6/16/74 Lee	225	174 - 195	205 -

Apt #	Tenant 2/1	New Tenant	A	Rent 2/1/73	B	Rent 8/1/74
704	DE WILDE	7/1/74	225	174 -	195	200 -
705	HAACK		225	174 -	195	200 -
706	PASQUALE		130	100 -	112	120 -
707	ECHTER	5/1/74 Grant	175	121 -	136	160 -
708	TRUJILLO	1/16/74 Napier	135	107.50	121	125 -
709	WILHITE		180	144 -	163	162 -
710	MUNDALE		170	121 -	136	150 -
711	HAACK		180	136 -	153	162 -
712	HNATT		180	131 -	147	156 -
714	CRONIN		180	141 -	158	162 -
715	RUTLEDGE	7/1/74 Mc Kay	170	133 -	149	145 -
800	McMURTRIE		170	131 -	147	155 -
801	MURPHY		235	179 -	201	210 -
802	MILES	4/1/73 Butler	240	174 -	195	216 -
803	HUNOLEY		245	200 -	225	220 -
804	KANIN		225	174 -	195	190 -
805	DOBBS		235	190 -	213	216 -
806	SMITH		130	105 -	118	120 -
807	WHITING		175	121 -	136	145 -
808	MILLER		130	100 -	112	120 -
809	LOUGH		180	133 -	149	156 -
810	MEZZAROS		170	121 -	136	150 -
811	HARPER		190	152 -	171	165 -
812	MCSTAY		180	145 -	163	155 -
814	TUCKER	5/1/73 Baumbach	180	141 -	158	155 -
815	HAUSMAN		170	133 -	149	156 -
					$19,085.00	
			A = $22,220		19,762.00	
					$19,203.	

			A Proposed	B	
Apt. #	Tenant	New Tenant	Rent 2/1/73	Rent 9/1/74	Rent 8/1/74
503	KAHN	5/16/74 Bailey	210	195 -	219 - 216 -
504	KULLMAN		225	169 -	190 - 200 -
505	FORST	10/1/73 Calla	230	185 -	208 - 205 -
506	BILLINGS		130	100 -	112 - 120 -
507	FERRER	7/1/74 Rivera	175	133 -	149 - 160 -
508	WHITTAKER	9/16/73 Rivera	135	108 -	121 - 120 -
509	POMS	9/1/74	170	133 -	149 - 156 -
510	ANDO	5/1/74 Rivera	175	121 -	136 - 160 -
511	ZIESMER	7/1/74 Rivera	180	136 -	153 - 175 -
512	OKOLO - KULAKAS		180	141 -	158 - 162 -
514	LINDSEY	10/1/73 Shuff	170	131 -	147 - 155 -
515	POLLES		170	123 -	138 - 145 -
600	KANEMY	5/1/73 Feamy	175	141 -	158 - 165 -
601	COOPER		235	179 -	201 - 210 -
602	DUNLAP		225	180 -	202 - 205 -
603	HEISS		235	195 -	219 - 216 -
604	MOORHEAD		225	174 -	195 - 200 -
605	FOLINO	2/16/73 Hayline	235	190 -	213 - 216 -
606	MCDONALD	VACANT	130	108 -	121 - 120 -
607	ESSEX		175	138 -	155 - 156 -
608	GALLOWAY	12/16/73 Rivera	135	100 -	112 - 130 -
609	BROWN		175	133 -	149 - 156 -
610	MARTON	1/1/74 Jabaco	120	133 -	149 - 155 -
611	TUTTLE		180	136 -	153 - 162 -
612	KRESS	5/1/73 Baker	180	131 -	147 - 155 -
614	HAFFMANS		180	141 -	158 - 162 -
615	KALMANOWITZ	5/16/73 Rivera	170	133 -	149 - 145 -
700	LISKO		170	131 -	147 - 155 -
701	SPOSATO	11/1/73 Chemas	225	179 -	201 - 195 -
702	FALK		235	190 -	213 - 210 -
703	MILLER		230	179 -	201 - 205 -

152257

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MAYOR'S COMMAND CENTER

RECEIVED
26 AUG 74 11 09
OFFICE OF CIVIL DEFENSE EXEC. COMD. CTR

REFERENCE FILE NR	INFORMATION SOURCE DATA
	Volunteered by
PREPARED BY ID NUMBER 205	
PROCESSED BY ID NUMBER 117	Solicited/Monitored from

WHAT	1	RENT CONTROL PROBLEM
WHEN	2	
WHERE	3	518 - A St SE. 20003 (Address)
WHO	4	Mr. Robert Schramm (Name) (Tel. No.)
WHY	5	

DETAILS (Reference - item numbers above)

(1) PROBLEM Rent Control petition.

DISTRIBUTION (✓)

91	300	301	302	303	304	305	306	307	308
✓	✓								

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 2 1400 Y Street N.W.
[Apt. No., Address]

Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 125.00 per month.

The adjusted rent ceiling prayed for is $ 210.00 per month, effective November 1, 1974, or sooner if possible.

with a discount of ten dollars if paid within five days of due date.

with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Mario Parades

The reason(s) for the adjustment prayed for is/are:

- [ ] Increase in property taxes
- [x] Unavoidable increases in operating costs and maintenance expenses since February, 1973
- [ ] Increases in living space or related services
- [ ] Capital improvement (including substantial rehabilitation)
- [x] Inability to earn a reasonable return on investment
- [x] Rents substantially below market for comparable accommodations
- [ ] Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- [ ] Other _____
[specify]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MAYOR'S COMMAND CENTER

REFERENCE FILE NR

PREPARED BY ID NUMBER 301

PROCESSED BY ID NUMBER 117

INFORMATION SOURCE DATA

Volunteered by

Solicited/Monitored from

RECEIVED
3 SEP 74 10 49
OFFICE OF CIVIL DEFENSE EXEC. COMD. CTR

WHAT	1	RENT CONTROL PROBLEM
WHEN	2	
WHERE	3	Hyatt South Residential area (Address)
WHO	4	Forestry Management Inc (Tel. No.)
WHY	5	

DETAILS (Reference - item numbers above)

(1) PROBLEM Send a hardship letter?

E. Allen

DISTRIBUTION (✓)

91	300	301	302	303	304	305	306	307	308
✓	✓								

532 20 [illegible] St

#29

Apt #	Tenant 21.	A New Tenant	Rent 21/1/73 Not rented	B 9/1/74	Rent 8/1/74
	Lines:	145			135-
01	AURELL	210	164-	181.40	195-
02	HOKE	210	166-	186.[illegible]	195-
03	VACANT	VA225UT	164-	[illegible] 225c	
4	IGNATIUS	210	175-	197.[illegible]	195-
05	AURELL	200	154-	173.[illegible]	185-
6	NEWCOMB	5/1/74 Md 130	95-	107.[illegible]	120-
07	HECKATHORN	11/1/74 [illegible] 130	121-	136.[illegible]	150-
08	RICHARDS	11/6/74 [illegible] 130	120-	135.[illegible]	126-
09	ARTHUR	165	141-	159	156-
10	MALCOMSON	150	108-	121.[illegible]	130-
11	RHOE	5/16/73 [illegible] 160	117-	131.[illegible]	145-
12	ASHLEY	160	117-	131.[illegible]	140-
14	VARNELL	160	117-	131.[illegible]	125-
15	BOSWELL	150	92-	103.3[illegible]	110-
00	RISTICH	175	141-	158.[illegible]	168-
201	WINK	225	177-	199.[illegible]	205-
202	O'HARA	220	172-	193.[illegible]	200-
03	HOPPE	225	174-	195.4[illegible]	205-
04	MOORE	220	169-	190.[illegible]	200-
05	LEE	220	164-	184.[illegible]	195-
206	KAUFMAN	135	110-	120.[illegible]	125-
207	WADHAMS	5/1/73 [illegible] 165	133-	149.[illegible]	145-
208	EMBERGER	11/16/73 [illegible]	100-	[illegible]	125-
209	BAUER	11/16/73 [illegible] 180	131-	148	170-
210	CAVE	165	135-	152	156-
211	SMITH	165	129-	145	152-
212	WITT	4/1/74 [illegible] 180	141-	158.[illegible]	170-
214	LANGLEY	VACA 130	85-	171.[illegible]c	
215	DOYOUNG	6/16/74 [illegible] 135	120-	133.[illegible]	165-
300	FISHMAN	4/22/73 [illegible] 175	141-	155.[illegible]	160-
301	LOCKE	10/11/73 [illegible] 225	177-	179.[illegible]	205-

4200 Cathedral - Garage

#21

Proj #	Tenant 2/73	New Tenant	Rent 3/73	B 9/1/74	Rent 8/1/74
1	Martin		22.50	25.27	30-
2	Saccardi		22.50	25.27	30-
3	Ingset+Semmens		22.50	25.27	30-
4	Bawejack		22.50	25.27	30-
5	Hafer		22.50	25.27	30-
6	Harper		22.50	25.27	30-
7	Swanson		22.50	25.27	30-
8	LANE		22.50	25.27	30-
9	MILLER	7/9/73			
10	RILEY	VARALLYAY	22.50	25.27	25-
11	WHALEN		22.50	25.27	30-
12	STONE		22.50	25.27	30-
13	KING		22.50	25.27	30-
14	JOSLIN		22.50	25.27	30-
15	VACANT	RESIDENT	22.50	25.27	30-
16	SAID	5/2/74 OWEN	22.50	25.27	30-
17	SNYDER	VACANT	22.50	25.27	30-
18	ROUSE		22.50	25.27	30-
19	CHISM	VACANT	22.50	25.27	30-
20	GOETCHARION	VACANT	22.50	25.27	25-
21	BRUCE		22.50	25.27	30-
22	DENNERT		22.50	25.27	30-
23	WATT		22.50	25.27	30-
24	SCHLOSSER	VACANT	17.50	19.65	25-
25	RITZENBERG	11/1/73 KEELEY	22.50	25.27	30-
26	SOBERNHEIM		22.50	25.27	30-
27	VICKERY		22.50	28.27	30-
28	MCCOMB		22.50	25.27	30-

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 5 - 1400 M Street N.W.
[Apt. No., Address]
Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 111.00 per month.

The adjusted rent ceiling prayed for is $ 190.00 per month, effective November 1, 1974, or sooner if possible.

with a discount of ten dolla if paid within five days of date.

with a discount of ten dollars if paid withi five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are

Guang Hwa Yang

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other [specify]

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# A - 1400 M Street N.W.
[Apt. No., Address]
Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 98.00 per month. with a discount of ten dollars if paid within five days of due date.

The adjusted rent ceiling prayed for is $ 190.00 per month, effective November 1, 1974, or sooner if possible. with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Man Pok Lee.

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1975
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other

[specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: [~~owner~~/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 3 - 1400 V Street N.W.,
[Apt. No., Address]

Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 102.00 per month.

The adjusted rent ceiling prayed for is $ 210.00 per month, effective November 1, 1974, or sooner if possible. with a discount of ten dollars if paid within five days of due date.

with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Chunk Gon Chan

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other [specify]

	Tenant 7/1/73	New Tenant	Rent 7/73	B 9/1/74 Rent	A Appt Rent 8/1/74
	PERRY		22.50	25.27	30-
	HAUG		22.50	25.27	30-
	HOYBERGER		22.50	25.27	30-
	WEHLE		22.50	25.27	30-
	GOUDREAU	4/1/73 MILLER	22.50	25.27	30-
	HOSKINSON		22.50	25.27	30-
	PICKERING		22.50	25.27	30-
	CASTORO	7/1/73 SWIFT	22.50	25.27	30
	MILLER		22.50	25.27	30-
	BEST		22.50	25.27	30-
	NODINE		22.50	25.27	30-
	LANG	5/1/73 NODINE	22.50	25.27	30
	WEBBER		22.50	25.27	30-
	PAUL		22.50	25.27	30-
	CANDIDO	2/13/73 SLACK	22.50	25.27	30-
	SHELDON		22.50	25.27	30-
	HAMILTON	5/16/74 PRICE	22.50	25.27	30-
	GREEN		22.50	25.27	30-
	HILL		22.50	25.27	30-
	MILLER	6/1/73 NANNES	22.50	25.27	30-
	LUEBURG	VACANT	22.50	25.27	30-
	MCGUIRE		22.50	25.27	30-
	CONSTANTINOPLE		22.50	25.27	30-
	HINES		22.50	25.27	30-
	PERKEY	7/6/74 DONOVAN	22.50	25.27	30-
	MCDOWELL		22.50	25.27	30-
	PENZIGER		22.50	25.27	30-
	PARK		22.50	25.27	30-

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thom K. Wood
Signature

THOMAS K. NAST
Name

Title: ~~[owner~~/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

_____
Notary Public D.C.

My Commission Expires:

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Wood
Signature

THOMAS K. WAST
Name

Title: [~~owner~~/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 6 -- 1400 M Street N.W.
[Apt. No., Address]

Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 111.00 per month.

The adjusted rent ceiling prayed for is $ 190.00 per month, effective November 1, 1974, or sooner if possible. with a ten dollar discount if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are

Rafael Martinez

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other [specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nast
Signature

THOMAS K. NAST
Name

Title: [~~owner~~/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the ____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS R NASH
Name

Title: [~~Owner~~/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

_____
Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 7 - 1400 M Street N.W.,
[Apt. No., Address]
Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 98.00 per month.

The adjusted rent ceiling prayed for is $ 165.00 per month, effective November 1, 1974, or sooner if possible. with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Lenora Penacheuera.

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☐ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☐ Inability to earn a reasonable return on investment
- ☐ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other [Specify]

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 3 - 1400 V Street N.W. [Apt. No., Address]
Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 88.00 per month. with a ten dollar discount if paid within five days of due

The adjusted rent ceiling prayed for is $ 165.00 per month, effective date. November 1, 1974, or sooner if possible. with a ten dollar discount if paid with five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are

Ho Kam Chan

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other

[Specify]

APPOINTED COUNCIL DISTRICT OF COLUMBIA 1967-1974
1974 DCSTAT REG 211

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: [~~owner~~/manager].

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nast
Signature

THOMAS K. NAST
Name

Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt. 9 - 1400 M Street N.W.,
[Apt. No., Address]
Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 87.00 per month. with a ten dollar discount if paid within five days of due date.

The adjusted rent ceiling prayed for is $ 155.00 per month, effective November 1, 1974, or sooner if possible. with a ten dollar discount if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are

Amelia De La Cruz

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other

[specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: [~~owner~~/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 10 - 1400 M Street N.W. :
[Apt. No., Address] :
: No. _____
Washington, D.C. :

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 111.00 per month. with a ten dollar discount if paid within five days of due date.

The adjusted rent ceiling prayed for is $ 155.00 per month, effective November 1, 1974, or sooner if possible. with a ten dollar discount if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are John Li.

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☐ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other _____
[specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

MANAGER
Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the ____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

_____
Notary Public D.C.

My Commission Expires: _____

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: [~~owner~~/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

_____
Notary Public D.C.

My Commission Expires:

(10)

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

IN RE Apt# 1 - 1400 M Street N.W.
[Apt. No., Address]
Washington, D.C.

No.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 118.00 per month.

The adjusted rent ceiling prayed for is $ 210.00 per month, effective November 1, 1974, or sooner if possible.

with a ten dollar discount if paid within five days of due date.

with a ten dollar discount if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are

Rosario Silva

The reason(s) for the adjustment prayed for is/are:

- [ ] Increase in property taxes
- [X] Unavoidable increases in operating costs and maintenance expenses since February, 1973
- [ ] Increases in living space or related services
- [ ] Capital improvement (including substantial rehabilitation)
- [X] Inability to earn a reasonable return on investment
- [X] Rents substantially below market for comparable accommodations
- [ ] Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- [ ] Other

[specify]

18

LAW OFFICES

McNUTT, DUDLEY, EASTERWOOD & LOSCH
BARR BUILDING
WASHINGTON, D. C. 20006

296-4222
CABLE ADDRESS "McNUTTLAW"

PAUL V. McNUTT (1946-1955)
HENRY A. DUDLEY
O. P. EASTERWOOD, JR.
ROBERT E. LOSCH
MICHAEL F. CURTIN
ROBERT H. HUNT

NEW YORK OFFICE
FRANK A. CELENTANO
102 MAIDEN LANE
DIGBY 4-9200

September 17, 1974

Housing Rent Commission
District of Columbia
Municipal Building - Room 5009
300 Indiana Avenue, N. W.
Washington, D. C. 20001

Gentlemen:

Enclosed herewith please find the Petition for Adjustment to Rent Ceiling of Mr. Thomas Meloy concerning the apartment dwelling at 1619 30th Street, N. W., Washington, D. C.

We urgently request your expedited attention to this hardship petition since the roll-back rents force Mr. Meloy into a cash flow loss of $5,258.44 a year.

Communication from your office concerning this petition should be sent to my attention.

Very truly yours,

RHH

Robert H. Hunt

Encl.

cc: Washington Board of Realtors
Mr. Thomas Meloy
C. Millicent Chatel, Wise & Gilliat, Inc.
(all with enclosure)

	Roll-Back Rent	Rents Collected Prior to Roll-Back
Apt. 102	$ 305.00	$ 314.49
Apt. 103	201.05	250.00
Apt. 104	184.20	250.00
Apt. 105	207.79	335.00
Apt. 106	230.25	300.00
Apt. 201	299.33	335.00
Apt. 202	247.10	266.00
Apt. 203	184.20	250.00
Apt. 204	184.20	245.00
Apt. 205	259.45	260.00
Apt. 206	235.87	300.00
Monthly Total Income:	$ 3,846.99	$ 4,655.49

(Difference of $808.50 per month, or $9,702.00 per year)

The excess of receipts over disbursements from August 1973 to August 1974 at the rents before roll-back was only $4,443.56. Thus, it can be seen that the roll-back rents would eliminate this excess and would cause a cash out-of-pocket loss on the building of $5,258.44 a year. ($9,702.00 minus $4,443.56 equals $5,258.44 loss) To force an owner to reduce rents to this extent so that the property will not carry itself is a

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

IN RE: Apartment at 1619 - 30th Street)
)
Thomas Meloy, Landlord-Owner) No. _____
1715 Electronic Drive)
Springfield, Virginia 22151)
)

PETITION FOR ADJUSTMENT
TO RENT CEILING

Request is made for adjustment in the rent ceilings applicable to the apartments in the above-captioned housing accomodation by reason of hardship.

The monthly rent ceilings that will be established under the Rent Control Regulation and the rents collected prior to the roll back are set forth below:

	Roll-Back Rent	Rents Collected Prior to Roll-Back
Apt. B-1	$ 201.05	$ 290.00
Apt. B-2	149.38	210.00
Apt. B-3	168.48	155.00
Apt. B-4	179.75	200.00
Apt. B-5	179.75	200.00
Apt. B-6	195.43	185.00
Apt. 101	224.64	325.00

severe hardship which is tantamount to confiscation of the property. Instead of receiving a fair return on his investment, the owner will be forced into a loss on his investment. It is therefore respectfully requested that the rentals set forth in the column headed "Rents Collected Prior to Roll-Back" be continued in effect to prevent such a gross inequity and hardship.

Background.

This property was purchased by the present owner in August of 1972. At that time, most of the rental rates of individual units reflected the lower purchase price which the prior owner had paid for the building. Several of the tenants had lived in the building for years and were renting at rates which were especially low as a continuing favor to them. Following the purchase in August of 1972, the present owner raised rents by a modest amount when leases came up for renewal or apartments became vacant, in order to begin to achieve a fair return on his investment and equate rental rates to the then value of the building. Unfortunately, as of February 1, 1973, a number of the apartments were still under the leases that existed in August of 1972, the date of purchase.

Expenses.

The present landlord has taken great pride in this Georgetown apartment building and has invested a large amount of cash to bring the building

up to a first-rate accomodation. He is maintaining the building in top condition which the former owner was not doing.

Names of Tenants.

The names of the tenants now occupying the premises follow:

Apt. No.	Tenant
B-1	Edward Ralph Hamberger
B-2	Irvin Wolf, Ph. D.
B-3	Thomas Dennis Sheehan
B-4	Mrs. Maria De Los Santos Brown
B-5	Richard Tebeka
B-6	Faye Mickelson
101	Marc Lenot
102	James M. Reinach and Joan S. Reinach
103	Daniel Ernst Kohn, M. D.
104	Joan S. Krinsly
105	Jan Jeffrey Sagett
106	Ernest Richard Holz
201	Brian Holmes and Marie Louise Holmes
202	Edith Thomas
203	Robert E. L. Tolbert III
204	Adele Brossard Harnandez
205	Michael W. Dominick
206	Pablo Rodrigues

Summary:

1. The roll-back rents would prevent the owner from receiving a fair return on his investment and would force him into a cash loss position where the building would fail to carry itself by $5,258.44 a year.

2. The roll-back rents are unreasonably low because the building was purchased in August of 1972 from an owner with a lower investment than the present owner and in February of 1973, many of the low rents were still in effect.

3. In addition to the normal inflation of operating costs, there have been unavoidable increases in operating costs and maintenance expenses since February 1973, because this building has been redecorated, refurbished and repainted and is being maintained by the present owner in a better condition than it was by the prior owner.

4. The roll back rentals would be substantially below the market for comparable accommodations.

Petitioner respectfully requests that the Commission promptly notify the above listed tenants of the filing of this Petition pursuant to Section 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly.

_____
Thomas Meloy
Owner

District of Columbia) ss.

Before me, the undersigned Notary Public, on the ____ day of September,

1974, personally appeared Thomas Meloy, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public, D. C.

My commission expires:

September 24, 1974

District Of Columbia Housing Rent Commission
Room 509 Municipal Building
300 Indiana Avenue, N. W.
Washington, D. C.

Gentlemen:

We would like an appointment to come in and discuss a rent increase for our two family house # 239 Hawaii Avenue, N. E. We have thirty similar houses on Hawaii Avenue, N. E., all renting for the same amount. We furnish all utilities and for the first six months of this year the average cost per house for electricity, gas and oil was $445.97. The cost for furnishing these items to #239 Hawaii Avenue was $904.07.

Although the thermostat is set by us it can be reset by the tenant which apparently has happened here. Although our rental agreement restricts the use of electricity to a refrigerator, lights, vacuum cleaners, radios and T.V.'s and washing machines, there is apparently waste and use for something else as you will see by the cost figures we have quoted.

We respectfully submit and will furnish any additional information necessary in hopes of getting a rent increase from these tenants to pay for the waste of this energy which we all know is in critical supply and becoming costlier.

Very Truly Yours,

Robert P. Tiffey

September 24, 1974

District Of Columbia Housing Rent Commission
Room 509 Municipal Building
300 Indiana Avenue, N. W.
Washington, D. C.

Gentlemen:

We would like to come in and discuss a rent increase for our two family houses #51 and 53 Victor Street, N. E. These houses were built for the owner to furnish the utilities. In 1973 the utility cost for each apartment averaged $25.76 per month.

In the same area we manage forty similar houses where the tenants all furnish their own utilities. In these houses the new rent controlled rent is $132.54 each month for each tenant.

In the two houses #51 and 53 Victor Street the rent should be $132.54 which would be similar to the forty houses plus the cost of utilities which is $25.76 per month making a total rent of $158.30 for each apartment.

The adjusted rent controlled rent for 51 and 53 Victor Street is now $149.95 which is inequitable for the forty similar houses that furnish their own utilities. The rents for 51 and 53 Victor Street had been adjusted to make them comparable the first of this year but your new calculations have put them below the others $8.35 each apartment.

We respectfully request an increase to make these apartments comparable to the others.

Very Truly Yours,

Robert P. Tiffey

Dup mailed in
ROOM DATA
-1

September 13, 1974

District of Columbia Housing Rent Commission
Room 500, Municipal Bldg.
300 Indiana Avenue, N. W.
Washington, D. C.

Dear Sir:

Enclosed please find a "petition for adjustment to rent ceiling" from ninety nine apartments in the Holmead apartments 3435 Holmead Place, N. W.

This building is now in a deficit cash flow position of $5,855.04 for this year which would project a loss of $8,782.00, for 1974.

As a property Manager for this building, housing low to medium income residents. I feel that the owners are entitled to a minimum of a 10 percent return on the initial investment. These petitions reflect the increases needed to insure this income.

Sincerely,

James L. Rankin, CPM
Property Management Department

JLR:co

Encl: stated

cc: Mr. Kenneth Luchs
Mr. Murray
Mr. Deem

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE 603 @ 3435 Holmead Place, N. W. : No. _____
[Apt. No., Address] :
Washington, D. C. 20010 :

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is $ 137.00 per month.

The adjusted rent ceiling prayed for is $ 168.50 per month, effective November 1, 1974, or sooner if possible.

The name(s) of the tenant(s) of the said housing accommodation is/are Olamowa Awasika.

The reason(s) for the adjustment prayed for is/are:

- ☐ Increase in property taxes
- ☒ Unavoidable increases in operating costs and maintenance expenses since February, 1973
- ☐ Increases in living space or related services
- ☐ Capital improvement (including substantial rehabilitation)
- ☒ Inability to earn a reasonable return on investment
- ☒ Rents substantially below market for comparable accommodations
- ☒ Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- ☐ Other _____ [specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

James L. Rankin
Signature

James L. Rankin, CPM (Prop. Mgr.)
Name
Shannon & Luchs Co
900 - 17th Street, N. W.
Washington, D. C. 20006
Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the 11th day of September, 1974, personally appeared James L. Rankin, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

S. June Allen
Notary Public D.C.

My Commission Expires:

My Commission Expires January 31, 1978

Executive Partners, Inc.
Suite 118
3051 Idaho Ave., N.W.
Washington, D.C. 20016
(202) 686-0131

September 11, 1974

Mr. Timothy Jenkins, Chairman
District of Columbia Housing Rent Commission
Room 5007
300 Indiana Avenue N.W.
Washington, D.C. 20001

re: Warwick Apartments
3051 Idaho Ave., N.W.
Washington, D.C.

Dear Mr. Jenkins:

This is to urgently petition adjustment from the rent ceiling imposed on the above captioned rental property by the District of Columbia Rent Control Act of 1973 (87 Stat. 623; P.L. 93-157).

We visited your offices yesterday to register the units under Section 9 of the Act and to apply for Hardship Relief under Section G. We were told that forms for these procedures were not yet available.

When the forms become available we will immediately fill them out and file them with you. However, our need for Hardship Relief is so urgent that we can not wait for forms. The roll back we executed on September 1st reduced rental income by $1,268.59 per month. Rent income is not sufficient to pay operating expenses. We can not pay our bills or maintain the building properly.

Paragraph (a) of Section G of the Act reads, in part,

> "...shall observe the principle of maintaining maximum rents for housing accomodations at levels which will yield to the landlords a reasonable return from such housing accomodations."

I am sure many landlords will appeal to you under this principle, but we are not doing so at this time. We are simply petitioning adjustment to meet actual operating costs. Even if you grant our petition, we will not make a profit...we will barely be able to operate the building.

My reading of the Act finds emphasis only on recent cost increases and not on buildings such as ours where rental income is simply not sufficient to pay operating expenses. I don't know what costs were in 1971 and 1972 because we did not purchase the building until April, 1973. However, I do know precisely what the expenses have been and have attached as an exhibit to this petition (Exhibit III) an operating statement from 7/1/73 to 6/30/74 audited by an independent Certified Public Accountant which clearly shows huge cash operating losses during the period.

In addition, I have attached (Exhibit I) a statement which shows that, before the rollback, the building would have still lost money in the 7/1/74 to 6/30/75 period, but that after the rollback it will lose over $15,000.

Our small company has no financial resources to cover these continuing losses. For instance, our fuel supplier (we burn 48,000 gallons of #2 oil during the winter) refused to deliver fuel unless we paid him $3,000 in advance as a security deposit. Moreover, we know that fuel this season will cost us at least $14,571 more than last year. Now that we have reduced rent income there is clearly no way we can afford heating oil without relief.

In compliance with Section 9 of the Act we have attached, as Exhibit II to this petition, a document which lists every apartment in the building, the name of the present tenant, the February 1973 rent for each unit, the new Rent Ceiling, the market rent which all tenants paid on August 1, 1974, the amount of the rollback for each apartment and the amount of adjustment we are petitioning for each unit.

Careful analysis of Exhibit II shows that the February 1973 rent roll was highly discriminating. Some tenants were paying as much as $30.00 (or even more) greater for their apartment than were others in comparable units. We have been gradually erasing this discrimination so that by last month the rent paid for efficiencies and one bedroom apartments was almost the same for comparable units. The rollback restored the discrimination so that now we have some efficiency apartments renting for $135.43 and others for $161.74 instead of the $160.00 - $170.00 range which they were before. Due to the roll back we now have some one bedrooms renting for $157.25 and other comparable units renting for $207.79, instead of the $200 - $208 range they were before. Thus, the rollback has brought about the chaotic condition where many tenants do not pay their fair share of the cost of operating the building simply because the prior owner failed to establish a consistent rent roll. There are even cases where the rollback causes some efficiency renters to pay <u>more</u> than some one bedroom renters. You will please note that the petitioned adjust-

ment only seeks to have all efficiencies pay $170 per month and all one bedrooms pay $208 per month. We seek to end the discrimination caused by the rollback wherein many tenants pay substantially less than their fair share of the operating costs.

During the last 16 months, the entire period of our ownership, we have sought to bring the rents up to operating costs and to do so uniformly. Clearly, this meant some tenants got higher increases than others, but this had to be done to establish consistent and fair rent levels throughout the building. We knew we could not raise rents enough to fully cover costs so we sought to reduce expenses also. In this connection we stopped the telephone answering service.

We note that paragraph two of Section 2 of the Act seeks to protect tenants from unjustified (emphasis added) reduction of services. Since rental income was woefully inadequate to pay for it, our elimination of the telephone answering service can hardly be ruled unjustifiable.

In further compliance with Section 9 of the Act we offer the following information:

(a) The Warwick Apartment building contains 92 rental living units and is located at 3051 Idaho Ave. N.W. The four story brick structure was built in 1939. The building is operated under license #31216 issued October 31, 1974.

(b) The building has no air-conditioning owned by the landlord. Heating fuel is #2 oil.

(c) The building was cited for violations (violation notice #075607). We have made all the repairs and have requested reinspection.

(d) The owner is Executive Partners, Inc. and the address of the Company is on the letterhead of this petition. Our office is located in a former storeroom at the Warwick.

(e) All the remaining requirements of Section 9 are presented in the exhibits to this petition.

In conclusion, we pray the Commission will institute action on our petition immediately. The real hardship to be relieved will be that of the tenants because without the petitioned rent ceiling adjustments we can not operate the building according to the laws, regulations and rules of the District of Columbia.

Sincerely,

J. T. Dykman
President

District of Columbia) SS

Before me the undersigned Notary Public, on the 11th day of September 1974, personally appeared J. T. Dykman signatory of the above petition, who, having first been duly sworn under oath, stated that the facts set forth therein, including all exhibits, are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

My Commission Expires Sept. 14, 1978

cc: Ms. Betty Briscoe
Mr. Oliver Johnson
Mr. Irving Kriegsfeld
Ms. Flaxie Pinkett
Ms. Florence Roisman
Mr. Waddell Thomas
Mr. Edward J. Walsh
Mr. Ernest Withers

Exhibit 1

Warwick Apartments
3051 Idaho Ave. N.W.
Washington, D.C. 20016

A. 7/1/73 - 6/30/74 Actual Audited Operating Statement

Operating Income	$206,692
Operating Expenses	282,833
Cash Loss	$ 76,141

B. 7/1/74 - 6/30/75 Projected Operations Before Rollback

Operating Income	$223,200
*Operating Expenses	224,014
Cash Loss	$ 814

C. 7/1/74 - 6/30/75 Projected Operations After Rollback

Operating Income	$208,700
*Operating Expenses	224,014
Cash Loss	$ 15,314

D. 7/1/74 - 6/30/75 Projected Operations If Granted Petitioned Relief

Operating Income	$225,648
*Operating Expenses	224,014
Cash Profit	$ 1,634

E. 7/1/74 - 6/30/75 Operating Income Required to Yield 8% on $387,000 Investment

$254,974

* 7/1/73 - 6/30/74 expenses adjusted by reduced interest expense ($72,390) and increased fuel expenses of $14,571.

Warwick Apartments
3051 Idaho Ave. N.W.
Washington, D.C. 20016

Apartment Number & Name	February 1973 Rent	Controlled Rent Sept. 1,1974	Actual Rent Aug. 1,1974	Roll Back Amount*	Petitioned Adjustment From Rent Ceiling
100 E. Bagdikian	235.00	263.95	295.00	31.05	31.05
101 D. Tennison	145.00	162.86	170.00	7.14	7.14
102 F. Dreilling	185.00	207.79	208.00	.21	.21
103 Vacant	121.00	135.43	160.00	24.57	34.57
104 H. Lowman	164.00	184.20	203.00	18.80	23.80
105 J. Smith	121.00	135.43	155.00	19.57	34.57
106 S. Gates	164.00	184.20	200.00	15.80	23.80
107 M. Mulford	125.00	140.04	160.00	19.96	29.96
114 L. Nelson	121.00	135.43	160.00	24.57	34.57
117 C. Schnell	140.00	157.25	170.00	12.75	12.75
119 P. Hampton	164.00	184.20	203.00	18.80	23.80
120 J. Antunes	180.00	202.18	195.00	(7.18)	5.82
121 M. Bradshaw	164.00	184.20	203.00	18.80	23.80
122 R. Steinberg	190.00	213.41	203.00	(10.41)	(5.41)
123 E. Miller	164.00	184.20	203.00	18.80	23.80
124 P. Stockton	164.00	184.20	203.00	18.80	23.80
125 T. Nugent	245.00	275.18	315.00	39.82	39.82
200 H. Hallowell	174.00	195.44	215.00	19.56	19.56
201 C. Sparks	174.00	195.44	208.00	12.56	12.56
202 J. Corlew	174.00	195.44	208.00	12.56	12.56
203 P. Vessman	144.00	161.74	165.00	3.26	8.26
204 B. Mills	179.00	201.05	208.00	6.95	6.95
205 M. Hines	121.00	135.43	155.00	19.57	34.57
206 R. Saunders	164.00	184.20	200.00	15.80	23.80
207 B. Murek	190.00	213.41	208.00	(5.41)	(5.41)
208 D. Duty	164.00	184.20	200.00	15.80	23.80
209 A. Scudder	185.00	207.79	208.00	.21	.21
210 M. Ficklen	245.00	275.18	300.00	24.82	24.82
211 R. Batson	144.00	161.74	165.00	3.26	8.26
212 D. Patching	130.00	146.01	160.00	13.99	23.99
214 S. Risoff	121.00	135.43	156.00	20.57	34.57
215 N. Price	130.00	146.01	170.00	23.99	23.99
216 V. Schaeffer	169.00	189.82	203.00	13.18	18.18
217 D. Kline	140.00	157.25	160.00	2.75	12.75
218 A. Donovan	149.00	167.36	170.00	2.64	2.64
219 F. Rarig	185.00	207.79	203.00	(4.79)	5.21
220 L. McLennan	164.00	184.20	200.00	15.80	23.80
221 DeV. Warner	159.00	178.59	200.00	21.41	29.41
222 G. Gremillion	169.00	189.82	208.00	18.18	18.18
223 N. Millar	179.00	201.05	208.00	6.95	6.95
224 B. Berard	164.00	184.20	203.00	18.80	23.80
225 J. Armentraut	275.00	312.12	310.00	(2.12)	(2.12)
300 D. Ownes	174.00	195.44	210.00	14.56	19.56
301 W. Rohrman	164.00	184.20	203.00	18.80	23.80
302 N. Smith	174.00	195.44	203.00	7.56	12.56
303 I. Coolidge	144.00	161.74	170.00	8.26	8.26
304 L. Dwyer	174.00	195.44	208.00	12.56	12.56
305 V. Elliott	123.00	138.15	155.00	16.85	31.85
306 E. Van Sickle	164.00	184.20	200.00	15.80	23.80
307 L. Wallich	164.00	184.20	200.00	15.80	23.80
308 B. Von Brandt	164.00	184.20	200.00	15.80	23.80
309 R. Ayoob	195.00	219.02	205.00	(14.02)	(11.02)
310 R. Graham	226.00	253.84	280.00	26.16	26.16
311 R. Dougan	140.00	157.25	160.00	2.75	12.75
312 E. Clark	123.00	138.15	155.00	16.85	31.85
314 P. Langguth	140.00	157.25	170.00	12.75	12.75
315 D. Mechling	144.00	161.74	160.00	(1.74)	8.26
316 J. Thunder	174.00	195.44	208.00	12.56	12.56
317 F. Gregoric	123.00	138.15	160.00	21.85	31.85
318 E. Failor	164.00	184.20	203.00	18.80	23.80
319 D. Veraska	185.00	207.79	208.00	.21	.21
320 J. Nichols	174.00	195.44	208.00	12.56	12.56
321 R. Draina	164.00	184.20	203.00	18.80	23.80

Apartment Number & Name	February 1973 Rent	Controlled Rent Sept. 1,1974	Actual Rent Aug. 1,1974	Roll Back Amount*	Petitioned Adjustment From Rent Ceiling
322 J. Rayner	185.00	207.79	208.00	.21	.21
323 J. Crowley	184.00	184.20	203.00	18.80	23.80
324 F. Wineski	164.00	184.20	203.00	18.80	23.80
325 J. Lynch	220.00	242.35	280.00	37.65	37.65
400 I. Shapiro	179.00	201.05	208.00	6.95	13.95
401 P. Donovan	179.00	201.05	208.00	6.95	6.95
402 B. Stoneman	174.00	195.44	208.00	12.56	12.56
403 M. Kinahan	123.00	138.15	155.00	16.85	31.85
404 B. Duff	169.00	189.82	208.00	18.18	18.18
405 J. Bartley	123.00	138.15	155.00	16.85	31.85
406 J. Taurman	174.00	195.44	203.00	7.56	12.56
407 R. Steffens	164.00	184.20	200.00	15.80	23.80
408 R. Acker	164.00	184.20	208.00	23.80	23.80
409 R. Snowden	164.00	184.20	208.00	23.80	23.80
410 M. Michael	226.00	253.84	280.00	26.16	26.16
411 R. Walker	125.00	140.04	156.00	15.96	29.96
412 D. Zombro	123.00	138.15	155.00	16.85	31.85
414 G. Dakis	140.00	157.25	165.00	7.75	12.75
415 G. Meredith	140.00	157.25	170.00	12.75	12.75
416 H. Hulen	164.00	184.20	203.00	18.80	23.80
417 A. Page	123.00	138.15	155.00	16.85	31.85
418 I. Bradley	164.00	184.20	203.00	18.80	23.80
419 A. Lange	185.00	207.79	208.00	.21	.21
420 B. Spearman	164.00	184.20	200.00	15.80	23.80
421 M. Wright	174.00	195.44	208.00	12.56	12.56
422 J. Wilson	169.00	189.82	208.00	18.18	18.18
423 E. McCue	164.00	184.20	203.00	18.80	23.80
424 V. McKay	185.00	207.79	208.00	.21	.21
425 G. Flanigan	275.00	312.12	290.00	(22.12)	2.88
	15,248.00	17,125.02	18,333.00	1,207.98	1,678.98

*Note: Where this column shows a negative () figure, it represents the amount by which the rent could have been raised under the ceiling formula. Since these rents were not raised, the actual monthly loss caused by the rollback is $1,268.59 not the $1,207.98 column total.

Exhibit 3

THE WARWICK APARTMENTS

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED JUNE 30, 1974

MENEFEE, HOLTZ AND KLASSETT
CERTIFIED PUBLIC ACCOUNTANTS

THE WARWICK APARTMENTS

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED JUNE 30, 1974

(No depreciation is reflected on this statement)

GROSS RENT POTENTIAL	$207,581	
Less, Vacancies	4,130	
Rent income (apartments)	$203,451	
Garage rent	1,983	
Laundry and miscellaneous income	1,258	$206,
EXPENSES:		
Advertising	$ 265	
Building and janitorial supplies	1,065	
Exterminating	116	
Insurance	2,129	
Laundry and uniforms	307	
Legal and collections	4	
Management fee	10,612	
Office expense	1,325	
Payroll	24,697	
Payroll taxes	2,788	
R & M building	3,256	
R & M electrical	1,244	
R & M elevators	2,076	
R & M grounds	1,301	
R & M floors	147	
R & M kitchen equipment	1,332	
R & M painting and decorating	6,559	
R & M plumbing and heating	2,677	
R & M roof	1,001	
R & M general	2,180	
Taxes and licenses	124	
Telephone	2,029	
Trash removal	3,067	
Heat, light and power	17,939	
Water and sewer	3,090	
Miscellaneous	1,781	
Interest	166,890	
Real estate taxes	22,832	282.
NET LOSS FROM OPERATIONS (Exclusive of Depreciation)		$(76.

The accompanying notes are an integral part of this financial statement.

MENEFEE, HOLTZ AND KLASSETT
CERTIFIED PUBLIC ACCOUNTANTS

THE WARWICK APARTMENTS

NOTES TO STATEMENT OF OPERATIONS

FOR THE YEAR ENDED JUNE 30, 1974

NOTE 1. REFINANCING - FROM JULY 1, 1973 TO APRIL 22, 1974, THE FIRST MORTGAGE SECURED BY T SUBJECT REAL ESTATE IN THE PRINCIPAL AMOUNT OF $1,050,000 WAS HELD BY UNF CORPORATION OF NEW YORK CITY. INTEREST PAYABLE UNDER THIS MORTGAGE WAS COMPUTED BY ADDING 6 POINTS TO THE DAILY PRIME RATE OF THE FIRST NATIONAL CITY BANK OF NE YORK. TOTAL INTEREST PAID TO UNF CORPORATION WAS, $148,228. ON APRIL 22, 1974, THE OWNER SECURED A NEW FIRST MORTGAGE IN THE AMOUNT OF $1,050,000 FROM THE JAMAICA SAVINGS BANK OF JAMAICA, NEW YORK, THE TERMS OF WHICH SET THE ANNUAL INTEREST RATE AT 9%. THUS, THE ANNUAL INTEREST COSTS FROM APRIL 22, 1974, ON WI BE APPROXIMATELY $94,500.

NOTE 2. RENT CONTROL - ON AUGUST 2, 1974, THE DISTRICT OF COLUMBIA ENACTED RENT CONTROL LEGISLATION WHICH REQUIRES THAT RENT LEVELS BE REDUCED TO THE FEBRUARY 1, 1973, LEVEL AND BE INCREASED 4% FOR 1973 AND 8% FOR 1974. THIS WOULD RESULT IN AN ANNUAL DECREASE IN RENT INCOME OF $17,093 FROM THE JUNE 30, 1974, LEVEL. IN LIGH OF THE FACT THAT, EVEN WITH THE NEW FIRST MORTGAGE, OPERATING INCOME WAS LESS TH OPERATING EXPENSES, EXECUTION OF THE ROLL BACK PROVISION OF THE LAW WILL RESULT SUBSTANTIAL INCREASED OPERATING LOSSES FOR THE PROPERTY.

NOTE 3. VIOLATIONS - ON APRIL 11, 1974, THE HOUSING DIVISION OF THE BUREAU OF BUILDING, HOUSING AND ZONING OF THE DISTRICT OF COLUMBIA DIRECTED THE OWNER OF THE WARWICK TO CORRECT CERTAIN APPARENT VIOLATIONS OF THE HOUSING CODE. SINCE THE DIRECTIVE WAS ISSUED, CONTRACTORS HAVE BEEN AT WORK ON THE REPAIRS AND THE WORK IS SUBSTANTIALLY COMPLETE. UPON COMPLETION, THE BUILDING MUST BE REINSPECTED BEFOR A CERTIFICATE OF OCCUPANCY WILL BE ISSUED BY THE CITY. THE TOTAL COST OF THE REPAIRS IS ESTIMATED TO BE $20,000, NONE OF WHICH IS REFLECTED ON THE ACCOMPANYI STATEMENT.

MENEFEE, HOLTZ AND KLASSETT
CERTIFIED PUBLIC ACCOUNTANTS

Median Rent
Selected Capitol East Census Tracts

Tract No.	1960[1] Gross Rent	1960[1] Contract Rent	1970[2] Gross Rent	1970[2] Contract Rent
65	$81	$72	$137	$133
66	69	64	122	117
67	79	65	127	103
69	83	64	110	85
70	71	62	119	108
71	85	67	89	90
72	61	55	66	65
81	73	65	117	93
82	73	67	123	122
83.01	77	67	113	94
83.02	77	67	111	89

[1] from 1960 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1&H-2.

[2] from 1970 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1&H-2.

* * * * * * * * * * *

Median Value Owner-Occupied Units
Selected Capitol East Census Tracts

Tract No.	1960[1]	1970[2]
65	$14,900	$32,300
66	17,900	35,900
67	12,900	23,300
69	11,700	17,000
70	11,700	30,200
71	11,500	14,600
72	9,800	14,100
81	12,900	17,800
82	16,500	32,800
83.01	12,100	16,300
83.02	12,100	17,900

[1] from 1960 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1.

[2] from 1970 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1.

SUBPOENA

MC-6

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
F St. between 4th & 5th Sts., N.W.—3rd Floor
Telephone: 727-1790

Witness should report to
Assignment Commissioner
Room 214
Third Floor
(Old Pension Building)

SUNDERLAND ASSOCIATES, et al., *Plaintiff*

vs.

ALFRED COWLES, et al., *Defendant*

No. 6972-75

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To Secretary, District of Columbia Council
District Building, Washington, D. C.

YOU ARE HEREBY COMMANDED to appear in (this Court) (~~the office of~~) as witness for the plaintiffs on the 27th day of August, 1975 at 9:00 o'clock A. M. (and bring with you) all records, transcripts of hearings and documents relating to (1) Regulation 74-20, ~~(2) Resolution PR 1-36 (4/1/75), (3) Act 1-12, (4) Emergency Transitional Rent Control~~ Resolution 1-52, (5) Rent Stabilization Program Transition Act 1-35

and not depart the Court without leave.

WITNESS the HONORABLE CHIEF JUDGE of said Court, this 22nd day of August, 1975

R. Niedermayer - #180380
1801 K Street, N. W., Suite 1100K
Washington, D. C. 20006
Tel: 833-3700

Attorney for (Plaintiff / (Defendant

Let this writ issue.

JOSEPH M. BURTON
Clerk of the Court

Judge

LC-15

Council of the District of Columbia
Memorandum

City Hall, 14th and E Streets, N.W. 20004 Fifth Floor 638-2223 or Government Code 137-3806

To Robert A. Williams, Secretary

From Valerie J. Barry, Legislative Services

Date August 25, 1975

Subject Compilation of Official Council Records for August 27, 1975 Superior Court Appearance

As requested, attached is documentation of official records in the Legislative Services Unit pertaining to the following legislation:

(1) Regulation 74-20 (Log 674)
(2) Resolution 1-63 (PR 1-36)
(3) Act 1-12 (Bill 1-59)
(4) Resolution 1-104 (ER 1-52)
(5) Act 1-35 (EA 1-9)

Such documentation includes:

A. Contents of official file
B. Hearing record
C. Publication dates and page numbers
D. Committee and Council Meeting dates

In addition to providing you with the official files on the above-listed legislation, copies of relevant D.C. Register editions, transcript records, tape recordings, meeting agendas, etc., are available if needed. It is suggested that a decision be reached regarding the necessity to prepare transcript records of three Legislative Meetings at which the subject legislation was considered by the Council.

Notations are made in the upper righthand corner of each document of whether the written record on file is in its original form or copy only.

A copy of the attachment has been given to Carrol Madison, HUD Committee Clerk, with a request to provide the LSU with additional documents to complete the official record, by tomorrow August 26th. Included in this request are copies of HUD Committee meeting minutes where above legislation was discussed.

cc: Member Nadine Winter, Edward Webb, Jr., Carrol Madison

Documentation of Official Council Records Pertaining to Rent Control Emergency Legislation

(1) REGULATION 74-20

A. Contents of Log 674

1. April 16, 1974 Report on Reg. 74-8
2. April 23, 1974 Report on Reg. 74-8
3. April 26, 1974 Report on Reg. 74-9
4. July 18, 1974 Report on Reg. 74-20
5. July 26, 1974 Report on Reg. 74-20
6. October 17, 1974 Report on Reg. 74-20
7. December 3 and 11, 1974 Report on Reg. 74-29
8. Correspondence from Corporation Counsel
9. PL 93-157 authorizing rent stabilization
10. Correspondence from Martin Schaller re Regs. 74-8 and 74-9
11. Notices and publication requests
12. Draft legislation
13. News releases
14. Telegram urging rent stabilization in D.C.
15. Correspondence from Henry Nichols re Real Estate Investments
16. Correspondence from Mayor re Federal Rent Supplement Program
17. Correspondence re Evictions
18. Correspondence re Workshop on Rent Control and Usury
19. Correspondence from M. Kinahan

Regulations and Resolutions included in Log 674:

Reg. 74-8; Reg. 74-9; Reg. 74-13; Reg. 74-20, Reg. 74-29; Reg. 74-48; Res. 74-39; Res. 74-58; Res. 74-63.

B. Hearings

1. January 17 and 18, 1974. (See Report of 3-5-74)
   Tape and transcript record only; hearing file includes notice of hearing. However, this record, which was consistently used by Marianne Freeman and the Corporation Council, is not now in LSU files.

2. August 19, 1974. (Re Rent Commission Nominees)
   Tape and hearing record only; no transcript.

3. September 5, 1974. (Re Rent Commission Nominees)
   Tape and hearing record only; no transcript.

Regulation 74-20 (cont'd)

C. Publication

June 17, 1974, Page 1263
August 6, 1974, Page 1

D. Meetings

1. No record of HUD Committee meetings other than reports of Committee on legislation considered.

2. Special Legislative Meetings held July 18 and 26, 1974. No transcript, minutes and tape record only.

(2) RESOLUTION 1-63

A. Contents of PR 1-36

1. PR 1-36 as introduced
2. Committee Report of 4-18-75
3. Resolution 1-63 as adopted

B. Hearings

None

C. Publication

April 7, 1975, Pages 2503 and 2540
April 24, 1975, Page 2858

D. Meetings

1. No record of HUD Committee Meetings

2. April 22, 1975. Agenda and tape record only; no transcript.

(3) ACT 1-12

A. Contents of Bill 1-59 (EA 1-8)

1. Statement of Member Winter of 4-1-75
2. April 7, 1975 Memorandum of Member Winter to Council Members
3. Bill 1-59 as introduced 4-1-75
4. April 23, 1975 transmittal letter to Mayor from Chairman Tucker
5. Act 1-12 as adopted

B. Hearings

None

C. Publication

April 7, 1975, Pages 2503 and 2516
May 5, 1975, Page 3042

D. Meetings

1. No record of HUD Committee Meetings

2. April 8, 1975 and April 22, 1975. Agenda and tape record only; no transcript.

(4) RESOLUTION 1-104

A. Contents of ER 1-52

1. Emergency Resolution 1-52 as introduced

2. Resolution 1-104 as adopted

B. Hearings

None

C. Publication

August 6, 1975, Page 932

D. Meetings

1. No record of HUD Committee Meeting

2. July 22, 1975. Agenda and tape record only; no transcript.

(5) ACT 1-35

A. Contents of EA 1-9

1. Emergency Legislation EA 1-9 as introduced
2. Statement of Member Winter 7-22-75
3. Committee Print of Bill 1-157, revised 7-22-75
4. Enrolled copy of Act 1-35 as adopted
5. Record votes of Amendments by Members Clarke, DMoore & Winter
6. Record Vote of Motion to Adopt legislation
7. Typed Amendment to legislation (undated and unsigned)
8. 7-24-75 Transmittal Letter to Mayor from Chairman Tucker
9. Act 1-35 as adopted

B. Hearings

None

C. Publication

August 6, 1975, Page 841

D. Meetings

1. No record of HUD Committee Meeting

2. July 22, 1975. Agenda and tape record only; no transcript.

6) BILL 1-40 (Vetoed by Mayor)

A. Contents of Official File (Bill 1-40)

1. Mayor's Veto Message
2. Staff Comments re Rent Control to General Counsel
3. Executive Comments of 4-23-75, 5-15-75, 5-19-75, 6-2-75
4. Report of Samuel Jackson commenting on legislation
5. May 19, 1975 Committee Report
6. Listing of Markup Sessions

B. Hearings

See January 22, 1975 and April 4, 1975 Transcripts of Hearings

C. Publication

March 13, 1975

D. Meetings

See #6 of File Contents and Tape Record of Meetings

7) Bill 1-157 (Act 1-46)

A. Contents of File (Bill 1-157)

1. July 31, 1975 Report (original and duplicate)
2. Act 1-46 (copy)
3. August 15, 1975 Letter from Mayor
4. Listing of Markup Sessions and Meetings with Executive

B. Hearings

See January 22, 1975 and April 9, 1975 transcripts of hearings

C. Publication

July 14, 1975, pages 217-281

D. Meetings

July 15, 1975 and July 29, 1975. See Listing of Markup Sessions and Tape Record List

TAPE RECORD OF COUNCIL MEETINGS (w/no transcript)

DATE	REFERENCE	#TAPES & MEETING I. D.
April 8, 1975	Bill 1-59 (EA 1-8), first reading	2 tapes -- 14th Legislative Meeting
April 22, 1975	Resolution 1-63, adoption Bill 1-59, second reading	1 tape -- 16th Legislative Meeting
May 20, 1975	Bill 1-40, first reading	3 tapes -- 20th Legislative Meeting
June 3, 1975	Bill 1-40, withdrawing from agenda	2 tapes -- 22nd Legislative Meeting
June 10, 1975	Bill 1-40, second reading	4 tapes -- 23rd Legislative Meeting
July 11, 1975	Bill 1-40, tabling consideration of Mayor's Veto Bill 1-157, introduction	1 tape -- Additional Meeting
July 15, 1975	Bill 1-157, first reading	2 tapes -- 28th Legislative Meeting
July 22, 1975	ER 1-52 (Res 1-104) EA 1-9 (Act 1-35)	2 tapes -- 29th Legislative Meeting
July 29, 1975	Bill 1-157, second reading	1 tape -- 30th Legislative Meeting

OFFICIAL MEETINGS ON THE DEVELOPMENT OF RENT CONTROL LEGISLATION

1975

I. Housing and Urban Development Committee Mark-up Sessions on Bill 1-40:

- March 21, 1975
- April 15, 1975 - Roundtable Discussion
- May 2, 1975
- May 15, 1975
- May 20, 1975

II. Housing and Urban Development Committee Mark-up Sessions on Bill 1-157:

- July 8, 1975
- July 10, 1975
- July 14, 1975
- July 15, 1975

III. Meetings between the Mayor/other Executive Branch Officials and Housing and Urban Development Committee Members and Chairman of the Council, regarding areas of disagreement stated in Mayor's veto letter of June 27, 1975 and recommendations for changes in new legislation on rent control:

- July 1, 1975
- July 2, 1975
- July 3, 1975

DESCRIPTION OF CONTENTS

Box No. 1

1) Log File 674 -- 2 folders (original and duplicate)

2) Documents on Statistics, Background Research and Panel Discussions re Rent Control (1974) -- 3 folders

3) Hearing Records

   a. January 17 and 18, 1974 Hearing File -- 6 folders
   b. Transcript of Jan. 17 & 18, 1974 Hearing -- 2 documents
   c. Documents re Rent Control Hearings and Advisory Panel Discussions -- 4 folders
   d. August 19 and September 5, 1974 Hearings re Rent Commission Nominees -- 2 folders

4) Meeting Records

   a. Transcripts of July 18 and 28, 1974 Meeting establishing Regulation 74-20 -- 2 documents

---

SUBMITTED BY: Valerie J. Barry (629-3806)
Legislative Services
District of Columbia Council
Room 219, District Building
Washington, D.C. 20004

(Date, Signature) _____

RECEIVED: _____

_____

DESCRIPTION OF CONTENTS

Box No. 2

1) Log Files

   a. PR 1-36 -- 2 folders (original and duplicate)
   b. Bill 1-59 (EA 1-8) -- 2 folders (original and duplicate)
   c. ER 1-52 -- 2 folders (original and duplicate)
   d. EA 1-9 (Act 1-35) -- 2 folders (original and duplicate)
   e. Bill 1-40 -- 1 folder
   f. Bill 1-157 -- 1 folder

2) Hearing Records

   a. January 22, 1975 Hearing File -- 1 folder
   b. Transcripts of 1-22-75 Hearing -- 3 documents (original only)
   c. Statement of Housing Rent Commission at 1-22-75 Hearing -- 1 document (original only)
   d. April 9, 1975 Hearing File -- 1 folder
   e. Transcripts of 4-9-75 Hearing -- 3 documents (duplicate)

3) Committee Records

   a. Constituent Correspondence and Petitions re Rent Control -- 4 folders (original only)

SUBMITTED BY: Valerie J. Barry (629-3806)
Legislative Services
District of Columbia Council
Room 219, District Building
Washington, D.C. 20004

(Date, Signature) _____

RECEIVED: _____

_____

C & T Parking Company
1008 N. Randolph St.
Suite 101
Arlington, Virginia 22201

August 6, 1974

TO: D. C. Rent Control Commission

RE: Hardship Petition
1100 F Street, N. E.

Dear Sirs:

In accordance with the D. C. rent control law, we, the owners of 1100 F Street, N. E., hereby request a rent increase on the average of 42 per cent per apartment at 1100 F Street, N. E. Washington, D. C. Enclosed are the following exhibits:

The base rents, the allowable increases, the projected increases, the actual October 1973 to June 1974 expenses, the projected 1974-1975 expenses and the projected profit and loss statement.

Also enclosed is a copy of the settlement sheet and those documents we have supporting our expenses. All information contained herein is certified to be accurate to the best of our knowledge. Please note that the property was purchased September 7, 1973 with a total cash investment of $19,155.76. Therefore, the only expense records available are October 1973 to June 1974.

Your prompt action on this matter will be appreciated. Please address all correspondence to the above address.

Yours truly,

Paul S. Covey
Partner, C & T Parking Co.

PSC/kjw

RENT SCHEDULES

1100 F Street, N. E.

APT.#	BASE RENT	ALLOWABLE RENT	CURRENT RENT	PROPOSED RENT
2	$97.00	$108.64	$125.00	$145.00
3	84.00	94.00	90.00	120.00
101	94.50	105.84	110.00	133.00
102	94.50	105.84	110.00	133.00
103	79.00	88.48	90.00	120.00
104	79.00	88.48	95.00	120.00
105	80.00	89.00	110.00	133.00
106	97.00	108.64	110.00	133.00
107	97.00	108.64	110.00	133.00
201	97.00	108.64	110.00	133.00
202	97.00	108.64	110.00	133.00
203	77.00	82.64	90.00	120.00
204	79.00	88.48	90.00	120.00
205	97.00	108.64	110.00	133.00
206	97.00	108.64	110.00	133.00
207	97.00	108.64	110.00	133.00
301	97.00	108.64	110.00	133.00
302	97.00	108.64	110.00	133.00
303	79.00	88.48	90.00	120.00
304	81.50	91.28	90.00	120.00
305	97.00	108.64	110.00	133.00
306	97.00	108.64	125.00	133.00
307	97.00	108.64	110.00	133.00
	$2,088.50	$2,339.04	$2,425.00	$2,967.00

1113 F Street, N. E.

ACTUAL EXPENSES
OCTOBER 1973 TO JUNE 1974

Gross Potential Rent	$21,130.48
Current receivables	(599.75)
Vacancy and credit loss	(688.52)
Effective Gross Return	19,842.00
Expenses	
Gas	(515.55)
Electric	(706.35)
Water	(417.41)
Sewer	(409.06)
Telephone	(108.00)
Oil	(4,063.29)
Labor	(829.40)
Management Fee	(1,038.40)
Trash	(813.00)
Extermination	(295.00)
Supplies	(1,470.20)
Maintenance & Repairs	(3,827.70)
Miscellaneous	(295.75)
Insurance & Taxes	(2,753.24)
Total Expenses	$22,141.62

1111 F Street, N. W.

PROJECTED 1974-75 EXPENSES

Insurance	$ 730.00
Taxes	2,880.00
Trash	1,020.00
Water	952.00
Exterminator	300.00
Oil (Approx. 14,000 gallons @ 34¢/gallon)	4,760.00
Maintenance & Repairs	5,000.00
Gas	600.00
Electric	1,000.00
Telephone	144.00
Supplies	1,470.00
Miscellaneous	200.00
Debt Service	10,800.00
Total Expenses	$30,889.00

110 F Street, N. E.

PROFIT & LOSS STATEMENTS

ALL FIGURES ANNUALIZED

Profit & Loss with allowable 12% increase.

Gross Rent	$28,068.48
5% vacany and Credit loss	1,403.42
5% management fee	1,403.42
Net rent	25,261.64
Total Cash Expenses	30,889.00
Total out of pocket loss	$ 5,627.36

PROFIT & LOSS WITH PROPOSED RENT INCREASE

Gross Rent	$35,604.00
Vacancy and Bad Debt	1,380.00
Management fee	1,380.00
Net rent	32,844.00
Total cash expenses	30,889.00
Total Cash Profit	$ 1,955.00

Cash profit as a percent of $19,155.00 cash investment 10%

C & T Parking Company
1008 North Randolph St.
Suite 101
Arlington, Va. 22201

August 6, 1974

TO: D. C. Rent Control Commission

RE: Hardship Petition
1918 18th Street, N. W.

Dear Sirs:

In accordance with the D. C. rent control law, we, the owners of 1918 18th Street, N. W., hereby request a rent increase on the average of 44 per cent per apartment at the Kirkman Apartments, 1918 18th Street, N. W., Washington, D. C. Enclosed are the following exhibits:

The base rents, the allowable increases, the projected increases, the actual 1972 expenses, the projected 1974-1975 expenses and the projected profit and loss statement.

Also enclosed is a copy of the settlement sheet and those documents we have supporting our expenses. All information contained herein is certified to be accurate to the best of our knowledge. Please note that the property was purchased May 31, 1974 with a total cash investment of $12,603.71. This property was purchased from an estate and the only expense records available were from 1972.

Your prompt action on this matter will be appreciated. Please address all correspondence to the above address.

Yours truly,

Paul S. Covey
Partner, C & T Parking Co.

PSC/kjw

ENT SCHEDULES

1918 18th Street, N. W.

UNIT	BASE RENT AS OF 2/73	ALLOWABLE RENT INCRE.	PROPOSED RENT. INCRE.
1	$107.50	$120.40	$147.00
2	77.50	86.80	112.00
3	97.50	109.20	147.00
4	-0-	-0-	-0-
5	77.50	86.80	112.00
6	97.50	109.20	147.00
20	107.50	120.40	147.00
21	77.50	86.80	112.00
22	97.50	109.20	147.00
23	107.50	120.40	147.00
24	77.50	86.80	112.00
25	98.50	110.32	147.00
30	107.50	120.40	147.00
31	77.50	86.80	112.00
32	97.50	109.20	147.00
33	107.50	120.40	147.00
34	77.50	86.80	112.00
35	98.50	110.32	147.00
40	107.50	120.40	147.00
41	77.50	86.80	112.00
42	97.50	109.20	147.00
43	107.50	120.40	147.00
44	77.50	86.80	112.00
45	98.50	110.32	147.00
TOTAL	$2,155.50	$2,414.16	$3,101.00

2496.92
258.67

Eight (8) Efficienies
Fifteen (15) 1 Bedrooms

1972 EXPENSES

KIRKMAN APARTMENTS
1918 18th Street, N. W.

Janitor	$ 645.00
Repair	6,792.00
Lights	443.12
Heat	3,670.00
Trash	580.00
Court Cost	62.50
Legal Fee	15.00
Exterminator	132.00
Water Bill	700.95
Advertising	58.39
Insurance	457.00
Real Estate Tax	2,801.35
Apartment Licenses	29.00
Management	1,400.00
Total Expenses other than debt service	$17,725.00

These figures are from the books of the Floyd E. Davis Company
1629 K Street, N. W.
Washington, D. C.

agents for Henry P. and Mildred Staley.

PROJECTED EXPENSES

1974-1975 KIRKMAN APARTMENTS

1918 18th Street, N. W.

Janitor	$1,080.00
Repairs & Supplies	7,000.00
Electric	600.00
Oil (approx. 19,000 gallons @ 34¢/gallon)	6,460.00
Trash	540.00
Exterminator	300.00
Water & Sewer	700.00
Insurance	732.00
Real Estate Tax	2,801.23
Licenses	29.00
Miscellaneous	366.00
Debt Service	11,625.36
	$32,233.59

1918 16th Street, N. W.

PROFIT & LOSS STATEMENTS

ALL FIGURES ANNUALIZED

Profit & Loss with a 12% rent increase.

Allowable Gross Rents	$28,969.92
5% vacancy & bad debt factor	1,488.50
5% management fee	1,488.50
Net rent	25,992.92
all cash expenses	32,233.59
Total out of pocket loss	$ 6,240.67

PROFIT & LOSS WITH PROPOSED RENT INCREASE

Gross rent	$37,212.00
5% vacancy & bad debt factor	1,860.72
5% management fee	1,860.72
Net Rent	$33,493.08
All cash expenses	32,233.59
Total Cash profit	1,260.30

Cash profit as a percent of total cash invested 10%

August 1, 1974

Mr. Egon R. Tausch
Still Waters Ranch
Route 1, Box 74
Wetmore, Texas 78163

Dear Mr. Tausch:

In response to your letter of July 22, 1974, enclosed is a copy of the Rent Control Regulation enacted by the D.C. City Council on July 26, and the accompanying Reports explaining the Regulation. The Mayor is expected to sign the Regulation no later than August 1.

You will note that the Regulation provides for a "base rent" date of February 1, 1973 on which current allowable rent ceilings are based. Specifically, a landlord, in computing his rent ceiling would do the following: (1) Establish rent charged on February 1, 1973; (2) Increase the base rent by 4%, to allow for increased costs in 1973; (3) Increase the figure resulting from above computation by 8% to allow for 1974.

If you have not raised rents since 1960, it would appear that you may be entitled to increase rents in accordance with the above formula pursuant to the necessary 30 day notice.

The administration of the Rent Control Regulation will be the responsibility of the Rent Control Commission, to be appointed by the Mayor. If you have any further questions, I suggest you address them to Office of the Mayor-Commissioner, District of Columbia Government for response by the appropriate agency.

Sincerely yours,

MARIANNE FREEMAN

Enclosure

District of Columbia City Council
Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To Council Members

From Sterling Tucker, Chairman, Housing and Urban Development Committee

Date Rent Control Regulation

Subject July 26, 1974

Mr. Chairman and Members of the Council, I am pleased to present for second reading the Rent Control Regulation for the District of Columbia.

The regulation being submitted to you today is identical to the regulation enacted on first reading by the Council on July 18, 1974. There have been no changes or additions in content or wording. The three amendments adopted and incorporated in the July 18 Council session have been included as follows:

(1) The following has been added to the end of section 9(c)(5):

"When an accommodation is planned to be substantially rehabilitated or in the process of being substantially rehabilitated on the effective date of this regulation, the estimated market price of such unit, prior to rehabilitation, the method of computing the estimated market price, a description of the proposed rehabilitation, and the itemized estimated costs of such rehabilition."

(2) The following has been added to the end of Section 12(b):

"The 120-day written notice shall include the information required under Section 9(c)(5), and information indicating tenant may obtain a copy of the registration form at the office of the Commission, and its address."

The intent of the above amendments is to assure that, in event an accommodation is to be substantially rehabilitated, both the existing tenant and the Commission are furnished with adequate information to substantiate that the contemplated renovation is in compliance with the provisions of this regulation relating to substantial rehabilitation.

(3) The following has been added to the end of Section 7(a):

> "The Commission shall act by approving or denying each petition filed with it not later than 60 days after the filing of the petition unless extended by written consent of the parties."

This amendment expresses the intent of the Council that the Commission shall act promptly and speedily in considering and ruling on hardship petitions brought before it by either landlords or tenants.

Since enactment of the Regulation on first reading and submission of the July 18 Legislative Report, a number of issues have been raised which require further clarification. It should be emphasized, for example, that the Committee and its staff, in arriving at the rent increase formula provided in this regulation (4% for 1973, and 8% for 1974, with February 1, 1973 as the base rent date) gave ample and repeated consideration to the impact of the June and July rent freeze upon landlords and to any losses they may have suffered by inability to increase rents during those months. It was the determination of the Committee, after considering this issue, that the formula provided, and its method of application, make ample allowance for inability to raise rents in June and July, 1974.

Evidence presented to the Committee indicated that during 1973 and the first five months of 1974 many landlords were applying indiscriminate and unwarranted rent increases which, in the opinion of the Committee, allowed for future as well as current increased costs to the landlords.* This evidence, in fact, was a major factor in the enactment of the freeze as a necessary "stop-gap" measure while the Council prepared a comprehensive regulation. The Committee further finds that the allowable rent increases over the base date (4% for 1973 and 8% for 1974) make ample allowance for inability to raise rents in June and

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*In 1973, the average increases for all rental units was 6%; the average increase for all rental units which received an increase was 9%; 20% of all units received increases of 10% or more (Office of Planning and Management Study).

July. As pointed out in the July 18 Report, only approximately one-half of gross rental revenues are applied to non-fixed costs subject to inflation. According to the U.S. Department of Labor, inflation in 1973 was 8.8% and is projected at approximately 11% for 1974, a total of approximately 20% for the two years. Tenants argue that, on this basis, rent increases should be held at 10% for 1973 and 1974 (and no more than 5% for 1974 alone). Nevertheless, the regulation provides for a 12 - 13% increase in rents for these two years--8% for 1974 alone. It is the determination of the Committee that this 12 - 13% allowable increase makes ample allowance for landlord costs which rose above the general inflationary spiral (fuel and utilities in late 1973 and early 1974) and for recoupment of losses which may have resulted for some landlords because of inability to raise rents during the months of June and July.

In response to continuing discussions with both landlord and tenant representatives since first reading, the Committee wishes to clarify its intent with regard to the following:

(1) Notification of the Commission and its functions to tenants

It is the intent of the Committee that the Commission adopt rules and procedures and take necessary actions to assure wide dissemination of information to tenants regarding the existence and use of the Commission. For example, nothing in the regulation would preclude the Commission from requiring that all rent increase notices be accompanied by a statement explaining where and how a tenant can file a petition or complaint with the Commission. The Commission is strongly urged to provide for such a procedure.

(2) Information to tenants about contemplated capital improvements requiring eviction

It is the intent of the Commission that tenants and the Commission shall be fully informed in advance of the nature and justification for capital improvements which may be just cause for eviction as provided in Section 10(b)(5) of this regulation. As one measure in this direction, the

Commission is urged to require registration of such information under its discretionary authority over contents of the registration form (Section 9(c)).

(3) Repossession for the immediate purpose of discontinuing housing use of the premises (Section 10(b)(6))

The original concern of the Committee in including this cause for eviction was to allow for the conversion of single family and row houses to business and other non-residential purposes. It should be emphasized, however, that the intent of this just cause for eviction is to provide for the conversion of any housing accommodation (whether single or multi-unit) for purposes such as non-residential business use, hotels, nursing homes, personal care homes, or school dormitories.

(4) Protections relating to condominium conversion (Section 12(a))

As indicated in the July 18 Report, the intention of this provision is to assure existing tenants in accommodations to be converted into condominiums six months notice prior to actual conversion, and the right to first refusal with regard to purchase of the accommodation. In the event that such tenant, having received 180-day notice, voluntarily vacates the unit prior to expiration of this 180-day period, or prior to actual conversion, the owner of such unit may rerent the accommodation on an interim basis to another tenant, provided such tenant is fully informed of the impending conversion and of the temporary nature of his occupancy as a tenant. Nothing stated herein, however, is intended to amend or affect in any way the provisions of Section 12(a), as stated therein, relating to the original tenant's right to receive a bona fide offer of sale or to his right to 60 days in which to consider such offer prior to receiving eviction notice.

(5) Withholding of Rent (Section 13(f))

It is not in any sense the intention of the Committee, in including this provision, to prevent the withholding of rent by tenants as such withholding has been approved and upheld by the courts in Bell v. Tsintolas, Javins v. First National Realty and Brown v. Southall Realty. The legality of such withholding of rents has been upheld in these decisions and is not intended to be altered as a result of this provision. It is the intent of this provision that such escrow deposit requirement shall be prospective from the first hearing by the Court or Commission on the relevant

case or petition. As stated above, it is not the intent of this provision to abrogate existing case law as set forth in the decisions named above.

(6) Rounding of Rents

It is the determination of the Committee that the "rounding" of rent ceilings to the nearest dollar is in no way contrary to the intent of this regulation and will simplify its administration for both landlords and tenants. Such "rounding" to the nearest dollar is therefore encouraged, so long as the rent does not exceed the allowable rent ceiling by more than $.49.

Correction of July 18 Legislative Report

It should be noted that the first paragraph of page 7 of the July 18 Report contained some errors of reference. This paragraph should read as follows and is intended to be superseded by the following:

Public Law 93-157 authorizes the Council "to adopt such rules as it determines necessary and appropriate to regulate and stabilize rents in the District of Columbia", provided that such rules "shall provide means whereby increased costs incurred by such landlord and directly related to such residence shall be taken into consideration in determining the amount of such rents or benefits which such landlord is entitled to receive." The Senate District Committee Report (Senate Report 93-384) accompanying passage of the Act elaborates on these "discretionary powers" given the Council "to determine levels for setting maximum rent regulations" as follows: "The Committee is of the view that latitude should be given to local authorities, in this instance, the District of Columbia Council. Whether the Council chooses to establish a cost justification formula, or to allow increases within a fixed percentage, is a public policy determination best reached at the local level."* A similar statement was incorporated in the House D.C. Committee Report (House Report 93-259). It was clearly the intent of both the Committees to let the Council determine the best method or formula for rent stabilization

* Emphasis added.

provided such method or formula makes allowance for consideration in the rent ceiling of the increased costs incurred by the landlord.

The "Base Rent" date and formula

The choice of February 1, 1973 as the "base rent" date and the provision of rent ceilings computed from this base rent date were predicated on the following:

(1) The end of federal Phase II rent controls on January 11, 1973. Accordingly, January or February 1973 have commonly been chosen or adopted as base rent dates in rent control ordinances throughout the country, including the original "freezes" (now superseded by permanent laws) in Montgomery and Prince George's County.

(2) The evidence (see July 18 Report) of unwarranted and indiscriminate rent increases by a significant percentage (20%) of D. C. landlords during 1973, frequently immediately after the lifting of Phase II controls;

(3) Widespread support for a January or February 1973 base rent date at the Public Hearing and recommendation "by a consensus vote" of the Advisory Panel Drafting Committee that February 1, 1973 be the "rollback date". (Minutes of the February 20 Drafting Panel Session)

Mr. Chairman and Members of the Council, I move adoption on second reading of the Rent Control Regulation.

District of Columbia City Council
Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To MEMBERS OF THE COUNCIL

From STERLING TUCKER, Chairman, Housing and Urban Development Committee

Date July 18, 1974

Subject Rent Control Regulation for the District of Columbia

On behalf of the Council's Housing and Urban Development Committee, I am pleased to present for first reading a Comprehensive Rent Control Regulation for the District of Columbia. The proposed regulation before you today is the product of many months of work, numerous sessions with the Council's Advisory Committee on Rent Control, ongoing discussion with representatives of landlords and tenants, and the most painstaking consideration of the many complicated issues involved.

This regulation is designed to fulfill the following goals:

(1) Protect tenants from undue hardships - indiscriminate rent increases, unwarranted eviction and retaliatory action - resulting from the shortage of housing in the District and the increased costs of such housing.

(2) Protect the right of landlords to a fair return on their investment in rental housing in the District of Columbia.

(3) Assure that the escalating costs of rental housing attributable to the shortage of such housing and the impact of inflation are borne by both landlords and tenants and that neither suffer inequitable hardship or loss as a result.

(4) Maintain, improve and increase the housing stock of the District of Columbia through compliance with the housing regulations and incentives to rehabilitation and new construction of housing.

I. Background

On November 23, 1973, the President signed into law P. L. 93-157 a bill introduced in Congress by Congressman Walter E. Fauntroy, which gave the District of Columbia government the authority to enact legislation to regulate and stabilize rents as it may determine the need therefor.

Pursuant to such legislative authority the Council was transferred authority to enact rent controls which would take into account increased operating costs; require that public hearings be held six months after enactment of any price controls to evaluate their effectiveness, establish a temporary Rent Commission which could adopt rules of administration of rent controls, consider increases and decreases in rents and hardships imposed on both landlords and tenants.

Additionally, the Act provides that the Commission would also consider increases or decreases of services; tenant obligations, acts of harassment and retaliatory action against tenants. It further, provided that willful violations of the provisions of the enabling Act or Council-adopted rules or rules of the Rent Commission would carry fines up to $5,000 for each violation.

The Congressional Act and those rules enacted by the City Council will expire one year from the initial Council action on rent controls (May 31, 1975).

Pursuant to P. L. 93-157, public hearings were held on January 17 and 18, 1974, on the rent control issue. Fifty-four (54) witnesses testifying for approximately 25 hours, appeared before the Housing and Urban Development Committee. While there was testimony on all aspects of the question, the overwhelming majority of those presenting testimony favored some form of rent control legislation. A summary report of the pertinent testimony was adopted by the Council on February 27, 1974. The full testimony of the hearing is recorded in the transcript now held in the Secretary's office.

The HUD Committee, with Council approval, assembled an Advisory Panel composed of twenty-six (26) persons equally representative of landlord and tenant interests to assist in defining and determining the parameters of the hearings, sorting of the issues and suggesting persons who might testify on various aspects which the Council Committee would want to consider. The Advisory Committee members sat through the hearings and assisted in the review and analysis of the hearing results.

At the request of the Committee, the Statistical Systems Group of the Office of Program Management conducted a random digital survey of 566 persons across the city which among other findings concluded that:

-- approximately 70% of the apartments in the District received rent increases during the period January 1973 and January 1974 at an average of six percent.

-- 20% of all units surveyed received an increase greater than 10% also suggested was a pattern of higher percentage increases for inner city units and low income units in general. In Service Areas 1, 2, 5, 6, 7, and 9, the central city area, 37% of the units experienced increases greater than 10%, while Anacostia, service area 8 was 26% and the far northeast 20% increases.

Another survey, conducted by the D. C. Public Interest Research Group (D. C. PIRG) substantiated many of the figures of the D. C. Government survey, and also revealed statistics which point to the critical nature of rents in the District. Using a wider scope of questioning and also door to door sampling in specified areas of the city, the PIRG survey showed that the overall vacancy rate for the District to be 2.7%. The vacancy rate of less than 5% overall, has been considered by the U. S. Department of Housing and Urban Development as being a state of emergency.

The actual supply of housing was compared to the demand. Although the overall population of the District has been declining slightly, the number of separate households has risen 16.1% since 1950, according to the Census Bureau. The PIRG survey shows that new construction has barely outdistanced demolition in the District. In 1973, for instance, the city registered a gain of greater than 1,000 units, and that was predominantly luxury apartments or condominiums in far Northwest. Demolition, however, has occurred primarily in the urban renewal areas of the inner city, and has thus eroded most severely the supply of low to moderate income housing. Low and moderate income housing has actually declined numerically in the past few years, due to demolition and to rent increases which have pushed this otherwise low to moderate income housing into the middle to high income category.

The public hearings produced much testimony to substantiate the results of the two surveys. Although statistics can tell us that the housing crisis is substantially severe for those on low and fixed incomes, they cannot portray the hardship or measure the human anguish which results from uncontrolled rents and the housing shortage.

Based on the hearing, the Panel and your Committee reached findings as follows:

(1) Housing in the District is in short supply; a major factor underlying the rental question and other problems;

(2) Rent control, while necessary, will not solve this fundamental question;

(3) More diligent enforcement of the City's Housing Code with emphasis on tenant as well as landlord responsibility will contribute to better landlord-tenant repairs and the tenant, in rent.

(4) Any rent control law, if equitable, must allow for legitimate increase in operating costs and a reasonable return on investment;

(5) Most landlords and tenants are responsible and reasonable and do not gouge, cheat or otherwise "rip off" each other;

(6) Any rent control regulation should carefully consider market conditions and other relevant economic factors operative throughout the greater Washington area;

(7) The determination as to whether and what kind of law we have should be made expeditiously so as to relieve the anxieties and extinguish the uncertainties now surrounding this question;

(8) Any rent control regulation should include a date which fixes the basic rent levels from which determinations are made as to reasonable increased costs; and

(9) While some federally subsidized housing should be exempted from local rent control measures, the entire question should be reviewed in relation to the overall problem before exemptions are granted.

On February 27, 1974, pursuant to P. L. 93-157, and in consideration of the above factors, the hearing record and Advisory Panel concurrence, the Council approved unanimously, the Committee's findings of a need for rent control and authorized the drafting of such legislation for consideration by the Council at an early date.

On April 23, 1974, upon finding that further unreasonable increases in rents were being imposed by landlords, the Council determined that an emergency existed in the District of Columbia and adopted Resolution 74-8 a "stop gap" measure which prohibited increases in rents during the months of June and July 1974, thus "freezing" rents at the level of May 1, 1974. This moratorium on rent increases was

to permit the enactment of a comprehensive rent control regulation by the expiration of the moratorium which is July 31, 1974.

On the challenge of the legality of Regulation 74-8, the Superior Court of the District of Columbia held that . . . "The Court concludes and so finds that the Committee could reasonably have found that an emergency existed in the housing industry in the District of Columbia on the basis of testimony at the public hearing".

Major Provisions

Coverage

This regulation applies to all rental housing in the District of Columbia with the exception of:

(1) Hotels and other accommodations primarily serving transients; boarding houses and rooming houses; school dormitories; nursing homes, convalescent homes and personal care homes.

(2) All publicly owned housing, whether owned by HUD or the National Capital Housing Authority, and all housing in which either the mortgages, the rents, or both are Federally subsidized. This means in effect that Section 236, 221(d) (3) and 202 (elderly) housing, which is largely owned by charitable or nonprofit making enterprises, is exempt from rent control. Housing in which mortgages are insured or guaranteed by HUD (such as much of the new housing in the Southwest) are covered by the regulation. You may recall that testimony at the hearings documented exorbitant rent increases in the latter class of Federally assisted housing.

(3) All new construction completed after February 1, 1973, during the first year or the first tenancy (whichever period is shorter) following completion of such construction.

Included in these coverages are single family rental homes and apartments not otherwise exempted above regardless of the number of units involved or whether such accommodation is owner-occupied or not.

Rent Stabilization

For most types of housing, two methods are provided in the regulation to control rent levels while allowing for increased costs

incurred by the landlord in 1973 and 1974.

(1) The rent increase formula. The regulation establishes a "base rent" which is equivalent to the rent charged on February 1, 1973. The allowable "rent ceiling" for each accommodation is established by two steps: (a) Increasing the base rent by 4% to allow for increased costs incurred by the landlord in 1973; (b) Increasing the figure computed in Step (a) by 8% to allow for increased costs incurred by the landlord in 1974.

(2) The Hardship Provision. In addition to the automatic increase allowed in the formula, a landlord or tenant may petition the Commission (or the Commission may act upon its own initiative) to increase or decrease the rent ceiling. This procedure provides for the tenant and the landlord an additional vehicle for upward or downward adjustment of the rent, including allowance for increased costs incurred by the landlord. In addition, a landlord who plans a capital improvement or increase in services may petition for an advance ruling to approve a projected rent increase upon implementation of his plans.

Additionally, the following provisions are included to stabilize rents and provide for increased costs incurred by the landlord:

(1) A provision which allows the landlord to raise the rent automatically by 4% over the rent ceiling to cover costs of capital improvements already completed or begun at time of passage of this regulation.

(2) A provision for equalization of rents of identical units to be applied as such units become vacant.

(3) A rent ceiling on substantially rehabilitated housing which allows the landlord to increase the rent after rehabilitation by increasing the former rent ceiling by 125%.

(4) A rent ceiling on newly constructed housing (after an initial period of exemption) which is equal to the rent charged for the first tenant of such housing.

Public Law 93-157 authorizes the Council "to adopt such rules as it determines necessary and appropriate to regulate and stabilize rents in the District of Columbia", provided that such rules "shall provide means whereby increased costs incurred by such landlord and directly related to such residence shall be taken into consideration in determining the amount of such rents or benefits which such landlord is entitled to receive". The House District Committee Report (House Report 93-259) accompanying passage of the Act elaborates on these "discretionary powers" given the Council "to determine levels for setting maximum rent regulations" as follows: "The Committee is of the view that latitude should be given to local authorities, in this instance, the District of Columbia Council. Whether the Council chooses to establish a cost justification formula, or to allow increases within a fixed percentage, is a public policy determination best reached at the local level." * The exact statement is repeated in the Senate D. C. Committee Report (Senate Report 93-84). It was clearly the intent of both the Committees to let the Council determine the best method or formula for rent stabilization, provided such method or formula makes allowance for consideration in the rent ceiling of the increased costs incurred by the landlord.

It is the determination of the Committee that the fixed percentage method, coupled with the hardship mechanism and the other provisions described above, is the optimum vehicle available to the Council to regulate rents and allow for increased costs incurred by the landlord. The automatic percentage formula, coupled with the hardship provision, is in the opinion of the Committee, the most equitable and administratively feasible method to regulate rents and allow for increased costs in view of the short life span of this regulation (ten months) and the limited resources authorized for the Rent Control Commission.

It is the further determination of the Committee, based on the Record, the deliberations of the drafting Panel, and the data collected by the Committee, that the rent control formula provided in this regulation, coupled with the hardship provision, fully complies with the provisions of the Act and the intent of Congress and makes adequate and reasonable provision for the stabilization of rents while allowing for inclusion in rents of the increased costs incurred by the landlord.

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* Emphasis added.

The following factors were considered in arriving at the rent increase methodology and formula and in the determination of its reasonableness:

(1) The "base rent" date of February 1, 1973. Rollback of rents to January or February 1973 has been common in many rent control jurisdictions (including Montgomery and Prince George's County) because of the end of Phase II federal rent controls on January 11, 1974. Accordingly, the Drafting Panel of the Rent Control Advisory Committee recommended "by a consensus vote the date of February 1, 1973" as the base rent date.*

(2) The separate recommendations of tenant and landlord representatives. The tenant representatives of the Drafting Panel recommended a 3.42% increase for 1973 and a 4.20% increase for 1974, or a total of approximately 8% for landlords supplying all utilities. In addition they proposed a maximum 4% automatic increase for capital improvements. The tenants arrived at the 8% formula through a step-by-step computation which applied the U.S. Labor Department Consumer Price Index (CPI) for 1973 and 1974 for that portion of gross rent (45 to 50%) which represents costs subject to change. Specifically, they used the CPI data for each relevant item in landlord operating costs (maintenance, taxes, fuel, administrative costs, utilities, and insurance) and applied it to the appropriate percentage of gross rental income.

The landlord representatives proposed for 1973, a 4% increase to allow for "actual increased costs in maintenance and operation", plus 2% to allow for the "additional cost of implementing the Act" and "for the loss of the use of the landlord's money for advance payment of taxes and inability to collect pass-thrus" immediately. For 1974, the landlords proposed a 6% increase plus pass throughs or 3% in lieu of pass throughs, a total increase for the two years, of 12% plus pass throughs, or 15%.

The landlords supported their proposal by provision of data documenting increased costs of specific items such as fuel, utilities, solid waste disposal, etc. In addition they illustrated the impact of these increased costs by applying them to several "typical" rental units. No comprehensive formula or computations based on sampling of rental units were offered or presented.

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* Minute of the Drafting Panel Meeting, January 11, 1974.

It should be noted that, while the proposed rent ceiling of tenants and landlords were widely divergent, they agreed on the application of a two-step formula which compounds increases separately for 1973 and 1974. It should also be noted that the two groups were surprisingly close in their proposed increases for operating costs in 1973.

It is the conclusion of the Committee after careful study of the two proposals in light of other available data that neither is reasonable and defensible in view of the intent of the Act and this regulation. The tenant proposal, while defensible in its methodology, is open to dispute with regard to the percentages of gross rent alloted to various operating costs, such as fuel and utility costs. The landlord proposal is lacking in specific computations to justify the requested increase.

The Committee concludes that the proposed 4% plus 8% in rent increase formula is reasonable and equitable on the following basis:

(1) The fact that, as documented in the Record, (John Murray, p. 367 of the transcript), only approximately 50% of gross rent is spent for maintenance and operating costs - i. e., non-fixed costs subject to inflation. Hence (as an example) if operating and maintenance costs rise 20% in a given year, rents should be increased 10% to allow for these increased costs. Conversely, a rent increase of 15% for 1973 and 1974 (as proposed by the landlords), presumes an increase of 30% in the non-fixed costs covered by gross rents during the two years.

In 1973, the overall increase in the Cost of Living was 8.8% according to the U. S. Labor Department. The projected increase for 1974, based on the first five months of the year,is 10.7% - a total of 19.5% increase in the CPI for 1973 and 1974. Using the CPI, a total rent increase of approximately 10% for 1973 and 1974 would cover the increased maintenance and operating costs included in gross rents. We know, however, that the cost of fuel and utilities have increased considerably more than other costs. The proposed rent increase formula allows for the increased costs of the landlord while keeping the increase in rents substantially in line with the overall inflationary spiral.

In spite of much landlord opposition to the proposed formula since the Public Hearing, the record indicates that it is not necessarily out of line with the increases projected by landlords early in 1974, when

fuel costs were at the highest levels. For example, R. Lide Glenn, General Manager of Van Ness Properties, testified that their average rent increase for 1973 was 5.5% and then added: "The rent schedules which we have prepared for the calendar year 1974 and which we have already begun to put into effect suggest an average rent increase of less than 4.8%" . . . a total average increase of less than 11% for 1973 and 1974 for the Van Ness Properties.

(2) The hidden benefit factor for landlords, a repeated subject of questioning and testimony at the public hearing. Tenants repeatedly called for consideration of tax benefits, such as depreciation, past profits, and increased value of property in computing rent ceilings. It is the consideration of the Committee, however, that, except in hardship applications, equitable consideration of such hidden benefits would be impractical if not impossible in setting a general rent increase formula. Nevertheless, it is the intent of the Committee that such factors be weighed in considering hardship petitions.

Against the above background, it is the determination of the Committee that the proposed rent increase formula, coupled with the hardship provision, adequately protects tenants from undue rent increases while making ample allowance for the increased costs of the landlords.

Hardship

The Committee recognizes that certain unusual circumstances may result in hardship for landlords or tenants and specifically makes provisions for petition to the Commission or action on its own initiative to rectify any resulting inequities. While supporting the principle of maintaining maximum rents for housing accommodations at levels which will yield to the landlords a reasonable return from such housing accommodations.

Under hardship provisions, the Commission will consider changes in property taxes, or under or overevaluation through error, unavoidable increases in operating costs and maintenance, increase or reduction of related services and living space, physical condition of the property and capital improvements made on the properties.

The regulation also describes in detail the procedure for filing the petition, for notification of affected parties, documents required,

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*U. S. Department of Labor, Bureau of Labor Statistics, C.P.I.

including itemization of income and expenses, and statements. Examination and copy of documents reports and written material is also made possible for review by the opposing party.

Under the hardship provisions, the Commission, if it has previously conducted a hearing on the given accommodation within a six month period, may refuse to adjust the rent ceiling or to hold further hearings on that particular hardship case.

A section of the regulations also provides for an advance ruling for rent increases for landlords who plan capital improvements or to increase or decrease services or space,approval is conditioned upon submission of valid contracts or plans and specifications approved by the appropriate licensing authority of the District Government and subsequent and final approval of the Commission.

The Rent Control Commission

As provided in the authorizing Act (P. L. 93-157), a Commission of nine members, (including at least four landlords and four tenants), will be appointed by the Mayor, with the consent of the Council, to enforce the regulation. The Commission is authorized to make its own rules and regulations, consider or initiate hardship actions, receive tenant complaints relating to any provision of the regulation and mediate disputes and complaints. In the quorum of five, at least two must be representative of landlord and two of tenant interests.

Lease and Registration Requirements

With respect to lease and registration,no later than sixty days after establishment of the Commission, landlords must register every housing accommodation with the Commission and supply detailed information about the accommodation, utilities and services supplied, base rent and current rent, and nature and costs of capital improvements or substantial rehabilitation which are factors in the allowable rent. Failure to comply with this provision on its effective date disqualifies the landlord from charging any rent above the base rent after such effective date. Registration forms must be available for public inspection by the appropriate tenant.

In addition, this section of the regulation requires that each new tenant occupying a housing unit after effective date of the regulation must receive a lease therefor. The Corporation Counsel opinion holding that the allowable rent ceilings provided therein shall supersede, when applicable, the provisions of existing leases relating to amount of rent is attached.

Eviction

The prohibition of retaliatory acts are several in consonance with the enabling Act. Specifically, the regulation prohibits retaliatory action against the tenant, including harassment, reduction of services, threat or coercion, or retaliatory eviction. The latter, obviously, is the most frequently used retaliatory act. Its prevention requires the exact stipulation of the "just causes", other than non-payment of rent, for which the landlord may evict a tenant. Accordingly, the regulation provides that a tenant may be evicted only for non-payment of rent or one of the following "just causes".

(1) Violation of an obligation of the tenancy by such acts as Commission of a nuisance, destruction of property, etc. and failure to cease such violation after receiving notice there of from the landlord.

(2) Use of the accommodation for illegal activity, pursuant to adjudication by a competent court of jurisdiction.

(3) Recovery by the landlord to enable him to move into the premises. In this event, the accommodation cannot be rented for six months following recovery.

(4) Sale of the property to a purchaser who plans to move into the accommodation provided tenant has been notified of the intention to sell.

(5) Recovery of the accommodation to make alterations or renovations which cannot be accomplsihed while the premises are occupied, or for demolition and replacement with new construction. In either case, proper building permits must have been issued to the landlord. If the landlord seeks recovery for substantial rehabilitation, as defined in the regulation, the tenant must be given 120 day notification of such projected rehabilitation and cannot be served with an eviction notice until ninety days after such notification.

(6) Repossession for the immediate purpose of discontinuing housing use of the premises. In this event, the accommodation cannot be rented for six months after recovery.

In addition to stipulating the above "just causes", the regulation provides that certain factors shall be considered by the Commission in determining whether there has been retaliatory action such as tenant complaint to the housing inspectors, tenant participation in a tenant

organization, action by the tenant to enforce his rights under his lease, or withholding of rent pursuant to landlord's failure to correct outstanding code violations.

Protections Relating to Condominium Conversion

To provide greater opportunity for orderly decision making a tenant of an accommodation to be converted into condominiums must be notified in writing six months prior to such conversion and must be given an immediate bona fide offer to purchase his unit by the converter or seller.

Prohibited Acts and Penalties for Violation of the Regulation

Among the prohibited acts, the regulation stipulates specific prohibited acts such as overcharging of rents above allowable ceilings, making false statements on documents filed with the Commission, increase of rent while operating without a license, or withholding of rent by the tenant without provision for an escrow account. Pursuant to the enabling Act, the regulation provides for maximum fines of $5,000 for each violation of the Act.

These regulations represent the work of the Advisory Committee of Landlords and Tenants, the diligent efforts of the Housing and Urban Development Committee staff and numerous specialists from government and special interest groups who have been working with the Committee since November, 1973.

The original draft has been through extensive revision in an effort to reflect the principal opinions and concerns of landlords and tenants, and other interested groups. It has been reviewed by the Corporation Counsel's Office, and their recommendations for legal sufficiency and appropriateness have been incorporated.

Staff briefings have been held to familiarize Council members and staff with the contents of the regulations and to sharpen their focus on the basic contents and related issues of this complex piece of legislation.

Inputs from all sources have been considered and while an intensive effort has been made to incorporate these inputs incorporation of all of their desires is an impossible task. There are those who advocate that there should be no rent controls, and conversely there are those who advocate that landlords should absorb

completely the effects of increased operational costs.

These regulations represent what the Committee believes is a position of equitability and practicaility; that fulfills the interest of the enabling legislation; the spirit and purpose of the Council-imposed moratorium to provide the time to assess the rental housing market and the act to stabilize and preserve the best of what is available; to stimulate rehabilitation of properties; to provide incentives to developers and entrepreneurs without reducing the number of units on the rental market.

It is clear that rent control will not solve the housing problems of the District of Columbia and it was not intended to do so. It is but a part of the larger and more comprehensive effort that must be exerted to begin to solve the city's housing and urban development problems.

The regulation will expire in mid June 1975, as mandated by Congress, the provisions of the regulation will be carefully administered and enforced by the Executive Branch of Government. In December 1974, the Council is required by the Congressional Authority, to conduct a hearing with a view to determining whether such regulations, which are being proposed today, should be modified or terminated by reason of a change in the situation which exists now.

The last two months have given us legislative experience which will be valuable as these regulations expire and as the new Council comes into being. Hardly has there been presented before this Council a piece of legislation that has attracted more public interest and concentrated attention in serving the various interests of our city. I believe it to be a substantive legislative effort. As Chairman of the Housing and Urban Development Committee, I transmit the proposed regulation to control rents in the District of Columbia and recommend its adoption.

Attachments: 2

7/9/74

D.C.-44
May 1967

Memorandum ● **Government of the District of Columbia**

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TDK:baa

TO: Sterling Tucker, Vice-Chairman, D.C. Council

FROM: C. Francis Murphy, Corporation Counsel, D.C.

Date: July 9, 1974

SUBJECT: Clarification of certain provisions of the proposed rent control regulation.

In your memorandum of July 3, 1974, you asked whether that section of the proposed rent control regulation which implements the roll back of rents is legally objectionable as an interference with the contractual right of a landlord and tenant to bargain on the amount of rent to be paid. This provision is legally unobjectionable as the Supreme Court, in Block v. Hirsh, 256 U.S. 135 (1921), upheld the validity of such provisions.

You further asked whether subsection (a) of section 10, is legally objectionable. That subsection as amended reads as follows:

> "(a) No tenant shall be evicted from his housing accommodation for cause other than for nonpayment of rent, unless he has been served with a notice to vacate, specifying therein the reason for his eviction, and a copy of such notice has been sent to the Commission."

I find this subsection to be legally unobjectionable.

W-C

7/9/74

Regulation No. 74-21

August 1, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION ESTABLISHING INTEREST RATES FOR CERTAIN LOANS

Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, Public Law 93-229 authorized the District of Columbia Council to exempt any loan from the provisions of Chapter 33, Title 28, D. C. Code and change any interest rate specified therein; and

WHEREAS, the provisions of Chapter 33 of Title 28 of the District of Columbia Code with respect to the maximum lawful rate of interest and to the transactions encompassed therein have placed the citizens of the District of Columbia in a competitive disadvantage with the citizens of other jurisdictions in the Metropolitan Washington, D. C. area; and

WHEREAS, at the same time as it is amending the usury laws in the manner herein contained, the Council has taken action to insure that residential mortgage loans will be made available in a fair and equitable manner to residents throughout the city.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The District of Columbia Council hereby adopts the Regulation Establishing Interest Rates for Certain Loans, as follows:

"Regulation Establishing Interest Rates for Certain Loans"

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on July 18, 1974

Adopted on second and final reading July 26, 1974

Presented to the Mayor-Commissioner July 26, 1974
Date

Edward A. Webb
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

1 AUG 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:
Date

Disapproved and returned to the City Council
Mayor-Commissioner
Date

Readopted
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward A. Webb
Secretary of the City Council

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Certified copies are available.

Title I - Certain Loans to be Exempt From the Eight Percent Interest Rate

Section 101. Any loan which is secured by a first mortgage or first deed of trust on residential real property and which, except for the provisions of this Section 101, would be subject to the eight percent maximum rate of interest provided for under Title 28-3301 and Title 28-3303 of the District of Columbia Code, shall be exempt therefrom, provided that:

(a) the rate of interest thereon pursuant to an agreement in writing between the borrower and lender does not exceed simple interest on the unpaid principal balance of the loan at the rate of ten percent per annum;

(b) the loan is both contracted for and consummated after the effective date of this regulation, and no written commitment to make the loan at a lower rate of interest than the maximum rate permitted hereunder was issued by the lender to the borrower prior to the effective date of this regulation;

(c) the loan may be prepaid by the borrower at no penalty at any time following the expiration of three years from the execution of the mortgage or deed of trust; and

(d) any borrower who has made a downpayment equalling twenty percent or more of the total purchase price of the property is not required by the lender to make advance payments of real estate taxes or casualty insurance premiums to enable the lender to have funds on hand for disbursement for payment of such taxes or insurance premiums and such borrower is informed in writing of his right to pay such taxes and insurance premiums directly.

Section 102. Any loan in writing which, except for the provisions of this Section 101, would be governed by the eight percent maximum interest rate provisions of Title 28-3301 and Title 28-3303 of the District of Columbia Code, shall be governed thereby and shall be subject to the penalties imposed by Chapter 33 of Title 28 for violation of such eight percent maximum interest rate limitation if all of the requirements of this Section 101 are not complied with.

Section 103. The provisions of this Title shall terminate two years after effective date of this regulation.

Title II - Certain Loans Subject to Additional Exemption

Section 201. Any loan which is secured directly or indirectly by a mortgage or deed of trust other than a first mortgage or deed of trust on residential real property and which, except for the provisions of this Section 201, would be subject to the eight percent maximum rate of interest provided for under Title 28-3301 and Title 28-3303 of the District of Columbia Code, shall be exempt therefrom, provided that:

(a) the rate of interest thereon pursuant to an agreement in writing between the borrower and the lender does not exceed simple interest on the unpaid principal balance of the loan at the rate of eleven and one-half percent per annum;

(b) the loan is both contracted for and consummated after the effective date of this regulation, and no written commitment to make the loan at the lower rate of interest than is permitted hereunder was issued by the lender to the borrower prior to the effective date of this regulation;

(c) the loan may be prepaid by the borrower at no penalty at any time following the expiration of three years from the execution of the mortgage or deed of trust;

(d) the loan shall contain a schedule of payments under which each payment

shall be equal to, or substantially equal to, the other payments, and the intervals between payments shall be substantially equal; and

(e) the promissory note evidencing the debt shall be, and shall state on its face that it is, not negotiable.

Section 202. Any loan in writing which, except for the provisions of this Section 201, would be governed by the eight percent maximum interest rate provisions of Title 28-3301 and Title 28-3303 of the District of Columbia Code, shall be governed thereby and shall be subject to the penalties imposed by Chapter 33 of Title 28 for violation of such eight percent maximum interest rate limitation if all of the requirements of this Section 201 are not complied with.

Title III - Additional Exemptions

Section 301. Notwithstanding any other provision of this regulation, any loan having an original principal amount in excess of $5,000.00 shall not be subject to the provisions of Title 28, Chapter 33 of the District of Columbia Code, and it shall be lawful to contract for, or receive, any rate of interest thereon, if any of the following conditions are satisfied:

(a) the borrower is a not for profit corporation, whether organized under the laws of the United States, the District of Columbia or any other jurisdiction; or

(b) the borrower is an individual, group of individuals, corporation, unincorporated association, partnership, or any other entity, and the loan is made for the purpose of acquiring or carrying on a business, professional, or commercial activity; or

(c) the borrower is an individual, group of individuals, corporation, unincorporated association, partnership, or any other entity, and the loan is made for the purpose of acquiring any real or personal property as an investment or for carrying on an investment activity; or

(d) the borrower is a religious society, as provided in Chapter 5 of Title 29 of the District of Columbia Code, and the loan is made for the purpose of acquiring or making an improvement on any real or personal property for purposes other than commercial or investment activities.

Section 302. Nothing in this Title III shall be construed to limit or restrict in any way the operation of Section 29-904(h), D. C. Code, but rather the purpose of this Title III is to extend to the types of loans identified in Section 301 the prohibition contained in Section 29-904(h) against pleading any statutes against usury in any action.

Title IV - Miscellaneous Provisions

Section 401. If any provision of this regulation is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

Section 402. No later than one year after effective date of this regulation the District of Columbia Council, in consultation with the Commission on Residential Mortgage Investment established through Resolution Number 74-55 shall review the impact of this regulation upon mortgage availability, economic development and consumer protection in the District of Columbia and make appropriate recommendations to the Council for continuation, termination, or amendment of any of the provisions of this regulation.

Section 2. This Regulation shall become effective immediately upon enactment.

Regulation No. 74-22

August 30, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE MINORS HEALTH CONSENT REGULATION

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, the District of Columbia is authorized to make all reasonable and usual regulations for the protection of the health of the citizens; and

WHEREAS, the District of Columbia is authorized pursuant to D.C. Code, Section 1-226, 1973 ed. to make reasonable and usual police regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Definitions.

A. For the purpose of this regulation: "Minor," means any person under the age of majority as defined by the District statute or under 18 years of age, whichever is lower.

B. "Emancipated Minor," means a minor who is or has been married, or who is serving or has served in the armed forces, or who is employed and contributing more than half of his own support if residing with his parents, or who is residing apart from his parents and managing his own affairs, or who is making the major decisions affecting his own life.

C. "Parent," means either natural parent or legal guardian.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS				X		FOSTER				X		PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on August 6, 1974

Adopted on second and final reading August 20, 1974

Presented to the Mayor-Commissioner August 20, 1974
Date

Acting Secretary of the City Council

Approved _____
Mayor-Commissioner

30 AUG 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

_____
Secretary of the City Council

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Certified copies are available.

D. "Health Professional," means state licensed physician, psychologist, dentist, osteopathic physician, nurse, and other licensed health practitioner.

E. "Health Services," means health services specified by the state, appropriately delivered by different health professionals including examination, preventive and curative treatment, operation, hospitalization (admission or discharge) giving or receiving blood and blood derivatives, receiving organ transplantation, pledging donation of organs after death, the use of anesthetics, and receiving contraceptive advice and devices.

F. "Consent," For the purpose of this regulation consent means informed consent, to give information, to make known, to impart knowledge of a fact or circumstance of treatment or procedure.

G. The masculine shall include the feminine.

Section 2. Conditions for Consent.

A. Any person who is 18 years of age or more may consent to the provision of health services for himself, or for his child, or for his spouse.

B. Any person who is 18 years of age or more may consent to donate blood or other aspects of health care and for the purpose of this regulation, shall be regarded as having achieved his majority.

C. "Children of minor parents," A minor parent may consent to the provision of health services to his or her child.

D. "Emergencies," Health services may be provided to a minor of any age without parental consent when, in the judgment of the treating physician, surgeon or dentist, the delay which would result from attempting to obtain parental consent would substantially increase the risk to the minors life, health, mental health or welfare or unduly prolong suffering.

E. A health professional may render or attempt to render emergency service or first aid, medical, surgical, dental or psychiatric treatment without compensation to any injured person or any person regardless of age who is in need of immediate health care when, in good faith, the professional believes that the giving of aid is the only alternative to probable death or serious physical or mental damage. For major surgery or any dangerous procedures concurrence of another physician shall, if practical, be obtained.

F. "Special Situation," A minor of any age may consent to medical services which he or she request for the prevention, diagnosis, and/or treatment of (1) pregnancy or its lawful termination (2) substance abuse, including drug and alcohol abuse, and (3) psychological disturbance.

G. Self-consent of minors shall not apply to sterilization, such as tubal ligation or vasectomy.

Section 3. Financial Responsibility.

A. A minor who consents to the provision of health services to himself or his child under the terms of this regulation is liable for the payment of such services rendered pursuant to this regulation.

B. The spouse, parent, parents or legal guardian shall not be liable for payment for such services unless the spouse, parent, parents or legal guardian have expressly agreed to pay for such care. The minor so consenting for such health services shall thereby assume financial responsibility for

the cost of said services except those who are proven unable to pay and who receive the services in public institutions, or who qualify for medicaid or other subsidized forms of relief.

Section 4. The Health Professional's Liability.

A. No physician, surgeon, dentist, health or mental care facility may be compelled against his or its best judgment to treat a minor on his own consent. However, such persons do bear an obligation to refer such a minor to another facility.

B. If such person having acted in good faith, no physician, surgeon, dentist, health or mental health care facility may be held liable on the basis of a minor's misrepresentations.

C. Any minor who is examined, treated, hospitalized, or receives health services under this regulation may give legal consent, and no person who administers such health services shall be liable civilly or criminally for assault, battery, or assault and battery; or any other civil legal charge, except for negligence or intentional harm in the diagnosis and treatment rendered such minor.

D. The health professional may, but shall not be obliged to inform the parent, parents, or legal guardian of the minor of any treatment given or needed when:

1. In the judgment of the health professional;

(a) Severe complications are present or anticipated; or

(b) Major surgery or prolonged hospitalization is needed; or

(c) Failure to inform the parent, parents or legal guardian would seriously jeopardize the safety and health of the minor patient; or

(d) To inform them would benefit the minor's physical and mental health and family harmony.

2. Such information shall be given to the minor's parent, parents, or legal guardian only when the minor consents or when because of the minor's age or condition the attending health professional can reasonably presume such consent.

3. Except by specific legal requirement, no information in regard to venereal disease, drug and substance abuse, pregnancy, and emotional illness shall be given by the health professional to another professional, school, law enforcement official, court authority, government agent, spouse, future spouse, employer, or any other person without the consent of the minor, unless giving the information is necessary to the health of the minor, and the public, and only when the minors identity is kept confidential.

4. Notification or disclosure to the spouse, parent, parents, or legal guardian by the health profession shall not constitute libel or slander, a violation of the right of privacy, a violation of the rule of privileged communication or any other legal basis of liability. When the minor is found not suffering from a drug or substance abuse, including alcohol and nicotine, then, no information with respect to any appointment, examination, test, or other health procedure shall be given to the parent, parents, or legal guardian, if they have not been already informed as permitted in regulation, without

the consent of the minor.

Section 5. This regulation shall take effect immediately upon enactment.

Regulation No. 74-23

August 29, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION TO MODIFY PAYMENT FOR DAY CARE (Amendment to Regulation 69-9)

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, pursuant to paragraphs 82 and 83, Section 402, Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations regarding the adoption of rules for the receiving and temporary care of children; and

WHEREAS, the payment rate to facilities providing day care has not been changed since it was established in January 1969, even though the increased cost of living has caused a sharp increase in the expenses for the facilities; and

WHEREAS, the Department of Human Resources has recommended the increase in rates payable per child for the provision of day care.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 9, Regulation 69-9, is hereby amended to read as follows:

"Section 9. Payments to Day Care Centers (slot funded) where contracts call for payment per child placed to Family Day Care Homes or to In-Home Caretakers shall be made according to the following rates:

(a) Full Day Care

(1) Family Day Care Homes - $4.00 per day per child.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS				X		FOSTER				X		PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on August 20, 1974

Adopted on second and final reading August 27, 1974

Presented to the Mayor-Commissioner August 27, 1974 (Date) Edward S. Willis (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 8/29/74 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward S. Willis
Secretary of the City Council

P-251

Certified copies are available.

(2) Day Care Centers - $6.00 per day per child, with $1.00 added when transportation is provided.

(3) In-Home Care

(A) For care during the day, $2.50 per child per day.

(B) For care during night hours, $3.25 per child per night.

(b) Part-time Care

(1) Family Day Care Homes - $2.50 per day per child for before and after school care.

(2) Day Care Centers - $3.00 per day per child for before and after school care.

(3) In-Home Care

(A) Before and after school care, $1.50 per child per day.

(B) For night care of less than six hours, $1.75 per child per night."

Section 2. This regulation shall be applicable for contracts entered for the 1975 fiscal year.

Regulation No. 74-24

August 30, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION IMPOSING TEMPORARY MORATORIUM ON THE CONVERSION OF RENTAL UNIT PROPERTIES INTO HORIZONTAL PROPERTY REGIMES

Acting Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized, pursuant to Section 2 of the Act approved August 29, 1974, P. L. 93-395 to prohibit the establishment of any horizontal property regime, real estate condominium project, or other conversion of units in a multiunit structure into a condominium pursuant to the Horizontal Property Act of the District of Columbia; and

WHEREAS, the District of Columbia Council finds that the rate of condominium conversion is constantly increasing, and if conversions continue at this rate their effect upon the rental inventory will become even more substantial and will lead to further depletion of the shrinking rental housing supply in the District; and

WHEREAS, unless there is an immediate curtailment of such conversion to condominium status the rental housing supply in the District of Columbia will not meet available demands; and

WHEREAS, the District of Columbia Council finds that the rapid increase in the rate of condominium conversions has created an emergency in the rental housing supply and that a regulation imposing a temporary moratorium in the conversion of rental properties to condominium status is necessary for the preservation of the public peace, health, safety, welfare and morals, and to preserve the status quo in the rental housing industry within the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS				X		FOSTER	X					PARKER				X	
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on ~~first~~ emergency reading at a meeting of the District of Columbia City Council on August 30, 1974

~~Adopted on second and final reading~~

Presented to the Mayor-Commissioner August 30, 1974 (Date)

Edward B. Wolf
Secretary of the City Council

Approved Walter E. Washington
Mayor-Commissioner

AUG 30 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated herein.

E. C. Wolf
Secretary of the City Council

P-251

Certified copies are available.

Section 1. After the effective date of this regulation:

(a) Neither the District Government, or any officer or employee thereof, shall accept applications, plats or any other documents relating to the conversion of residential units into a condominium pursuant to the Horizontal Property Act of the District of Columbia;

(b) Neither the District Government, nor any officer or employee thereof, shall perform any services in connection with the conversion of residential units into a condominium pursuant to the Horizontal Property Act of the District of Columbia, and this subsection shall apply, without limitation, to proposed conversions for which applications, plats or other documents have been filed heretofore.

Section 2. Any notice to quit that has heretofore been served for the purpose of converting a rental unit to a condominium pursuant to the Horizontal Property Act of the District of Columbia shall be tolled for the duration of this regulation.

Section 3. Notwithstanding any other provision of this regulation, any owner of residential rental property who is aggrieved by this regulation may apply to the Commissioner or his designated agent for relief, including, but not limited to, exemption from the provisions hereof. Such application shall state, under oath, specifically and in detail, the exact status of the property in question, the hardship imposed by this regulation and the relief sought. The Commissioner, or his designated agent, shall act promptly on such application, taking into consideration, without limitation, the particular circumstances of the owner including the level and stage of the owner's capital outlays and of the affected tenants, and the stage of development of the proposed conversion, and shall thereupon take such actions as in his judgment are right and proper in the circumstances.

Section 4. If any provision of these regulations, or any section, sentence, clause, phrase, or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of these regulations, and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby and to this end, the provisions of these regulations are declared severable.

Section 5. This regulation shall terminate sixty (60) days after the effective date.

Section 6. This regulation shall take effect upon enactment.

Regulation No. 74-25

October 12, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO HIGHWAYS AND TRAFFIC REGULATIONS AUTHORIZING RESIDENTIAL PERMIT PARKING IN CERTAIN AREAS

Councilman Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized under paragraph (297) of section 402 of Reorganization Plan No. 3 of 1967 to make, modify, and repeal reasonable regulations regarding the movement of traffic and the parking thereof, under D. C. Code, section 40-603(e); and

WHEREAS, the District of Columbia Council is authorized under paragraph (1) of section 402 of Reorganization Plan No. 3 of 1967 to make, modify, and repeal reasonable police regulations under D. C. Code, section 1-224; and

WHEREAS, the District of Columbia Council is authorized to enact necessary regulations to protect and improve air quality in the District of Columbia under the District of Columbia Air Pollution Control Act (D. C. Code, sections 6-811 to 6-813); and

WHEREAS, the District of Columbia Council finds that it is in the best interests of the District of Columbia to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week; and

WHEREAS, the District of Columbia Council finds that a residential permit parking regulation is necessary to promote the health, safety, and welfare of the residents of the District by providing adequate parking spaces for residents adjacent to or close by their places of residence; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE				X		SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on September 17, 1974

Adopted on second and final reading October 1, 1974

Presented to the Mayor-Commissioner October 3, 1974
Date

Edward S. Wilbur
Secretary of the City Council

Approved
Mayor-Commissioner

OCT 12 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:
Date

Disapproved and returned to the City Council
Mayor-Commissioner

Date

Readopted
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward S. Wilbur
Secretary of the City Council

P-251

Certified copies are available.

WHEREAS, the District of Columbia Council finds that residential permit parking will reduce motor vehicle miles travelled in the District of Columbia by requiring commuters to carpool or to utilize forms of transportation which are less polluting per person than private passenger motor vehicles, and thereby assist in the attainment of national ambient air quality standards as required by the District of Columbia Air Implementation Plan approved by the Federal Environmental Protection Agency.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Article XIII of the Highways and Traffic Regulations of the District of Columbia is hereby amended as follows:

(1) by redesignating subsections (a) and (b) of Section 82 as subsection "(b)" of Section 80; and

(2) by adding a new Section 82 titled "Residential Parking Areas", to read as follows:

"Section 82. Residential Permit Parking Areas

"(a) The Commissioner is hereby authorized to designate by order, subject to approval by the Council as hereinafter provided, public highways and other areas within the District on which the parking of vehicles may be restricted, beyond a consecutive two (2) hour period between the hours of 7 A.M. and 6:30 P.M. on weekdays, excepting holidays, in whole or in part to vehicles bearing a valid parking permit issued pursuant to this section. This authority shall be in addition to and may be exercised in conjunction with any other authority the Commissioner may have to regulate the times and conditions of motor vehicle parking.

"(b) As used in this section --

"(1) 'Residential area' shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and non business property (such as schools, parks, churches, hospitals, and nursing homes), and designated as such by the Commissioner.

"(2) 'Commuter vehicle' shall mean a motor vehicle parked in a residential area by a person not a resident thereof.

"(c) A residential area shall be deemed eligible for residential permit parking if, based on objective criteria established by the Commissioner, parking therein is impacted by commuter vehicles between 7 A.M. and 6:30 P.M. weekdays, except holidays.

"(d) In determining whether an area identified as eligible for residential permit parking shall be designated as a residential permit parking area, the Commissioner shall take into consideration the following factors:

"(1) The local and metropolitan needs with respect to clean air and the requirements of Federal and District air quality plans, rules and regulations;

"(2) The possibility of a reduction in total vehicle miles driven in the District of Columbia;

"(3) The likelihood of alleviating traffic congestion, illegal parking, and related health and safety hazards;

"(4) The proximity of public transportation to the residential area;

"(5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection therewith; and

"(6) The need for parking in excess of two (2) hours in proximity to establishments located therein and used by the general public for religious, health, or educational purposes.

"(e) In order to determine whether a particular street, avenue, or other location shall be designated as a residential permit parking area, the Commissioner or his designee may conduct, upon his own initiative or upon a petition of a majority of the households in such area, addressed to the Commissioner or the Council, a public forum, prior to the designation of a parking permit area, or prior to the withdrawal of such designation once it is established. Such forum shall be held only after due notice has been published in a newspaper of general circulation throughout the District and in the D. C. Register. The notice shall clearly state the purpose of the forum, the exact location and boundaries of the residential permit parking area under consideration, the reasons why such area is being proposed for designation as a residential permit parking area, and, if applicable, the proposed permit parking fee that would be charged. In addition to the published notice a similar notification shall be mailed to every household, the identity of which can reasonably be established, within the area under consideration. During such forum, any interested person shall be entitled to appear and be heard. No forum shall be held and no area designated if it is not found to be an impacted area under subsection (c) of this section.

"(f) Within 30 days following the close of the public forum, the Commissioner shall recommend by report to the Council, based on the record of such forum, whether to designate the area under consideration as a residential permit parking area or to remove the designation in the case of an established residential permit parking area. Within 45 days following the receipt of the report, the Council shall approve or disapprove the recommendation of the Commissioner.

"(g) Following Council approval of the designation of a residential permit parking area, the Commissioner or his designee shall issue appropriate permits and shall cause parking signs to be erected in the area, indicating the times, locations, and conditions under which parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a street, avenue, or other location within the residential permit parking area.

"(h) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the motor vehicle's make, model, registration number, and the number of the applicant's operator's permit. The motor vehicle's registration and operator's license may, in the discretion of the Commissioner, be required to be presented at the time of making said application in order to verify the contents thereof. The owner or operator of any motor vehicle applying for a residential parking permit shall have valid District of Columbia motor

vehicle license tags unless not legally required to have them. The permit shall be renewed annually upon such conditions and procedures as the Commissioner shall specify. The permit shall display the motor vehicle's serial, license and zone numbers and expiration date.

"(i) Notwithstanding any provision of this Article to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during such times as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than two-hour parking limit.

"(j) No person other than the permittee named thereon shall use a residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this regulation by the permittee and by the person who so used or displayed such parking permit.

"(1) It shall constitute a violation of this regulation for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the Commissioner in order to obtain a residential parking permit.

"(2) The Commissioner is authorized to revoke the residential parking permit of any permittee found to be in violation of this regulation and, upon written notification thereof, the permittee shall surrender such permit to the Commissioner. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this regulation.

"(k) The Commissioner is authorized to establish by order an annual residential permit parking fee to cover the administrative costs of permits issued pursuant to this section.

"(l) The Commissioner is authorized to make provisions for: (i) the issuance of temporary parking permits to bona fide visitors of residents of a designated residential parking area; and (ii) the issuance of exemption parking permits to handicapped persons in keeping with the requirements of Regulation No. 73-12, (Regulation Providing Special Parking Privileges for Handicapped Drivers).

"(m) Any person who shall violate any provision of this regulation shall, upon conviction, be subject to punishment by a fine of not more than $300 or imprisonment of not more than 10 days, or both."

Section 2. Severability.

The provisions of this regulation are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining

provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this regulation would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstances, to which the regulation or part thereof is held inapplicable, had been specifically exempted therefrom.

Section 3. This regulation shall take effect sixty (60) days after enactment.

Regulation No. 74-26

October 18, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE "HORIZONTAL PROPERTY REGIME (CONDOMINIUM) REGULATIONS WITH PROVISION FOR IMPOSITION OF A MORATORIUM ON THE CONVERSION OF RENTAL UNIT PROPERTIES INTO HORIZONTAL PROPERTY REGIMES"

Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to make rules and regulations with respect to Horizontal Property Regimes pursuant to the provisions of Section 5-928 and to make regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia under Section 1-226, D. C. Code, 1973 edition, as amended; and

WHEREAS, the District of Columbia Council is authorized, pursuant to Section 2 of the Act, approved August 29, 1974, P. L. 93-395 to prohibit the establishment of any horizontal property regime, real estate condominium project, or other conversion of units in a multi-unit structure into a condominium pursuant to the Horizontal Property Regime Act of the District of Columbia; and

WHEREAS, the District of Columbia Council has previously enacted such a regulation (Regulation No. 74-24) imposing a temporary 60-day moratorium and due to the following reasons deems it necessary to extend the moratorium for an additional period, terminating at the same time as the rent control regulations; and

WHEREAS, ther e is a grave housing crisis in the District of Columbia, evidenced partially by increasing rents and decreasing supply of rental units available to persons of low-moderate-and middle-income, and in particular to elderly persons; and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 1, 1974

Adopted on second and final reading October 15, 1974

Presented to the Mayor-Commissioner October 15, 1974
Date

Edward B. Webb, Jr.
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

18 OCT 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:
Date

Disapproved and returned to the City Council
Mayor-Commissioner
Date

Readopted
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb, Jr.
Secretary of the City Council

Certified copies are available.

WHEREAS, one of the ways in which this decrease in housing supply has been affected has been the conversion of rental units to condominiums, which conversion, if permitted to continue at the present rate, will have a substantial effect upon the rental inventory which will lead to the further depletion of the shrinking housing supply in the District; and

WHEREAS, such conversion will for the most part be irreversible once completed, and the situation has now become a genuine emergency threatening the public peace, health, safety, welfare and morals of District residents by decreasing the housing supply, increasing the cost of housing, increasing the extent and degree of overcrowding of the residents and fostering instability amongst the communities threatened by such conversion; and

WHEREAS, unless there is a further curtailment of such conversion to condominium status, the rental housing supply in the District of Columbia will not meet available demands.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

PART I
DEFINITIONS AND APPLICATION

Section 1.1 - Definitions

(a) City Council - shall mean the District of Columbia Council as established pursuant to the provisions of Section 201, et seq., of Reorganization Plan No. 3 of 1967.

(b) Commissioner - shall mean the Commissioner of the District of Columbia as appointed pursuant to the provisions of Section 301, et seq., of Reorganization Plan No. 3 of 1967.

(c) Common Expenses* - means and includes -

(1) all sums lawfully assessed against the unit owners by the council of co-owners;

(2) expenses of administration, maintenance, repair, or replacement of the common areas and facilities, including repair and replacement funds as may be established;

(3) expenses agreed upon as common expenses by the council of co-owners;

(4) expenses declared common expenses pursuant to the provisions of Section 5-901, et. seq., D. C. Code, 1973, or by the bylaws.

(d) Common Profits* - means the balance of all income, rents, profits, and revenues from the common areas and facilities remaining after deductions of the common expenses.

(e) Condominium* - means the ownership of single units in a multi-unit structure with common elements.

(f) Condominium project* - means a real estate condominium project; a plan or project whereby five or more apartments, rooms, office spaces, or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale.

(g) Co-owner* - means a person(s),corporation, trust or other legal entity, or any combination thereof, that owns a condominium unit within the building.

(h) Council of Co-owners* - means the co-owners acting as a group in accordance with the provisions of Section 5-901, et seq., D. C. Code, 1973 ed. and the bylaws and declaration established thereunder; and a majority, as defined (infra) shall, except as otherwise provided in Section 5-901, et seq. constitute a quorum for the adoption of decisions.

(i) Developer* - means a person that undertakes to develop a real estate condominium project.

(j) General common elements* - except as otherwise provided in the plat of condominium subdivision, means and includes -

(1) the land on which the building stands in fee simple or leased provided that the leasehold interest of each unit is separable from the leasehold interests of the other units;

(2) the foundations, main walls, roofs, halls, columns, girders, beams, supports, corridors, fire escapes, lobbies, stairways, and entrance and exit or communication ways;

(3) the basements, flat roofs, yards, and gardens except as otherwise provided or stipulated;

(4) the premises for lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated;

(5) the compartments or installations of central services such as power, light, gas, cold or hot water, heating, central air-conditioning or central refrigeration, swimming pools, reservoirs, water tanks and pumps, and the like;

(6) the elevators, garbage and trash incinerators and, in general, all devices or installations existing for common use; and

(7) all other elements of the building rationally of common use or necessary to its existence, upkeep, and safety.

(k) Horizontal Property Act - means the Horizontal Property Act of the District of Columbia, 77 Stat. 449, as amended, Secs. 5-901, et seq., D. C. Code, 1973 ed., as the same may be amended from time to time.

(l) Limited common elements* - means and includes those common elements to be reserved for the use of a certain number of condominium units, such as special corridors, stairways, and elevators, sanitary services common to the apartments of a particular floor, and the like.

(m) Lot of Record - a lot platted and recorded on the records of the Surveyor.

(n) Majority of Co-owners* - "two-thirds of the co-owners," and "three-fourths of the co-owners" mean, respectively, 51, 66-2/3, and 75 per centum or more of the votes of the co-owners computed in accordance with their percentage interests as established under Section 5-906, D. C. Code, 1973 ed.

(o) Person* - means a natural individual, corporation, trustee, or other legal entity or any combination thereof.

(p) Plat of Condominium Subdivision* - means the plat of the Surveyor of the District of Columbia establishing the condominium units, accessory units, general common elements, and limited common elements.

(q) Property* - means and includes the lands whether leasehold, if separable as defined in (j)(l) of this section, or in fee simple, the building, all improvements and structures thereon, and all easements, rights, and appurtenances thereunto belonging.

(r) Record Plat - a plat showing lots, streets, public alleys, etc. recorded in the office of the Surveyor.

(s) Subdivision - is the division or assembly of improvements into one or more units of record.

(t) To Record* - means to record in accordance with the provisions of either Sections 45-501 or 5-901, et. seq., D. C. Code, 1973 ed.

(u) Unit or condominium unit* - means an enclosed space, consisting of one or more rooms, occupying all or part of one or more floors in buildings of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, and shall include such accessory units as may be appended thereto, such as garage space, storage space, balcony, terrace or patio: Provided, that said unit has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.

*As defined in Section 5-902, D. C. Code, 1973 ed., as amended.

Section 1.2 - Interpretation of Regulations

Whenever these regulations shall require restrictions or conditions of higher standards than required in or under any statute or any other municipal regulations, the provisions of these regulations shall govern. Wherever the provisions of any statute or of any municipal regulations shall require restrictions or conditions of higher standards than are required in or under these regulations, the provisions of such statute or other municipal regulations shall govern.

Section 1.3 - Application of Regulations

(a) No multi-unit structures, land, or buildings in the District of Columbia shall be subdivided for purposes of establishing a condominium project and no condominium units shall be created, except in conformity with these regulations and other applicable laws and regulations of the District of Columbia.

(b) No part of a building or buildings shall be offered for sale or conveyed as condominium units except in conformity with these regulations and unless, prior thereto, such building or buildings shall have been resubdivided in conformity with all applicable laws and regulations of the District of Columbia.

(c) No notice to quit shall be served on any tenant of a building for reason of intended conversion to condominium unit or project except in conformity with these regulations and other applicable laws and regulations of the District of Columbia.

PART II
PROCEDURE TO SUBDIVIDE FOR A CONDOMINIUM PROJECT

Section 2.1 - Application for a Condominium Project

(a) Application for a condominium project shall be submitted on a form

provided by the Surveyor who shall make or cause to be made a plat or plats in conformity with the requirements of Section 5-909, D. C. Code, 1973 ed.

(b) The applicant for a condominium project shall furnish such information or documentation as the Surveyor shall deem necessary in order to prepare the plat or plats. Such documentation may include, but not necessarily be limited to, the building plans, declaration, and bylaws.

(c) A condominium project must be located on a lot of record. If such lot of record is not in existence at the time of application, the applicant shall make a request for such subdivision on a form provided by the Surveyor. Such lot of record will be prepared in accordance with the requirements of the Subdivision Regulations. (C.O. 67-651a).

(d) After the certification and recording of the condominium plats by the Surveyor, the developer shall file with the Surveyor a certified copy of the recorded declaration and bylaws, and any amendments thereto.

Section 2.2 - The Plats of Condominium Subdivision

(a) The plats for a condominium subdivision shall consist of, but not necessarily be limited to, the following:

(1) Title and Signature Sheet, hereinafter "sheet 1."

(2) Building(s) and Lot(s) Relationship sheet, hereinafter "sheet 2."

(3) Condominium Unit Location Sheets, hereinafter "sheet 3."

(b) Sheets 1 and 2 shall be prepared by the office of the Surveyor.

(c) At the discretion of the Surveyor, sheet 3 may be prepared by a civil engineer registered in the District of Columbia provided, however, that said sheet is prepared to the satisfaction of the Surveyor and in accordance with his specifications.

(d) The Surveyor shall not initiate any survey of the condominium project until the required fee (see C.O. 64-357, approved March 10, 1964, as amended) has been paid to the D. C. Treasurer and a receipt therefor has been filed in the office of the Surveyor.

(e) When the Surveyor is satisfied that all plats and sheets contain the requisite information thereon, he shall then certify, approve, label, index and preserve the same for record.

(f) All plats of condominium subdivisions shall comply with the following:

(1) All sheets shall be made on linen approved by the Surveyor.

(2) All sheets shall be of standard of seventeen (17) by twenty-one (21) inches with a half (1/2) inch inked border; however, if necessary to accommodate the project, the seventeen (17) inch side may be extended.

(3) The true bearings of the boundary lines shall be given in degrees, minutes and seconds with their lengths in feet and decimal parts of a foot.

(4) All building or buildings to be subdivided shall be located by exterior dimension to a point of record.

(5) The square and lot(s) shall be numbered.

(6) All streets shall be identified.

(7) All building restriction lines shall be shown on all sheets.

(8) Each condominium unit shall be numbered and the dimension of the finished interior surfaces of the condominium unit, together with the elevations, from a fixed known point of the finished floor and ceiling, shall be shown. The identifying number of each condominium unit on the plat(s) shall conform to and be similar in all respects to the numbering sequence on the declaration.

(9) All limited common elements shall be shown where applicable.

(10) Any other data necessary for the identification of the individual condominium units and the general and limited common elements shall be shown. Additionally, parking spaces shall, if a limited common element and appurtenant to a unit, be numbered and related to such unit.

(g) If a condominium unit contains an undeveloped or unpaved patio area as accessory and appurtenant to the unit, such will be set forth by means of physical points or pipes around patio area and further defined on the plat.

Section 2.3 - Signators

(a) Upon completion of the plat of condominium subdivision and prior to recording thereof, the plat shall be forwarded to the developer for his certification and signature.

(b) The plat of condominium subdivision shall be signed in ink by the developer in the presence of two witnesses and acknowledged before a notary public.

(c) The plat of condominium subdivision shall contain an affidavit by the developer executing the plat of subdivision to the effect that:

(1) He is the owner in fee simple of the property proposed to be subdivided.

(2) He is in peaceful occupation thereof, subject to then existing tenancies, if any.

(3) There are no suits or actions pending affecting the title to said property; however, if such exist, they will be set forth in the affidavit.

(4) The uses permitted for individual units by the declaration and bylaws conform to the applicable laws and regulations of the District of Columba.

(d) In the event the property is encumbered, the assent of the trustee(s) or parties secured must be shown on the plat, signed in ink.

Section 2.4 - Certification

(a) No plat of condominium subdivision may be recorded unless it contains a certification by the Department of Finance and Revenue that:

(1) The developer whose name appears on the plat of subdivision is the owner of record of the property to be subdivided.

(2) Taxes, special assessments, and other public charges currently due against the property have been paid.

(b) When a subdivision is to be recorded during the first half of the fiscal year, the tax shall be paid for the half before allowing the subdivision to be recorded.

(c) When a subdivision is to be recorded during the second half of the fiscal year, the tax shall be paid for the entire fiscal year before allowing the subdivision to be recorded.

(d) No plat of condominium may be recorded unless it contains a certification by the Zoning Administrator that the uses permitted for individual units by the declaration and bylaws comply with the District of Columbia Zoning Regulations.

Section 2.5 - Recording of Plat

(a) Upon compliance with all provisions of this Part, the Surveyor shall approve for record all plats of condominium subdivision, which plats shall thereafter become the property of the District of Columbia.

(b) The plat shall be recorded and filed in the office of the Surveyor together with a certified copy of the declaration and bylaws.

PART III

Section 3.1 - Property Report: Required: Contents

Prior to offering for sale any condominium units in a condominium project, a developer must prepare a property report and shall certify by affidavit that all disclosures are true to the best of his knowledge and belief. The property report shall contain the following information about the condominium project:

(a) Name and address of the developer including, but not limited to, all partners of a general and/or limited partnership, all venturers of a joint venture, all officers and directors of a corporation and all stockholders of a corporation owning 10% or more of the stock of such corporation. (It is the intent of these regulations that all financial interests in the developer be disclosed to the extent practicable.)

(b) Names and addresses of the developer's attorney responsible for preparation of the condominium documents, the general contractor(s) responsible for the construction or renovation of the project, and the architects and engineers engaged by the developer for the preparation of the condominium documents and construction or renovation of the project.

(c) Complete description of the condominium project, including, but not limited to:

(1) Legal description of the condominium project real property.

(2) Map or plat showing size and dimensions of the condominium project together with all improvements, including recreational facilities, proposed future construction and location of streets and roads.

(3) Description of the condominium units offered and of all common

elements, general and limited.

(4) Description of all recreational facilities and other proposed facilities within the condominium project and ownership status of all such facilities.

(5) Location and ownership status of streets and roads in the development.

(6) Projected completion dates for proposed construction, renovation or conversion.

(7) Uses permitted for individual units by the declaration, by-laws and applicable laws and regulations.

(8) Title report listing all restrictions of record and the condition of title.

(d) A statement of all financial aspects of the condominium project, including,but not limited to:

(1) Statement of financial plan for completion of project.

(2) Name of construction lender or the interim lender.

(3) Institution offering long term mortgage financing, if available, and terms and conditions of such mortgage or deed of trust.

(4) Nature and extent of any protection of purchaser's deposits in escrow accounts.

(5) Statement of sales prices, terms and conditions of sale including estimated closing and settlement costs, taxes and expected special assessments.

(6) Anticipated monthly payments for principal, interest, assessments and taxes for a period of one year from the expected date of settlement, as such payments relate to individual condominium units within the regime.

(e) Copies of all required legal documents including:

(1) Copy of proposed sales contract which must provide that in the event that the improvements to be made by the developer are not completed and settlement scheduled prior to the expiration of two years after the date of execution of the sales contract, the purchaser shall have the right, at his option, to terminate the sales contract and recover his deposit thereunder, in which event the developer and the purchaser shall be relieved of all obligations thereunder, except that the developer may provide that the aforesaid two year period shall be subject to extension in the event of acts of God, strikes, shortage of materials, failure of a prior tenant to vacate the premises or other causes beyond the developer's control.

(2) Copies of sample forms of deeds of conveyance.

(3) Copy of the declaration.

(4) Copies of all organization documents of the council of co-owners.

(5) Copy of the bylaws and regulations of the council of co-owners.

(6) Copy of any leases applicable to the condominium project.

(7) Copy of any management or maintenance contract.

(8) Schedule of ownership interest in the general and limited common areas.

(f) Statement of management and expected operation of the condominium project. The developer may not enter into any exclusive contract for management or services of a condominium project or permit a clause in the sales contract between a developer and prospective purchaser of a condominium unit that would stipulate an exclusive management or services contract of three years after the first condominium unit is sold or of a period of one year after said condominium project is to be governed by the council of co-owners, whichever is longer. The following shall also be furnished:

(1) Name of management agent, if any, and the services the agent will perform.

(2) Length of term of management contract and charges and circumstances under which the charges may be increased.

(3) Copy of estimated operating budget for the condominium project projected for a period of one year from the expected date of the first conveyance and occupancy of any of the units, to include monthly payments to be prorated to each condominium unit for maintenance and/or management of condominium property and charges for use of recreational and other facilities. The developer will be held financially responsible for any intentional misrepresentations in his budget analysis and if the actual expenses exceed the estimated operating budget by 20% or more, it shall be presumed that there was intentional misrepresentation. In particular, the operating budget shall include but not be limited to, the following:

i) Operational Costs

Utilities
Heating Fuels
Janitorial Services
Trash and Garbage disposal
Ground and Building Maintenance
Maintenance and Operation of recreational and other facilities
Building Insurance
Elevator Maintenance
Sidewalks and Street Maintenance
Other fixed costs
Legal and Accounting services
Bookkeeping services
Management fees
Other management costs
Other operating costs

ii) Reserve Costs

Reserve for unexpected repair work, if any
Reserve for replacement and upkeep of common area and facilities, if any
Reserve for improvements, if any.

(4) Method and timing of transfer of control over the condominium project

to the resident council of co-owners, the council's relationship with the developer, and the nature and extent of any interest retained by the developer in the condominium project. The transfer of control to the resident council of co-owners shall take place within 180 days after the developer has conveyed 80% of the condominium units to bona fide purchasers.

(5) Statement disclosing any relationship between the developer and the management firm and their respective corporate officers and controlling interests.

(g) In the case of a condominium project containing structures which were wholly or partially occupied at any time before the recording of the declaration, a report from a qualified licensed engineer stating the condition and the rated life and expected useful life of the roof, foundation, external and supporting walls, mechanical, electrical, plumbing and structural elements and all other common facilities together with an estimate of repair and replacement costs. There shall also be a list of any outstanding building code or other municipal regulation or code violations issued by governmental authorities and the dates the premises were last inspected for code or regulations compliance.

(h) Copies of the sales brochures and floor plans.

i) Details of initial prices, terms and options.

ii) Identity of selling agent.

iii) Itemized list of total estimated settlement costs.

(i) Each property report shall contain a detailed index to the contents and on the first page the following warning in capital letters and bold face type:

"WARNING: ORAL REPRESENTATIONS ARE NOT BINDING ON THE DEVELOPER. REFER TO THE PROPERTY REPORT FOR BINDING REPRESENTATIONS."

(j) The property report and all attachments shall be made available for inspection by the public in such place as may be designated by the Commissioner.

Section 3.2 - Filing; Registration; Warranty; Receipts

A developer or agent shall not enter into a binding contract or agreement for the sale of any condominium unit until:

(a) A copy of the property report and any amendments and supplements thereto have been given to the prospective purchaser.

(b) The prospective purchaser has been given an opportunity to read the property report.

(c) A receipt signed by the prospective purchaser has been received by the developer or agent acknowledging that the prospective purchaser has received and has had an opportunity to review the property report. Receipts shall be kept on file by the developer for a period of three years from the date of signature by the prospective purchaser. Receipts shall be subject to inspection by the Commissioner.

(d) A copy of the property report and any amendments and supplements thereto shall be filed promptly upon preparation with the Commissioner and shall be accompanied by a fee of $

(e) Upon receipt of the property report in proper form, the Commissioner shall determine whether all required information is contained therein. Upon a determination that all required information is contained in the property report, he shall register the condominium project and issue a certificate of registration. The Certificate of Registration shall contain a notice to the effect that the condominium project shall be subject to annual inspection for compliance with all applicable laws and regulations.

(f) The developer shall not enter into a binding contract or agreement for the sale of any unit in a condominium project nor may he or his agent accept deposits until the condominium project has been registered and a true copy of the Certificate of Registration has been given to the prospective purchaser. The prospective purchaser shall sign a receipt acknowledging that he has been given and has read the Certificate and such Certificate shall be in possession of the developer subject to inspection at a reasonable time by the Commissioner for a period of three years from the date the receipt was taken.

(g) The developer shall post a bond or warranty satisfactory to the Commissioner assuring that the roof, foundation, external and supporting walls, mechanical, electrical, plumbing and structural elements and all other common facilities, shall be repaired or replaced at the expense of the developer for a period of one year from the date of conveyancy of 80% of the condominium units to bona fide purchasers. A true copy of the warranty or bond shall be filed with the Commissioner. The developer's responsibility to repair or replace the aforementioned common facilities shall not include the cost of normal, routine maintenance, nor where the damage or destruction of such facilities are caused by the negligence of the condominium unit owners, nor where such damage or destruction of such facilities are caused by natural catastrophies.

(h) It shall be unlawful for the developer after submitting the property report to the Commissioner, to materially change the terms of the property report without first notifying the Commissioner in writing of such intended change and notifying all purchasers and prospective purchasers of such change. This notice requirement of the developer shall extend to all purchasers and those prospective purchasers who have a continuing and immediate interest in the prospective change in the property report.

Section 3.4 - Cooling-Off Period

(a) The developer shall include in the contract of sale for each condominium unit the following clause and its Spanish equivalent, which shall read:

> "Seller hereby grants to purchaser a period of fifteen days within which to review the condominium documents made available to purchaser pursuant to District of Columbia law and applicable regulations. Notwithstanding any other provision of this agreement, the purchaser may, at his election, by written notice to the seller, send by registered mail (or personal delivery to the seller's office during business hours) at any time prior to midnight local time of the fifteenth day following the date the contract is signed by the purchaser, terminate this agreement and the purchaser's entire deposit shall be refunded and the parties hereto shall have no further rights or liabilities under the agreement."

(b) The clause in the sales contract which provides for the fifteen day cooling-off period must be located:

(1) either immediately above the purchaser's signature, or

(2) under a conspicuous caption entitled "PURCHASER'S RIGHT TO CANCEL."

Section 3.5 - Escrow of Deposit

(a) Any deposit made in regard to any disposition of a unit, including one upon a nonbinding reservation agreement, shall be held in escrow until delivered at settlement. Such escrow funds shall be deposited in a separate account designated for this purpose and any person receiving such escrow funds may deposit them in an interest bearing account. Any deposit held for longer than three (3) months shall, from that time, bear interest at the maximum passbook rate permitted by law to be paid by a Federally insured savings and loan association, which interest shall be credited to the purchaser at settlement, or, if settlement is not made and the purchaser is entitled under law to return of the deposit, the interest shall be paid over to purchaser with the deposit. If settlement is not made and the purchaser is not entitled under law to the return of the deposit, he shall not be entitled to the interest thereon.

Section 3.6 - Resale By Purchaser

(a) In the event of any resale of a unit by an owner other than the original developer of the condominium project, such owner shall obtain from the council of co-owners or its duly designated agent and furnish to the prospective purchaser, prior to entering into a sales agreement the following:

(1) A statement as to whether the owner is current in his payment of all charges and assessments for repairs and maintenance of the condominium.

(2) A statement of any and all major repairs and replacement expenditures currently anticipated by the council of co-owners and by the management of the condominium project.

(3) A list of any outstanding building code or other municipal regulation or code violations issued by governmental authorities and the dates and premises were last inspected for code or regulations compliance.

(4) A statement on the status and amounts of any reserve fund and whether such are earmarked for any specified project by the council of co-owners.

The council of co-owners or its duly designated agent and management shall furnish this information upon written request of any unit owner within ten (10) days of such request. The provisions of this section shall be embodied in the bylaws.

Section 3.7 - Provisions Required in Bylaws

(a) The bylaws of the council of co-owners shall include, but not be limited to, the following information:

(1) The legal right of the council to control the administration, maintenance and repair of common elements; to govern the conduct of owners of condominium units subject to the provisions of Section 5-914(a)(6), D. C. Code, 1973 ed.; and to levy common charges upon such owners to replace or alter portions of the condominium project.

(2) The manner of election of the governing groups and details relating to their number, terms, powers and duties, removal and the quorum required for meetings.

(3) Provisions for meetings of owners of condominium interests

including the notices required for such meetings, and the rights and powers of such owners.

(4) Provisions regarding the adoption and amendment of rules and regulations.

(5) Percentages of votes required by the owners or the council for all actions.

(6) Details concerning the operations and management of the condominium by the council.

(7) Statement on the method and timing of transfer of control over the condominium project to the council of owners, the council's relationship with the developer, and the nature and extent of any interest retained by the developer.

(8) The provisions of Section 3.6 of these Regulations.

(9) Provisions regarding adoption and amendment of the bylaws.

Section 3.8 - Notice Requirement to Tenants of Apartment Buildings to be Converted

Every occupant of a housing accommodation which the landlord seeks to convert from a rental basis to a condominium shall be notified in writing 180 days prior to the conversion thereof. The landlord of such a housing accommodation shall make to each occupant a bona fide offer of sale of the unit which he occupies, and the tenant shall be afforded 60 days within which to accept. No occupant shall be served with a 30-day notice to vacate until 150 days after he first received notice of the landlord's intention to convert, nor shall the notice to vacate be served prior to the expiration of the aforesaid 60-day period of receipt of the tenant's written rejection of the bona fide offer of sale of the unit which he occupies, whichever occurs first. This condition on the service of notice to vacate applies only with respect to the attempt by the landlord to convert from a rental basis to condominium status and in no wise restricts the right of the landlord to issue such eviction notices as granted him by the Rent Control Regulations for the District of Columbia (Regulation No. 74-20).

PART IV

Section 4.1 - Extention of Temporary Moratorium on the Conversion of Rental Unit Property into Horizontal Property Regimes

After the effective date of this subsection 4.1:

(a) Neither the District Government, or any officer or employee thereof, shall accept applications, plats or any other documents relating to the conversion of residential units into a condominium pursuant to the Horizontal Property Act of the District of Columbia.

(b) Neither the District Government, nor any officer or employee thereof, shall perform any services in connection with the conversion of residential units into a condominium pursuant to the Horizontal Property Act of the District of Columbia, and this subsection shall apply, without limitation, to proposed conversions for which applications, plats or other documents have been filed heretofore.

(c) Any notice to quit that has heretofore been served for the purpose of converting a rental unit to a condominium pursuant to the Horizontal Property Act of the District of Columbia shall be null and void as of the effective date of this regulation.

(d) Notwithstanding any other provision of this regulation, any owner of residential rental property who is aggrieved by this regulation may apply to the Commissioner or his designated agent for relief, including but not limited to, exemption from the provisions hereof. Such application shall state, under oath, specifically and in detail, the exact status of the property in question, the hardship imposed by this regulation and the relief sought. The Commissioner, or his designated agent, shall act promptly on such application, taking into consideration, without limitation, the particular circumstances of the owner including the level and stage of the owner's capital outlays and of the affected tenants, and the stage of development of the proposed conversion, and shall thereupon take such actions as in his judgment are right and proper in the circumstances.

(e) If any provision of these regulations, or any section, sentence, clause, phrase, or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of these regulations, and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby and to this end, the provisions of these regulations are declared severable.

(f) The provisions of this subsection 4.1 shall terminate on May 31, 1975.

(g) This subsection 4.1 shall take effect immediately upon enactment.

PART V
ENFORCEMENT AND VALIDITY

Section 5.1 - Severability Clause

(a) If any provision of these regulations, or any section, sentence, clause, phrase, or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of these regulations, and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby and to this end, the provisions of these regulations are declared severable.

Section 5.2 - Prosecution and Penalty

(a) Criminal prosecution for violation of any of these regulations shall be brought in the name of the District of Columbia in the Superior Court for the District of Columbia by the Corporation Counsel. Any person who willfully violates any provision of these regulations, or who willfully makes an untrue or misleading statement of material fact to be stated therein, shall upon conviction be punished by a fine of not more than $300 or be imprisoned for not more than ten (10 days.

(b) Failure by the developer to comply with these regulations shall, at the option of a purchaser or prospective purchaser of a condominium unit, render the contract of sale on such condominium unit null and void.

Section 5.3 - Effective Date

These regulations, except for subsection 4.1, shall become effective 30 days after enactment and shall apply to all condominium projects, irrespective of whether the declaration and condominium plats have been recorded, subject to the provisions of (a) and (b) hereafter.

(a) The Commissioner may, in his discretion, waive any requirement of these regulations or grant time extensions for full compliance to any condominium

project that is in active sales. The developer of any such project requesting a waiver and/or extension shall file with the Commissioner a statement setting forth the status of the project and the reasons for the request.

(b) All condominium projects whose declarations and condominium plats were recorded prior to the effective date of these Regulations shall file with the Commissioner, in accordance with regulations to be promulgated by him, such information, and in such form as he shall direct, as he shall deem appropriate to carry out the purposes of these regulations.

D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

Department, Agency, Office: Office of the Surveyor

TO: Sterling Tucker, Chairman
Housing and Urban Development
Committee

FROM: W. R. Compton
Surveyor, D. C.

Date: October 1, 1974

SUBJECT: Regulation Concerning Condominium Sales and Conversions in the District of Columbia - Log 769

I have just had an opportunity to read your report to the Council Members dated Spetember 24, 1974 regarding condominium conversions.

In reading the regulations we find in Section 2.3(d) an area which is of concern to this office in conflict with the procedure presently in operation. In our review of the drafts submitted to us in April and again in May of 1974 the wording reflected our procedure with respect to this section of the regulations. I discussed this matter with Mr. Feuer of the Corporation Counsel but he was unsure as to the reason for the additional wording. I also discussed this problem with Mr. Coleman of your staff who recommended that we bring this problem to your attention.

It is recommended that consideration be given to placing a period after the word "plat" and delete the rest of the sentence. The present procedure with regard to "trustees" or other "parties" has been that they sign the plat without witnesses or notary. All subdivision of lots and of condominium subdivisions have followed this procedures for many, many years. I am advised that if this section were not changed that it may be impossible to obtain the signatures as suggested in the regulations.

Mr. Coleman advised me that it would be possible, if you concur, that this minor change could be made before the final reading of the resolution.

Your consideration of this matter will be most appreciated and if I can be of any assistance or provide any information please let me know.

WRC:bp

W-8

WRC 10/2/74
10/1

District of Columbia City Council
Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From STERLING TUCKER, CHAIRMAN, HOUSING AND URBAN DEVELOPMENT COMMITTEE

Date October 1, 1974

Subject Regulation Concerning Condominium Sales and Conversions in the District of Columbia - LOG 769

Mr. Chairman and members of the Council, the Housing and Urban Development Committee presents for first reading a proposed regulation concerning condominium sales and conversions in the District of Columbia.

A comprehensive set of regulations regarding condominium conversions and sales was submitted to the Council by Mayor Washington and published in the D. C. Register on July 5, 1974. The proposed regulations were drafted with the intention of protecting all parties in condominium transactions, and for developing a logical and reasonable set of procedures for these transactions. Public review of the Mayor's proposal was conducted on July 18 and 19, 1974, when the HUD Committee and members of the Council heard testimony from thirty-six witnesses at public hearings. The proposed regulation before you today incorporates some aspects of the pertinent testimony presented at those hearings as well as some of the recommendations expressed in written communications received by the Council, subsequent to the hearings.

Up to now, experience with condominiums in the District has been relatively good. Abuses have occurred, as they do in all industries - but not to the degree experienced in other states, or even in some other jurisdictions of this metropolitan area. Nonetheless, there are problems for consumers, developers and the District of Columbia Government. The absence of control-type regulations removes the responsibility from the developer and the government, leaving it with the consumer.

Because of the limitations on our present legislative authority, the Council and the Executive Branch sought Congressional authority to immediately deal with the "Condo Conversion Craze". Although the new Council would have broad authority to promulgate legislation to change the present Horizontal Property Regime provisions of the D. C. Code, we found that immediate action was required to help ease the depletion of our already shrinking rental housing supply. Congress concurred in our request and through the leadership of Congressmen Diggs and Gude,

of the House District Committee, the Council was given the authority to institute a moratorium on conversions, through legislation signed into law on August 29, 1974, by President Ford. We immediately assumed this new authority and under our emergency powers, on August 30, 1974, we unanimously passed a regulation imposing a moratorium on the conversion of rental properties into condominiums. This regulation is for sixty (60) days and expires on October 29, 1974.

The legislation I am presenting today will address the condominium problem even more profoundly. I have said before, and I'm sure you agree, that the establishment of condominiums, whether through new construction or conversions, can be beneficial to the housing situation in our city, when done properly. The intent of this legislation is to provide protection to consumers from the undue hardships resulting from the shortage of housing in the city and the increased cost of such housing.

Because the whole matter of conversions is of such profound concern to our residents, and because this Council cannot enact more stringent controls on the conversions, the regulation presented today, includes a provision for a moratorium on conversions from the date of enactment to May 31, 1975. This date is logical in our view, because it is the expiration date of the Rent Control Regulation, No. 74-20. This is necessary to help maintain a "status quo" in the condominium conversion field until a more wide-ranged reform regulation regarding condominiums can be promulgated. There is, however, included in the proposal a provision for developers to seek relief from this moratorium, if they are aggrieved under certain conditions.

Even though the Council cannot dictate the course of legislative actions the new elected Council will pursue, the Committee is hopeful that work on a comprehensive condominium reform regulation will occur before the proposed approximate eight month moratorium expires. A study, currently being undertaken by the Department of Housing and Community Development, to give a clear picture of the condominium situation in the District is due the early part of next year. With this as an important base of information and from the numerous proposals offered by various sectors of the city as to how reform legislation for the control on conversions should take shape, I'm positive the new Council will develop legislation which reforms the Horizontal Property Regime provisions in the D. C. Code to benefit both buyers and sellers.

The proposed regulations offer protections for both buyer and seller, and set forth detailed procedures for the offering of condominium units for sale and the registering of documents with District Government offices. Full disclosure would be required on all aspects of negotiations which affect both the prospective buyer and the seller. This regulation will help to ease the occasional deceptions and misrepresentations and encourage the consumer to come into the condominium market with confidence. The great complexity of the legal documents which describe the condominium regimes often has led to misunderstandings, deceptions and abuses of the buyer-seller relationship. The legislation before you today is a means of alleviating this situation. In addition to the condominium conversion moratorium, the proposed legislation also includes provisions for:

. Full disclosure of all aspects of the transactions which affect the buyer and seller.

. A warranty from the developer to the buyer assuring that roof, foundation, mechanical, electrical, plumbing structural elements and all other common elements shall be repaired or replaced at developer expense for a period of one year from date of conveyance of unit.

. A 180 day written notice period of intent to convert to condominium, with a 60-day period afforded to tenants to accept offer to purchase.

. A 15 day "Cooling-Off" period in which a prospective purchaser can review documents.

. Resale of individual units, once conversion has been completed and individual owners are in possession.

. Enforcement and criminal penalties for willful violation of the provisions of the regulation.

Mr. Chairman, the proposed legislation I am presenting today is vital in this governments development of a comprehensive housing strategy for the city, and therefore, I move adoption of this regulation on first reading.

Attachment

Regulation No. 74-27

October 21, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING REGULATION NO. 74-21 DEFINING THE WORD LOAN

Vice Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council adopted Regulation No. 74-21, which established interest rates for certain loans, pursuant to Public Law 93-395; and

WHEREAS, the District of Columbia Council intended for the word loan as used in Regulation No. 74-21 to have the broadest interpretation; and

WHEREAS, the Corporation Counsel has recommended an amendment to Regulation No. 74-21 to resolve any ambiguity as to coverage.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Regulation No. 74-21 - Regulation Establishing Interest Rates for Certain Loans - is hereby amended as to read "loan or financial transaction" wherever the term "loan" was previously used.

Section 2. This regulation shall become effective immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON				X	
FORD				X		MOORE				X		SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 1, 1974

Adopted on second and final reading October 15, 1974

Presented to the Mayor-Commissioner October 15, 1974 (Date)

Edward S. Mihalski
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

21 OCT 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward S. Mihalski
Secretary of the City Council

P-251

Certified copies are available.

chargeable to the guests if used.

Section 2. This regulation shall be effective upon enactment.

Regulation No. 74-28

October 25 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO ABC REGULATIONS REGARDING SALES OF MINIATURES

Councilman Tedson J. Meyers Presents the following regulation:

WHEREAS, several hotels in the District of Columbia have indicated their desire to make closed containers of spirits, wine, and beer available for purchase by their registered guests at all hours, and

WHEREAS, the District of Columbia Council has the authority, Section 7 of the District of Columbia Alcoholic Beverages and Control Act (Section 25-107, D. C. Code, 1973 edition), to prescribe rules and regulations to control and regulate the sale of alcoholic beverages in the District of Columbia,

NOW, THEREFORE, BE IT RESOLVED by the District of Columbia Council that:

Section 1. Title 3, Section 3.4 (b) of the A.B.C. Board regulations is amended to read as follows:

"b" No licensee holding a retailer's class C, class D, or class F, or a license issued under Section 11(1) of the Act, shall sell or serve any beverages between the hours of 2:00 a.m. and 8:00 a.m. on each Monday through Friday and between the hours of 3:00 a.m. and 8:00 a.m. on each Saturday, between the hours of 3:00 a.m. and 10:00 a.m. on each Sunday, except that on each January 1st service shall be lawful until 4:00 a.m., and except that it shall be lawful for all licensed hotels to have available at all hours in the rooms of their registered adult guests closed miniature containers of spirits, splits of wine, and beer

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON		X			
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 1, 1974

Adopted on second and final reading October 15, 1974

Presented to the Mayor-Commissioner October 15, 1974 (Date) Edward D. Webb (Secretary of the City Council)

Approved [signature] (Mayor-Commissioner) 25 OCT 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ____ (Date)

Disapproved and returned to the City Council ____ (Mayor-Commissioner) ____ (Date)

Readopted ____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward D. Webb
Secretary of the City Council

P-251

Certified copies are available.

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

WALTER E. WASHINGTON
Mayor-Commissioner

October 25, 1974

Honorable John A. Nevius
Chairman
District of Columbia Council
Washington, D. C.

Dear Mr. Chairman:

I have signed, but with certain reservations, Regulation No. 74-28 which, according to its title, purports to amend the Alcoholic Beverage Control Regulations regarding the sales of minatures. I believe that this regulation requires further amendment of a substantive nature before it can become a meaningful and cohesive document.

Among other things, the regulation contains several typographical errors which distort its intent. The enacting clause indicates that the Council was, in fact, approving a resolution. It is not clear as to what is meant by "minature containers", "splits", or "adult", since none of these terms is defined by Regulation No. 74-28, or by any other regulation relating to the sale of beverages. Under existing law a person between the ages of eighteen and twenty-one may purchase and consume beer and light wines. As sales to minors are already otherwise regulated in the ABC regulations, it was not necessary to include the word "adult" in Regulation No. 74-28.

My major concern with the regulation, however, is that I am unable to determine with any degree of certainty from a literal reading of the second proviso (which constitutes the only addition made by the regulation to the present section 3.4(b)), exactly what it intends

to accomplish. The amendment merely provides that it shall be lawful for licensed hotels to have available certain alcoholic beverages in the rooms of their adult registered guests at all hours which, if used, will be chargeable to such guests. This practice is already permissible under existing law and regulation. Accordingly, the language added by the amendment is meaningless and, as written, is not susceptible of either enforcement or administration.

If, however, the intent of the amendment is to allow licensed hotels to sell and charge minatures and splits of alcoholic beverages to their registered guests at all hours of the day and night, seven days a week, it should clearly state this. Unfortunately, the regulation does not now so provide.

I have attached a draft regulation which amends section 3.4 of the Alcoholic Beverage Control Regulations in its entirety, I believe this proposal will express with more clarity the intent of the Council amendment, specifically state the hours during which alcoholic beverages may be sold in a more logical, informative manner for the public and the industry, and, most importantly, enable the Alcoholic Beverage Control Board to effectively administer the intent of the amendment made by Regulation No. 74-28 which presently it cannot do.

I urge prompt and favorable consideration by the Council of my recommendations.

Sincerely yours,

WALTER E. WASHINGTON
Mayor-Commissioner

Attachment

AMENDMENT TO THE ALCOHOLIC BEVERAGE CONTROL REGULATIONS RELATING TO THE SALE OF BEVERAGES BY HOTELS

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 3.4 of the Alcoholic Beverage Control Regulations (Title 3, D. C. Rules and Regulations) is amended to read as follows:

"Sec. 3.4 Hours of Sale and Consumption

"(a) (1) The holder of a retailer's license class A may sell alcoholic beverages only between the hours of:

"(A) 10:00 a.m. and 9:00 p.m., Monday through Friday; and

"(B) 10:00 a.m. and 12:00 midnight, on Saturday or the weekday immediately before a legal holiday.

"(2) No beverages may be sold by such a licensee on Sunday.

"(b) The holder of a retailer's licensee class B may sell beer and light wines daily only between the hours of 8:00 a.m. and 12:00 midnight.

"(c) (1) The holders of a retailer's license class C, class D, class E, or class F, or a consumption license issued under section 11(1) of the Act, may sell or serve alcoholic beverages only between the hours of:

"(A) 8:00 a.m. and 2:00 a.m., Monday through Thursday;

"(B) 8:00 a.m. and 3:00 a.m., Friday and Saturday;

"(C) 10:00 a.m. and 2:00 a.m., on Sunday; and

"(D) On each January 1st until 4:00 a.m.

"(2) A hotel holding any such license may make available in the room of a registered guest and charge to such registered guest, if consumed, closed containers of spirits, wines, and beer at all hours on any day of the week.

"(d) The holder of a manufacturer's license and the holder of a wholesaler's license may sell alcoholic beverages only between the hours of 10:00 a.m. and 9:00 p.m., Monday through Saturday. Deliveries may be made to another licensee between the hours of 5:00 a.m. and 9:00 p.m., Monday through Saturday. No sales or deliveries shall be made on Sunday.

"(e) The holders of a retailer's license class C, class D, class E, and class F shall not, during the hours sales are prohibited, dispense, serve, or give away any beverage for consumption on the said licensed premises."

Section 2. Regulation No. 74-28, approved October 25, 1974, is hereby repealed.

Section 3. The amendments made by this regulation shall take effect upon enactment.

Regulation No. 74-29

October 18, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING REGULATION NO. 74-20, RENT CONTROL REGULATION FOR THE DISTRICT OF COLUMBIA

--Vice-Chairman Sterling Tucker-- Presents the following regulation:

WHEREAS, the District of Columbia Council adopted Regulation No. 74-20, which established a system of rent control, pursuant to Public Law 93-157; and

WHEREAS, the District of Columbia Council intended the provisions and deadlines stipulated in Regulation No. 74-20 to promote effective implementation of the Regulation with respect to both landlord and tenant interests; and

WHEREAS, the District of Columbia Council finds that the deadline for housing registration provided in Section 9(b) of Regulation No. 74-20 is inconsistent with such effective implementation; and

WHEREAS, the District of Columbia Council finds that Section 7(b) of Regulation No. 74-20, which requires compliance with Title 5DD of the District of Columbia Rules and Regulations, is inconsistent with certain other provisions of the regulation intended to promote speedy and efficient implementation of the regulation; and

WHEREAS, the District of Columbia Housing Rent Commission has requested amendment of the above named Sections in order to prevent a crisis which threatens effective implementation of Regulation No. 74-20; and

WHEREAS, the District of Columbia Council finds that the threatened breakdown in effective implementation of Regulation 74-20 requires emergency action to amend Sections 7(b) and 9(b).

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	[redacted]			X		PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on ~~date~~ Emergency reading at a meeting of the District of Columbia City Council on October 18, 1974

~~Adopted on second and final reading~~ _____

Presented to the Mayor-Commissioner October 18, 1974 (Date)

Edward B. Willis
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

18 OCT 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Willis
Secretary of the City Council

P-251

Certified copies are available.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 7(b) (lines 46-49) of Regulation No. 74-20 be amended to read as follows: "All hearings shall be conducted pursuant to the provisions of the D. C. Administrative Procedure Act (D. C. Code, Section 1-1501 et. seq.)."

Section 2. Section 9(b) of Regulation No. 74-20 shall be amended by substituting the words "90th day" for the words "60th day" (line 12).

Section 3. Section 9(e) of Regulation No. 74-20 shall be amended by substituting the words "90th day" for the words "60th day" (line 4).

Section 4. This regulation shall take effect immediately upon enactment and remain effective for 120 days thereafter.

Regulation No. 74-30

November 15, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING REGULATION 72-29 (AMBULANCE STANDARDS) REGARDING THE TRANSPORTATION OF NON-AMBULATORY AND HANDICAPPED PATIENTS

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, pursuant to subsection (b) of Section 205 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized with the concurrence of the Commissioner to delegate it's functions to any officer or the government of the District of Columbia; and

WHEREAS, pursuant to paragraphs (133), (288) and (391) of Section 402 of such plan, the Council is authorized to make health regulations, to prescribe regulations for the registration of motor vehicles respectively, and to require a license of businesses or callings.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 11, Paragraph 6 and subparagraph (e) thereof, of D. C. Regulation 72-29 which is concerned with non-emergency transport of the handicapped/disabled is amended to read:

"Section 11(a)6(e) Such other acts as the Commissioner shall designate; provided further, that this exemption shall expire three years from the effective date of this regulation, unless, by that date, the Council has promulgated regulations establishing minimum standards for the equipment and personnel employed in such transportation that ensure the safety and adequacy of the equipment and the training and ability of the personnel to handle unexpected health emergencies arising from such transportation."

Section 2. This regulation shall take effect immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS				X		ROBINSON				X	
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 15, 1974

Adopted on second and final reading November 6, 1974

Presented to the Mayor-Commissioner November 6, 1974 (Date) Edward B. Webb (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 15 NOV 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb (Secretary of the City Council)

P-251

Certified copies are available.

Regulation No. 74-31

December 1, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION ESTABLISHING STANDARDS FOR CERTIFICATION AND EMPLOYMENT FOR SECURITY OFFICERS

Councilwoman Marguerite C. Selden Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to make rules and regulations regarding security officers pursuant to Section 402(391), Reorganization Plan No. 3 of 1967; and

WHEREAS, the District of Columbia Council was petitioned by the Institute for Public Interest Representation, Georgetown University Law Center, to adopt standards for the licensure, employment and use of security officers in the District of Columbia; and

WHEREAS, after a public hearing and many discussions with members of the public, affected District Government agencies and the security industry, the Public Safety Committee recommends adoption of these regulations.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Regulations set forth as Appendix I are hereby adopted, and shall be so compiled and published as is deemed appropriate for their orderly arrangement within the D.C. Rules and Regulations.

Section 2. This Regulation shall take effect ninety days following enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 6, 1974

Adopted on second and final reading November 19, 1974

Presented to the Mayor-Commissioner November 21, 1974
Date

Edward F. Wilson
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

1 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:
Date

Disapproved and returned to the City Council
Mayor-Commissioner
Date

Readopted
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward F. Wilson
Secretary of the City Council

P-251

Certified copies are available.

APPENDIX I

Part 1 - Definitions

Sec. 1.1 Definitions.

As used in these regulations:

(a) "Private Detective Agency" means a person, firm, or corporation, licensed as a private detective agency under Title 5EE of the District of Columbia Rules and Regulations, which provides security officer services for a fee or other consideration.

(b) "Certification" means the permission which must be granted by the Commissioner before a person can lawfully be employed as a security officer in the District of Columbia.

(c) "Chief of Police" means the Chief of the Metropolitan Police Department of the District of Columbia, or his designated agent.

(d) "Commissioner" means the Commissioner of the District of Columbia, or his designated agent.

(e) "Employer" means, unless the context implies otherwise, a person, firm, corporation or other private organization providing security officer service, exclusively in connection with the affairs of the one business organization which employs them.

(f) "Security Officer" means any uniformed person privately employed to prevent the theft or misappropriation or concealment of goods, wares, or merchandise, money, bonds, stock certificates, or other valuable documents, papers and articles, or to prevent damage to real or personal property, or to prevent assaults, gate-crashing or other disorders at meetings, events, or performances, or to prevent similar illegal occurrences and including:

(1) Uniformed individuals employed by an agency or other employer for the above purposes;

(2) Uniformed individuals privately employed as guards, watchmen, patrol service personnel for specified property, security technicians, security officers, and other similar positions.

(3) Except that the following shall not be included within the term security officer:

(a) Individuals commissioned as special policemen pursuant to D.C. Code, Sec. 4-115;

(b) Individuals working in their official capacity as employees of the Federal Government;

(c) Members of the Metropolitan Police Department or the public police force of any other jurisdiction. No member of a public police force shall serve as a private security officer in the District of Columbia.

Part 2 - Applications for Certification

Sec.
2.1 Filing of Applications
2.2 Fingerprints
2.3 Photographs
2.4 Previous Employers; Character References
2.5 Examination Fee
2.6 Temporary Certification Period

Sec. 2.1 Filing of Applications.

Application for certification as a security officer shall be made to the Commissioner on a form prescribed by the Commissioner. Every person applying for certification shall submit to the Commissioner, under oath, the information required by this title, as well as such other information as the Commissioner may require for assistance in determining the applicant's suitability for certification under this title.

Sec. 2.2 Fingerprints.

Every applicant for certification shall furnish the Chief of Police with three sets of his or her fingerprints. Such fingerprints shall be taken by the Chief of Police. These fingerprints shall become part of certification application and shall be compared and recorded by the Chief of Police. Each applicant shall be advised in writing at the time of fingerprinting that if the applicant has been convicted of a felony that fact will not necessarily disqualify the applicant from certification since eligibility may be considered by the Board of Appeals and pursuant to Section 3.4.

Sec. 2.3 Photographs.

Every applicant shall submit with his application four recent, identical, full-faced photographs of himself, one inch by one and one-half inches in size, taken not more than three months prior to the date of application.

2.4 Previous Employers; Character References.

Every applicant shall submit, as part of this application, the names and addresses of his or her employers for the previous five-year period. The applicant shall also provide on his or her application, as character references, the names and addresses of three persons, other than employers of the previous five years, who are not related to him or her by blood, marriage, or legal decree.

Sec. 2.5 Examination Fee.

The Examination fee for the test required by Section 3.7 shall be determined and set by the Commissioner. This fee shall not be refundable.

Sec. 2.6 Temporary Certification Period.

Persons 18 years of age and older who meet the requirements set forth in Sections 2.1, 2.2, 2.3, 2.4, and 3.6, may be issued a temporary certification card which shall contain on the face thereof an expiration date, which shall not be later than six weeks subsequent to the date of issuance. In addition, temporary certification card shall have inscribed conspiciously across the face thereof the word "TEMPORARY". In the event certification is not either granted or denied as of the designated expiration date, the applicant shall be entitled to a new temporary certification card.

Part 3 - Certification Requirements

Sec.
3.1 Effective Date and Duration of Certification
3.2 Renewals
3.3 Applicability
3.4 Criminal Convictions
3.5 Character
3.6 Health
3.7 Testing
3.8 Duty of Agency or Employer

Sec. 3.1 Effective Date and Duration of Certification.

Every certification hereunder shall be effective for one year, and the expiration date, which shall be the preceeding day of the following year, shall be shown on the certification.

Sec. 3.2 Renewals.

To continue as a security officer, one must apply for a renewal certification each year. The test required in Section 3.7 will not have to be repeated. The Commissioner shall update all background checks, especially the investigation of criminal convictions. While awaiting notification of acceptance or denial of certification, a security officer may continue to work. When granted, a renewal certification shall be dated as of the expiration date of the previously existing certification.

Sec. 3.3 Applicability.

Any person at least 18 years of age may be certified as a security officer, provided he or she meets the other requirements of this title.

Sec. 3.4 Criminal Convictions.

As promptly as possible after an application is submitted, the Chief of Police shall take fingerprints of the applicant and submit them to the Federal Bureau of Investigation, and to such other authorities as the Chief of Police may deem advisable, for comparison and record checking, and shall make such other investigation of the applicant as the Chief determines to be relevant. The Chief of Police shall report the results to the Commissioner and to the employer within one week, excluding weekends and holidays, after results have been received. No person convicted of a felony in any jurisdiction within the past 10 years, or a misdemeanor involving the illegal use, carrying or concealment of a dangerous weapon or involving larceny within the past five years, will be eligible for employment as a security officer unless he or she meets the burden of proving to the Board of Appeals and Review that he or she is not a significant safety risk and meets all other requirements of this title. The Board shall consider the following in determining whether the applicant is a significant safety risk: (a) the nature of the crime and its relationship to the duties and circumstances of employment of a security officer; (b) information pertaining to the degree of rehabilitation of the convicted person since the crime

was committed; and (c) the time elapsed since the conviction. Under no circumstances may a person convicted of a felony be certified or serve as a security officer until one year after release from incarceration resulting directly or indirectly from said conviction.

Sec. 3.5 Character.

Except as otherwise stated in this title, no person shall be employed as a security officer unless such person has first been certified by the Commissioner as being of good moral character. In making such determination, the Commissioner shall consider information received from the applicant's employers of the past five years, character references, convictions for misdemeanors, military record, if any, and any other relevant information which the Commissioner's investigation reveals.

Sec. 3.6 Health.

Each applicant for certification shall be required to submit a doctor's certificate stating that to the best of the doctor's knowledge after examining the applicant, the applicant is not presently addicted to drugs or alcohol; is not suffering from any debilitating mental defect or disorder; and is not suffering from serious heart disease, severe epilepsy, or other physical defect which might cause substantial loss of control in situations of severe stress. When testing for epilepsy or other physical defects which might involve substantial costs to determine, the doctor may rely upon the sworn statement of the applicant. The applicant, under oath, must give his affirmation to the same effect, provided that in the cases where certification is requested, concurrent with or as a condition of employment with a private detective agency or a business employer, such agency or employer shall certify as to the health of the applicant.

Sec. 3.7 Testing.

When a person applies for certification, the Commissioner shall supply him or her with a brief synopsis of relevant statutes, regulations and a clear statement of the powers and limitations of a security officer in the District of Columbia, including a statement of the possible penalties noted in Section 6.1 for non-compliance with relevant regulations. Upon satisfactory completion of the investigations and determinations required by other parts of this section, applicants for certification shall be required to pass an examination given by the Commissioner testing their security-related knowledge and their understanding of a security officer's powers, limitations, and duties.

Sec. 3.8 Duty of Agency or Employer.

No investigation or certification under this title shall relieve any agency or other employer of the duty to investigate and make its own determination of an applicant's suitability for employment as a security officer. All agencies and employers have an affirmative duty to supervise security officers in their employ, and any attempt at a contractual limitation of liability shall be null and void. In all cases, the liability of the agency or other employer for the acts of its employees shall be limited to those times when the employee is on duty and to those acts within the scope of his or her employment or assignment. Failure of the private detective agency to properly supervise the activities of its employees is grounds for denial or suspension of its license.

Part 4 - Requirements Pertaining to Identification of Security Officers

Sec.
4.1 Identification Cards
4.2 Uniforms
4.3 Badges, Patches and Emblems
4.4 Security of Accoutrements
4.5 Motor Vehicles
4.6 Advertisements

Sec. 4.1 Identification Cards.

Upon certification by the Commissioner and payment of a $5.00 fee, each security officer shall receive an identification card including a photograph of the security officer, the name and business address of the officer's employer, and a statement that the bearer is not a police officer and has only the powers of an ordinary citizen. This identification card shall be carried on the person of the officer whenever he is engaged in his duties and shall be exhibited upon request to any person with whom such security officer may come in contact in the performance of his or her duties. If this identification card is lost or destroyed, a duplicate card will be issued by the Commissioner upon the payment of a $3.00 fee. Upon termination of the security officer's service, he or she shall return the identification card to the Commissioner within 48 hours, excluding weekends and holidays, and if an officer takes employment with another agency or employer, a new identification card shall be issued upon payment of a $1.00 fee. When the employment of a security officer is terminated the agency or employer shall report such termination to the Commissioner within 48 hours, excluding weekends and holidays. Each agency or employer shall file a list of all security officers with the Commissioner on a quarterly basis. The list shall be kept confidential except for official use.

Sec. 4.2 Uniforms.

All security officers, certified under this title, shall wear a uniform approved by the Commissioner which is distinctly different from the uniform of the Metropolitan Police Department, and which shall not have any stripe on the trousers, around the cap, or around the sleeve of the uniform shirt, blouse, jacket or overcoat. Minimal requirements for the uniform are a white uniform cap or a cap covered by a white cap cover and a uniform outer garment such as a shirt, blouse, jacket or overcoat. The outer garment shall have the designated patches and badges required by Section 4.3 clearly visible at all times. White caps or caps covered by white cap covers shall be worn at all times by security officers during the performance of duties involving crowd control at special events.

Sec. 4.3 Badges, Patches and Emblems.

(a) No security officer shall wear or carry a metal, or metallic appearing, badge. A distinctive cloth badge worn on the security officer's left breast is permissible if the prior written approval of the Commissioner has been obtained.

(b) Notwithstanding the corporate name of the agency, the words, "police", and "United States", "District of Columbia", or abbreviations therefore, or the seals or insignias of the United States or the District of Columbia cannot be used on any badge, patch, emblem or uniform.

(c) Uniforms bearing the following emblems and patches will be approved by the Commissioner and shall be worn by security officers:

(1) Shoulder patches which are red in color, bear the name of the employer or agency and have white, clearly legible lettering. The patches shall include the name of the employing agency or employer spelled out in full; initials will not be allowed and abbreviations are permissible only with the prior written approval of the Commissioner. The patches may bear an agency or employer design or insignia that has been first approved in writing by the Commissioner. The patches shall be of half-moon design, three inches high and five inches wide. A patch shall be worn on each shoulder of a shirt, blouse, jacket, or overcoat.

(2) A patch bearing the words, "Security Officer," shall be worn on the right breast. It shall be 4-1/2 inches long, 1 inch high, and red with white lettering.

(3) An employee may wear an appropriate designation of his rank, such as sergeant, on either or both sleeves; and chevrons shall be red in color with white piping. If the employee is of officer rank, he may wear the appropriate emblem on the collar or shoulders of his uniform shirt, jacket or blouse. The word "inspector" or an abbreviation therefore, shall not appear on any badge, patch, emblem or uniform.

(4) A non-metal cap ornament, not having a metallic appearance, may be worn. It may carry the rank of the employee and shall bear the agency or employer name.

(5) Any deviation from the requirements of subparagraph (c) require prior written approval of the Commissioner.

(6) Subparagraph (c) applies only to security officers; and no other uniformed security personnel, licensed, commissioned or certified by the District of Columbia Government, shall wear badges, patches or emblems which are red with white lettering, or which are not readily discernible from said badges, patches, and emblems.

(7) Except as to security officers certified for the first time, requirements of subparagraph (c) shall not take effect until one year after the effective date of this regulation.

Sec. 4.4 Security of Accoutrements.

Each security officer shall take due care to prevent his identification card, uniform, badges, patches, or emblems from falling into the possession of unauthorized persons.

Sec. 4.5 Motor Vehicles.

No person shall attach to his personal motor vehicle any sign, plate, insignia or other designation identifying the driver or owner as a security officer. This shall not prevent such identification on any car owned, leased or otherwise used in the business of any agency or employer.

Sec. 4.6 Advertisements.

Any person, firm or corporation licensed as a private detective agency under Title 5EE of the District of Columbia Rules and Regulations which provides security services for a fee or other consideration, and which advertises its business to the public, shall include in that advertisement its license number.

Part 5 - Denial, Suspension or Revocation of Certification

Sec.
5.1 Grounds for Denial, Suspension or Revocation of Certification
5.2 Procedure for Denial, Suspension or Revocation of Certification
5.3 Right to Hearing
5.4 Right to Appeal

Sec. 5.1 Grounds for Denial, Suspension or Revocation of Certification.

Certification of a security officer shall be subject to denial, suspension or revocation for any of the following reasons:

(a) Material misstatement in the license application.

(b) Violation of requirements pertaining to identification cards, uniforms, and badges as outlined in Part 4.

(c) Failure or refusal to comply with any statute or regulation governing security officers or the wilful and fraudulent circumvention of any such statute or regulation.

(d) Conviction of a felony while employed as a security officer. Denial, suspension or revocation shall not prevent an individual from reapplying for certification.

(e) Conviction of a misdemeanor involving theft, fraudulent conduct, assault, false arrest or imprisonment, or any offense arising out of or based on employment as a security officer which involves a breach of trust or an invasion of privacy.

(f) Carrying a deadly weapon, handcuffs or aerosol chemical dispensers in the course of employment. This does not prohibit the carrying of a night stick constructed solely of wood.

Sec. 5.2 Procedure for Denial, Suspension or Revocation of Certification.

(a) Whenever the Commissioner proposes to deny, suspend or revoke a certification hereunder, he or she shall give to the applicant or security officer notice which shall:

(1) Be in writing and signed by the Commissioner.

(2) State the facts constituting each violation or other basis for the action proposed.

(3) Indicate, where applicable, each statutory provision or regulation violated or not complied with.

(4) State the action that is proposed in the matter.

(5) Advise the applicant or security officer that he or she is entitled to a full hearing, if requested, as provided by this regulation instead of these rules, in which the Commissioner's action may be reversed.

(6) Advise as to the time and manner in which such appeal must be filed.

(7) Be served upon the applicant or security officer.

(b) Such notice shall be deemed to be served upon the person to whom it is directed when it or a copy of it is:

(1) Served on that person personally; or (2) left with a person over the age of 16 years at the address stated on the certification, when that person is employed at, or a resident of, such address; or (3) mailed by certified mail, postage prepaid, to the address stated on the certification application, and not returned by the postal authorities. If any notice mailed as authorized by the preceding sentence is returned by the postal authorities by reason of refusal of the addressee to accept delivery, it shall be deemed to have been served on the addressee as of the date of such refusal.

Sec. 5.3 Right to Hearing.

Any person on whom notice has been served pursuant to the preceding section may file with the Board of Appeals and Review a written demand for a hearing. Such demand shall be filed within 20 calendar days from the date the notice was served personally, or within 24 calendar days of the date the notice was served other than personally, including the date it was mailed. Filing of the demand for hearing shall not in itself stay enforcement of the action of the Commissioner. The Commissioner may grant, or the reviewing Board may order a stay upon appropriate terms. Every applicant or security officer shall be entitled to an on the record hearing within 21 days of demand with full procedural safeguards, including the right to be represented by his or her own legal counsel and the right to confront and cross-examine witnesses.

Sec. 5.4 Right to Appeal.

If the Board of Appeals and Review upholds the denial, suspension or revocation of certification, the applicant may file an appeal with the D.C. Court of Appeals for review. The appeal shall be filed in such court within such time as such court may by rule prescribe. Filing of the appeal shall not in itself stay enforcement of the action of the Commissioner or order of the Board. The Commissioner may grant or the Board or reviewing court may order a stay upon appropriate terms.

Part 6 - Penalties

Sec. 6.1 Penalities.

Violation of any provision of these regulations shall be punishable by fine of up to $300 or imprisonment for up to 90 days in addition to the possible denial, suspension or revocation or certification under Part 5 of this title.

Part 7 - Transitional Provisions, Revisions and Severability

7.1 Transitional Provisions
7.2 Revisions and Repeal
7.3 Severability

Sec. 7.1 Transitional Provisions.

(a) These regulations are to take effect ninety days after adoption and are to be applicable to all persons applying for certification as security officers on and after that date.

(b) Any person who has been certified as a security officer before the effective date of this regulation, shall be given one year to come into compliance with these regulations.

Sec. 7.2 Revisions and Repeal.

Section 3.6(a) of Title 5EE, D.C. Rules and Regulations is hereby repealed. These regulations shall supersede any other District of Columbia Rules and Regulations to the extent of any conflict therewith.

Sec. 7.3 Severability.

If any portion of these regulations is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions.

Regulation No. 74-32

December 1, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION PROHIBITING SMOKING IN RETAIL STORES AND ELEVATORS

Councilwoman Marguerite C. Selden Presents the following regulation:

WHEREAS, smoking on the premises of a retail store endangers the public health and safety of the community, and

WHEREAS, smoking in elevators is dangerous to the public health and safety of the community, and

WHEREAS, pursuant to Section 5-304 and 1-226, D.C. Code (1973 ed.) the District of Columbia Council is authorized to enact regulations to protect the health and safety of District of Columbia citizens.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Title 7, Section 2.1 of the D.C. Rules and Regulations be amended by the addition of a letter (a) before the definition "smoking" and the addition of a new (b) and (c) which shall read as follows:

b. Retail Store - The term "retail store" means any establishment whose primary purpose is to sell or offer for sale, not for resale, any goods, wares, merchandise, articles or things and all activities, operations and services connected therewith or incidental thereto.

c. Dwelling - The term dwelling means a residential building used or intended to be used for human habitation by not more than one family.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 6, 1974

Adopted on second and final reading November 19, 1974

Presented to the Mayor-Commissioner November 21, 1974 (Date) Edward B. Webb Jr. (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 1 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Webb Jr. (Secretary of the City Council)

P-251

Certified copies are available.

Section 2. Title 7, Section 2.2 of the D.C. Rules and Regulations is amended by the addition of the word, "elevator" to paragraph (a) and further amended by the addition of a new (d) which shall read as follows:

d. Notwithstanding the above provision, smoking shall be prohibited in:

(1) Retail Stores. Smoking shall be prohibited in retail stores employing more than 20 persons or having the capacity for 200 or more customers.

(a) Exception for approved areas. The prohibition of (1) above shall not apply in restrooms, restaurants, beauty salons (except in those work areas where hair spray is in use), lounges and executive offices of retail stores.

(b) Exception for certain retail stores. In retail stores designed and arranged in a manner that does not include any of the approved areas mentioned in (a) above, the owner or proprietor may designate a smoking area if he so chooses. Such areas shall be in compliance with any other applicable provision of this title.

(2) Elevators. Smoking shall be prohibited in all elevators except those in single family dwellings.

Section 3. This regulation shall take effect 30 days after enactment and "No Smoking" signs, according to specifications in Section 2.2b, Title 7 shall be posted by the effective date.

Regulation No. 74-33

December 1, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AUTHORIZING THE CHIEF OF POLICE TO PURCHASE AND DISPOSE OF CERTAIN FIREARMS POSSESSED BY RESIDENTS OF THE DISTRICT OF COLUMBIA

Councilwoman Marguerite C. Selden Presents the following regulation:

WHEREAS, there has occurred a dangerous proliferation of firearms in this District of Columbia resulting in serious hazards to the safety and well being of the citizens of the District of Columbia; and,

WHEREAS, widespread possession of firearms has brought with it increased use of firearms in the commission of crimes and increased accidental shootings; and,

WHEREAS, it has been demonstrated that the purchase of firearms by governmental authorities can reduce the threat posed to the community by firearms; and,

WHEREAS, the District of Columbia Council is empowered to make all such reasonable and usual police regulations as it may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of property within the District of Columbia (Reorganization Plan No. 3 of 1967, Section 402(4)); and to determine by regulation the disposition of property under Section 4-160(a) of the D.C. Code (1973) Reorganization Plan No. 3, Section 402 (102)); and to cause the Metropolitan Police Department to keep records (Reorganization Plan No. 3 of 1967, Section 402(98)); and to make and modify rules and regulations for the proper government, conduct, discipline, and good name of the Metropolitan Police Department (Reorganization Plan No. 3 of 1967, Section 402(93));

NOW THEREFORE, BE IT ENACTED by the District of Columbia Council that:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER				X	
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 6, 1974

Adopted on second and final reading November 19, 1974

Presented to the Mayor-Commissioner November 21, 1974 Edward B. Wells
Date Secretary of the City Council

Approved Walter Washington 1 DEC 1974
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: Date

Disapproved and returned to the City Council Mayor-Commissioner Date

Readopted Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Wells
Secretary of the City Council

P-251

Certified copies are available.

Section 1. Codification: The regulations set forth are hereby adopted, and shall be compiled and published as is deemed appropriate for their orderly arrangement within the D.C. Rules and Regulations.

Section 2. Definitions:

a. Chief of Police shall mean the Chief of Police of the District of Columbia or his designated agent.

b. Commissioner shall mean the Commissioner of the District of Columbia or his designated agent: after January 2, 1975, it shall mean Mayor of the District of Columbia or his designated agent.

c. The masculine shall include the feminine.

d. Firearm means any pistol, rifle, shotgun which can or may readily be converted to expel a lethal projectile by the action of an explosive, and which is capable of being concealed on the person of any individual.

e. Resident of the District of Columbia shall mean a person who can by proper identification establish to the Chief of Police that he is a resident of the District of Columbia.

Section 3. Amendment of Article 52: Article 52 regulating the sale and carrying of firearms in the District of Columbia of the Police Regulations of the District of Columbia is hereby amended by the addition of the sections contained in this regulation.

Section 4. Purchasing Authorization: The Chief of Police or his designated agent shall be authorized to purchase any firearms including, but not limited to hand guns, rifles and sawed-off shotguns. Such firearms shall be purchased only from a resident of the District of Columbia regardless of age, who has voluntarily offered the firearms for sale. The provisions of Article 51, of the Police Regulations shall not apply to such sales.

Section 5. Compensation: The Commissioner of the District of Columbia shall determine the compensation to be paid in cash to any person who sells a firearm to the Chief of Police pursuant to Section 1 of this regulation.

Section 6. Disposition of Acquired Firearms:

a. The Chief of Police shall use reasonable diligence in determing proper ownership of all acquired firearms.

1. Where the acquired firearm is properly registered in the District of Columbia but was purchased by the Chief of Police from someone other than the registered owner or his agent, the firearms shall be restored to the rightful owner provided the rightful owner claims the firearm in person. Where such firearm was purchased from the registered owner or his agent, the Chief of Police may dispose of such firearm as authorized in Subsection 6(b), (c) or (d) of these regulations.

2. Where the acquired firearm has been reported missing or stolen by a resident of the District of Columbia, but is not properly registered in the District of Columbia, the Chief shall notify the rightful owner of the firearm of his right to claim such firearm in person after it has been properly registered. Upon the failure of the rightful owner to file application for registration within 15 days after such notification by the Chief of Police, the Chief may dispose of such firearms as authorized in Subsections 6(b), (c) or (d) of these regulations.

3. Where the acquired firearm proves to be the rightful property of a person who is not a resident of the District of Columbia and is properly registered or otherwise lawfully owned in the jurisdiction in which the owner is a resident, the Chief may notify the owner and proper authorities that the firearm is in the custody of the Chief of Police of the District of Columbia and may be claimed from him within 60 days.

4. Where the acquired firearm proves to be the rightful property of a person who is not a resident of the District of Columbia and is not properly registered or otherwise lawfully owned in the jurisdiction in which the owner is a resident, the Chief of Police may notify the proper authorities of the jurisdiction in which the owner is a resident that the firearm is in the custody of the Chief and may be claimed from him on such terms as are customarily observed between the Metropolitan Police Department and other jurisdictions.

b. Notwithstanding any of the foregoing where investigation discloses that the weapon has been requested for the investigation of crimes, the Chief of Police shall make the firearm available to the proper authorities.

c. Where an acquired firearm is not claimed and registered properly within 60 days of its acquisition, the Chief of Police shall be authorized to dispose of such firearm solely for the purpose of the destruction of the firearm. Complete destruction of the firearm must be ascertained by the Chief of Police or his representative. Such disposition may be by barter for the cost of destruction of the firearms.

d. All firearms not properly claimed or registered within 60 days of acquisition by the Chief of Police are deemed to have no saleable value and therefore may be disposed of as provided by D.C. Code 4-160 subject to the limitations contained in Section 6(b) of this regulation.

Section 7. Limitations on Sale and Purchase of Firearms:

a. Not more than five firearms may be purchased from any person, firm, corporation, partnership or other entity or their agent or representative in any thirty-day period.

b. The Chief of Police may refuse to purchase a firearm which he determines to have been purchased by the offering party primarily for resale to the District of Columbia.

Section 8. Recordkeeping: No record of the identification of the person selling a firearm to the Chief of Police shall be kept for more than 60 days after the transaction. Nor shall any information as to the identity of the seller be transferred to any data bank, computer file, or any other form of information storage, nor be provided to any other agency of government or to any private or public entity. Nothing in this section shall prohibit the keeping of such other records as are necessary for proper financial accountability in the administration of the Metropolitan Police Department. Statistics on the operation of the program shall be maintained by the department.

Section 9. General Provision:

a. No information or evidence obtained from a person selling a firearm to the Chief of Police, as provided for in this regulation, shall be used against such natural person in any criminal proceeding with respect to violation of any provisions contained in Articles 50, 51, 52, 53, 54 or 55 of the Police Regulations of the District of Columbia or of any provisions of the D.C. Code pertaining to the ownership, carrying, sale or possession of firearms in the District of Columbia.

b. The Commissioner of the District of Columbia or his designated agent is authorized to make such orders as are necessary and proper to carry out the purposes of this regulation.

c. If any provision of this regulation or the application thereof to any person or circumstances is held invalid, the remainder of the regulation and its application to other persons not similarly situated or to other circumstances shall not be affected thereby. The provisions of this regulation are declared severable.

d. Any provision pertaining to the sale, purchase, carrying or ownership of any firearm of any regulation of the District of Columbia inconsistent with the carrying out of any provision of this regulation is hereby repealed.

Section 10. Bounty for Illegal Firearms: The Chief of Police shall be authorized to offer and pay $100 in each case to any person who provides information leading to the recovery by the Metropolitan Police Department of any firearm whose possession is prohibited by the Police Regulations of the District of Columbia or by Title 22 of the D.C. Code.

Section 11. Effective Date: This regulation shall become effective upon enactment.

Regulation No. 74-34

December 14, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE CHILD DEVELOPMENT FACILITIES REGULATION

Councilman Tedson J. Meyers Presents the following regulation:

WHEREAS, it is the policy of the District of Columbia that the condition of childhood is such that a child is not capable of self-protection, and when care is given over to others, certain mental and physical risks arise calling for reasonable protective measures to reduce these risks; and

WHEREAS, the District of Columbia Council is authorized by Section 1-226, D. C. Code, 1973 edition, pursuant to Section 402(4) of Reorganization Plan No. 3 of 1967, to make and enforce all such reasonable and usual police regulations as may be deemed necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, the District of Columbia Council is authorized by Section 47-2344, D. C. Code, 1973 edition, pursuant to Section 402(391) of Reorganization Plan No. 3 of 1967 to require licenses and regulate businesses which in the judgment of the Council require inspection, supervision or regulation; and

WHEREAS, the District of Columbia Council is authorized by Section 1-228, D. C. Code, 1973 edition, pursuant to Section 402(5) of Reorganization Plan No. 3 of 1967 to make building regulations; and

WHEREAS, the District of Columbia Council is authorized by Section 6-118, D. C. Code, 1973 edition, pursuant to Section 402(134) of Reorganization Plan No. 3 of 1967 to promulgate rules and regulations to prevent and control

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 3, 1974

Presented to the Mayor-Commissioner December 4, 1974
Date

Edward B. Willis, Jr.
Secretary of the City Council

Approved _____
Mayor-Commissioner

_____
Date

I HEREBY CERTIFY that Regulation No. 74-34 was presented to the Mayor of the District of Columbia on December 4, 1974, and that the Mayor neither approved nor disapproved the Regulation within the ten-day period specified in Section 406(c) of Reorganization Plan No. 3 of 1967.

Martin K. Schaller

Martin K. Schaller
Executive Secretary, D. C.

the spread of communicable diseases.

NOW, THEREFORE BE IT ENACTED by the District of Columbia Council that:

Section 1. The District of Columbia Council hereby adopts the following regulation, to be known as the Child Development Facilities Regulation:

"Title I - PURPOSE, SCOPE, DEFINITIONS, AND SEPARABILITY OF PROVISIONS

Section 101. The purpose of this regulation is to protect infants and children whose care is given to others away from home for less than 24 hours per day, and to insure the provision of adequate child development programs for such infants and children.

Section 102. This regulation shall apply to every child development facility providing care, supervision, and guidance, for infants or children, for less than 24 hours per day per infant or child, on a regular basis, no matter by what name the facility is designated. This regulation shall not apply to:

(1) occasional babysitting in the babysitter's home for infants or children of one family.

(2) informal parent-supervised neighborhood playgroups.

(3) care furnished in places of worship during religious services.

(4) child development centers providing only a before or after school child development program.

This regulation shall be made available to the public upon request and shall be maintained on file in the Commissioner's office for inspection during regular business hours.

Section 103. For purposes of this regulation the following terms shall have the meanings ascribed:

(1) Caregiver: an individual whose duties include direct care, supervision, and guidance of infants or children in a child development home.

(2) Child, Children: an individual or individuals between the ages of 2 years and 15 years.

(3) Child Development Center: a child development facility for more than 5 children, which provides a full day (more than 4 but less than 24 hours per day), part day (up to 4 hours per day) or before and after school child development program, including such programs provided during school vacations.

(4) Child Development Facility: location where a child development program is provided for infants or children, away from home, for less than 24 hours per day for each infant or child. Such facility may be known as a child development center, child development home, or infant care center, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.

(5) Child Development Home: a child development program provided in a private residence for up to a total of 5 children and infants, with no more than 2 infants in the group. The total of 5 children and infants shall

include those of the caregiver.

(6) Child Development Program: a program responsive to the stages of physical, emotional, social and intellectual growth and behavior of infants or children.

(7) Commissioner: Commissioner of the District of Columbia or his designated agent.

(8) Communicable Disease: any disease so defined in section 8-5:104 of the District of Columbia Health Regulations.

(9) District: The District of Columbia.

(10) Infant: an individual younger than 2 years of age.

(11) Licensed Child Placing Agency: a child placing agency licensed pursuant to Title 32, Chapter 7B of the District of Columbia Code (Act of April 22, 1944, 58 Stat. 193, as amended).

(12) Person: any individual, firm, partnership, company, corporation, trustee, or association.

Section 104. Severability of Provisions

If any provision of this regulation is declared unconstitutional by a court of competent jurisdiction or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the regulation and applicability of such provision to other persons and circumstances shall not be affected thereby.

Title II - LICENSING OF CHILD DEVELOPMENT FACILITIES

Section 201. License Requirements for Child Development Facilities

(a) No person shall either directly or indirectly operate a child development facility without first having obtained a license from the Commissioner authorizing that operation, except that individuals who are related to an infant or child may care for that infant or child without obtaining a license. For purposes of this regulation "related" shall mean any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, step-parent, step-sister, step-brother, uncle and aunt.

(b) A separate license shall be required for each child development facility when more than one child development facility is operated by the same person at different premises. Only one license shall be required for a child development facility located in separate buildings on the same grounds or premises and operated by one person.

(c) Unless specifically exempted by this regulation, the provisions and requirements herein shall apply to all child development facilities established or operated in the District, and the Commissioner shall have the necessary power, including subpoena power pursuant to sections 1-237 and 4-601 of the District of Columbia Code, to supervise, inspect and investigate those child development facilities to determine compliance with this regulation.

(d) Each license shall set forth the name and address of the premises of the child care facility, the name of the licensee, and the maximum number of infants and children to be accommodated.

(e) The license shall be posted in a conspicuous place on the licensed premises.

(f) Each license shall be issued only for the premises and person or persons named as applicants in the application and shall not be valid for use by any other person or persons or at any place other than that designated in the license. Any transfer as to person or place without the approval of the Commissioner shall cause an immediate forfeiture of such license.

(g) Each license certificate in the licensee's possession shall be the property of the District and shall be returned to the Commissioner immediately upon the suspension or revocation of a license, or upon the refusal to renew a license or upon its forfeiture in accordance with subsection (f) of this section, or if operation of a facility is discontinued by the voluntary action of the licensee.

Section 202. Fees.

(a) The Commissioner shall pursuant to section 47-2344 of the District of Columbia Code fix, and may adjust from time to time, child development facility license fees which shall in his judgment be commensurate with the cost to the District of inspections, supervision and regulation required by this regulation.

(b) No license fee shall be required of any child development facility operated by the District Government.

Section 203. Application for License.

(a) Any person proposing to operate a child development facility in the District shall, prior to the commencement of operation, make application to the Commissioner for a child development facility license. The application shall contain the following information, all of which shall be a matter of public record available for inspection upon request during regular business hours:

(1) The name, age, address and occupation of the person making application or in the case of a corporation or association, the names, ages, addresses, and occupations of the officers and directors thereof.

(2) The name, age, address and occupation of the individual designated by the applicant as the director of the child development facility and any additional information concerning that individual which the Commissioner may require.

(3) The address of the premises which are to constitute the child development facility, together with a description of all structures and facilities forming a part thereof in such detail as the Commissioner may require.

(4) The name by which the facility is to be known.

(5) The name and address of the owner of the building or buildings in which the child development facility is located.

(6) The number of hours per day of child development programs to be offered and the age groups of the infants or children to be served.

(7) A program statement describing the programs and services to be provided including contractual and staff resources. All contractual services to

be provided shall comply with the requirements of this regulation, and with all other applicable District laws and regulations.

(8) Proof that the premises are in conformity with all applicable Federal and District health, fire, safety, and zoning regulations, and building codes, and that any necessary permits for occupancy have been issued by the appropriate authorities and are in full force.

(9) Other reasonable information which the Commissioner may require in order to permit him to ascertain whether the applicant is in a position to operate a child development facility in conformity with the provisions of this regulation.

(b) An applicant for a child development facility license shall sign the license application and shall affirm that all statements therein are true. The applicant's signature shall be in the case of an individual that of the individual, in the case of a partnership that of all partners, and in the case of a corporation that of two of the officers thereof, one of whom shall be the president.

(c) Each applicant shall inform the Commissioner within 10 business days of any change in the facts stated in the license application.

Section 204. Issuance of License and Notification of Change in Circumstance.

(a) (1) The Commissioner shall issue a license after having determined that the representations made in the application are correct and sufficient to show that the applicant has complied with the requirements of this regulation.

(2) When a total of not more than five infants and children are placed for care in a child development home by the District Department of Human Resources or by a licensed child placing agency, the Commissioner, in issuing a license, may accept the findings, submitted on a form provided by him, of the Department of Human Resources or such licensed child placement agency that the child development home in which the infants and children are placed meets the applicable requirements of this regulation.

(b) A license issued by the Commissioner shall expire one year from the date of issuance.

(c) The licensee of a child development facility shall inform the Commissioner of any change in the operation, program, or services of a child development facility of a degree or character which may affect its licensure.

Section 205. License Denial, Renewal, Suspension and Revocation

(a) The Commissioner shall be required to renew a child development facility license when he has determined that the licensee has complied with the provisions of this regulation.

(b) Application for renewal of a child development facility license shall be submitted to the Commissioner on a form provided by him not

later than ninety days prior to the expiration date of this license. Notwithstanding any other provision of this regulation, a child development facility holding a valid license at the date of application for renewal of such license may continue in operation until the Commissioner has taken action on the renewal application.

(c) The Commissioner shall be required, after providing notice and opportunity for hearing in accordance with Section 206 of this regulation, to deny, refuse to renew, or to suspend or revoke any license if he finds any of the following:

(1) A failure to comply with the provisions of this regulation.

(2) A failure to comply with any other Federal or District law or regulation applicable to child development facilities.

(3) That any licensee, or person in charge of the facility, has committed, aided, abetted, or permitted to be committed, any acts of dishonesty, fraud, gross negligence, abuse, assault, battery or other illegal acts in the operation of the facility.

(d) The Commissioner shall suspend a license whenever he finds that the failure of a child development facility to comply with any provision of this regulation or with any other Federal or District law or regulation applicable to such facility is of such a serious nature and magnitude that there is an imminent danger to the health, safety or welfare of the infants or children. Such suspension shall continue until the Commissioner has determined that the imminent danger has been corrected.

(1) If the Commissioner finds that the immediate interests of the infants or children in a child development facility would be best served by affording such facility an opportunity to correct a condition which would otherwise constitute a basis for suspension, revocation of or refusal to renew a license under subsection (c) of this section, he may afford the licensee the opportunity to correct the violation within 30 days after receipt of a notice to correct.

(2) When a licensee has been cited for a violation of this or other applicable regulation relating to the condition of the building or property in which the child development facility is located, and when such building or property is owned by someone other than the licensee, the Commissioner may request that the licensee and the owner of the building or property meet with the Commissioner for the purpose of settling any dispute regarding the correction of such violation.

(e) The Commissioner may make available to child development facilities such District Government services as will assist such facilities in meeting the requirements of this regulation.

Section 206. Hearings.

(a) When the Commissioner proposes to deny issuance of a license or to suspend or revoke a license issued pursuant to this regulation for failure to comply with or for a violation of this regulation, he shall first issue a notice to the applicant or licensee, specifying the violation and reasons for the proposed action. Such notice shall also inform the applicant or licensee that he has five days from the date of

service of the notice in which to request a hearing. If no hearing is requested, the Commissioner may then deny, suspend or revoke the license. In each case the Commissioner shall maintain an official record, shall serve upon the applicant or the licensee a proposed decision including findings of fact and conclusions of law and shall render the final decision in writing to the applicant or licensee accompanied by findings of fact and conclusions of law. Each case shall be determined in accordance with the provisions of the District of Columbia Administrative Procedure Act set forth in Sections 1-1509 and 1-1510 of the District of Columbia Code.

(b) Upon suspension of a license pursuant to Section 205 (d) of this regulation, the Commissioner shall immediately notify the licensee that the licensee may, within 24 hours following the suspension, request a hearing. Such hearing shall be conducted by the Commissioner within two calendar days following receipt of the request.

Title III - PENALTIES, REMEDIES AND ENFORCEMENT PROCEDURES

Section 301. Penalties and Remedies

(a) Any person who violates any provision of this regulation shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than $25 nor more than $300.

(b) Each day of any violation shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense, except that no further penalties shall be imposed for the period during which any appeal from a conviction of such offense is pending.

(c) The imposition of any fine pursuant to subsection (a) of this section shall be in addition to any denial, suspension, revocation or refusal to renew a child development facility license which may result from the violation.

Section 302. Right of Entry, Inspection and Subpoena Powers

(a) The Commissioner and any other duly authorized official of the District having jurisdiction over, or responsibilities pertaining to any child development facility, after presenting official credentials of identification and authority issued by the District, shall have the right either with or without prior notice, to enter upon and into the premises of any child development facility licensed pursuant to this regulation or for which an application for license has been made, in order to determine compliance and to facilitate verification of information submitted on or in connection with an application for licensure pursuant to provision of this regulation. The conduct of the authorized official shall be such that the entry and inspection shall take place with the least possible disruption to the program.

(b) The right of entry and inspection shall also extend to any premises which the Commissioner has reason to believe are being operated or maintained as a child development facility without a valid license: Provided, however, that no entry or inspection of any unlicensed premises shall be made without the permission of the director in charge thereof unless a warrant is first obtained from the District of Columbia Superior Court, pursuant to District of Columbia Code, Section 11-941, authorizing the entry or inspection for the purpose of determining compliance with provisions of this regulation.

Section 303. Payment of Public Funds to Unlicensed Facilities

No person, department, agency, officer or employee of the District shall pay, or approve for payment from public funds, any amount or amounts to a child development facility under any Federal or District program of public assistance or other aid in connection with services provided, or to be provided, to any infant or child in such facility unless that facility has a current license issued by the Commissioner under this regulation.

Section 304. Time Period for Compliance with Requirements of Regulation

(a) If any child development facility in operation before the effective date of this regulation is determined by the Commissioner to have deficiencies under the requirements of this regulation, except for deficiencies under Section 405 of this regulation, such facility shall be licensed for a period of one year with an additional extension of up to twelve months, if approved by the Commissioner: Provided, that

(1) The facility submits a written plan of correction which contains the specific steps that it will take to meet all such requirements and a timetable detailing the corrective steps to be taken and when correction of deficiencies will be accomplished.

(2) The Commissioner makes a finding that the facility is reasonably able to meet such requirements through corrective steps and they can be completed during the allowable time period.

(3) The facility is surveyed by officials designated by the Commissioner at least semiannually until corrections are completed and the Commissioner finds on the basis of such surveys that the facility has in fact made substantial effort and progress in its plan of correction as evidenced by supporting documentation.

(b) (1) A person operating a child development facility in operation before the effective date of this regulation may be excused by the Commissioner from compliance with the provisions of Section 405 of this regulation, either in whole or in part, upon a finding by the Commissioner that full compliance would result in exceptional or undue hardship by reason of excessive structural or mechanical renovations: Provided, that a variance may be granted only to the extent necessary to relieve such exceptional or undue hardship and only when compensating factors are present which give adequate protection to the public health or safety and which assure that the intent and purpose of Section 405 of this regulation are not impaired.

(2) To be considered for a variance, the owner of an existing child development facility shall submit a written request to the Commissioner setting forth:

(A) the specific requirements in Section 405 of this regulation from which the owner seeks relief;

(B) the exceptional or undue hardship which would result from compliance with those requirements; and

(C) the extent to which the owner seeks to be exempted from those requirements.

(3) Any request for a variance shall be published in the D.C. Register at least 30 days before the Commissioner acts on the request. Such publication shall be at the expense of the requesting party. The publication shall contain a brief statement describing the variance sought and the reasons the variance is sought. Any public comment on the request for a variance shall be submitted to the Commissioner within 30 days after publication of the request. The Commissioner shall maintain a public record of all variances granted and such record shall state the basis upon which the variances were granted. No variance shall be granted for reasons other than those stated in the record.

(4) A person operating a child development facility adversely affected by the refusal of the Commissioner to grant a variance may appeal such action by the Commissioner pursuant to the provisions of the District of Columbia Administrative Procedure Act (Title I, Chapter 15 of the D.C. Code). The owner shall be notified in writing of the refusal of a variance and of his right to a hearing with respect to such a refusal. A request for a hearing shall be made by the owner in writing to the Commissioner within 5 days of receipt of the notice of refusal. Failure of the owner to request a hearing or failure of the owner to appear at a scheduled hearing shall be considered a waiver of the owner's right to a hearing and the Commissioner's refusal of the variance shall become effective immediately.

(5) Any variance granted pursuant to this section shall be reviewed by the Commissioner when the owner of the facility applies for a permit to undertake any renovation or physical modification of the child development facility.

Title IV - CHILD DEVELOPMENT FACILITY STANDARDS

Section 401. Child Development Centers

(a) Staffing requirements:

(1) Director - A director shall be required who is physically present during the week for at least one-third of the time the children are at the center.

(A) The director shall be qualified by meeting the requirements of one of the following:

(i) Master's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and one year of experience in a child development facility.

(ii) Bachelor's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and at least twelve credit hours of advanced study in early childhood education and one year of experience in a child development facility.

(iii) Bachelor's degree, from an accredited college, in early childhood education, and two years

of experience in a child development facility or a bachelor's degree in a related field, social work, home economics, or psychology, and three years of experience in a child development facility.

(iv) Two or more years of college with course work in early childhood education or in a related field, social work, home economics, or psychology, and five years of experience in a child development facility.

(v) Experience as director of a licensed child development center in the District in operation before the effective date of this regulation: Provided, within three years after the effective date of this regulation such director completes nine college credit hours in early childhood education or equivalent training.

(B) The director shall be responsible for the supervision and administration of the child development center, including:

(i) Selection of qualified staff and supervision of that staff to insure that a child development program, as required by this section, is provided.

(ii) Compliance with health requirements of Section 403 and maintenance of records required by Section 404 of this regulation.

(iii) Compliance with applicable District codes and regulations.

(iv) Development of a plan, to be approved by the Commissioner, for emergency situations including the development of a fire evacuation plan, and for illness of staff.

(v) Designation of a teacher to be responsible in the absence of the director.

(vi) The provision of in-service training for staff volunteers.

(vii) The provision of adult supervision for the children.

(viii) Development of parent involvement in the child development program and in the activities of the center.

(2) Teachers

(A) Teachers shall be qualified by meeting the requirements of one of the following:

(i) Bachelor's degree in early childhood education or related field.

(ii) Two or more years of college including at least 15 hours of early childhood education courses and one year of experience in a child development facility.

(iii) A high school diploma or its equivalent and 3 years of experience as a teacher or assistant teacher in a child development center, plus, within two years after the effective date of this regulation, 9 college credit hours in early childhood education or a related field.

(B) The duties of a teacher shall include but not be limited to the following:

(i) Initiating daily activities related to the child development program.

(ii) Maintaining an attractive, clean room.

(iii) Supervising the assistant teacher, when assigned.

(iv) Attending in-service training programs when offered.

(v) Making periodic progress reports on the children to the parents.

(3) Assistant Teachers

(A) An assistant teacher shall be qualified by meeting the requirements of one of the following:

(i) Two or more years of college and demonstration, to the satisfaction of the director, of skill and competence with children.

(ii) A high school diploma and certificate in child development from an accredited vocational high school or, in lieu of such certificate, one year of experience in a child development center.

(B) The duties of an assistant teacher shall include but not be limited to the following:

(i) Assisting the teacher and participating in the planning of the daily program.

(ii) In the absence of the teacher, assuming responsibility for the children in the group.

(iii) Attending in-service training programs when offered.

(4) Aides

(A) An aide shall demonstrate, to the satisfaction of the director, the ability to work well with children.

(B) The duties of an aide shall include, but not be limited to, the following:

(i) Assisting the teacher and assistant teacher, as directed.

(ii) Attending in-service training programs when offered.

(5) Foodhandling and maintenance personnel

Child development centers shall provide sufficient personnel to maintain standards of sanitation and safety consistent with all applicable District rules and regulations.

(b) Group size and child-adult ratio

The size of any one group of children shall not exceed that specified below for each age group. There shall be a teacher, who may also be the director, and an assistant teacher or aide for each group at all times, except that in part-day programs (up to 4 hours per day), a volunteer may be substituted for an assistant teacher or aide.

Age	Maximum size of group	Child-adult ratio
2 years to 2 years, 6 months	8	4 to 1
2 years, 6 months through 3 years	16	8 to 1
4 years	20	10 to 1
5 years	25	15 to 1
6 years through 14 years	30	15 to 1

When children of different ages are placed in one group, the ratio shall be adjusted, subject to the approval of the Commissioner, so as to protect the welfare of the younger children in the group. A change in child-adult ratios shall be made only with the approval of the Commissioner when he finds that such change will not result in decreasing the effectiveness of the child development program.

(c) Program requirements

The daily child development program of a center shall:

(1) Reflect knowledge and understanding of the fundamental needs and development of children.

(2) Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.

(3) Provide a balance between periods of active play and quiet activities. Full day programs for children under 6 years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

(4) Provide daily activities for each child designed to:

(A) Influence a positive concept of self.

(B) Stimulate motivation.

(C) Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

(D) Help him to deal with reality through undertaking real tasks and learning to master them.

(E) Provide creative and aesthetic experiences.

(F) Help him to develop skills in both large and small muscle activities.

(G) Help him to take responsibility for his bodily needs and encourage good health habits.

(5) Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

(d) Center equipment and supplies

(1) Each center shall have a sufficient number, for the size of the enrollment of the center, of toys, games, equipment, including outdoor play equipment, raw materials, and books which are safe for use by children and adequate for the requirements of the child development program.

(2) In full day programs each child shall have his own toilet articles.

(3) Individual eating and drinking equipment, including, but not limited to, a fork, spoon, plate and cup for each child shall be provided by the center as appropriate, when meals or snacks are served.

(4) An emergency supply of clothes shall be available, and wet and soiled clothes shall be changed promptly.

(5) Centers shall be equipped with furnishings, including tables, cots, chairs, and shelves, appropriate to the age, size and activities of the children, and sufficient for the number of children enrolled in the program.

(6) In full day programs, there shall be a clean cot for each child under six years of age. The cots shall be stacked or folded when not in use, so as not to infringe on play space. When in use, there shall be a minimum of 2 feet between each cot and aisle space of not less than 2 feet between rows. A clean blanket shall also be provided by the center for each child.

(e) Meals and snacks

(1) Food shall be protected and stored in accordance with Title 8, Chapter 6, Part 1, District of Columbia Health Regulations (General Food Regulations).

(2) According to the program offered, food suitable to the

ages of the children shall be provided which shall be nutritionally equivalent to the following:

Breakfast:

1 serving of fruit or vegetable juice
Eggs or protein-rich food 2 or 3 times a week
1/2 cup of cooked cereal or 3/4 cup dry cereal or
1 slice of enriched bread

Morning snack:

1 serving of fruit or vegetable juice
1 serving of enriched bread, crackers, or cereal

Lunch:

2 oz. of meat or other food containing equivalent amount of protein
2 or more servings of vegetables or fruit
1 serving of bread
1 serving of butter
1/2 cup of whole milk

Afternoon snack:

1 serving of fruit or vegetable juice or 1/2 cup of whole milk
1 serving of enriched bread, rolls, or cereal

Section 402. Child Development Homes

(a) Caregiver. Each child development home shall have at least one caregiver who shall be between 18 and 70 years of age, and who shall be responsible for the supervision and administration of the child development home, including:

(1) Compliance with the health requirements of Section 403 and maintenance of records as required by Section 404 of this regulation.

(2) Compliance with all applicable District rules and regulations, except that food handling, preparation, and service in child development homes shall be exempted from the requirements of Title 8, Chapter 6, Part 1 of the District of Columbia Health Regulations (General Food Regulations): Provided that such food handling, preparation and service shall be conducted in a manner consistent with the intent thereof.

(3) Development of a plan, to be approved by the Commissioner, for emergency situations, including designation of a responsible adult to substitute for the caregiver as needed. At no time shall infants or children be without adult supervision.

(4) Development of parent involvement in the child development program and in the activities of the child development home, including periodic progress reports on the infants and children to the parents.

(5) Cooperation with District officials trained in child

development who are assigned to work with the caregiver in planning and implementing the child development program.

(b) Program requirements.

The daily child development program of a child development home shall:

(1) Reflect knowledge and understanding of the fundamental needs, growth and development of children.

(2) Have continuity and flexibility so the needs of individual infants and children as well as the needs of the group are met.

(3) Provide a balance between periods of active play and quiet activities. For infants over 3 months of age this shall include play periods outside of the crib. Full day programs for infants and children under six years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

(4) Provide daily activities for each infant and child designed to:

(A) Influence a positive concept of self.

(B) Stimulate motivation.

(C) Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

(D) Help him to deal with reality through undertaking real tasks and learning to master them.

(E) Provide creative and aesthetic experiences.

(F) Help him to develop skills in both large and small muscle activities.

(G) Help him to take responsibility for his bodily needs and encourage good health habits.

(5) Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

(6) Include activities for children between the ages of 6 and 15 which shall provide opportunities for playing with peers, for solitary occupations, for study, for active play, for rest and relaxation, for learning new skills, for attending group after school programs, and for talking with and being listened to by a supportive adult.

(c) Equipment and supplies

(1) There shall be sufficient indoor and outdoor play

materials, toys, supplies, and equipment suitable to the ages of the infants and children to stimulate creative play.

(2) Playthings and toys (including parts of toys that come apart) for infants shall be large enough so that they cannot be swallowed; sturdy enough that they will not splinter or break; shall not have sharp points or rough edges; shall have paint or finishes that are safe if chewed or licked; shall not contain small parts that can come loose, such as buttons on stuffed animals; and shall be sanitary and easily washable.

(3) Toys shall be kept clean and in good repair.

(4) Each child in a full day program or each infant in a full or part day program shall have an individual bed, cot or crib, with adequate bedding provided by the child development home, kept in clean and sanitary condition at all times.

(5) Each infant or child shall be provided with space for his own clothing and belongings. Small children shall have at least one chair suitable to their needs and comfort.

Section 403. Health requirements

The caregiver or director of each child development facility shall be responsible for compliance with the following health requirements:

(a) No infant or child shall be admitted to a child development facility without having first obtained a complete health examination by a licensed physician. The results of such examination shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

(b) No infant or child shall be admitted to a child development facility without having first obtained all immunizations appropriate to the age of such infant or child, as required by the District Department of Human Resources.

(c) After admission to a child development facility each infant or child shall be required to obtain an annual physical examination, the results of which shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

(d) Basic first aid equipment and supplies shall be available at all times and staff shall be trained to administer emergency first aid including control of bleeding and administration of artificial respiration.

(e) In every child development facility a daily inspection of each infant or child for signs of illness shall be made prior to each infant's or child's admission. Any infant or child showing any sign of illness shall be excluded from the group.

(f) Provision shall be made for isolation of an infant or child who becomes sick or a child suspected of being sick. Parents or guardians shall be promptly advised of any illness or disability found in the infant or child.

(g) The temperature of an infant or child may be taken when indicated. The thermometer shall be cleaned and disinfected before and after each use.

(h) The parent or guardian of each infant or child admitted to a child development facility shall submit to the caregiver or director of the facility, on a form approved by the Commissioner, authorization for emergency medical treatment for the infant or child.

(i) No medicine or treatment, except emergency first aid, shall be given to any infant or child without a medical order or prescription from a licensed physician and the written consent of the parent or guardian. Any medicine so ordered or prescribed shall be clearly labeled as to the name of the infant or child, the name of the medicine, the dosage, and the name and telephone number of the infant's or child's physician.

(j) All child development facility employees shall be in good health. They shall have an annual health examination by a licensed physician. A written report stating that the person is free from tuberculosis and other disease in a communicable form shall be submitted by the physician to the facility caregiver or director.

Section 404. Recordkeeping

The following records shall be maintained for 3 years by the caregiver or director of a child development facility and shall be forwarded to or made available to the Commissioner for inspection as directed:

(a) Register. Information on where parents or guardians of each infant or child may be reached at all times shall be accurate and current. When the infant or child is living with someone other than parents, information required by items 7 through 9 of this subsection shall be submitted by that individual. The register shall contain the following information:

(1) Infant's or child's name in full
(2) Date of admission
(3) Sex
(4) Birthdate
(5) Home address
(6) Home telephone number
(7) Parents' names in full
(8) Parents' business addresses
(9) Parents' telephone numbers
(10) Designation of individuals authorized to receive infant or child at end of session
(11) Name of individual to be contacted in an emergency when parent is not available
(12) Date of child's withdrawal
(13) Reason for withdrawal

(b) Infant's or child's health record. A health record shall be maintained for each infant or child enrolled in a child development facility which shall contain the following information:

(1) Infant's or child's name in full
(2) Sex
(3) Birthdate
(4) Home Address
(5) Date of examination
(6) Physician's opinion concerning general physical condition of infant or child

(7) History of illnesses and diseases, including allergies and specific communicable diseases
(8) Recent exposure to communicable disease
(9) Specific immunizations received, with dates
(10) Result of tuberculin testing
(11) Correctable defects, recommendations and other remarks of examining physician
(12) Physician's signature
(13) Physician's address and phone number
(14) Parents' health insurance information
(15) Parent's signed authorization for treatment of infant or child in an emergency

(c) Employee record. A record containing the following information shall be maintained by the child development facility for each of its employees.

(1) Name and address of employing facility
(2) Employee's name in full
(3) Sex
(4) Birthdate
(5) Home address
(6) Title of position
(7) Duties
(8) Qualifications (attach copy of curriculum vitae)
(9) Date of appointment to present position
(10) Date of health exam
(11) Employee's health record including physician's opinion concerning employee's general physical condition, freedom from disease in a communicable form and ability to work closely with or care for infants or children without danger to such infants or children; date of chest x-rays; when indicated, date of laboratory tests for communicable disease; physician's signature, address and telephone number; and health insurance information.

(d) Employee appointment, promotion or withdrawal notification. A record of personnel actions shall be maintained by the child development facility which shall contain the following information:

(1) Name and address of employing facility
(2) Employee's name in full
(3) Date of promotion to or withdrawal from present position
(4) Name of staff member being replaced, if applicable
(5) Reason for withdrawal
(6) Signature of employee
(7) Signature of employer

Section 405. Physical requirements of the facilities

(a) Physical structure

(1) General applicable codes. All child development facilities shall conform with the Building Code of the District of Columbia (as amended herein), the Health Regulations of the District of Columbia and all other applicable District of Columbia rules and regulations.

(2) Building Code Amendments. The Building Code of the District of Columbia shall be amended as follows:

(A) Section 201.1 of the Building Code shall be amended to include the following definitions to be inserted alphabetically: "Child development center", and "Child development home", as defined in accordance with Section 103 of this regulation. The words "day nursery, day care center, or day care facility," and the definition thereof shall accordingly be deleted from Section 201.1 of the Building Code.

(B) Section 202.7(4)1 "Group F - Assembly" of the Building Code shall be amended to include the words "child development centers," after the words "purposes such as".

(C) Section 202.9, "Group L, Residential" of the Building Code shall be amended as follows:

(i) Sub-section (1), "Group L-1" shall be amended by adding the following: "Child development centers of fewer than thirteen (13) children provided that such centers comply with the requirements of Section 617.8 of the Building Code as amended herein; and child development homes".

(ii) Sub-section (2), "Group L-2," shall be amended by adding the following: "Child development centers for fewer than thirteen (13) children, provided that all children in such centers shall be fully ambulatory and capable of following instructions in emergencies; and child development homes".

(D) Section 617.8 "Residential L-1 Occupancies - Corridors" shall be amended by adding the following:

"For child development centers located in apartment buildings if the two means of egress from the facility discharge into the same corridor, the means of egress shall be separated in the corridor by a smoke stop partition having not less than a one-hour fire resistance rating. The door in the smoke stop partition shall be not less than 36 inches wide. The door assembly shall have a fire resistance rating of 20 minutes and shall be equipped with a self-closing device, a latch and an automatic hold-open device approved by the Commissioner."

(E) Section 616.2(1) 2 of the Building Code, "Residential L-2 Occupancies-Exit Requirements" shall be amended by adding, after the words "2500 square feet", the following: "except that, all habitable rooms in child development centers for fewer than thirteen (13) children and child development homes in unprotected wood-frame construction shall have access to two (2) separate means of exit at least one of which shall consist of an enclosed interior stair, or exterior stairway, or fire escape or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening."

(F) Section 616.4 of the Building Code, "Residential L-2 Occupancies-Protective Appliances" shall be amended by adding the following: "Child development homes and child development centers located in one- or two-family dwellings shall provide one fire extinguisher per floor, including the basement, and shall provide one extinguisher in the kitchen. Centers shall be equipped with a manual fire alarm system, except in those facilities equipped with either an automatic sprinkler system or an approved automatic fire detection system."

(G) Section 202.8(2), "Group H. Institutional" of the Building Code shall be amended to include after the words "nursing homes," the words "infant care facilities." The words "day nurseries" shall be deleted from this section of the Building Code.

(H) Section 405.1 of the Building Code shall be amended to read as follows: "All group H occupancy buildings of other than Type I or 2A construction shall be fully sprinklered except group H occupancies where the use is restricted to the first floor only."

(3) General Physical requirements:

(A) In a facility that houses both infants and children, except child development homes, the physical requirements for the infants shall apply, unless the area housing the infants is maintained as a separate fire area.

(B) Proper heating shall be provided. A minimum temperature of 65° fahrenheit shall be maintained in all rooms at all times.

(C) No surface or other items that children or infants may touch shall be painted with paint containing lead. Paints used on all such items or surfaces shall comply with the specifications for such in the Housing Regulations and the Health Regulations of the District of Columbia.

(D) Natural light and ventilation requirements of the Building Code shall be met in all child development facilities.

(b) Program Space Requirements

(1) Outdoor playspace

Suitable space for outdoor play shall be provided. This space shall be free from conditions which are or may be hazardous to the life or health of the children or infants. A minimum of 60 square feet of outdoor play area per child or infant per session shall be provided in an enclosed yard on the premises or in a nearby park or playground, or on a properly safeguarded roof facility, approved by the Commissioner.

(2) Indoor space

Adequate indoor space suitable for the daily program shall be provided. A minimum of 35 square feet per child per session, exclusive of bathrooms, closets, halls, kitchen and storage places, shall be provided. Play space shall be clear of cots except at nap time.

(3) Toilet facilities

At least one flush toilet and one lavatory shall be provided for every ten (10) occupants of the facility, including staff. Adult facilities shall be provided separately from those for the children or infants. When toilets and lavatories are not of a height to be used by the children without assistance, a block or step shall be provided. Training chairs shall be provided by the facility for use by children who require them. Training potties shall be emptied promptly and sanitized after each use. Soap and individual or paper towels shall be provided. A drinking fountain shall be provided in the facility or individual clean cups for drinking shall be provided.

(4) Isolation room

Enclosed space shall be provided for the isolation of children who may become ill.

(5) Storage

First aid supplies shall be stored in a location beyond the reach of children or infants but in a place readily accessible and known to all the staff. Prescription or other drugs and any household cleansers, chemicals or other substances or devices, including thermometers, that might be harmful to children or infants shall be stored out of reach of children in cabinets with doors that close securely.

(6) Telephone

All child development facilities shall be equipped with at least one non-coin operated telephone for use by staff in emergencies and readily accessible during the hours of operation of such facility.

(c) Other Safety Requirements

(1) Safety precautions such as barriers, gates and screens shall be provided at all windows, doorways and stairways. Insect screens shall be installed on all outside doors and openable windows. Porches, walkways, play areas, low windows and stairways which are elevated shall be equipped with barriers to prevent falls by children and infants.

(2) In child development centers all required exits shall be equipped with panic release hardware or with knob-type hardware that cannot lock from the inside. No other type of securing hardware may be used as supplemental to or in conjunction with this required type of hardware. Doors shall swing in the direction of egress.

(3) Child development homes and child development centers located in residential buildings shall provide at least one operable flashlight for each staff member. Such flashlights shall be stored in a location accessible to staff use in the event of a power failure.

TITLE V - ADVISORY COMMISSION ON CHILD DEVELOPMENT FACILITIES

Section 501. There shall be established by the District of Columbia Council an Advisory Commission on Child Development Facilities which shall review for and propose to the District of Columbia Council regulations related to child development facilities in the District.

Section 502. The Advisory Commission on Child Development shall have nine members, appointed by the Chairman of the District of Columbia Council. Three members of the Commission shall be operators of licensed child development facilities in the District. Three members of the Commission shall be parents of infants or children enrolled in child development facilities in the District. One member shall be a specialist in early childhood education. Two members shall be District residents who have demonstrated an interest in child development programs. A representative from the District Department of Human Resources, the District Department of Recreation and the District public schools shall participate as ex-officio non-voting members in the deliberations of the Commission.

Section 503. Of the initial appointees, three members shall serve a term of one year, three members shall serve a term of two years, and three members shall serve a term of three years, as designated by the Chairman of the District of Columbia Council at the time of appointment. Thereafter, all members shall serve a term of three years. Those appointed to fill vacancies created for any reason shall serve only the unexpired portion of the term unless reappointed. No member shall be reappointed after serving a full three year term on the Commission.

Section 504. The members of the Commission shall, by vote, elect a chairperson who shall serve in that office for a three year term. The chairperson of the first Commission shall be elected from among the three members designated to serve a three year term pursuant to section 503 of this regulation.

Section 505. The Commission shall meet when called by its chairperson and may develop rules of procedure for the execution of its responsibilities.

Section 506. The Commission shall serve without compensation.

Section 507. The Secretary of the District of Columbia Council shall provide appropriate assistance to the Commission."

Section 2. EFFECTIVE DATES

(a) Titles I through IV of this regulation shall become effective on July 1, 1975.

(b) Title V of this regulation shall become effective immediately upon enactment.

ORIGINAL

Regulation No. 74-34

December 14, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE CHILD DEVELOPMENT FACILITIES REGULATION

Councilman Tedson J. Meyers Presents the following regulation:

WHEREAS, it is the policy of the District of Columbia that the condition of childhood is such that a child is not capable of self-protection, and when care is given over to others, certain mental and physical risks arise calling for reasonable protective measures to reduce these risks; and

WHEREAS, the District of Columbia Council is authorized by Section 1-226, D. C. Code, 1973 edition, pursuant to Section 402(4) of Reorganization Plan No. 3 of 1967, to make and enforce all such reasonable and usual police regulations as may be deemed necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, the District of Columbia Council is authorized by Section 47-2344, D. C. Code, 1973 edition, pursuant to Section 402(391) of Reorganization Plan No. 3 of 1967 to require licenses and regulate businesses which in the judgment of the Council require inspection, supervision or regulation; and

WHEREAS, the District of Columbia Council is authorized by Section 1-228, D. C. Code, 1973 edition, pursuant to Section 402(5) of Reorganization Plan No. 3 of 1967 to make building regulations; and

WHEREAS, the District of Columbia Council is authorized by Section 6-118, D. C. Code, 1973 edition, pursuant to Section 402(134) of Recrganization Plan No. 3 of 1967 to promulgate rules and regulations to prevent and control

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 3, 1974

Presented to the Mayor-Commissioner December 4, 1974
Date

Edward B. White, Jr.
Secretary of the City Council

Approved _____
Mayor-Commissioner

I HEREBY CERTIFY that Regulation No. 74-34 was presented to the Mayor of the District of Columbia on December 4, 1974, and that the Mayor neither approved nor disapproved the Regulation within the ten-day period specified in Section 406(c) of Reorganization Plan No. 3 of 1967.

Martin K. Schaller

Martin K. Schaller
Executive Secretary, D. C.

the spread of communicable diseases.

NOW, THEREFORE BE IT ENACTED by the District of Columbia Council that:

Section 1. The District of Columbia Council hereby adopts the following regulation, to be known as the Child Development Facilities Regulation:

"Title I - PURPOSE, SCOPE, DEFINITIONS, AND SEPARABILITY OF PROVISIONS

Section 101. The purpose of this regulation is to protect infants and children whose care is given to others away from home for less than 24 hours per day, and to insure the provision of adequate child development programs for such infants and children.

Section 102. This regulation shall apply to every child development facility providing care, supervision, and guidance, for infants or children, for less than 24 hours per day per infant or child, on a regular basis, no matter by what name the facility is designated. This regulation shall not apply to:

(1) occasional babysitting in the babysitter's home for infants or children of one family.

(2) informal parent-supervised neighborhood playgroups.

(3) care furnished in places of worship during religious services.

(4) child development centers providing only a before or after school child development program.

This regulation shall be made available to the public upon request and shall be maintained on file in the Commissioner's office for inspection during regular business hours.

Section 103. For purposes of this regulation the following terms shall have the meanings ascribed:

(1) Caregiver: an individual whose duties include direct care, supervision, and guidance of infants or children in a child development home.

(2) Child, Children: an individual or individuals between the ages of 2 years and 15 years.

(3) Child Development Center: a child development facility for more than 5 children, which provides a full day (more than 4 but less than 24 hours per day), part day (up to 4 hours per day) or before and after school child development program, including such programs provided during school vacations.

(4) Child Development Facility: location where a child development program is provided for infants or children, away from home, for less than 24 hours per day for each infant or child. Such facility may be known as a child development center, child development home, or infant care center, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.

(5) Child Development Home: a child development program provided in a private residence for up to a total of 5 children and infants, with no more than 2 infants in the group. The total of 5 children and infants shall

include those of the caregiver.

(6) Child Development Program: a program responsive to the stages of physical, emotional, social and intellectual growth and behavior of infants or children.

(7) Commissioner: Commissioner of the District of Columbia or his designated agent.

(8) Communicable Disease: any disease so defined in section 8-5:104 of the District of Columbia Health Regulations.

(9) District: The District of Columbia.

(10) Infant: an individual younger than 2 years of age.

(11) Licensed Child Placing Agency: a child placing agency licensed pursuant to Title 32, Chapter 7B of the District of Columbia Code (Act of April 22, 1944, 58 Stat. 193, as amended).

(12) Person: any individual, firm, partnership, company, corporation, trustee, or association.

Section 104. Severability of Provisions

If any provision of this regulation is declared unconstitutional by a court of competent jurisdiction or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the regulation and applicability of such provision to other persons and circumstances shall not be affected thereby.

Title II - LICENSING OF CHILD DEVELOPMENT FACILITIES

Section 201. License Requirements for Child Development Facilities

(a) No person shall either directly or indirectly operate a child development facility without first having obtained a license from the Commissioner authorizing that operation, except that individuals who are related to an infant or child may care for that infant or child without obtaining a license. For purposes of this regulation "related" shall mean any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, step-parent, step-sister, step-brother, uncle and aunt.

(b) A separate license shall be required for each child development facility when more than one child development facility is operated by the same person at different premises. Only one license shall be required for a child development facility located in separate buildings on the same grounds or premises and operated by one person.

(c) Unless specifically exempted by this regulation, the provisions and requirements herein shall apply to all child development facilities established or operated in the District, and the Commissioner shall have the necessary power, including subpoena power pursuant to sections 1-237 and 4-601 of the District of Columbia Code, to supervise, inspect and investigate those child development facilities to determine compliance with this regulation.

(d) Each license shall set forth the name and address of the premises of the child care facility, the name of the licensee, and the maximum number of infants and children to be accommodated.

(e) The license shall be posted in a conspicuous place on the licensed premises.

(f) Each license shall be issued only for the premises and person or persons named as applicants in the application and shall not be valid for use by any other person or persons or at any place other than that designated in the license. Any transfer as to person or place without the approval of the Commissioner shall cause an immediate forfeiture of such license.

(g) Each license certificate in the licensee's possession shall be the property of the District and shall be returned to the Commissioner immediately upon the suspension or revocation of a license, or upon the refusal to renew a license or upon its forfeiture in accordance with subsection (f) of this section, or if operation of a facility is discontinued by the voluntary action of the licensee.

Section 202. Fees.

(a) The Commissioner shall pursuant to section 47-2344 of the District of Columbia Code fix, and may adjust from time to time, child development facility license fees which shall in his judgment be commensurate with the cost to the District of inspections, supervision and regulation required by this regulation.

(b) No license fee shall be required of any child development facility operated by the District Government..

Section 203. Application for License.

(a) Any person proposing to operate a child development facility in the District shall, prior to the commencement of operation, make application to the Commissioner for a child development facility license. The application shall contain the following information, all of which shall be a matter of public record available for inspection upon request during regular business hours:

(1) The name, age, address and occupation of the person making application or in the case of a corporation or association, the names, ages, addresses, and occupations of the officers and directors thereof.

(2) The name, age, address and occupation of the individual designated by the applicant as the director of the child development facility and any additional information concerning that individual which the Commissioner may require.

(3) The address of the premises which are to constitute the child development facility, together with a description of all structures and facilities forming a part thereof in such detail as the Commissioner may require.

(4) The name by which the facility is to be known.

(5) The name and address of the owner of the building or buildings in which the child development facility is located.

(6) The number of hours per day of child development programs to be offered and the age groups of the infants or children to be served.

(7) A program statement describing the programs and services to be provided including contractual and staff resources. All contractual services to

be provided shall comply with the requirements of this regulation, and with all other applicable District laws and regulations.

(8) Proof that the premises are in conformity with all applicable Federal and District health, fire, safety, and zoning regulations, and building codes, and that any necessary permits for occupancy have been issued by the appropriate authorities and are in full force.

(9) Other reasonable information which the Commissioner may require in order to permit him to ascertain whether the applicant is in a position to operate a child development facility in conformity with the provisions of this regulation.

(b) An applicant for a child development facility license shall sign the license application and shall affirm that all statements therein are true. The applicant's signature shall be in the case of an individual that of the individual, in the case of a partnership that of all partners, and in the case of a corporation that of two of the officers thereof, one of whom shall be the president.

(c) Each applicant shall inform the Commissioner within 10 business days of any change in the facts stated in the license application.

Section 204. Issuance of License and Notification of Change in Circumstance.

(a) (1) The Commissioner shall issue a license after having determined that the representations made in the application are correct and sufficient to show that the applicant has complied with the requirements of this regulation.

(2) When a total of not more than five infants and children are placed for care in a child development home by the District Department of Human Resources or by a licensed child placing agency, the Commissioner, in issuing a license, may accept the findings, submitted on a form provided by him, of the Department of Human Resources or such licensed child placement agency that the child development home in which the infants and children are placed meets the applicable requirements of this regulation.

(b) A license issued by the Commissioner shall expire one year from the date of issuance.

(c) The licensee of a child development facility shall inform the Commissioner of any change in the operation, program, or services of a child development facility of a degree or character which may affect its licensure.

Section 205. License Denial, Renewal, Suspension and Revocation

(a) The Commissioner shall be required to renew a child development facility license when he has determined that the licensee has complied with the provisions of this regulation.

(b) Application for renewal of a child development facility license shall be submitted to the Commissioner on a form provided by him not

later than ninety days prior to the expiration date of this license. Notwithstanding any other provision of this regulation, a child development facility holding a valid license at the date of application for renewal of such license may continue in operation until the Commissioner has taken action on the renewal application.

(c) The Commissioner shall be required, after providing notice and opportunity for hearing in accordance with Section 206 of this regulation, to deny, refuse to renew, or to suspend or revoke any license if he finds any of the following:

(1) A failure to comply with the provisions of this regulation.

(2) A failure to comply with any other Federal or District law or regulation applicable to child development facilities.

(3) That any licensee, or person in charge of the facility, has committed, aided, abetted, or permitted to be committed, any acts of dishonesty, fraud, gross negligence, abuse, assault, battery or other illegal acts in the operation of the facility.

(d) The Commissioner shall suspend a license whenever he finds that the failure of a child development facility to comply with any provision of this regulation or with any other Federal or District law or regulation applicable to such facility is of such a serious nature and magnitude that there is an imminent danger to the health, safety or welfare of the infants or children. Such suspension shall continue until the Commissioner has determined that the imminent danger has been corrected.

(1) If the Commissioner finds that the immediate interests of the infants or children in a child development facility would be best served by affording such facility an opportunity to correct a condition which would otherwise constitute a basis for suspension, revocation of or refusal to renew a license under subsection (c) of this section, he may afford the licensee the opportunity to correct the violation within 30 days after receipt of a notice to correct.

(2) When a licensee has been cited for a violation of this or other applicable regulation relating to the condition of the building or property in which the child development facility is located, and when such building or property is owned by someone other than the licensee, the Commissioner may request that the licensee and the owner of the building or property meet with the Commissioner for the purpose of settling any dispute regarding the correction of such violation.

(e) The Commissioner may make available to child development facilities such District Government services as will assist such facilities in meeting the requirements of this regulation.

Section 206. Hearings.

(a) When the Commissioner proposes to deny issuance of a license or to suspend or revoke a license issued pursuant to this regulation for failure to comply with or for a violation of this regulation, he shall first issue a notice to the applicant or licensee, specifying the violation and reasons for the proposed action. Such notice shall also inform the applicant or licensee that he has five days from the date of

service of the notice in which to request a hearing. If no hearing is requested, the Commissioner may then deny, suspend or revoke the license. In each case the Commissioner shall maintain an official record, shall serve upon the applicant or the licensee a proposed decision including findings of fact and conclusions of law and shall render the final decision in writing to the applicant or licensee accompanied by findings of fact and conclusions of law. Each case shall be determined in accordance with the provisions of the District of Columbia Administrative Procedure Act set forth in Sections 1-1509 and 1-1510 of the District of Columbia Code.

(b) Upon suspension of a license pursuant to Section 205 (d) of this regulation, the Commissioner shall immediately notify the licensee that the licensee may, within 24 hours following the suspension, request a hearing. Such hearing shall be conducted by the Commissioner within two calendar days following receipt of the request.

Title III - PENALTIES, REMEDIES AND ENFORCEMENT PROCEDURES

Section 301. Penalties and Remedies

(a) Any person who violates any provision of this regulation shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than $25 nor more than $300.

(b) Each day of any violation shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense, except that no further penalties shall be imposed for the period during which any appeal from a conviction of such offense is pending.

(c) The imposition of any fine pursuant to subsection (a) of this section shall be in addition to any denial, suspension, revocation or refusal to renew a child development facility license which may result from the violation.

Section 302. Right of Entry, Inspection and Subpoena Powers

(a) The Commissioner and any other duly authorized official of the District having jurisdiction over, or responsibilities pertaining to any child development facility, after presenting official credentials of identification and authority issued by the District, shall have the right either with or without prior notice, to enter upon and into the premises of any child development facility licensed pursuant to this regulation or for which an application for license has been made, in order to determine compliance and to facilitate verification of information submitted on or in connection with an application for licensure pursuant to provision of this regulation. The conduct of the authorized official shall be such that the entry and inspection shall take place with the least possible disruption to the program.

(b) The right of entry and inspection shall also extend to any premises which the Commissioner has reason to believe are being operated or maintained as a child development facility without a valid license: Provided, however, that no entry or inspection of any unlicensed premises shall be made without the permission of the director in charge thereof unless a warrant is first obtained from the District of Columbia Superior Court, pursuant to District of Columbia Code, Section 11-941, authorizing the entry or inspection for the purpose of determining compliance with provisions of this regulation.

Section 303. Payment of Public Funds to Unlicensed Facilities

No person, department, agency, officer or employee of the District shall pay, or approve for payment from public funds, any amount or amounts to a child development facility under any Federal or District program of public assistance or other aid in connection with services provided, or to be provided, to any infant or child in such facility unless that facility has a current license issued by the Commissioner under this regulation.

Section 304. Time Period for Compliance with Requirements of Regulation

(a) If any child development facility in operation before the effective date of this regulation is determined by the Commissioner to have deficiencies under the requirements of this regulation, except for deficiencies under Section 405 of this regulation, such facility shall be licensed for a period of one year with an additional extension of up to twelve months, if approved by the Commissioner: Provided, that

(1) The facility submits a written plan of correction which contains the specific steps that it will take to meet all such requirements and a timetable detailing the corrective steps to be taken and when correction of deficiencies will be accomplished.

(2) The Commissioner makes a finding that the facility is reasonably able to meet such requirements through corrective steps and they can be completed during the allowable time period.

(3) The facility is surveyed by officials designated by the Commissioner at least semiannually until corrections are completed and the Commissioner finds on the basis of such surveys that the facility has in fact made substantial effort and progress in its plan of correction as evidenced by supporting documentation.

(b) (1) A person operating a child development facility in operation before the effective date of this regulation may be excused by the Commissioner from compliance with the provisions of Section 405 of this regulation, either in whole or in part, upon a finding by the Commissioner that full compliance would result in exceptional or undue hardship by reason of excessive structural or mechanical renovations: Provided, that a variance may be granted only to the extent necessary to relieve such exceptional or undue hardship and only when compensating factors are present which give adequate protection to the public health or safety and which assure that the intent and purpose of Section 405 of this regulation are not impaired.

(2) To be considered for a variance, the owner of an existing child development facility shall submit a written request to the Commissioner setting forth:

(A) the specific requirements in Section 405 of this regulation from which the owner seeks relief;

(B) the exceptional or undue hardship which would result from compliance with those requirements; and

(C) the extent to which the owner seeks to be exempted from those requirements.

(3) Any request for a variance shall be published in the D.C. Register at least 30 days before the Commissioner acts on the request. Such publication shall be at the expense of the requesting party. The publication shall contain a brief statement describing the variance sought and the reasons the variance is sought. Any public comment on the request for a variance shall be submitted to the Commissioner within 30 days after publication of the request. The Commissioner shall maintain a public record of all variances granted and such record shall state the basis upon which the variances were granted. No variance shall be granted for reasons other than those stated in the record.

(4) A person operating a child development facility adversely affected by the refusal of the Commissioner to grant a variance may appeal such action by the Commissioner pursuant to the provisions of the District of Columbia Administrative Procedure Act (Title I, Chapter 15 of the D.C. Code). The owner shall be notified in writing of the refusal of a variance and of his right to a hearing with respect to such a refusal. A request for a hearing shall be made by the owner in writing to the Commissioner within 5 days of receipt of the notice of refusal. Failure of the owner to request a hearing or failure of the owner to appear at a scheduled hearing shall be considered a waiver of the owner's right to a hearing and the Commissioner's refusal of the variance shall become effective immediately.

(5) Any variance granted pursuant to this section shall be reviewed by the Commissioner when the owner of the facility applies for a permit to undertake any renovation or physical modification of the child development facility.

Title IV - CHILD DEVELOPMENT FACILITY STANDARDS

Section 401. Child Development Centers

(a) Staffing requirements:

(1) Director - A director shall be required who is physically present during the week for at least one-third of the time the children are at the center.

(A) The director shall be qualified by meeting the requirements of one of the following:

(i) Master's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and one year of experience in a child development facility.

(ii) Bachelor's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and at least twelve credit hours of advanced study in early childhood education and one year of experience in a child development facility.

(iii) Bachelor's degree, from an accredited college, in early childhood education, and two years

of experience in a child development facility or a bachelor's degree in a related field, social work, home economics, or psychology, and three years of experience in a child development facility.

(iv) Two or more years of college with course work in early childhood education or in a related field, social work, home economics, or psychology, and five years of experience in a child development facility.

(v) Experience as director of a licensed child development center in the District in operation before the effective date of this regulation: Provided, within three years after the effective date of this regulation such director completes nine college credit hours in early childhood education or equivalent training.

(B) The director shall be responsible for the supervision and administration of the child development center, including:

(i) Selection of qualified staff and supervision of that staff to insure that a child development program, as required by this section, is provided.

(ii) Compliance with health requirements of Section 403 and maintenance of records required by Section 404 of this regulation.

(iii) Compliance with applicable District codes and regulations.

(iv) Development of a plan, to be approved by the Commissioner, for emergency situations including the development of a fire evacuation plan, and for illness of staff.

(v) Designation of a teacher to be responsible in the absence of the director.

(vi) The provision of in-service training for staff volunteers.

(vii) The provision of adult supervision for the children.

(viii) Development of parent involvement in the child development program and in the activities of the center.

(2) Teachers

(A) Teachers shall be qualified by meeting the requirements of one of the following:

(i) Bachelor's degree in early childhood education or related field.

(ii) Two or more years of college including at least 15 hours of early childhood education courses and one year of experience in a child development facility.

(iii) A high school diploma or its equivalent and 3 years of experience as a teacher or assistant teacher in a child development center, plus, within two years after the effective date of this regulation, 9 college credit hours in early childhood education or a related field.

(B) The duties of a teacher shall include but not be limited to the following:

(i) Initiating daily activities related to the child development program.

(ii) Maintaining an attractive, clean room.

(iii) Supervising the assistant teacher, when assigned.

(iv) Attending in-service training programs when offered.

(v) Making periodic progress reports on the children to the parents.

(3) Assistant Teachers

(A) An assistant teacher shall be qualified by meeting the requirements of one of the following:

(i) Two or more years of college and demonstration, to the satisfaction of the director, of skill and competence with children.

(ii) A high school diploma and certificate in child development from an accredited vocational high school or, in lieu of such certificate, one year of experience in a child development center.

(B) The duties of an assistant teacher shall include but not be limited to the following:

(i) Assisting the teacher and participating in the planning of the daily program.

(ii) In the absence of the teacher, assuming responsibility for the children in the group.

(iii) Attending in-service training programs when offered.

(4) Aides

(A) An aide shall demonstrate, to the satisfaction of the director, the ability to work well with children.

(B) The duties of an aide shall include, but not be limited to, the following:

(i) Assisting the teacher and assistant teacher, as directed.

(ii) Attending in-service training programs when offered.

(5) Foodhandling and maintenance personnel

Child development centers shall provide sufficient personnel to maintain standards of sanitation and safety consistent with all applicable District rules and regulations.

(b) Group size and child-adult ratio

The size of any one group of children shall not exceed that specified below for each age group. There shall be a teacher, who may also be the director, and an assistant teacher or aide for each group at all times, except that in part-day programs (up to 4 hours per day), a volunteer may be substituted for an assistant teacher or aide.

Age	Maximum size of group	Child-adult ratio
2 years to 2 years, 6 months	8	4 to 1
2 years, 6 months through 3 years	16	8 to 1
4 years	20	10 to 1
5 years	25	15 to 1
6 years through 14 years	30	15 to 1

When children of different ages are placed in one group, the ratio shall be adjusted, subject to the approval of the Commissioner, so as to protect the welfare of the younger children in the group. A change in child-adult ratios shall be made only with the approval of the Commissioner when he finds that such change will not result in decreasing the effectiveness of the child development program.

(c) Program requirements

The daily child development program of a center shall:

(1) Reflect knowledge and understanding of the fundamental needs and development of children.

(2) Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.

(3) Provide a balance between periods of active play and quiet activities. Full day programs for children under 6 years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

(4) Provide daily activities for each child designed to:

(A) Influence a positive concept of self.

(B) Stimulate motivation.

(C) Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

(D) Help him to deal with reality through undertaking real tasks and learning to master them.

(E) Provide creative and aesthetic experiences.

(F) Help him to develop skills in both large and small muscle activities.

(G) Help him to take responsibility for his bodily needs and encourage good health habits.

(5) Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

(d) Center equipment and supplies

(1) Each center shall have a sufficient number, for the size of the enrollment of the center, of toys, games, equipment, including outdoor play equipment, raw materials, and books which are safe for use by children and adequate for the requirements of the child development program.

(2) In full day programs each child shall have his own toilet articles.

(3) Individual eating and drinking equipment, including, but not limited to, a fork, spoon, plate and cup for each child shall be provided by the center as appropriate, when meals or snacks are served.

(4) An emergency supply of clothes shall be available, and wet and soiled clothes shall be changed promptly.

(5) Centers shall be equipped with furnishings, including tables, cots, chairs, and shelves, appropriate to the age, size and activities of the children, and sufficient for the number of children enrolled in the program.

(6) In full day programs, there shall be a clean cot for each child under six years of age. The cots shall be stacked or folded when not in use, so as not to infringe on play space. When in use, there shall be a minimum of 2 feet between each cot and aisle space of not less than 2 feet between rows. A clean blanket shall also be provided by the center for each child.

(e) Meals and snacks

(1) Food shall be protected and stored in accordance with Title 8, Chapter 6, Part 1, District of Columbia Health Regulations (General Food Regulations).

(2) According to the program offered, food suitable to the

ages of the children shall be provided which shall be nutritionally equivalent to the following:

Breakfast:

1 serving of fruit or vegetable juice
Eggs or protein-rich food 2 or 3 times a week
1/2 cup of cooked cereal or 3/4 cup dry cereal or
1 slice of enriched bread

Morning snack:

1 serving of fruit or vegetable juice
1 serving of enriched bread, crackers, or cereal

Lunch:

2 oz. of meat or other food containing equivalent amount of protein
2 or more servings of vegetables or fruit
1 serving of bread
1 serving of butter
1/2 cup of whole milk

Afternoon snack:

1 serving of fruit or vegetable juice or 1/2 cup of whole milk
1 serving of enriched bread, rolls, or cereal

Section 402. Child Development Homes

(a) Caregiver. Each child development home shall have at least one caregiver who shall be between 18 and 70 years of age, and who shall be responsible for the supervision and administration of the child development home, including:

(1) Compliance with the health requirements of Section 403 and maintenance of records as required by Section 404 of this regulation.

(2) Compliance with all applicable District rules and regulations, except that food handling, preparation, and service in child development homes shall be exempted from the requirements of Title 8, Chapter 6, Part 1 of the District of Columbia Health Regulations (General Food Regulations): Provided that such food handling, preparation and service shall be conducted in a manner consistent with the intent thereof.

(3) Development of a plan, to be approved by the Commissioner, for emergency situations, including designation of a responsible adult to substitute for the caregiver as needed. At no time shall infants or children be without adult supervision.

(4) Development of parent involvement in the child development program and in the activities of the child development home, including periodic progress reports on the infants and children to the parents.

(5) Cooperation with District officials trained in child

development who are assigned to work with the caregiver in planning and implementing the child development program.

(b) Program requirements.

The daily child development program of a child development home shall:

(1) Reflect knowledge and understanding of the fundamental needs, growth and development of children.

(2) Have continuity and flexibility so the needs of individual infants and children as well as the needs of the group are met.

(3) Provide a balance between periods of active play and quiet activities. For infants over 3 months of age this shall include play periods outside of the crib. Full day programs for infants and children under six years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

(4) Provide daily activities for each infant and child designed to:

(A) Influence a positive concept of self.

(B) Stimulate motivation.

(C) Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

(D) Help him to deal with reality through undertaking real tasks and learning to master them.

(E) Provide creative and aesthetic experiences.

(F) Help him to develop skills in both large and small muscle activities.

(G) Help him to take responsibility for his bodily needs and encourage good health habits.

(5) Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

(6) Include activities for children between the ages of 6 and 15 which shall provide opportunities for playing with peers, for solitary occupations, for study, for active play, for rest and relaxation, for learning new skills, for attending group after school programs, and for talking with and being listened to by a supportive adult.

(c) Equipment and supplies

(1) There shall be sufficient indoor and outdoor play

materials, toys, supplies, and equipment suitable to the ages of the infants and children to stimulate creative play.

(2) Playthings and toys (including parts of toys that come apart) for infants shall be large enough so that they cannot be swallowed; sturdy enough that they will not splinter or break; shall not have sharp points or rough edges; shall have paint or finishes that are safe if chewed or licked; shall not contain small parts that can come loose, such as buttons on stuffed animals; and shall be sanitary and easily washable.

(3) Toys shall be kept clean and in good repair.

(4) Each child in a full day program or each infant in a full or part day program shall have an individual bed, cot or crib, with adequate bedding provided by the child development home, kept in clean and sanitary condition at all times.

(5) Each infant or child shall be provided with space for his own clothing and belongings. Small children shall have at least one chair suitable to their needs and comfort.

Section 403. Health requirements

The caregiver or director of each child development facility shall be responsible for compliance with the following health requirements:

(a) No infant or child shall be admitted to a child development facility without having first obtained a complete health examination by a licensed physician. The results of such examination shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

(b) No infant or child shall be admitted to a child development facility without having first obtained all immunizations appropriate to the age of such infant or child, as required by the District Department of Human Resources.

(c) After admission to a child development facility each infant or child shall be required to obtain an annual physical examination, the results of which shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

(d) Basic first aid equipment and supplies shall be available at all times and staff shall be trained to administer emergency first aid including control of bleeding and administration of artificial respiration.

(e) In every child development facility a daily inspection of each infant or child for signs of illness shall be made prior to each infant's or child's admission. Any infant or child showing any sign of illness shall be excluded from the group.

(f) Provision shall be made for isolation of an infant or child who becomes sick or a child suspected of being sick. Parents or guardians shall be promptly advised of any illness or disability found in the infant or child.

(g) The temperature of an infant or child may be taken when indicated. The thermometer shall be cleaned and disinfected before and after each use.

(h) The parent or guardian of each infant or child admitted to a child development facility shall submit to the caregiver or director of the facility, on a form approved by the Commissioner, authorization for emergency medical treatment for the infant or child.

(i) No medicine or treatment, except emergency first aid, shall be given to any infant or child without a medical order or prescription from a licensed physician and the written consent of the parent or guardian. Any medicine so ordered or prescribed shall be clearly labeled as to the name of the infant or child, the name of the medicine, the dosage, and the name and telephone number of the infant's or child's physician.

(j) All child development facility employees shall be in good health. They shall have an annual health examination by a licensed physician. A written report stating that the person is free from tuberculosis and other disease in a communicable form shall be submitted by the physician to the facility caregiver or director.

Section 404. Recordkeeping

The following records shall be maintained for 3 years by the caregiver or director of a child development facility and shall be forwarded to or made available to the Commissioner for inspection as directed:

(a) Register. Information on where parents or guardians of each infant or child may be reached at all times shall be accurate and current. When the infant or child is living with someone other than parents, information required by items 7 through 9 of this subsection shall be submitted by that individual. The register shall contain the following information:

(1) Infant's or child's name in full
(2) Date of admission
(3) Sex
(4) Birthdate
(5) Home address
(6) Home telephone number
(7) Parents' names in full
(8) Parents' business addresses
(9) Parents' telephone numbers
(10) Designation of individuals authorized to receive infant or child at end of session
(11) Name of individual to be contacted in an emergency when parent is not available
(12) Date of child's withdrawal
(13) Reason for withdrawal

(b) Infant's or child's health record. A health record shall be maintained for each infant or child enrolled in a child development facility which shall contain the following information:

(1) Infant's or child's name in full
(2) Sex
(3) Birthdate
(4) Home Address
(5) Date of examination
(6) Physician's opinion concerning general physical condition of infant or child

(7) History of illnesses and diseases, including allergies and specific communicable diseases
(8) Recent exposure to communicable disease
(9) Specific immunizations received, with dates
(10) Result of tuberculin testing
(11) Correctable defects, recommendations and other remarks of examining physician
(12) Physician's signature
(13) Physician's address and phone number
(14) Parents' health insurance information
(15) Parent's signed authorization for treatment of infant or child in an emergency

(c) Employee record. A record containing the following information shall be maintained by the child development facility for each of its employees.

(1) Name and address of employing facility
(2) Employee's name in full
(3) Sex
(4) Birthdate
(5) Home address
(6) Title of position
(7) Duties
(8) Qualifications (attach copy of curriculum vitae)
(9) Date of appointment to present position
(10) Date of health exam
(11) Employee's health record including physician's opinion concerning employee's general physical condition, freedom from disease in a communicable form and ability to work closely with or care for infants or children without danger to such infants or children; date of chest x-rays; when indicated, date of laboratory tests for communicable disease; physician's signature, address and telephone number; and health insurance information.

(d) Employee appointment, promotion or withdrawal notification. A record of personnel actions shall be maintained by the child development facility which shall contain the following information:

(1) Name and address of employing facility
(2) Employee's name in full
(3) Date of promotion to or withdrawal from present position
(4) Name of staff member being replaced, if applicable
(5) Reason for withdrawal
(6) Signature of employee
(7) Signature of employer

Section 405. Physical requirements of the facilities

(a) Physical structure

(1) General applicable codes. All child development facilities shall conform with the Building Code of the District of Columbia (as amended herein), the Health Regulations of the District of Columbia and all other applicable District of Columbia rules and regulations.

(2) Building Code Amendments. The Building Code of the District of Columbia shall be amended as follows:

(A) Section 201.1 of the Building Code shall be amended to include the following definitions to be inserted alphabetically: "Child development center", and "Child development home", as defined in accordance with Section 103 of this regulation. The words "day nursery, day care center, or day care facility," and the definition thereof shall accordingly be deleted from Section 201.1 of the Building Code.

(B) Section 202.7(4)1 "Group F - Assembly" of the Building Code shall be amended to include the words "child development centers," after the words "purposes such as".

(C) Section 202.9, "Group L, Residential" of the Building Code shall be amended as follows:

(i) Sub-section (1), "Group L-1" shall be amended by adding the following: "Child development centers of fewer than thirteen (13) children provided that such centers comply with the requirements of Section 617.8 of the Building Code as amended herein; and child development homes".

(ii) Sub-section (2), "Group L-2," shall be amended by adding the following: "Child development centers for fewer than thirteen (13) children, provided that all children in such centers shall be fully ambulatory and capable of following instructions in emergencies; and child development homes".

(D) Section 617.8 "Residential L-1 Occupancies - Corridors" shall be amended by adding the following:

"For child development centers located in apartment buildings if the two means of egress from the facility discharge into the same corridor, the means of egress shall be separated in the corridor by a smoke stop partition having not less than a one-hour fire resistance rating. The door in the smoke stop partition shall be not less than 36 inches wide. The door assembly shall have a fire resistance rating of 20 minutes and shall be equipped with a self-closing device, a latch and an automatic hold-open device approved by the Commissioner."

(E) Section 616.2(1) 2 of the Building Code, "Residential L-2 Occupancies-Exit Requirements" shall be amended by adding, after the words "2500 square feet", the following: "except that, all habitable rooms in child development centers for fewer than thirteen (13) children and child development homes in unprotected wood-frame construction shall have access to two (2) separate means of exit at least one of which shall consist of an enclosed interior stair, or exterior stairway, or fire escape or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening."

(F) Section 616.4 of the Building Code, "Residential L-2 Occupancies-Protective Appliances" shall be amended by adding the following: "Child development homes and child development centers located in one- or two-family dwellings shall provide one fire extinguisher per floor, including the basement, and shall provide one extinguisher in the kitchen. Centers shall be equipped with a manual fire alarm system, except in those facilities equipped with either an automatic sprinkler system or an approved automatic fire detection system."

(G) Section 202.8(2), "Group H. Institutional" of the Building Code shall be amended to include after the words "nursing homes," the words "infant care facilities." The words "day nurseries" shall be deleted from this section of the Building Code.

(H) Section 405.1 of the Building Code shall be amended to read as follows: "All group H occupancy buildings of other than Type I or 2A construction shall be fully sprinklered except group H occupancies where the use is restricted to the first floor only."

(3) General Physical requirements:

(A) In a facility that houses both infants and children, except child development homes, the physical requirements for the infants shall apply, unless the area housing the infants is maintained as a separate fire area.

(B) Proper heating shall be provided. A minimum temperature of 65° fahrenheit shall be maintained in all rooms at all times.

(C) No surface or other items that children or infants may touch shall be painted with paint containing lead. Paints used on all such items or surfaces shall comply with the specifications for such in the Housing Regulations and the Health Regulations of the District of Columbia.

(D) Natural light and ventilation requirements of the Building Code shall be met in all child development facilities.

(b) Program Space Requirements

(1) Outdoor playspace

Suitable space for outdoor play shall be provided. This space shall be free from conditions which are or may be hazardous to the life or health of the children or infants. A minimum of 60 square feet of outdoor play area per child or infant per session shall be provided in an enclosed yard on the premises or in a nearby park or playground, or on a properly safeguarded roof facility, approved by the Commissioner.

(2) Indoor space

Adequate indoor space suitable for the daily program shall be provided. A minimum of 35 square feet per child per session, exclusive of bathrooms, closets, halls, kitchen and storage places, shall be provided. Play space shall be clear of cots except at nap time.

(3) Toilet facilities

At least one flush toilet and one lavatory shall be provided for every ten (10) occupants of the facility, including staff. Adult facilities shall be provided separately from those for the children or infants. When toilets and lavatories are not of a height to be used by the children without assistance, a block or step shall be provided. Training chairs shall be provided by the facility for use by children who require them. Training potties shall be emptied promptly and sanitized after each use. Soap and individual or paper towels shall be provided. A drinking fountain shall be provided in the facility or individual clean cups for drinking shall be provided.

(4) Isolation room

Enclosed space shall be provided for the isolation of children who may become ill.

(5) Storage

First aid supplies shall be stored in a location beyond the reach of children or infants but in a place readily accessible and known to all the staff. Prescription or other drugs and any household cleansers, chemicals or other substances or devices, including thermometers, that might be harmful to children or infants shall be stored out of reach of children in cabinets with doors that close securely.

(6) Telephone

All child development facilities shall be equipped with at least one non-coin operated telephone for use by staff in emergencies and readily accessible during the hours of operation of such facility.

(c) Other Safety Requirements

(1) Safety precautions such as barriers, gates and screens shall be provided at all windows, doorways and stairways. Insect screens shall be installed on all outside doors and openable windows. Porches, walkways, play areas, low windows and stairways which are elevated shall be equipped with barriers to prevent falls by children and infants.

(2) In child development centers all required exits shall be equipped with panic release hardware or with knob-type hardware that cannot lock from the inside. No other type of securing hardware may be used as supplemental to or in conjunction with this required type of hardware. Doors shall swing in the direction of egress.

(3) Child development homes and child development centers located in residential buildings shall provide at least one operable flashlight for each staff member. Such flashlights shall be stored in a location accessible to staff use in the event of a power failure.

TITLE V - ADVISORY COMMISSION ON CHILD DEVELOPMENT FACILITIES

Section 501. There shall be established by the District of Columbia Council an Advisory Commission on Child Development Facilities which shall review for and propose to the District of Columbia Council regulations related to child development facilities in the District.

Section 502. The Advisory Commission on Child Development shall have nine members, appointed by the Chairman of the District of Columbia Council. Three members of the Commission shall be operators of licensed child development facilities in the District. Three members of the Commission shall be parents of infants or children enrolled in child development facilities in the District. One member shall be a specialist in early childhood education. Two members shall be District residents who have demonstrated an interest in child development programs. A representative from the District Department of Human Resources, the District Department of Recreation and the District public schools shall participate as ex-officio non-voting members in the deliberations of the Commission.

Section 503. Of the initial appointees, three members shall serve a term of one year, three members shall serve a term of two years, and three members shall serve a term of three years, as designated by the Chairman of the District of Columbia Council at the time of appointment. Thereafter, all members shall serve a term of three years. Those appointed to fill vacancies created for any reason shall serve only the unexpired portion of the term unless reappointed. No member shall be reappointed after serving a full three year term on the Commission.

Section 504. The members of the Commission shall, by vote, elect a chairperson who shall serve in that office for a three year term. The chairperson of the first Commission shall be elected from among the three members designated to serve a three year term pursuant to section 503 of this regulation.

Section 505. The Commission shall meet when called by its chairperson and may develop rules of procedure for the execution of its responsibilities.

Section 506. The Commission shall serve without compensation.

Section 507. The Secretary of the District of Columbia Council shall provide appropriate assistance to the Commission."

Section 2. EFFECTIVE DATES

(a) Titles I through IV of this regulation shall become effective on July 1, 1975.

(b) Title V of this regulation shall become effective immediately upon enactment.

Regulation No. 74-35

December 12, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION ESTABLISHING ASSESSMENT AND REASSESSMENT REGULATIONS OF REAL PROPERTY AND RELATED MATTERS

Chairman John A. Nevius Presents the following regulation:

WHEREAS, Public Law 93-407, signed by President Ford on September 3, 1974, requires the Mayor and the Council to act together to promulgate assessment and reassessment regulations for real property and related matters within ninety days of enactment; and

WHEREAS, the Mayor has submitted to the Council his proposed regulations, in accordance with provisions 421 (c), 421 (e) and 421 (f) of Public Law 93-407, within the required forty-five days from enactment; and

WHEREAS, the Committee of the Whole of the D. C. Council published the Mayor's proposal on October 29, 1974 in the D. C. Register as required by the D. C. Administrative Procedures Act and held, after due notice, public hearings on November 12, 1974.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 100. SCOPE OF REGULATIONS

These regulations concern the assessment and reassessment of real property and matters relating thereto consistent with the provisions of the District of Columbia Real Property Tax Revision Act of 1974 and other applicable provisions of law.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS				X		FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 2, 1974

Presented to the Mayor-Commissioner December 2, 1974 (Date) Edward B. Wilkey (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 12 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: (Date)

Disapproved and returned to the City Council (Mayor-Commissioner) (Date)

Readopted (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wilkey
Secretary of the City Council

Certified copies are available.

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Section 101. DEFINITIONS

(a) Act. The word "Act" means the District of Columbia Real Property Tax Revision Act of 1974 (Public Law 93-407).

(b) Arms Length Transaction. The term "arms length transaction" means the sale of property which was exposed for sale in the open market under prevailing market conditions with a reasonable time for the seller to find a purchaser and which took place between parties who had knowledge of the uses to which the property could be put, both seeking to maximize their gains and neither being in a position to take advantage of the exigencies of the other.

(c) Assess. Except where specifically provided otherwise, the word "assess" means to value real property for tax purposes.

(d) Assessment. Except where specifically provided otherwise, the word "assessment" means a real property valuation established by the Commissioner for tax purposes against which the rate of tax is applied to arrive at the tax liability.

(e) Assessment Areas. The term "assessment areas" means the geographic areas within the District which have been designated by the Commissioner as areas for assessment purposes.

(f) Cities of Comparable Size. The term "cities of comparable size" means at least the 30 largest cities in the United States as listed in the United States Bureau of the Census population studies.

(g) Commissioner. The word "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967, or his authorized representative.

(h) Council. The word "Council" means the District of Columbia Council established under Reorganization Plan Numbered 3 of 1967.

(i) Erected. The word "erected" means completely built and finished.

(j) Estimated Market Value. The term "estimated market value" means 100 per centum of the most probable price rounded to the nearest one hundred dollars at which a particular piece of real property, if exposed for sale in the open market with a reasonable time for the seller to find a purchaser, would be expected to transfer under prevailing market conditions between parties who have knowledge of the uses to which the real property may be put, both seeking to maximize their gains and neither being in a position to take advantage of the exigencies of the other.

(k) Real Property. The term "real property" means real estate identified by plat on the records of the District of Columbia Surveyor according to lot and square together with improvements thereon.

(l) Roofed and Under Roof. The word "roofed" and the phrase "under roof" mean the stage of completion of a structure where the main roof and the roofs of any structures thereon are in place.

(m) Tax Year. The term "tax year" as used in these regulations shall have the same meaning as that term is given in the Act.

(n) Vicinity of the District and Washington Metropolitan Area. The terms "vicinity of the District" and "Washington Metropolitan Area" mean Prince Georges and Montgomery Counties in the State of Maryland and Arlington and Fairfax

Counties, and the city of Alexandria and the city of Fairfax in the State of Virginia.

Section 102. REAL PROPERTY TAX RATE

(a) Commissioner. (1) On or before July 15 of each year the Commissioner shall submit to the Council, in accordance with the provisions of the Act, a proposed real property tax rate for the tax year. The Commissioner may extend for up to thirty days the period for submitting the tax rate.

(2) At the time the Commissioner submits to the Council the proposed tax rate under paragraph (1) of this sub-section, he shall also submit, in addition to other information required by the Act, the real property tax rate (rounded to the nearest penny) calculated to yield in the tax year the same amount of revenue (exclusive of the revenue attributable to new construction) as was raised by that tax at the rate applicable during the year preceding the tax year.

(3) When the rounding of the tax rate in accordance with sub-section (2) of this section does not yield the same amount of revenue as was obtained from the previous year's levy, the tax rate shall be increased to the nearest penny which will yield at least the same amount of such revenue.

(b) Establishment of Rate. (1) The Council, after public hearing, shall establish each year a tax rate within thirty days after receipt of the proposed rate submitted by the Commissioner.

(2) The Council may, by resolution, extend the time for setting the rate of taxation, except that if the Council does make such an extension, it must establish the tax rate for that tax year.

(c) Tax Rate and Burden Studies. (1) On or before June 30, 1975 and each succeeding year thereafter, the Commissioner shall compile and publish studies based on the best information available regarding the relative amount of tax burdens for all major taxes compared with those in surrounding jurisdictions in the Washington metropolitan area and other cities of comparable size.

(2) In establishing the rate each year the Council shall consider the tax burdens studies made pursuant to paragraph (1) of this sub-section and any other comparisons it deems advisable to make.

(3) Major taxes for purposes of tax burden studies of individuals shall include, but not necessarily be limited to, individual income taxes, real property taxes, sales taxes and motor vehicle taxes.

(4) The tax impact study on businesses shall be an annual study which shall present business tax rate comparisons. Major taxes for purposes of comparing tax rates on businesses shall include, but not necessarily be limited to, real property taxes, business income taxes, personal property taxes and major excise taxes.

(5) For purposes of Section 413 of the Act major classes of property shall mean, with respect to taxable properties, at least the following two classes: (1) residential real property and; (2) commercial real property and, with respect to exempt property, at least the following three classes: (1) United States government owned properties; (2) District government owned properties, and, (3) all properties other than United States Government and District of Columbia government owned properties.

Residential property shall include the following: (1) vacant land zoned for residential use; (2) residential garages, and, (3) all improved property used primarily for residential dwelling purposes, including

detached dwellings, semi-detached dwelling, row dwellings, flats, residential condominiums, cooperatives and apartments.

Commercial property shall include all taxable real property other than residential property.

Section 103. ASSESSMENT-SALES RATIO STUDIES

(a) The Commissioner shall annually prepare and publish an assessment-sales ratio study for major classes of property for the entire District and for major classes of property within each assessment area for which sufficient data is available as determined by the Commissioner.

(b) Results of the study shall be published in the D.C. Register and made available to the press.

Section 104. ASSESSMENT

(a) All real property shall be assessed no less frequently than once every two years, and as soon as practicable such assessment shall be made annually except that for fiscal year 1978, and for each fiscal year thereafter, all real property shall be assessed on an annual basis.

(b) For purposes of this section, the terms "assess" and "assessed" do not include changes in assessed value resulting from new construction, additions to existing structures, damages to or destruction of property, and any other similar changes specified in Sections 47-710 and 711 of the D.C. Code.

Section 105. ASSESSED VALUE

(a) The assessed value of all real property shall be the proposed estimated market value established on or before January 1 of the year preceding the tax year, as determined by the Commissioner, except that the assessed value of new structures and other improvements added to the assessment roll as of July 1 "each year shall be the estimated market value as of that July 1" and the assessed value of new structures and improvements added to the assessment roll as of January 1 each year shall be the estimated market value as of January 1 of the tax year

(b) The assessed value of a property shall be established on the basis of the most current, accurate, and conclusive evidence of market value available at the time the assessed value is determined.

Section 106. INSPECTION OF PROPERTIES

The Commissioner is authorized to conduct exterior and interior inspection of properties when, in his judgment, such inspection is necessary in establishing assessed values

Section 107. ASSESSMENT AREAS

(a) The Commissioner may designate geographic assessment areas for purposes of analyzing market values.

The boundaries of the assessment areas may be changed as necessary in order to reflect changing economic or other conditions which have a bearing on the market value of properties. Whenever the Commissioner deems it desirable,

for the purpose of analyzing market values, to analyze values by types of property as, for example, all motels or all hotels, rather than only those types of properties located in a geographical area, he may do so.

(b) Descriptions of the boundaries of the areas or maps showing the boundaries shall be made available to the public during normal business hours.

Section 108. FACTORS AND APPROACHES WHICH MAY BE USED IN ESTABLISHING ASSESSED VALUES

(a) In determining the assessed value of property the Commissioner shall take into account all available information which may have a bearing on the market value of the real property including but not limited to government imposed restrictions, sales information for similar types of real property, mortgage or other financial considerations, replacement costs less accrued depreciation because of age and condition, income earning potential (if any), zoning, the highest and best use to which the property can be put, and the present use and condition of the property and its location.

(b) In considering the above factors, the Commissioner may apply when appropriate one or more of the following generally recognized approaches to value or any other method he deems necessary to arrive at estimated market values:

(1) The comparable sales approach to value. The price or prices at which reasonably comparable properties have recently sold.

Sales which represent arms length transactions between buyer and seller shall be used in analyzing market values.

Sales which do not represent arms length transactions shall either be disregarded or adjusted for differences.

Sales comparisons may be made by property type within an assessment area.

If sufficient sales data for an assessment area are not available, sales data from other similar areas may be used.

(2) The replacement cost approach. The cost of replacing property with new property of similar utility at present price levels, less the extent to which the value has been reduced by depreciation because of age, condition, obsolescence, or other factors.

The replacement cost of a property may be estimated either by (1) adjusting the property's original cost for price level changes, or (2) applying current prices to the property's labor and materials components and taking into account any other costs typically incurred in bringing the property to a finished state.

Replacement cost shall be reduced by the amount of the estimated loss of value because of age, condition or other factors.

(3) The income approach to value. The amount that investors would be willing to pay to receive the income that the property could be expected to yield.

An indication of the value of an income producing property may be estimated by computing the present worth of a future income stream.

The income stream is capitalized or converted into an indicated

value. The amount to be capitalized may be either the gross or net return.

Section 109. INFORMATION TO BE PROVIDED BY PROPERTY OWNERS

(a) Whenever the Commissioner shall determine that in order to carry out his functions and responsibilities under the Act, facts in the possession of a property owner should be made available to the Commissioner he may, by written notice to the property owner, require such owner to provide to him, on the form prescribed by the Commissioner, such facts as, in the discretion of the Commissioner, will assist him in determining the estimate of the market value of the property. In the absence of any extension of time granted by the Commissioner all such forms shall be filed with the Commissioner within 30 days from the time of the mailing of the written notice to the property owner.

(b) Any information obtained from a property owner pursuant to this section concerning any income derived from investment or income-producing real property shall be handled in the same confidential manner as is provided in paragraphs (a), (b), (c), and (d) of Section 47-1564(c) of the District of Columbia Code.

(c) Any violation of the provisions of sub-section (b) of this section shall be a misdemeanor and shall be punishable by a fine not exceeding $1,000.00 or imprisonment for six months, or both, in the discretion of the Court. All prosecutions under this section shall be brought in the Superior Court of the District of Columbia on information by the Corporation Counsel of the District of Columbia or any of his assistants in the name of the District of Columbia.

Section 110. AVAILABILITY OF RECORDS

(a) The preliminary assessment roll, as prescribed by Section 424(a) of the Act, all maps, field books, assessment sales-ratio studies, copies of any documents received from the Office of the Surveyor and plats shall be available for public inspection during normal business hours.

(b) Records of individual properties including any notes and memorandums and any statement indicating the basis upon which the real estate has been assessed shall be open for inspection by the taxpayer or his designated agent during normal business hours, except that the taxpayer may be required to give to the Commissioner at least 24 hours notice in advance of his intention to inspect records.

(c) Copies of all material shall be furnished to any person upon request for a charge not to exceed the cost of producing such copies.

Section 111. PUBLICATION OF ASSESSMENT LISTING

(a) The Commissioner shall publish annually a listing of assessed values of all properties by lot and square and address where available.

(b) The Commissioner shall publish such listing in sufficient quantity to allow for distribution to the Municipal Center, the District Building, the main public library and to a public library branch in each of the eight wards of the city. Notice of publication and of the location of the listing shall be published in the D. C. Register.

(c) Additional copies of the listing shall be made available to the public upon request at the lowest charge which would cover the cost of reproducing the listing.

Section 112. NOTIFICATION TO TAXPAYER

(a) The Commissioner shall notify each owner of taxable property, by mail,

of the assessment of his real property for the next fiscal year.

(b) Notices shall be mailed as soon as possible after January 1, but not later than March 1 of each year.

(c) Unless otherwise specified, any notice, bill or statement required by these regulations or other applicable provision of law to be served upon the property owner shall be deemed to be served when mailed by first class mail to the last known address of the property owner as recorded in the real estate assessment records of the District.

(d) The notice or accompanying statement shall include all of the information required by Section 425 of the Act.

Section 113. INFORMATION FROM OTHER DISTRICT OF COLUMBIA AGENCIES

(a) Within five days from the date of the filing of a Deed Recordation tax return the Recorder of Deeds shall transmit such return to the Department of Finance and Revenue, D. C.

(b) The Department of Economic Development, D. C., shall forward to the Department of Finance and Revenue, D. C., a copy of each building permit relating to structural, electrical, or plumbing changes within 5 days from the date the permit is approved.

(c) The Zoning Commission of the District of Columbia shall provide to the Department of Finance and Revenue, D. C., a detailed listing of all zoning and land use changes within 10 days from the date of the adoption of such change.

(d) The Office of the Surveyor, D. C., shall provide the Department of Finance and Revenue, D. C., with copies of all plats recorded in the subdivision books, plats recorded in connection with condominiums, and other plats recorded with respect to record lots within 10 days after they are recorded with the Office of the Surveyor, D. C.

(e) The Board of Zoning Adjustments of the District of Columbia shall submit to the Department of Finance and Revenue all approved zoning variances within 15 days from the date of the adoption of such variances.

(f) The Fire Marshal of the Fire Department of the District of Columbia shall on or before the 10th day of each month provide the Department of Finance and Revenue, D. C., with a listing of each real property damaged or destroyed by fire in the District of Columbia.

(f) The Commissioner, upon request, may extend the time for the filing of any documents required to be filed with the Department of Finance and Revenue, D. C., under this section.

Section 114. COMPENSATION OF MEMBERS OF THE BOARD OF EQUALIZATION AND REVIEW

Each member of the Board of Equalization and Review shall receive compensation at a rate of one-two thousandth of the annual salary of the first step of Grade 15 of the General Schedule in Section 5332 of Title 5 of the United States Code for each hour such member is engaged in the actual performance of duties vested in the Board, except that the chairman shall receive compensation at the rate of one-two thousandth of the second step of Grade 15 of the General Schedule in Section 5332 of Title 5 of the United States Code for each hour he is engaged in the actual performance of duties vested in the Board.

Section 115. ESTABLISHING MARKET VALUES

(a) When in accordance with Section 426 (f) of the Act the Board raises or lowers the estimated market value of any real property which it finds to be more than 5 per centum above or below the estimated market value contained in the preliminary assessment roll, it shall change the value to an amount equal to the Board's estimate of market value of such property.

(b) The Board shall not consider average ratio studies to be a basis for changes in market value of any property or properties if it finds that other factors such as physical inspections of properties, analysis of sales data other than that contained in the average ratio study, construction cost data or data relating to the potential income, if any, of the property require a variance from the average ratio studies.

Section 116. PAYMENT OF REAL PROPERTY TAX

(a) Real property taxes are payable semi-annually in the months of September and March, provided that if the Council does not set the tax rate by August 15 of the tax year the first-half bill shall be due and payable thirty (30) days after the date of the mailing of the tax bills, in which event penalty and interest shall not begin to accrue until after the expiration of the period for payment.

(b) The tax bill shall identify the property by parcel or lot and by square number, state the amount of tax due and the manner in which such tax is payable according to law, and state whether there are any delinquent taxes on such property.

Section 117. DELINQUENT NOTICES

(a) Prior to July 1 of each year, notices of delinquent tax shall be mailed to the record owner or his designated representative as to real property upon which any tax for the current fiscal year is unpaid after March 31.

(b) Prior to December 1 of each year, a second notice of delinquent tax shall be mailed to the record owner or his designated representative as to real property upon which any amount of tax for the fiscal year ending on the preceding June 30 has not been paid. The notice provided for in this subsection shall state that the real property involved will be sold at public auction at the next scheduled tax sale if the taxes due and owing, including any penalty and interest thereon, are not paid prior to such sale.

Section 118. DELINQUENT TAX LIST

(a) There shall be prepared annually a list of all real property in the District upon which taxes were in arrears on the first day of July.

Section 119. ADVERTISING OF DELINQUENT TAX LIST AND NOTICE OF SALE

(a) A list of all taxes, charges, and assessments on real property in the District of Columbia subject to taxation on which said taxes, charges, and assessments have been levied and are in arrears on the first day of July of each year and a notice of the sale of such property shall be advertised once in two major daily newspapers published in the District of Columbia at least three weeks prior to the day fixed for such sale.

(b) The notice of sale shall set forth the types of delinquent taxes, charges, and assessments for which the property is being sold. The notice shall also state that the property will be sold at public auction to the highest bidder thereon, and

shall recite the date, time, and place of said sale.

(c) Each item on the delinquent tax list shall contain the name of the owner of the property, a description of the delinquent property by parcel, square, and lot numbers, and shall indicate the total amount of taxes, penalties, interest, and charges due.

Section 120. DELETIONS

A real property shall be deleted from the delinquent tax list upon payment at any time up to the time of the tax sale of all taxes, penalties, interest and other charges due.

Section 121. DEPOSIT REQUIRED

Every purchaser of property at a tax sale shall be required to deposit with the District at the time of sale not less than 20% of the purchase price as a guarantee of the payment of the total amount required to be paid by the purchaser.

Section 122. PUBLIC AUCTION

(a) All properties remaining on the delinquent tax list shall be sold at public auction beginning at the time and place specified in the notice provided for in section 106.5 of these regulations.

(b) Properties to be sold shall be announced by lot, square and parcel numbers.

(c) A bidder at the tax sale shall bid by stating his name or, if he is acting for another, the name of his principal, and his opening bid shall be at least equal to the total amount of tax, penalty, interest and other charges due the District.

(d) In the event no bid is received for a property which is at least equal to the total amount of tax, penalty, interest and other charges due, the property shall be deemed bid off and sold to the District of Columbia.

Section 123. FORFEITURE OF DEPOSIT

The deposit of any purchaser at a tax sale who fails to pay the full amount of his bid price, including surplus, within five days after the last day of sale shall be forfeited to the District.

Section 124. CERTIFICATE OF SALE

A Certificate of Sale shall be issued to the purchaser of each property sold at the tax sale.

Section 125. RECORDING OF SALE

Within twenty (20) days, exclusive of Saturdays, Sundays and legal holidays, after the last day of the tax sale, a written report shall be filed with the Recorder of Deeds describing each property sold, except those bid off to the District, to whom assessed, the tax and penalty and other charges due, the name of the purchaser, the sale price, the date on which the property was sold, the costs of sale involved, and the surplus bid for the property, if any.

Section 126. NOTIFICATION OF REDEMPTION PERIOD

Not less than thirty (30) days prior to the expiration date of the two year

redemption period, the record owner shall be notified, by certified or registered mail, of the final date by which he must redeem his property.

Section 127. DEEDS TO THE DISTRICT

Upon issuance of a deed to the District of Columbia pursuant to Section 437 of the Act, all outstanding taxes, penalties and interest, and charges of any kind which may be due as to the property described in the deed, shall be expunged.

Section 128. TAX DEFERRAL

(a) Taxpayers eligible under Section 435 of the Act may defer payment of any real property tax owed in excess of 110 per centum of his immediate preceding year's real property tax liability.

(b) Taxpayers eligible under Section 436 of the Act may defer payment of any real property tax owed which is attributable to an increase in assessed value of more than 25 per cent over the assessment of the immediately previous fiscal year.

(c) The taxpayer must have owned the residential real property for which the tax deferral is claimed for at least 60 consecutive months prior to July 1 of the tax year in which the deferral is requested.

Section 129. COMPUTATION OF DEFERRAL AMOUNTS

(a) Increases in assessed valuation resulting from improvements made since the last previous assessment may not be included in the calculation of the increase in real estate tax payable for purposes of Section 435 and 436 of the Act. The amount of increased value resulting from improvements to the property shall be provided by the Commissioner upon request.

(b) Any increase in tax attributable to increases in the tax rate shall not be included in the computation of deferral amount in the case of eligible taxpayers with household adjusted gross incomes in excess of $20,000.

Section 130. REQUESTS FOR DEFERRAL

(a) Written requests for deferral must be filed at the same time that the first half tax bills are due and payable. Reasonable extensions of time may be granted by the Commissioner upon written request and for good cause shown.

(b) Adjustments in tax liability resulting from tax deferrals shall be made on the second half tax bill. No adjustments shall be made on the first half tax bill.

(c) A taxpayer who elects to pay both his first half and second half bills on or before the due date for the first half payment shall not deduct his claimed amount of deferral from the amount of tax due. The amount of deferral for which he is eligible will be refunded after review and approval of the request for deferral.

(d) Taxes deferred pursuant to Sections 435 and 436 of the Act shall bear interest compounded annually. The rate of interest applied in each year shall be the average Treasury bill rate for the twelve months preceding July 1 of the tax year in which the deferral is granted, as certified by the Secretary of the Treasury to the Commissioner.

Section 131. COMBINED HOUSEHOLD ADJUSTED GROSS INCOME

(a) For purposes of the application of Sections 435 and 436 of the Act, the words "combined household adjusted gross income" shall mean the adjusted gross incomes (for District income tax purposes) of all members of the taxpayer's family who resided in the residential real property during the previous calendar year.

Section 132. TAX RELIEF FOR HISTORIC SITES

(a) The Joint Committee on Landmarks of the National Capital shall on or before December 15, 1975, provide the Commissioner with a listing of all buildings which they have designated historic landmarks, and shall notify the Commissioner on or before June 15 and December 15 of each succeeding year of any additions or deletions to such listing.

(b) In order to be eligible for tax relief provided by Section 432 of the Act, owners of buildings which have been designated historic landmarks by the Joint Committee on Landmarks of the National Capital shall enter into an agreement with the Commissioner for a period of not less than twenty years to use and maintain the building in a manner which will assure the continued maintenance and preservation of the building as an historic site.

(c) An eligible building whose owner has entered into an agreement with the Commissioner in accordance with sub-section (b) of this section shall, in addition to being assessed at full market value, be assessed, both as to land and improvements, as an historic site, which latter assessment, if it is less than the full market value determined without regard to the historic nature of the building, shall be the basis of tax liability to the District of Columbia.

(d) If the Commissioner determines that a building or any part thereof as to which an agreement has been entered into with the District in accordance with sub-section (b) of this section was not used and properly maintained in accordance with the agreement during all or any part of any fiscal year, such building, or part thereof, shall be assessed for such fiscal year, or part thereof, on the basis of full market value. The difference, if any, between the assessments made on the basis of full market value and the assessments primarily made on the basis of the current use of the land and improvements shall be the basis of tax liability for violation of the agreement. Any back taxes, plus interest at the prevailing United States Treasury rate of interest for the fiscal year or part thereof during which the terms of the agreement were not met, which may be due and owing shall be payable within sixty (60) days after the date of mailing by the Commissioner of a notice to the owner of the amount of taxes and interest due.

Section 133. ELIGIBILITY FOR EXEMPTION

Real property must meet all of the following conditions to be eligible for exemption from taxation.

(a) Title to the real property for which exemption is sought must be recorded in the name of the organization, or institution requesting exemption from taxation on or prior to the effective date of the exemption; and

(b) Must be occupied by and used by the organization or institution seeking exemption for at least one of the types or categories of exempt purposes as defined in the real estate tax exemption act of December 24, 1942 (Section 47-801, D. C. Code).

Section 134. APPLICATION FOR EXEMPTION

(a) Exemptions from taxation of real property must be by written application except for the following:

(1) Property owned by the United States Government;

(2) Property owned by the Government of the District of Columbia;

(3) Property owned by the Commonwealth of the Philippines and used for government purposes;

(4) Property owned by foreign governments not under a treaty agreement and used for legation purposes;

(5) Property specifically exempt by Acts of Congress.

(b) (1) All applications for an exemption of real property must be in writing and filed with the Commissioner.

(2) The following information must be included in the application for exemption:

a. Name of the applicant;

b. Location, square, and lot number of the real property involved;

c. Date real property was acquired;

d. Current and proposed future use of real property;

e. Description of the activities of the applicant;

f. Name, address, and telephone number of person to be contacted for an inspection of the real property;

g. Such other information as the Commissioner may require.

(c) Action on Applications

(1) Real properties for which an application for an exemption has been filed shall be physically inspected to verify and evaluate data in the application and results of the inspection will be recorded.

(2) Written notice of the granting or denial of an application for exemption shall be mailed to the applicant and shall cite the provision of law under which an exemption is granted, or the reason for its denial and the effective date of the exemption, if approved.

(3) If a request for an exemption is denied, the procedure for appeal will be included in the notice to the applicant for exemption.

Section 135. TAXABLE OR EXEMPT STATUS

(a) Tax status of any real property on July 1 of any year will prevail for the respective properties for the entire fiscal year except for properties sold by the U. S. Government after July 1, in which case the property tax will be computed on a pro-rata basis beginning with the date of sale and will be payable by the property buyer.

(b) Requests for exemption from property tax if approved are effective on July 1 of the fiscal year for which the exemption is granted.

(c) Property, except for property sold by the United States, which loses its

exempt status for any reason becomes taxable on July 1 following the date the exemption expires.

Section 136. ANNUAL REPORT ON EXEMPT REAL PROPERTIES

(a) Every owner of real property exempt from taxation, except the United States Government, the District of Columbia Government, and foreign governments must furnish the Commissioner a report on or before March 1 of each year stating under oath the purpose for which the exempt property has been used during the preceding calendar year.

(b) Annually, on or before February 1, notice of the reporting requirement, together with a report form prescribed by the Commissioner, shall be mailed to each such owner of exempt property. Failure of the owner to receive the notice or report form shall not relieve the owner from compliance with the requirements of sub-section (a) of this section.

(c) A second notice will be mailed to each non-responding owner no later than ten (10) days prior to March 1 of each year restating the filing requirement. Failure of the owner to receive the notice or report form shall not relieve the owner from compliance with the requirements of sub-section (a) of this section.

Section 137. EXTENSIONS OF TIME

For good cause shown, the Commissioner may extend the time for filing the annual report of an exempt organization for a period not to exceed thirty (30) days after March 1, providing such request for extension is filed prior to March 1.

Section 138. ASSESSMENT OF UNREPORTED PROPERTIES

(a) If the report required to be filed by sub-section (a) of section 136 is not filed within the time provided therefor, or as extended by the Commissioner, the property affected shall immediately be assessed and taxed but the tax assessed under this section shall be for a minimum period of thirty (30) days.

(b) A tax bill shall be mailed to the owner for each month or portion of a month that the report remains unfiled, together with interest thereon at the rate provided by law.

(c) Exempt properties upon which taxes are delinquent are subject to inclusion in the annual tax sale in the same manner as other delinquent properties.

Section 139. REVIEW OF REPORTS

(a) Annual reports will be reviewed each year to determine eligibility for exemption for the ensuing fiscal year.

(b) The Commissioner may require the furnishing of additional information and may conduct a physical inspection of the property at his discretion.

(c) Any property no longer eligible for exemption shall be returned to a taxable status effective July 1 of the ensuing fiscal year and the owners so notified in writing.

(d) If after the filing of the annual report but prior to July 1 of any year it is determined by the Commissioner that the property is no longer entitled to be exempt from tax the exemption shall be terminated as of July 1.

Section 140. EFFECTIVE DATE

Except as otherwise specifically provided in the Act or in these regulations, these regulations shall become effective immediately upon adoption by the Council.

Regulation No. 74-36

December 13, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE A REGULATION REQUIRING SAFEGUARDS ON THE SALE OF LIVE TURTLES OR TURTLE EGGS

Dr. Henry S. Robinson, Jr. ---------- Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized, pursuant to paragraph (4) of Section 402 of Reorganization Plan No. 3 of 1967, to make regulations under D.C. Code, sections 1-226 and 1-227, for the protection of the health of persons within the District of Columbia; and

WHEREAS, the District of Columbia Council is authorized, pursuant to paragraphs (134) through (136) of Section 402 of Reorganization Plan No. 3 of 1967, to make regulations regarding the control of communicable diseases; and

WHEREAS, the District of Columbia Council finds that diseased turtles pose a particular health hazard with regard to salmonella infection for humans, particularly young children.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 8-5:107 of the Health Regulations of the District of Columbia (as incorporated by reference into Title 6A, DCRR) is amended by adding the following new subsection at the end thereof:

"(f) Salmonella and the sale and distribution of turtles.

"(1) Definitions. As used in this subsection the term —

"(A) 'Person' means any individual, corporation,

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 3, 1974

Presented to the Mayor-Commissioner December 3, 1974 (Date) Edward B. Wells Jr. (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 13 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: ---------- (Date)

Disapproved and returned to the City Council ---------- (Mayor-Commissioner) ---------- (Date)

Readopted ---------- (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wells Jr. (Secretary of the City Council)

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Certified copies are available.

company, partnership, association, or other entity.

"(B) 'Turtle' means any animal of the order Testudinata (Chelonia), class Reptilia, having a carapace length of less than 4 inches, including those commonly known as turtles, tortoises, and terrapins, except marine species (families Dermochildae and Cheloniidae).

"(2) Sale of turtles. No person shall sell or offer for sale or distribution to the public, turtles or viable turtle eggs unless prior to such sale, offer, or distribution thereof there is filed with the Director proof that such turtles or turtle eggs come from a lot which has been certified to be free from the bacteria of the salmonella and Arizona genera, in accordance with procedures outlined in 42 CFR 72.26.

"(3) Duties of wholesalers and retailers.

"(A) It shall be the duty and obligation of all persons selling or offering for sale or distribution turtles or viable turtle eggs at wholesale to provide the retail dealer with the certificate of proof required by paragraph (2) regarding the lot of turtles which is then the subject of sale.

"(B) It shall be the duty of all wholesale and retail dealers to maintain turtle storage and display facilities free from the bacteria of the salmonella and Arizona genera.

"(4) Destruction of diseased turtles.

"(A) The Director may at any time take samples of tank water or any other appropriate method or sampling of turtles offered for sale or distribution and, after testing by a method deemed by the Director to be appropriate for the determination of the presence of such bacteria, order the humane destruction of any turtle, lots of turtles, or turtle eggs found to be contaminated with bacteria of the salmonella and Arizona genera or found to be held in water contaminated with such bacteria.

"(B) Such order shall be in writing, state with particularity the facts upon which it is based, including the specification of the tests utilized, and shall be served upon the person in whose possession the turtles or turtle eggs are found.

"(C) Any person receiving such an order for destruction shall within 10 days of the date of the notice —

"(i) destroy and dispose of such turtles or turtle eggs in a manner satisfactory to the Director, and so notify the Director in writing;

"(ii) request in writing that the Director destroy such turtles or turtle eggs; or

"(iii) notify the Director in writing that he wishes to appeal the demand for destruction.

"(D) In the event of such an appeal, the Director shall provide an opportunity for a hearing, by written notice to the appellant, specifying a time and place for the hearing, to be held within 10 days of the notice. Such hearing on appeal shall be consistent with hearing procedures afforded under the District of Columbia Administrative Procedures Act.

"(E) After service of an order for destruction of turtles or turtle eggs and pending their destruction or withdrawal of the demand by the Director following an appeal, the person in possession of the turtles or turtle eggs shall not sell, distribute, or otherwise dispose of any of the turtles or turtle eggs except to destroy the same as herein provided. Such person shall additionally take all reasonable steps necessary to ensure the containment of such contamination and safety of humans and other animals therefrom, pending final disposition of the appeal.

"(5) Warning notice to public. The following warning notice shall be posted conspicuously at every display of turtles for retail sale or distribution or where the public may handle turtles, unless the requirement is waived in writing by the Director:

" 'CAUTION: Turtles may transmit bacteria causing disease in humans. Therefore, it is important to:

(1) wash the hands thoroughly after handling turtles or material in a turtle bowl;

(2) prevent water or any other items from a turtle bowl from coming in contact with food or other areas where food is prepared;

(3) ensure that these precautions are followed by children or others handling turtles.'

"(6) Sale of turtle food. No person shall sell or offer for sale or distribution to the public turtle food unless such turtle food is free of the bacteria of the salmonella and Arizona genera.

"(7) Exceptions for certain special purposes. The provisions of this subsection shall not apply to turtles offered for sale, or distributed for bona fide educational, zoological, medical, scientific, or exhibition purposes, other than use as pets."

Section 2. Section 8-4:907 of the Health Regulations of the District of Columbia is amended by adding the following new subsection at the end thereof:

"(e) Turtles. The operator of a pet shop shall comply with the provisions of section 8-5:107(f) of these regulations regarding the sale and distribution of turtles in the District of Columbia."

Section 3. The amendments made by this regulation shall take effect thirty days after the date of enactment.

Regulation No. 74-37

Disapproved
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION GOVERNING THE LICENSURE OF FUNERAL SERVICES ESTABLISHMENTS, FUNERAL DIRECTORS AND EMBALMERS, AND APPRENTICE FUNERAL DIRECTORS AND EMBALMERS

Councilman Tedson I. Meyers Presents the following regulation:

WHEREAS, under Section 2344a of Title 47 of the D. C. Code the Council is authorized to adopt rules and regulations regarding the licensure and practice of funeral directing; and

WHEREAS, the Board of Funeral Directors and Embalmers has requested the Council to revise and modernize the existing regulations governing the licensure and practice of funeral directing; and

WHEREAS, District consumer groups, community groups, the D. C. Office of Consumer Affairs, and representatives of industry have urged the Council to include in the proposed regulation various consumer protections, including price disclosures, itemization of charges, and other protections and disclosures; and

WHEREAS, the Council finds that the inclusion of such consumer provisions is necessary to protect the interest and property of District of Columbia customers for funeral services,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

SECTION 1. The District of Columbia Council hereby adopts the following regulation, to be known as the Licensure of Funeral Services Establishments, Funeral Directors and Embalmers, and Apprentice Funeral Directors and Embalmers Regulation:

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS		X				FOSTER		X				PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE		X				SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 3, 1974

Presented to the Mayor-Commissioner December 4, 1974
Date

Edward B. Wohl
Secretary of the City Council

Approved _____
Mayor-Commissioner

_____
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council Walter Washington
Mayor-Commissioner

13 DEC 1974
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wohl
Secretary of the City Council

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Certified copies are available.

"Title I - SCOPE OF REGULATIONS

The scope of the regulations in this chapter extends to (1) the examination, licensure, registration, and regulation of persons who, in the District of Columbia, practice as undertakers or apprentice undertakers, and (2) the licensure and regulation of funeral services establishments.

Title II - DEFINITIONS

As used in this chapter, the following terms shall mean:

"Apprentice undertaker": a person licensed by the District to engage in learning to discharge the duties of an undertaker by performing such duties under the supervision of an undertaker duly licensed by the District;

"Board": the Board of Funeral Directors and Embalmers;

"Commissioner": the Commissioner of the District of Columbia;

"Customer": a person who makes arrangements with a funeral services establishment for the care and disposition of the body of a deceased person;

"Dead Body": the dead body of a human being or any part thereof;

"District": the District of Columbia;

"Division": the Occupational and Professional Licensing Division of the Department of Economic Development;

"Funeral Services Establishment", "Funeral Home", "Mortuary", "Funeral Chapel", means any place or premises devoted to or used in the care and preparation for funeral, burial, or transportation of dead human bodies, consisting of a chapel or room in which funeral services, including visiting hours prior to services, may be conducted, and a preparation room equipped and arranged as required by the health laws of the District of Columbia.

"Full-time employee": a person whose primary occupation is employment in an undertaking establishment as an undertaker duly licensed by the District;

"License": a license which entitles the holder thereof to practice in the District either as an undertaker or an apprentice undertaker, as the case may be; or a license which permits a person, partnership, or corporation to own and operate a funeral services establishment;

"Owner": any person, firm, corporation, company, association, or partnership owning an undertaking establishment;

"Person": a natural person, firm, corporation, company, association, or partnership;

"Practice of undertaking": engaging in the care and/or the practice of disinfecting and preparing by embalming or otherwise the human dead for the funeral service, transportation, burial or cremation. It shall also mean making arrangements for funeral services and/or selling funeral supplies including accouterments to the public and/or making financial arrangements for the rendering of such services and/or the sale of such supplies whether for present or future need;

"Undertaker": a person licensed by the District to perform those services directly affecting the care and preparation of a dead body for burial or cremation. As used in these Regulations, the term "Undertaker" includes mortician, funeral director and an embalmer as they relate to licensure in jurisdictions where these categories are licensed separately.

Title III - LICENSE REQUIREMENTS

Section 1. License required.

(a) No person shall, in the District, perform any of the duties of an undertaker or apprentice undertaker, unless such person is the holder of a current license issued in accordance with the Act of Congress approved August 1, 1974 (Section 47-2344a, D. C. Code, 1973 Edition), and these regulations.

(b) No funeral services establishment licensee shall permit a person in his employ or under his supervision to perform, within the District, any of the duties of an undertaker or an apprentice undertaker unless the person performing such duties is the holder of a current license issued in accordance with the Act of Congress approved August 1, 1947, (Section 47-2344a, D. C. Code, 1973 Edition) and these regulations, or is under the direct supervision, when performing those duties, of a holder of a current undertaker's license or apprentice undertaker's license. This prohibition does not extend to employees whose duties are limited to the business management side of the establishment.

(c) No person shall operate a funeral services establishment in the District of Columbia without obtaining a D. C. Funeral Services Establishment License from the Board. If the establishment has more than one location, a separate license shall be required for each location.

Section 2. Persons not eligible for licensure. No person shall be eligible to receive a license to practice as an undertaker or apprentice undertaker in the District, if he is employed on a part-time or full-time basis as a nursing home attendant, hospital orderly, morgue attendant, or an ambulance driver not employed by an undertaking establishment.

Section 3. Use of license by others. No person holding a license as an undertaker or an apprentice undertaker, or funeral services establishment licensee, shall suffer, permit, or allow any other person to use or practice under such license.

Section 4. The fee. The fee for a funeral services establishment license shall be established by the Council upon the recommendation of the Commissioner.

Title IV - COMPOSITION AND DUTIES OF THE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Section 1. Composition of the Board.

(a) The Board of Funeral Directors and Embalmers shall consist of five members and five alternate members. Two members and two alternate members shall be representatives of District of Columbia consumers and shall have no financial interest in and no occupational affiliation with the undertaking profession. Two members and two alternates shall be representatives of the undertaking profession who meet the selection criteria set forth in Section 2344a (d) (2) of the D. C. Code, 1973 Edition. The fifth member shall be the Director of the Department of Human Resources or his designee. Upon effective date of this regulation, all new appointees shall be appointed by the Commissioner with the advice and consent of the Council, and all shall be residents of the District of Columbia.

(b) Each alternate member of the Board shall serve on the Board and attend Board meetings in the absence of the Board member for whom he or she is the alternate, and, when serving in such capacity, exercise all the rights and privileges of the absent member. When serving in such capacity, alternate members shall be compensated in accordance with the rules and conditions specified by the Commissioner.

Section 2. Duties of the Board.

The duties of the Board shall be as follows:

(a) Licensing. The Board shall serve as the licensing authority to carry out the licensing of undertakers, apprentice undertakers, and funeral services establishments.

(b) Investigations and inspections. The Board shall, at its discretion or upon complaint, conduct or authorize investigations of persons holding funeral services establishment licenses, undertaker licenses, or apprentice undertaker licenses.

(c) Enforcement. The Board shall implement the remedies and enforcement powers provided in Section 3 of this Title.

(d) Rulemaking. The Board shall establish, pursuant to the D. C. Administrative Procedures Act (Title I, chapter 15 of the D. C. Code) and Title 5 DD of the District of Columbia Rules and Regulations, the necessary rules to carry out the provisions of this regulation.

Section 3. Remedies and Enforcement.

(a) Complaint Handling Procedures. Any person or class of persons with a complaint against a person licensed as an undertaker, apprentice undertaker, or funeral services establishment licensee, may file such a complaint with the Board, with the Department of Economic Development, or with the Office of Consumer Affairs. Copies of all complaints shall be forwarded to the appropriate division of the Department of Economic Development, which shall within five days of receipt refer all complaints to the Office of Consumer Affairs for investigation and preliminary action consistent with Commissioner's Order No. 73-225. Upon completion of investigation and appropriate action on each complaint, the Office of Consumer Affairs shall file with the Board a report of its findings, action, and recommendations. When a complaint remains unresolved, after mediation by the Office of Consumer Affairs, or when that Office determines that enforcement action by the Board, as provided in paragraph (b) below, is appropriate, or when a pattern of complaints arises against a person, the Office of Consumer Affairs shall make specific recommendations for action by the Board.

(b) Board action on complaints. Upon recommendation by the staff of the Department of Economic Development, or the Office of Consumer Affairs, on Board initiative, or in response to a petition filed by a complainant or class of complainants who failed to obtain relief pursuant to paragraph (a) above, the Board may:

(1) Deny, suspend, revoke or refuse to renew any license issued pursuant to Section 2344a of the D. C. Code or this regulation;

(2) Issue a cease and desist order against persons the Board determines to be in violation of Section 2344a of the D. C. Code or this regulation;

(3) Refer the complaint, when the Board determines that immediate legal action is necessary, to the Corporation Counsel, who shall seek restraining action, including temporary or permanent injunctions, or initiate other appropriate legal action.

Title V - QUALIFICATIONS, APPLICATIONS, AND EXAMINATION FOR LICENSURE

Section 1. Qualifications for licensure.

(a) For an undertaker's license by examination. An applicant for a license by examination to practice as an undertaker in the District must furnish satisfactory proof to the Board that he has the following qualifications:

(1) Is at least twenty-one years of age.

(2) Is a citizen of the United States.

(3) Is of good moral character.

(4) Is a graduate of a recognized high school or possesses equivalent education as certified by the D. C. Board of Education.

(5) Is a graduate of a school or college of embalming whose course of instruction is not less than nine months, comprising not less than eight hundred and forty hours of study.

(6) Has had not less than two years of practical experience as an apprentice undertaker, including the actual embalming of at least twenty-five dead bodies and the actual conducting or directing of at least twenty-five funerals. Such experience shall be verified by a sworn affidavit from each undertaker under whose supervision the undertaking duties were performed, indicating the number of dead bodies embalmed by the applicant and the number of funerals conducted or directed by him during the period of apprenticeship served under the supervision of said undertaker.

(7) Has passed such theoretical and practical examination as the Board may require.

(8) Has paid all required fees.

(b) For an undertaker's license by reciprocity. An applicant for a license by reciprocity to practice as an undertaker in the District must furnish satisfactory proof to the Board that he has the following qualifications:

(1) Has been duly licensed as an undertaker in another state or territory of the United States wherein the requirements for licensure are equal to, or exceed, those in effect in the District,

(2) Is currently holding a license in good standing as an undertaker in another state or territory of the United States,

(3) Meets the qualifications specified in Subsections (1), (2), (3), and (8) of Title V, Section 1 (a) of these Regulations; provided, however, that the Board shall not grant an undertaker's license, without examination, unless the state or territory in which said person is currently licensed as an undertaker, shall, under like conditions, grant an undertaker's license, without examination, to an undertaker duly licensed in the District.

(c) For an apprentice undertaker's license. An applicant for a license to practice as an apprentice undertaker in the District must furnish satisfactory proof to the Board that he has the following qualifications:

(1) Is at least eighteen years of age.

(2) Is a citizen of the United States.

(3) Is of good moral character.

(4) Is a graduate of a recognized high school or possesses equivalent education as certified by the D. C. Board of Education.

(5) Has paid all required fees.

(d) For a funeral services establishment license. An applicant for a funeral services establishment license shall furnish satisfactory proof to the Commissioner or his designee that he is fully acquainted with District and Federal law relative to the practice of funeral directing and embalming.

Section 2. Application procedures for undertaker or apprentice undertaker license.

(a) Filing of application. Each applicant for a license as an undertaker or apprentice undertaker, shall duly file with the Commissioner an application at time of filing.

(b) Photograph of applicant required. Each application for an undertaker's license or apprentice undertaker's license shall be accompanied by a recent photograph of the applicant's face, measuring approximately 1" x 1 1/2".

(c) Application to be notarized. Each application for an undertaker's license or apprentice undertaker's license shall be sworn to before a notary public.

(d) Application not duly made. The Board shall review and take action on all duly made applications within a reasonable time after filing. However, the applicant for an undertaker's license or apprentice undertaker's license has upon him the burden of proving that he meets the qualifications required for obtaining the license desired. The Board may not presume qualifications not shown on the application. The Board may refuse to act on an application and may require the applicant to submit additional information, if the application contains incomplete, evasive, or insufficiently supported assertions where supporting evidence is required.

(e) False statements, disqualification. The Board may, after notice and opportunity for hearing, disqualify the application of an applicant for an undertaker's license or an apprentice undertaker's license, (a) if the applicant has knowingly made or allowed to be made on his behalf, either to the Board or to any officer or employee of the District of Columbia, any false or misleading statements in connection with his application; or (b) if the applicant has attempted improperly to influence any member of the Board or officer or employee of the District of Columbia in the discharge of his duties relating to the application of the applicant. At the discretion of the Board, any applicant whose application has been so disqualified may reapply for the license desired.

(f) Application for an undertaker's license by examination. Each applicant for an undertaker's license by examination shall file his application not later than thirty days prior to the date of the examination for which he desires to sit. The Commissioner shall notify each applicant of the Board's action with respect to his eligibility to take the examination. At least ten days prior to the examination, the Commissioner shall notify each eligible applicant of the time and place of examination.

Section 3. Each applicant for a funeral services establishment license shall duly file an application as prescribed by the Board.

Section 4. Examination for an undertaker's license.

(a) Examination, frequency, place. The Board shall conduct in the District at least one examination each year for license as an undertaker. The Board may, however, schedule such additional examinations as it determines to be necessary. The Board shall fix the time and place for each examination.

(b) Nature of examination. The examination administered to applicants for an undertaker's license shall consist of three parts:

(1) Written examination

(2) Oral examination

(3) Practical demonstration

(c) Waiver of written portion of examination. The Board may waive the written portion of the examination required by Title V. Sec. 1 (a) (7) of these Regulations, if an applicant for an undertaker's license by examination has previously passed the written examination of such national funeral service examining board as is acceptable to the Board.

(d) Content of examination.

(1) The written portion of the examination shall consist of questions relating to embalming, anatomy, pathology, bacteriology, chemistry, restorative art, and mortuary administration.

(2) The oral portion of the examination shall consist of questions relating to District laws and regulations governing the licensing of undertakers, including, but not limited to, the following:

(i) Title 2, Ch. 2, D. C. Code, 1973 Edition.

(ii) Title 6, Sections 102 and 115, D. C. Code, 1973 Edition.

(iii) Title 22, Section 3103, D. C. Code, 1973 Edition.

(iv) Title 27, Ch. 1, D. C. Code, 1973 Edition.

(v) Title 47, Section 2344a D. C. Code, 1973 Edition.

(vi) Title 47, Section 2347, D. C. Code, 1973 Edition.

(3) The practical demonstration portion of the examination shall involve a demonstration by the applicant of his knowledge and skill in preparing, preserving, and caring for a dead body.

(e) Conditions for administering examination. Except as otherwise provided in Title V, Section 4(c) of these Regulations, the written portion of the examination for an undertaker's license shall be administered to applicants in the presence of one or more members of the Board or an employee of the District of Columbia designated by the Board. The oral portion of the examination and the practical demonstration portion of the examination shall be administered to applicant in the presence of two or more members of the Board, at least one of whom shall be a practicing undertaker.

(f) Examination Procedure and Infractions.

(1) The examination shall be administered to applicants for an undertaker's license in accordance with the examination procedures established by the Board. Each applicant shall be fully advised of the examination procedures prior to the examination and a copy of the procedures shall be posted where the applicant may inspect them.

(2) At the discretion of the examiner in charge, any applicant may be excluded from the examination for violating the examination procedures. An applicant who is deemed guilty of dishonesty during an examination may be excluded by the Board from future examinations. Each applicant shall be fully advised of the penalties which may be imposed for infractions of the examination procedures and a copy of the schedule of penalties shall be posted where the applicant may inspect them.

(g) Scoring of examination. A composite score of 70 is required for eligibility for license as an undertaker in the District of Columbia. Such composite score will be computed as follows: 40% of the actual score attained on the written examination plus 40% of the actual score attained on the practical portion of the examination plus 20% of the actual score attained on the oral portion of the examination. Applicants not subject to taking a written examination conducted by the Board through waiver under the provisions of Title V, Section 4(c) of these Regulations shall take only the oral and practical sections of the Board's examination. Licensed apprentice undertakers who lack only the completion of twenty-four months of supervised apprenticeship, take the examination for license as undertaker but such license will not be issued until completion of the apprenticeship requirements. Nothing contained in this Section shall be construed as entitling an applicant to apply and sit for second and subsequent examinations without payment of additional fees for such examinations.

(h) Notification of examination results. The Commissioner shall notify each applicant of the examination results as determined by the Board.

(i) Examination material property of Board. All written questions and other written material used in any examination for an undertaker's license shall remain the property of the Board and shall be returned at the time each applicant turns in his answers to the examination questions.

(j) Second and subsequent examinations. An applicant for an undertaker's license who fails to pass his first examination shall be permitted to take two subsequent examinations, upon making application therefor. An applicant who has failed three examinations shall be permitted to take a fourth examination only after presenting satisfactory proof to the Board that he has, since failing his third examination, taken a refresher course of not less than thirty hours of study, at a recognized school or college of embalming.

Title VI - ISSUANCE AND RENEWAL OF LICENSE FOR UNDERTAKERS AND APPRENTICE UNDERTAKERS AND FUNERAL SERVICES ESTABLISHMENTS

Section 1. License to be issued. A license to practice in the District as either an undertaker or an apprentice undertaker, or to operate a funeral services establishment in the District of Columbia, shall be issued to each applicant who meets all of the requirements for such a license. The Board shall certify the name of each such applicant to the Commissioner.

Section 2. Commissioner to prepare and issue license. The Commissioner shall prepare and issue a license for each duly qualified applicant certified to him by the Board.

Section 3. Annual renewal required. Every license in good standing issued in accordance with the Act of Congress approved August 1, 1947; (Section 47-2344a, D. C. Code, 1973 Edition), and this regulation shall expire on the 31st day of October of each year and must be renewed annually in order to remain in good standing. On or before the 30th day of September of each year, the Commissioner shall mail an application for renewal to the last known address of each person holding a license

in good standing; Provided, that the Commissioner's failure to mail or the failure of the licensee to receive the said application shall not obviate the necessity for such licensee to secure his license for the new license year.

Section 4. Filing of renewal application. Each person holding a license in good standing issued in accordance with the Act of Congress approved August 1, 1947 (Section 47-2344a, D. C. Code, 1967 Edition), and this regulation shall file with the Commissioner, on or before the 31st day of October of each year, an application for renewal of his license, accompanied by the proper fee.

Section 5. Issuance of annual renewal. Except as otherwise provided by Title VII, Section 3 of these Regulations, each year, upon receipt of a renewal application and the proper fee, and upon verifying the absence of any reason for withholding renewal, the Commissioner shall issue a renewal of the license concerned, for the period beginning November 1 of that year and ending October 31 of the following year.

Section 6. Lapse of license. If any person holding an undertaker's license, an apprentice undertaker's license, or a funeral services establishment license, should fail to file an application for renewal and to pay the proper fee on or before the 31st day of October of any year, and after November 1 of that year performs, in the District, the duties of an undertaker or apprentice undertaker or operates a funeral establishment, as the case may be, such person may be found in violation of Section 1 (a) of Title II of this regulation.

Section 7. Restoration of a lapsed license. In the event that a person who has permitted his undertaker's license, apprentice undertaker's license, or funeral services establishment license to lapse in the manner specified in Section 6 of this title subsequently files an application for renewal of such license, the Board shall fix the terms and conditions, not inconsistent with the law and these regulations, for restoration of the lapsed license, including, at the discretion of the Board, the passing of an examination.

Title VII - TERMS AND CONDITIONS FOR APPRENTICESHIP

Section 1. Apprenticeship to be served under District licensed undertaker. No person licensed by the District as an apprentice undertaker shall count toward his two-year term of apprenticeship required for undertaker licensure any period not served under the supervision of a District licensed undertaker who is the owner of or is a full-time employee of the undertaking establishment where such apprentice undertaker is employed.

Section 2. At least one year of apprenticeship to be served in the District. In order to qualify for an undertaker's license in the District, an apprentice undertaker must serve at least one of his two years of required apprenticeship within the District and under the supervision of a District licensed undertaker. Such apprentice undertaker may, however, serve up to one year of his required apprenticeship outside of the District, provided that such period of apprenticeship is served under the supervision of a District licensed undertaker.

Section 3. Renewal of apprentice undertaker's license limited. Every apprentice undertaker's license issued on or after the effective date of these Regulations may be renewed no more than four times. Prior to expiration of the second annual renewal period following issuance of an apprentice undertaker's license, said apprentice undertaker shall submit evidence satisfactory to the Board of his plans for completing the required specialized education specified in Title V, Section 1 (b) of these Regulations, before the expiration of the fourth annual renewal period following issuance of his apprentice undertaker's license. If an apprentice undertaker fails to submit such evidence, the Board may, at its discretion, refuse to issue the third annual renewal of his apprentice undertaker's license. In any event, each

apprenticeship period shall terminate upon expiration of the fourth annual renewal period of the apprentice undertaker's original license, and no person shall be permitted to serve more than one such apprenticeship period.

Section 4. Exemption from limitation. Nothing contained in Section 3 of this title shall be construed as applying to any person holding an apprentice undertaker's license in good standing issued prior to January 1, 1965, provided, however, that any failure by such a person to renew annually his apprentice undertaker's license in accordance with these Regulations shall serve to automatically terminate his exemption from the provision of said Section. If deemed useful, the Board may adopt an additional title for apprentices licensed prior to January 1, 1965 to distinguish them from those subsequently licensed.

Section 5. Apprentice to notify Commissioner of termination of employment. Every District licensed apprentice undertaker employed in such capacity within the District shall, within five days after severing such employment, notify the Commissioner of such termination, indicating the date on which the employment ceased.

Section 6. Apprentice to notify Commissioner of change of employment. Every District licensed apprentice undertaker whose employment under the supervision of a District licensed undertaker is terminated shall, immediately upon being employed to work under the supervision of another District licensed undertaker, notify the Commissioner of such change of employment, indicating the name, address, and license number of the undertaker under whose supervision he is continuing his apprenticeship.

Section 7. Undertaker to notify Commissioner when employing or terminating apprentice. A District licensed undertaker shall, upon employing a District licensed apprentice undertaker or terminating the employment of a District licensed apprentice undertaker, notify the Commissioner accordingly. Such notification shall contain the name, address, and license number of the apprentice undertaker, as well as the date on which the apprentice undertaker was employed or terminated.

Title VIII - DISCLOSURE REQUIREMENTS, BUSINESS AND PROFESSIONAL PRACTICES

Section 1. Disclosure Document

Upon initial personal contact with a customer or potential customer, and prior to transmittal to and execution by such customer of the contract form required in Section 2 herein, the operator of a funeral services establishment or his designated agent shall submit and explain to the customer a clear and concise document which must contain the following statements:

(a) No person is obliged by law to purchase any goods or services offered by a funeral services establishment unless desired by the customer or required by law. Some funeral establishments require, as a matter of business policy, purchase of certain goods or services as a condition to providing funeral services. The customer, of course, is free to accept such packaged services or to consider contracting with another funeral establishment.

(b) Except in the case of death from certain diseases, a body may be embalmed, cremated, or left in its present state under the law in the District of Columbia.

(c) The price of immediate cremation is _____ dollars.

(d) Clothing for the deceased may be provided by the family or the person making the arrangements or it may be purchased from the funeral services establishment.

(e) No casket is required by law for a body which is to be cremated.

(f) No burial vault is required; however, most cemetery companies require a concrete grave liner.

(g) You should inform yourself regarding any instructions left by the deceased with regard to disposition of the body.

Section 2. Terms and Conditions of Contract.

The operator of a funeral services establishment or his designated agent shall furnish each contracting party or potential contracting party at the time funeral arrangements are being made a contract form which must contain the following:

(a) Name of deceased and place of death.

(b) Name and address of the funeral services establishment.

(c) An itemized list of the price of services and merchandise to be furnished, with a separate price for each of the following categories: the casket; use of facilities for funeral services; use of facilities for viewing; itemized transportation services including but not limited to transfer of remains, provision for hearse, passenger transportation, and flower car; other specifically itemized funeral service merchandise; embalming, restoration or preparation of the body; arrangement and conduct of the funeral; D. C. sales tax; and all cash advances and expenditures requested. This subsection shall not apply to any items paid for by units of government.

(d) A statement, to be signed by the customer, that he or she has read, understood and requested each category of merchandise or services itemized in Subsection (c) and that any items subsequently added or deleted from the terms and conditions described above must be authorized and signed with the appropriate reduction or increase in the amount of charges as indicated.

(e) The total price of the funeral.

(f) The signatures of the customer and the funeral services establishment operator or his agent and the date such signatures were attached.

Section 3. Required Records.

True copies of all contract forms required in Section 2 herein shall be maintained in each funeral services establishment for a period of not less than three years following date of signature and shall be available for inspection during normal business hours by the Board and by staff charged with conducting investigations in behalf of the Board, pursuant to Title IV, Section 3 (a) of this regulation.

Section 4. Disclosure of Casket Prices and Composition.

Every funeral services establishment operator shall display prominently upon each casket displayed in his casket selection room the current price and composition of such casket. In the absence of such a selection room, the establishment shall display on each photograph of a casket presented for selection by a customer the current price and composition of such casket.

Section 5. Prohibited Conduct.

Licensees and their employees shall not:

(a) Make or authorize any statement written or oral which is untrue or misleading and which is known, or which by the exercise of reasonable diligence

be known, to be untrue or misleading, or commit any act or engage in any act which is deceptive, misleading, dishonest, fraudulent, or grossly negligent.

(b) Supply any products or services to a prospective customer prior to entering into a written contract for sale of such products or services, with the exception of (i) transportation of the body to the funeral services establishment, provided such transportation was requested by a relative included in one of the classes listed in Section 7 of this title; (ii) embalming of the body, provided:

(1) written or oral authorization to embalm has been received from a relative included in one of the classes listed in Section 7 of this title; or

(2) twenty-four hours have elapsed since death and the funeral services establishment operator or his designated agent has made a good faith effort to obtain written or oral authorization to embalm from the highest priority person available in the order of priority provided in Section 7 of this title.

This section shall not apply in any situation in which a prospective customer is located more than sixty miles from the funeral establishment.

(c) Engage, either directly or indirectly, in any planned course of action or enter into or take part in any understanding, agreement, combination or conspiracy with other persons to fix or maintain the price of any industry products or services, restrain the advertisement of prices or otherwise unlawfully restrain trade.

(d) Charge in excess of actual out-of-pocket expenditures paid out by the funeral services establishment for cash advances and expenditures itemized in the contract as required in Section 2 (c) of this title, except that a reasonable interest charge not exceeding a rate of 11.5% per annum on the unpaid balance may be added to any cash advances or expenditures not repaid within thirty days.

(e) Utilize a display casket in a funeral without reasonable discount from the displayed price to allow for soil and evidence of wear.

(f) Require information or inquire about the estate of a deceased person or require information about or assignment of any insurance policy upon his life without first having filled in all provisions of the contract, as provided in Section 2 of this title, and having obtained the signature of the customer on such contract.

(g) Fail in any material respect to comply with applicable provisions of this regulation or the rules and regulations adopted pursuant to it.

(h) Solicit the employment of the licensee's undertaking services or give, or offer to give any gratuity or payment, either in money or property, to any person for information concerning a dead or dying person.

(i) Refuse to answer questions posed over the telephone or personally by a customer or potential customer about the prices charged by the funeral services establishment for various categories of funerals, caskets, or specific merchandise or services.

(j) Fail to inquire about any directions left by the deceased for disposition of the body or parts of the body.

(k) Engage in any annoying or unseemly conduct including:

(1) Loitering by a licensee or any of his employees or agents in or about a hospital, sanitarium, or other place containing a dead

or dying person, for the purpose of soliciting the employment of the licensee's undertaking services.

(2) Giving, or offering to give, any gratuity or payment, either in money or property, to any person for information concerning a dead or dying person.

(3) Making the initial contact with a representative of the deceased regarding use of a firm's services or requesting a representative of the deceased to change undertakers. Referrals by another funeral director who has been contacted by a representative of the deceased are excluded from this section.

Section 6. Settlement of Disputed Claims.

The undertaker retained by the person standing highest in the order of priority set forth in Section 7 herein shall be entitled to take possession of a dead body. In the event that two or more undertakers have a difference of opinion concerning their legal right to take possession of a dead body, they shall refer the matter to the Chairman of the Board or a Board member designated by him for a decision.

Section 7. Order of Priority.

The oldest adult member of each class shall have a prior claim over the others in the same class, as follows:

Spouse, Adult child, Father, Mother, Adult brother, Adult sister, Adult grandchild, Adult nephew or niece, Paternal grandparent, Maternal grandparent, Paternal uncle or aunt, Maternal uncle or aunt, Adult child or paternal uncle or aunt, Adult child of maternal uncle or aunt, Paternal great-grandparent, Maternal great-grandparent, Brother or sister of paternal grandparent, Brother or sister of maternal grandparent, Kindred of the spouse of the deceased, in accordance with the preceding order of priority, Any adult friend or volunteer, provided that no person shall disregard or deviate from any directions for disposition left by the deceased in the form or manner prescribed by law.

Title IX - MISCELLANEOUS REGULATIONS

Section 1. Services requiring immediate supervision of undertaker.

The handling, preparation, or embalming of the body of a person dying of a contagious or infectious disease must, at all times, be done in the presence and under the immediate supervision of a District licensed undertaker, who will be responsible for full compliance with all laws and regulations of the District relating to such dead bodies.

Section 2. Board to act for District in reciprocal agreement.

The Board is hereby delegated the authority to act for the District Government in negotiating and entering into agreements which prescribe the terms and conditions upon which the District and another State or territory of the United States will grant licenses by reciprocity to undertakers duly licensed in the other jurisdiction: Provided, however that the terms and conditions of such reciprocal agreements shall not be inconsistent with the provisions of Section 47-2344a (d) (3) D. C. Code 1973 Edition.

ection 3. Advertising.

No person or owner shall advertise in any manner as practicing undertaking ne District unless such person is the holder of a currently valid and active ense issued by the District as an undertaker or such owner holds or employs as full-time employee a person who holds such currently valid and active license as an undertaker.

Section 4. Board authorized to grant Courtesy Cards.

The authority delegated to the Board by Section 2 of this title shall include authority for the Board to act for the District Government in negotiating and entering into agreements which prescribe the terms and conditions upon which the District and the State of Maryland or the State of Virginia will grant Courtesy Cards to undertakers duly licensed in the other jurisdictions: Provided, however, that any such agreements shall be limited to authorizing an undertaker licensed in another state to enter the District of Columbia for the purpose of transporting a deceased body located in the District of Columbia to the state where the undertaker is licensed in order to perform needed services and then to return the body to the District of Columbia for services; and further provided that no such agreements shall permit an undertaker licensed in Maryland or Virginia but not so licensed in the District of Columbia to maintain an office or agent in the District or to advertise in any manner in the District as practicing undertaking in the District.

Section 5. Notification of change of address required.

Any person holding an undertaker's license or an apprentice undertaker's license shall, within five days after any change of his business or residence address, notify the Commissioner in writing of such change.

Section 6. Severability clause.

If any provision of these Regulations, or the application thereof to any person or circumstances is held invalid, the remainder of the Regulations, and the application of such provision to other persons and circumstances, shall not be affected thereby.

SECTION 2. Status of previous Regulations.

Undertaker's Regulations promulgated by the Board of Commissioners of the District of Columbia March 19, 1958, are hereby repealed.

SECTION 3. Effective date.

These regulations shall become effective ninety (90) days after enactment."

Regulation No. 74-38

December 13, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION CONCERNING THE PRACTICE OF ACUPUNCTURE

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council has the authority to establish minimum standards for practitioners of the healing arts which is stipulated in Section 402 (34 and 35) Reorganization Plan No. 3 of 1967, Appendix, Title 1, D.C. Code; and

WHEREAS, the District of Columbia Council has recommended the adoption of a regulation to govern the practice of acupuncture as a result of public hearings.

NOW, THEREFORE, BE IT ENACTED BY the District of Columbia Council that:

Section 1. The practice of acupuncture shall be limited to physicians and dentists licensed to practice in the District of Columbia for the period not to exceed one year, during which time regulations are being developed by the Department of Human Resources for submission to the Council.

Section 2. The Director of the Department of Human Resources is directed to develop an examination and other criteria for licensure of practitioners of acupuncture who are neither licensed to practice medicine or dentistry in the District of Columbia. These regulations shall be forwarded to the Council within one year after enactment of this regulation.

Section 3. The Director of the Department of Human Resources is further directed to recommend minimum standards for clinics specializing in

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS		X				FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN		X			

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 3, 1974

Presented to the Mayor-Commissioner December 4, 1974 (Date)

Edward B. Wilds, Jr.
Secretary of the City Council

Approved _____ (Mayor-Commissioner)

13 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wilds, Jr.
Secretary of the City Council

P-251

Certified copies are available.

acupuncture treatment. These recommendations shall be forwarded to the Council within six months of enactment of this regulation.

Section 4. This regulation shall become effective immediately upon enactment.

Regulation No. 74-39

December 13, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE A REGULATION GOVERNING VENDING BUSINESSES IN PUBLIC SPACE

Councilwoman W. Antoinette Ford Presents the following regulation:

WHEREAS, Reorganization Plan No. 3 of 1967, Section 402 (386), transferred to the District of Columbia Council the authority of "making and modifying regulations governing the conduct of licensed vendors under the D. C. Code § 47-2336," (1973 ed.) based upon the Act of July 1, 1932; and

WHEREAS, Reorganization Plan No. 3 of 1967, Section 402 (391), transferred to the District of Columbia Council the authority "to modify any provisions of the Act (of July 1, 1932) under the D. C. Code § 47-2344" (1973 ed.); and

WHEREAS, Reorganization Plan No. 3 of 1967, Section 402 (1) transferred to the District of Columbia Council the authority of "making and modifying police regulations under D. C. Code § 1-224" (1973 ed.); and

WHEREAS, Reorganization Plan No. 3 of 1967, Section 402 (402) transferred to the District of Columbia Council the authority of "requiring vendors to keep detailed records, and to furnish information, under D. C. Code § 47-2621 (d)" (1973 ed.); and

WHEREAS, Reorganization Plan No. 3 of 1967, Section 402 (403), transferred to the District of Columbia Council the authority of "requiring vendors to file bond, determining the sureties necessary, and the duration of the bond, under D. C. Code § 47-2708 (1973 ed.).

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS		X				ROBINSON	X				
FORD				X		MOORE	X					SELDEN		X			

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 3, 1974

Presented to the Mayor-Commissioner December 4, 1974
Date

Edward B. Webb Jr.
Secretary of the City Council

Approved Walter E. Washington
Mayor-Commissioner

13 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

_____
Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb
Secretary of the City Council

P-251

Certified copies are available.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

SECTION 1. Article 2, Sections 1 and 2 of the Police Regulation of the District of Columbia are hereby repealed.

SECTION 2. Article 34 of the Police Regulations of the District of Columbia shall be amended as follows:

All applicants for licenses for massage establishments, bowling, billiard and pool establishments, vendors selling on foot from house to house, solicitors, private detectives, and fortune tellers, clairvoyants and mediums under paragraphs 11, 21, 36, 37, 41, and 43, respectively, of the Act entitled "An Act to amend Section 7 of an Act entitled 'An Act making appropriations to provide for the Government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' approved July 1, 1902, and for other purposes," approved July 1, 1932, shall hereafter submit to the Commissioner, upon application, three sets of their fingerprints. Fingerprints so furnished shall become a part of the respective application.

SECTION 3. In Part I, Article XIII, Section 79 (b) 3, Title 17, the Highways and Traffic Regulations of the District of Columbia, all words following "trucks vending ice cream" are hereby repealed; the following words are hereby amended to the remainder of this subsection: "shall park curbside when stopping to make a sale, as close as possible to a pedestrian cross-walk without entering the intersection, and without unduly interfering with the flow of traffic."

SECTION 4. Definitions. For the purposes of this article, the following words and terms shall have the following meaning:

Produce - Any agricultural product raised on a farm or orchard.

Food - Any product or substance (including beverages) intended for human consumption.

Potentially Hazardous Food - Any perishable food capable of supporting rapid and progressive growth of infectious and toxicogenic micro-organisms: Provided, that such food does not include products in hermetically sealed containers processed by any method approved by the inspection agency which shall prevent spoilage and does not include dehydrated, dry, or powdered products which are so low in moisture content as to preclude rapid development of micro-organisms.

Prepared Food - Any food beverage product other than unprepared food, as defined below.

Public Space - All publicly-owned property between the property lines on a street, as such property lines are shown on the records of the District of Columbia, and includes any roadway, tree space, sidewalk, or parking between such property lines.

Pushcart - Any wheeled vehicle designed for carrying persons or property and for being moved or pushed by a person without the assistance of a motor or a motor vehicle.

Roadway Vendor - A vendor who operates a vending business while occupying public space in that portion of a street or highway, improved, designed, or ordinarily used for vehicular travel.

Stand - Any fixed or movable structure, table, or device used by a vendor for the purpose of displaying or storing any merchandise, article, or food which is offered for sale.

Sidewalk Vendor - A vendor who engages in business while occupying that portion of the street other than that reserved for vehicular travel.

Unprepared Food - Any raw or unprocessed food product including, but not limited to, fruits, vegetables, produce, meats, fish, poultry, or seafood.

Vehicle - Any motor vehicle, trailer, or bicycle.

Vending Business - A business operated by a vendor, as defined herein.

Vendor - Any person engaged in selling goods and services for immediate delivery upon purchase and operating exclusively from public space.

SECTION 5. Licensing Authority. All vending business licenses shall be applied for and administered by the Commissioner of the District of Columbia.

SECTION 6. License Requirements.

(a) No person shall vend any article, merchandise, or food from public space in the District of Columbia without first having obtained from the Commissioner a license to do so, except that no license shall be required for:

(1) Persons selling newspapers at large other than from a fixed location on public space or on the public streets;

(2) Persons selling food produce of their own raising at any public marketplace; or

(3) Any person under eighteen (18) years of age if such person is the holder of a valid work permit or street trade badge issued by the District of Columbia Board of Education, or if such person is the holder of a similar permit issued by another jurisdiction.

(b) Classes of licenses. There shall be two classes of vending business licenses:

(1) Class "A" licenses which shall authorize persons to vend any food from public space, but not from door to door;

(2) Class "B" licenses which shall authorize persons to vend any article or merchandise other than food from public space, but not from door to door.

The licensing agency shall indicate on all licenses issued pursuant to these regulations the class of said license. A Class "B" license shall not be valid for the vending of food. Any person may apply for and receive both classes of licenses if the conditions and inspection requirements for each such license applied for have been satisfied.

(c) No person shall vend in the District of Columbia except in conformity with the privileges granted for the particular class of license issued to him.

(d) All licenses issued pursuant to these regulations shall be valid for one (1) year, unless suspended or revoked.

SECTION 7. Application for Vendor's License.

(a) Persons seeking issuance of a vendor's license shall file an application with the Commissioner on forms provided by him and shall render the fee prescribed therefor.

(b) The application for a vendor's license shall set forth the following information:

(1) The name and address of the applicant and the name and address of the owner (if other than the applicant) of the vending business;

(2) The class of license applied for, a description of the type of article, merchandise, or food to be offered for sale, and a description of the vending vehicle, cart, or stand to be used;

(3) Three (3) prints of a full-face photograph (1 x 1-1/2 inches) taken within not more than three (3) months prior to the date of the application;

(4) Proof that the applicant has complied with the provisions of the D. C. Code, § 47-2623, by obtaining from the District of Columbia Department of Finance and Revenue a certificate of registration designating the applicant's sales and use tax number. No such certificate shall be issued until the applicant has filed with the Commissioner a bond in such amount not exceeding double the amount of the applicant's estimated annual sales and use tax liability for a period not exceeding one (1) year with such surety as the Commissioner may approve, conditioned upon the payment of the tax due from the applicant for any period covered by any return required to be filed under the sales and use tax laws of the District of Columbia; (A) in lieu of which the applicant may elect to pay in advance the amount of his estimated annual sales and use tax liability. Such amount shall be determined by the Commissioner and shall be based on estimated gross receipts from taxable sales multiplied by the tax rate. Appropriate adjustment shall be made in the annual return to be filed by the applicant.

(5) If the applicant is a non-resident of the District of Columbia, he shall provide the name and address of a registered agent upon whom service of process and other legal notices may be made. If there is no such registered agent, then the Mayor-Commissioner shall be authorized to accept service of process as well as other legal notices directed to the applicant.

SECTION 8. Additional Requirements for Food Vending License Application. Every applicant for a Class "A" license shall furnish to the Commissioner on a form prescribed by him additional information required by the Commissioner as well as that required in Section 7 (b). Every applicant for a Class "A" license shall submit proof that said applicant has passed the inspection requirement as fully described in Section 9 herein.

SECTION 9. Inspection of Food Vending Vehicles or Stands.

(a) Each vehicle or stand from which food products are vended shall first be inspected by and receive a certificate from the Commissioner indicating compliance with the provisions of this regulation and all other applicable regulations then in full force and effect in the District of Columbia.

(b) Inspection for food vending vehicles or stands shall be required at least twice a year on dates scheduled by the Commissioner.

(c) For each vehicle or stand which conforms to the requirements of this regulation, the owner thereof shall be issued a certificate of inspection which shall expire at a time specified on the certificate and determined by the date of the next required inspection.

(d) The certificate of inspection shall specify the particular food products authorized to be sold, transported or otherwise distributed, and the particular vehicle or stand for which the certificate is exclusively issued. Such certificate shall be recognized as valid only when displayed in the particular vehicle or stand for which the certificate was issued and only when the particular food authorized on the certificate is being sold.

SECTION 10. Vending Permitted on Receipt of License Fee. Upon payment of a license fee, the licensing agency shall furnish the applicant for the vending business a receipt of payment and the vendor may operate a vending business under a temporary licensing authority designated upon the receipt.

SECTION 11. Notification of Issuance of License. Within forty-five (45) days of the filing of an application for a vending business license, the applicant shall be notified by the Commissioner of his decision on the application. If the application is approved, the Commissioner shall provide the applicant a badge and a plate corresponding to the number of the license. If the application is not approved and a license is denied, the licensing agency shall follow the procedures assuring proper notification and an opportunity for a hearing as specified in Section 17 of this regulation.

SECTION 12. Renewal of License. All licenses issued pursuant to this regulation shall be valid for one (1) year unless revoked prior thereto. For renewal of a license, the application shall be filed with the proper renewal fee, forty-five (45) days before the expiration of the current license. Upon receipt of the renewal fee, the licensing agency shall issue to the applicant a receipt of payment and the vendor shall be permitted to operate a vending business under a temporary license designated on the receipt. If renewal is approved, the licensing agency shall furnish the applicant with a badge and a plate on or before the expiration of the current license. If renewal is not approved, the licensing agency shall follow the procedures as set forth in Section 17 of this regulation.

SECTION 13. Display of Licenses, Certificates, and Other Required Information.

(a) The vending business badge and license plate issued by the Commissioner shall be displayed conspicuously whenever the vending business is being transacted. The badge shall be worn by the vendor at all times during the operation of the business and the plate shall be firmly attached to the vending vehicle or stand in a conspicuous location during the transaction of business. All required certificates of inspection for Class "A" licenses shall also be conspicuously displayed at all times during which the licensee is transacting business.

(b) Every licensee and holder of other certifications issued pursuant to these regulations shall exhibit the same for closer examination upon demand by any authorized representative of the District of Columbia Government.

SECTION 14. Notification of Change of Address or Name. Whenever any name or address provided by the licensee on his application for said license or inspection certificate changes, the licensee shall notify the Commissioner in no less than ten (10) days of such change.

SECTION 15. Bookkeeping Requirements. Every vendor shall keep sufficient records of sales and receipts of purchases and expenses and shall make such available for inspection to any duly authorized representative of the District of Columbia Government.

SECTION 16. Suspension or Revocation of License.

(a) Any license issued pursuant to this regulation may be suspended or revoked by the Commissioner, after notice, for any of the following causes:

(1) Fraud, misrepresentation, or false statements contained in the application for the license;

(2) Fraud, misrepresentation, or false statements made in connection with the selling of any article, merchandise, or food;

(3) Violation of this regulation, or the violation of the provisions of other regulations applicable to holders of Class "A" licenses; or

(4) Conduct of the business licensed under this regulation in an unlawful manner or in such a way as to constitute a menace to the health or safety of the public.

(b) Notice of the proposed suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint. Such notice shall be mailed by certified mail at least ten (10) days prior to the date of the proposed action.

(c) Any licensee whose license is revoked under this regulation may not reapply for licensure until after the expiration of one (1) year from the date of such revocation.

SECTION 17. Notice and Hearing. In the event that an application for a vendor's license or a renewal is denied, or a license is suspended or revoked by the Commissioner, the applicant or licensee shall be entitled to a hearing thereon before the District of Columbia Board of Appeals and Review. Notice of the denial or suspension or revocation shall be given in writing, setting forth specifically the grounds therefor and the time and place of the hearing. Such notice shall be mailed by certified mail at least ten (10) days prior to the date set for the hearing.

SECTION 18. Duties of Licensee. Every licensee authorized to vend under this regulation shall:

(a) Ascertain and at all times comply with all laws and provisions of this regulation applicable to the operation of a vending business;

(b) Refrain from engaging in vending business after expiration of his license and during the period his license may have been suspended or revoked; and

(c) Surrender his license promptly to the Commissioner upon its revocation or suspension.

SECTION 19. Locations in Which Vending Business is Prohibited.

(a) No vendor shall vend within the same square block of the grounds of any hospital, nursing home, skilled care facility, or related institution or within the same block of the grounds of any elementary or secondary school while such school is in session.

(b) No sidewalk vending business shall be transacted or located on the median strip of a divided roadway unless such strip is intended for use as a pedestrian mall or plaza.

(c) No vendor shall vend in, or on, any sidewalk adjacent to the following squares: LaFayette, McPherson, Franklin, or Farragut.

(d) No vendor shall vend in or upon any highway or public space within the following described areas, except as specifically provided herein:

(1) Beginning at the east curb of Sixth Street, N.W., at K Street; south along east curb of Sixth Street to south curb of Pennsylvania Avenue; west along south curb of Pennsylvania Avenue to west curb of Fifteenth Street; north along west curb of Fifteenth Street to south curb of Pennsylvania Avenue; west along south curb of Pennsylvania Avenue to east curb of Seventeenth Street; south along east curb of Seventeenth Street to north curb of Constitution Avenue; west along north curb of Constitution Avenue to west curb of Nineteenth Street; north along the west curb of Nineteenth Street to north curb of K Street; east along the north curb of K Street to west curb of Sixth Street. Vending shall be permitted within this area only in the following designated areas:

(i) The sidewalk on the north side of C Street, N.W., between Sixth and Seventh Streets;

(ii) The sidewalk on the west side of Fourteenth Street, N.W., between Eye and K Streets;

(iii) The sidewalk on the west side of Tenth Street, N.W., between D and E Streets;

(iv) The sidewalk on both sides of Eighteenth Street, N.W., between G Street and Pennsylvania Avenue;

(v) The sidewalk on the west side of Fourteenth Street, N.W., between F Street and New York Avenue;

(vi) The sidewalk on the north side of Pennsylvania Avenue, N.W., between Sixth Street and Seventh Street; Eighth Street and Market Space; Eleventh Street and Twelth Street; Twelth Street and Thirteenth Street; Fourteenth Street and Fifteenth Street;

(vii) The sidewalk on the north side of Indiana Avenue, between Sixth Street and Seventh Street;

(viii) The sidewalk on both sides of G Street, N.W., between Ninth Street and Tenth Street;

(ix) The sidewalk on the north side of G Street, N.W., between Seventh Street and Ninth Street;

(x) The sidewalk on the east side of Eighth Street, N.W., between G Street and H Street;

(xi) The F Street Plaza between Twelth and Thirteenth Streets, provided that vending shall be limited to flowers and fruit;

(xii) The sidewalks on both sides of Eighth Street, N.W., between E Street and F Street;

(xiii) The sidewalk on the south side of F Street, between Seventh Street and Eighth Street;

(xiv) The sidewalk on the west side of Fifteenth Street, N.W., adjacent to the Treasury Building.

No sidewalk vending business operated on the above-designated sites shall be within ten (10) feet of any other sidewalk vending business.

(2) In the area known as "Old Georgetown" which is bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park; on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street and Whitehaven Parkway to Thirty-fifth Street, south along the middle of Thirty-fifth Street to Reservoir Road, west along the middle of Reservoir Road to Archbold Parkway; on the west by Archbold Parkway from Reservoir Road to the Potomac River; on the south by the Potomac River to the Rock Creek Parkway. Vending shall be permitted within the area only on the sidewalks of the streets intersecting with Wisconsin Avenue, N.W., as follows:

(i) On the northeast side of P Street, one vendor;

(ii) On the northwest side of P Street, two vendors;

(iii) On the northeast side of O Street, two vendors;

(iv) On the northwest side of O Street, two vendors;

(v) On the northeast side of Dumbarton Street, three vendors;

(vi) On the southeast side of Dumbarton Street, three vendors;

(vii) On the northwest side of N Street, two vendors;

(viii) On the southeast side of N Street, one vendor;

(ix) On the southwest side of N Street, one vendor;

(x) On the northwest side of Prospect Street, two vendors;

(xi) On the southwest side of Prospect Street, two vendors.

No sidewalk vending business operated on the above-designated sites shall be within five (5) feet of any other sidewalk vending business. However, nothing herein shall prohibit the Commissioner from removing, modifying, or adding to the list.

(e) No vending stands shall be located against display windows of fixed location businesses nor shall vending stands be closer than three (3) feet from any entranceway.

(f) No vendor shall vend from a sidewalk so as to restrict the continued maintenance of a minimum clear passageway for pedestrians of seven (7) feet provided that the Commissioner may require a wider or narrower passageway on sidewalks as to which he determines that such width is required or adequate for pedestrian traffic. The passageway shall be measured from the closest edge of the vending stand or other item related to the vending operation to the nearest building, including any projection thereof, or the closest edge of any other lawful use of public space or the closest boundary of any private property.

o sidewalk vending business shall be located or transacted within ty (20) feet of any bus stop sign, within five (5) feet of the approach e of a crosswalk at any intersection, within twenty (20) feet of the veway entrance to a police or fire station, or within ten (10) feet of ny other driveway.

(h) Except as provided in paragraphs (d) and (e) of this section, no sidewalk vending business shall be operated within twenty (20) feet of any other sidewalk vending business.

(i) No vendor shall vend from a sidewalk adjacent to any building used primarily as a residence except for that period of time necessary, after having been approached or stopped for that purpose, to complete a sales transaction.

SECTION 20. Roadway Vending.

(a) No roadway vending vehicle shall remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose. When stopped, such vehicle shall be properly parked in a legal parking space. The first sentence of the subsection shall not apply to the following locations:

(1) First Street, N.W., between Maryland Avenue and Pennsylvania Avenue;

(2) The south side of Constitution Avenue, N.W., between Ninth Street and Fourteenth Street;

(3) The north side of Independence Avenue, between Tenth Street and Twelth Street.

(b) No roadway vending business shall be transacted within one hundred (100) feet of the roadway of a traffic circle.

(c) No roadway vending business shall be located or transacted within forty (40) feet of any intersection or within any of the distances specified in the Highways and Traffic Regulations of the District of Columbia, Part I, Section 79 (Title 17, DCRR) except that vehicles vending ice cream or other products likely to attract children as customers shall park curbside when stopping to make a sale as close as possible to a pedestrian crosswalk without entering the intersection or otherwise unduly interfering with the flow of traffic.

SECTION 21. Special Provisions Applicable to Vendors of Food.

(a) No person licensed to vend any food which may be potentially hazardous shall operate a vending vehicle unless it is equipped with mechanical refrigeration equipment sufficient to maintain such food at a temperature of forty-five (45) degrees fahrenheit or less.

(b) All vending vehicles, carts, and stands used to vend food, and all equipment utilized thereon, shall have smooth, washable surfaces and shall be maintained in good repair and in a clean and sanitary condition.

...l good plates, cups, implements, containers, and other objects used ...oring, preparing, or serving food, and the premises where such food ...stored or prepared, shall be maintained in a clean and sanitary condition.

(2) Insect and rodent-proof containers of metal or other acceptable substitutes shall be provided for the storage of trimmings, waste, and refuse and shall be emptied and washed daily.

(3) No fish, poultry, or other animal shall be cleaned in a food vending vehicle or on, or at, a stand, nor shall their entrails be there removed. No such meats or meat products shall be cut, processed, or otherwise prepared in a food vending vehicle.

(4) Scales and counters shall be protected from dust, dirt, flies, and other vermin and contaminants.

(c) Every food vendor licensed under this regulation shall agree to have inspected by the Commissioner at reasonable hours any premises used for the storage or preparation of food intended to be used in vending.

(d) All preparation, storage, handling, and service of food vended by licensees approved under this regulation, shall be in conformance with this regulation and the Health Regulations of the District of Columbia, Title 8, DCRR.

(e) Every prepared food vending business shall establish a service room, to be utilized for the preparation of foods and beverages to be sold by the vendor, the address of which shall be submitted to the Commissioner. Said service room shall be subject to inspection by the Commissioner at all reasonable times.

(f) No food vending vehicle or stand shall be used for any purposes other than those permitted by the Commissioner, unless the Commissioner has first approved such other use in writing.

SECTION 22. Requirements for Vending Vehicles and Stands.

(a) No sidewalk vending vehicle, stand, or merchandise display shall be of such size as to be wider than four (4) feet, longer than seven (7) feet, or higher than three (3) feet, six (6) inches.

(b) No roadway vending vehicle or stand shall be of such size as to exceed seventeen (17) feet in length and eight (8) feet wide.

(c) All roadway vending vehicles or stands located in the roadway shall rest on either solid rubber or inflated rubber tires.

SECTION 23. Restrictions on the Placement of Vending Vehicles, Stands and Other Items Related to Vending Business.

(a) No vehicle shall be placed upon any sidewalk except bicycles when operated in conformance with the laws of the District of Columbia and pushcarts of a size permitted on sidewalks under the provisions of this regulation.

No vending vehicle, stand, or any other item related to the operation of a ding business shall be leaned against, or hung from any building or any ier structure including, but not limited to, such structures as lamp posts, arking meters, mail boxes, traffic signal stanchions, fire hydrants, trees, ree boxes, benches, bus shelters, or traffic barriers, which lawfully occupy public space.

(c) All items related to the operation of a vending business shall be kept either on, in, or under a vending vehicle or stand. No such items shall be stored or placed upon any public space adjacent to the vending vehicle or stand.

SECTION 24. Overnight Storage of Vending Vehicle or Stand. No vending vehicle, shcart or stand, or any item related to the operation of a vending business shall be ocated on public space within the hours of 1:00 a.m. and 4:00 a.m., except vehicles awfully parked in conformance with the Highways and Traffic Regulations of the District of Columbia.

SECTION 25. Littering.

(a) Vendors shall keep the sidewalks, roadway, and other public space adjoining and adjacent to their locations of business clean and free from paper, peelings and refuse of any kind generated from the operation of their business.

(b) Food vendors shall affix to their stands or vehicles a container for litter which shall be maintained and emptied regularly and which shall be marked as being for litter.

SECTION 26. Vending License Invalid in Certain Geographical Areas. No vending license issued by the Commissioner shall authorize the licensee to vend within geographical areas under the jurisdiction of the United States Park Police, the Capitol Police, or other agencies of the United States Government.

SECTION 27. Severability Clause. If any provision of this regulation, or any section, sentence, clause, phrase, or word or the application thereof, in any circumstance(s) is held invalid, the validity of the remainder of this regulation, and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstance(s) shall not be affected thereby and to this end, the provisions of this regulation are declared severable.

SECTION 28. Penalties. Any person violating any of the provisions of this regulation shall, upon conviction thereof, be punished by a fine of not more than three hundred (300) dollars, or imprisonment for not more than ninety (90) days for each such offense.

SECTION 29. Codification. The Mayor-Commissioner is authorized to place these regulations with the D. C. Rules and Regulations as may be appropriate for the purpose of codification.

SECTION 30. Effective Date. This regulation shall take effect immediately upon enactment.

Regulation No. 74-40

(Disapproved)
December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE BEVERAGE CONTAINER REGULATION

Councilman Rockwood H. Foster Presents the following regulation:

WHEREAS, beverage containers comprise a large, unsightly and dangerous portion of street, alley and playground litter; and

WHEREAS, a minimum five cent deposit and refund on all beverage containers will provide an incentive for consumers to return them to retail stores; and

WHEREAS, returning beverage containers to retail stores will lead to their reuse or proper disposition; and

WHEREAS, the use of one-way disposable containers depletes our Nation's limited resources; and

WHEREAS, pursuant to Section 402 (4) Reorganization Plan No. 3, 1967, the Council is authorized to adopt usual and necessary police regulations for the protection of the health, welfare and safety of the residents of the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Police Regulations of the District of Columbia are hereby amended by the addition of a new Article 56 entitled "Beverage Containers", as follows:

"Section 1. Definitions

(a) 'Beverage' means beer or other malt beverages and

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER		X				MEYERS	X					ROBINSON		X			
FORD		X				MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward B. Webb (Secretary of the City Council)

Approved _____ (Mayor-Commissioner) _____ (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule _____ (Date)

Disapproved and returned to the City Council Walter E. Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

Readopted _____ (Date)

I hereby certify that this regulation ~~is true and adopted (or~~ has not been readopted~~)~~ as stated therein.

Edward B. Webb, 12/ (Secretary of the City Council)

P-251

Certified copies are available.

mineral waters, soda water and other carbonated soft drinks in liquid form and intended for human consumption.

(b) 'Beverage container' means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage.

(c) 'Consumer' means every person who purchases a beverage in a beverage container for use or consumption, without intent to resell.

(d) 'Dealer' means every person in the District of Columbia who engages in the sale of beverages in beverage containers to consumers, whether for on or off-premise use or consumption.

(e) 'Distributor' means every person who engages in the sale of beverages in beverage containers to a dealer in the District of Columbia including any manufacturer who engages in such sales.

(f) 'Manufacturer' means every person bottling, canning, or otherwise filling beverage containers for sale to distributors or dealers.

(g) 'Non-refillable containers' means any beverage container of a type which is not ordinarily collected from consumers for refilling with a beverage.

(h) 'Greater Washington Area' means those jurisdictions within the exterior limits of the Washington, D.C. Standard Metropolitan Statistical Area as defined by the U.S. Department of Commerce, Bureau of the Census, which have enacted provisions similar to the provisions of this chapter."

"Section 2. Refund Value Required

Beginning June 1, 1976, every beverage container in which beverages are sold or offered for sale in the District of Columbia shall have a cash refund value of not less than five cents."

"Section 3. Acceptance For Refund

(a) Beginning June 1, 1976, a dealer shall not refuse to accept from any person any empty beverage container marked pursuant to Section 5, of the kind, size and brand of beverage sold by the dealer, or refuse to pay in cash to such person the refund value of a beverage container established pursuant to Section 2 of this Chapter, if the empty beverage container is presented at the location at which the dealer sells or offers for sale such beverages in beverage containers to consumers, provided that for purposes of this section 'dealer' shall not include persons selling beverages to consumers for on-premise consumption.

(b) Beginning June 1, 1976, a distributor shall not refuse to accept from a dealer any empty beverage container marked pursuant to Section 5, of a kind, size and brand of beverage sold by the distributor, or refuse to pay in cash to the dealer the refund value of a beverage container as established pursuant to Section 2 of this Chapter, if the empty beverage containers are presented at the time and location of any delivery of filled beverage containers by the distributor to the dealer."

"Section 4. Detachable Beverage Container Openings

Beginning on June 1, 1976, no person shall sell or offer for sale in the District of Columbia any metal beverage container so designed and constructed that a part of the container

is detachable in opening without the aid of a can opener."

"Section 5. Beverage Container Markings

Beginning on June 1, 1976, no distributor or dealer shall sell or offer for sale in the District of Columbia a beverage in a non-refillable container that does not clearly indicate in a securely affixed manner the following information: (1) the beverage container is to be sold in the Greater Washington Area, and (2) the refund value of the beverage container as established in Section 2 of this Chapter."

"Section 6. Penalties For Violation

Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be fined in an amount not exceeding $50.00. Each day that such violation is committed or permitted to continue shall constitute a separate offense. In addition thereto, the Mayor of the District of Columbia or his authorized representative, may institute injunctive or any other appropriate action or proceeding for the enforcement of this Article or to correct violations of this Chapter in the Superior Court of the District of Columbia, which may issue restraining orders, temporary or permanent injunctions or other appropriate forms of remedy or relief."

"Section 7. Severability

The provisions of this ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this regulation or their application to other persons and circumstances. It is hereby declared to be the legislative intent that this regulation would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstance to which the regulation or any part thereof is inapplicable had been specifically exempted therefrom."

Section 2. This Regulation shall become effective June 1, 1976, provided that the Mayor shall certify and order to be printed in the D.C. Register, on or before October 1, 1975, his finding that the governing bodies of Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; and the City of Alexandria, Virginia; if legally empowered to do so, have enacted ordinances or regulations substantially similar to this Regulaton.

THE DISTRICT OF COLUMBIA

WALTER E. WASHINGTON
Mayor-Commissioner

WASHINGTON, D.C. 20004

December 27, 1974

Memorandum to the District of Columbia City Council

Today, I am returning with my disapproval Regulation 74-40 relating to beverage containers.

My action comes after long deliberation and with reluctance. The government of the District of Columbia is committed to development of practical measures for the recycling of waste products, not only glass bottles, but other waste products as well including waste paper and printing materials. The ultimate answers may be found in full resource recovery programs operating on national and regional bases.

While the regulation enacted by the Council is praiseworthy in its objectives and provides a partial attack on a subject of great importance to the city and the area now and in the future, it is subject to a number of deficiencies.

First, the measure may not provide the metropolitan program intended by Section 2 since some of the area jurisdictions may not have the authority to enact parallel programs contemplated by the regulation. It is conceivable that the District of Columbia could find itself to be the only major jurisdiction with such a law. Such a situation would adversely affect business and employment in the District and possibly result in higher bottled beverage prices for our residents.

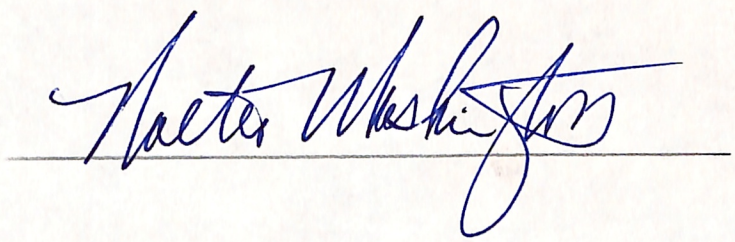
Second, the success of the regulation depends on a committment to it by all jurisdictions in the metropolitan area. Such a law would have a better chance of reducing litter and avoiding the creation of serious health hazards only if associated with an effective metropolitan-wide consumer education effort.

Third, the regulation would become fully effective on June 1, 1976 without any arrangement for phasing. In testifying on behalf of national legislation before the United States Senate, John Quarles, Deputy Administrator of the Federal Environmental Protection Administration, stressed the importance of phasing with gradual implementation to 1980. Such a phasing arrangement would be appropriate for the metropolitan area as well.

Timing is important from another standpoint. The industry claims that the program would adversely affect employment and incomes of wage earners and raise prices to consumers. Although ultimately the benefits of such a program undoubtedly would offset the additional costs, our present depressed economy should not be subject to such strains.

I believe the measure is also deficient in outlawing all metal cans with pull tops. The implications of this provision added by the Council late in its deliberations should be carefully considered.

It is my hope that the new Council will address the subject matter of this regulation and develop a new proposal which meets environmental needs and is administratively feasible. I would be delighted to sign such a regulation when it is presented.



Regulation No. 74-41

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO HORIZONTAL PROPERTY REGIME (CONDOMINIUM) REGULATION NO. 74-26, REGARDING ESTABLISHMENT OF FEE SCHEDULE FOR THE FILING OF PROPERTY REPORTS

Vice-Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to make rules and regulations with respect to Horizontal Property Regimes pursuant to the provisions of Section 5-928 and to make regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia under Section 1-226, D. C. Code, 1973 edition, as amended; and

WHEREAS, the Mayor-Commissioner has requested the District of Columbia Council's consideration of an amendment to Regulation No. 74-26, enacted October 18, 1974, to establish a fee schedule for the filing of property reports.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 3.2(d) of Regulation No. 74-26 is amended to read as follows:

"(d) A copy of the property report and any amendments and supplements thereto shall be filed with the Commissioner promptly upon preparation thereof. The Commissioner is hereby authorized to establish a schedule of fees for the registration of such property reports, and amendments and supplements thereto, in such amounts as will be commensurate with the approximate cost to the District of Columbia of such registration and services."

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 2, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward B. Webb Jr. (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Webb

Secretary of the City Council

J-2613—75

Certified copies are available.

Section 2. The amendment made by this regulation shall be effective immediately upon enactment.

Regulation No. 74-42

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENTS TO THE REGULATION TO ESTABLISH AND APPLY STANDARDS OF ASSISTANCE FOR PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, Section 233.20(a) of Title 45, Code of Federal Regulations, provides that states must specify a state-wide standard expressed in money amounts used in determining (a) the need of applicants and recipients and (b) the amount of the assistance payment; and

WHEREAS, pursuant to the 1973 D.C. Appropriation Act, an increase in the standard of assistance was duly approved by the District of Columbia; and

WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962, and to approve regulations defining the amount of public assistance which any person shall receive.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The provisions set forth in these amendments shall revoke and void Sections 2 and 5(a) of Regulation No. 72-17, dated September 12, 1972.

Section 2. The standards of assistance, based on the February 1973 Cost-of-Living Index, are set forth in the following table and include basic cost of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Department of Human Resources.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward B. Webb, Jr. (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb
Secretary of the City Council

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Certified copies are available.

STANDARDS OF ASSISTANCE

This table shall be used as the basis for computing eligibility and payment levels for applicants and recipients of public assistance except for those persons with special living arrangements:

Family Size	Requirement	85%
1	181.00	$153.85
2	226.00	192.10
3	286.00	243.10
4	349.00	296.65
5	403.00	342.55
6	474.00	402.90
7	544.00	462.40
8	601.00	510.85
9	661.00	561.85
10	718.00	610.30
11	758.00	644.30
12	814.00	691.90
13	852.00	724.20
14	898.00	763.30
15	932.00	792.20
16	978.00	831.30
17	1,073.00	912.05
18	1,098.00	933.30
19	1,121.00	1,028.50

Section 3. Policy for Determining the Amount of Public Assistance Payments

A. To determine the public assistance payment for an assistance unit, the Director of the Department shall subtract any available resources of the assistance unit (after applicable disregards) from the public assistance payment level based at 85% of the February 1973 costs in computing the amount of the payment.

B. The Director of the Department of Human Resources is hereby authorized to adjust upward the percentage rate of payment up to 100% of needs based on availability of funds. The Director of the Department of Human Resources is hereby further authorized to adjust the Standards of Assistance as may be indicated by the Bureau of Labor Statistics' most recent Cost-of-Living Index.

Section 4. This regulation shall take effect January 1, 1975.

Regulation No. 74-43

Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO INCOME AND FRANCHISE TAX REGULATIONS TO PERMIT CAMPAIGN CONTRIBUTION DEDUCTIONS FROM INCOME TAX

Chairman John A. Nevius Presents the following regulation:

WHEREAS, Section 702 of Title VII of Public Law 93-376 authorizes the District of Columbia Government to allow income tax credit in certain circumstances to District of Columbia citizens for political campaign contributions and in turn implementation of this authorization requires amendment of the District of Columbia Income and Franchise Tax regulations.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Income and Franchise Tax Regulations of the District of Columbia promulgated under the District of Columbia Income and Franchise Tax Act of 1947 as amended, are hereby further amended as follows:

Section 6.8. Credit for Campaign Contribution.

(a) For the purpose of establishing the amount of the political campaign contribution credit to be allowed, any individual claiming the credit shall submit such information on such form as the Commissioner may prescribe.

The credit shall not exceed the amount of any individual's District of Columbia income tax liability.

Section 2. This regulation shall take effect immediately upon enactment.

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward P. Webb (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward P. Webb
Secretary of the City Council

J-2613—75

Certified copies are available.

Regulation No. 74-44

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO SALES TAX REGULATIONS TO AUTHORIZE EXEMPTION OF CATEGORIES OF "LIVE" PERFORMANCES

Chairman John A. Nevius Presents the following regulation:

WHEREAS, Section 473, Part 6, Title IV of Public Law 93-407 exempts from the application of the District of Columbia sales tax certain categories of live performances and therefore requires the amendment of the District of Columbia Sales Tax Act of 1949.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Regulations pertaining to the District of Columbia Sales Tax Act of 1949 are hereby amended as follows:

Section 1213. Exemptions from Sales Tax on Admissions.

(1) The tax on admissions to public events does not apply to live performances of ballet, dance, or choral performances, concerts (instrumental and vocal), plays (with and without music), operas and readings and exhibitions of paintings, sculpture, photography, graphic and craft arts. It does apply to movies, circuses, burlesque shows, sporting events, and performances or exhibitions of any other type or nature. Charges for admission to trade, boat, sporting goods, home, horse and dog shows are examples of taxable charges.

Charges for the use of recreational facilities by persons participating in athletic events and dues or initiation fees for admission

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

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Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward B. Webb (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

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Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

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Edward B. Webb
Secretary of the City Council

J-2613—75

Certified copies are available.

to social clubs are exempt from the tax.

Cover or minimum charges by restaurants and other establishments for the sale of food or drink are deemed to be part of the charges for food or drinks consumed on the premises and are not taxable as admissions.

(2) Discounts for Sales Agents.

If discounts are allowed sales agents as their compensation for making sales of tickets, such discounts shall be considered to be a selling expense which may not be deducted in determining the amount of the taxable receipts.

Section 2. This regulation shall take effect immediately upon enactment.

1974 DCSTAT REG 448

Regulation No. 74-45

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENTS TO INCOME AND FRANCHISE TAX REGULATIONS CONCERNING PROPERTY TAX AUDIT

Chairman John A. Nevius Presents the following regulation:

WHEREAS, Part 4, Title IV of Public Law 93-407 requires the District of Columbia government to institute a property tax credit on the income tax of certain categories of low-income District of Columbia citizens, which requirement in turn requires the amendment of the District of Columbia income tax and franchise tax regulations.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Income and Franchise Tax Regulations of the District of Columbia promulgated under the District of Columbia Income and Franchise Act of 1947, as amended, are hereby further amended as follows:

Section 6.7. Definitions

1. The word "utilities" means electric and gas furnished to the lessee or tenant for lighting and cooking. It does not include electricity or gas furnished for any other purpose, or water.

2. The term "household income" includes household gross income received by all individual members of a household during the calendar year while such individuals were members of the household; provided, however, that it shall not include the first $1,000 of the earned income of each dependent while a member of the household.

3. The word "dependent" as used in Section 7 (J)(1) of Title VI

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date)

Edward B. Wells Jr.
Secretary of the City Council

Approved Walter Washington
Mayor-Commissioner

27 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wells
Secretary of the City Council

P-251

Certified copies are available.

means any individual who meets the following tests:

(a) Receives over one-half of his or her support from the claimant or his or her spouse.

(b) Is related to the claimant or his or her spouse as set forth in Section 4(u) of Title I of the Act.

4. The word "Board" means the Board of Equalization and Review for the District of Columbia established under the provisions of Section 426(a) of Public Law 93-407.

5. The term "members of a household" means all members of one household whether or not they are related; for example, two or more unrelated individuals sharing an apartment constitute the members of a household.

6. The term "gifts from nongovernmental sources" shall not include any amounts received by a recipient who is required to perform some act or render some service as a condition for the receipt of the gift.

7. The term "dwelling house" means the structure where the claimant resides or has his principal place of abode whether or not he is domiciled in the District of Columbia.

8. The term "claimant" shall not include any individual who is absent from his or her home or homes in the District of Columbia for more than 180 days in the calendar year for which the claim is made or any individual under 65 years of age who is claimed as a dependent on any Federal, state, or District of Columbia income tax return during the year for which a claim is made.

Section 6.7 (b) (5) Rent Paid for Utilities.

In any case where a claimant uses both electricity and gas, but only one is included in his rent and is not separately stated, the percent of rent deemed to be paid for utilities shall be:

(a) Six percent (6%), if the electricity is included in the rent;

(b) Four percent (4%), if the gas is included in the rent.

In those cases where the claimant is using electricity for both lighting and cooking and the electricity is not separately stated in his rental payments, the percent of rent deemed to be for utilities shall be ten percent (10%).

Section 6.7 (e) (1) Use of Home for Business Purposes.

If a claimant or member of the household uses part of the dwelling house for business purposes, or part of the dwelling house is rented to someone who is not a member of the household, property taxes accrued or amount of rent used in determining property taxes accrued shall be reduced by the amount of the deduction allowed or allowable for property taxes or rent on any D. C. income or franchise tax return in determining the net income of the business or the net rental income.

(2) Ownership of Two or More Dwelling Houses.

If a claimant owns two or more dwelling houses in the District during the calendar year, property taxes accrued shall be determined by multiplying by two the amount of first-half taxes ordinarily due and payable in September of that year on the home resided in by the claimant on July 1 of that year.

(3) Part-year Ownership of Dwelling House.

If a claimant owns his dwelling house in the District for a part of the year and rents a dwelling house in the District for the remainder of that year, the amount of the credit allowable under this section shall be determined by adding the property taxes accrued and rent constituting property taxes accrued that were paid during that year; provided, however, that if the claimant rented two or more dwelling houses during the calendar year for which the claim is made, rent constituting property taxes accrued shall be determined by dividing the rent paid pursuant to the last rental agreement by the number of months rented and multiplying the result by the total number of months any dwelling houses were rented by the claimant in the District during that year.

(4) Multipurpose Building.

The Commissioner shall, upon the written request of a claimant, determine the value of a claimant's home for purposes of determining property taxes accrued when that home is an integral part of a larger unit such as a multipurpose building or a multi-dwelling building.

Section 6.7 (f) Determination of Claimant.

(1) In case of the death of one of the parties to a joint return after the claim is filed but before it is paid, the surviving spouse shall be deemed to be the claimant if the home was held as tenants by the entirety or as joint tenants.

Section 6.7 (l) Income Averaging.

Any individual making a claim for credit under this section may elect to average his household gross income provided that he meets all of the following tests:

(a) Has resided in the District of Columbia during all of the year for which the claim is filed plus two preceding years.

(b) Was not claimed as a dependent on any Federal, state of D. C. income tax return during the income averaging period.

(c) Had an increase in household gross income for the year for which the claim was filed of thirty percent or more of the average income for the two preceding years.

(2) In averaging his household gross income, the claimant will add his household gross income for the year for which the claim is made to the household gross income for the two preceding years and divide the total by three.

The average household gross income determined from the foregoing computation shall be the household gross income for the year

for which the claim is made.

Section 6.7 (p) Property Tax Credit Table.

The table to be provided by the Commissioner for determining the amount of the property tax credit shall be in increments of $200 as to the amounts of household gross income and in increments of $10 as to the amount of property taxes paid or rent constituting property taxes paid. The product indicating the amount of relief in each cell in such table shall be rounded to the nearest whole dollar.

Section 2. This regulation shall take effect immediately upon enactment.

Regulation No. 74-46

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION TO MODIFY THE TIME STANDARD FOR PROCESSING APPLICATIONS FOR PUBLIC AND MEDICAL ASSISTANCE

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, regulations of the Department of Health, Education, and Welfare (45 CFR 206.10(a)(3) (i and ii) require that state plans under applicable titles of the Social Security Act provide for prompt decisions on applications for public and medical assistance pursuant to time standards not in excess of 45 days or, as to the disabled, 60 days; and

WHEREAS, Regulation No. 69-26 requires that action approving or disapproving applications for public assistance be taken within thirty days; and

WHEREAS, pursuant to paragraph (83) of section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to approve rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Regulation No. 69-26, approved July 25, 1969, is amended as follows:

(1) Section 1 of such regulation is amended to read as follows:

"Section 1. Applications for public and medical assistance shall be approved or disapproved by the Department

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS				X		FOSTER		X				PARKER		X			
TUCKER	X			X		MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward B. Webb, Jr. (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Webb (Secretary of the City Council)

P-251

Certified copies are available.

of Human Resources with reasonable promptness. Such action shall be taken on applications for public assistance not in excess of forty-five days and on applications for medical assistance to the disabled not in excess of sixty days from the date the application is received to the date the applicant receives his first assistance payment or his Medicaid care or a notice of ineligibility, unless a delay is caused by unusual circumstances beyond the Department's control including those which are:"

(a) wholly within the applicant's control;

(b) beyond his control, such as hospitalization or imprisonment; or

(c) an administrative or other emergency that could not be reasonably controlled by the agency.

Section 2. Section 2 of such regulation is amended by striking out "thirty-day period" and inserting in lieu thereof "applicable forty-five or sixty-day period".

Section 3. Each applicant shall be informed of the Department's standard of promptness and of his right to a hearing if action is not taken within the specified period to grant assistance or to notify him of his ineligibility.

Section 4. This regulation shall become effective upon passage.

Regulation No. 74-47

Disapproved
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENTS TO THE HEALTH CARE FACILITIES REGULATION (COUNCIL REGULATION NO. 74-15) PERTAINING TO COMMUNITY RESIDENCE FACILITIES AND RELATED AMENDMENTS

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized by § 1-226 D.C. Code 1973 ed., pursuant to Section 402(4) of Reorganization Plan No. 3 of 1967 to make and enforce all such reasonable and usual police regulations as may be deemed necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, the District of Columbia Council is authorized by § 47-2344 D.C. Code 1973 ed., pursuant to Section 402(391) of Reorganization Plan No. 3 of 1967 to require licenses and regulate businesses which in the judgment of the Council require inspection, supervision or regulation; and

WHEREAS, the District of Columbia Council is authorized by § 1-228 D.C. Code 1973 ed., pursuant to Section 402(5) of Reorganization Plan No. 3 of 1967 to make building regulations; and

WHEREAS, the District of Columbia Council is authorized by § 6-118 D.C. Code 1973 ed., pursuant to Section 402(134) of Reorganization Plan No. 3 of 1967 to promulgate rules and regulations to prevent and control the spread of communicable diseases; and

WHEREAS, the District of Columbia Council is authorized by § 33-405 D.C. Code 1973 ed., pursuant to Section 402(262) to make rules and regulations for the administration and enforcement of the Narcotics Drug

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

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Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward B. Webb (Secretary of the City Council)

Approved _____ (Mayor-Commissioner) _____ (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule. _____ (Date)

Disapproved and returned to the City Council Walter Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

Readopted _____ (Date)

I hereby certify that this regulation ~~is true and adopted~~ has not been* or readopted as stated therein. Edward B. Webb

Secretary of the City Council

J-2613—75

Certified copies are available.

Act of June 20, 1938.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The District of Columbia Health Care Facilities Regulation (Regulation No. 74-15) is hereby amended as follows:

(1) In title I, section 3 insert the following new definitions in proper alphabetical position, and renumber the other definitions as necessary:

"Community Residence Facility: A facility providing special services in addition to room and board to individuals age 18 and above who are able to perform the activities of daily living without assistance, or with minimal assistance but who desire or require a protective home-like environment because of physical, mental, familial, or social circumstances. The definition shall include but not be limited to facilities heretofore known as personal care homes and other facilities commonly known as adult foster homes, halfway houses, alternate residential placements, therapeutic residential communities, homes for the aged and homes for the blind. Correctional facilities shall be exempt from the scope of this title in so much as it can be shown that the legal status of the residents prohibits application of the requirements of the regulation".

"Foster Home: A residence of six or fewer unrelated individuals including the residence director who shall reside within the home."

(2) In title I, section 3(14), strike "Supervised Personal Care Facilities" and insert in lieu thereof "Community Residence Facilities".

(3) In title I, section 3(25), add the following: "In titles II through IV of this regulation, and where the provisions of titles V and VI of this regulation apply to residents of community residence facilities pursuant to title VII of this regulation, "patient" shall also be defined to include a resident of a community residence facility."

(4) Strike section 3(47) of title I and renumber the other definitions in that section accordingly.

(5) In title II, section 1(c), add the following sentence: "A community residence facility which operates from more than one location may be licensed as a single facility upon approval by the Commissioner."

(6) In title II, section 1(f), strike the period at the end of the sentence and add the following: ", except that foster homes shall not be required to post licenses but shall have any license easily available to all city inspectors upon their request."

(7) In title II, section 4(a)(2), insert after the word "administrator" the words "or residence director".

(8) In title II, section 4(c), strike the period and add the following: ", except that foster homes shall not be required to provide an annual budget, financial records or information concerning financial resources."

(9) In title II, section 7, strike in the heading to that section "and Judicial Review".

(10) Title II, section 7(b) is amended to read as follows: "(b) Upon suspension of a license pursuant to section 6(d) of this title, the Commissioner shall immediately notify the licensee that the licensee may within 24 hours

following the suspension, request a hearing. Such hearing shall be conducted by the Commissioner within two calendar days following receipt of the request."

(11) In title III, section 3(a)(4), insert after "Administrator" the words "or Residence Director".

(12) In title III, section 3(c), insert after the words "Acting Administrator" the following: ", Residence Director".

(13) In title III, section 6 strike the designation "(a)" and in clause (3) insert after "and regulations and" in the third line, the following: ", when applicable,".

(14) In title IV add the following new section 2: "Section 2. In community residence facilities, married couples shall be permitted to share the same sleeping quarters."

(15) Add the following title VII:

"TITLE VII. COMMUNITY RESIDENCE FACILITIES

Section 1. Administrative Management

(a) Residence Director - The facility shall have a Residence Director who may be the licensee-resident of the facility.

(1) Qualifications

(A) He shall be between the ages of 21 and 70 years of age.

(B) He shall be certified annually by a physician as being in good physical and mental condition.

(C) The Residence Director shall be required to meet the following qualifications according to the size and program of the facility:

(i) Each foster home Residence Director shall be questioned orally by the Commissioner as to his understanding of the requirements of this regulation and his ability to provide adequate care to residents within the home. In addition, he shall be willing to attend such courses of training as may be prescribed by the Commissioner at no cost or at minimal cost to the Residence Director.

(ii) Residence Directors of facilities with at least 6 but no more than 30 residents shall meet the requirements of (i) except that the examination shall be oral and in writing.

(iii) Residence Directors of facilities with more than 30 residents shall meet the requirements of (ii) and hold a bachelor's degree or have at least one year's paid experience in any field directly related and pertinent to the program or services of the facility.

(2) Responsibilities of the Residence Director

The Residence Director shall be responsible for the internal operation of the facility which shall include but not be limited to:

(A) Supervision of the day-to-day operation of the facility.

(B) Implementation of policies, practices and procedures of the facility, including screening of prospective residents.

(C) Preparation of all reports and documents required by the Commissioner.

(D) Preparation of budget and supervision of financial matters.

(E) Supervision of the facility's health and dietary standards and services and of its services relating to the education and welfare of its residents.

(F) Maintenance of facility records and reports relating to residents and finances.

(G) Supervision and direction of other employees of the facility.

(3) The Residence Director of a foster home shall reside within the facility. At no time shall the foster home be left unattended overnight. The Residence Director shall not be employed outside of the home.

(4) In all other community residence facilities, when the Residence Director is not present at the facility, he shall be responsible for assigning his duties to an individual who shall be at least 21 years old and who shall be capable of recognizing changes in the residents' physical and mental condition and of taking appropriate action.

(5) A community residence facility may be left unattended for short periods of time during the day when such facility houses 30 or fewer residents.

(b) Medical Coverage - Each resident shall provide for his own medical supervision, except that nothing in this title shall be deemed to require a resident to have a medical relationship with a physician when that resident relies solely upon treatment by prayer or by spiritual means in accordance with the creed or tenets of any church or religious denomination.

(c) Professional Consultation.

(1) A community residence facility shall, by written agreement, retain the services of at least one professional consultant who shall be trained and shall hold a graduate degree in one of the following fields: psychiatry, psychology, social work, special education, vocational rehabilitation, public health nursing, or any other field directly related and pertinent to the community residence program: Provided that, upon written application by the Residence Director to the Commissioner, extensive experience and expertise may be considered in lieu of an academic degree. In addition, if the Residence Director or a full-time staff member holds the qualifications of the Professional Consultant, the requirement for a Professional Consultant may be waived by the Commissioner upon application of the Residence Director. The Professional Consultant may be an individual employed by a community mental health program, social service or educational agency, a rehabilitation program or any other appropriate city, federal or private program. The Commissioner shall, when requested, make such professional consultation available to foster homes without charge to the Residence Director. All Professional Consultants required to be licensed

shall maintain current licensure in the District.

(2) The Professional Consultant shall be required to provide initial and on-going training appropriate to the needs of the facility to the Residence Director and all other employees in the areas of orienting new residents to the facility, interpersonal relationships, health and social problems and community resources available to solve them, as well as any other areas pertinent to the community residence program.

(d) Personnel Licensure, and Personnel Policies.

Subsections (b) and (c) of section 1 of title V of this regulation shall apply to community residence facilities.

(e) Admission Policies - The facility shall admit and retain only those residents who can be assisted safely and adequately within the limitation of the licensing requirements.

(1) Residents shall be mobile with or without mechanical assistance.

(2) Residence shall be able to perform the activities of daily living with minimal assistance, be reasonably oriented as to person and place, and capable of proper judgment in taking action for self-preservation under emergency conditions. Residents requiring professional nursing services shall not be admitted or retained by the facility.

(3) Residents shall be admitted to the community residence facility only if the Residence Director, the prospective resident, the sponsor (if any), and the resident's physician agree that the resident does not require a greater level of health care or protection than can be provided by the facility.

(4) Prior to admission of the resident, the resident's physician shall certify in writing that the resident does not require a greater level of care than that provided by the facility, and he shall provide information concerning the resident sufficient to assist the facility in providing adequate care and protection to the resident.

(5) Each facility shall take reasonable measures to assure that the prospective resident is free from communicable diseases as defined in title 8, Chapter 5, Part 1 of the District of Columbia Health Regulations.

(6) Admission and other policies shall comply with Title 34 of the District of Columbia Rules and Regulations (Human Rights Regulation). Admission requirements which are predicated upon membership in a religious or political organization or any organization operated for educational or charitable purposes or which are predicated upon otherwise lawful exceptions to Title 34, shall be in writing.

(f) Program Policies - Each community residence facility shall develop a written statement of its program, policies and practices. Such statement shall describe the program goals; the services, training and care offered by the community residence; the kinds of activities and facilities offered; the fees and charges to residents; payments and refund policies; the group or groups of persons to be served including any sex or age characteristics; admission and discharge policies, including parameters of length of stay; and limitations if any, on sources of referral. Included shall be the rules developed by the facility regarding safety and health, except that, foster

homes shall only be required to provide to all residents and prospective residents a written copy of the house rules which shall include those rules pertaining to safety and health, fees and charges to residents and payments and refund policies. Such written statements shall be made available to the Commissioner and public free of charge.

(g) Resident Status Policies

(1) In facilities with six or more residents, there shall be written procedures to be followed whenever there is a significant change in the resident's health status or in charges, billings or other related administrative matters.

(2) In cases of serious illness or accident, medical care shall be secured immediately by the resident or the Residence Director and the Residence Director shall immediately notify the next of kin or sponsor and document such in the resident's record.

(3) The Residence Director shall take appropriate steps to transfer any resident whose physical or mental condition deteriorates, who becomes acutely ill, who suffers an accident, who requires isolation or who requires any other emergency treatment to an appropriate licensed facility within 72 hours unless the resident's physician certifies in writing that the resident's health and safety would not be endangered by remaining in the facility and that retention in the facility would be in the best interest of the resident. If, the Residence Director is not able to accomplish the transfer, he shall notify the Commissioner of the need for assistance.

(4) Death shall be determined and pronounced only by a physician. In the case of death, both the resident's attending physician and the next of kin or sponsor shall be notified promptly.

(5) The facility shall provide for deaths to be investigated in accordance with Title XI, Chapter 23 of the District of Columbia Code.

(6) The Residence Director shall communicate in writing with the resident's sponsor at least every six months regarding the general condition of the resident.

(h) Transfer and Discharge Policies.

(1) No resident shall be involuntarily transfered to another community residence facility or asked to leave the facility on a non-emergency basis without a written statement signed by the Residence Director or the supervising agency (if any), describing the reasons and providing timely notification to the resident and sponsor and opportunity for the resident to discuss the request with his personal physician, sponsor, legal representative or other person as he desires.

(2) No resident shall be prevented from leaving the residence. If the Residence Director has reason to believe that the resident appears not to be competent and may do harm to himself or to others, the Residence Director shall promptly notify the resident's personal physician and attempt to obtain appropriate medical assistance.

(i) Visitors, Posting of Licenses, Emergency Care of Residents and Rights of Residents. Subsections (h), (i), (j) and (k) of section 1 of title V of this regulation shall apply to community residence facilities, except that foster homes shall not be required to post licenses but shall have any licenses easily available to all city inspectors upon

their request.

(j) Insurance Coverage. The facility shall carry sufficient insurance to cover hazard (fire, extended coverage and vandalism) and legal risk (liability).

Section 2. Administrative Records and Reports. - The Residence Director shall maintain current and accurate records and reports which shall be on file and available at all times for inspection and review by the Commissioner. All administrative records and reports shall be filed and retained for five years by the facility. Required records and reports shall include but not be limited to the following information:

(a) Records Related to Residents - Each community residence facility shall keep and the Residence Director shall report annually to the Commissioner on appropriate forms to be provided by the Commissioner the following information:

(1) Total admissions
(2) Total discharges
(3) Total number of deaths
(4) Authorized bed capacity
(5) Total resident days

(b) Other Records - Within 30 days after the end of each calendar year the Residence Director shall report the following administrative information to the Commissioner on appropriate forms to be provided by the Commissioner:

(1) Payroll records (if applicable)
(2) Report of fire inspections
(3) Report of fire alarm system and fire drills
(4) Report of elevator inspection (if applicable)
(5) Disaster plans and procedures
(6) Agreements with professional consultant(s)

(c) Resident records - The facility shall keep a record on each resident and all information contained therein shall be confidential and shall not be open to public inspection without the written consent of the resident indicating to whom the records are to be released to and for what purpose. Each record shall be kept current, dated and signed with the full names of the record keeper and shall include but not be limited to:

(1) Resident's name
(2) Resident's age
(3) Sex
(4) Home address
(5) Date admitted
(6) Name, address and telephone number of personal physician
(7) Name, address and telephone number of next of kin or sponsor
(8) Source of referral

(d) Unusual Occurrence and Incident Reports.

The facility shall maintain individual reports of unusual occurences and incidents including but not limited to accidents and injuries.

(e) Use of Resident Reports and Records. Reports and records specifically identifying residents of a community residence facility which are required by the Commissioner shall not be available for public inspection unless the names of the residents and other identifying characteristics of the residents are removed. No studies based on these records shall identify the community residence facility by name without its written consent or any resident by name without his written consent.

Section 3. Community Residence Program Statement

Each community residence facility shall develop in writing and submit to the Commissioner an initial statement prior to licensing and on an annual basis thereafter, of its program, facilities, organizational structure, staffing patterns, consultant services, policies and practices, formal and informal relationships to community health or health related services, social services, criteria for resident admission, parameters of length of stay, discharge policies, limitations, if any on source of referral, and an estimated program budget, except that, foster homes shall only be required to submit a written copy of its house rules, fees and charges to residents, payments and refund policies and relationship, if any, to social or health agencies of the District or federal government.

Section 4. Physical Restraint and Behavioral Modification

(a) The facility shall not use physical restraint or confinement except in an emergency, to protect a resident from harm to himself or to others. When such methods are required, the Residence Director shall immediately notify the resident's personal physician and immediately take steps to transfer the resident to an appropriate facility.

(b) Programs designed to control or change a resident's behavior shall be described in writing, subject to the approval of the Commissioner and when approved by him shall be conducted only under the direct supervision of a qualified person having a graduate degree in psychology, psychiatry, sociology, social work, special education or vocational education and having direct supervised experience and training in the method employed. Such programs shall not utilize deprivation or deprive any resident of his basic rights as provided in this title.

(c) Physical or mental abuse shall not be employed by the facility.

(d) A resident shall not be forcibly secluded in a locked room, nor shall he be locked out of his room at any time.

Section 5. Medications. Each resident admitted to a community residence facility shall be capable of keeping and administering his own medications. The resident's physician shall file with the facility a written statement that the resident is able to administer his own medications.

Section 6. Dietary Services

(a) Food services shall recognize and provide for the reasonable physiological, emotional, religious, and cultural preferences of each resident. All food and drink shall be clean, wholesome, free from spoilage, prepared as to be safe for human consumption and served in accordance with title 8, Chapter 6, Part 1 of the D.C. Health Regulations, (General Food Regulations) except that foster homes shall be exempt from the requirements of title 8, Chapter 6, Part 1 of the District of Columbia Health Regulations provided that food handling, preparation and service shall be conducted in a manner consistent with the intent thereof.

(b) The Residence Director or his designee shall take overall responsibility for the food service.

(c) If the resident is dependent upon the facility for providing his daily food needs, the facility shall obtain regular consultation from a dietitian and shall conform to subsections (a)(2) through (a) (7) and subsection (b) of section 7 of title V of this regulation, except that facilities with less than ten residents shall not be required to hire a full time food service worker. Foster homes shall not be required to comply with subsections (a)(2) through (a) (7) of section 7 of title V of this regulation.

(d) If the facility, as part of the written description of the facility program, encourages or requires residents to participate in the selection, shopping, preparation or cleanup of the meals, the following shall apply:

(1) Meals served by the facility under such a program shall to the extent desired by the residents, meet the minimum daily food requirements as set forth in subsection (b)(3) of section 7 of title V of this regulation.

(2) If the facility employs food service workers, the requirements of subsections (a)(5), (6) and (7) of section 7 of title V relating to employee records, health examinations and employee clothing shall apply to community residence facilities.

(e) The facility in its food service program shall attempt to create an atmosphere as home-like as possible. Provision shall be made for group dining.

(f) If a therapeutic diet is prescribed by a resident's physician, it shall be prepared with the consultation of that physician and a dietitian.

(g) The Commissioner shall make a current diet manual available to all facilities and offer dietetic consultation within available resources.

(h) Food on Hand - Supplies of staple non-perishable foods capable of feeding the residents for a minimum of five days and perishable foods for a minimum of two days shall be maintained at the facility.

Section 7. Social Services

(a) Facilities with more than 30 residents shall comply with title VI, section 8 of this regulation relating to social services.

(b) In facilities with 30 or fewer residents, the Residence Director or his designee shall become familiar with available community social and rehabilitative services and shall assist the residents in utilizing such services as desired by the residents.

(c) The Commissioner shall make available to all facilities a list of available private and public social service resources in the community.

Section 8. Resident Activities

(a) Facilities with 50 or more residents shall employ a full time resident activities specialist who shall hold current registration in the National Therapeutic Recreation Society as a therapeutic recreation specialist or possess qualifications necessary for such registration, or have two years paid experience in a health care facility or sixty hours of specialized training in

therapeutic recreation.

(b) Each facility shall provide without additional charge, books, periodicals, newspapers, and audio and audio-visual entertainment within the facility.

(c) The facility staff shall become aware of and familiar with local entertainment activities and events which the residents might enjoy and actively encourage the residents to participate in them. Such activities shall include but not be limited to those which stimulate interest and participation in reading, hobbies, music, religion, drama, arts and crafts, games, sports, and where appropriate, senior citizen clubs and meal programs.

(d) The facility shall to the maximum extent possible utilize services of volunteers in promoting resident participation in activities.

Section 9. Physical Facility Requirements.

(a) Physical Structure

(1) Applicable general codes. In addition to the requirements of this section, the physical structure of a community residence facility shall conform to all applicable provisions of the Housing Regulations of the District of Columbia, the Building Code of the District of Columbia, as amended herein, the Health Regulations of the District of Columbia, and all other applicable District rules and regulations except that foster homes may be exempt from certain requirements of the Health Regulations, as specified in section 6(a) of this title. A community residence facility with 6 or fewer occupants shall conform with Chapters 1 and 2 of the Housing Regulations of the District of Columbia. Community residence facilities with more than 6 occupants shall comply with Chapters 1 and 2 of the Housing Regulations and all other provisions of the Housing Regulations relating to rooming and boarding houses, apartment houses, and hotels or motels, depending on the nature of the facility and the number of occupants, except that sections 3203, 4106, and 7203 pertaining to locks and keys, and section 7205 pertaining to posting of rates, shall not apply.

(2) Occupancy classification. - A community residence facility may be classified as a residential occupancy and may be located in a single or multi-family dwelling.

(3) Other Facility Requirements.

(A) Lighting

(i) Natural light - All habitable rooms shall have window areas and ventilation levels in accordance with the Building Code. Obscure glass, glass blocks or similar non-transparent or distortion-producing material for openings shall not satisfy window area requirements for habitable rooms under this regulation. Window shades which prevent the entrance of daylight shall not be fully drawn during daylight hours in any room other than a sleeping room. Light-diffusing or light-softening devices may be employed during daylight hours.

(ii) Artificial illumination. - General lighting levels in non-sleeping rooms throughout the facility shall be no less than 10 footcandles. Incandescent fixtures shall be equipped with at least 60 watt light bulbs. Additional lighting levels shall be provided by the facility in the kitchen and laundry areas, and as may be needed for special tasks, or at the request of a resident. Night lights shall be provided in bathrooms.

(B) Facility requirements pertaining to residents with limited mobility. - A resident requiring assistance ascending or descending stairs shall only be placed in a community residence facility that provides architectural and safety features sufficient to enable the resident to evacuate the building in emergency situations without the assistance of another person:

(i) No resident with limited mobility shall be placed on any floor of a facility that does not provide level or ramped access directly to the out-of-doors, except where a community residence facility provides numbers of elevators which shall be determined by the Commissioner as sufficient to evacuate, in an emergency, all such residents from the building in no more than two (2) descents per elevator and provided that the facility develops an emergency exit plan that is approved by the Commissioner.

(ii) If approved by the Commissioner, hydraulic lifts may serve as the primary access to the street level floor of the facility in lieu of ramps.

(iii) All primary means of access to the facility used by persons with limited mobility, including ramps, handrails, entrance ways and doors, shall conform to the specifications for such contained in the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," (American National Standards Institute, Inc., Document No. A 117.1-1961.)

(iv) The community residence facility housing residents with limited mobility shall demonstrate to the satisfaction of the Commissioner that it has made reasonable efforts to assure that program spaces and services provided other residents are equally accessible to residents with limited mobility.

(b) Program Space Requirements.

(1) General. - The provision of space in a community residence facility and the way in which the facility is equipped, furnished and maintained shall provide a comfortable, congenial, home-like setting for residents and staff. Residents shall be provided access to and encouraged to utilize fully, all space required to be provided in the facility by this section. When it is necessary to restrict certain space from residents' use, such space shall be located in as remote portions of the facility as possible.

(2) Bedrooms.

(A) Bedrooms shall be occupied in conformance with the minimum square foot requirements for such specified in section 2306 of the Housing Regulations of the District of Columbia except that, regardless of bedroom size, no bedroom shall have more than four (4) occupants.

(B) Every resident's bedroom shall be equipped or provided with a bed, a bedside table or cabinet with an individual reading lamp, and suitable, sufficient storage space for each resident's personal clothing and personal effects. At least one desk and chair shall be provided in the facility for residents' use. Residents who are students shall be provided a desk and chair, upon request, in a part of the facility that is quiet and condusive to study. Community residence facilities shall provide to each resident at least weekly clean bed linens consisting of two sheets and a pillow slip; and a clean bath towel, hand towel and wash cloth.

(C) Beds shall be located only in rooms designated "

solely for that purpose.

(D) Bedrooms for residents requiring assistance ascending or descending stairs shall be located only on floors with level or ramped access to the outdoors and to the other program spaces required in this section except where elevators are employed in accordance with (a)(4)(B) of this section.

(E) In community residence facilities where residents are given keys to their sleeping rooms, staff shall have access to duplicate keys for use in emergency situations only.

(3) Bathing and toilet facilities.

(A) Bathing and toilet facilities shall be provided in accordance with the fixture ratios established for such in article 240 of the Housing Regulations of the District of Columbia.

(B) In community residence facilities where residents must be provided bedrooms on the ground floor levels in accordance with (b)(2)(D) of this section, bathing and toilet facilities shall be provided on a floor with level or ramped access to such bedrooms.

(C) Bathing and toilet facilities which will be used by any resident requiring assistance with ambulation shall be equipped with sturdily-mounted grab bars near the toilet and in shower and tub enclosures.

(4) Community Space. - Group living space shall be provided for social and recreational purposes: living room or recreation room and dining room. Dining and living areas may be located within the same room provided that minimum area requirements for community space in facilities can be met. The combined total of all community space provided by the facility shall afford at least twenty-five (25) square feet of space above the basement per resident, except that in facilities with more than fifteen (15) residents, the combined total community space provided shall afford at least fifty (50) square feet of space per resident, including basement space which otherwise conforms to the requirements for habitable space in the Building Code.

(5) Kitchen. - In each building serving as a place of residence, a reasonable amount of refrigerated and non-refrigerated storage space shall be provided for any personal food items residents may wish to store for brief periods.

(6) Telephone. - At least one non-coin-operated telephone, on which out-going calls can be placed, shall be provided in the facility. If such telephone is restricted to staff use, the facility shall provide, in addition, at least one telephone for both incoming and out-going calls for use by residents. Required resident telephones shall be readily accessible to residents, including those requiring assistance in ambulation.

(c) Variances. - Variances for existing community residence facilities may be granted by the Commissioner in accordance with the procedures specified in section 19, title V of this regulation.

(d) Safety and Fire Protection.

(1) A manual of instructions and a fire plan shall be prepared and used in training residents and employees in accordance with

section 20(d), title V of this regulation. Upon admission to a community residence facility, new residents shall be informed of the fire plan and shall be given a written copy of the plan.

(2) General safety procedures and inspections shall be provided in accordance with section 20(c), title V of this regulation."

Section 2. The Housing Regulations of the District of Columbia are hereby amended as follows:

(1) Article 880, "Personal Care Homes" is repealed.

(2) In section 1102, "Definitions" of Article 110, the words "Personal Care Home" and the definition thereof is deleted.

Section 3. Amendments to the Building Code.

The Building Code of the District of Columbia (Title 5A-1, DCRR) is hereby amended as follows:

(1) Section 201.1 - "Definitions" shall be amended to include the following definition to be inserted alphabetically:

"Community Residence Facility: A facility providing special services in addition to room and board to individuals age 18 and above who are able to perform the activities of daily living without assistance, or with minimal assistance but who desire or require a protective home-like environment because of physical, mental, familial, or social circumstances. The definition shall include but not be limited to facilities heretofore known as personal care homes and other facilities commonly known as adult foster homes, halfway houses, alternate residental placements, therapeutic residential communities, homes for the aged, and homes for the blind."

(2) In section 201.1, the words "personal care home," and the definition thereof shall be deleted.

(3) Section 202.9(1) - "Group L-1, Residential" shall be amended by inserting, at the end, the following: "Community residence facilities housing more than fifteen (15) residents."

(4) Section 202.9(2) - "Group L-2 Residential" shall be amended by adding, after the words "religious communities," the following: "and community residence facilities".

(5) Section 202.9(3) - "Personal Care Homes." shall be deleted in its entirety.

(6) Section 616.2(1)2 - "Exit Requirements, Residential L-2 occupancies" shall be amended by adding, after the words "2500 square feet", the following: "except that all sleeping rooms above the street level in a community residence facility which has sleeping rooms above the second floor or which has more than six (6) occupants in sleeping rooms above the street level floor, shall have access to two (2) separate means of exit at least one of which shall consist of an enclosed interior stair, or an exterior stair, or a fire escape, or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening."

(7) Section 616.4 - "Protective Appliances, Residential L-2 Occupancies."

shall be amended by deleting the words "Personal Care Homes" and substituting the words "Community residence facilities" and by adding, at the end, the following: "Community residence facilities with more than six (6) occupants shall be equipped with a manual fire alarm system, except in those facilities equipped with either an automatic sprinkler system or an approved fire detection system."

Section 4. This regulation shall take effect on November 1, 1975.

TO THE DISTRICT OF COLUMBIA COUNCIL:

27 DEC 1974

Today I am returning to the District of Columbia Council with my disapproval Regulation 74-47 regarding community care facilities.

I have taken this action because of my grave concern about the potential effect which the enactment of this regulation would have on the large number of people who are connected with the personal care homes now operating in the city. I am aware of the fact that the sections of the regulation which are particularly troublesome to me are those which members of my staff requested. I am hopeful, however, that some amendments can be developed so that personal care home operators will not be forced to forego their only means of earning a livelihood during these harsh economic times and so many of our citizens, particularly the elderly, will not be without adequate personal care facilities. Many of the people who would be adversly affected have called my office to let me know personally of their concern and their committment to provide adequate care of the persons in their homes. I do not think we as a government can ignore these pleas.

Accordingly, I have requested the Department of Human Resources to develop an amended proposal which addresses the problems raised by the personal care home operators. The amended proposal should, I think, review the staffing requirements to make certain they are adequate. It should also define "personal care" so that the public will be advised of the requirements and standards which must be met. Medical coverage requirements should also be a part of the city's laws regulating community care facilities so that the burden of medical care does not fall entirely on the resident.

I regret having to take this action since I am personally committed to the objectives of the regulation. I want to see the community care facilities in the city required to meet standards which will adequately protect the people who require the use of these facilities. But at the same time I cannot ignore the concerns which have come to my attention and I would urge the elected Council to give prompt attention to this matter.

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1974 DCSTAT REG 470

Regulation No. 74-48

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING REGULATION NUMBER 74-20, RENT CONTROL REGULATION FOR THE DISTRICT OF COLUMBIA

Vice-Chairman Sterling Tucker Presents the following regulation:

WHEREAS, the District of Columbia Council adopted Regulation No. 74-20, which established a system of rent control, pursuant to Public Law 93-157; and

WHEREAS, the District of Columbia Council intended the provisions and deadlines stipulated in Regulation No. 74-20 to promote effective implementation of the Regulation with respect to both landlord and tenant interests; and

WHEREAS, the District of Columbia Council finds that the deadline for housing registration provided in Section 9(b) of Regulation No. 74-20 is inconsistent with such effective implementation; and

WHEREAS, the District of Columbia Council finds that Section 7(b) of Regulation No. 74-20, which requires compliance with Title 5DD of the District of Columbia Rules and Regulations, is inconsistent with certain other provisions of the regulation intended to promote speedy and efficient implementation of the regulation; and

WHEREAS, the District of Columbia Housing Rent Commission has requested amendment of the above named Sections in order to prevent a crisis which threatens effective implementation of Regulation No. 74-20.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date)

Edward B. Wilkins
Secretary of the City Council

Approved _____ (Mayor-Commissioner)

27 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Wilkins
Secretary of the City Council

J-2613—75

Certified copies are available.

Section 1. Section 7(b) (lines 46-49) of Regulation 74-20 be amended to read as follows: "All hearings shall be conducted pursuant to the provisions of the D. C. Administrative Procedure Act (D. C. Code, Section 1-1501 et, seq.)."

Section 2. Section 9(b) of Regulation No. 74-20 shall be amended by substituting the words "90th day" for the words "60th day" (line 12).

Section 3. Section 9 (e) of Regulation No. 74-20 shall be amended by substituting the words "90th day" for the words "60th day" (line 4).

Section 4. This Regulation shall take effect immediately upon enactment.

Regulation No. 74-49

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE A REGULATION TO AMEND TITLE 8, CHAPTER 2 OF THE DISTRICT OF COLUMBIA HEALTH REGULATION

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, Chapter 7 of Title 33 of the D.C. Code provides for the regulation and control of dangerous drugs "other than narcotics;" and

WHEREAS, the Mayor-Commissioner, supported by the United States Attorney for the District of Columbia, requested that the drugs: Methaqualone, Peneyclidine, Methlyphenidate, Phenmetrazine and Lysergic Acid Diethylamide to be included in the District of Columbia Dangerous Drug Act; and

WHEREAS, the drugs in question are not presently regulated by Federal narcotics drug laws (as defined under D.C. Code, Section 33-401 (n) and (o); and

WHEREAS, the Health, Welfare and Aging Committee of the District of Columbia City Council has found by a preponderance of testimony presented at a public hearing held October 31, 1974, that the specified drugs are dangerous drugs within the meaning of the Act.

NOW, THEREFORE, BE IT ENACTED BY the District of Columbia Council that:

Section 1. Title 8, Chapter 2 of the District of Columbia Health Regulation is amended to read:

"8-2.431 Additional Drugs Included in the Dangerous Drug Act

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 Edward D. Wilhelm
Date Secretary of the City Council

Approved Walter E. Washington 27 DEC 1974
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward D. Wilhelm
Secretary of the City Council

P-251

Certified copies are available.

The District of Columbia Council, having held a public hearing on the question of whether certain drugs may be considered 'dangerous drugs' for the purposes of paragraph (1) of Section 202 of the Dangerous Drug Act for the District of Columbia (70 Stat. 612; D.C. Code, Sec. 33-701 (1)(C), does hereby find and declare that within the meaning of such section of the Act and the regulations adopted pursuant to the authority contained therein, the term 'dangerous drug' shall include the following drugs:

Methaqualone
Phencyclidine (Angel Dust)
Methyphenidate (Ritalin)
Phenmetrazine (Preludin)
Lysergic Acid Diethylamide (LSD)"

Section 2. This regulation shall take effect immediately upon enactment.

Regulation No. 74-50

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING TITLE 32, MOTOR VEHICLE CODE REGARDING CITY COUNCIL MEMBER LICENSE TAGS

Reverend Jerry A. Moore, Jr. Presents the following regulation:

WHEREAS, Paragraph 286, Section 402, Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the authority to adopt regulations concerning the issuance of automobile registration certificates and identification tags; and

WHEREAS, the Council believes that it is fitting and proper that a representative of the District of Columbia Council should have automobile tags evidencing his honorable office.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Section 3.307 of Title 32, District of Columbia Rules and Regulations, is hereby amended to read as follows:

"Section 3.307 REGISTRATION NOT TRANSFERABLE BY OWNER

Identification tags issued in connection with the registration of a motor vehicle or trailer, may not be transferred to another owner or owners, except for identification tags numbered "1", "2", and "3", assigned respectively to the Commissioner of the District of Columbia, the Chairman of the District of Columbia Council, and the Assistant to the Commissioner, and except for tags bearing the identification: "Chairman, City Council"; "Council Member, At-Large A" through "Council Member, At-Large D" inclusive; "Council Member

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 (Date) Edward B. Wells Jr. (Secretary of the City Council)

Approved Walter Washington (Mayor-Commissioner) 27 DEC 1974 (Date)

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ (Date)

Disapproved and returned to the City Council _____ (Mayor-Commissioner) _____ (Date)

Readopted _____ (Date)

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Wells

Secretary of the City Council

P-251

Certified copies are available.

Ward 1" through "Council Member, Ward 8" inclusive, assigned to Members of the District of Columbia Council, and tags bearing the identification "Member, U. S. Congress 1", issued to the District of Columbia's representative to the United States Congress."

Section 2. This regulation shall take effect immediately upon enactment.

Regulation No. 74-51

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE HARBOR AND BOATING SAFETY REGULATION

Councilwoman Marguerite C. Selden Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to enact harbor regulations pursuant to Section 402(206), Reorganization Plan No. 3 of 1967; and

WHEREAS, the Metropolitan Police Department has recommended the enactment of harbor regulations, as below; and

WHEREAS, affected and interested federal agencies have been involved in the development and review of these regulations;

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Article 29, Harbor Regulations, Police Regulations of the District of Columbia is hereby repealed.

Section 2. Article 29, Harbor and Boating Safety Regulations of the Police Regulations, Appendix A, attached, is hereby adopted.

Section 3. This regulation shall be effective thirty days after enactment.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 18, 1974 (Date) Edward B. Webb, Jr. Secretary of the City Council

Approved Walter Washington Mayor-Commissioner 27 DEC 1974 Date

Enacted W/O signature of the Mayor according to ten day limitation rule: Date

Disapproved and returned to the City Council Mayor-Commissioner Date

Readopted Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Webb Secretary of the City Council

P-251

Certified copies are available.

APPENDIX A

ARTICLE 29 - HARBOR AND BOATING SAFETY REGULATION

Section 1. Declaration of Policy: It is the policy of the District of Columbia to promote safety for persons and property in and connected with the use, operation, and equipment of vessels to promote uniformity of laws relating thereto.

Section 2. Definitions: As used in this Article unless the context clearly requires a different meaning:

a. "Associated Equipment" means

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(2) Any accessory or equipment for, or appurtenance to a boat and

(3) Any marine safety article, accessory or equipment intended for use by a person on a boat: but

(4) Excluding radio equipment.

b. "Boat" means any vessel:

(1) Manufactured or used primarily for noncommercial use: or

(2) Leased, rented, or chartered to another for the renter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers for hire.

c. "Boat Livery" means a business which holds any vessel for renting, leasing or chartering.

d. "Channel" means those marked or unmarked waterways commonly used for navigation.

e. "Chart" is the scale map which officially designates the anchorage and other areas, channels, and all other matters and things specifically mentioned in these regulations.

f. "Chief of Police" means the Chief of the District of Columbia Police Department or his designated agent.

g. "Coast Guard" means the United States Coast Guard which is part of the Department of Transportation.

h. "District of Columbia Waters" means the area of all navigable waters within the District of Columbia and the shores and structures adjacent to the said waters.

i. "Emergency Law Enforcement or Fire Vessel" includes any vessel which is authorized by a government law enforcement agency or fire department with jurisdiction in the waters of the District of Columbia and is operating with its blue emergency lights activated and/or siren sounding.

j. "Harbor Lines". The harbor lines within the District of Columbia are those limiting lines beyond which no piers, wharves, bulkheads or other works shall extend or deposits be made, established by the Chief of Engineers, U.S. Army, and the Mayor, approved by the Secretary of Army, and on file with the surveyor, D.C., and the Harbor Master.

k. The "Harbor Master" is the official in the Metropolitan Police Department who commands the Harbor Section, or its successor.

l. "Hull Identification Number" is the number assigned to the hull of a vessel by its manufacturer or home builder under the regulation promulgated by the Secretary of Transportation.

m. "Identification Number" is the number assigned to vessels by the Department of Transportation, by a State or United States territory with a Federally approved numbering system or by the District of Columbia under these regulations.

n. "Mayor" means the mayor of the District of Columbia or his designated agent.

o. "Moorings" are those physical means of anchoring a vessel including buoys, lines, chains and anchors.

p. "Motor Boat" means any vessel equipped with propulsion machinery whether or not such machinery is the principal source of propulsion.

q. "Navigation Rules" are those rules and regulations promulgated by the Secretary of Transportation which are authorized by specific acts of Congress relating to the navigable waters of the United States.

r. "Night" means any time from sunset to sunrise and at any other time when due to insufficient light or unfavorable atmospheric conditions, persons, vessels, or other objects in the harbor or on the shore are not discernible at a distance of five hundred feet. "Day" is anytime not included in night.

s. "Operator" means the person who operates or has charge or command of the navigation or use of a vessel.

t. "Owner" means a person, who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

u. "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver assignee or similar representative of any of them.

v. "Passenger" means every person carried on board a vessel other than:

(1) The owner or his representative

(2) The operator

(3) Bonafide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

w. "Racing Shell and Racing Canoe" mean any manually propelled boat that is recognized by national or international racing association for use in competitive racing and one in which all occupants row, scull, or paddle with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

x. "Undocumented Vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

y. "Use" means operate, navigate, or employ.

z. "Vessel" means every description of watercraft, other than a seaplane on the water used or capable of being used as a means of transportation on the water.

Section 3. Jurisdiction and Duties of the Harbor Master. The Harbor Master of the District of Columbia shall regulate the operation, navigation, mooring and anchoring of all vessels within the waters of the District of Columbia and shall enforce all laws and regulations relating to said waters.

Section 4. Registration and Numbering of Vessels.

(a) Operation of Unnumbered Vessels Prohibited

(1) Every vessel using the waters of the District of Columbia shall be numbered except those exempt by Subsection (b) Section 4 of this Article. No person shall operate or give permission for the operation of any such vessel on such waters unless the vessel is numbered in accordance with this Article or in accordance with applicable Federal law or in accordance with a Federally approved numbering system of another state unless:

A. The certificate of number issued to such a vessel is on board and in full force and effect.

B. The identifying number set forth in the certificate of number is displayed on each side of the forward half of the vessel.

(2) The certificate of number for vessels less than 26 feet in length and leased or rented to another for noncommercial use of less than 24 hours may be retained on shore by the vessel owner. Provided, however, that a copy signed by lessor and lessee of the rental contract for such vessel, containing at least the vessel number and the lease time must be in possession of the operator on board the vessel.

(b) Exemption from Registration and Numbering Provisions of this Article.

(1) A vessel shall not be required to be numbered or registered under this Article if it is:

A. Covered by a certificate of number in full force and effect which has been issued to it pursuant to Federal law or a Federally approved numbering system of another state or territory using the waters of the District of Columbia for a period of less than 60 days.

B. From a country other than the United States and temporarily using the waters of the District of Columbia for a period less than 60 days.

C. Military or public vessels of the United States, except recreational-type public vessels.

D. A vessel whose owner is a State or Subdivision thereof, which is used principally for governmental purposes and which is clearly identifiable as such.

E. A vessel's lifeboat, if the boat is used solely for lifesaving purposes.

F. All vessels used exclusively for racing.

G. When operating during the period, not to exceed thirty days, after an application for a certificate of number has been submitted. Visable evidence of this application must be present on the vessel.

H. A vessel which is documented by the Coast Guard.

(2) Use of a vessel which has been numbered in another state in District of Columbia waters for an excess of sixty days is prima facie evidence that such stay is no longer temporary and the state of principal use should be changed.

(3) Nothing in this Article prohibits the numbering of any undocumented vessel hereunder upon request by the owner even though such vessel is exempt from the registration requirements of this Article.

(c) Identification Number

(1) Application. The owner of each vessel required to be numbered by the District of Columbia shall annually file application for number with the Harbor Master of the Metropolitan Police Department on forms approved by it. The application shall be signed by the owner (s) of the vessel and shall be accompanied by a fee as follows:

December 27, 1974
Enactment Date

PLICATIONS

A. For every vessel equipped with propulsion machinery of any type, the annual fee shall be $10.00.

B. For every vessel not equipped with propulsion machinery of any type, the annual fee shall be $2.00.

C. For each duplicate certificate of number or set of validation stickers, the fee shall be $1.00.

Upon receipt of the application in approved form, the Harbor Master shall enter the same upon its records and issue to the applicant a certificate of number listing the number assigned to the vessel, the name and address of the owner and such additional information as may be prescribed by regulations of the Harbor Section. The number shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than 3 inches in height. The numbers shall be of a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark numbers on a light background, or light numbers on a dark background, and shall have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF). An annual validation sticker which meets specifications outlined in 33 CFR 174.15 shall be displayed within 6 inches of the number. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued whenever the vessel is in operation, but the certificate of number for a readily identifiable livery boat of less than 26 feet in length leased or rented to another for the latter's noncommercial use for less than 24 hours may be retained ashore by the owner or his representative.

(2) Change of Owner. Should the ownership of a numbered vessel change, a new application form with fee shall be filed within five days by the new owner with the Harbor Master and the new certificate of number shall be issued in the same manner provided for in the original assignment of number, except that the number assigned may be identical with the previous one.

(3) Conformity with Federal Numbering System. In the event that an agency of the United States Government shall have in force an overall system of numbering identification for vessels within the United States, the numbering system employed pursuant to this Article by the Harbor Master shall be in conformity therewith.

(4) Expiration Date. The certificates of number shall expire on December 31st of the year of issue.

(5) Furnishing of Information. Any person may request from the Harbor Master vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the Harbor Master is satisfied that the request is reasonable and related to a boating safety purpose or for a law enforcement purpose, the information sha furnished upon payment by a nongovernment requester of costs retrieval an ing of the information requested.

A. For every vessel equipped with propulsion machinery of any type, the annual fee shall be $10.00.

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Upon receipt of the application in approved form, the Harbor Master shall enter the same upon its records and issue to the applicant a certificate of number listing the number assigned to the vessel, the name and address of the owner and such additional information as may be prescribed by regulations of the Harbor Section. The number shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than 3 inches in height. The numbers shall be of a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark numbers on a light background, or light numbers on a dark background, and shall have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF). An annual validation sticker which meets specifications outlined in 33 CFR 174.15 shall be displayed within 6 inches of the number. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued whenever the vessel is in operation, but the certificate of number for a readily identifiable livery boat of less than 26 feet in length leased or rented to another for the latter's noncommercial use for less than 24 hours may be retained ashore by the owner or his representative.

(2) Change of Owner. Should the ownership of a numbered vessel change, a new application form with fee shall be filed within five days by the new owner with the Harbor Master and the new certificate of number shall be issued in the same manner provided for in the original assignment of number, except that the number assigned may be identical with the previous one.

(3) Conformity with Federal Numbering System. In the event that an agency of the United States Government shall have in force an overall system of numbering identification for vessels within the United States, the numbering system employed pursuant to this Article by the Harbor Master shall be in conformity therewith.

(4) Expiration Date. The certificates of number shall expire on December 31st of the year of issue.

(5) Furnishing of Information. Any person may request from the Harbor Master vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the Harbor Master is satisfied that the request is reasonable and related to a boating safety purpose or for a law enforcement purpose, the information shall be furnished upon payment by a nongovernment requester of costs retrieval and furnishing of the information requested.

(6) Registration and Numbering Period. Every certificate of number issued pursuant to this Act shall continue in full force and effect for a period of one year unless sooner terminated or discontinued in accordance with the provisions of this section. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.

(7) Notice of Transfer, Destruction, Abandonment, Theft, Recovery, or Documentation. The owner shall furnish the Harbor Master written notice of the transfer of all or any part of his interest other than the creation of a security interest in the District of Columbia pursuant to this Section, and the destruction, abandonment, theft, recovery, or documentation of such vessel within 15 days thereof. Such transfer, destruction, abandonment, theft or documentation shall terminate the certificate number for such vessel except that in the case of a transfer of a part of interest which does not affect the owner's rights of possession to such vessel, such transfer shall not terminate the certificate of number.

(8) Change of Name and Address. Any holder of a certificate of number shall notify the Harbor Master in writing within 15 days if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Harbor Master with his new address. Any holder of a certificate of number shall notify the Harbor Master in writing within 30 days if his or her name has changed due to marriage or any other legal action and shall, as a part of notification furnish the Harbor Master with the new name.

(9) No Other Number on Forward Half of Vessel. No number other than the current number validly assigned to a vessel shall be painted, attached, or otherwise displayed on each side of the forward half of said vessel.

(10) Provision for Regulations. The Metropolitan Police Department is authorized to and shall promulgate regulations to administer the provisions of this Section related to numbering applications, certificates of number, display of numbers, reports on change of addressor name, destruction, abandonment, documentation, sale or transfer of ownership.

Section 5. Speed and Equipment Requirements.

(a) No power driven vessel shall be propelled or operated at a greater rate than six statute miles per hour in the Potomac River upstream from the Arlington Memorial Bridge, in the Washington Channel upstream from Hains Point, in the Anacostia River upstream from Greenleaf Point to the Benning Road Bridge; nor shall any such vessel be propelled or operated at a greater rate than ten statute miles per hour when passing the wharf area of Alexandria, Virginia, except in case of emergency. The above speed limits shall not apply to vessels of the District of Columbia or of the United States responding to or engaging in any emergency condition, to vessels of the hydrofoil type, or to air cushion vehicles operated for demonstration or experimentation purposes under the authority of a permit issued by the Chief of Police, except that no hydrofoil or air cushion vehicle shall exceed a speed of ten statue miles per hour in the area between the westerly shore line of the Potomac River and a line 100 yards east of the parallel to the pierhead line, between Jones Point and First Street, in the city of Alexandria, Virginia, or exceed a speed of six statute miles per hour in any of the following areas:

(1) Upstream of the Arlington Memorial Bridge;

(2) In the Washington Channel;

(3) Within the area of the Potomac River West of a line between Hunter Point and Daingerfield Island.

(b) No owner, operator, or other person having custody of any vessel, except racing shells, racing canoes, rowing sculls and racing kayaks, shall permit or suffer such vessel to be underway in the District of Columbia waters unless there shall be on board such vessel the following:

(1) Each vessel hired for the purpose of carrying passengers shall have at least one type I Coast Guard approved personal floatation device of a suitable size for each person on board.

(2) Each commercial vessel not hired for the purpose of carrying passengers, less than 40 feet in length, shall have at least one type I, II or III Coast Guard approved personal floatation device of a suitable size for each person on board.

(3) All vessels except as specifically provided for above shall have on board:

A. The requisite type of approved personal floatation device for each person on board for the type of vessel under way, as determined by the United States Coast Guard.

B. A Coast Guard approved back-fire flame control device on all gasoline engines, except outboard motors.

C. At least two ventilator ducts for ventilation of the bilges of every engine and fuel tank compartment of boats constructed or decked over after April 25, 1940, using gasoline or other fuel of a flashpoint less than 110 degrees Farenheit. Intake to extend at least half-way into compartment or at least below end of carburetor, and outlet (exhaust) installed so as to extend to lower portion of the bilge.

D. At least one Coast Guard approved ring life buoy or buoyant cushion in addition to the equipment required for vessels of 16 feet or more by (1), (2), and (3-A) of subparagraph (c) of this section, except for canoes and kayaks. For commercial vessels of more than 26 feet a life ring bouy only will satisfy the provisions of this paragraph.

E. The requisite type of sound producing device for vessels of 16 feet to 65 feet.

F. The requisite number of Coast Guard approved portable fire extinguishers and/or a fixed firefighting system.

G. Properly placed navigation lights so required by the Coast Guard Navigation Rules when underway during the night.

H. All equipment required to be carried on board a vessel under way set forth in subparagraph (b) of this Section shall comply with Coast Guard Regulations, Provided that, the Harbor Section, Metropolitan Police Department may promulgate additional regulations not in conflict with applicable Coast Guard regulations related to requirements for associated equipment for vessels described in subparagraph (b) of this Section.

I. Coast Guard approved personal floatation devices designed to be worn shall be in good and serviceable condition and be readily accessible at all times to each person on board such vessel.

J. Lifesaving equipment designed to be thrown shall be in a good and serviceable condition and so placed on board such vessel as to be immediately available at all times.

K. No person may operate a vessel, except a foreign vessel or a vessel less than 26 feet in length, unless it has a placard at least 5 by 8 inches, made of durable material, fixed in a conspicuous place in the machinery spaces, or at the bilge and ballast pump control station, stating the following:

OIL PLACARD

Discharge of oil prohibited: The Federal Water Polution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters and the contiguous zone of the United States if such discharge causes a film or sheen upon, or discoloration of, the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of $5000.

L. No person may operate a vessel of less than 100 gross tons unless it has a fixed or portable means to discharge oily bilge slops to a reception facility.

M. No person may drain the sumps of oil lubricated machinery or the contents of oil filters, strainers, or purifiers into the bilge of any U.S. vessel.

Section 6. Boat Liveries.

(a) The owner of a boat livery shall cause to be kept a record of the name and addresses of each passenger and person hiring any vessel; the identification number thereof, and the date and time of departure, and the expected date and time of return. The record shall be preserved for at least six months and shall be subject to inspection by any person designated and empowered to enforce the provisions of this article.

(b) Responsibility for required equipment. Neither the owner of a boat livery nor his agent or employee shall permit any vessel to depart from said boat livery owner unless it is provided either by the owner or renter, with the equipment required pursuant to Section 5 and any rules and regulations made pursuant thereto.

(c) No person engaged or employed in the business of renting canoes in the District of Columbia shall rent any canoe without first instructing the person or persons hiring the canoe in its operation and in the use of personal floatation devices, with which it is equipped. Such instruction may be either oral or written, and shall include, but need not be limited to, instructions substantially equivalent to those issued by the Mayor pursuant to subsection (d) of this section.

(d) The Mayor or his designated agent is authorized from time to time to prescribe standards for canoe safety instructions. The standards to be prescribed by the Mayor may include, but need not be limited to, the need for warning persons hiring canoes to avoid standing up in them while under way; an explanation of the basic canoe strokes; an explanation of the rules of the road for vessels; the meaning of channel marker buoys; and distress signals for small boats.

Section 7. Anchoring and Mooring Procedures

(a) The anchorage areas formerly known as the Georgetown Anchorage Area, the Washington Channel Anchorage Area, the Anacostia River Anchorage Area, Boundary Channel Anchorage Area and the Oxon Run Bay Anchorage Area are hereby abolished.

(b) Every vessel coming to anchor within the waters under jurisdiction of the District of Columbia shall be anchored in compliance with the procedures of D.C. Code 22-1701, as amended and shall comply with the provisions of Article 11 of the Inland Rules to Prevent Collisions (Act of June 7, 1937) requiring anchor lights on vessels at anchor on navigable waters of the United States.

(c) Placing mooring buoys or use of such buoys is not allowed in District of Columbia waters.

Section 8. Entering Designated Areas.

(a) Entering Authorized Restricted Areas. No owner, operator, or person in charge of any vessel shall allow such vessel to enter or remain in any area of the District of Columbia waters restricted by any proper authority for use as a race course or for an aquatic event, or designated as a restricted area

in the vicinity of emergency activity, except with the permission of the Harbor Master of the District of Columbia or a police officer acting for him. Such restricted area may be designated by the Harbor Master or police officer acting for him either in advance of the event or at the time and location of an emergency situation. The Harbor Master or police officer acting for him shall cause to be removed from such area any vessel entering upon or remaining therein without permission from the Harbor Master, and the owner, operator, or person in charge of such vessel shall be in violation of these regulations: Provided, nothing in this subsection shall prevent the passage through such area of vessels operated by the governments of the United States or the District of Columbia. This subsection shall be controlling as to any of the above events in the waters of the District of Columbia except to the extent that it is inconsistent or in conflict with any law or regulation administered by the United States Coast Guard governing a particular marine parade or regatta supervised by the U.S. Coast Guard in the waters of the District of Columbia.

(b) Entering Diving Areas. Any person diving in the waters of the District of Columbia, when such water contact is allowed under District of Columbia regulations, shall display a regulation diving flag, such flag being red in color with a white diagonal stripe. No vessel, except for the vessel or vessels attending the diver, shall operate within 150 feet of any flag so displayed.

Section 9. Sale, Handling and Transportation of Gasoline or other Similar Volatile liquids, Explosives and Disposition of Crude Petroleum or any of its products in the Harbor.

(a) No vessel that does not have a power unit permanently installed within the hull, shall, without a special permit issued by the District of Columbia, dispense gasoline, fuel oil, or any other flammable oils, in the harbor within the District of Columbia, except that nothing herein contained shall apply to any oil company licensed to do business in the District of Columbia transferring such fuel or oils to public utility corporations or government agencies.

(b) No gasoline or other similar volatile liquid shall be kept for sale on board any vessel in the harbor unless a permit or license therefore has been issued by the District of Columbia Fire Marshal, provided that before such permit or license may be approved the Fire Marshal shall require the applicant to furnish a valid certificate of inspection issued by the United States Coast Guard, United States Department of Transportation, as evidence that the vessel so used, or intended to be so used, is suitable for the purpose intended and therefore is entitled to receive such permit or license.

(c) The general rules and regulations, and supplements thereto, prescribed by the U.S. Coast Guard; U.S. Department of Transportation, for tank vessels, shall be observed.

(d) No fuel vessel having gasoline or oils aboard for sale shall, while tied to any wharf or pier within the District of Columbia, dispense gasoline or oils for use in any motor vehicle using the highways of said District, and all such vessels shall be equipped with and use anchor and tie lines of metal chain or cable.

(e) All vessels carrying storage tanks equipped with facilities for dispensing gasoline shall empty and thoroughly purge all such storage tanks before such vessel is laid up for storage or repairs, within the District of Columbia.

(f) Fuel vessels shall be open to inspection by any police officer of the District of Columbia, the Fire Marshal, or any of his accredited inspectors.

Section 10. Pollution of Waters of the District of Columbia. No vessel shall discharge, deposit, throw or spill within the waters of the District of Columbia, any crude petroleum, gasoline, or other similar volatile inflammable oils, or waste, nor shall there be pumped or emptied while in said waters, the bilge water or any bilge residue from the bilges of any steamship, tugboat, tanker, oil barge or any other watercraft that burns or conveys oil or distillates.

Section 11. Operation of Vessels.

(a) Compliance with Navigation Requirements. All vessels shall be operated in compliance with the U.S. Coast Guard "Pilot Rules for Inland Waters", Part 80 of the Subchapter D, Chapter I, Title 33 of the Code of Federal Regulations.

(b) Negligent Operation. No person may use a vessel in a negligent manner so as to endanger the life, limb or property of any person nor shall any person use any motorboat, boat or vessel, or manipulate any water skiis, aquaplane, surfboard, or similar device while under the influence of alcohol, any narcotic drug, barbituate, marijuana or hallucinogen. No person or persons shall cause any power driven vessel to pass or cross ahead of any other vessel except at a safe distance and/or follow directly behind any other vessel except at a safe distance. The speed of all power vessels, except for police and fire vessels responding to an emergency, shall be regulated to avoid danger or injury to all vessels whether floating, anchored or underway and to piers, wharves, bulkhead, bridges or other waterfront construction either directly or by the effect of the wash or wake raised by such power vessel through its speed or otherwise.

(c) Renting to Minors. No person owning, leasing, or controlling any wharves, piers, bulkheads, or structures thereon, or waters adjacent thereto, or any basins, slips, docks, waterfronts, land under water or structures on any such places, nor any agent or employee of such persons, shall rent, lease, or hire to any person under 16 years of age, any vessel of any description whatever.

(d) Operation by Minors. No person under 16 years of age shall operate or navigate any vessel of any kind in District of Columbia Waters unless such person has completed a boating safety course such as those offered by the Harbor Master in the Metropolitan Police Department, The United States Coast Guard Auxiliary, the United States Power Squadron and the Red Cross. Evidence of completion of said course shall be in possession of the vessel operator while he is operating the vessel.

When the operator of a vessel over 16 feet in length is under the age of 16 he and all other passengers aboard under the age of 16 shall wear a Coast Guard approved personal floatation device of the proper size.

(e) Safety Requirements. No person shall, on any waterway in the District of Columbia, use, operate, permit to be operated any vessel, or loan, lease, hire, or offer for hire any vessel owned by him or subject to his control; unless said vessel is of sound construction and in good seaworthy condition, as required by the laws of the District of Columbia.

(f) Special Area Requirements. Operators and all passengers on all vessels in the area from the most Southern point of the cove commonly known as Fletcher's Cove in the Georgetown Channel of the Potomac River upstream to the District of Columbia line at Little Falls, must wear a Coast Guard approved personal floatation device at all times.

Section 12. Water Skiis, Aquaplanes, Surfboards, or other Similar Devices and Swimming.

(a) Observer. When such water contact sports are allowed under District of Columbia Regulations, no person shall operate a vessel on any waters of the District of Columbia for towing a person or persons on water skiis, aquaplane, surfboards, or similar device unless there is in such vessel a person not less than twelve years of age, in addition to the operator, in a position to observe the progress of the person or persons being towed. This Section shall not apply to those devices actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the device.

(b) No Skiing During the Night. When such water contact sports are allowed under District of Columbia Regulations, no persons shall operate a vessel on any waters of the District of Columbia towing a person or persons on water skiis, aquaplane, a surfboard, or similar devices, nor shall any person engage in water skiing, aquaplaning, surfboard, or other similar activity at any time during the night.

(c) A Performer Engaged in an Authorized Activity. The provisions of sub-sections (1) and (2) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under Section 15 of this Article.

(d) Swimming. No person shall swim or dive from any vessel which is turning into or from, or docking or getting under way from any anchorage, nor shall any person swim in the marked channels of the harbor, from any bridges, wharves, or piers in or adjacent thereto, nor within one hundred yards of any steamboats while said boat is loading or discharging passengers or freight.

(e) No Water Contact Sports. Nothing contained in this section shall be construed to amend, supersede, or in any way change the prohibition against water contact, recreational activity, or animal contact with the Potomac River, the Anacostia River, the Washington Ship Channel, Rock Creek or Oxon Run as specified in Section 8-2:803 (b) and (c) of the Health Regulations of the District of Columbia, which regulations remain in full force and effect.

Section 13. Collisions, Accidents, and Casualties.

(a) Duty to render assistance and identify vessel and self. It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew and passengers, (if any), to render to other persons affected by collision, accident, or other casualty

such assistance as may be necessary in order to save them from or minimize any danger, caused by the collision, accident, or other casualty and also give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) Good Samaritan Clause. Any person who complies with subsection (a) of this Section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act of omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonable prudent man would have acted under the same or similar circumstances.

(c) Report of Accident or Casualty. The operator of a vessel shall submit a written casualty or accident report prescribed by the Metropolitan Police Department when as a result of an occurrence that involves the vessel or its equipment:

1. A person dies;

2. A person loses consciousness or receives medical treatment or is disabled more than twenty-four hours as a result of an accident.

3. Damage to the vessel and other property damages totals more than one hundred dollars or

4. A person disappears from the vessel that indicates death or injury.

(d) A report required by this section must be made:

1. Within 48 hours of the occurrence and if a person dies, within 24 hours of the occurrence.

2. Within 48 hours of the occurrence if a person loses consciousness or receives medical treatment or is disabled for more than 24 hours or disappears from a vessel; and

3. Within 5 days of the occurrence if an earlier report is not required by this paragraph.

(e) Provisions for a Casualty Reporting System. The Metropolitan Police Department shall make regulations to administer the Accident and Casualty Reporting System which shall not be inconsistent with that established by the Coast Guard.

(f) Protection of Accident or Casualty Reports. Any such report shall be for the Metropolitan Police Deparment purposes and shall not be open to public inspection or release. The fact that such report has been made shall be admissible in evidence solely to show compliance with this Section, but no such report or any part thereof nor any statement contained therein shall be admissible as evidence for any purpose in a civil trial.

Section 14. Regattas, Races, Marine Parades, Tournaments, or Exhibitions.

(a) Agency may Regulate. The Chief of Police or his designated

agent may regulate the holding of regattas, races, marine parades, tournaments or exhibitions which by their nature, circumstance or location will introduce extra or unusual hazards to the safety of life on any District of Columbia waters, shall adopt and may from time to time amend regulations, when not inconsistent with the provisions of this Article, concerning the safety of boats, motorboats, and vessels and persons thereon, either observers or participants. Whenever a regatta, race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof, shall at least 30 days prior thereto, file an application with the Harbor Master for permission to hold such regatta, motorboat or other boat race, marine parade, tournament, or exhibition. The application shall set forth the date, time, location where it is proposed to hold such regatta, race, marine parade, tournament or exhibition, and such other information as the Chief of Police may require, and it shall not be conducted without authorization of the Chief of Police.

(b) Permit by U.S. Agency. The provisions of this Section shall not exempt any person from compliance with applicable Federal law or regulation. Securing a permit from a U.S. Agency does not exempt a person from obtaining appropriate permits specified in (a) of this Section.

Section 15. Loitering. No person or persons shall operate, or cause to be operated, any vessel of any description in such a manner as to hinder or impede the movement or progress of any vessel when the same is turning, docking, or getting underway from or to any dock or anchorage.

Section 16. Show Boats and Floating Night Clubs; Use of Vessels for Housing

(a) Show Boats and Floating Night Clubs. No vessel of any description which is used as or is intended to be used as a show boat, restaurant, floating night club or place of amusement may anchor or operate in the waters of the District of Columbia or tie up to any wharf or other place therein without approval of the Mayor; and in compliance with all applicable Federal and Municipal laws and regulations; provided, that the concurrence of the Director of National Capital Parks shall be obtained before said vessel is tied up to any wharf or other place adjacent to such park areas.

(b) Use of Vessels for Housing. No vessel or floating construction, anchored, or moored in the Washington Channel, the Potomac River or any of its tributaries, or docked or berthed at any of the wharves, piers, bulkheads, or other works, on any part of the waterfront properties adjacent to any of the waterways within the District of Columbia shall be used for a multiple dwelling for which a license is required in the District of Columbia. No vessel used for single family occupancy shall be anchored or tied to any wharf or other place adjoining park areas without the concurrence of the Superintendent of National Capital Parks

Section 17. Amphibian Aircraft. Except in the case of bonafide emergency, no amphibian aircraft or seaplane shall alight upon or take off from or operate or anchor in any waters under the jurisdiction of the District of Columbia, without written approval of the Harbor Master.

Section 18. Unnecessary Noises, Use of Mufflers, etc.

(a) Every vessel which is propelled by internal combustion engines on the District of Columbia waters shall be equipped with a muffler so constructed as to prevent any unnecessary, intense, or prolonged noise in the operation or management of said vessel, and the said muffler shall not be removed, cut out, or put out of operation for any purpose whatever; Provided, that during periods of regattas such vessels as may be entered in official races shall be exempt from

the requirements herein prescribed. Nothing contained in this section shall apply to vessels equipped with underwater exhaust or to vessels discharging water through open exhaust pipes so long as these methods of silencing the exhaust are effective.

(b) It shall be unlawful for any person to use upon any vessel in the harbor, any horn, bell, siren, compression or exhaust whistle except when required or permitted by the U.S. Navigation Laws or Regulations promulgated thereunder, and during public ceremonies or festive occasions.

(c) Owners or operators of vessels using the waters under the jurisdiction of District of Columbia shall use discretion in the running of generators, pumps, or any other noisemaking devices so that they will not become nuisances.

Section 19. Advertising Signs.

(a) No words, letters or characters advertising in any manner, any activity, event, location, business, commodity or product not existing, maintained, located, conducted, or sold on any vessel shall be placed or attached to, or maintained on the exterior or any part or appurtenance thereof, without a permit therefore having first been applied for, to and issued by, the Mayor, on such forms and for such periods of time as shall be determined by him in his discretion.

(b) No sign, banner sign, or flag advertising a bonafide business conducted on, or commodities or products sold on any vessel shall be painted, printed, placed or attached to the exterior thereof in any manner, or maintained thereon, which is more than ten (10) square feet in area, except that two such signs only may be used on any one vessel, one on the port and one on the starboard side of vessel.

(c) No electric sign may be displayed on any vessel during the night, but nothing contained in this paragraph shall prohibit electrical display or decoration of vessels, as herein defined during night pageants.

Section 20. Dock or Channel Obstruction.

(a) No person owning, renting, or otherwise in charge of any vessel occupying any dock or slip at any wharf or pier under the jurisdiction of the District of Columbia shall place or cause to be placed, or allow to remain, on such wharf or pier adjacent to such dock or slip any box, bag, barrel, metal container, lumber, crate, basket, bucket, tub, keg, carton, bottle, garbage, paper, rubbish, or any other material of any kind whatsoever; provided, however, that nothing in this section shall be construed to prohibit the use of any wharf or pier for a period not to exceed two (2) hours, such period to be during business hours only, for the customary and necessary handling of goods, wares, and merchandise in transit from a vessel to a location elsewhere than on such wharf or pier, but such permissable use shall not be construed to authorize the use of space on such wharf or pier for storage purposes or for the crating or uncrating, boxing or unboxing, packing or unpacking,of goods and materials being shipped or received, and provided further, that nothing in this section shall be construed as prohibiting the owner or other person in charge of any vessel from placing one (1) well-constructed and well-maintained box on that portion of the wharf or pier immediately adjacent to the dock or slip occupied by such vessel for the purpose of storing non-flammable gear and other non-flammable property pertaining to the vessel, such box, however, to occupy not more than twelve (12) square feet of space on such wharf or pier; to be not more than thirty-six (36) cubic feet in size;

to be placed on or over the outside edge of the wharf or pier and to extend toward the center thereof not more than one-fourth (1/4) of the full width of such wharf or pier, in such manner as to leave a clear passageway of at least 24 inches in width; to be equipped with an adequate locking device; and to be placed at a height of two (2) inches above the floor level of said wharf or pier.

(b) No person owning or in charge of any vessel shall beach, abandon or leave such sunken vessel upon any shore of or in the waters of the District of Columbia except in case of emergency, in which case, person owning or in charge of such vessel shall notify the Harbor Master's office immediately, and shall remove such vessel within five (5) days, or such further time as may be granted in writing by the Harbor Master. When no emergency exists, each day that any vessel remains beached, abandoned, or left upon any portion of such shore shall constitute a separate offense, and, in case of an emergency, each day that any vessel remains beached, abandoned, left upon any portion of such shore after the expiration of the first five (5) day period after such beaching, abandonment, or leaving if no extension of time is granted as herein provided for or each day following the expiration of any such extension of time, that is granted, shall constitute a separate offense.

(c) No person in charge of any vessel shall tie up said vessel to any seawall or bridge in the waters under the jurisdiction of the District of Columbia, except in case of emergency, nor shall any vessel be tied up to a buoy or structure maintained by the U.S. Coast Guard or District of Columbia, or privately maintained aids to navigation.

(d) No person owning or in charge of a vessel moored in any dock or in any slip at any wharf or pier under the jurisdiction of the District of Columbia shall moor such vessel or extend a line or lines from such vessel in such manner as to interfere with the use of or obstruct the passage to any dock or slip or any wharf or pier.

(e) Nothing contained in this section shall be construed as applying to that part of the water frontage of the District of Columbia lying south of Maine Avenue, between Eleventh and Twelfth Streets, S.W., including the buildings and wharves thereon, or to amend, supersede, or in any way change Sections 3,4, and 5 of Article 5 of the Police Regulations of the District of Columbia.

(f) Nothing contained in this section shall be construed as to amend, supersede, or in any way change Section 8-2:805 (entitled Spray Onto Land Prohibited) of the Health Regulations of the District of Columbia.

Section 21. Comprehensive Safety and Education Program. The Harbor Master is hereby authorized to inaugurate a comprehensive boating education program, and to seek the cooperation of boatmen, the Federal Government and other states.

Section 22. Owner's Civil Liability. Whenever any vessel shall be operated on District of Columbia waters by any person other than the owner, with the consent of the owner expressed or implied, the operator thereof shall in case of accident be deemed to be the agent of the owner of such vessel, and the proof of ownership of said vessel shall be prima facie evidence that such person operated said vessel with the consent of the owner.

Section 23. Enforcement.

(a) Authority to Stop and Board. Any person designated and empowered to enforce the provisions of this Article and of any rule or regulation adopted pursuant thereto shall have the authority to stop and board any vessel subject to this Article or any such regulation for the purpose of inspection or determining compliance with this Article and is empowered to make summary arrest or issue a summons for appearance in court for all violations of this Article or of the rules and regulations prescribed thereunder. Law enforcement vessels personnel shall be marked to identify them as designated enforcement vessels.

(b) Vessels required to cooperate. Every vessel subject to this Article if underway and upon being hailed by a designated law enforcement officer shall stop immediately and lay to, or shall maneuver in such a way as to permit such officer to come aboard. Further, all vessels shall yield and lay to any emergency law enforcement or fire vessel.

(c) Authority to Correct Hazardous Conditions. Any officer designated and empowered to enforce provisions of this Article who observes a boat being used:

1. Without sufficient lifesaving or firefighting equipment,

2. In an overloaded condition,

3. With an accumulation of fuel in the bilge compartment,

4. With leaky fuel lines,

5. Improper navigation light display,

6. Without a Coast Guard approved back-flame arrester,

7. With inadequate ventilation or

8. With any other unsafe condition,

and in whose judgement such use creates a hazardous condition, may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel; including directing the operator to proceed to a location designated by the official and to remain there until the situation creating the hazard is corrected or ended.

Section 24. Penalties. Any person violating any section or paragraph of this article or the implementing regulations wherein a penalty is not specifically provided, upon conviction shall be punished by a fine of not more than $300 or be imprisoned for not more than 10 days, or both.

Section 25. Severability. If any provision or clause of this Article or application thereof to any person or circumstance is held invalid such invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

District of Columbia City Council
Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From HENRY S. ROBINSON, JR., CHAIRMAN, HEALTH, WELFARE AND AGING COMMITTEE

Date AUGUST 20, 1974

Subject MINORS CONSENT FOR HEALTH SERVICES REGULATION

Mr. Chairman and Members of the Council, I bring before you for second reading, the proposed regulation "that under the circumstances already incorporated in the proposed legislation," would allow a minor to consent for certain health services in his or her behalf.

No changes of any substantive nature have been made in the regulation since August 6, 1974, the date of the first reading. Upon final passage of this regulation, if either medical progress or other legal considerations provide a documented, reasonable basis for modification of this regulation, such improvements or modification can be made. The Health, Welfare and Aging Committee of which I am Chairman, will be observing its implementation and will be ready to entertain reasonable suggestions for any improvements deemed necessary.

I believe that we have a regulation that will serve as a model for the nation, and I sincerely encourage surrounding jurisdictions and other states to consider adoption of similar standards.

Mr. Chairman and Members of the Council, I move passage of this regulation on second reading.

District of Columbia City Council
Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From HENRY S. ROBINSON, JR., CHAIRMAN, HEAL TH, WELFARE & AGING COMMITTEE

Date August 6, 1974

Subject A REGULATION WHICH WOULD ALLOW A MINOR TO CONSENT FOR HEALTH SERVICES

Mr. Chairman and Members of the Council, you have before you for first reading, the proposed regulation which would allow a minor to consent for certain health services in his or her behalf.

The purpose of this regulation is to insure that all minors can have quality health services by granting the minors self-consent in conditions and instances that would prevent them from seeking services if parental consent is required, and by encouraging health professionals to deliver quality services to minors without incurring legal liability.

Reasonable safeguards and limitations are stipulated in this regulation now before you to protect the minors safety and the right of the parents.

Research and the drafting of this regulation began in August 1973, based upon inquiries made to the District of Columbia Health, Welfare and Aging Committee, by doctors, lawyers, private institutions and other health care facilities.

On Nov. 26, 1973, the District of Columbia Health, Welfare and Aging Committee published in the D.C. Register a notice of intent to take legislative action on the proposed regulation to allow a minor to consent for health services.

A public hearing was held on June 24, 1974, which provided valuable documentation in relation to the serious health, social and economic hazards faced by minors in pursuit of medical services without parental consent. Expert witnesses in varied fields of health care gave impressive testimony emphasizing the need of greater flexibility to the medical and allied health professions in rendering services to

minors. We discovered that the legislation thus proposed was both anticipatory and responsive to the needs of the young people of the District of Columbia. At the present time there is no D.C. statute or regulation which covers generally the provision of health services to minors; thus the debate over emergency treatment of minors, the emancipated and partially emancipated minor, the mature minor, the neglected minors and the right to consent have opened a whole new area of ambiguities in the English language and legal and medical sparring over their meanings. As a result of our investigation and research of recent opinions, code regulations and model acts, we found that the recommendations contained in the published regulation are in keeping with the trend that has been happening throughout the United States within the last two years.

In general, however, the movement of the courts and of the state legislatures has been toward the granting of adult rights to minors, and nowhere has more progress been made than in the area of medical care. Within the past six years nearly every state has enacted legislation enabling certain groups of minors to consent to some or all of their own health care, and the trend to expand the scope of such statutes seems to be accelerating. As of 1972, 13 states had enacted statutes giving certain minors whether defined as emancipated or mature the right to consent to medical treatment for all conditions.

The American Civil Liberties Union, attorneys representing children in the Family Division of Superior Court, and numerous other legal and health experts have applauded this proposed regulation as a thoughtfully drawn attempt to extend the rights which minors in the District of Columbia already have to consent to medical treatment (birth control and venereal disease) and to guarantee and identify their rights in this area in a consistent and logical way.

On Feb. 25, 1970, the Corporation Counsel citing the Bonner v. Moran case as the leading case on minors consent; advised the Secretary of the City Council that any doctor or other person who without the consent of the parent or legal guardian of a person under the age of 21, proceeds to extract blood from such person, may subject himself to legal liability expressing the opinion that a regulation passed by the City Council would not have the effect of eliminating such liability. As a result, it has been questioned strongly whether the Bonner case is truly the leading case involving minors consent for health services.

There are, of course, exceptions to the rule, one of them is in cases of emergency, as noted in the memorandum presented to the City Council on June 24, 1974, when obviously an operation is necessary. Luka v. Lowrie 171 Mich. 122,136 N.W. 1106,279 N.Y.S. 575, Annotation in 26 A.L.R. 1036,53 A.L.R. 1056; other perhaps in cases in which the child has been emancipated, or where the parents are so remote as to make impracticable the obtaining of their consent in time to accomplish proper results. And where the child is close to maturity it has been held that the surgeon may be justified in accepting his consent.

However, the Corporation Counsel's opinion recognized liability in Bonner rested on several factors, and to that extent rested it's holding on lack of parental consent, but did so only after finding the particular circumstances of the case precluded the informed and intelligent consent of the minor and that he had in fact not consented. The significance of the Bonner case is the clear recognition that a minor can consent to treatment if certain criteria are met. Generally, whether a minor is capable of giving consent depends upon his ability to understand the consequences of the act to which he consents. Thus, valid consent turns on such criteria as the maturity and intelligence of the minor, the complexity and the difficulty of comprehending the act consented to, the fullness of the explanation given to the person consenting and/or whether the act is for the benefit of the minor.

As a result of the proposed regulation, this committee has progressively and successfully sought and obtained valuable information in the form of comments, opinions, written statements, etc., from city officials, community groups, the Department of Human Resources and a very large population of the District of Columbia's health care facilities, revising the proposed regulation. Based upon their expert opinions and recommendations many changes have been made as a result of their support.

Dr. Raymond L. Standard, Director of Public Health, Department of Human Resources stated that the concept of informed consent rather than just consent should be emphasized in the regulation which would place an obligation on the health professionals to fully explain the disorder and required treatment to the patient. Mr. Werner Fornos, Executive Director, Planned Parenthood of Washington, noted in his statement that, "We would like to see some language which says that age itself is not a factor in refusing to serve a patient."

Dr. V.J. Roux, Medical Director, Freedmen's Hospital gave testimony in relation to irreversible surgical procedures such as surgical sterilization. We were particularly greatful for the

statements and comments from Mary Ann Stein, Attorney, Ms. Florence Isbell, Executive Director, American Civil Liberties and Dr. Andrew Rigg, Chief of Adolescent Medicine, Children's Hospital.

This committee and those who have participated in the construction of this regulation, believe that it's purpose first and foremost serves an undisputable need voiced by this community, it's passage will answer that need and emphasize the concern and foresight of this Council who when confronted with changing times responds accordingly.

History denotes the ineffectiveness of society that fail to provide for, or consider the needs of it's people. I believe that this regulation will upgrade the standard of health care to the youth of the District of Columbia; and allow the health professionals to develop and execute effective medical programs for minors. Although other states and surrounding jurisdictions have adopted some form of legislation pertaining to minors, I believe that the regulation before us will be the model regulation for others to follow. As a result, this regulation in it's meaning and purpose, will now encourage minors to seek guidance and treatment from health care professionals who thus far have been reluctant in their services to minors. The importance of this regulation cannot be denied, nor can the health needs of our young people.

Mr. Chairman and Members of the Council, I move passage of this regulation on first reading.

District of Columbia City Council
Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To Councilmembers

From Sterling Tucker, Chairman, Housing and Urban Development Committee

Date July 25, 1974

Subject Regulation Establishing Interest Rates For Certain Loans

Mr. Chairman, and Members of the Council, I present today for second reading the Usury Regulation for the District of Columbia to raise the usury ceiling applicable to certain loans in the District and to exempt from the usury ceiling all commercial loans and loans made to religious institutions for the purpose of purchase or improvement of property.

First reading of this regulation was held on July 18, 1974. At that time, the Council adopted, as an integral part of the "usury package" described in the Legislative Report of July 18, Resolution No. 74-55 establishing a Commission on Residential Mortgage Investments to promote positive action to increase the volume and flexibility of mortgage investment in the District.

The Regulation being submitted today is identical to the Regulation passed on first reading with the exception of the following non-substantive additions or changes in wording (underlined):

1. Section 301

(d) the borrower is a religious society, as provided in Chapter 5 of Title 29 of the District of Columbia Code, and the loan is made for the purpose of acquiring or making an improvement in any real or personal property for purposes other than commercial or investment activities.

(This language was added to clarify the Council's intent that loans to improve existing property of religious societies, as well as build new property for such societies, are to be exempt from the usury ceiling.)

2. Section 402

No later than one year after effective date of this regulation the District of Columbia Council, in consultation with the Commission on Mortgage Investment established through Resolution Number 74-55, shall review the impact of this regulation upon mortgage availability, economic development and consumer protection in the District of Columbia and make appropriate recommendations

to the Council for continuation, termination, or amendment or any of the provisions of this regulation.

("District of Columbia Council" was substituted for "Housing and Urban Development Committee" because of the possibility that the new Council taking office on January 2, may reorganize in such manner as to eliminate or change the Housing and Urban Development Committee.)

3. Section 301

The "and partnership" was added on line 27 of Section 301(b), correcting an inadvertent omission.

Mr. Chairman and Members of the Council, I move approval of this Regulation on final reading.

District of Columbia City Council
Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCILMEMBERS

From STERLING TUCKER, CHAIRMAN, HOUSING AND URBAN DEVELOPMENT COMMITTEE

Date JULY 16, 1974

Subject RE: USURY REGULATION

Report

Usury Regulation

On behalf of the Housing and Urban Development Committee, I am pleased to present to the Council a "usury package" for the District of Columbia: a Regulation to raise mortgage ceilings and exempt certain loans from the existing ceiling and an accompanying Resolution to assure that the benefits of these actions will accrue to all areas of the city and to families of moderate as well as upper income.

It is the basic intent of this "usury package" to (1) promote and increase the flow of money for home purchase, housing development, and commercial development in the District of Columbia; (2) to assure the availability of home mortgage money in all areas of the city and promote home ownership for families of moderate and marginal income; (3) to provide adequate consumer protection for the home buyer or owner who is borrowing money secured by real property.

Specifically, the proposed "usury package":

(1) Raises the ceiling on first mortgages for the purchase or refinancing of homes from eight to ten per cent, provided such mortgages embody certain consumer protections. This provision will expire automatically two years after effective date.

(2) Raises the ceiling on loans secured by second mortgages (whether for the purchase of property or to borrow on existing equity in property) from eight to 11.5%, provided such mortgages are subject to certain consumer protections.

(3) Exempts from the usury ceiling all loans above $5,000 made for business or investment purposes, whether such loans are made to an individual, partnership, non-profit corporation, or other entity. This provision extends the existing exemption already applicable to corporations, as provided in Section 29-904(h) of the D. C. Code to other types of entities borrowing for commercial purposes.

(4) Establishes, by Resolution, a Commission on Mortgage Investment to develop and implement a positive action program to increase the flow of mortgage money into all areas of the city and assure availability of mortgage money for moderate and marginal income families.

Background

The District of Columbia is one of seven states with a usury ceiling of 8% or below. For most types of loans the eight percent ceiling is in fact a fictitious ceiling from which they have been exempted, primarily by Congressional action. Two major types of transactions,however, continue to be covered by the eight percent ceiling: (1) Mortgage loans, including first mortgages and all inferior mortgages: (2) Commercial loans to any individual or entity other than profit making corporations, which are exempt from the usury law.

On December 29, 1973, Congress passed Public Law 93-229 which authorized the District of Columbia to exempt certain loans from the provisions of Chapter 33 ("Interest and Usury") of the District of Columbia Code. Specifically, this was accomplished by adding to that Chapter, Section 28-3309, which authorized the Council to "provide by regulation for (1) the exemption from the provisions of this chapter of any loan or financial transaction and (2) the change of any interest rate specified in this chapter."[1]

As a first step in addressing this issue, the Housing and Urban Development Committee appointed a twenty member Advisory Panel representing financial institutions, the real estate industry, and a variety of housing, consumer and community groups. On April 3, 1974, the Committee scheduled a Public Hearing to "consider the whole broad interest rate question as it relates to housing and economic development in this city."[2] Twenty five groups of witnesses, representing the broad spectrum of financial

1. Public Law 93-229, 93rd Congress, December 29, 1973

2. Opening Statement of Sterling Tucker, Public Hearing on Usury Rates, April 3, 1974.

and community interests, appeared at the hearing. The following emerged as the major areas of concern:

(1) General recognition of the negative impact of the existing usury ceiling in the District of Columbia upon the housing market, housing development, and commercial development in the city. There was overall consensus that the existing eight percent ceiling on all mortgages and many commercial loans has placed the District in a singularly uncompetitive situation which has cut off mortgage money for all but the most preferred borrowers, curtailed new housing construction, and squeezed both potential buyers and sellers out of the housing market in the District.

(2) A deep seated conviction among community groups that the usury issue must be considered and addressed as part and parcel of the city's housing problem as it impacts on low and moderate income families and dislocation of such families from their established neighborhoods. Specifically, the following concerns were raised:

- Lack of confidence, based on past performance, in the current and future mortgage investment performance by District financial institutions.

- Lack of confidence that a raise in the mortgage ceiling would benefit moderate income residents or make money available to the "less preferred" areas of the city or moderate and marginal income home seekers.

- Concern about possible by-products of a raise in the mortgage ceiling -- specifically, potential accelleration of reverse block busting and neighborhood dislocation.

(3) Concern on the part of several witnesses about the need for consumer protections for the home buyer negotiating a first mortgage or the home owner seeking a second mortgage on existing equity in his home.

In summary, the Hearing demonstrated general recognition of the "tight money" problem created by the current usury ceiling and the detrimental affects for the city as a whole. At the same time, the Hearing revealed strong community sentiment that a raise in the mortgage ceiling can be justified only if accompanied by a concrete plan to assure that the benefits of such change will accrue to all areas of the city and to moderate income as well as affluent residents. In response to this concern, a subcommittee of the Advisory Panel was appointed with the specific mandate to develop such a plan for positive action in the mortgage investment field. The Subcommittee's unanimous Report, which received separate written endorsements from the District of Columbia Bankers' Association, the Metropolitan Washington Savings and Loan Leagues, and seven consumer members of the Advisory Panel, is attached. Its major features are embodied in the Resolution being presented, along with the Usury Regulation, as an integral part of the "usury package".

Legislative Findings

On the basis of the Record, the available data and the continuing pattern of escalating interest rates, the Housing and Urban Development Committee concludes that the eight percent ceiling on mortgages and many commercial loans is an active disincentive to investment in the District and detrimental to the interests of its citizens. Most directly affected by this "tight money squeeze" are the potential home buyers and sellers in the District who for many months have been unable to get financing. According to all the evidence and the many complaints which have come to the Committee, mortgage financing has virtually become unavailable except for the most preferred low risk buyers with sizeable down payments,the best line of credit with financial institutions, and the ability to pay "points" under the counter. The complaints are corroborated by the statistics: In the first five months of 1974, Savings and Loan Associations made only 307 loans on District of Columbia real property, as contrasted to 895 in the first five months of 1973.[3] In these same five months of 1974, the total amount loaned on D. C. real property by all financial institutions was little more than half the amount loaned in the comparable period in 1973.[4] And, in these same five months, building permits issued in the District of Columbia

3. "Deeds of Trust Recorded in the District of Columbia", May, 1974, Lawyers Title Insurance Corporation.

4. Ibid.

dived from 498 in 1973 to 283 in 1974.[5] What these statistics tell us is that the impact of the tight money market reaches beyond those who cannot borrow in order to purchase homes. It results in a tangible negative economic drain for the city as a whole, diverting District deposits outside of the city, keeping potential funds out, and contributing to the curtailment of housing starts and commercial development in the city.

The factors which place the District at a serious disadvantage in competing for scarce mortgage and investment funds so long as it maintains its eight percent ceiling are familiar to all of us:

(1) The inability to compete with other areas of the country with higher interest ceiling (42 states), particularly the neighboring jurisdictions. Maryland's ceilings now stand at 10% for first mortgages and 12% for second mortgages; all commercial loans above $100,000 are exempt. In Virginia, which has no ceiling on first mortgages, and a flexible rate for second mortgages, first mortgage rates are currently between 9 and 9 3/4 percent, plus points. Given the fact that Savings & Loans can loan within a 120 mile radius, the incentive to loan on District property is obviously at a low ebb.

(2) The inability of the District of Columbia housing market and non-corporate commercial enterprises to compete with other and frequently "safer" investments which pay considerably higher yields that 8% (90 day bank certificates of deposits, 90-day U.S. Treasury notes, commercial paper, etc.) The negative impact on available mortgage money is twofold: On the one hand, former Savings and Loan depositors are putting their money elsewhere; at the same time,Savings and Loans are forced to pay up to 10% in order to secure funds which they can loan for no more than 8% in the District.

(3) The inability of District Savings & Loans to put to local advantage federal funds recently freed for infusion into the mortgage market -- specifically,Federal Home Loan Bank funds being loaned to Savings & Loans at approximately 9% and Federal Home Loan Mortgage Corporation commitments to buy Savings and Loan loans which earn 8.75%.

(4) The prognosis for the money market in the future- a continuing raise in interest rates which will place the District in an increasingly non-competitive position under the 8% ceiling.[6]

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5. "Building Permits Continue Dive", Washington Star-News, June 15, 1974, p. D-1.
6. Since Oct., 1973, the prime interest rate, major indicator of the money market rates, has risen from 9.75%(the highest level in history) to a current rate of 11.5%. See also "Interest Rates Won't Drop", Washington Star-News, June 14, 1974, p. D-1.

In short, past studies and the Record indicate that some redlining does occur in certain areas of the District of Columbia which are classified in toto as high risk lending areas. The Record also reveals that few if any proponents of expanded usury exemptions or higher interest ceiling were willing or able to predict, in the face of persistent questioning, that increases in the usury ceiling would substantially increase mortgage availability or commercial investment in the District, particularly in the "less attractive" areas of the District.

As already indicated, the underlying purpose of this regulation is to attract more money into the District and to make mortgage financing proportionally available to all areas of the city and to marginal income buyers who, though reasonable credit risks, have been largely shut out of the mortgage market. The Committee considers these purposes of equal importance to the welfare of the city. Furthermore, the Committee concludes that the latter intent is likely to remain unfulfilled in the absence of specific sanctions or incentives applied from within and without the financial community. In response to this conclusion, the Committee has provided for the following within the "usury package":

(1) Automatic termination of the 10% ceiling on home mortgage two years after effective date of this regulation. At that time, the Council will decide whether extension, amendment or termination of the ten percent ceiling serves the best interest of the community. In making the above determination, the extent, nature and flexibility of mortgage investment by the District's financial institutions shall be primary considerations. It is the expectation of the Committee that all financial institutions, particularly the Savings and Loans Associations, will substantially increase their mortgage investments in the District of Columbia, particularly in areas previously short changed, and particularly with respect to moderate and marginal income buyers. It is the mandate of Commission being established in this usury package to assure that this comes about, through implementation of the specific tasks and deadlines which the Commission has been assigned. The final report of the Commission, due three months prior to termination of this Title, will reflect the progress which has been made and serve as a major determinant for Council action at the time of termination.

(2) Specific provision for review (Sec.402 of the Regulation) by the Committee, within one year of effective date of this regulation, of the impact of the regulation, including a report and recommendation for Council action. This provision is intended to serve as an interim review prior to the report required above and to address itself particularly to the impact of the exemptions granted in Title III upon commercial investment in the

District. One year from this date the Council will have a broad spectrum of new authority to regulate financial institutions and to create incentives for investments in the District, should such be warranted. The Council, for example, will have the authority to reduce the tax rates of District financial institutions in proportion to their mortgage and commercial investment in the District - a measure already in effect in the state of California.

Specific Provisions of the Regulation: Comment and Findings

1. The 11.5% ceiling on second mortgages

Because second mortgages are by definition higher risk mortgages over which first deeds of trust take precedence, they carry in many jurisdictions higher allowable ceilings than first mortgages. In the District of Columbia, the eight percent ceiling on second mortgages has presented a particular problem for many existing home owners - the inability to borrow on the equity they have built up in their property. Under the 8% ceiling, loans secured by second mortgages on existing equity in a home have been virtually unattainable. Given the reality of today's money market, the same would be true under a 10% ceiling, since second mortgages are inferior loans. For many District home owners the substantial equity they have accrued in their property, by virtue of long payments and its inflated value, is the only asset they possess. The inability to use this asset to borrow money for necessary and legitimate expenses - such as sending a child to college - often presents a real hardship. Against this background, the Committee finds the proposed 11.5% ceiling on second mortgages is eminently reasonable, particularly in view of the consumer protections which condition this ceiling in the proposed regulation.

2. Consumer Protections

In response to testimony presented at the hearings and an escalating movement throughout the country, the regulation incorporates certain consumer protections for home buyers and mortgages. In incorporating these protections, the Committee has attempted to consider their impact upon mortgage availability in the city as well as the need for protection for consumers. The Committee is keenly aware of the fact that further consideration should be given to expansion of the protections included and to possible additional protections.

It is the expectation of the Committee that the Council, in its one-year review, report and recommendation as described above, will include careful consideration of the need for further protections and recommend action to the Council accordingly.

Separate mention should be made of two consumer protections applying specifically to second mortgages - the prohibition against balloon payments and the non-negotiability of such mortgages. These two protections were included in response to testimony at the April 3 Hearing and an earlier Hearing (November 1971) concerning second mortgage abuses. The latter revealed that the most prevalent abuses (frequently perpetrated in connection with home improvement sales) related to the assignment of such mortgages to a third party and to provisions for balloon payments which were an easy opening to foreclosure. It is the conclusion of the Committee that the newly elected Council should address itself to the overall problem of second mortgage regulation. The consumer protections described above are presented as a first step to address the worst abuses in the field.

Mr. Chairman, I move that the Council adopt the attached Usury Regulation.

Attachment

APPOINTED COUNCIL DISTRICT OF COLUMBIA 1967-1974

1974 DCSTAT REG 509

STATEMENT OF MAYOR WALTER E. WASHINGTON UPON APPROVING REGULATION 74-46 TO MODIFY THE TIME STANDARD FOR PROCESSING APPLICATIONS FOR PUBLIC AND MEDICAL ASSISTANCE.

Today I have approved Regulation 74-46 which will require decisions on whether to approve or disapprove applications for public assistance to be made within 45 days and applications for medical assistance to the disabled to be made within 60 days from the date of the application, except in specified unusual circumstances. I have taken this action because I believe it is in the best interests of the clients which the District Government serves.

By approving this regulation the District Government will be able to conform with existing Federal requirements permitting states up to 45 days in disposing of public assistance applications. This Federal requirements takes into consideration the fact that most states are currently determining and redetermining eligibility for public assistance on the basis of verification systems in order for the states to avoid loss of Federal reimbursements should their error rates on ineligible cases and overpayments exceed established Federal tolerance levels.

The Federal authorities recognize that additional time is required to process applications under the verification system than was the case under the declaration method for processing public assistance applications. The declaration method had a Federal requirements that applications be processed within 30 days but this system has been abandoned by virtually all states in favor of the verification method.

While this regulation will enable the District Government to take up to 45 days in processing public assistance applications, the city will make every effort to process such applications as expeditiously as possible. I want to emphasize that any applicant for public assistance who is confronted with a critical need for funds to meet his basic necessities for food, clothing and shelter, either at the time of application or at any point prior to notification of the application decision, will be promptly referred to the emergency assistance program. In this manner critical hardships can be avoided.

I also think it is important to emphasize the distinction between the extension of up to 45 days for processing public assistance applications permitted by this regulation and the matter before Judge Robinson of the U.S. District Court. The Court has ordered that applications must be processed within 30 days on the basis of the requirements of the current D.C. regulation which sets a 30 day maximum. The regulation I am approving will change that maximum in recognition of needs created by changing Federal requirements.