

APPOINTED COUNCIL DISTRICT OF COLUMBIA 1967-1974

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Regulation No. 73-1



January 31, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT OF THE HEALTH REGULATIONS OF THE DISTRICT OF COLUMBIA RELATING TO THE LEAD CONTENT OF PAINT USED IN RESIDENTIAL BUILDINGS

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

1 WHEREAS, the presence of lead-based paint in residential buildings is a
2 continuing danger to children under the age of six years; and

3
4 WHEREAS, the permissible lead content of paint used in residential
5 buildings must be further reduced.

6
7 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

8
9 Section 1. The Health Regulations of the District of Columbia are
10 amended by:

11
12 (1) amending Section 8-2:901 to read as follows:

13
14 "(a) It shall be unlawful for any person to apply
15 to any toy, article of furniture, or interior or exterior
16 surface of any habitation, paint or any other similar
17 surface-coating material containing lead compounds of
18 which the lead content (calculated as the metal) exceeds
19 five-tenths of one percent (0.5%) of the total weight of
20 the contained solids or dried paint film.

21
22 "(b) It shall be unlawful for any person to offer
23 for sale or sell any paint or other similar surface-
24 coating material intended, or packaged in a form suitable
for use on toys, furniture, or in or around habitable

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				
ANDERSON	X					MOORE	X					VEAZEY	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 9, 1973

Adopted on second and final reading January 23, 1973

Presented to the Mayor-Commissioner January 23, 1973

Edward S. Wilf
Secretary of the City Council
JAN 31 1973

Approved *Walter Washington*
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 S. Wilf
Secretary of the City Council

premises, which contains lead compounds of which the lead content (calculated as the metal) exceeds five-tenths of one percent (0.5%) of the total weight of the contained solids or dried paint film. "

(2) designating the text of Section 8-2:902 as subsection (b); striking from such redesignated section the word "exposed"; and inserting the following new subsection (a):

"(a) 'Exterior surface' means any surface on the exterior of any residential building, including, but not limited to, any portion of a window, window frame, door, door frame, wall, stair, porch, balcony, rail, or other guard or appurtenance. "

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

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Regulation No. 73-2



February 13, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING REGULATION 72-21 RELATING TO STANDARDS OF IDENTIFY FOR GROUND MEAT PRODUCTS

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

1 WHEREAS, on August 15, 1972, this Council passed Regulation No. 72-21
2 relating to standards of identity for ground meat products; and

3
4 WHEREAS, it is desirable to clarify the applicability of the penalty clause
5 of the said Regulation to retail sellers of ground meat products packaged in a
6 federally-inspected plant and shipped in interstate commerce into the District
7 of Columbia for sale in the original package without further processing.

8
9 NOW, THEREFORE, BE IT ENACTED, by the District of Columbia Council
10 that:

11
12 Section 1. Regulation No. 72-21 is hereby amended by striking the period
13 at the end of Section 3 thereof, and adding the following:

14
15 "; provided, that, except where the manufacturer and the
16 retail seller are under common ownership or control, it
17 shall not be deemed a violation of this Regulation to sell
18 at retail or offer for sale at retail, in the original package,
19 any non-complying product which has been manufactured
20 and packaged in a federally-inspected plant and shipped
21 in interstate commerce into the District of Columbia for sale
22 at retail in the package in which shipped."

23
24 Section 2. This Regulation shall take effect immediately.

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				
ANDERSON	X					MOORE				X		VEAZEY	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 23, 1973

Adopted on second and final reading February 6, 1973

Presented to the Mayor-Commissioner February 6, 1973

Edward B. Webb, Jr.
Secretary of the City Council
FEB 13 1973

Approved *Walter Washington*
Mayor-Commissioner

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

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

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

Regulation No. 73-3



February 13, 1973
Enactment Date

Regulation of the District of Columbia

TITLE REGULATION TO ESTABLISH AND APPLY STANDARDS OF ASSISTANCE FOR PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS (FLAT GRANTS)

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

1 WHEREAS, Section 233.20(a)(2) of title 45, Code of Federal Regulations
2 provides that states must specify a state-wide standard expressed in money
3 amounts to be used in determining (a) the need of applicants and recipients
4 and (b) the amount of the assistance payment; and

5
6 WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of
7 Reorganization Plan No. 3 of 1967, the District of Columbia Council is
8 authorized to establish rules and regulations to carry out the provisions of
9 the District of Columbia Public Assistance Act of 1962, and to approve
10 regulations defining the amount of public assistance which any person shall
11 receive.

12
13 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
14 that:

15
16 Section 1. Section 4a of D. C. Regulation 72-17, Regulation to Establish
17 and Apply Standards of Assistance for Public Assistance Applicants and
18 Recipients is hereby amended to read as follows:

19
20 Section 4. Costs of Training and Employment

21
22 (a) A member(s) of an assistance unit enrolled in
23 a Department - approved training program, other than the
24 work incentive program (WIN), shall receive a monthly
payment in the amount of \$49.00 to cover costs incidental
to training.

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				
ANDERSON	X					MOORE				X		VEAZEY	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 23, 1973

Adopted on second and final reading February 6, 1973

Presented to the Mayor-Commissioner February 6, 1973

Edward E. Walsh, Jr.
Secretary of the City Council
FEB 13 1973

Approved *Maester Washington*
Mayor-Commissioner

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

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

Readopted _____ Date

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

Section 2. This amendment is effective retroactive to October 1, 1972.

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Regulation No. 73-4



February 13, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE DISTRICT OF COLUMBIA RELOCATION REGULATIONS

...Vice Chairman Sterling Tucker... Presents the following regulation:

1 WHEREAS, pursuant to the authority of Section 5 of the Act approved
2 October 6, 1964 (78 Stat. 1004; D. C. Code, sec. 5-732); Section 209 of the
3 Uniform Relocation Assistance and Real Property Acquisition Policies Act of
4 1970 (84 Stat. 1894, D. C. Code, sec. 5-732a); and Section 402 (130) of
5 Reorganization Plan No. 3 of 1967, the District of Columbia Council is
6 authorized and directed to prescribe regulations for making relocation
7 payments to individuals, families, business concerns, and nonprofit
8 organizations for their moving expenses and actual direct losses caused
9 by their displacement from real property acquired for public works projects,
10 including highway projects of the government of the District of Columbia; and
11

12 WHEREAS, the Council held a public hearing on December 19, 1972,
13 on proposed uniform relocation regulations and now finds said regulations
14 necessary and proper to ensure uniform, fair, and equitable treatment of
15 all persons who are required to move because of District public works projects;
16

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

20 Section 1. The attached regulations denominated as "Relocation
21 Regulations" are hereby enacted.

23 Section 2. These regulations shall be effective immediately upon
24 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				
ANDERSON	X					MOORE	X					VEAZEY	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 23, 1973

Adopted on second and final reading February 6, 1973

Presented to the Mayor-Commissioner February 6, 1973

Approved [Signature] Mayor-Commissioner
Secretary of the City Council [Signature]
Date FEB 13 1973

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

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

Readopted _____ Date _____

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
[Signature] Secretary of the City Council

RELOCATION REGULATIONS

PART I - GENERAL

Sec. 101. Authority.

These regulations are issued under the authority of section 5 of the Act approved October 6, 1964 (78 Stat. 1004; D. C. Code, sec. 5-732; P.L. 88-629) and section 209 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; D. C. Code, sec. 5-732a; P.L. 91-646).

Sec. 102. Purpose and Scope.

(a) The purpose of these regulations is to establish a means of providing relocation services, payments for moving costs, replacement housing, and other expenses, and to assure uniform, fair, and equitable treatment for all persons who are required to move because of public works projects, including highway projects, of the government of the District of Columbia. These regulations also establish a means of providing relocation services for persons required to move as a result of other public actions such as the condemnation of unsafe and insanitary buildings and the enforcement of District laws and regulations relating to housing.

(b) The construction or development of public works shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from his dwelling or his business until after ninety days written notice. Except as provided by section 405, no family or individual will be required to move unless offered relocation housing that meets the standards set forth in these regulations.

Sec. 103. Commissioner to Provide Payments and Services and Assurances.

(a) The Commissioner shall make all relocation payments and provide all assistance required of a Federal agency by section 209 of the Act, and shall make all payments and meet all requirements prescribed for a

Federal agency by Title III of such Act.

(b) The Commissioner shall assure that, within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of and available to such displaced persons who require such dwellings and which are reasonably accessible to their places of employment.

Sec. 104. Coordination by the Commissioner.

The Commissioner shall coordinate activities of Federal and District agencies and departments and planned or proposed governmental actions in the community which may affect relocation assistance programs and which are related to the relocation functions of the Relocation Office under the Agreement, and to develop, in cooperation with the Relocation Office, such operating procedures as are necessary to carry out these functions.

PART II - DEFINITIONS

Sec. 201. As used in these regulations, the term—

(1) "Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894 et seq.; Public Law 91-646).

(2) "Agency" means the District of Columbia Redevelopment Land Agency.

(3) "Agreement" means the Relocation Cooperation Agreement entered into between the District of Columbia and the District of Columbia Redevelopment Land Agency (D.C.F.A. 2610), dated December 8, 1964, as amended December 5, 1969, and as the same may be further amended from time to time.

(4) "Commissioner" means the Commissioner of the District of Columbia, or his designated agents.

(5) "Comparable replacement dwelling" means a dwelling which is (A) decent, safe, and sanitary, (B) functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly-constructed housing, (C) adequate in size to meet the needs of the displaced family or individual or, at the option of the displaced person, which exceeds his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the acquired dwelling, (D) open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, (E) located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to (i) neighborhood conditions, including but not limited to municipal services and other environmental factors, (ii) public utilities, and (iii) public and commercial facilities, (F) reasonably accessible to the displaced person's place of employment, (G) within the financial means of the displaced family or individual, and (H) available on the market to the displaced person. If housing meeting the requirements of this definition is not available on the market, and upon a proper finding of the need therefor, available housing exceeding these basic criteria may be considered.

(6) "Decent, safe, and sanitary housing" means housing which is in sound, clean, and weather-tight condition, in conformance with District Housing Regulations, or other housing regulations comparable thereto, and other District laws or regulations.

(7) "Deed of Trust" (mortgage) means such classes of liens as are given to secure advances on, or the unpaid purchase price of, real property under the laws of the District, together with credit instruments, if any, secured thereby.

(8) "Displaced person" means any person who moves as a result of acquisition; or (A) is in occupancy at

the initiation of negotiations for the acquisition of the real property, in whole or in part, or is in occupancy at the time he is given a written notice by the District that it intends to acquire the property by a given date, and moves from the real property or moves his personal property from the real property, and the real property is subsequently acquired; or (B) is in occupancy at the time he is given a written notice to vacate by the District, (except in the case of local code enforcement), and moves from the real property or moves his personal property from the real property, whether or not the real property is subsequently acquired.

(9) "Displacement by local code enforcement" refers to families and individuals who are owners or occupants of real property and have been notified by the District to vacate the premises either because the premises are in violation, or are being used in violation, of District laws and regulations relating to housing.

(10) "District" means the government of the District of Columbia.

(11) "Dwelling" means any single family house, a single family unit within a multi-family building (including a non-housekeeping unit), a unit of a condominium or cooperative housing project, or any other residential unit.

(12) "Economic rent" or "fair rental value" is the amount of rent a displaced family or individual would have to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located.

(13) "Initiation of negotiations" means the date the District makes the first personal contact with an owner of property, or his designated representative, and furnishes him with a written offer to purchase the real property.

(14) "Owner" means any individual, or individuals, who (A) owns, legally or equitably, a fee simple estate,

a life estate, a 99-year lease, or other proprietary interest in the property, or interest in a cooperative, (B) is the contract purchaser of any of the foregoing estates or interests, or (C) has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law. The tenure of ownership of one who obtains real property by devise, bequest, inheritance, or operation of law shall include the tenure of the preceding owner.

(15) "Person" includes any individual, family, partnership, corporation, or association. The term specifically includes—

(A) "Business" which means any lawful activity conducted primarily (i) for the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property, (ii) for the sale of services to the public, (iii) by a nonprofit organization, or (iv) solely for the purpose of payments relating to moving and related expenses as provided herein, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted;

(B) "Family" which means two or more individuals, one of whom is the head of a household, together with all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Two or more individuals who occupy the same dwelling with no identifiable head of a household, shall be treated as one family for replacement housing payment purposes;

(C) "Individual" which means a person who is not a member of a family; and

(D) "Nonprofit organization" which means a corporation, partnership, individual, or other public or private entity engaged in a business, professional, or

institutional activity on a non-profit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for carrying on of the business, profession, or institutional activity on the premises.

(16) "Personal property" means tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is noncompensable (other than for moving expenses) under applicable District law of eminent domain, and, in the case of a tenant, fixtures and equipment, and other property which under District law are considered real property, but which the tenant may lawfully remove. The determination as to whether an item of property is personal or real shall depend upon how it is identified in the acquisition appraisals or the closing or settlement statement with respect to the real property acquisitions, except that no item of property which is compensable under the District law to the owner of real property in the real property acquisition shall be treated as tangible personal property in computing actual direct losses of tangible personal property as provided herein.

(17) "Relocation Office" means the District of Columbia Relocation Assistance Office established within the District of Columbia Redevelopment Land Agency, pursuant to section 4 of the Act approved October 6, 1964 (78 Stat. 1004; D.C. Code, sec. 5-731).

PART III - RELOCATION SERVICES AND ASSISTANCE

Sec. 301. Eligibility Requirements.

All persons displaced on or after the effective date of these regulations because of the acquisition of real property by the District or an order to vacate by the District or a court of competent jurisdiction by virtue of the condemnation of unsafe and insanitary buildings or the enforcement of laws and regulations relating to housing shall be eligible for relocation

services and assistance. Assistance and relocation services (but not payments) shall be offered to any person occupying property immediately adjacent to that acquired for a District public works project whenever the Commissioner determines that such person has been or will be caused substantial economic injury because of the acquisition.

Sec. 302. Responsibility of the Relocation Office.

(a) General Advisory Services. It shall be the responsibility of the Relocation Office to provide services which may be necessary or appropriate in order to:

(1) determine the need, if any, of displaced persons and of persons displaced by local code enforcement for relocation assistance;

(2) provide for displaced persons and for those displaced by local code enforcement current and continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary housing including units available for sales or rent, and of comparable commercial properties and locations for displaced businesses;

(3) assist a person displaced from his place of business in obtaining and becoming established in a suitable replacement location;

(4) supply information concerning Federal and District housing, loan, and other programs offering assistance to displaced persons and to those displaced by local code enforcement;

(5) provide such other advisory services to displaced persons and to those displaced by local code enforcement as will minimize hardships and inconvenience to such persons in adjusting to relocation; and

(6) provide relocation services and assistance to eligible persons, including notifying and informing site occupants of the necessity and reason for their displacement, and by referring individuals and families to

appropriate public and private agencies for needed social and welfare services.

(b) Information Statements to Occupants and Owners. (1) Upon notification by the Commissioner that it is appropriate to do so, the Relocation Office shall provide persons occupying property to be acquired by the District a written statement informing the occupants that said property may be acquired, and shall advise them of the availability of relocation services and assistance and of the availability of a copy of these regulations. Owners of such occupied properties shall be furnished such information statements by the District. Written statements shall be provided to persons displaced by local code enforcement informing them of the availability of relocation services and assistance and of a copy of these regulations.

(2) In the case of Federal-aid highway projects, a notice in lieu of the above statement shall be furnished in accordance with the requirements of section II of Federal Highway Administration Instructional Memorandum 80-1-71, dated April 30, 1971, and any subsequent amendments thereto.

Sec. 303. Cooperation among District Departments and Agencies.

To the extent permitted by law, the District of Columbia Department of Human Resources and other departments and agencies administering public assistance, job training and placement, vocational rehabilitation, health, welfare, and other programs shall cooperate with and assist the Relocation Office in providing displaced individuals and families such services and assistance as they may require and as they may be eligible to receive.

PART IV - RELOCATION HOUSING

Sec. 401. Standards for Relocation Housing.

(a) Only dwelling and rooming units in compliance with the Housing Regulations of the District and other

laws and regulations shall be considered decent, safe, and sanitary and offered as permanent relocation housing for families and individuals.

(b) Permanent relocation housing shall be within the ability of the family or individual to pay and shall be reasonably accessible to places of employment, transportation, and other facilities.

Sec. 402. Inspections.

The District of Columbia Department of Economic Development shall inspect such housing units and shall furnish such reports thereon as may be requested by the Relocation Office. Inspections may be requested to determine whether housing units proposed for replacement dwellings or already occupied as replacement dwellings, are decent, safe, and sanitary under District Housing Regulations.

Sec. 403. Preferences to Displaced Individuals and Families and those Displaced by Local Code Enforcement.

Individuals and families who are displaced and those who are displaced by local code enforcement from property acquired by the United States or the District for public works projects or from property condemned or vacated as unsafe and insanitary as the result of enforcement of District laws and regulations relating to housing, shall, with respect to vacancies occurring in housing owned or operated within the District by Federal or District agencies, be given the same preference provided to displaced families by section 8(b) of the District of Columbia Redevelopment Act of 1945, as amended (D. C. Code, sec. 5-707(b)).

Sec. 404. Temporary Relocation.

(a) Families and individuals for whom displacement is proposed and for whom permanent relocation housing is not immediately available, may be rehoused temporarily in any vacant housing owned by the District, or in other appropriate housing, provided such temporary use will not delay construction activities at the particular project site. Such temporary relocation is authorized to protect families and individuals from

hazardous conditions, to expedite the clearance and re-development of a project site, or to reduce maintenance and management costs, and, where practicable, shall be limited to a period of not more than 12 months.

(b) Temporary relocation housing shall be in habitable condition. It shall be equipped with operable plumbing, heating, and electrical systems, and shall be free of structural or other conditions that may be hazardous to the health and safety of the occupants.

(c) The cost of a temporary relocation shall be charged to management costs and shall in no way affect the eligibility of the displaced individual or family for a relocation payment or the Agency's obligation to provide permanent relocation housing.

Sec. 405. Eviction.

Persons occupying any building or property owned by the District shall be subject to eviction for the following reasons: non-payment of rent, use of the premises for an illegal purpose or in violation of the rental agreement, refusal to accept standard accommodations, refusal to admit to the premises representatives of the Relocation Office, or of any agency or department cooperating therewith, or for use of the premises in any manner which would constitute grounds for eviction under District laws.

PART V - RELOCATION PAYMENTS

Sec. 501. General Provisions.

(a) Administration of the Relocation Payments Program. The Relocation Office shall administer the relocation payments program in accordance with the provisions of these regulations, and shall be responsible for determining the eligibility of each displacee for a relocation payment and the amount thereof. Appropriate records, with supporting documentation, shall be maintained by the Relocation Office with respect to each claim.

(b) Eligibility Requirements. A person is eligible to receive payments incurred in moving if he is in occupancy of property on the date of acquisition; or

(1) is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; or

(2) is in occupancy at the time he is furnished a written notice by the District that it intends to acquire the property by a given date, and moves the real property or moves his personal property from the real property and the real property is subsequently acquired; or

(3) is in occupancy at the time he is given a written notice to vacate by the District (except in the case of a person displaced by local code enforcement), and moves his personal property from the real property, whether or not such real property is subsequently acquired.

(c) Allowable Moving Expenses. Payments may be made to an eligible claimant for actual and reasonable expenses incurred in moving himself, his family, business, and personal property, including the cost of:

(1) transportation not exceeding a distance of 50 miles from the site of displacement, except when the Relocation Office determines that relocation beyond such distance is justified;

(2) packing and unpacking, and crating and uncrating personal property;

(3) obtaining bids or estimates for such transportation, packing, and crating, including advertising therefor;

(4) storage of personal property for a period generally not exceeding 12 months if the Relocation Office determines such storage is necessary in connection with relocation;

(5) insurance of personal property while in storage or transit;

(6) disconnecting, dismantling, removing, re-assembling, reconnecting, and reinstalling machinery, equipment, or other personal property (including utilities and goods and inventory kept for sale) not acquired by the District: Provided, That the cost of any addition, improvement, alteration, or other physical change in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation shall not be included as a moving expense unless the Relocation Office determines that such addition, improvement, alteration, or other physical change is required by law or regulation or is necessary to the reinstallation of such personal property;

(7) replacing personal property lost, stolen, or damaged (not through the fault or negligence of the claimant, his agent, or employee) in the process of moving, where such loss, theft, or damage is not covered by insurance; and

(8) an item of personal property which is used in connection with a business or nonprofit organization and is not moved, but is replaced with a comparable item. Reimbursement shall not exceed the replacement cost, less proceeds received from the sale of such item or the estimated cost of moving, whichever is less.

(d) Multiple Occupancy of Same Dwelling Unit.

(1) Families. If two or more eligible families occupy the same single-family dwelling unit, each family is eligible for moving expenses and a replacement housing payment, if each relocates to separate dwelling units.

(2) Individuals. Two or more eligible individuals, without an identifiable head of the household, who occupy the same family dwelling unit, are considered as one "family" for purposes of fixed payment moving expenses and for replacement housing payments. Each individual may claim reimbursement for actual moving expenses. When all such individuals do not relocate to decent, safe, and sanitary housing, the Relocation Office,

in computing the replacement housing payment, shall determine and pay to those individuals who relocate into decent, safe, and sanitary housing a pro rata share of the appropriate payment which would have been received had all such individuals relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

(e) Joint Residential and Business Use.

(1) Displaced individuals or families occupying living quarters on the same premises as a displaced business, shall be considered separate persons for purposes of determining entitlement to relocation payments.

(2) The owner-occupant of a multi-family dwelling shall, in addition to the payment for the moving of his or her own personal property, be eligible also to receive moving payments under section 502 for the other units of the multi-family dwelling.

(f) Inspection of Premises. Any person claiming relocation payments in accordance with these regulations, shall permit inspection by the Relocation Office at reasonable times of all personal property which he intends to move and the premises to which such personal property is to be moved. Any person refusing to comply with the requirements of this subsection shall be ineligible to receive relocation payments.

(g) Hardship Cases. Where hardship is established to the satisfaction of the Relocation Office, relocation payments may be paid to eligible claimants in advance of the move. Such payments shall be limited to the amount necessary to alleviate the hardship related to the relocation of the claimant, and shall not exceed the total amount for which the claimant may be entitled.

(h) Appraisals and Technical Evaluations. The Relocation Office shall obtain the services of appraisers, estimators, or engineers when necessary in connection with the determination of reasonable and necessary moving expenses, direct loss of property, and replacement housing payments.

(i) Direct Payment to Mover. An approved payment may be made directly to the mover or other contractor, provided the method of payment has been agreed to in writing by the Relocation Office, the claimant, and the mover or other contractor. A claimant may assign all or a portion of a fixed payment for this purpose. Neither the Relocation Office, the Agency, or the District shall pay to such mover or other contractor any amount of such payment as may be disqualified, set off, or disallowed, either through default or failure of the claimant to meet the requirements of these regulations, or because the claimant is indebted to the District.

(j) Owner Retention of Dwelling. When an owner retains ownership of his dwelling, the cost of moving the dwelling is not reimbursable as personal property. However, if he uses his dwelling as a means of moving personal property, such owner may be eligible for moving expenses on the basis of a fixed payment.

Sec. 502. Relocation Payments to Businesses.

(a) Moving Expenses.

(1) An owner of a displaced business shall be eligible to receive the actual reasonable costs, as defined in section 501(c), of a move accomplished by a commercial mover. Such expenses shall be substantiated by receipted bills. The Relocation Office may obtain, as a project expense, two bids or estimates for each move expected to cost over \$5,000 in order to determine the reasonableness of the moving cost.

(2) Except for reasons beyond control of the claimant and found justifiable by the Relocation Office, no moving expense payment shall be made unless, at least 30 days prior to moving, the business concern furnishes the Relocation Office a written notice of its intention to move, setting forth the address to which it expects to move and a list which generally identifies the property to be moved.

(3) An owner of a displaced business who moves himself may be paid an amount, limited to

out-of-pocket expenses, not to exceed the estimated cost of accomplishing the move commercially based upon two bids or estimates. If in the judgment of the Relocation Office no bids or estimates can be obtained, the owner shall be paid such actual reasonable moving costs as are substantiated by receipted bills or other evidence of expenses incurred.

(4) When personal property used in connection with the business to be moved is of high bulk-low value and the estimated cost of moving such property is disproportionate in relation to its value, the owner shall be paid an amount negotiated with respect thereto not to exceed the difference between the cost of comparable personal property on the market and the amount which would have been received for such property if liquidated.

(b) Payment for Personal Property Loss. An owner of a displaced business shall be reimbursed for actual direct losses of tangible personal property when such owner is entitled to relocate such personal property in whole or in part and elects not to do so. Payment for actual direct losses shall be made only after a bona fide effort has been made by the owner to sell the personal property involved.

(1) If the business is to be reestablished and the personal property is sold and not moved but promptly replaced with comparable property at the new location, reimbursement shall be the lesser of the replacement cost minus the net proceeds of the sale; or the estimated cost of moving the personal property.

(2) If the personal property is sold and if the business is to be discontinued or the personal property is not to be replaced in the re-established business, reimbursement shall be the lesser of the difference between the depreciated value of the property in place and the net proceeds of the sale; or the estimated cost of moving the personal property.

(3) If a bona fide sale is not effected because no offer is received for the personal

property, payments shall include the reasonable expenses of the attempted sale, in addition to the fair market value of the personal property for continued use, not to exceed the estimated cost of moving the property for a distance of 50 miles.

(4) If the personal property is abandoned without efforts on the part of the owner to dispose of it by sale or removal, no payment shall be made for moving expenses or losses with respect thereto.

(c) Searching for a New Location. An owner of a displaced business shall be reimbursed for the actual reasonable expenses of searching for a replacement business. Such payment shall not exceed \$500, unless the Relocation Office determines that a greater amount is justified because of exceptional circumstances. Expenses may include the cost of transportation, meals, lodging away from home, and the reasonable value of time actually spent in search, including the fees of real estate brokers or agents. Payment for time actually spent in search shall be based upon the applicable hourly wage rate of the person conducting the search, but shall not exceed \$10 per hour.

(d) Payment in Lieu of Actual Expenses.

(1) Payment may be made to an owner of a displaced business in lieu of actual expenses and property losses as provided in subsections (a), (b), and (c) of this section. Such payment shall be equal to the average annual net earnings of the business, except that no such payment shall be less than \$2,500 nor more than \$10,000 and shall be made only if —

(A) the business cannot be relocated without a substantial loss of its existing patronage, which shall be determined only after consideration of all pertinent circumstances, including, but not limited to, such factors as (i) the type of business,

(ii) the nature of the clientele, and
(iii) the relative importance of the present and proposed location and the availability of a suitable replacement location;

(B) the business is not part of a commercial enterprise having at least one other establishment which is not being acquired by any governmental agency and which is engaged in the same or similar business; and

(C) the business contributes materially to the income of the owner.

For the purposes of this subsection, the term "average annual net earnings" means one-half of the net earnings of the business, before Federal or other income taxes, during the two taxable years immediately preceding the taxable year in which the business is relocated. The term shall also include any compensation paid by the business to the owner, his spouse, or his dependents during the two-year period.

(2) If the owner of the business affected can show that the business was in operation for 12 consecutive months during the two taxable years prior to the taxable year in which it is required to relocate and had income during such period and is otherwise eligible, payment in lieu of actual moving expenses shall be made to the owner of such business. If the business was in operation for 12 consecutive months or more but was not in operation during the entire two preceding taxable years, such payment shall be computed by dividing the net earnings by the number of months the business was operated and multiplying that number by 12. For this purpose, a taxable year shall be considered the twelve-month period used by the business in filing income tax returns.

(3) To be entitled to a payment in lieu of

moving expenses, the owner of a business must substantiate the claimed net earnings by furnishing such documents as copies of District or Federal tax returns for the tax years in question, certified financial statements, or sworn affidavits stating his net earnings. An owner's unsubstantiated statement alone will not suffice for this purpose. The Relocation Office shall have the right to review the records and accounts of the business.

(e) Moving Payments to Nonprofit Organizations.

A nonprofit organization may be eligible to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property, and actual reasonable expenses of searching for a replacement site to the same extent as provided herein for a displaced business. Such an organization may elect to receive a payment in lieu of actual expenses in the amount of \$2,500 when the Relocation Office determines that:

(1) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage", as used in connection with nonprofit organizations, includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(2) The nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

(3) The organization qualifies for exemption from Federal income taxation under 26 U.S.C., sections 501 et seq.

(f) Moving Payments to Owners of Displaced Advertising Signs. An owner of a displaced advertising sign may be eligible to receive the actual reasonable costs of a move accomplished by a commercial mover. In any case in which the owner of such sign moves it himself, the owner may be paid an amount, based upon two firm bids or estimates, not in excess of the estimated cost

of accomplishing the move commercially. If in the judgment of the Relocation Office no bids or estimates can be obtained, the owner shall be paid his actual reasonable moving costs if substantiated by receipted bills or other evidence of expenses incurred. The owner of a displaced advertising sign may be eligible for reimbursement for actual direct losses when he is entitled to relocate such sign, but does not do so. The amount of such reimbursement shall be the depreciated reproduction cost of the sign or the estimated cost of moving the sign, whichever is less. The owner of a displaced advertising sign may be eligible for reimbursement for the actual reasonable expenses of searching for a replacement sign site, but such payment shall not exceed \$100. Such expenses may include the cost of transportation, meals, lodging away from home, and the fees of real estate brokers or agents. Payment for the time actually spent in search shall be based on the applicable hourly wage rate of the person conducting the search, but shall not exceed \$10 per hour.

Sec. 503. Relocation Payments to Individuals and Families.

(a) Moving Expense Payments. A person displaced from his residence may be eligible to receive reimbursement for the actual and reasonable expenses of moving his personal property, himself, and his family, or may have the option of claiming a \$200 dislocation allowance, plus a fixed payment not to exceed \$300 according to the schedule (including amendments thereto) established July 12, 1971 by the Federal Highway Administration and applicable to the District of Columbia.

(b) Replacement Housing Payments - Purchase.

(1) A displaced person who is the owner and occupant of a dwelling for 180 days before initiation of negotiations shall be eligible to receive an additional payment, not to exceed a total of \$15,000, for the cost necessary to purchase replacement housing, to compensate for

the loss of favorable financing on his existing mortgage in the financing of replacement housing, and for reimbursement of expenses incidental to the purchase of replacement housing when such costs are incurred as specified herein.

(A) The owner-occupant shall be eligible for such payments if—

(i) he is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part, or at the time he is furnished a written notice by the District that it intends to acquire the property by a specified date, and such occupancy has been for at least 180 consecutive days immediately prior to the date of initiation of negotiations;

(ii) the property was acquired from him by the District, and he relocates and occupies a decent, safe, and sanitary dwelling within one year beginning on (aa) the date the owner receives from the District final payment for all costs of the acquired dwelling in any negotiated settlement, or, in the case of condemnation, the date the District deposits the required amount in court in a condemnation proceeding; or (bb) the date the owner is required to move in accordance with a written notice to vacate issued by the District; or (cc) the date the owner moves, if earlier than the date stated in the notice to vacate on which he is required to move; whichever is latest.

(B) A displaced owner-occupant who enters into a contract for the construction or rehabilitation of a replacement dwelling, and, for reasons beyond his control, is unable to occupy the replacement dwelling within the time period described herein shall be deemed to have purchased and occupied the dwelling as of the date of such contract.

(C) The replacement housing payment shall be the amount, if any, which, when added to the amount paid for the property by the District at acquisition, equals the actual cost which the owner pays for a decent, safe, and sanitary dwelling, or the amount which the Relocation Office determines on the basis of approved schedules, comparables, or other approved method, to be necessary to purchase a comparable dwelling; whichever amount is less.

(D) Increased interest payments shall be provided to compensate a displaced person for the increased interest cost he is required to pay for financing a replacement dwelling provided the deed of trust was a valid lien on the acquired dwelling for at least 180 days prior to initiation of negotiations. Such increased interest payment shall be equal to the difference between (i) the aggregate interest and other debt service costs of the amount of the principal of the deed of trust on the replacement dwelling, limited to the unpaid balance of the deed of trust on the acquired dwelling over its remaining term at the time of acquisition, and reduced to discounted present value, and (ii) the aggregate interest and other debt service costs paid on the deed of trust on the acquired dwelling.

In making such computation, the aggregate interest and other debt service costs with respect to the replacement dwelling shall not exceed the prevailing interest rate currently charged by mortgage lending institutions in the District, or, if the replacement dwelling is located outside of the District, in the area in which such dwelling is located. The discount rate for computing the present worth of future payments of increased interest shall

be computed at the prevailing interest rate paid on savings deposits by commercial banks in the District or in the area where the replacement dwelling is located.

(E) A payment for incidental expenses shall be provided to compensate a displaced person for costs incident to the purchase of a replacement dwelling and shall be the amount necessary to reimburse such person for actual incidental costs. Such costs may include:

(i) legal, closing, and related costs, including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation;

(ii) lenders, Federal Housing Administration or Veterans Administration appraisals;

(iii) Federal Housing Administration or Veterans Administration application fees;

(iv) certifications of structural soundness;

(v) credit reports;

(vi) owner's and mortgagee's evidence or assurance of title;

(vii) escrow agent's fees; and

(viii) sales or transfer taxes.

No reimbursement shall be made for any fee, cost, charge, or expense which is determined to be part of the debt service or finance charge under Title I of the Truth in Lending Act (Public Law 90-321), and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(2) A displaced person who is the owner and occupant of a dwelling and is otherwise eligible under subsection (b)(1)(A) of this section, except that he has owned and occupied the dwelling for less than 180 days, but not less than 90 days prior to the initiation of negotiations, shall be eligible to receive an amount, not to exceed \$4,000, for a downpayment on the purchase of a replacement dwelling, for reimbursement of actual expenses incidental to such purchase, or for the additional costs needed to relocate his retained dwelling. Upon purchase and occupancy of a decent, safe, and sanitary dwelling within the time limits specified in subsection (b)(1)(A), such displaced person shall be eligible for:

(A) that amount of the downpayment which is determined by the Relocation Office as equivalent to the downpayment required on a comparable dwelling financed with a conventional loan, plus the eligible incidental expenses, when the total amount thereof does not exceed \$2,000; or

(B) an amount equal to \$2,000 plus 50 percent of the amount in excess of \$2,000, provided the displaced person contributes 50 percent of the amount in excess of \$2,000, when the downpayment, plus incidental expenses, is more than \$2,000.

(C) The full amount received for a downpayment must be applied to the purchase price and incidental expenses, and the downpayment and incidental costs claimed must be shown in the closing statement.

(3) A displaced person who is a tenant of a dwelling and who is eligible for a rental replacement housing payment under subsection (c)(3) of this section, and who elects to purchase a replacement dwelling, shall be eligible to receive

an amount, not to exceed \$4,000, for a downpayment on the purchase of a replacement dwelling, including the expenses incidental to such purchase. Upon purchase and occupancy of a decent, safe, and sanitary dwelling within one year from the date of completion of the move, such displaced person shall be eligible for:

(A) that amount of the downpayment which is determined by the Relocation Office as equivalent to the downpayment required on a comparable dwelling financed with a conventional loan, plus eligible incidental expenses, when the total amount thereof does not exceed \$2,000; or

(B) an amount equal to \$2,000 plus 50 percent of the amount in excess of \$2,000, provided the displaced person contributes 50 percent of the amount in excess of \$2,000, when the downpayment, plus incidental expenses, is more than \$2,000.

(C) The full amount received for a downpayment must be applied to the purchase price and incidental expenses, and the downpayment and incidental costs claimed must be shown in the closing statement.

(4) A displaced person who is the tenant of a sleeping room and who is eligible for a replacement housing payment under subsection (c)(3) of this section shall be eligible to receive an amount, not to exceed \$4,000, for a downpayment on the purchase of a replacement dwelling, including the expenses incidental to such purchase. Upon purchase and occupancy of a decent, safe, and sanitary dwelling within one year of the date of completion of the move, such displaced person shall be eligible for:

(A) that amount of the downpayment which is determined by the Relocation Office as equivalent to the downpayment required on a comparable

dwelling financed with a conventional loan, plus the eligible incidental expenses, when the total amount thereof does not exceed \$2,000; or

(B) an amount equal to \$2,000 plus 50 percent of the amount in excess of \$2,000, provided the displaced person contributes 50 percent of the amount in excess of \$2,000, when the downpayment, plus incidental expenses, is more than \$2,000.

(C) The full amount received for a downpayment must be applied to the purchase price and incidental expenses, and the downpayment and incidental costs claimed must be shown in the closing statement.

(c) Replacement Housing Payments - Rental.

(1) A displaced person who is the owner and occupant of a dwelling and is otherwise eligible under subsection (b)(1) of this section, and who elects to rent a replacement dwelling, shall be eligible for a rental replacement housing payment not to exceed \$4,000 for a period not to exceed 4 years. Such payment shall be determined by subtracting from the amount necessary to rent a comparable dwelling for the next four years, 48 times the economic rent for the acquired dwelling as established by the Relocation Office. The payment shall not exceed the maximum amount the owner-occupant would have been paid had he elected to receive a replacement housing payment for the purchase of a replacement dwelling.

(2) A displaced person who is the owner and occupant of a dwelling and is otherwise eligible under subsection (b)(1)(A) of this section, except that he has owned and occupied the dwelling for less than 180 days, but not less than 90 days prior to the initiation of negotiations, and who elects to rent a replacement dwelling, shall be eligible for a rental replacement housing payment not to exceed \$4,000 for a period not to exceed 4 years as provided in subsection (c)(1).

(3) A displaced person who is a tenant of a dwelling for 90 days before the initiation of negotiations shall be eligible for a rental replacement housing payment, not to exceed \$4,000, over a period not to exceed 4 years, provided such person rents and occupies a decent, safe, and sanitary dwelling within one year from the date of completion of the move. Such payment shall be determined by subtracting from the amount necessary to rent a comparable dwelling for the next four years or 48 times the actual rent paid for the replacement dwelling, whichever is less, 48 times the average monthly rental paid three months before acquisition. If the rent paid before acquisition is not reasonable, the economic rent, or fair rental value as established by the District, shall be used in computing the payment. When the average monthly rental to be computed exceeds 25 percent of the monthly gross income, the computation shall be based on 25 percent of the monthly gross income.

(4) A displaced person who is the tenant of a sleeping room for 90 days prior to the initiation of negotiations, and who rents and occupies a decent, safe, and sanitary dwelling within one year of the completion of the move shall be eligible for a rental replacement housing payment not to exceed \$4,000, over a period not to exceed 4 years, to be computed in the same manner as for the tenant of a dwelling under subsection (c)(3).

(5) The owner-occupant of a dwelling for 180 days prior to the initiation of negotiations who rents replacement housing and subsequently purchases a home within the prescribed time may receive a replacement housing payment for the purchase of a dwelling if he meets the requirements of subsection (b)(1) of this section. Any amount previously received as a rental replacement housing payment shall be deducted from the second claim.

(6) All rent replacement housing payments in excess of \$500 shall be disbursed in 4 equal installments on an annual basis. The first such payment shall be made only after the replacement

dwelling has been found to be decent, safe, and sanitary as defined in section 201 (6). Subsequent annual payments, if any, shall be made only after the claimant certifies that he is occupying decent, safe, and sanitary housing.

(d) Advance Replacement Housing Payments in Condemnation Cases. In cases where condemnation proceedings are pending, a provisional replacement housing payment may be calculated, based on the maximum offer for the property as the acquisition price. Payment may be made upon the owner-occupant's agreement that:

(1) upon final determination of the condemnation proceeding the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined necessary to acquire a comparable decent, safe, and sanitary dwelling; and

(2) if the amount awarded in the condemnation proceedings plus the amount of the replacement housing payment already received exceeds the cost of a comparable dwelling or the actual amount paid for a replacement dwelling, he will refund to the District such excess amount. In no event, however, shall the owner-occupant be required to refund more than the amount of the replacement housing payment advanced. If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and shall then be computed on the basis of the final determination, using the award as the acquisition price.

(e) Retention of Home. The owner shall be allowed the option of retaining his dwelling except in areas where the relocation of the building would be inconsistent with the planned urban development. The owner of improvements or appurtenances on lands being acquired shall be allowed the option of retaining his improvements or appurtenances at a retention value predetermined by the District by comparison with improvements sold on the market. Such predetermined value shall be made prior to the initiation of negotiations. The procedures and payments for this purpose

shall conform to those set forth in FHWA PPM 80-5, paragraph 1 d, and IM 80-1-71, section 24 f.

(f) Determination of Amount Necessary to Purchase or Rent a Comparable Dwelling. A claimant who is eligible for a replacement housing payment for rental or sales housing, may have the computation of his payment based upon a schedule of the average sale or rental prices for comparable dwellings, or upon the sale or rental prices of three comparable dwellings available on the market, determined in accordance with one of the following methods.

(1) The Relocation Office shall establish a schedule of probable selling prices of dwellings comparable to the various types of dwellings being acquired and a schedule of probable rental prices of dwelling units comparable to the various types of rented dwellings being vacated. Such schedules will be prepared from an analysis of the various selling and rental prices of dwellings available on the market and shall be updated periodically. To the extent possible, such schedules shall be the same as those utilized for other programs in the District.

(2) The Relocation Office shall analyze the sale or rental prices of at least three dwellings comparable to the acquired dwelling unit which are available on the market and which meet the criteria for a comparable dwelling as defined in this regulation. Less than three comparables may be used when sufficient comparable dwellings are not available and the files are documented to this effect. An adjustment of asking prices to selling prices shall be determined by comparing the asking prices and actual sale prices of recently sold dwellings, and a factor or percentage shall be developed representing the average difference between such asking and actual sale prices. This factor or percentage shall be kept current.

Sec. 504. Claims.

(a) Submission. All claims for payment shall be submitted on official forms provided by the Relocation Office, and shall be supported with such documentation as may be required by that office.

(b) Time Limitations for Filing Claims.

(1) All claims for payment must be filed within 18 months of the completion of the move with the exception of replacement housing payments for owner-occupants which may be filed within 18 months from the completion of the move or 18 months from the date on which the District makes its final payment for the site dwelling, whichever is later.

(2) The above time limitations may be waived by the Relocation Office upon a determination that failure to file within the prescribed time was for good cause.

(c) Setoffs Against Claims. The District may setoff against the claim of an otherwise eligible displaced person any claim which it may have against that person arising out of the use of real property owned by the District, subject to the qualifications set forth below. Before making such setoff, the District shall notify the displaced person of its intention to do so and shall advise him that he may within 30 days file a statement challenging or opposing the setoff. If such statement is filed and the District institutes within 30 days thereafter a judicial action to recover the amount claimed, it may tentatively set off the claim. If the District obtains a judgment for the amount claimed, or any part thereof, the amount of the judgment shall constitute a final setoff. If judicial action on the claim is instituted by the District and judgment thereon is denied for the whole claim, or if the District fails to institute judicial action, the District shall pay the full amount of the relocation claim for which the displaced person is eligible.

(d) Duplicate Payments. No relocation payment shall be made from District funds in any case where a payment for a similar purpose is authorized by an Act other than the Uniform Relocation and Real Property Acquisition Policies Act of 1970.

Sec. 505. Grievance Procedures Relating to Claims and Payments.

(a) Right of appeal. Any claimant, meaning a person aggrieved by a determination as to eligibility

for, or the amount of, a payment under these regulations, may have his claim reviewed and reconsidered by the Commissioner in accordance with the procedures set forth in this section.

(b) Notification to claimant. Whenever the Relocation Office denies the eligibility of a claimant for a payment or disapproves the full amount claimed, or refuses to consider the claim on its merits because of untimely filing or on any other ground, it shall notify the claimant in writing of its determination and the reasons therefor. The Relocation Office shall also inform the claimant at such time of the applicable procedures for the receipt and consideration by it of an appeal by the claimant of such determination.

(c) Written explanation. Any claimant who feels that the explanation accompanying the determination of the Relocation Office to deny or reduce the amount of his claim is incorrect or inadequate may request a full written explanation of such determination and the reasons therefor. Such a request shall be made within 6 months of receipt of the initial determination. The Relocation Office shall provide such an explanation to the claimant within 15 days of its receipt of the claimant's request.

(d) Informal presentation. A claimant shall be notified that, prior to filing a written complaint pursuant to subsection (e), he may request and be afforded an opportunity to make an oral presentation and to discuss his claim with a reviewing officer. Such reviewing officer shall be a person other than the person who made the initial determination, and shall have the authority to revise the initial determination on the claim. The reviewing officer who hears an informal presentation pursuant to this subsection shall also review the formal appeal of such claimant if one is made.

(e) Request for review. (1) A claimant desiring review and reconsideration of the determination of the Relocation Office may file a written request for review thereof with the Relocation Office. Such request for review shall be made within 6 months of the notification to the claimant of such office's determination, but in no event less than 21 days following the Relocation Office's notification to the claimant of its determination.

(2) The time period specified in paragraph (1) shall be extended if necessary so that a claimant who

previously requested a full written explanation pursuant to subsection (c) of this section shall have no less than 21 days from his receipt of such written explanation within which to file his request for review and reconsideration.

(f) Submission of additional material. The claimant may include in his request for review any statement of facts within his knowledge or belief, or other material which he feels has a direct bearing on his appeal. If the claimant requests more time to gather, prepare, and submit additional material for consideration or review, he shall be granted an additional 21 days from the date of his request for review.

(g) Time limits on reviews. The Relocation Office shall issue a statement of its findings on review within 30 days from receipt of the last material submitted for consideration by the claimant in accordance with subsection (f). In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the Relocation Office shall issue its statement of findings within 10 days from receipt of the last material submitted by the claimant.

(h) Reconsideration procedures. The reviewing officer, who shall have the authority to revise the initial determination on the claim, and who shall be a person other than the person who made the initial determination, shall review such initial determination in light of:

(1) all material upon which the original determination was based, including all applicable rules and regulations;

(2) the reasons given by the claimant for requesting reconsideration and review of his claim;

(3) whatever additional written material has been submitted by the claimant; and

(4) any further information which the Relocation Office may, in its discretion, obtain by request, investigation, or research, to insure fair and full review of the claim.

(i) Final determination on review. The final determination on review by the Relocation Office shall include, but is not limited to:

(1) the decision on reconsideration of the claim;

(2) the factual and legal basis upon which the decision is based; and

(3) any pertinent explanation or rationale for the decision.

PART VI - APPLICABILITY OF THESE REGULATIONS

Sec. 601. Any person displaced on or after the effective date of these regulations shall be entitled only to those services and payments provided herein. However, nothing in these regulations shall be construed to affect any rights or liabilities in existence as of January 2, 1971, nor any rights granted pursuant to Order of the Commissioner No. 71-185, dated June 7, 1971.

Sec. 602. Any displaced person who moved after January 2, 1971 and before the effective date of these regulations and who filed a claim for any relocation payment under the regulations then in effect may file a supplementary claim for any additional benefits to which he may be entitled under these regulations.

Sec. 603. Any displaced person who moved after January 2, 1971 and before the effective date of these regulations and who did not file a supplementary claim, may file either under the regulations in effect on the date of the move or under these regulations.

PART VII - REPEALS AND EFFECTIVE DATE

Sec. 701. Except as provided in Part VI of these regulations, Commissioners' Order No. 66-402(a), dated March 31, 1966, and Order of the Commissioner No. 71-185, dated June 7, 1971, are rescinded on the effective date of these regulations.

Sec. 702. These regulations shall be effective on February 13, 1973.

Regulation No. 73-5



March 1, 1973
Enactment Date

Regulation

of the
District of Columbia

TITLE AMENDMENTS TO D.C. RULES AND REGULATIONS TITLE 16, CHAPTER 1,
D.C. CIGARETTE TAXES

Chairman John A. Nevius Presents the following regulation:

1 WHEREAS, by section 302 (a) of Public Law 92-518 the District's cigarette
2 tax rate was increased; and

3
4 WHEREAS, the discount allowed for quantity purchases of cigarette tax
5 stamps or meter impressions is set by regulation at 6 per centum; and

6
7 WHEREAS, the dollar amount of discount on quantity purchases necessarily
8 rises when the tax rate rises; and

9
10 WHEREAS, it is this Council's intention to maintain the dollar amount of
11 the discount constant, which requires a reduction in the rate of discount commensurate with the rate of rise in the tax; and

12
13
14 WHEREAS, it is desired to establish a credit system for payment for quantity
15 purchases of cigarette tax stamps and meter impressions, subject to appropriate
16 safeguards.

17
18 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

19
20 Section 1. The regulations pertaining to District of Columbia cigarette
21 taxes, Title 16, Chapter 1, promulgated under authority of the District of Columbia
22 Cigarette Tax Act, 47-2802, D.C. Code, 1967 ed. are hereby amended as follows:

23
24 a) Section 3 (16 DCRR Sec. 4.1) is repealed.

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				
ANDERSON	X					MOORE	X					VEAZEY	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 6, 1973

Adopted on second and final reading February 20, 1973

Presented to the Mayor-Commissioner February 21, 1973

Edward S. White
Secretary of the City Council
MAR 1 1973

Approved *John A. Nevius*
Mayor-Commissioner

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

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

Readopted _____ Date

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

Edward S. White
Secretary of the City Council

__2__ of __2__

1 b) Subsection (b) of Section 5 (16 DCRR Sec. 6.2) is amended by striking
2 the figure "6" and inserting in lieu thereof the figure "4".

3
4 c) Subsection (c) of Section 5 (16 DCRR Sec. 6.3) is amended to read as
5 follows:

6 "(c) Deferred Payment and Bond

7
8 1) Stamps or metered impressions may be purchased by licensees, payment
9 therefore to be made not later than 30 days from the date of such purchase, provided
10 that approval for the privilege of deferring payment has been granted by the
11 Commissioner.

12
13 2) The Commissioner may require the filing of a bond in a form and with
14 conditions satisfactory to him, and with a surety or sureties acceptable to him, which
15 bond shall secure the payment of any amount or amounts due the District from the
16 purchaser in the event of failure by the purchaser to pay such amounts within the
17 time prescribed in this subsection. The security provided in the bond shall be in
18 an amount equal to one and one half times the average monthly purchases of stamps
19 or metered impressions made by the purchaser during the year prior to the year in
20 which the bond is obtained. If the purchaser has no history of prior purchases, the
21 bond shall be in an amount not less than \$1000, such amount to be determined in
22 the sole discretion of the Commissioner. In no event shall deferred payment
23 purchases exceed the amount of the bond.

24
25 3) The Commissioner may revoke or suspend the deferred payment privileges
26 of any licensee who is delinquent in the timely payment of amounts due and owing
27 the District of Columbia pursuant to paragraph (1) of this section, or who violates
28 any provision of any District of Columbia taxing act or any regulation adopted
29 pursuant to such act.

30
31 4) Remittances for deferred payment purchases as provided by paragraph (1)
32 of this subsection shall be made to the D. C. Treasurer not later than the due date.
33 Remittance shall be made for all outstanding credits on or before June 30th of each
34 year. When June 30th falls on Saturday, Sunday or a legal holiday, remittances
35 shall be due on the last business day in June."

36
37 d) Subsection (d) (5) of Section 6 (16 DCRR Sec. 7.5 (e) is amended by
38 striking the figure "6" and inserting in lieu thereof the figure "4".

39
40 Section 2. This regulation shall take effect immediately.
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Regulation No. 73-6

March 29, 1973
Enactment Date



Regulation

of the
District of Columbia

TITLE REGULATION ESTABLISHING LICENSING PROCEDURES FOR FORMER LICENSEES OF THE D. C. REAL ESTATE COMMISSION

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, section 45-1403, D. C. Code provides that "The Commissioners
2 of the District of Columbia are hereby authorized and empowered to make and
3 enforce, revise, or repeal whatever reasonable regulations may be necessary to
4 carry out the provisions of this chapter [on Real Estate and Business Brokers'
5 Licenses]."
6

7 WHEREAS, section 402 (33) of Reorganization Plan No. 3 of 1967 transferred
8 these regulatory functions of the Board of Commissioners to the District of Columbia
9 Council.
10

11 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
12 that:
13

14 Section 1. Any former licensee of the Real Estate Commission of the
15 District of Columbia, either resident or nonresident, who allows three or more years
16 to elapse from the date of last holding license with the Commission, must, upon
17 reapplication for licensure, undergo successfully the Written Examination Require-
18 ment prior to subsequent consideration for approval for the granting of license,
19 notwithstanding any reciprocity licensure agreement of the Commission with real
20 estate licensing authorities of other jurisdictions.
21

22 Section 2. This regulation shall take effect thirty (30) days following
23 enactment.
24

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				
ANDERSON	X					MOORE	X					VEAZEY	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 6, 1973

Adopted on second and final reading March 20, 1973

Presented to the Mayor-Commissioner March 20, 1973
Date

Robert S. Moore
Acting Secretary of the City Council

Approved [Signature]
Mayor-Commissioner

MAR 29 1973
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

Regulation No. 73-7



Enactment Date April 12, 1973

Regulation of the District of Columbia

TITLE AMENDMENT OF THE HOUSING REGULATIONS OF THE DISTRICT OF COLUMBIA RELATING TO THE LEAD CONTENT OF PAINT USED IN RESIDENTIAL BUILDINGS

Vice Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the presence of lead-based paint in residential buildings is a
 2 continuing danger to children under the age of six years; and
 3
 4 WHEREAS, new methods of detecting the presence of lead-based paint have
 5 been developed since the District of Columbia Council first acted to control this
 6 danger; and
 7
 8 WHEREAS, the permissible lead content of paint used in residential buildings
 9 must be further reduced.
 10
 11 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:
 12
 13 Section 1. The Housing Regulations of the District of Columbia are amended
 14 by -
 15
 16 (1) striking out in section 1102 the word "exposed" in the definition of
 17 "interior surface"; and
 18
 19 (2) amending subsections 2605.2 and 2605.3 to read as follows:
 20
 21 "2605.2 - Whenever the Director of Economic Development (i) upon
 22 inspection finds the presence of flaking, peeling, chipped, or loose
 23 paint, plaster, or structural materials on any interior surface of any
 24 residential building, or (ii) has other reasonable grounds to believe 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				
ANDERSON	X					MOORE	X					VEAZEY	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 20, 1973
 Adopted on second and final reading April 3, 1973
 Presented to the Mayor-Commissioner April 3, 1973
 Approved [Signature] Date _____
 Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date _____
 Disapproved and returned to the City Council _____ Date _____
 Readopted _____ Date _____

[Signature]
 Secretary of the City Council
 APR 12 1973

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
[Signature]
 Secretary of the City Council

REGULATION 73-7

1 a hazard may exist to the health of any inhabitant of, or visitor to, said
2 building because of the presence of lead or lead in its compounds on
3 such surfaces, said Director is authorized to secure specimens of paint,
4 plaster, or structural materials, and to analyze or cause an analysis to
5 be made of such specimens to determine the quantity of lead or lead in
6 its compounds contained in the material. The Director of Economic
7 Development may, instead of securing specimens, test a surface with an
8 in situ analyzer device.

9
10 "2605.3 - In any case in which analysis reveals the presence of
11 lead or lead in its compounds in a quantity of one milligram or more per
12 square centimeter (1 mg/cm²), or in a quantity otherwise sufficient to
13 constitute a hazard to the health of any inhabitant of, or visitor to, the
14 residential building, the Director of Economic Development shall notify
15 the inhabitants that lead in quantity sufficient to constitute a hazard
16 was found, and that a lead poisoning hazard exists.

17
18 (3) adding a new subsection 2605.4 to read as follows:

19
20 "2605.4 - The owner of a residential building shall maintain the
21 interior surfaces of the building free of lead or lead in its compounds
22 in any quantity of more than one milligram per square centimeter
23 (1 mg/cm²) or in any quantity sufficient to constitute a hazard to the
24 health of any inhabitant of, or visitor to, the building."

25
26 Section 2. This regulation shall take effect thirty (30) days following
27 enactment.

Regulation No. 73-8



April 24, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO MOTOR VEHICLE REGULATIONS RELATING TO THE LIMITATIONS ON THE USE OF STUDED TIRES

The Reverend Jerry A. Moore, Jr. Presents the following regulation:

1 WHEREAS, the use of studded tires during the entire calendar year damages
2 street markings, highway surfaces, and is unnecessary for safe operation of motor
3 vehicles at certain times of the year; and

4
5 WHEREAS, other regulations in the District of Columbia pertaining to weather
6 emergencies, e. g., snow tire or chain requirements, are applicable only during the
7 period October 15 through April 15 of each year; and

8
9 WHEREAS, many of the several States impose time restrictions on the use of
10 studded tires for the reasons stated above; and

11
12 WHEREAS, the District of Columbia Council is authorized to establish rules
13 and regulations to carry out certain provisions of the District of Columbia Traffic
14 Act of 1925, as amended, under Section 3 of that Act (D. C. Code 40-603 (a)).

15
16 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

17
18 Section 1. Subsection 6.405 (c), Title 32, District of Columbia Rules and
19 Regulations is amended by adding the following sentence to the subsection: "Use
20 of studded tires is permitted only from October 15 through April 15 of each year."

21
22 Section 2. This regulation shall take effect immediately upon enactment.
23
24

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				
ANDERSON	X					MOORE	X					VEAZEY	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 3, 1973

Adopted on second and final reading April 17, 1973

Presented to the Mayor-Commissioner April 17, 1973
Date

Approved [Signature] Mayor-Commissioner
Secretary of the City Council APR 24 1973
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 [Signature]

Regulation No. 73-9



April 24, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION REVISING THE LANGUAGE USED FOR COUNCILMEMBERS LICENSE TAGS

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

1 WHEREAS, Paragraph 286, Section 402, Reorganization Plan No. 3 of 1967
2 transferred to the District of Columbia Council the authority to adopt regulations
3 concerning the issuance of registration certificates and identification tags; and
4

5 WHEREAS, the District of Columbia is cognizant of the increasingly
6 important role of women on the District of Columbia Council; and
7

8 WHEREAS, the District of Columbia Council feels that reference to "man"
9 would not be in keeping with the Council's own concern that women be accorded
10 equal recognition in all aspects of government.
11

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

14
15 Section 1. Section 3.307 of Title 32, District of Columbia Rules and
16 Regulations, is hereby amended to read as follows:
17

18 "Section 3.307 REGISTRATION NOT TRANSFERABLE BY OWNER
19

20 Identification tags issued in connection with the registration of a
21 motor vehicle or trailer, may not be transferred to another owner
22 or owners, except for identification tags numbered "1", "2", and
23 "3", assigned respectively to the Commissioner of the District of
24 Columbia, the Chairman of the District of Columbia Council, and
the Assistant to the Commissioner, and except for tags bearing 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				
ANDERSON	X					MOORE	X					VEAZEY	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 3, 1973

Adopted on second and final reading April 17, 1973

Presented to the Mayor-Commissioner April 17, 1973

Approved *Peter M. Shykes*
Mayor-Commissioner

Edward S. Webb, Jr.
Secretary of the City Council
APR 24 1973
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. Webb, Jr.
Secretary of the City Council

REGULATION 73-9

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identification "City Council 1" through "City Council 9" 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. 73-10



May 9, 1973
Enactment Date

Regulation

of the
District of Columbia

TITLE REGULATION TO REPEAL REGULATION 72-16, THE ABORTION CONTROL REGULATION

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

1 WHEREAS, the District of Columbia Council in accordance with opinions
2 rendered by the United States Supreme Court resolved on February 6, 1973,
3 to repeal the Abortion Control Regulation; and

4
5 WHEREAS, the Council with the assistance of the Abortion Advisory
6 Committee plans to undertake a study of the feasibility of regulating areas
7 such as, the prohibition of fee-charging referral services; clinic and/or
8 physician advertising; parental or espousal consent for minors; and the necessity
9 of requiring certain record keeping for reporting procedures.

10
11 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
12 that:

13
14 Section 1. Regulation 72-16 is hereby repealed.

15
16 Section 2. This regulation shall take effect immediately.

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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
ANDERSON				X		MOORE				X		VEAZEY					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 17, 1973

Adopted on second and final reading May 1, 1973

Presented to the Mayor-Commissioner May 1, 1973
Date

Approved *Chalter Washington* Mayor-Commissioner
Secretary of the City Council *Edward S. Wolf*
Date MAY 9 1973

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

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

Readopted _____ Date

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

Regulation No. 73-11

May 11, 1973
Enactment Date



Regulation

of the

District of Columbia

TITLE REGULATION AMENDING REGULATION 72-9 REGARDING IMMUNIZATION OF SCHOOL CHILDREN

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

1 WHEREAS, the District of Columbia Council pursuant to paragraph 4,
2 Section 402, Reorganization Plan No. 3 of 1967, is empowered to enact
3 regulations concerning the health and general welfare; and

4
5 WHEREAS, the Council wishes to encourage the parents of children
6 enrolled in the schools of the District of Columbia to have their children
7 tested for sickle cell disease; and

8
9 WHEREAS, the Council feels that such tests should not be performed
10 on a mandatory basis.

11
12 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
13 that:

14
15 Section 1. Section 2 and Section 4 of Regulation 72-9 are hereby
16 repealed. New sections 2 and 4 are hereby adopted as follows:

17
18 "Section 2. Each child enrolled in a public or
19 private school should have been tested for sickle cell
20 disease."

21
22 "Section 4. The Director of the Department of Human
23 Resources shall develop and implement such plans or policies
24 necessary to insure that such immunization and testing

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
ANDERSON				X		MOORE				X		VEAZEY					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 17, 1973

Adopted on second and final reading May 1, 1973

Presented to the Mayor-Commissioner May 1, 1973
Date

Edward G. Kelly
Secretary of the City Council

Approved [Signature]
Mayor-Commissioner

May 11, 1973
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 G. Kelly
Secretary of the City Council

recommended by this regulation is accomplished so as not to interfere with the normal school attendance; provided that such immunization and testing is accomplished at the earliest age as is medically prudent and feasible. Further, the Director shall develop and implement a program to assure the immunization and testing of students in preschool programs."

Section 2. This regulation shall take effect immediately.

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Regulation No. 73-12



Enactment Date May 24, 1973

Regulation of the District of Columbia

TITLE REGULATION PROVIDING SPECIAL PARKING PRIVILEGES FOR HANDICAPPED DRIVERS

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, the District of Columbia Council seeks to alleviate the severe
2 encumbrances faced by disabled District motorists seeking to shop, work, or
3 park in the various commercial area parking zones; and
4

5 WHEREAS, pursuant to paragraph (286) of Section 402 of Reorganization
6 Plan No. 3 of 1967, the Council is authorized to provide by regulation for the
7 issuance of motor vehicle registration certificates; and
8

9 WHEREAS, under paragraph (304) of Section 402 of Reorganization Plan
10 No. 3 of 1967, the Council is further empowered to make rules and regulations
11 for the control of the parking of motor vehicles in the District.
12

13 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
14 that:
15

16 Section 1. Article XIII of the Traffic Regulations of the District of
17 Columbia, relating to the stopping, standing, or parking of motor vehicles, is
18 amended by adding after section 97 the following new section:
19

20 "Section 97A. Special Parking Privileges for the Physically Disabled
21

22 "(a) (1) Any District of Columbia driver who has lost the use of
23 one or both legs, or is so severely disabled as to be
24 unable to walk without the aid of a mechanical device, or

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				
ANDERSON	X					MOORE	X					VEAZEY	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 1, 1973

Adopted on second and final reading May 15, 1973

Presented to the Mayor-Commissioner May 15, 1973
Date

Approved [Signature] Mayor-Commissioner
Date MAY 24 1973
Secretary of the City Council

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

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

Readopted _____ Date

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

Secretary of the City Council

REGULATION 73-12

2 of 2

1 who is confined to a wheelchair, shall be allowed to park without
2 cost a motor vehicle operated by that individual, for unlimited
3 periods in public parking zones which are restricted as to the
4 length of time parking is permitted. This section shall have no
5 application to those zones or during times in which the stopping,
6 parking, or standing of all vehicles is prohibited, or which are
7 reserved for special types of vehicles.

- 8
- 9 (2) As a condition to this privilege, the disabled driver must operate
10 a vehicle displaying a special parking permit which shall be issued
11 and renewed annually to the disabled driver. Such special parking
12 permit shall be issued by the Commissioner or his designated agent
13 upon presentation of a valid written application accompanied by
14 medical certification confirming that the applicant's physical
15 handicap qualifies the applicant to receive the special privileges
16 granted under provisions of this regulation. The issuance of this
17 permit shall involve no fee over and above the annual fee required
18 to maintain an operator's permit.
- 19
- 20 (3) The loss or theft of the permit shall be reported to the Commissioner
21 and to the Police Precinct in which the loss or theft occurred. The
22 permit holder shall also give similar notice in the event the permit
23 is recovered.
- 24
- 25 (b) (1) Any person who willfully and falsely (a) represents himself, or
26 any other person as having the physical handicap necessary to
27 qualify for such parking permit; or (b) certifies another person as
28 having the physical handicap necessary to qualify for such parking
29 permit; or (c) utilizes a special parking permit not issued to that
30 person to obtain the privilege granted in Section 1, or allows
31 another to use his permit for such purposes, shall be considered
32 in violation of this regulation.
- 33
- 34 (2) The Commissioner is authorized to revoke the special parking
35 permit of any permittee found to be in violation of these regulations,
36 and, upon written notification thereof, the permittee shall surrender
37 such permit to the Commissioner. Failure, when so requested, to
38 surrender a special parking permit so revoked shall constitute a
39 violation of these regulations.
- 40
- 41 (c) Any person who shall violate any provision of these regulations
42 shall, upon conviction, be subject to punishment by a fine of not
43 more than \$300 or imprisonment of not more than 10 days, or both."
- 44

45 Section 2. This regulation shall take effect sixty days after enactment.
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Regulation No. 73-13

May 24, 1973
Enactment Date



Regulation

of the

District of Columbia

TITLE NOTARIES PUBLIC

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, the District of Columbia Council considers it most important
2 that notaries public are available to perform notarial duties as a service and
3 convenience to the public, members of the bar, financial institutions, and other
4 fiduciary bodies; and

5
6 WHEREAS, the District of Columbia Council, in pursuit of such objective,
7 deems it desirable to revise existing regulations reflecting a system of notarial
8 commissions based principally upon geographic enfranchisement; and

9
10 WHEREAS, Reorganization Plan No. 3 of 1967 transferred to the District
11 of Columbia Council the function of making rules and regulations in accordance
12 with law (31 Stat. 1279) relating to notaries public, including appointment, tenure
13 of office, oath, bond, seal, and other matters.

14
15 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
16 that:

17
18 Section 1. The regulations set forth as Appendix A of this regulation
19 are hereby adopted, and shall be so compiled and published as is deemed
20 appropriate by the Commissioner for their orderly arrangement within the District
21 of Columbia Rules and Regulations maintained by him.

22
23 Section 2. The Commissioner is hereby delegated any functions necessary
24 to implement the rules and regulations as adopted in Section 1 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				
ANDERSON	X					MOORE	X					VEAZEY	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 1, 1973

Adopted on second and final reading May 15, 1973

Presented to the Mayor-Commissioner May 15, 1973

Approved *Peter Wash Jones* Mayor-Commissioner

Edward F. Wolf
Secretary of the City Council
MAY 24 1973
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. Wolf
Secretary of the City Council

REGULATION 73-13

Section 3. Chapter IV, Title 1, D. C. Rules and Regulations, is hereby repealed.

Section 4. This regulation shall take effect immediately upon enactment.

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Appendix A

Notaries Public

Chapter I - General Provisions

Part 1 - Appointments and Reappointments

Section 1.1 Qualifications.

(a) New appointments as notaries public shall be made to serve the needs and convenience of members of the public, the bar, financial institutions, and other fiduciary bodies.

(b) The Commissioner may appoint persons who are citizens of the United States and who are residents of the District of Columbia or whose sole place of business or employment is located within said District.

(c) Persons requesting to be appointed as notaries public shall indicate to the Commissioner the hours during which they shall be available at a designated place of business in the District of Columbia.

(d) Request for appointment as a notary public by a person in private employment shall be made by the employer or an official of the company or business in which the applicant is employed. In the case of self-employment, the person requesting the appointment as a notary public must submit his request in writing on his official letterhead.

(e) A person employed in an Executive Department or other government office shall not be appointed or reappointed a notary public to function for government business unless his appointment is requested by the Head of the Department or office to facilitate the transaction of Government business. The commission of persons so appointed shall be subject to termination upon leaving the government service.

(f) A letter requesting an appointment of a notary public shall include a statement indicating how service and convenience to members of the public, the bar, financial institutions, or other fiduciary bodies will be enhanced and shall be sent to the Executive Secretary, D. C., Room 528, District Building, 14th and E Streets, N. W., Washington, D. C. 20004.

Section 1.2 Application.

Application shall be made on the form furnished by the Commissioner, and may be mailed to the Executive Secretary, D. C. It shall be supported by letters of endorsement from three or more responsible references.

Section 1.3 Examination.

Candidates shall be given opportunity, by means of an oral examination, to show that they have the necessary knowledge of the powers, duties, and liabilities of notaries public.

Section 1.4 Restrictions.

(a) Every notary public must exhibit a sign, except those functioning as such in the Government service and shall inform the Commissioner promptly of any change in name, office hours, or address.

(b) Government employees who desire to exercise notarial powers other than in connection with their Government work, or in addition thereto, may be granted a separate commission upon submission of an application and upon compliance with the requirements for appointment, but such appointee may not charge any fee for notarial service performed during hours of active duty as a Government employee.

Section 1.5 Reappointments.

A notary public, entitled under his commission and these regulations to charge fees, applying for reappointment, shall submit a summary of his notary business for the three months preceding the date of application for reappointment. This summary shall be based on actual records, not estimates.

Section 1.6 Signature and Seal Impression.

Each notary public commissioned in the District of Columbia shall file his signature and deposit an impression of his official seal in the Office of the Executive Secretary to the Commissioner of the District of Columbia.

Chapter II - General Rules of Practice and Procedure

Part 20 - Denial or Revocation of Notarial Commissions

Section 20.1 Authority of Commissioner to Deny or Revoke a Commission.

The Commissioner may refuse to issue a commission to an applicant or may remove a notary public from office upon determining that such action is necessary in view of the conditions and restrictions as provided in these regulations and by law as well as upon written complaints received by the Executive Secretary.

Section 20.2 Notice of Denial or Revocation.

A notice, in writing, of a determination to deny or revoke a commission shall be given by the Commissioner to the person concerned explaining:

- (a) the nature of and grounds for the action,
- (b) the right of the person concerned to be heard on the matter, and
- (c) the finality of the decision to deny or revoke a commission unless the person concerned requests a hearing on the matter by filing a petition for review with the Commissioner.

Section 20.3 Petition for Review.

(a) A petition for review shall be sent, within twenty days after service of the notice to deny or revoke, by certified letter addressed to the Executive Secretary, D. C., Room 528, District Building, 14th and E Streets, N. W., Washington, D. C., 20004.

(b) The petition for review shall include the following information:

- (1) Request for review of the decision of the Commissioner.
- (2) Why the petitioner believes the decision of the Commissioner was in error.
- (3) Whether the petitioner will appear on his own behalf or through legal counsel, and if so, the name, address, and telephone number of legal counsel.
- (4) Signature of the petitioner.

Part 21 - Opportunity for Hearings - Board of Review

Section 21.1 Board of Review.

(a) Establishment and Composition. A Board of Review, as established by the Commissioner, shall consist of the Corporation Counsel or an alternate designated by the Corporation Counsel; the Administrator of the Office of Licenses and Permits or an alternate designated by him; and a public member who shall be an attorney and a member of the District of Columbia Bar designated by the President of the District of Columbia Bar. The Corporation Counsel or his designated alternate shall be the Chairman of the Board.

(b) Staff Assistance. The Office of the Secretariat shall provide the necessary administrative services for the Board.

Section 21.2 Functions of Board.

The Board of Review shall:

- (a) Receive petitions for review as may be made in writing and addressed to the Executive Secretary, D. C.

- (b) Hold hearings on the issues involved in each case.
- (c) Make a final determination in each case.

Part 22 - Pre-Hearing Procedures

Section 22.1 Notice of Hearing.

If the person concerned does mail a petition for review as provided in Sec. 20.3 of these rules, the Board shall, within twenty days following receipt of a petition, notify the person concerned of the time and place of hearing, which hearing shall be held by the Board not more than sixty days nor less than thirty days following the date of service of such notice, unless specifically provided otherwise by law.

Section 22.2 Method of Serving Notice.

Any notice required by Sec. 20.2 or Sec. 22.1 of these rules, may be served either personally by a member of the Board or by certified mail, return receipt requested, directed to the person concerned at his last known residence or business address as shown by the records. If notice is served personally, it shall be deemed to have been served at the time when delivery is made to the person concerned. When notice is served by certified mail, it shall be deemed to have been served on the date borne upon the return receipt showing delivery of the notice to the person concerned or refusal of the person concerned to receive notice. In the event that the person concerned is no longer at the last known address as shown by the records and no forwarding address is available, the notice shall be deemed to have been served on the date the return receipt bearing such notification is received by the Board.

Section 22.3 Failure to Appear.

If a person who filed a petition for review does not appear and no continuance has been or is granted, the Board may hear the evidence of such witnesses as may have appeared, and the Board may proceed to consider the matter and render a decision on the basis of evidence before it, in the manner required by Sec. 23.3 of these rules.

Section 22.4 Continuances.

A hearing scheduled to be conducted by the Board will not be delayed by a motion for a continuance unless the motion is made at least two days before the date on which such hearing is scheduled to be held, and, in the opinion of the Chairman, sets forth good and sufficient cause for such continuance. Conflicting engagements of counsel, absence of counsel, or the employment of new counsel will not be regarded as good and sufficient cause for continuance unless set forth in a motion filed promptly after notice of the hearing has been given.

Part 23 - Conduct of Hearings

Section 23.1 Duties of Chairman.

The Chairman shall have authority to:

- (a) Place witnesses under oath and regulate the course of the hearing.
- (b) Rule upon offers of proof and receive relevant evidence.
- (c) Assign exhibit numbers for all written, documentary and other tangible matter offered in evidence.
- (d) Hold conferences for simplification of the issues, securing admissions or stipulations, determine hearing procedures, and other matters that may aid in the conduct of the hearing.
- (e) Dispose of the procedural requests or similar matters including motions to order hearings reopened.
- (f) Call, examine and cross-examine witnesses and to introduce into the record documentary or other evidence.
- (g) Request the parties at any time during the hearing to state their respective positions concerning any issue in the proceeding and theory in support thereof.
- (h) Take any other action authorized by these rules or necessary under these rules.
- (i) Nothing herein shall preclude the other members of the Board from cross-examining witnesses.

Section 23.2 Hearings Public.

Every hearing before the Board shall be open to the public.

Section 23.3 Majority of Board to Hear and Decide.

At each hearing, at least a majority of the members of the Board shall be present to hear the evidence and render a decision.

Section 23.4 Rights of Person Entitled to Hearing.

A person entitled to a hearing shall have the right:

- (a) to be represented by counsel;
- (b) to present all relevant evidence by means of witnesses and books, papers, and documents;

(c) to examine all opposing witnesses on any matter relevant to the issues; and

(d) to have subpoenas issued to compel the attendance of witnesses and the production of relevant books, papers, and documents upon making written request therefor to the Board.

Section 23.5 Powers of the Board in Holding Hearings.

In connection with any hearing held pursuant to these rules, the Board shall have the power:

(a) to request of the Commissioner that counsel from the Office of the Corporation Counsel be appointed to represent the District in any case before the Board, provided that the Corporation Counsel alternate designated under Section 21.1 of these regulations shall not be subject to, or responsible to or subject to the supervision or direction of, any person appointed as counsel pursuant to this subsection.

(b) to administer oaths or affirmations, either personally or through their designated agent, to witnesses called to testify;

(c) to subpoena respondents and other witnesses and relevant books, papers, and documents;

(d) to take testimony;

(e) to examine witnesses; and

(f) to direct continuance of any case without regard to the limitation in Sec. 22.1 of these rules.

Section 23.6 Contempt Procedures.

In proceedings before the Board, if any person refuses to respond to a subpoena or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or refuses to obey any lawful Order of the Board contained in its decision rendered after hearing, the Board may make application to the proper court for an Order requiring obedience thereto.

Section 23.7 Evidence.

In all proceedings held by the Board, the Board shall receive and consider any evidence or testimony. However, the Board may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence or testimony.

Section 23.8 Burden of Proof.

(a) In any Board proceeding resulting from the Executive Secretary's denial of application for appointment or reappointment, the applicant shall have the burden of satisfying the Board of his qualifications.

(b) In any Board proceeding resulting from the Executive Secretary's decision to remove a notary public from office, the District shall have the burden of proving that such action should be taken.

Section 23.9 Transcript of Proceedings.

In all hearings conducted by the Board, a complete record shall be made of all evidence presented during the course of a hearing. The hearing will be reported under the supervision of the presiding officer, stenographically or by other means, by an official reporter who may be a regular employee of the Board. Copies of the transcript will be available to parties and to the public from the official reporter on payment at the charges fixed therefor.

Part 24 - Findings and Decisions

Section 24.1 Manner and Time of Rendering Decision.

The members of the Board who conduct the hearing shall render their decision, in writing, as soon as practicable, but not later than ninety days after the date the hearing is completed.

Section 24.2 Content of Decision.

The decision of the Board shall contain:

- (a) findings of fact made by the Board;
- (b) application by the Board of statutory provisions and these rules to the facts as found by the Board;
- (c) the decision of the Board based upon (a) and (b) of this section; and
- (d) a statement informing the person concerned of his right to have the Board's decision reviewed by the District of Columbia Court of Appeals, and the time within which such judicial review must be sought.

Section 24.3 Service of Written Decision.

Within five days after the decision is rendered, the Board shall serve upon the person concerned, or his attorney of record, a copy of the written

decision either personally or by certified mail. If sent by certified mail, it shall be deemed to have been served on the date contained on the return receipt, or refusal of the person concerned to receive notice or the date of the unsuccessful attempt of the postal service to make delivery.

Part 25 - Reopening, Judicial Review and Reconsideration

Section 25.1 Reopening Proceedings.

Where, because of accident, sickness, or other good cause, a person fails to receive a hearing or fails to appear for a hearing which he has requested, the person may, within thirty days from the date of the decision of the Board, apply to the Board to reopen the proceedings; and the Board upon finding such cause sufficient, shall immediately fix a time and place for hearing and give such person and the Corporation Counsel notice thereof as required by these rules. The Board may also reopen a proceeding for any other cause sufficient to it, provided no appeal is pending before a court or has been decided by a court.

Section 25.2 Judicial Review; Waiver of Judicial Review.

A person aggrieved by an adverse decision of the Board, issued after a hearing, may seek a review of the Board's decision by the District of Columbia Court of Appeals. Failure to seek such judicial review in the manner and within the time as said Court by rule may prescribe, shall result in the decision of the Board's becoming final.

Section 25.3 Record Filed by the Board with the Reviewing Court.

(a) Within such time as may be fixed by rule of the reviewing Court, the Board shall certify and file with the Clerk of the Court, the record of the case, comprising:

- (1) a copy of the notice of action contemplated, required by Sec. 20.2 of these rules;
- (2) a copy of the notice of hearing required by Sec. 22.1 of these rules;
- (3) a complete transcript of the testimony taken at the hearing;
- (4) copies of all pertinent documents and other written evidence introduced at the hearing; and
- (5) a copy of the Board's written decision.

(b) The record may be shortened if, with permission of the Court, all parties to the review proceedings so stipulate.

Section 25.4 Reconsideration or Reinstatement.

A person whose application has been denied or whose commission has been revoked by the Board may, by filing a new application accompanied by the proper fee, request the Board to reconsider the matter. Upon showing of cause satisfactory to it, the Board may direct the Executive Secretary to issue a commission in the usual manner.

Chapter III - Applicability and Waiver of Rules

Part 30 - Applicability of Rules

Section 30.1 General.

These rules shall become effective on the effective date of this regulation and shall be applicable in their entirety to all matters thereafter received by the Executive Secretary and the Board of Review or then pending but not acted upon: Provided, That no such pending matter shall be disposed of on the sole ground that either party failed to comply with these rules unless, after notice of the deficiency and expiration of a fixed, reasonable time to comply, the deficiency has not been corrected.

Part 31 - Waiver of Rules

Section 31.1 General.

The Board of Review for good cause shown may waive any of the provisions of these rules in any proceeding after duly advising the parties of its intention so to do if not otherwise prohibited by law.

Regulation No. 73-14

June 14, 1973
Enactment Date



Regulation

of the

District of Columbia

TITLE AMENDMENTS TO CHAPTER 1, SECTIONS 1.3:8 (b) AND (c) OF THE MANUAL OF THE METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA (AGE & HEIGHT REQUIREMENT)

Reverend Carlton W. Veazey Presents the following regulation:

1 WHEREAS, the District of Columbia Council has determined that certain
2 amendments are necessary to the Police Manual for the District of Columbia; and
3

4 WHEREAS, the District of Columbia Council pursuant to Paragraphs 90 and 95
5 of Section 402 of Reorganization Plan No. 3 of 1967, is authorized to alter and
6 amend rules and regulations regarding the Metropolitan Police Force.

7 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:
8

9
10 Section 1. Sections 1.3:8 (b) and (c) of Chapter 1 of the Manual of the
11 Metropolitan Police Department are hereby repealed. Chapter 1, Sections 1.3:8 (b)
12 and (c) of the Manual of the Metropolitan Police Department are hereby adopted as
13 follows:

14
15 (a) Chapter 1, Section 1.3:8 (b) of the Manual shall read:

16
17 " (b) Have reached his or her twenty-first birthday but
18 not have passed his or her thirtieth birthday on the date of
19 appointment; Provided, that any Metropolitan Police Department
20 cadet who has served satisfactorily for at least one year may
21 be appointed upon reaching his or her twentieth birthday;
22 Provided further that any applicant who met the age requirement
23 at the time of application and who was denied appointment on
24 the basis of racial discrimination, as determined by the Director

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				
ANDERSON	X					MOORE	X					VEAZEY	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 15, 1973

Adopted on second and final reading June 5, 1973

Presented to the Mayor-Commissioner June 5, 1973

Edward S. Webb, Jr.
Secretary of the City Council

Approved *Carlton W. Veazey*
Mayor-Commissioner

JUN 14 1973
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.
Edward S. Webb, Jr.
Secretary of the City Council

REGULATION 73-14

..2.of.2..

of the Office of Human Rights for the Government of the District of Columbia, may be appointed notwithstanding his or her age at the time of such determination.."

(b) Chapter 1, Section 1.3:8(c) of the Manual shall read:

"(c) Be at least 60 inches in height, barefoot and must be of proportionate weight. Maximum height 77 inches."

Section 3. This Regulation shall take effect upon enactment.

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Regulation No. 73-15

June 27, 1973
Enactment Date



Regulation

of the

District of Columbia

TITLE AMENDMENT TO ARTICLE 25 OF THE POLICE REGULATIONS OF THE DISTRICT OF COLUMBIA

Reverend Carlton W. Veazey Presents the following regulation:

1 WHEREAS, the penalty under existing law for conviction of the offense
2 of tampering with or moving a parked vehicle without permission of the owner
3 provides only for the imposition of a fine of not more than \$300; and
4

5 WHEREAS, the District of Columbia Council finds that the offense of
6 tampering with a motor vehicle is of sufficient seriousness and concern to
7 the community to warrant the imposition of a sentence of imprisonment in
8 addition to or as an alternative to a fine; and
9

10 WHEREAS, pursuant to paragraphs (2) and (4) of section 402 of
11 Reorganization Plan No. 3 of 1967, the District of Columbia Council is
12 authorized to make usual and reasonable police regulations for the protection
13 of property within the District of Columbia, and to prescribe penalties for the
14 violation thereof.

15
16 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
17 that:

18
19 Section 1. The second sentence of section 15 of Article 25 of the
20 Police Regulations of the District of Columbia is amended to read as follows:
21

22 "Any person violating this section shall, upon conviction,
23 be fined not more than \$300 or imprisoned for not more
24 than 10 days, or both."

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				
ANDERSON	X					MOORE				X		VEAZEY	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 5, 1973

Adopted on second and final reading June 19, 1973

Presented to the Mayor-Commissioner June 19, 1973

Approved *Carlton W. Veazey*
Mayor-Commissioner

Edward B. Webb
Secretary of the City Council
JUN 27 1973
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

REGULATION 73-15

2 of 2

Section 2. The amendment made by this regulation shall be effective upon enactment.

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Regulation No. 73-16



Enactment Date July 3, 1973

Regulation

of the

District of Columbia

TITLE AMENDMENT TO AIR QUALITY CONTROL REGULATIONS REGARDING THE OPERATION OF INCINERATOR NO. 5

Councilman Rockwood H. Foster Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized to make reasonable
2 and usual regulations for the protection of health; and
3

4 WHEREAS, the Director of the Department of Environmental Services and the
5 Commissioner of the District of Columbia have informed the Council that the curtail-
6 ment of the operations of Incinerator No. 5 will cause severe and adverse effects on
7 the health and welfare of the citizens of the District of Columbia; and
8

9 WHEREAS, pursuant to the provisions of Title 1-1505(c) of the District of
10 Columbia Code, 1967 edition, Supplement IV, the Council determines that an
11 emergency exists, which requires the adoption of this regulation in order to preserve
12 the health, safety and welfare.
13

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

15
16 Section 1. Notwithstanding the provisions of Air Quality Regulation No. 72-12,
17 Incinerator No. 5, which is presently being operated by the Department of Environmental
18 Services, and which would otherwise be closed on July 4, 1973, is hereby allowed to
19 continue in operation until and including September 4, 1973.
20

21 Section 2. This regulation shall take effect immediately and shall remain
22 in effect to and through September 4, 1973.
23
24

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				
ANDERSON				X		MOORE	X					VEAZEY					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 July 3, 1973

Presented to the Mayor-Commissioner July 3, 1973

Approved [Signature]
Mayor-Commissioner

[Signature]
Secretary of the City Council
JUL 3 1973

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

Regulation No. 73-17



August 30, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING THE D. C. TRAFFIC AND MOTOR VEHICLE REGULATIONS TO PROHIBIT THE BLOCKING OF INTERSECTIONS

Councilmen Jerry A. Moore, Jr. and Tedson J. Meyers Presents the following regulation:

1 WHEREAS, section 40-603(a) of the D. C. Code authorizes and empowers
2 the Commissioners of the District of Columbia to make, modify, repeal, and
3 enforce usual and reasonable traffic rules and regulations relating to vehicles, and
4 rules and regulations concerning the control of traffic; and

5
6 WHEREAS, paragraph 295 of section 402 of Reorganization Plan No. 3 of
7 1967, transferred the authroity for making, modifying, and repealing rules and
8 regulations under D. C. Code, section 40-603(a), to the District of Columbia
9 Council; and

10
11 WHEREAS, the District of Columbia Council finds that it is in the interest
12 of the District of Columbia to promote and facilitate the movement of traffic through
13 intersections; and

14
15 WHEREAS, the efficient and speedy policing of intersections in the District
16 of Columbia will contribute significantly to the objectives of this regulation.

17
18 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

19
20 Section 1. Subsection (d) of section 46 of Part I of the D. C. Traffic and
21 Motor Vehicle Regulations is hereby repealed.

22
23 Section 2. Subsections (e) and (f), respectively, of section 46 are hereby
24 redesignated subsections (d) and (e) of section 46, respectively.

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 7, 1973

Adopted on second and final reading August 21, 1973

Presented to the Mayor-Commissioner August 21, 1973
Date

Approved [Signature] Mayor-Commissioner
Secretary of the City Council [Signature] **AUG 30 1973**
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 [Signature]

REGULATION 73-17

2 of 2

Section 3. Immediately following subsection (f) of section 79 insert a new subsection (g) to read as follows:

"(g) No vehicle shall enter an intersection or a marked crosswalk unless there is a sufficient space on the other side of the intersection or crosswalk to accomodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed."

Section 4. This regulation shall be effective sixty (60) days following enactment.

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Regulation No. 73-18

September 4, 1973
Enactment Date



Regulation

of the

District of Columbia

TITLE AMENDMENT TO AIR QUALITY CONTROL REGULATIONS

Councilman Rockwood H. Foster Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized to make all
2 reasonable and usual regulations for the protection of the health of its citizens
3 (§1-226, D. C. Code, 1967 Ed., Supp. V, 1972); and

4
5 WHEREAS, the District of Columbia Council has authorized funding for the
6 operation of the District of Columbia facility known as Incinerator Number 5 during
7 FY 1974, and such funding has been approved by the United States Congress and
8 the President of the United States; and

9
10 WHEREAS, the Clean Air Act of 1970, as amended, 42 U.S. Code §1857
11 et seq., permits local jurisdictions to amend regulations previously approved by
12 the Environmental Protection Agency; and

13
14 WHEREAS, the Air Quality Control Act, §8-611 et seq., D. C. Code, 1967
15 Ed. (Supp. V, 1972) authorizes the District of Columbia Council to make and revise
16 regulations regarding the air quality of the District of Columbia.

17
18 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

19
20 Section 1. The Air Quality Control Regulations (No. 72-12) are hereby
21 amended as follows:

22
23 (a) Section 8-2:709(e) is repealed.
24

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 28, 1973

Adopted on second and final reading September 4, 1973

Presented to the Mayor-Commissioner September 4, 1973

Edward B. Wolff
Secretary of the City Council

Approved *Peter Washburn*
Mayor-Commissioner

SEP 4 1973
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

1 (b) In Section 8-2:724(a)(2), line 49, page 16, delete "July 4, 1973,"
 2 and insert in lieu thereof "June 30, 1974."
 3

4 (c) In Section 8-2:724(a)(2), lines 51 - 54, page 16, delete "No additional
 5 variance shall be granted for those facilities or any other District owned, operated
 6 or contracted for solid waste disposal facility which utilizes incineration, except
 7 for medical facilities on site incinerators."
 8

9 Section 2. Tests to be Performed by the Department of Environmental
 10 Services.
 11

12 (a) The Department of Environmental Services is hereby directed to perform
 13 tests on a quarterly basis (on or approximately November 1, 1973, February 1, 1974,
 14 and May 1, 1974) to determine emissions from Incinerator Number 5 of the following
 15 substances:
 16

- 17 mercury
- 18 lead
- 19 sulfur dioxide
- 20 oxides of nitrogen
- 21 carbon monoxide
- 22 hydrocarbons
- 23 particulates
- 24 beryllium
- 25 asbestos
- 26

27 (b) Tests for particulates shall be conducted monthly.
 28

29 (c) The results of all tests performed pursuant to this Section shall be
 30 delivered to the City Council no later than 30 days after said tests have been
 31 completed.
 32

33 (d) The results of all tests performed pursuant to this Section shall be
 34 published in the D. C. Register at the earliest date practicable after said tests
 35 have been completed.
 36

37 Section 3. The amendments made by this regulation shall take effect
 38 immediately.
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Regulation No. 73-19



September 27, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION ENACTING THE FIRST AMENDMENT TO THE 1972 D. C. BUILDING CODE

~~...Vice-Chairman Sterling Tucker...~~ Presents the following regulation:

1 WHEREAS, the Council is authorized to promulgate building regulations for
2 the District of Columbia; and

3
4 WHEREAS, the Council wishes to promulgate an amendment to the building
5 code for the District of Columbia.

6
7 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
8 that:

9
10 Section 1. The regulation attached hereto as Title 5A-1, and denominated
11 "First Amendment to the 1972 Building Code of the District of Columbia," is hereby
12 enacted. The First Amendment to the 1972 Building Code shall apply to the buildings,
13 structures, equipment, signs, devices, and premises for which regulations are therein
14 provided and for which a permit application is filed on or after the effective date of the
15 Code for the purpose of construction, alteration, change, repair, improvement or
16 razing.

17
18 Section 2. This regulation shall take effect thirty days following enactment;
19 provided that said rules and regulations affected by these amendments shall be
20 considered as remaining temporarily in effect for the purpose of permitting the
21 completion of any building work for which plans were filed prior to the effective date
22 hereof, but permits issued for such work shall not be renewable. Provided further,
23 that said 1961 D. C. Building Code effective January 1, 1961, as amended to include
24 the 1972 Building Code shall continue in full force and effect with respect to offenses

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 7, 1973

Adopted on second and final reading September 18, 1973

Presented to the Mayor-Commissioner September 18, 1973

Edward B. Welby
Secretary of the City Council
SEP 27 1973

Approved *Sterling Tucker*
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.

Robert S. Moore
Acting Secretary of the City Council

1 committed during the effective period of said Code and with respect to prosecution
2 of such offenses, whether such prosecutions are commenced before or after the
3 effective date hereof.

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Regulation No. 73-20



September 27, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION ENACTING TITLE 5D2, THE 1973 D. C. GAS CODE

~~Vice-Chairman Sterling Tucker~~ Presents the following regulation:

WHEREAS, the District of Columbia Council is authorized to promulgate regulations regarding the practice of the business of plumbing and gas fitting, pursuant to Section 402(26) of Reorganization Plan No. 3 of 1967; and

WHEREAS, the District of Columbia Council wishes to promulgate a supplement to the Gas Code of the District of Columbia.

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

Section 1. The regulation attached hereto as Title 5D2, and denominated "The 1973 District of Columbia Gas Code", including the 1972 Model Gas Code, prepared by the Metropolitan Washington Council of Governments, is hereby enacted. The regulations shall govern the installation, maintenance, and repair of all gas fitting work in the District of Columbia, except for buildings owned by the Government of the United States.

Section 2. Any person who violates, or fails to comply with, any of the provisions or requirements of this code or its amendments or orders authorized thereby, shall upon conviction be punished by a fine of not more than two hundred dollars, or in default thereof, to imprisonment not to exceed thirty days.

Section 3. This regulation shall take effect thirty days following enactment. Upon the effective date of the 1973 D. C. Gas Code, the Regulations Governing Gas Fitting in the District of Columbia, adopted January 19, 1926, as amended, and 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 August 7, 1973

Adopted on second and final reading September 18, 1973

Presented to the Mayor-Commissioner September 18, 1973

Approved [Signature] Mayor-Commissioner [Signature] Secretary of the City Council
Date _____ Date SEP 27 1973

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] Acting Secretary of the City Council

REGULATION 73-20

-2-of-2

1 Gas Fitting Regulations of the District of Columbia promulgated by Commissioners'
 2 Order and effective November 18, 1947, as amended, shall be repealed; provided,
 3 however, that said rules and regulations effective November 18, 1947, as amended,
 4 shall be considered as remaining temporarily in effect for the purpose of permitting
 5 the completion of any gas fitting work for which plans were filed prior to the
 6 effective date hereof, but permits issued for such work shall not be renewable.
 7 Provided further, that said D. C. Gas Fitting Regulations, dated November 18, 1947,
 8 as amended, shall continue in full force and effect with respect to offenses
 9 committed during the effective period of said Code and with respect to prosecution
 10 of such offenses, whether such prosecutions are commenced before or after the
 11 effective date hereof.

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District of Columbia REGISTER

MONDAY, JANUARY 21, 1974



VOLUME 20
NUMBER 15
PAGES 525-549

Washington, D.C.

DISTRICT OF COLUMBIA REGISTER--Published every other Monday by the Government of the District of Columbia. Contains (1) Information concerning regulations having the force of law currently being proposed for adoption; (2) Information concerning the adoption, amendment, or repeal of regulations having the force of law occurring during the preceding two calendar weeks; (3) Information on changes in the organization of the District Government; (4) Notices of public hearings; (5) Such other matters as the Commissioner may from time to time determine to be of public interest; (6) Index of rules and regulations, adopted, amended, or repealed, to be published semiannually, cumulative annually.

Communications relative to the District of Columbia Register should be addressed to the Executive Secretary, D.C., District Building, 14th and E Streets, N.W., Washington, D.C. 20004.

Subscription: \$7.00 per year, postpaid. Single copies 30 cents.

(Checks should be made payable to the D.C. Treasurer and mailed to the above address.)

January 21, 1974

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January 21, 1974

ORGANIZATION ORDERS

Organization Order No. 112 - Amended
Board of Appeals and Review

Commissioner's Order No. 73-274

December 12, 1973

ORDERED:

That Organization Order No. 112, Order No. 55-1500, dated August 11, 1955, as amended July 12, 1960, August 9, 1960, December 15, 1960, April 25, 1961, March 15, 1962, December 4, 1962, April 13, 1965, March 7, 1968, August 6, 1968, and September 24, 1971, is hereby amended to read as follows:

A. Establishment and Purpose: Pursuant to the authority vested in the Commissioner under Reorganization Plan No. 3 of 1967 (D. C. Code, 1967, Title I, Administration, Appendix), the Board of Appeals and Review (hereinafter referred to as the "Board") is hereby established as an administrative agency in the District of Columbia Government to provide a final administrative remedy in cases under its jurisdiction.

B. Composition, Qualifications, Tenure of Board Members:

1. The Board shall consist of twenty-five members appointed by the Commissioner, of which:

a. Eight shall be full-time employees of the District of Columbia Government, of Grade GS-13 or higher (hereinafter referred to as "District Members"), but no such member shall be an employee of the Office of the Corporation Counsel. District Members shall receive no additional compensation for work performed by virtue of their appointment or service as members of the Board.

b. Sixteen shall be intermittent employees of the District of Columbia (hereinafter referred to as "Public Members"), each of whom resides in said District or owns in his own name real property therein, eight of whom shall have been admitted to the practice of law before the District of Columbia Court of Appeals and shall have had at least five years of experience in the active practice of law in the District of Columbia (hereinafter referred to as "Legal Members").

c. One shall be the Chairman of the Board, who shall possess such qualifications as the Commissioner deems appropriate for the position which shall be full-time and salaried.

2. The Commissioner shall appoint a Vice-Chairman who shall exercise the powers, authorities and functions of the Chairman whenever the Chairman is unavailable. The Vice-Chairman may be any member of the Board, or may be a District of Columbia official not otherwise a member of the Board.

3. With the exception of the Chairman, and the Vice-Chairman in the event that he is not otherwise a member of the Board, the term of each member of the Board shall be three years. Every vacancy shall be filled only for the unexpired portion of the term. After the expiration of his term, each member shall continue to serve until his successor has been appointed and has taken the oath of office. Members shall be appointed and may be removed by the Commissioner, but no person who has served continuously for six years or more as a member of the Board shall be reappointed as a member until the expiration of one year from the end of such service.

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4. Every member of the Board shall take the following oath of office:

"I, _____ having been duly appointed by the Commissioner as a member of the Board of Appeals and Review, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States; that I will perform such duties as may be assigned to me as a member of the said Board to the best of my ability without fear or favor; that I will administer justice without respect to persons, or to their race, creed, color, national origin, religion, sex, or age; that I will do equal right to the poor and to the rich; and, that I will well and faithfully discharge said duties, so help me God."

C. Organization of the Board.

1. The Board: The Board shall consist of a Chairman, Vice Chairman, Hearing Committees, and such administrative, secretarial, stenographic and clerical positions and personnel as may be appropriate for the performance of the functions of the Board.

2. Hearing Committees.

a. Three Member Hearing Committees. Except as provided otherwise herein, each Hearing Committee shall consist of three members of the Board. One such member shall be a Legal Member, or in the alternative, shall be the Chairman. The Legal Member or the Chairman shall be the Presiding Member of the Committee. One such member shall be a District Member of the Board, but no such District Member shall be a member of said Committee which hears on appeal from an action by an officer or employee or any department or office in which he is employed. Except in the case of a Single Member Hearing Committee as designated in C,2,b herein, a quorum of a Hearing Committee shall be all three members thereof, but decisions and other actions of the Committee may be by majority vote.

b. Single Member Hearing Committees.

[1] In "Class A cases," and in "Class B cases," as designated in Section D herein, the Chairman may designate and assign to Single Member Hearing Committees such cases as he deems, in the public interest, to require a decision on an expedited or emergency basis. Such Committee shall consist of a Legal Member, or in the alternative, the Chairman.

[2] Upon the agreement by and between the Chairman and all the parties to a case before the Board, not assigned to a Single Member Hearing Committee, such case may be heard by a Single Member Hearing Committee consisting of a Legal Member, or in the alternative, the Chairman.

D. Functions of the Board.

1. Except as provided otherwise herein, all powers, functions, and authority of the Board shall be exercised by the Hearing Committees of the Board, whose decisions and other actions shall be deemed actions of the Board.

2. Subject to the provisions of the second paragraph of paragraph II(a) of Reorganization Order No. 50, as amended, each Hearing Committee shall exercise the following functions:

a. Conduct proceedings, make decisions and take other action as is appropriate in cases assigned to it, to include sustaining, reversing, or modifying the action from which an appeal is taken, and when appropriate, dismissing the appeal or remanding the case for further consideration. Such proceedings shall be governed by the District of Columbia Administrative Procedure Act (D. C. Code, sections 1-1501 to 1-1510).

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b. File with the Chairman correspondence, pleadings, documents, findings of fact, conclusions of law, and decisions or other actions which it takes in the cases before it.

c. When it desires in any case before it, request through its Presiding Member, directly of the Corporation Counsel, his opinion in any question of law, or his assistance in putting into proper form its findings of fact, conclusions of law, and decision.

d. Affirmatively respond to the request of the Chairman to expedite or to hear and decide on an emergency basis any case designated to it by the Chairman.

e. In appropriate cases, request the Chairman to issue subpoenas or to direct a witness to testify, as provided for in F, 3 herein.

f. Through its Presiding Member, administer oaths to witnesses testifying in cases before it as provided in F, 3 herein.

3. Subject to the provisions of paragraph II(a) of Reorganization Order No. 50, as amended, the Chairman shall exercise the following functions:

a. Supervise the flow, and insure the prompt disposition of cases before the Board, and expedite or have heard and decided on an emergency basis, those cases which he deems it appropriate to so do.

b. Designate the members of the Hearing Committees. Where Single Member Hearing Committees are utilized under C, 2b, (2) herein, designate the members of such Committees only after the agreement thereunder to use such Committees has been entered into, and without prior disclosure of the members to be so designated.

c. Act for the Board in matters arising prior to hearings before the Hearing Committees.

d. Upon the request of the Presiding Member of a Hearing Committee, but only when he deems it appropriate, require the attendance and testimony of witnesses, and the production of documents, as provided for in F, 3 herein.

e. Administer oaths to witnesses in cases before the Board as provided in F, 3 herein.

f. Transmit to the parties in cases before the Board all appropriate correspondence, pleadings, documents, and actions of the Board.

g. Be responsible for the overall administrative, fiscal and housekeeping functions of the Board.

h. Perform any and all other functions which the Commissioner may assign to him.

E. Jurisdiction of the Board.

1. The Board, through the Hearing Committees, shall consider appeals from decisions in the following types of cases in which error is alleged, and make a final administrative determination sustaining, reversing, or modifying the action from which the appeal is taken or, when appropriate, dismiss the appeal or remand the case for further consideration:

Class A cases. - Appeals from decisions of the Director of the Department of Economic Development under the Housing Regulations; and, appeals by persons directed by responsible officials of such Department to act or refrain from acting in accordance with inspectional or regulatory requirements (excluding dangerous and unsafe structures and excavations).

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Class B cases. - The Board, in its consideration of appeals from decisions of the Director of the Department of Economic Development under the Housing Regulations and under Section 640 of Article 6 of the Building Code may in its discretion grant variances as authorized by the Housing Regulations and Section 640 of Article 6 of the Building Code and shall, in addition, consider and make final decisions on cases under consideration for the granting of a variance as authorized under the Housing Regulations and under Section 640 of Article 6 of the Building Code that may be referred without final determination by the Director of the Department of Economic Development.

Class C cases. - Appeals submitted by applicants for or holders of licenses, permits and certificates, from actions taken by responsible officials of the Department of Economic Development with respect to denial, suspension or revocation of a license, permit, or certificate: Provided, that in any case in which a license may issue only with the approval of the Chief of Police, the Board of Appeals and Review shall have authority to set aside the decision of the Department of Economic Development whenever such decision is based upon an adverse recommendation of the Chief of Police, which recommendation the Board of Appeals and Review finds is arbitrary, capricious, or not supported by substantial evidence.

Class D cases. - Applications for review, pursuant to the Motor Vehicle Safety Responsibility Act of the District of Columbia (D. C. Code, Sections 40-401 through 40-498), of orders issued or actions taken under such Act.

Class E cases. - Appeals from decisions of the Police and Firemen's Retirement and Relief Board filed with the Board of Appeals and Review on or before May 31, 1974, after which date the decisions of the Police and Firemen's Retirement and Relief Board will constitute final administrative action.

Class F cases. - Such other matters as the Commissioner may assign to the Board.

2. The Board shall not have jurisdiction to review and comment upon the recommendation of any agency action, and shall not have jurisdiction to render advisory opinions to such agency.

F. Procedure.

1. Except as provided otherwise herein, the Corporation Counsel shall prescribe and amend the rules governing the practice and procedure of the Board, including the establishment of the limitations where not otherwise set forth, and the method by which appeals are to be noted with the Board.

2. Upon the request of an agency from whose decision or other action, or proposed decision or other action, an appeal from which is within the jurisdiction of the Board, the Corporation Counsel or one of his assistants may represent such agency before the Board.

3. The Board, through the Chairman, shall have the power to require, by the issuance of subpoena or otherwise, the attendant and testimony of persons and the production of books and papers, in any and all matters within its jurisdiction. Upon the failure of any such person to attend as a witness when subpoenaed or otherwise directed by the Chairman, or to testify or to produce documents when subpoenaed or otherwise directed by the Chairman, the Chairman shall have the power to refer the respective matter to the Superior Court of the District of Columbia for such relief as the Court may deem appropriate. The Board, through its Chairman or through the presiding member of any Hearing Committee, shall have the power to administer oaths to witnesses testifying in cases before it.

4. Where the Board has not decided an appeal from the denial of a license application by the end of the license year for which the application was made, and the appellant has made timely

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January 21, 1974

application for a license for the new license year, the pending appeal shall not become moot at the end of the license year for which the earlier application was made, but shall be deemed also to be an appeal from the denial of an application for a license for the new license year.

G. Repeal of Previous Orders. All Commissioner's Orders, and other regulatory provisions promulgated by the Commissioner, or parts thereof in conflict with the provisions herein to the extent of such conflict herewith, are hereby repealed.

Walter E. Washington
Commissioner of the District of Columbia

Organization Order No. 42
Office of Petroleum Allocation
Departmental Energy Group
Citizens Fuel Conservation Committee

Commissioner's Order 74-6

January 7, 1974

By virtue of the authority vested in me by Reorganization Plan No. 3 of 1967, the following is hereby ordered:

I. Purpose: To maintain essential services and to protect the health and welfare of the residents of the District of Columbia, and to exercise District Government responsibilities with respect to the consumption in the District of Columbia of motor vehicle and heating fuels which are under federal allocation.

This directive establishes the Office of Petroleum Allocation, the Departmental Energy Group, and the Citizens Fuel Conservation Committee. It also sets forth a number of energy conservation measures relating to the exercise of authority and responsibility for the control and use of all petroleum, oil and lubricant products by the District of Columbia Government and establishes a local board for hardship situations.

II. Office of Petroleum Allocation:

Pursuant to Section 5(b) of the Emergency Petroleum Allocation Act of 1973, there is established in the District of Columbia an Office of Petroleum Allocation as a unit of the Office of Civil Defense which will provide staff services for it. In order to execute on behalf of the Mayor-Commissioner the responsibilities delegated by the Federal Energy Office for mandatory fuel allocation, this Office of Petroleum Allocation shall serve as a point of contact for appropriate requests and petitions received by the District Government with respect to petroleum allocations. This office shall be administered by an Administrator appointed by the Mayor-Commissioner.

III. Departmental Energy Group:

There is established a Departmental Energy Group whose duties and functions shall be as follows:

- A. To assist the Mayor in formulating District-wide policies regarding fuel energy allocation,
- B. To receive and resolve appeals of District agencies with respect to fuel allocations,

January 21, 1974

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C. To recommend measures for energy conservation within the District Government,

D. To develop contingency plans to meet foreseeable community problems,

E. To maintain liaison with the Metropolitan Council of Governments and other governmental jurisdictions throughout the local metropolitan area,

F. Under the Chairmanship of the Mayor the Departmental Energy Group shall be composed of the following ex-officio members:

Director, Office of Civil Defense, (Convenor)
 The Corporation Counsel
 The Superintendent of Public Schools
 Representative of the City Council
 Director, Department of Economic Development
 Chief, Fire Department
 Chief, Metropolitan Police Department
 Director, Department of Human Resources
 Director, Department of General Services
 Director, Department of Highways and Traffic
 Director, Office of Planning and Management
 Director, Department of Environmental Services
 Director, Office of Consumer Affairs
 Representative of the Washington Metropolitan Area
 Transit Authority
 Representative of the Public Service Commission
 District of Columbia Transportation Systems Coordinator
 Special Assistant for Housing Programs
 Director, Personnel Office

G. Representatives of other District Government departments and agencies may be invited to participate in the meetings and work of the Departmental Energy Group as appropriate. By assignment, panels made up of members of the Departmental Energy Group or their alternates may be convened to hear appeals or for other purposes.

IV. Citizens Fuel Conservation Committee:

There is also established a Citizens Fuel Conservation Committee with the following duties and functions:

A. To assist the Mayor-Commissioner in carrying out the President's energy programs within the District of Columbia,

B. To recommend to the Mayor actions which the Committee feels are necessary to achieve conservation of energy,

C. To advise government, business, and private citizens on actions which will mitigate the impact of possible local energy shortages,

D. The Committee, which shall be convened by the Director of the Office of Civil Defense, shall be composed of the following:

President, Federation of Civic Associations, Inc.
 President, Federation of Citizens Association of the District

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of Columbia
 President, Greater Washington Labor Council, AFL-CIO
 President, Metropolitan Washington Board of Trade
 Archbishop of the Catholic Archdiocese of Metropolitan Washington
 Coordinator of Ministries, Council of Churches of Greater Washington
 Executive Director, Jewish Community Council of Greater Washington
 President, Oil Heat Institute of Greater Washington
 President, Potomac Electric Power Company
 Executive Director, Metropolitan Washington Council for Clean Air
 President, Building Owners and Managers Association of
 Greater Washington
 President, D. C. Congress of Parents and Teachers
 President, Washington Gas Light Company
 President, D. C. Chamber of Commerce

E. Representatives of additional bodies, governmental and non-governmental, may be invited to participate in the meetings and work of the Committee as appropriate.

V. Conservation Responsibilities within the District Government:

A. The Department of General Services, in accordance with established policies and in consultation with departments and agencies concerned, is directed to:

1. Develop and carry out appropriate measures for conservation of energy in District of Columbia physical facilities including the issuance of technical guidance to all D. C. agencies for facilities operation in the interest of energy conservation.

2. Set standards for heating and lighting levels in various facilities.

3. Recommend conversion of heating plants from scarce to more plentiful fuels where necessary and appropriate.

4. Establish programs to insure that heating, air conditioning, and ventilating systems are operated efficiently and economically.

5. Recommend maintenance procedures and construction practices to minimize energy loss.

6. Survey the use of buildings and recommend changes in use of buildings to conserve energy resources.

7. Establish a central Commodity Managership for (POL) Petroleum, Oils, Lubricants and Heating Oil products for the District of Columbia. The POL Commodity Manager will be responsible for all D. C. Government requirements, acquisition, and distribution of gasoline, diesel fuel, and heating oil products.

8. Establish contact with Energy Conservation Officers designated by agencies having a facility responsibility to develop and implement energy conservation procedures.

B. The Personnel Office (Division of Occupational Safety and Health) will, in cooperation with the Department of General Services, provide for the maintenance of health and safety standards and assist in the education and instruction of D. C. personnel in the matter of energy conservation.

VI. Local Board:

To respond to appropriate requests and petitions by consumers for relief based on

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exceptional hardships, there is established a Petroleum Allocation Board. This action is in compliance with section 200.16(b) of the proposed mandatory fuel allocation regulations issued by the Federal Energy Office dated December 13, 1973. The Board will function through three member panels composed as follows:

Designee, Office of Petroleum Allocation,
Designee, Office of Consumer Affairs, and
A citizen member appointed by the Mayor

The Chairman shall be the designee of the Office of Petroleum Allocation. The Administrator of the Office of Petroleum Allocation shall set up as many three person panels as the volume of appeals requires.

Walter E. Washington
Commissioner of the District of Columbia

PUBLIC HEARINGS

A.B.C. Hearing Date - January 24, 1974 - 10:00 A.M.
Room 201, District Building

- Trans.Ren.App.No. 258 T.J.L., Inc. T/A Mid City Liquors (Fr: S & C Liqs. Inc.,) Ret. "A"
1216 - 13th St., N. W.
- Trans.Ren.App.No. 458 Albert Brick (Fr: Maurene's Liqs. Inc. sold at auction 12/73 to Anna &
Morris Ackerman) Ret. "A" 748 - 6th St., N. W.
- Trans.Ren.App.No. 1625 Good Hope Liq., Inc. T/A Good Hope Liquor (Fr: C.F.M., Inc.) Ret.
"A" 1357 Good Hope Road, S.E.
- Trans.Ren.App.No. 3243 Jenkins Hill, Inc. T/A Jenkins Hill (Fr: Neptune, Inc.) Ret. "C" 223 Pa.
Ave., S.E.
- Trans.Ren.App.No. 4322 Thomas & Helen Canty, T/A Founda's Cafe (Fr: Sal-Mor Corp.) Ret.
"C" 3709 Ga. Ave., N.W.
- Trans.Ren.App.No. 6905 Property, Inc. T/A Alban Towers Hotel (Fr: G.M.P. Corp.) Ret. "C"
3700 Mass. Ave., N.W.
- Trans.Ren.App.No. 8389 Jimmy Johnson T/A Brown Angel (Fr: Petro Peratino) Ret. "C" 1223 -
13th St., N. W.
- Trans.Ren.App.No. 8731 Mekong Corp. T/A Viet-Nam Rest. (Fr: The Minden Corp.) Ret. "C"
600 20th St., N. W.
- Trans.Ren.App.No. 8945 Mary Margaret Yam T/A Lee's Cafe (Fr: Cathy Y. Washington) Ret.
"C" 615-17 H St., N. E.
- Trans.Ren.App.No. 9429 New Luau Hut, Inc. (Fr: Marvin Tsoy) Ret. "C" 14 F St., N. W.

PETITIONS AND/OR REQUESTS TO APPEAR BEFORE THE BOARD MUST BE FILED ON

Gil, Doris S. (Reappointment)

Skinker and Garrett
2607 Conn., Ave., N. W. 20008

Martin K. Schaller
Executive Secretary

Invitation to Bids

Transmittal No. 5

January 8, 1974

Materiel Management Officer, D. C., Department of General Services, 615 G Street, N. W.,
Washington, D. C., 20001 - Phone 629-4447 (202)

Dept. of Highways and Traffic, D.C.

Issued 12/28/73--Constr. of H St. Overpass on Retained Embankment & Structures on H St., N.E., bet. 3rd St. & N. Capt. St., Wash, D.C.--IFB--0715-AA-02-O-4-KA Fed. Aid Project Su-USG-224(2). Structure passes over exist. RR & Properties of Wash. Terminal Co. & 2 tracks of WMATA currently under constr. and consists of Steel Super-Structure on Reinf. Concrete Pier Bents in approach span areas and steel columns on concrete piers & footings in area of RR footings are founded on pipe piles all other foundations for piers, abutments, retain. walls & closure walls are founded on spread footings; reloc. and constr. of utilities within H St. for electric (PEPCO), Water & Sewer (DCDES) and telephone (C&P Tel.Co.); modif. to exist. Office Bldg. Parking Deck and to Entrance of Home for Aged & RR Underpass Abutments; Paving & restor. of exist. Streets; modify. to RR electrification system & platform areas; demolition & total removal & disposal away from sites of all improvements, appurt., garages and other structures on 13 lots. Approx. Quantities: 1,800 l.f. Constr. Fence; 8,500 CY Fill; 16,600 CY Excav.; 6,446,200 No. Struc. Steel; 1,891,000 No. Reinf. Steel; 4,000 LF Granite and/or Stone Curb; 5,890 CY PCC Superstructure; 6,580 SY PCC Base 10" thick; 2,000 LF PCC Pipe; 6,000 CY Misc. PCC; 2,645 Tons AC; 15,941 LF Steel Pipe Piles; 3,960 CF Stone Masonry; Mobilization & Misc. Sewer Work. (WAGE RATES HAVE BEEN PREDETERMINED BY THE LABOR DEPT.) THE D. C. GOVT. affirmatively insures that in any contract entered into pursuant to this adv., minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or National origin in consideration for award. DEPOSIT REQUIRED. A company check in the amt. of \$25.00 per set, payable to D. C. TREASURER. Bidders outside D. C. Area may have documents shipped REA or AIR EXPRESS collect. Bid Opens: 3/22/74.

Department of Insurance

Certified Mail No. 949928
R.R.R.

January 9, 1974

Union Fidelity Life Insurance Company
4850 Street Road
Trevose, Pennsylvania 10947

Attn: Mr. Harry T. Dozer, President

Re: Notice of Hearing to Revoke or Suspend the Company's Certificate of Authority or Impose a

District of Columbia Register

January 21, 1974

Penalty

Dear Sir:

Pursuant to the provisions contained in D. C. Code, 1973 edition, section 35-405, notice is hereby given of a hearing to be held at this office, located at 614 H Street, N. W., Room 512, at 10 o'clock a.m. on February 14, 1974, to show cause, if any can be shown, why I should not revoke or suspend the Certificate of Authority of the Union Fidelity Life Insurance Company or in lieu thereof, impose a penalty because of misrepresentations contained in the advertising supplement of the Washington Post in its issue of December 30, 1973, entitled, "I'll never forget the day my husband had to beg for money...", which contained an application (02212-22-4) for insurance for "Union Fidelity's Cash Plan" to be issued by said company to residents of the District of Columbia, and other material, descriptive of the policy, circulated by means of this advertisement.

D. C. Code, 1973 edition, section 35-405 (k) and 35-714 prohibit misrepresentation.

I have reviewed the advertisement referred to above and find that it appears to contain misrepresentations in the following regards:

1. The fact that benefits in case of illness are not payable until the fourth day is mentioned once but without emphasis and this fact is then ignored or counteracted. The several statements each starting with "you collect..." give the impression that there is no waiting period for hospitalization due to illness. The application form and the text adjacent to it (black, blue and red) on the last page of the advertisement are silent on this important difference in benefits.

2. Emphasis is given to: ..."Union Fidelity pays you CASH..." and to "FULL CASH BENEFITS". Reference is made to "continuing household bills" implying that the cash benefits may be used by the insured as such insured sees fit. A person who is confined in a federal government hospital, or a Veterans hospital, is excluded from coverage despite this promise of CASH in bold and large print; and despite the fact that other insurance has no bearing on his receiving "cash benefits" under your company's policy.

3. Emphasis is given to savings in a section entitled "MONEY-SAVING TIPS" (in bold letters). The applicant is shown how to save money when "you and your wife...apply together...". The fact that the benefits are not identical when an individual and spouse apply in the same application as compared to two separate applications, is not revealed. In fact there are no savings whatsoever since the premium for the spouse is prorated according to the reduced benefit.

4. The section entitled "Mail your application today - during this acceptance period." - (bold print) failed to give the expiration date of the period.

At said hearing you will have an opportunity to be heard in person or by Counsel and you may present any witnesses you desire to be heard on the company's behalf.

Very truly yours,
Maximilian Wallach
Superintendent of Insurance

D. C. Department of Insurance

January 7, 1974

TO: All Companies Authorized to Write Lines of Insurance In The
District of Columbia Other Than Life, Accident and Health
and Title.

January 21, 1974

District of Columbia Register

RE: District of Columbia City Council Regulation No. 71-13 dated 3/14/71 (Also published as 33 DCRR 1160) Entitled "Regulation Prohibiting Arbitrary Cancellation of Insurance Policies in the District of Columbia.

With a memorandum dated April 1, 1971, the Superintendent of Insurance furnished all companies then authorized to write property and/or casualty insurance in the District of Columbia a copy of the District of Columbia Register Supplement No. 1, dated March 22, 1971, which contained the captioned regulation and five other regulations affecting the business of insurance in the District of Columbia.

On July 31, 1973, the United States Court of Appeals for the District of Columbia overturned the lower court's decision of October 20, 1971 thereby validating said regulation except as to the FAIR PLAN.

One of the pertinent provisions states "(2) Thirty days prior to a proposed date of cancellation the insurer shall also furnish a copy of such notice to the Superintendent of Insurance; provided no copy need be furnished the superintendent prior to a cancellation for non-payment of premium, or in any case of non-renewal." [33 DCRR 1160.3(b)(2)].

Since July 31, 1973, from over four hundred companies authorized to write property and/or casualty insurance in D. C., the Superintendent has received copies of notices from only nine companies. Further, as none of the one hundred and thirty-four copies of notices contained the inception date of coverage, it could not be determined how many, if any, of the notices had been mailed within thirty days after the inception of coverage. Cancellations effected by proper notice mailed within thirty days from inception of coverage are not subject to said regulation.

From the above, it is apparent that:

1. Only nine companies have cancelled policies and furnished a copy of the notice to the Superintendent of Insurance.
2. The remaining companies have either not cancelled policies requiring notification of the Superintendent of Insurance or have not complied with said regulation.

Therefore, notice should be taken that said regulation is in force and that the penalties for non-compliance will be strictly enforced.

In case of past non-compliance, a copy of the respective notice of cancellation should be furnished the Superintendent of Insurance immediately with an explanation, if any.

In order to reduce the volume of correspondence the inception date of coverage should be shown on all copies of cancellation notices.

Please acknowledge receipt of this notice.

Maximilian Wallach
Superintendent of Insurance

District of Columbia Register

January 21, 1974

D. C. Board of Elections

January 2, 1974

Financial Reporting Procedures for the
Delegate Primary and General Election

Since the Office of Delegate to the U. S. House of Representatives is to be filled by a federal election, all funds received or expended by a candidate or authorized by the candidate on behalf of his nomination must be reported to the Clerk of the House and a copy filed with Martin K. Schaller, Executive Secretary of the District of Columbia, who has been designated the "Secretary of State" for this purpose. Mr. Schaller's address is: District Building, Room 528, 14th and E Streets, N. W., Washington, D. C. 20004. This is in accordance with the Federal Election Campaign Act of 1971, Public Law 92-225, Title III and Section 13(f) of the D. C. Election Act, as amended.

Under the Federal Election Campaign Act of 1971, one is a candidate and responsible for filing "Reporting and Disclosure" forms AS SOON AS one receives or expends funds or authorizes the receipt of expenditure of funds on behalf of his nomination - whether or not it is before nominating petitions are picked up and whether or not nominating petitions are filed.

Further information and required "Reporting and Disclosure" forms may be obtained from the following office:

Office of the Clerk of the U. S. House of Representatives
Records and Registration Office
1036 Longworth House Office Building
Washington, D. C. 20515
Telephone Number: 225-1300

Application for Department of Transportation Grant
to Develop Program for Staggered Working Hours

Commissioner's Order No. 74-3

January 7, 1974

WHEREAS, the United States Department of Transportation is authorized, pursuant to Section 9 of the Urban Mass Transportation Act, to make grants to localities for financial assistance for mass transportation technical studies;

WHEREAS, while more extensive use of mass transportation would assist in solving problems of pollution and traffic congestion; the prospect of acute fuel shortage will lead commuters to substitute mass transit for private automobile use on a wider scale;

WHEREAS, the present time pattern for reporting and leaving employment in the public and private sectors in the District could be further spread to achieve a more efficient use of transit capability and a more cost effective manner of providing this capacity; and

WHEREAS, the District Government intends to coordinate the study of further staggering of work hours for Federal Government employees and of initiating work-hour staggering in the private sector of Washington, D.C.;

NOW, THEREFORE, I, Walter E. Washington, Commissioner of the District of Columbia, do hereby ORDER THAT:

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1. The application to the Urban Mass Transportation Administration for a grant, to be submitted by the Metropolitan Washington Council of Governments and to include the study of staggered work-hours in Washington, D. C. to be undertaken by the District of Columbia Government, is hereby approved.

2. The Transportation Coordinator for the District of Columbia Government is authorized to coordinate the provision of staff and support services by the D. C. Government, Metropolitan Washington Council of Governments and Washington Metropolitan Area Transit Authority for this study.

3. The Director of the Office of Planning and Management, or his lawful successor, is authorized to enter into such written agreements as may be necessary relating to securing assistance in the execution of the study of staggered working hours, including agreements with the Metropolitan Washington Council of Governments, the Washington Metropolitan Area Transit Authority, and a consultant.

Walter E. Washington
Commissioner of the District of Columbia

PROPOSED RULEMAKING

Notice

The District of Columbia Council hereby gives notice of its intention to consider the following item for Council adoption in not less than 30 days:

The adoption of a resolution granting a rate increase charged by the D. C. Department of Human Resources for day care centers.

Interested persons wishing to comment may do so in writing, addressed to Edward B. Webb, Jr., Secretary to the Council, Room 509, District Building, 14th and E Streets, N. W., Washington, D. C. 20004.

Notice

The District of Columbia Council hereby gives notice of its intention to consider the following item for Council adoption in not less than 30 days:

Amendment to the Air Quality Control Regulation (72-12) to prohibit 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 and/or adjusting combustion controls of boilers.

Interested persons wishing to comment may do so in writing to Mr. Edward B. Webb, Jr., Secretary to the Council, Room 509, District Building, 14th and E Streets, N. W., Washington, D. C. 20004.

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Notice

The District of Columbia Council hereby gives notice of considering the following item in not less than 30 days:

1. Closing parts of Ames Street and public alleys in Square 5084. (S. O. 69-246)
2. Closing of part of public alleys and dedication of land for alley in Square 3341. (S. O. 73-241)
3. Closing part of Cedar Street, N. W., and dedication of land for public highways in Squares 3352, 3353, and 3354; also establishment of a building restriction line. (S. O. 73-38)

Written comments may be submitted to the Secretary of the Council, District Building, 14th and E Streets, N. W., Room 507, Washington, D. C., 20004, within 30 days from the date of this publication.

Board of Higher Education

Resolution 73-27 (Supersedes No. 73-11) and Resolution L-17 as proposed for adoption by the D. C. Board of Higher Education are published in full text as follows:

Resolution No. 73-27
(Supersedes No. 73-11)

Federal City College - Honorary Degrees

1. An ad hoc committee of the Board of Higher Education to be appointed each year by the Chairman of the Board and composed of the following:
 - a. A member of the Board of Higher Education (Chairman of the Committee)
 - b. The President of Federal City College
 - c. One community member as agreed upon by the Chairman of the Board of Higher Education and the President of Federal City College.
2. The ad hoc committee so appointed shall adhere to the following policy for conferring honorary degrees and shall seek nominations for such degrees from the administration, the faculty, students, FCC alumni and the Washington, D. C. community.

Criteria for Granting Honorary Degrees

Purpose: The District of Columbia Board of Higher Education confers honorary degrees from Federal City College for the purpose of granting public recognition and honor to individuals whose contributions to scholarly pursuit, to educational development, to the community, and to public service constitute significant achievement in the improvement of the quality of our society and the lives of its citizens. Regardless of the interest or vocation of the nominee and whatever age, sex, race, or national origin, the magnitude of his or her contribution should be the major criterion. While the Board of Higher Education does not intend to exclude those whose accomplishments are national or international in scope, it will give special consideration to nominees whose contributions have been made primarily on behalf of the citizens of the District of Columbia.

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Guidelines: One or more of the following criteria shall be applied to nominations for an honorary degree:

a. The nominee has made significant contributions to the growth and strengthening of education, particularly to public post-secondary education.

b. The nominee has shown extraordinary dedication and exerted outstanding efforts toward the solution of social problems, especially those of the local community.

c. The nominee has rendered direct and meritorious service in the interest, well-being, and development of Federal City College.

d. The nominee has demonstrated noteworthy scholarship resulting in major contributions to the advancement of human knowledge.

e. The nominee has made significant improvement in the quality and esthetics of human living.

3. The Board reaffirms that the ad hoc committee shall submit its recommendation to the Board of Higher Education no later than January 15 for possible consideration at the January meeting and for final decisions no later than the February Board meeting.

Resolution No. L-17

**Requirement of Licensee Commitment to Equal Opportunity
Policy in Admissions and Employment**
(Resolution No. L-17 tentatively adopted November 26, 1973)

THEREFORE, BE IT RESOLVED, That institutions applying for licensure as well as present licensees be required to establish and affirm their equal employment opportunity and admissions policy without regard to race, color, sex, religion, or national origin.

Comments should be addressed, no later than 30 days from date of publication to:

Mrs. Antonell K. Aikens
Executive Secretary
Board of Higher Education
1025 Vermont Avenue, N. W. Suite 606
Washington, D. C. 20005

Copies of the policy are available at the same address.

RULES AND REGULATIONS

Listing of Amendments and Other Changes to Titles of the D. C. Rules and Regulations (DCRR)

The following is a guide list by title, to parts and sections of each title of the DCRR affected by amendments or proposed amendments, as well as completely new titles as proposed for adoption and later adopted, published in issues of the D. C. Register (DCR) in FY 1974 to date. The listing is given under two headings denoting the original 1970 Compilation as amended or revised, and the new 1974 Compilation as compiled under contract with a revised classification system of title numbering:

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1970 Compilation (DCRR)

Title 1, DCRR

(Police Regs. Incorporated by reference)

Amended by revision (proposed), 20 DCR 53

Article 25, Sec. 15 amended by revision, 20 DCR 8

Title 3, DCRR

Section 4.11 added, 20 DCR 399

Title 5, DCRR

5A-1 amended by addition and deletions, 20 DCR 212

5A-1 amended by addition of section 109.10, 20 DCR 544

5D-2 new adoption, 20 DCR 213

5II Consumer Goods Repair Regulations - New (proposed), 20 DCR 233

Title 6, DCRR

6A (Health Regs. Inc. by reference) Section 8 amended (proposed), 20 DCR 52

6A (Health Regs. Inc. by reference) Sec. 8-2:709(e) repealed, Sec.8-2:724(a)
amended by revision, 20 DCR 1346A (Health Regs. Inc. by reference) Sec. 8-3:602 and Sec. 8-3:607(e)
amended by revision, 20 DCR 5456A (Health Regs. Inc. by reference) Sec. 8-5:112A amended by
addition, 20 DCR 5436A (Health Regs. Inc. by reference) Sec. D-2814.1 of Temporary
Supplement, amended by revision, 20 DCR 545

Title 10, DCRR

Amended by new addition, 20 DCR 4

Chapter XI amended by revision, 20 DCR 4, 398

Chapter XVIII amended (proposed), 20 DCR 295

Chapter XVIII amended, 20 DCR 398

Amended by revision (proposed), 20 DCR 171

Title 12, DCRR

Amended by revision (proposed), 20 DCR 27

Title 14, DCRR

Amended by revision, 20 DCR 166

Title 17, DCRR

Chapter IV amended by revision (proposed), 20 DCR 5, 54, 132, 159, 188, 210,
250, 294, 392

Chapter IV amended by revision, 20 DCR 57, 135, 190, 214, 256, 299, 397

New addition (proposed), 20 DCR 161

Title 26, DCRR

Chapter III amended by revision (proposed), 20 DCR 295

Title 32, DCRR

Sec. 2.601 amended by revision (proposed), 20 DCR 211

Sec. 2.601 amended by revision, 20 DCR 517

Sec. 2.609 amended by revision, 20 DCR 53, 189

Sec. 2.612 amended by revision, 20 DCR 53, 190

Sec. 11 amended by revision (proposed), 20 DCR 53

Title 33, DCRR

Amended by addition of Part 1170, 20 DCR 307

Section 400.1(d) amended by revision, 20 DCR 547

Title 37, DCRR

Amended (proposed), 20 DCR 160, 392

Amended by revision, 20 DCR 393

Part 12 new addition, 20 DCR 7

Part 13, new addition, 20 DCR 162

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1974 Compilation (DCRR)

Title 34, DCRR
New adoption, 20 DCR 345

Washington Metropolitan Area Transit Commission

Order No. 1293

December 28, 1973

In the matter of:

Application of Airway Ground Transportation Service, Inc.,
for Temporary Authority to Operate Between Washington National
Airport, Dulles International Airport and Points in the
Washington Metropolitan Area

Application No. 821

Docket No. 256

IT IS ORDERED that Application No. 821 of Airway Ground Transportation Services, Inc., for temporary authority pursuant to Title II, Article XII, Section 4(d) (3) of the Compact, to conduct bus and limousine service for passengers and their baggage between Washington National Airport or Dulles International Airport, on the one hand, and, on the other, points within the Metropolitan District, as defined in the Compact, be, and it is hereby, denied.

By direction of the Commission:

William R. Stratton
Commissioner

Washington Metropolitan Area Transit Commission

Order No. 1294

December 28, 1973

In the matter of:

Petition of Airway Ground Transportation Services, Inc.,
for Approval of Taxicab Fares

Application No. 820

It is ordered:

1. That the proposed effective date of the proposed taxicab fares contained in a petition filed with this Commission on November 28, 1973, by Airway Ground Transportation Services, Inc., be, and it is hereby, suspended until further order of this Commission.

2. That an investigation to determine whether the proposed taxicab rate is just, reasonable, and not unduly preferential or not unduly discriminatory either between riders or sections of the Metropolitan District be, and it is hereby, initiated.

3. That Airway Ground Transportation Services, Inc., submit six (6) copies of hereinbefore detailed information to the Commission.

By direction of the Commission:

William R. Stratton
Commissioner

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Washington Metropolitan Area Transit Commission

Order No. 1296

December 28, 1973

In the matter of:

Interstate Taxicab Rates - Open Cab System at Washington National Airport

It is ordered that all taxicabs performing transportation service between a point in the jurisdiction of one signatory party and a point in the jurisdiction of another signatory party provided both points are within the Metropolitan District, be, and they are hereby, required to post conspicuously a sign in the taxicab which states the applicable interstate rate together with a statement that the fee assessed at Washington National Airport by the National Capital Airports upon taxicabs picking up passengers thereon is not properly included in the fare to be charged.

By direction of the Commission:

William R. Stratton
Commissioner

Health Regulations, D. C. - Amended

Regulation No. 73-23

November 30, 1973

The District of Columbia City Council having passed a regulation on second and final reading November 20, 1973, and the Mayor-Commissioner having signed such regulation November 30, 1973, the amendment to the Health Regulations of the District of Columbia to Require Laboratory Reporting of Tuberculosis Acid Fast Bacilli is hereby adopted as follows:

Section 1. Immediately following Section 8-5:112 of the District of Columbia Health Regulations, a new section is hereby inserted to read as follows:

“8-5:112A LABORATORY REPORTING OF TUBERCULOSIS ACID FAST BACILLI

(a) All bacteriological laboratories in the District of Columbia, including such laboratories in public or private hospitals, shall report within 48 hours in writing to the Director, District of Columbia Department of Human Resources, all positive acid fast bacilli results whenever determined by smear or culture or otherwise. These reports shall be filed by the Director of the laboratory or his designee and shall contain, in addition to the bacteriological findings, the full name and address of the patient and the full name of the physician or facility responsible for the diagnosis, referral, or treatment of the patient.

(b) Any report required by this section shall be submitted in a sealed envelope marked “Confidential” in accordance with Section 8-5:107(d) of this Part.”

Section 2. This Regulation shall be effective thirty days after enactment.

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District of Columbia Register

D. C. Building Code, Title 5A-1 - Amended

Regulation No. 73-25

December 14, 1973

The District of Columbia City Council having passed a regulation on second and final reading December 4, 1973, and the Mayor-Commissioner having signed such regulation December 14, 1973, the amendment to the D. C. Building Code, Title 5A-1, is hereby adopted as follows:

Section 1. Section 109.0 Conditions of Permit of Title 5A-1, D. C. Building Code is amended as follows:

Add Section 109.10 Delay of Demolition or Alteration for Historic Buildings, Structures and Places.

Before the Director may issue a permit to demolish or alter the exterior of a building, structure or place listed on the National Register of Historic Places maintained by the Secretary of the Interior, pursuant to the Historic Sites Act of 1935 (16 U.S.C. 461-467) and Public Law 89-665, approved October 15, 1966 (16 U.S.C. 470a-470m), a building or structure located within a district or site listed on the National Register, or a building or structure listed on the city's inventory of historic sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to sec. 101(a) of Public Law 89-665, the Director shall submit the application for a permit to the Commissioner of the District of Columbia and shall place notice of the application for a permit in the District of Columbia Register. The Commissioner, or his designated agent, acting with the advice of the District of Columbia Professional Review Committee for nominations to the National Register of Historic Places, and, within areas established pursuant to the Shipstead-Luce Act (40 U.S.C. 121) or the Old Georgetown Act (D. C. Code, sec. 5-801), the Commission of Fine Arts, shall within sixty (60) days determine whether the alteration or demolition of the building, structure or place is contrary to the public interest and should be delayed for a designated period of up to 180 days following such determination to permit the District of Columbia's State Historic Preservation Officer and the Professional Review Committee to negotiate with the owner or owners of the building, structure or place, and civic groups, public agencies, and interested citizens to find a means of preserving the building, structure or place. Before issuing any order delaying such demolition or alteration, the Commissioner or his designated agent shall afford the applicant and any interested parties an opportunity to offer any evidence they may desire to present concerning the proposed order.

The provisions of this section are applicable to building or structure interiors which are specifically identified as significant on the city's inventory of historic sites by the Professional Review Committee.

The National Register and the current inventory of historic sites shall be available for inspection in the offices of the Department.

Nothing in this section shall prohibit the removal or securing of a structure pursuant to D. C. Code, sec. 5-501, nor the condemnation of a building pursuant to D. C. Code, sec. 5-618.

Section 2. This regulation shall take effect thirty (30) days following enactment; provided that said rules and regulations affected by these amendments shall be considered as remaining temporarily in effect for the purpose of permitting the completion of any building work for which plans were filed prior to the effective date hereof, but permits issued for such work shall not be renewable. Provided further, that said 1961 D. C. Building Code effective January 1, 1961, as amended to include the 1972 Building Code shall continue in full force and effect with respect to prosecution of such offenses, whether such prosecutions are commenced before or after the effective date hereof.

District of Columbia Register

January 21, 1974

Solid Waste Regulations - Amended

Regulation No. 73-26

December 14, 1973

The District of Columbia City Council having passed a regulation on second and final reading December 4, 1973, and the Mayor-Commissioner having signed such regulation December 14, 1973, the amendment to the Solid Waste Regulations, Concerning Solid Waste Disposal (Food Waste Grinders) is hereby adopted as follows:

Section 1. Section 8-3:602 Definitions of the Solid Waste Regulations as adopted in Council Regulation 71-21, is hereby amended to include the following:

DWELLING UNIT means one or more habitable rooms forming a single unit which is used or intended to be used for living, sleeping, and preparation and eating of meals.

Section 2. Section 8-3:607 (e) of the Solid Waste Regulations as adopted in Council Regulation 71-21 is hereby amended to read as follows:

“Each food establishment served by a sanitary sewer and conducting activities any of which generate food wastes (garbage) shall have and use one or more food waste (garbage) grinders which are conveniently located to each such activity and which are adequate in capacity to dispose of all readily grindable food wastes (garbage) produced. Each kitchen sink that is newly installed in any dwelling unit, or which is replaced or substantially repaired such that a plumbing permit is required, shall be provided with a food waste (garbage) grinder b y the owner or licensee. Such food waste (garbage) grinders shall be maintained in good repair and operating condition by the owner or licensee.”

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

Health Regulations D. C. - Amended

Regulation No. 73-27

December 14, 1973

The District of Columbia City Council having passed a regulation on second and final reading December 4, 1973, and the Mayor-Commissioner having signed such regulation on December 14, 1973, the amendment to the Health Regulations of the District of Columbia relating to the Practice of Cosmetology is hereby adopted as follows:

Section 1. Section D-2814.1 of the Temporary Supplement to the District of Columbia Health Regulations is amended to read as follows:

“D-2814.1 Application for Admission. Applications for admission to any examination shall be properly completed and filed with the Board of Cosmetology not later than thirty (30) days prior to the first day of the month in which the examination occurs. Proper completion of the application includes payment of fee, the furnishing of an affidavit certifying completion of hours of schooling, and a health certificate.”

Section 2. This Regulation shall become effective immediately upon enactment.

January 21, 1974

District of Columbia Register

Washington Metropolitan Area Transit Commission

Order No. 1295

December 28, 1973

In the matter of:

Interstate Taxicab Rates

IT IS ORDERED:

1. That the taxicab rates prescribed for Greyhound Airport Service, Inc., of Virginia, by Order No. 1102, served November 17, 1970, be, and they are hereby, suspended as of 12:01 A. M., Tuesday, January 1, 1974.

2. That the rates for transportation by taxicabs and other vehicles used in performing bona fide taxicab service subject to the jurisdiction of this Commission but not licensed in, domiciled in, and subject to the local regulation of either the District of Columbia or one of the local jurisdictions within the Metropolitan District, be, and they are hereby, prescribed as set forth in Appendix A attached hereto and made a part hereof, effective immediately.

3. That operators of taxicabs engaged in operations as described above shall meet the minimum insurance coverage requirement established for District of Columbia taxicabs.

By direction of the Commission:

William R. Stratton
Commissioner

APPENDIX A
Order No. 1295

INTERSTATE TAXICAB RATES
FOR TAXICAB SERVICE WITHIN THE
WASHINGTON METROPOLITAN TRANSIT DISTRICT
(in taxicabs not licensed in, domiciled in, and subject to the local
regulation of either the District of Columbia or one of the local
jurisdictions within the Metropolitan District)

60 cents First mile
25 cents Each additional 1/2 mile
20 cents Each additional passenger

Hand baggage, including large bags of groceries or articles of similar size, in excess of one piece per passenger shall be charged for at the rate of \$.10 for each such piece. Brief cases and parcels of comparable size shall not be considered as hand baggage.

Trunks or similar large articles shall be charged for at the rate of \$1.00 each. A trunk is herein described as a piece of baggage having a minimum dimension or cubic content in excess of 32" by 18" by 9" or 3 cubic feet, respectively.

The charge for personal service shall be \$.50; taxicab service in response to a telephone call, \$.50 in addition to all other authorized charges; dismissal of a taxicab without using it after

District of Columbia Register

January 21, 1974

response to a telephone call, \$.50 in addition to the charge for responding; waiting time in excess of five minutes \$.25 for each five minutes or fraction thereof up to a total of forty-five minutes after which the rate of \$1.00 for each fifteen minutes shall apply.

The charge for a taxicab employed on an hourly basis shall be as follows:

For the first hour or fraction thereof - \$5.50; for each additional fifteen minutes or fraction thereof - \$1.40.

Regulation Revising Taxicab Liability Insurance Rates

Regulation No. 73-24

November 30, 1973

Section 1. Section 400.1(d) of Title 33, D. C. Rules and Regulations, is amended to read as follows:

“(d) The following rates or premiums shall be used by all companies:

TAXICAB RISKS

Statutory Coverage and Minimum Limits of Liability

Bodily Injury	\$10,000 each person \$20,000 each accident
Property Damage	\$5,000 each accident

Rate of Premiums

	Bodily Injury	Property Damage	Total
Fifty-two weeks or yearly premium	\$277.55	118.95	396.50
Two weeks premium	10.67	4.58	15.25

Two weeks premium for extraterritorial excess limits \$0.75, Maryland \$5,000/\$10,000 excess over \$10,000/\$20,000/\$5,000 and Virginia \$10,000/\$20,000 / \$5,000 excess over \$10,000/\$20,000/\$5,000.

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

RESOLUTIONS

Modification to the Urban Renewal Plan for the Northwest
Urban Renewal Area, Project No. 1

Resolution No. 74-2

January 8, 1974

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

January 21, 1974

District of Columbia Register

Section 1. The Northwest Plan Modification, adopted by the Planning Commission on November 1, 1973, are hereby approved.

Section 2. The transmission of this action to the Planning Commission for immediate certification to the District of Columbia Redevelopment Land Agency is hereby authorized and directed.

Section 3. This resolution shall take effect immediately.

Resolution No. 73-48 - Amended

Resolution No. 74-4

January 8, 1974

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

Section 1. Notwithstanding Resolution No. 73-48, the tax sale held pursuant to Section 47-1001, D. C. Code, 1973 Edition, shall be held on May 21, 1974 in lieu of the third Tuesday in January, 1974.

Section 2. This resolution shall take effect immediately upon adoption.

Closing of Part of Chestnut Street, N. W., Located West of
B & O Railroad Near Piney Branch Road, N. W., Abutting
Squares 3184 and 3185 (S. O. 72-209)

Resolution No. 74-5

January 8, 1974

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

Section 1. Pursuant to the provisions of Sections 7-401 through 7-410 of the District of Columbia Code and Section 402 (168) of Reorganization Plan No. 3 of 1967, the street area as shown on the plat filed in the Office of the Surveyor of the District of Columbia (S. O. 72-209) is hereby ordered closed.

Section 2. The Surveyor shall cause public notice of the order to be given by advertisement and shall serve a copy of such order to each property owner abutting said street to be closed, in accordance with the provisions of Section 7-404 of the D. C. Code, 1967 ed.

Section 3. If no objection, in writing, is made by any party interested within thirty (30) days after the service of such order, the Surveyor shall record in his office the said order and appropriate plat or plats.

Section 4. This resolution shall take effect immediately upon adoption.

Closing of Part of Porto Rico Avenue, N. E. Located Between
Taylor Street and 6th Street, N. E. (S.O. 72-59)

Resolution No. 74-6

January 8, 1974

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

District of Columbia Register

January 21, 1974

Section 1. Pursuant to the provisions of Sections 7-401 through 7-410 of the District of Columbia Code and Section 402 (168) of Reorganization Plan No. 3 of 1967, the street area as shown on the plat filed in the Office of the Surveyor of the District of Columbia (S. O. 72-59) is hereby ordered closed.

Section 2. The Surveyor shall cause public notice of the order to be given by advertisement and shall serve a copy of such order to each property owner abutting said street to be closed, in accordance with the provisions of Section 7-404 of the D. C. Code, 1967 ed.

Section 3. If no objection, in writing, is made by any party interested within thirty (30) days after the service of such order, the Surveyor shall record in his office the said order and appropriate plat or plats.

Section 4. This resolution shall take effect immediately upon adoption.

Proclaiming the Month of February 1974 as the District of Columbia National Guard Month in Washington, D. C.

Resolution No. 74-1

January 8, 1974

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

Section 1. The month of February 1974 be proclaimed as District of Columbia National Guard Month in Washington, D. C.

Section 2. The Council honors all members of the District of Columbia National Guard for their faithful and dedicated service to our community and the Nation.

Section 3. The Council encourages all citizens of the District of Columbia, eligible to serve in the District of Columbia National Guard, to consider the advantages and opportunities of such service.

Section 4. This resolution shall take effect immediately upon adoption.

CERTIFICATES OF OCCUPANCY

Certificates of Occupancy for the use of certain residential and commercial buildings issued pursuant to the D.C. Building Code during bi-weekly period.

January 21, 1974

District of Columbia Register

MAYFAIR MANSIONS ASC APARTMENTS	3811 JAY ST NE	883863	CHUN BIL KIM DELICATESSEN	919 18TH ST NW	888070
MAYFAIR MANSIONS ASC APARTMENTS	770 KENILW TER NE	883870	RICHARD A AYO CARRY-OUT DELICATESSEN	406 12TH ST NW	888091
MAYFAIR MANSIONS ASC APARTMENTS	3819 JAY ST NE	883871	HAR LEE DELICATESSEN	801 M899 AVE NE	888102
JOHN A CHAMBERS APARTMENT HOUSE FOUR UNITS	1709 N ST NW	887292	TRIANGUL F DISCOUNTS STORE	902 14TH ST NW	888081
AUDREY B PHIFER APARTMENT	2941 NELSON PL SE	887653	GOOD HOPE LIQUOR INC	1357 QD HP RD SE	888065
AUDREY B PHIFER APARTMENT	2943 NELSON PL SE	887654	SALE OF BEVERAGE TABACCO & PACKAGE FOOD T J L INC	1216 13TH ST NW	888099
RICHARD F BRINKER APARTMENT	2900 NEWTON ST NE	887941	LIQUOR STORE RETAIL WILLIAM G COLE	815 14TH ST NW	888037
PEOPLES REP OF CHINA CHANCERY & APARTMENT	2300 CONN AVE NW	887990	BOOK STORE		
YOUNG WMS CHRSTN ROOMING HOUSE	1630 19TH ST NW	886513	VIVIAN R BURGESS VARIETY	918 9TH ST NW	888087
DIMOND HOTEL CORP HOTEL	1412 K ST NW	888035	ALAN D HENDCH SALE OF LEGAL FIREWORKS	2648 NAYLOR RD SE	888044
SHIRLY M SISK & 2 GRAPHIC ARTS	1101 2ND ST NE	888101	VIVIAN M PAPPAS FLORIST RETAIL SALES	3414 CONN AVE NW	888115
SHAYNE BROS INC PRIVATE PARKING LOT	2242 8TH ST NW	888067	INTERSTATE BLDG INC	904 17TH ST NW	888046
M C M PARKING INC PARKING GARAGE	1620 EYE ST NW	888031	SAVINGS & LOAN OFFICE		
MAY DEPT STORE CORP ONE DAY WAREHOUSE SALE	1435 N Y AVE NE	887989	INTERSTATE BLDG INC	1336 Q ST NW	888047
WILLIAM D TAYLOR GROCERY	2021 BUNKER HL RD NW	887469	SAVINGS & LOAN ASSOC & OFFICES		
RAYMOND LEE RANDALL RETAIL GROCERY STORE	1303 SHEPHERD ST NW	888019	INTERSTATE BLDG INC	4815 M899 AVE NW	888048
EUGENE J WISEMILLER GROCERY & DELICATESSEN	1236 36TH ST NW	888034	AMER SEC & TRUST CO	4301 49TH ST NW	888063
JOHN P HUGG GROCERY STORE	3904 14TH ST NW	888036	BRANCH BANK		
B P OIL CORP GAS STATION	5247 WISC AVE NW	888059	HON GONG LEE HAND LAUNDRY	1513 17TH ST NW	888050
PETROLEUM MKTNG CRP RETAIL SALES OF GASOLINE	900 9TH ST NW	888105	JAMES CASSELL & 1 DRY CLEANING	2616 BLADENS RD NE	888112
PETROLEUM MKTNG CRP GASOLINE STATION	1900 11TH ST NW	888106	JAMES CASSELL & 1 DRY CLEANING	3234 PA AVE SE	888113
PETROLEUM MKTNG CRP RETAIL SALES OF GASOLINE	6431 GA AVE NW	888107	SARAH G HORNE BEAUTY SALON	5317 E CAPT ST SE	888307
PETROLEUM MKTNG CRP RETAIL SALES GASOLINE	719 H ST NW	888108	SHELLIE ROBINSON BARBER SHOP	5011 H ST SE	888098
PETROLEUM MKT CRP RETAIL SALES OF GASOLINE	2900 M L KNG AV SE	888109	BOBBY J EPPS SHOE SHINE PARLOR	1425 11TH ST NW	888068
PETROLEUM MKTNG CRP RETAIL SALES OF GASOLINE	301 N Y AVE NE	888111	GARY I KRAUTHAMER EMPLOYMENT AGENCY	1825 K ST NW	888022
PETROLEUM MKTNG CRP RETAIL SALES OF GASOLINE	4727 WISC AVE NW	888114	CARLOS R HOODE & 1 TOWING STORAGE & REPAIR SERVICE	2030 SHANNON PL SE	888055
TALYATHR J COLEMAN CLOTHING & MISC	828 UPBUR ST NW	887928	EARNST MOODY JR REPAIR SHOP	903 N ST NW	888080
HENRY A ALEXANDER RETAILR SALES HAT & CLOTHING	901 E ST NW	888095	WILLIE M DANIELS RETAIL FURNITURE UPHOLSTERERS	1317 9TH ST NW	888012
MAX ALPERSTEIN INC FURNITURE & APPLIANCE DEPT STORE	1013 15 7TH ST NW	888006	H & R BLOCK INC TAX OFFICE	724 14TH ST NW	888032
JAMES B TANNER CUSTOM FRAME SHOP	2433 18TH ST NW	888002	H & R BLOCK INC INCOME TAX SERVICE	2204 WISC AVE NW	888033
W & H INC RESTAURANT	105 UPBUR ST NW	887411	GOV EMPLOYEES TAX INC	1104 VT AVE NW	888038
MYKONOS INC RESTAURANT	3066 M ST NW	887468	INCOME TAX PREPARATION DONALD J JOHNSON	600 DIVISION AVE NE	888104
HOTEL ASSOC INC RESTAURANT SEATING LESS THAN 75	1615 N Y AVE NE	887997	BOOKKEEPING & INCOME TAX EXECUTIVE ACTION INC	1010 VT AVE NW	888039
SOO HAHN LEE CARRY-OUT & RESTAURANT SEATING LESS THAN 15	1109 H ST NW	887999	PERSONNEL CONSULTANG FIRM CHARLES A WILLIAMS	3130 M L KING AV SE	888110
CLARENCE E THOMPSON RESTAURANT SEATING LESS THAN 124	5181 WISC AVE NW	888049	OFFICE		
EARNST BOYD JR DELICATESSEN & CARRY-OUT	523 8TH ST SE	888053	THEODORE OSBODD OFFICE	1724 H ST NW	886476
M H SHIRAZI & 2 DELICATESSEN	2135 PENN AVE NW	888066	TRILON PLAZA CO OFFICE SPACE	401 H ST SW	886794
D C FISH INC CARRY OUT	1906 K ST NW	888069	TRILON PLAZA CO OFFICE SPACE	401 M ST SW	886795
			CORDARF INST OFFICE SPACE	1709 N ST NW	887293
			THOMAS H LOCRAFT OFFICE BUILDING	1514 18 P ST NW	888041
			GEORGE H BARRINGER HOME IMPROVEMENT OFFICE	1629 K ST NW	888086
			PLACTDD Y GABIBAY OFFICE	806 15TH ST NW	888103
			SEENA THEATRE ENTPRS MOTION PICTURE THEATRE	1222 WISC AVE NW	888001

Regulation No. 73-21

October 12, 1973
Enactment Date



Regulation

of the

District of Columbia

TITLE REGULATION REQUIRING DISTRICT WHOLESALERS TO PURCHASE ALCOHOLIC BEVERAGES THROUGH PRIMARY AMERICAN SOURCES

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized under Reorgani-
2 zation Plan 3 section 402 (215) D. C. Code 1967 ed. (Supp. V., 1972), to make,
3 alter, and amend rules and regulations respecting the manufacture, sale, keeping
4 for sale, offering for sale, importation, exportation, and transportation of alco-
5 holic beverages; and

6 WHEREAS, the Council is further authorized to make rules and regulations
7 facilitating the collection of taxes and to govern the operations of the business
8 of licensees.

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

13 Section 1.

15 (a) The term "primary American source of supply" shall mean the
16 owner of the aforesaid distilled spirits or wine at the time said beverages first
17 become marketable products in the United States.

19 (b) TITLE 3, Section 4 of the Alcoholic Beverage Control Regulations
20 is amended by the addition of Section 4.11, which shall read as follows:

22 "It shall be unlawful for any wholesaler to purchase any distilled
23 spirits or wines for resale unless said alcoholic beverages are purchased
24

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 18, 1973

Adopted on second and final reading October 2, 1973

Presented to the Mayor-Commissioner October 2, 1973
Date

Robert S. Moore
Acting Secretary of the City Council

Date

I HEREBY CERTIFY that Regulation No. 73-21 was presented to the Mayor of the District of Columbia on October 2, 1973, 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.

REGULATION 73-21

2 of 2

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from the primary American source of supply for the brand of distilled spirits or wines sought to be sold nor to sell any distilled spirits or wines to licensees within the District of Columbia if said alcoholic beverages have not been purchased by said wholesaler from the primary American source of supply."

Section 2. This regulation shall take effect 30 days following enactment.

Regulation No. 73-22

November 16, 1973
Enactment Date



Regulation

of the
District of Columbia

TITLE A REGULATION GOVERNING HUMAN RIGHTS - TITLE 34

----- Dr. Marjorie H. Parker ----- Presents the following regulation:

1 WHEREAS, the Reorganization Plan No. 3 of 1967, Section 402(4) transferred
2 to the District of Columbia Council the authority of "making regulations under
3 D. C. Code § 1-226," and
4

5 WHEREAS, the Council of the District of Columbia hereby finds that the
6 failure to provide equal opportunity to enjoy a full and productive life, whether
7 because of discrimination, prejudice, intolerance or inadequate education,
8 training, housing or health care, not only threatens the rights and proper
9 privileges of its inhabitants, but menaces the institutions and foundations of a
10 free democratic society; and threatens the lives, limbs, health, comfort, quiet
11 of all persons and the protection of all property in the District.
12

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

15
16 Section 1. Articles 40, 45, and 47 of the Police Regulations of the District
17 of Columbia are hereby repealed; except that any proceedings instituted under
18 such regulations, or any violations of such regulations which occurred prior to
19 the effective date of this Title, shall not be nullified by the adoption of this
20 Title. Any regulations superseded by the provisions of this Title, shall remain
21 in full force and effect for the purpose of any criminal prosecution, civil
22 litigation, or administrative proceeding pending at the effective date of this
23 Title; or which may be instituted after such effective date, as a result of any
24 act, omission, or violation thereunder, which preceded such effective 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 October 16, 1973

Adopted on second and final reading November 6, 1973

Presented to the Mayor-Commissioner November 7, 1973

Edward B. Welch
Secretary of the City Council

Approved *Doctor Washington*
Mayor-Commissioner

11-16-73
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. Welch
Secretary of the City Council

REGULATION 73-22

2 of 2

Section 2. Title 34 District of Columbia Rules and Regulations referred to as the "Human Rights Law" and attached hereto as Appendix I is hereby adopted.

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

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TITLE 34

HUMAN RIGHTS LAW

PART I. UNLAWFUL DISCRIMINATORY PRACTICES

Subpart		Chap.
A.	GENERAL PROVISIONS.	1
B.	PROHIBITED ACTS OF DISCRIMINATION.....	9
C.	PROCEDURES	29

Subpart A. GENERAL PROVISIONS

Chap.		Sec.
1.	PURPOSE.....	1.1
3.	SCOPE OF REGULATIONS.....	3.1

CHAPTER 1. PURPOSE

Sec.	
1.1	Intent
1.2	Exercise of Police Power
1.3	Short Title

§1.1 Intent

It is the intent of the District of Columbia Council, in adopting this Title, to secure an end, in the District of Columbia, to discrimination for any reason other than that of individual merit, including, but not limited to discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business.

§1.2 Exercise of Police Power.

This Title shall be deemed an exercise of the police power of the District of Columbia, pursuant to 1-226 D. C. Code (1967), in that it is deemed necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property in the District of Columbia.

§1.3 Short Title.

This Title may be cited as the "Human Rights Law".

CHAPTER 3. SCOPE OF REGULATIONS

Sec.

- 3.1 Definitions
- 3.2 Exceptions and exemptions
- 3.3 Severability of provisions

§ 3.1 Definitions.

The following words and terms, when used in this Title shall have the following meanings:

Administrative Procedure Act. The District of Columbia Administrative Procedure Act of October 21, 1968, as amended /D.C. Code §§ 1-1501 -- 1 - 1510 (Supp. V, 1972/.

Age. 18 years of age or older except that, in a case of employment, age shall be defined as 18 to 65 years of age, unless otherwise prohibited by law.

Chairman. The duly appointed Chairman of the District of Columbia Commission on Human Rights.

Commission. The District of Columbia Commission on Human Rights, as established by Commissioner's Order No. 71-224, dated July 8, 1971.

Council. The District of Columbia Council.

Director. The Director of the District of Columbia Office of Human Rights, or a designate.

District. The District of Columbia.

Educational Institution. Any public or private institution including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, or university; and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

Employee. Any individual employed by, or seeking employment from, an employer.

Employer. Any person who, for compensation, employes an individual, except for the employer's parents, spouse, children or domestic servants, engaged in work in and about the employer's household; any person acting in the interest of such employer, directly or indirectly; and any professional association.

Employment Agency. Any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees, opportunities to work for an employer, and includes an agent of such a person.

Family Responsibilities. The state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number.

Hearing Tribunal. Members of the Commission, or one or more hearing examiners, appointed by the Commission to conduct a hearing.

Housing Business - A business operated under the authority of a license issued by the Mayor-Commissioner, or other authorized District agent, pursuant to the act of July 22, 1947 (D.C. Code Section 47-2328 (1967)), and the regulations promulgated thereunder.

Labor Organization -- Any organization, agency, employee representation committee, group, association, or plan in which employees participate directly or indirectly; and which exists for the purpose, in whole or in part, of dealing with employers, or any agent thereof, concerning grievances, labor disputes, wages, rates of pay, hours, or other terms, conditions, or privileges of employment; and any conference, general committee, joint or system board, or joint council, which is subordinate to a national or international organization.

Make public -- Disclosure to the public or to news media any personal or business data obtained during the course of an investigation of a complaint filed under the provisions of this Title, but shall not include publication of EEO-1, EEO-2, or EEO-3 reports as required by the Equal Employment Opportunities Commission, or any other data in the course of any administrative or judicial proceeding under this Title; or any judicial proceeding under Title VII of the Civil Rights Act of 1964, involving such information, nor shall it include access to such data by staff or the Office of Human Rights, members of Commission on Human Rights, or parties to a proceeding, nor shall it include publication of aggregated data from individual reports.

Marital status -- The state of being married, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.

Matriculation -- The condition of being enrolled in a college, or university, or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult educational program.

Office -- The District of Columbia Office of Human Rights, as established by Commissioner's Order No. 71-224, dated July 8, 1971, as amended.

Owner -- The term "owner" shall mean one of the following:

(i) Any person, or any one of a number of persons, in whom is vested all or any part of the legal or equitable ownership, dominion, or title to any real property;

(ii) The Committee, conservator, or any other legal guardian of a person who for any reason is non sui juris, in whom is vested the legal or equitable ownership, dominion or title to any real property; or

(iii) A trustee, elected or appointed, or required by law to execute a trust, other than a trustee under a deed of trust to secure the payment of money; or one who, as agent of, or fiduciary of, or officer appointed by the court for the estate of, the person defined in paragraph (i) of this definition, shall have charge, care or control of any real property. The term "owner" shall also include the lessee, the sublessee, assignee, managing agent, or other person having the right of ownership or possession of, or the right to sell, rent or lease, any real property.

Person -- Any individual, firm, partnership, mutual company, joint stock company, corporation, association, organization, unincorporated organization, labor union, government agency, incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesman or any agent or representative of any of the foregoing.

Personal appearance -- The outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees, for a reasonable business purpose; or when such bodily conditions or characteristics, or style or manner of dress or personal grooming presents a danger to the health, welfare or safety of any individual.

Physical handicap -- A bodily or mental disablement which may be the result of injury, illness or congenial condition for which reasonable accommodation can be made.

Place of public accommodation -- All places included in the meaning of such terms as inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest; restaurants or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectionaries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; wholesale and retail store, stores, and establishments dealing with goods or services of any kind, including, but not limited to, the credit facilities thereof; banks, savings and loan associations, establishments of mortgage bankers and brokers, all other financial institutions, and credit information bureaus; insurance companies and establishments of insurance policy brokers; dispensaries, clinics, hospitals, bath-houses, swimming pools, laundries and all other cleaning establishments; barber shops, beauty parlors, theatres, motion picture houses, air-dromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors; garages, all public conveyances operated on land or water or in the air, as well as the stations and terminals thereof; travel or tour advisory services, agencies or bureaus; public halls and public elevators of buildings and structures, occupied by two or more tenants, or by the owner and one or more tenants. Such term shall not include any institution, club, or place of accommodation which is in its nature distinctly private except that any such institution, club or place of accommodation shall be subject to the provisions of Section 21.7 of this Title.

Political affiliation -- The state of belonging to, or endorsing any political party.

Real Estate and Business Brokers' License Act -- The Act of August 25, 1937, as amended [D.C.Code Sections 45-1401 -- 45-1418 (1967), as amended, (Supp. V., 1972)].

Real estate broker (or salesman) -- Any person duly licensed as such in accordance with the provisions of the Real Estate and Business Brokers' License Act.

Real Estate Commission -- The agency by that name created to carry out the provisions of Chapter 14 of Title 45 of the D.C. Code .

Sexual orientation -- Male or female homosexuality, heterosexuality, and bisexuality, by preference or practice.

Source of income -- The point, the cause, or the form of the origination, or transmittal, of gains of property accruing to a person in a stated period of time; including, but not limited to, money and property accrued from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, except in a case where conflict of interest may exist.

Transaction in real property -- Exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, any interest in real property or improvements thereon, including, but not limited to, leaseholds, and other real chattels.

Unlawful discriminatory practice -- Those discriminatory practices which are so specified in Subpart B. of this Title

3.2 Exceptions.

(a) Any practice which has a discriminatory effect and which would otherwise be prohibited by this Title shall not be deemed unlawful if it can be established that such practice is not intentionally devised or operated to contravene the prohibitions of this Title and can be justified by business necessity. Under this Title, a "business necessity" exception is applicable only in each individual case where, it can be proved by a respondent that, without such exception, such business cannot be conducted; a "business necessity" exception cannot be justified by the factors of increased cost to business, business efficiency, the comparative characteristics of one group as opposed to another, the stereotyped characterizations of one group as opposed to another, and the preferences of co-workers, employers, customers or any other person. (See Legislative Report on Title 34, October 16, 1973).

(b) Nothing contained in the provisions of this Title, shall be construed to bar any religious or political organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious or political organization, from limiting employment, or sales, or rental of housing accommodations, or admission to or giving preference to persons of the same religion or political persuasion as is calculated by such organization to promote the religious or political principles for which it is established or maintained.

(c) Nothing in this Title shall be construed to supercede any federal rule, regulation or Act.

3.3 Severability of provisions.

If any provision, or part thereof of this Title or application thereof to any person or circumstances is held invalid, the remainder of the Title and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances shall not be affected thereby.

Subpart B. PROHIBITED ACTS OF DISCRIMINATION

Chap.	Sec.
9. General	9.1
11. Employment	11.1
13. Housing and Commercial Space	13.1
15. Public Accommodations	15.1
17. Educational Institutions	17.1
19. General Requirements	19.1
21. Other Prohibited Practices	21.1

CHAPTER 9. GENERAL

Sec.

9.1 General

Every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life, including, but not limited to, in employment, in places of public accommodation, resort or amusement, in educational institutions, in public service, and in housing and commercial space accommodations.

CHAPTER 11. EMPLOYMENT

Sec.

- 11.1 Prohibitions
- 11.2 Exceptions
- 11.3 Reports and Records

11.1 Prohibitions

(a) General

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, or political affiliation, of any individual:

- (1) By an employer. To fail or refuse to hire, or to discharge, any individual; or otherwise to discriminate against any individual, with respect to his compensation, terms, conditions, or privileges of employment, including promotion; or to limit, segregate, or classify his employees in any way, which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee;
- (2) By an employment agency. To fail or refuse to refer for employment, or to classify or refer for employment, any individual, or otherwise to discriminate against any individual;
- (3) By a labor organization. To exclude or to expel from its membership, or otherwise to discriminate against, any individual; or to limit, segregate, or classify its membership; or to classify, or fail, or refuse to refer for employment any individual in any way, which would deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment; or
- (4) By an employer, employment agency, or labor organization.
 - (i) To discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including an on-the-job training program;
 - (ii) To print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an employer, or to membership in, or any classification or referral for employment by such a labor organization, or to any classification or referral for employment by such an employment agency, unlawfully indicating any preference, limitation, specification, or distinction, based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation, of any individual.

(b) Subterfuge.

It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation, of any individual.

11.2 Exception.

It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as retirement, pension or insurance plan which is not a subterfuge to evade the purposes of this Title, except that no such employee seniority system or benefit plan shall excuse the failure to hire any individual.

11.3 Reports and records.

Every employer, employment agency, and labor organization, subject both to this Chapter and to Title VII of the Civil Rights Act of 1964, as amended, shall furnish to the Office, all reports that may be required by the Equal Employment Opportunities Commission established under the Civil Rights Act of 1964.

CHAPTER 13. HOUSING AND COMMERCIAL SPACE

Sec.

- 13.1 Prohibitions
- 13.2 Blockbusting and steering
- 13.3 Acts of discrimination by broker or salesman
- 13.4 Exceptions

13.1 Prohibitions.

(a) General

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, or place of residence or business, of any individual:

(1) To interrupt or terminate, or refuse or fail to initiate or conduct any transaction in real property; or to require different terms for such transaction; or to represent falsely that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction:

(3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance, relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, service, repairs or improvements for a tenant or lessee;

(5) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing related thereto, which notice, statement, or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, or place of residence or business, of any individual;

(6) To discriminate in any financial transaction involving real property, on account of the location of residence or business (i.e. to "red-line").

(b) Subterfuge

It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, or place of residence or business, of any individual.

13.2 Blockbusting and steering.

It shall be an unlawful discriminatory practice for any person, whether or not acting for monetary gain, directly or indirectly, to engage in the practices of "blockbusting" and "steering", including, but not limited to the commission of any one or more of the following acts:

(1) To promote, induce, influence, or attempt to promote, induce, or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or partially in response to discrimination, prejudice, fear or unrest adduced by such means, device or representation.

(2) To place a sign, or display any other device, either purporting to offer, or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

13.3 Acts of discrimination by broker or salesman.

Any real estate broker or real estate salesman, who commits any act of discrimination prohibited under the provisions of this Title, if such act or the property involved is within the District of Columbia, or if such act occurs outside of the District of Columbia, in a place where such act is prohibited by State or local law, ordinance or regulation, without regard to location of the property, shall be considered by the Real Estate Commission, for the purposes of the section 8(h) of the Act of August 25, 1937, as amended (D.C. Code 45-1408(h) (1967)), as having endangered the interests of the public; and shall be subject to the procedures set forth in section 35.3 of this Title.

13.4 Exceptions

(a) Nothing in this Title shall be construed to apply to the rental or leasing of housing accommodations in a building in which the owner, or members of his family occupy one of the living units and in which there are, or the owner intends that there be, accommodations for not more than: (i) five families, and only with respect to a prospective tenant, not related to the owner-occupant, with whom the owner-occupant anticipates the necessity of sharing a kitchen or bathroom; and (ii) two families living independently of each other.

(b) Nothing contained in the provisions of this Title, shall be deemed to permit any rental or occupancy otherwise prohibited by any statute, or by any regulation previously enacted and not repealed herein.

CHAPTER 15. PUBLIC ACCOMMODATIONS

Sec.

15.1 Prohibitions

15.1 Prohibitions

(a) General

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, or place of residence or business, of any individual;

(1) To deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation;

(2) To print, circulate, post, or mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be unlawfully refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable.

(b) Subterfuge

It shall further be unlawful to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, or place of residence or business, of any individual.

CHAPTER 17. EDUCATIONAL INSTITUTIONS

Sec.

17.1 Prohibitions

17.2 Exceptions regarding sex discrimination

17.1 Prohibitions.

It shall be an unlawful discriminatory practice, subject to the exemptions in Sec. 3.2(b) of this Title, for an educational institution:

(1) To deny, or restrict, or to abridge or condition the use of, or access to, any of its facilities and services, to any person otherwise qualified, wholly or partially, for a discriminatory reason, based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, source of income, or physical handicap, of any individual; or

(2) To make or use a written or oral inquiry, or form of application for admission, that elicits or attempts to elicit information, or to make or keep a record, concerning the race, color, religion, or national origin of an applicant for admission, except as permitted by regulations of the Office.

17.2 Exceptions regarding sex discrimination.

Nothing in this chapter regarding sex discrimination in admission policy shall apply to any private undergraduate college or to any private preschool, elementary or secondary school; except that, when any of the above exempted colleges offers a course nowhere else available in the District, opportunity for admission to that course must be open to students of both sexes who otherwise meet lawful requirements for admission.

CHAPTER 19: GENERAL REQUIREMENTS

Sec.

- 19.1 Posting of notice
- 19.2 Records and reports
- 19.3 Affirmative action plans

19.1 Posting of notice.

Every person subject to this Title shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice whose language and form shall have been prepared by the Office, setting forth excerpts from, or summaries of, the pertinent provisions of this Title, and information pertinent to the filing of a complaint.

19.2 Records and reports.

(a) Every person subject to this Title, shall preserve any regularly kept business records, for a period of six months from the date of the making of the record, or from the date of the action which is the subject of the record, whichever is longer; such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this Title.

(b) Where a charge of discrimination has been filed against a person under this Title, the respondent shall preserve all records which may be relevant to the charge or action, until a final disposition of the charge, in accord with 19.2(c), of this Title.

(c) All persons subject to this Title shall furnish to the Office, at the time and in the manner prescribed by the Office, such reports relating to information under their control as the Office may require. The identity of persons and properties contained in reports submitted to the Office under the provisions of this section shall not be made public.

19.3 Affirmative action plans.

It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan that has been approved by the Office. An affirmative action plan is any plan devised to effectuate remedial or corrective action in response to past discriminatory practices prohibited under this Title, and may also include those plans devised to provide preferential treatment for a class or classes of persons, which preferential treatment by class would otherwise be prohibited by this Title, and which plan is not devised to contravene the intent of this Title.

CHAPTER 21. OTHER PROHIBITED PRACTICES

sec.

- 21.1 Coercion or retaliation.
- 21.2 Aiding or abetting.
- 21.3 Conciliation agreements.
- 21.4 Resisting the Office or Commission.
- 21.5 Falsifying Documents and Testimony.
- 21.6 Arrest Records.
- 21.7 District of Columbia licenses.
- 21.8 Effects Clause.

21.1 Coercion or Retaliation.

(a) It shall be an unlawful discriminatory practice to coerce, threaten, retaliate against, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this Title.

(b) It shall be an unlawful discriminatory practice for any person to require, request, or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person, because that person has opposed any practice made unlawful by this Title, or because that person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing, authorized under this Title.

(c) It shall be an unlawful discriminatory practice for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person to prevent any person from complying with the provisions of this Title.

21.2 Aiding or abetting.

It shall be an unlawful discriminatory practice for any person to aid, abet, invite, compel or coerce the doing of any of the acts forbidden under the provisions of this Title, or to attempt to do so.

21.3 Conciliation agreements.

It shall be an unlawful discriminatory practice for a party to a conciliation agreement, made under the provisions of this Title, to violate the terms of such agreement.

21.4 Resisting the Office or Commission.

(a) Any person who shall wilfully resist, prevent, impede or interfere with the Office or the Commission, or any of their representatives, in the performance of any duty under the provisions of this Title; or shall wilfully violate an order of the Commission, shall, upon conviction, be punished by imprisonment for not more than 10 days, or by a fine of not more than \$300, or by both, except, that filing a petition for review of an order, pursuant to the provisions of this Title shall not be deemed to constitute such wilfull conduct, nor shall compliance with any procedure regarding a subpoena in accord with §1-237, D. C. Code, 1967 Ed., be deemed to constitute such wilfull conduct.

(b) It shall be an unlawful discriminatory practice for a person subject to this Title to fail to post notices, maintain records, file reports, as required by Chapter 19 of this Title, or to supply documents and information requested by the Office in connection with a matter under investigation.

21.5 Falsifying documents and testimony.

It shall be unlawful to wilfully falsify documents, records or reports, which are required or subpoenaed pursuant to this Title, or wilfully to falsify testimony, or to intimidate any witness or complainant; such violations shall be punishable by imprisonment for not more than 10 days, or by a fine of not more than \$300, or by both.

21.6 Arrest records.

It shall be an unlawful practice, punishable by a fine of not more than \$300 or imprisonment for not more than 10 days, or both, for any person to require the production of any arrest record of any copy, extract, or statement thereof, at the monetary expense of any individual to whom such record may relate. Such "arrest records" shall contain only listings of convictions and forfeitures of collateral that have occurred within 10 years of the time at which such record is requested.

21.7 District of Columbia licenses.

All permits, licenses, franchises, benefits, exemptions, or advantages issued by or on behalf of the Government of the District of Columbia, shall specifically require and be conditioned upon, full compliance with the provisions of this Title; and shall further specify that the failure or refusal to comply with any provision of this Title, shall be a proper basis for revocation of such permit, license, franchise, benefit, exemption or advantage.

21.8 Effects clause.

Any practice which has the effect or consequence of violating any of the provisions of this Title shall be deemed to be an unlawful discriminatory practice.

Subpart C. PROCEDURES

Chap.		Sec.
29.	AUTHORITY OF DIRECTOR AND COMMISSION ...	29.1
31.	INVESTIGATION AND CONCILIATION	31.1
33.	HEARING	33.1
35.	ENFORCEMENT.....	35.1

CHAPTER 29. AUTHORITY OF DIRECTOR AND COMMISSION

Sec.	
29.1	Authority of the Director and Commission
29.2	Complaints filed with other D.C. Agencies
29.3	Complaints filed against D.C. Agencies

29.1 Authority of the Director and Commission

(a) The activities of the Office and the Commission, under the provisions of this Title, shall be considered investigations or examinations of municipal matters, within the meaning of the act of July 1, 1902 (D.C. Code Section 1-237 (1967); and Reorganization Plan No. 3, 402 (9)); and the Commission, the individual members thereof, and the Director, shall possess the powers vested in the District of Columbia Council.

(b) The Office is hereby empowered to undertake its own investigations and public hearings on any racial, religious, and ethnic group tensions, prejudice, intolerance, bigotry and disorder; and on any form of, or reason for, discrimination, in accordance with Sec. 1.1 and 9.1 of this Title, against any person, group of persons, organization, or corporation, whether practiced by private persons, associations, corporations, city officials or city agencies; for the purpose of making appropriate recommendations for action, including legislation, against such discrimination.

(c) The Office and the Commission may make, issue, adopt, promulgate, amend and rescind such rules and procedures, as they deem necessary to effectuate, and which are not in conflict with, the provisions of this Title. Such rules and procedures and amendments thereto, shall be adopted and promulgated in accordance with procedures promulgated pursuant to the D.C. Administrative Procedure Act.

(d) In taking any action authorized or required by the provisions of this Title, the Commission may act through panels or division of not less than three of its members, a majority of whom shall constitute a quorum.

(e) The Mayor-Commissioner shall recommend to the Council, any additional regulations.

(f) Investigations relating to the enforcement of provisions of this Title shall be given priority over all other duties and activities of the Office.

(g) The Mayor-Commissioner shall report annually to the Council as to the progress with regard to the enforcement of this Title, and any other activity related to the field of human rights deemed valuable to the Council in the pursuit of its responsibilities.

29.2 Complaints filed with other D.C. Agencies.

Nothing in the provisions of this Title shall be deemed to relieve any agency or authority of the Government of the District of Columbia, of its obligation to take immediate and independent action regarding a matter filed with it, in accord with its jurisdiction, that also may be the subject of a complaint filed with the Office.

29.3 Complaints against D.C. Agencies.

Notwithstanding any other provision of this Title, the Mayor-Commissioner shall establish rules of procedure for the investigation, conciliation and hearing of complaints filed against D.C. Government agencies, officials and employees alleging violations of this Title. The final determination in such matters shall be made by the Mayor-Commissioner or his designee.

CHAPTER 31. INVESTIGATION AND CONCILIATION

Sec.

- 31.1 Filing of complaints.
- 31.2 Investigation.
- 31.3 Conciliation.
- 31.4 Injunctive relief.
- 31.5 Posting of housing accommodations.
- 31.6 Service of notice.

31.1 Filing of complaints.

(a) Any person or organization, whether or not an aggrieved party, may file with the Office a complaint of a violation of the provisions of this Title, including a complaint of general discrimination, unrelated to a specific person or instance. The complaint shall state the name and address of the person alleged to have committed the violation, hereinafter called the respondent, and shall set forth the substance thereof, and such other information as may be required by the Office. The Director, sua sponte, may investigate individual instances and patterns of conduct prohibited by the provisions of this Title, and may initiate complaints in connection therewith. Any complaint under this Title shall be filed with the Office within one year of the occurrence of the unlawful discriminatory practice, or the discovery thereof, except as may be modified in accordance with Sec. 29.3 of this Title.

(b) Complaints filed with the Office under the provisions of this Title may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the Office's investigation and findings as specified in Sec. 31.2 below, except that the circumstances accompanying said withdrawal may be fully investigated by the Office.

31.2 Investigation.

(a) After the filing of any complaint, the Office shall serve, within 15 days of said filing, a copy thereof upon the respondent, and upon all persons it deems to be necessary parties; and shall make prompt investigation in connection therewith.

(b) Within 120 days, after service of the complaint upon all parties thereto, the Office shall determine whether, in accord with its own rules, it has jurisdiction; and if so, whether there is probable cause to believe that the respondent has engaged or is engaging in an unlawful discriminatory practice.

(c) If the Office finds, with respect to any respondent, that it lacks jurisdiction or that probable cause does not exist the Director forthwith shall issue and cause to be served on the appropriate parties, an order dismissing the allegations of the complaint

31.3 Conciliation.

(a) If, in the judgement of the Office, the circumstances so warrant, it may, at any time after the filing of the complaint, endeavor to eliminate such unlawful discriminatory practice by conference, conciliation or persuasion.

(b) The terms of a conciliation agreement may require a respondent to refrain, in the future, from committing specified discriminatory practices; and to take such affirmative action as, in the judgement of the Office, will effectuate the purposes of this Title; and may include consent, by the respondent, to the entry in court of a consent decree, embodying the terms of the conciliation agreement.

(c) Upon agreement of all parties to a complaint and upon notice to all parties thereto, a conciliation agreement shall be deemed an order of the Commission, and shall be enforceable as such. Except for the terms of the conciliation agreement, employees of the Office shall not make public, without the written consent of the respondent, information concerning conciliation efforts.

31.4 Injunctive relief.

If, at any time after a complaint has been filed, the Office believes that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the Office shall certify the matter to the Corporation Counsel, who shall bring, in the name of the District of Columbia, any action necessary to preserve such status quo or to prevent such harm, including the seeking of temporary restraining orders and preliminary injunctions. The appropriate parties shall be notified of such certification and the complainant may initiate independently, or in cooperation with the Corporation Counsel, appropriate civil action to seek a temporary restraining order or preliminary injunction.

31.5 Posting of housing accommodations.

If a finding of probable cause has been made, as to a complaint of discrimination in housing, and the property owner, or his duly authorized agent, will not agree voluntarily to withhold from the market the subject housing accommodations for a period of 10 days from the date of such finding of probable cause, the Office may cause to be posted for a period of 10 days from the date of said finding, on the door of said housing accommodations, a notice advising that said accommodations are the subject of a complaint before the Office and that prospective transferees will take such housing accommodations at their peril. Any destruction, defacement, alteration or removal of the notice thereof, by the owner or his agents, servants and employees, shall be punishable, upon conviction, by a fine up to \$300, or by imprisonment for not more than 10 days, or both.

31.6 Service of Notice.

In all cases where the Office is required to effect service, it shall be accomplished by registered or certified mail, return request requested or by personal service and shall otherwise be in accordance with rules of the Office regarding service and notice.

CHAPTER 33. HEARING

Sec.

- 33.1 Notice of hearing.
- 33.2 Hearing tribunal.
- 33.3 Conduct of hearing.
- 33.4 Decision and order.
- 33.5 Review.

33.1 Notice of hearing.

In case of failure of conciliation efforts, or in advance of conciliation efforts, as determined by the Office, and after a finding of probable cause, the Office shall cause to be issued and served in the name of the Commission, a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a public hearing, before one or more members of the Commission or a hearing examiner, such hearing to be scheduled not less than 10 days nor more than 30 days after such service, and at a place to be specified in such notice. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.

33.2 Hearing tribunal.

(a) After a complaint has been noticed for hearing, a hearing tribunal consisting of three members of the Commission, sitting as the Commission, shall be appointed to make a determination upon such complaint. At the discretion of the Commission, one or more hearing examiners may be delegated to hear and report back to the Commission, on any case or question before the Commission.

(b) A hearing examiner may be an employee of the District Government or may be selected from a list of qualified hearing examiners prepared by the Commission. Commission members may serve as hearing examiners. Hearing examiners shall be paid on a per diem basis, while actually sitting and hearing a case, provided that funds are available for such purpose.

33.3 Conduct of hearing.

(a) The hearing shall be conducted in accordance with procedures promulgated pursuant to the D. C. Administrative Procedure Act.

(b) The case in support of the complaint shall be presented by an agent or attorney of the Office.

(c) Any Commissioner or hearing examiner, who has participated in the investigation, conciliation or processing of a complaint, or has participated in any decision related to the merits of a complaint, may not sit with a hearing tribunal appointed to make a determination upon such complaint.

(d) Efforts at conciliation by the Office, or the parties, shall not be received in evidence.

(e) If the respondent fails to answer the complaint, the hearing tribunal, or the hearing examiner designated to conduct the hearing, may enter the default; and the hearing shall proceed on the basis of the evidence in support of the complaint. Such default may be set aside only for good cause shown, and upon equitable terms and conditions.

33.4 Decision and order.

(a) If, at the conclusion of the hearing, the Commission shall determine that a respondent has engaged in an unlawful discriminatory practice or has otherwise violated the provisions of this Title, the Commission shall issue, and cause to be served on such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful discriminatory practice, and to take such affirmative action, including but not limited to the hiring, reinstatement or upgrading of employees, with or without back pay; restoration to membership in any respondent labor organization, admission to or participation in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons; payment of compensatory damages to the person aggrieved by such practice; payment of reasonable attorney fees; payment of hearing costs, as, in the judgment of the Commission, will effectuate the purposes of this Title; and including a requirement for a report, as to the manner of compliance with such decision and order. With regard to compensatory damages and attorneys' fees the Commission shall develop guidelines which shall be submitted to the Council for review prior to implementation.

(b) If, upon all the evidence, the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall issue, and cause to be served on the complainant, an order dismissing the complaint as to such respondent.

(c) Whenever a case has been heard by one or more hearing examiners who do not have the power to render a final order or decision, the Commissioners, assigned to decide the case, shall serve upon the parties a proposed order or decision, including findings of fact and conclusions of law, with a notice providing that each party adversely affected may file exceptions and present argument, to the Commissioners, on a date not less than 10 days from the date of service of the proposed order or decision.

(d) Findings of fact and conclusions of law shall be supported by, and in accordance with, reliable, probative, and substantial evidence.

33.5 Review.

Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Commission in a matter, pursuant to the provisions of this Title, is entitled to a judicial review thereof, in accordance with section 11 of the Administrative Procedure Act, as amended /D.C. Code Section 1-1510 (Supp. V. 1972/, upon filing, in the District of Columbia Court of Appeals, a written petition for such review.

CHAPTER 35: ENFORCEMENT

Sec.

35.1 General Provision.

35.2 Enforcement by a Private Person.

35.3 D.C. Licenses.

35.1 General Provision.

(a) The decision and order of the Commission shall be served on the respondent, with notice that, if the Commission determines that the respondent has not, after 30 calendar days following service of its order, corrected the unlawful discriminatory practice and complied with the order, the Commission will certify the matter to the Corporation Counsel, and to such other agencies as may be appropriate, for enforcement.

(b) The Corporation Counsel shall institute in the name of the District of Columbia, civil proceedings including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary to obtain complete compliance with the Commission's orders. In the event that successful civil proceedings do not result in securing such compliance, the Corporation Counsel shall institute criminal action.

(c) No enforcement action shall be instituted pending review as provided in Sec. 33.5.

(d) Nothing in this Section shall deprive any person of rights in the criminal justice process.

35.2 Enforcement by a private person

(a) Any person claiming to be aggrieved by an unlawful discriminatory practice shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate, unless such person has filed a complaint hereunder, provided that, where the Office has dismissed such complaint on the grounds of administrative convenience, or where the complainant has withdrawn a complaint, such person shall maintain all rights to bring suit as if no complaint had been filed. No person who maintains in a court of competent jurisdiction, any action based upon an act which would be an unlawful discriminatory practice under this Title, may file the same complaint with the Office.

(b) The court may grant such relief as it deems appropriate, including but not limited to, such relief provided in Section 33 4(a) of this Title.

35.3 D.C. Licenses.

(a) Whenever it appears that the holder of a permit, license, franchise, benefit, or advantage, issued by any agency or authority of the Government of the District of Columbia, is a person against whom the Office, notwithstanding any other action it may take or may have taken under the authority of the provision of this Title, may refer to the proper agency or authority the facts and identities of all persons involved in the complaint, for such action as such agency or authority, in its judgement, considers appropriate, based upon the facts thus disclosed to it.

(b) The Commission, upon a determination of a violation of any of the provisions of this Title by a holder of, or applicant for, any permit, license, franchise, benefit, exemption, or advantage issued by or on behalf of the Government of the District of Columbia, and upon failure of the respondent to correct the unlawful discriminatory practice and comply with its order, in accordance with Section 35.1 (a), shall refer this determination shall constitute prima facie evidence that the respondent, with respect to the particular business in which the violation was found, is not operating in the public interest. Such agency or authority shall, upon notification, issue to said holder or applicant an order to show cause why such privileges related to that business should not be revoked, suspended, denied or otherwise restricted.

Regulation No. 73-23



November 30, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE TO REQUIRE LABORATORY REPORTING OF TUBERCULOSIS ACID FAST BACILLI

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

1 WHEREAS, it is essential to the health and welfare of citizens of the District
2 of Columbia that adequate and effective measures be utilized in detecting and
3 eliminating diseases which constitute a danger to the general population; and
4

5 WHEREAS, existing procedures have not proven adequate to cope with the
6 requirements of the present tuberculosis control program; and
7

8 WHEREAS, new procedures and requirements are necessary to ensure that
9 tuberculosis control in the District of Columbia is effective and reliable.
10

11 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:
12

13 Section 1. Immediately following Section 8-5:112 of the District of Columbia
14 Health Regulations, a new section is hereby inserted to read as follows:
15

16 "8-5:112A LABORATORY REPORTING OF TUBERCULOSIS
17 ACID FAST BACILLI
18

19 (a) All bacteriological laboratories in the
20 District of Columbia, including such
21 laboratories in public or private
22 hospitals, shall report within 48 hours
23 in writing to the Director, District of
24 Columbia Department of Human Resources,
all positive acid fast bacilli results

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, 1973

Adopted on second and final reading November 20, 1973

Presented to the Mayor-Commissioner November 20, 1973

Edward B. Webb
Secretary of the City Council
NOV 30 1973

Approved *Robert Washington*
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. Webb
Secretary of the City Council

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whenever determined by smear or culture or otherwise. These reports shall be filed by the Director of the laboratory or his designee and shall contain, in addition to the bacteriological findings, the full name and address of the patient and the full name of the physician or facility responsible for the diagnosis, referral, or treatment of the patient.

- (b) Any report required by this section shall be submitted in a sealed envelope marked "Confidential" in accordance with Section 8-5:107(d) of this Part. "

Section 2. This Regulation shall be effective thirty days after enactment.

Regulation No. 73-24

November 30, 1973
Enactment Date



Regulation

of the
District of Columbia

TITLE REGULATION REVISING TAXICAB LIABILITY INSURANCE RATES

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized to make
2 rules and regulations governing the writing of liability insurance for passenger
3 vehicles for hire; and

4
5 WHEREAS, recent loss statistics indicate a steady increase in the
6 average size of loss and the loss ratio; and

7
8 WHEREAS, the Superintendent of Insurance has recommended that the
9 rates for such liability insurance be revised, and the Council believes that such
10 recommended revisions are reasonable:

11
12 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
13 that:

14
15 Section 1. Section 400.1 (d) of Title 33, D. C. Rules and Regulations,
16 is amended to read as follows:

17
18 "(d) The following rates or premiums shall be used by all companies:

19
20 TAXICAB RISKS

21
22 Statutory Coverage and Minimum Limits of Liability

23
24 Bodily Injury \$ 10,000 each person

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, 1973

Adopted on second and final reading November 20, 1973

Presented to the Mayor-Commissioner November 20, 1973

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

Approved *Tedson J. Meyers*
Mayor-Commissioner

NOV 30 1973
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

REGULATION 73-24

2 of 2

1 \$ 20,000 each accident

2
3 Property Damage \$ 5,000 each accident

4
5
6 Rate of Premiums

7
8 Bodily Property Total
9 Injury Damage

10
11 Fifty-two weeks or
12 yearly premium \$ 277.55 118.95 396.50

13
14 Two weeks premium 10.67 4.58 15.25

15
16
17 Two weeks premium for extraterritorial excess limits \$0.75, Maryland
18 \$5,000/\$10,000 excess over \$10,000/\$20,000/\$5,000 and Virginia
19 \$10,000/\$20,000/\$5,000 excess over \$10,000/\$20,000/\$5,000."

20
21 Section 2. This regulation shall be effective immediately upon
22 enactment.

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Regulation No. 73-25

December 14, 1973
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING THE D. C. BUILDING CODE, TITLE 5A-1, DELAY OF DEMOLITION OR ALTERATION FOR HISTORIC BUILDINGS, STRUCTURES AND PLACES

Vice Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized to
2 promulgate building regulations for the District of Columbia; and

3
4 WHEREAS, the District of Columbia Council wishes to promulgate
5 an amendment to the building code for the District of Columbia; and

6
7 WHEREAS, the District of Columbia Council wishes to increase
8 the capability of this great city to preserve the many architecturally and
9 historically important buildings and places, which make it one of the
10 most beautiful in the world; and

11
12 WHEREAS, the District of Columbia Council wishes to relate a
13 comprehensive historical preservation program to the lives of the people
14 of the District of Columbia, for the protection of their neighborhoods,
15 the enhancement of their property, and for their welfare and pleasure.

16
17 NOW, THEREFORE, BE IT ENACTED by the District of Columbia
18 Council that:

19
20 Section 1. Section 109.0 CONDITIONS OF PERMIT of Title 5A-1,
21 D. C. Building Code is amended as follows:

22
23 Add Section 109.10 DELAY OF DEMOLITION OR ALTERATION FOR
24 HISTORIC BUILDINGS, STRUCTURES AND PLACES.

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, 1973

Adopted on second and final reading December 4, 1973

Presented to the Mayor-Commissioner December 4, 1973

Approved [Signature] Mayor-Commissioner [Signature] Secretary of the City Council
Date 12-14-73

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

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

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. [Signature] Secretary of the City Council

- 2 - of 2 -

1 Before the Director may issue a permit to demolish or alter the exterior
2 of a building, structure or place listed on the National Register of Historic
3 Places maintained by the Secretary of the Interior, pursuant to the Historic
4 Sites Act of 1935 (16 U.S.C. 461-467) and Public Law 89-665, approved
5 October 15, 1966, (16 U.S.C. 470a-470m), a building or structure located
6 within a district or site listed on the National Register, or a building or
7 structure listed on the city's inventory of historic sites contained in the
8 comprehensive statewide historic preservation survey and plan prepared
9 pursuant to sec. 101(a) of Public Law 89-665, the Director shall submit the
10 application for a permit to the Commissioner of the District of Columbia
11 and shall place notice of the application for a permit in the District of Columbia
12 Register. The Commissioner, or his designated agent, acting with the advice
13 of the District of Columbia Professional Review Committee for nominations
14 to the National Register of Historic Places, and, within areas established
15 pursuant to the Shipstead-Luce Act (40 U.S.C. 121) or the Old Georgetown Act
16 (D. C. Code, sec. 5-801), the Commission of Fine Arts, shall within sixty (60)
17 days determine whether the alteration or demolition of the building, structure
18 or place is contrary to the public interest and should be delayed for a designated
19 period of up to 180 days following such determination to permit the District of
20 Columbia's State Historic Preservation Officer and the Professional Review
21 Committee to negotiate with the owner or owners of the building, structure
22 or place, and civic groups, public agencies, and interested citizens to find a
23 means of preserving the building, structure or place. Before issuing any order
24 delaying such demolition or alteration, the Commissioner or his designated
25 agent shall afford the applicant and any interested parties an opportunity to
26 offer any evidence they may desire to present concerning the proposed order.
27

28 The provisions of this section are applicable to building or structure
29 interiors which are specifically identified as significant on the city's
30 inventory of historic sites by the Professional Review Committee.
31

32 The National Register and the current inventory of historic sites shall
33 be available for inspection in the offices of the Department.
34

35 Nothing in this section shall prohibit the removal or securing of a
36 structure pursuant to D. C. Code, sec. 5-501, nor the condemnation of a
37 building pursuant to D. C. Code, sec. 5-618.
38

39 Section 2. This regulation shall take effect thirty (30) days following
40 enactment; provided that said rules and regulations affected by these amend-
41 ments shall be considered as remaining temporarily in effect for the purpose
42 of permitting the completion of any building work for which plans were filed
43 prior to the effective date hereof, but permits issued for such work shall not
44 be renewable. Provided further, that said 1961 D. C. Building Code effective
45 January 1, 1961, as amended to include the 1972 Building Code shall continue
46 in full force and effect with respect to prosecution of such offenses, whether
47 such prosecutions are commenced before or after the effective date hereof.
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Regulation No. 73-26

December 14, 1973
Enactment Date



Regulation

of the
District of Columbia

TITLE AMENDMENT TO THE SOLID WASTE REGULATIONS CONCERNING SOLID WASTE DISPOSAL (FOOD WASTE GRINDERS)

Councilmember Rockwood H. Foster Presents the following regulation:

1 WHEREAS, the District of Columbia Council has authority to make
2 amendments to the D. C. Health Regulations based on Sec. 420 (4) of
3 Reorganization Plan No. 3, 1967, and pursuant to that authority adopted
4 Regulation No. 71-21, of June 29, 1971, which requires that each kitchen
5 sink that is newly installed or that is replaced or substantially repaired
6 such that a plumbing permit is required, shall be provided with a food
7 waste (garbage) grinder; and
8

9 WHEREAS, the language of that regulation does not allocate the
10 responsibility for installation and maintenance to any particular party;
11 and
12

13 WHEREAS, it has become clear to the Council that an allocation of
14 this responsibility is needed.

15 NOW, THEREFORE, BE IT ENACTED by the District of Columbia
16 Council that:
17
18

19 Section 1. Section 8-3:602 DEFINITIONS of the Solid Waste
20 Regulations as adopted in Council Regulation 71-21 is hereby amended
21 to include the following:
22

23 DWELLING UNIT means one or more habitable rooms forming
24 a single unit which is used or intended to be used for living, sleeping,

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 December 4, 1973

Presented to the Mayor-Commissioner December 4, 1973

Edward S. Webb, Jr.
Secretary of the City Council

Approved *Thatcher Washington*
Mayor-Commissioner

12-14-73
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. Webb, Jr.
Secretary of the City Council

1 and preparation and eating of meals.

2
3 Section 2. Section 8-3:607 (e) of the Solid Waste Regulations
4 as adopted in Council Regulation 71-21 is hereby amended to read as
5 follows:
6

7 "Each food establishment served by a sanitary sewer and conducting
8 activities any of which generate food wastes (garbage) shall have and use
9 one or more food waste (garbage) grinders which are conveniently located
10 to each such activity and which are adequate in capacity to dispose of all
11 readily grindable food wastes (garbage) produced. Each kitchen sink that
12 is newly installed in any dwelling unit, or which is replaced or substantially
13 repaired such that a plumbing permit is required, shall be provided with a
14 food waste (garbage) grinder by the owner or licensee. Such food waste
15 (garbage) grinders shall be maintained in good repair and operating condition
16 by the owner or licensee."
17

18 Section 3. This Amendment shall take effect immediatley upon
19 enactment.
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Regulation No. 73-27

December 14, 1973
Enactment Date



Regulation

of the

District of Columbia

TITLE AMENDMENT TO THE DISTRICT OF COLUMBIA HEALTH REGULATIONS RELATING TO THE PRACTICE OF COSMETOLOGY

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

1 WHEREAS, the District of Columbia Council is authorized under
2 Section 402, paragraph 60, of Reorganization Plan No. 3 of 1967, to
3 make rules and regulations to carry out the provisions of the Act of
4 June 7, 1938, under D. C. Code Section 2-1303; and
5

6 WHEREAS, the District of Columbia Council finds that changing
7 filing requirements for applications for admission to examinations given
8 by the Board of Cosmetology will expedite and improve the work of the
9 Board of Cosmetology.

10
11 NOW, THEREFORE, BE IN ENACTED by the District of Columbia
12 Council that:

13
14 Section 1. Section D-2814.1 of the Temporary Supplement to the
15 District of Columbia Health Regulations is amended to read as follows:
16

17 "D-2814.1 Application for Admission. Applications for admission
18 to any examination shall be properly completed and filed with the Board of
19 Cosmetology not later than thirty (30) days prior to the first day of the
20 month in which the examination occurs. Proper completion of the application
21 includes payment of fee, the furnishing of an affidavit certifying completion
22 of hours of schooling, and a health certificate."
23

24 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 November 20, 1973

Adopted on second and final reading December 4, 1973

Presented to the Mayor-Commissioner December 4, 1973

Approved [Signature]
Mayor-Commissioner

[Signature]
Secretary of the City Council

12-14-73
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