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Regulation No. 74-1



January 19, 1974
Enactment Date

Regulation

of the

District of Columbia

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

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

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

4
5 WHEREAS, the District of Columbia Council is authorized by D.C. Code
6 Section 2344 of Title 47, 1973 Edition pursuant to Section 402 (391),
7 Reorganization Plan No. 3 of 1967, to require licenses and regulate businesses
8 which in the judgment of the Council require inspection, supervision, or regulation;
9 and

10
11 WHEREAS, Section 6-114, D.C. Code, 1973 Edition and Section 402 (133) of
12 Reorganization Plan No. 3 of 1967 authorizes the District of Columbia
13 Council to make health regulations and alter, amend, or repeal prior health
14 regulations; and

15
16 WHEREAS, Section 33-104, D.C. Code, 1973 Edition and Section 402 (258)
17 of Reorganization Plan No. 3 of 1967 authorizes the District of Columbia Council
18 to adopt rules and regulations for collecting and examining drugs and food.

19
20 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
21 that:

22
23 Section 1. Section 8-6:102 of the District of Columbia Health Regulations
24 is hereby repealed and the following section is inserted to read as follows:

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

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

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

Adopted on second and final reading January 8, 1974

Presented to the Mayor-Commissioner January 10, 1974

Edward S. Wolff
Secretary of the City Council

Approved *Marion Washington*
Mayor-Commissioner

January 19, 1974
Date

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

_____ Date

Disapproved and returned to the City Council _____

_____ Mayor-Commissioner

_____ Date

Readopted _____

_____ Date

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

Edward S. Wolff
Secretary of the City Council

1 "8-6:102 DEFINITIONS .

2
3 "(a) Adulterated Food means any food to which it is determined that any
4 of the following circumstances apply:

5
6 (1) It bears or contains any poisonous or deleterious substance if
7 there is a reasonable probability that it will be injurious to health: Provided,
8 That if such poisonous or deleterious substance is a food additive, color
9 additive or pesticide chemical as the terms are used in Title 21 U. S. C. , 1970
10 ed. , such food shall not be deemed to be adulterated when the quantity of
11 such food additive, color additive, or pesticide chemical is in compliance
12 with the applicable provisions of Title 21, Parts 120 and 121 of the Code of
13 Federal Regulations: And provided further, That if such poisonous or deleterious
14 substance is not a food additive, color additive or pesticide chemical, such
15 food shall not be deemed to be adulterated when the quantity of such poisonous
16 or deleterious substance which it contains raises no reasonable probability
17 that it will be injurious to health.

18
19 (2) Any substance has been substituted in whole or part
20 therefor;

21
22 (3) Any damage or inferiority has been concealed in any manner;

23
24 (4) Any essential constituent thereof has been in whole
25 or in substantial part omitted or abstracted therefrom; or

26
27 (5) Any substance has been added thereto, or mixed therewith,
28 so as to increase its bulk or weight, reduce its quality or strength, or make
29 it appear better or of greater value than it is.

30
31 "(b) Consumer means the purchaser of any food or any person who eats
32 that food.

33
34 "(c) Container means the package, wrapper, or other receptacle
35 in which food may be placed and includes, but is not limited to, any cup,
36 mug, glass, jar, can, bottle, box or bag.

37
38 "(d) Director means the Director of the District Department of Environmental
39 Services or his representative.

40
41 "(e) District means the territorial area known as the District of Columbia
42 or the municipal government of the District of Columbia, as the text requires.

43
44 "(f) Food means any article used for consumption by a human being or
45 by an animal.

46
47 "(g) Food Contact Surface means any surface, which may be, or which
48 may come, in direct contact with food, or any surface with which food may
49 come in contact and which drains onto a surface normally in contact with food.

50
51 "(h) Food Establishment means any part, or parts, of any premises,
52 building, or vehicle used in the conduct of a food operation.

53
54 "(i) Food Operation means any activity involved in the importation,
55 preparation, processing, transportation, service, storage or sale of food for
56 public or private consumption, except the activity performed by a member of a
57 household in providing, preparing or serving food for a member of the household
58 or for a nonpaying guest of the household.

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

3
4 "(k) Food Service Operation means a food operation in which food is
5 served, or prepared and served, for consumption in or about the food
6 establishment; or in which food is prepared for service and consumption
7 elsewhere.

8
9 "(l) Food Unfit for Consumption means any food that is unwholesome,
10 adulterated, or otherwise unfit food.

11
12 "(m) Otherwise Unfit Food means any food to which it is determined
13 that any of the following circumstances apply:

14
15 (1) It has been mixed with, or has become in such association
16 with, known unwholesome or adulterated food so that all, or any part, of the
17 whole lot or mixture may be unfit for consumption;

18
19 (2) It is part of an identifiable lot or group, part of which is known
20 to be unwholesome or adulterated;

21
22 (3) It has, by reason of exposure to known sources of contamination,
23 become suspect of harboring or carrying organisms or materials that are filth borne
24 or disease producing;

25
26 (4) It has, by reason of known exposure to improper temperature,
27 become so changed from its normal state of preservation as to be unsafe or likely
28 to become unsafe for consumption; or

29
30 (5) It contains or there is reasonable cause to believe that it
31 contains pathogenic organisms because of the source of the product and
32 because of the lack of proper processing, or because the method of preparation
33 used is such that suspected pathogenic organisms were not removed or destroyed
34 or may have been introduced.

35
36 "(n) Person means any individual, firm, partnership, company, corporation,
37 trustee, association, or any other private or public entity.

38
39 "(o) Potentially Hazardous Food means any perishable food which consists
40 in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish,
41 or other ingredients capable of supporting rapid and progressive growth of infectious
42 and toxicogenic micro-organisms: Provided, That such food does not include products
43 in hermetically sealed containers processed by any method approved by the Director
44 which shall prevent spoilage and does not include dehydrated, dry, or powdered
45 products which are so low in moisture content as to preclude rapid development of
46 micro-organisms.

47
48 "(p) Pull Date means the last date on which a food should be sold without
49 a significant risk of spoilage, loss of value, or loss of palatability, if stored
50 by the consumer after that date for the period and in the manner which such food
51 can reasonably be expected to be stored.

52
53 "(q) Sanitize means the effective use of a bactericidal treatment of a
54 clean surface of equipment or utensil by a process approved by the Director
55 as being effective in destroying micro-organisms including pathogens.

56
57 "(r) Unwholesome Food means any food to which it is determined that
58 any of the following circumstances apply:

59 (1) It is composed in whole or in part of any filthy, putrid,
60

1 or decomposed substance;

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

6
 7 (3) It has been produced in whole or in part from an animal which
 8 has died otherwise than by being slaughtered, or if slaughtered the animal was
 9 at the time of slaughter in any feverish or diseased condition; or

10
 11 (4) It is packaged in a container composed of any poisonous or
 12 deleterious substance which may render the contents of the container injurious
 13 to health."

14
 15 Section 2. Section 8-6:104 of the District of Columbia Health Regulations
 16 is hereby repealed and the following section is inserted to read as follows:

17
 18 "8-6:104 TEMPERATURE CONTROL

19
 20 "(a) Potentially Hazardous Food. No person shall store any potentially
 21 hazardous food except at a safe holding temperature which shall be any food
 22 temperature below 45°F. or any food temperature above 140°F. No person shall
 23 allow any potentially hazardous food, not in storage, to remain at a food
 24 temperature between the limits of the safe holding temperatures for such time
 25 as may produce a reasonable probability that it will become unfit for consumption.
 26 When potentially hazardous food is prepared or processed and is to be stored hot
 27 or cold, it shall be heated or chilled to a safe holding temperature at a rapid rate.
 28 Potentially hazardous foods shall be kept at all times under appropriate refrigeration
 29 at a temperature no higher than 45°F. or under appropriate heat treatment at a
 30 temperature no lower than 140°F. except for normal defrost cycles, loading and
 31 unloading, repackaging, or for temporary conditions beyond the immediate control
 32 of the person who has care and supervision of the product. No potentially
 33 hazardous food may be sold or held out for sale which has been transported, stored
 34 or otherwise kept at a food temperature between the limits of the safeholding
 35 temperatures for such time as may produce a reasonable probability that it will
 36 become unfit for consumption.

37
 38 "(b) Frozen Food. No person shall store, display or transport any food
 39 intended for sale in the frozen state unless it is held at a safe temperature.
 40 The safe temperature for such food shall be a space and product temperature of
 41 0°F. or lower except for normal defrost cycles, loading and unloading, repackaging,
 42 or for temporary conditions beyond the immediate control of the person who has
 43 care and supervision of the frozen food. In any case, the internal temperature of
 44 the frozen food shall not exceed 10°F. and such frozen food shall be returned to
 45 0° as quickly and safely as possible. Bags, suitable for keeping frozen foods
 46 cold for a reasonable time shall be available to consumers upon demand. No
 47 food may be sold or held out for sale which has been transported, stored or
 48 otherwise kept for any significant period of time at a temperature exceeding that
 49 provided in this subsection.

50
 51 "(c) Equipment. All refrigeration equipment and equipment for hot
 52 storage shall have thermometers which are easily readable, in proper working
 53 condition, and accurate, within a range of plus or minus two degrees. The
 54 thermometers in all refrigeration display cases accessible to consumers shall
 55 be able to be easily read by consumers. Refrigeration equipment shall be
 56 properly maintained and defrosted as necessary to prevent accumulation of
 57 frost or ice."
 58
 59
 60

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

3
4 "(d) Open Dating. Sixty days following the effective date of this
5 regulation, all pasteurized fluid milk; fresh meat, poultry, fish, bread products,
6 eggs, butter, cheese, cold meat cuts, mildly processed pasteurized products and
7 potentially hazardous foods sold in food retail operations which are pre-wrapped
8 and not intended to be eaten on the premises of the food operation shall have
9 easily understood pull dates prominently displayed on their containers after
10 which the food may not be sold unless isolated and prominently labelled as
11 being beyond the last date on which the food should be sold without a
12 significant risk of spoilage, loss of value, or loss of palatability, if stored
13 by the consumer after that date for the period and in the manner which such
14 food can reasonably be expected to be stored. The display area where such
15 isolated items are kept shall be marked in such a manner to advise the
16 consumer that the goods therein have been isolated due to the passing of the
17 pull date. The Director ninety days following the effective date of this
18 regulation, shall publish a list, after public hearing, of other foods
19 to be pull dated. This list shall be reviewed annually and revised as necessary.
20 If any such food is rewrapped, the new package shall retain the original pull
21 dates and the package must be marked prominently with a "Rewrapped."

22
23 "(e) Eggs. Only eggs that can meet United States Department of
24 Agriculture standards shall be sold. Placards shall be prominently displayed
25 in the egg display area which shall summarize the United States Department of
26 Agriculture standards relating to eggs, or where such information may be obtain-
27 ed, and the food retail operation's policy on refunds for the purchase of
28 cracked or damaged eggs."

29
30 "(f) Canned and Other Non-Potentially Hazardous Food. Containers
31 which are seriously damaged to the extent as may produce a reasonable
32 probability that the food contained therein will become unfit for human
33 consumption, including but not limited to, a bulged end or lid, visible
34 evidence of content leakage, fractured score lines on pull top lids, being
35 open to outside contamination or damaged along critical seams shall not be
36 sold. No mislabelled or unlabelled containers shall be sold."

37
38 Section 4. Subsection 8-6:109(b) of the District of Columbia Health
39 Regulations is hereby repealed and the following subsection is inserted to
40 read as follows:

41
42 "(b) No person shall work or be allowed to work in any capacity, the
43 activities of which include contact with unprotected food, contact with food
44 contact surfaces, or the care and use of food in a food operation:

45
46 (1) When such person is afflicted with a contagious disease
47 or boils, serious burns, major open cuts, infected wounds, sores, acute
48 upper respiratory infection or communicable gastro intestinal disease.

49
50 (2) When such person is not wearing a clean uniform or
51 garments or is not using effective hair restraints;

52
53 (3) When such person is using tobacco in any form;

54
55 (4) When such person does not use hygienic work practices."

56
57 Section 5. Section 8-6:109 of the District of Columbia Health Regulations
58 is hereby amended by inserting the following new subsections:

59
60 "(d) Every employee of a food operation working in any capacity,

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

9
10 "(e) The Director shall prescribe a minimum training program concerning
11 food handling and sanitation for the supervisors of persons who have immediate
12 contact with unprotected food for human consumption or those who care for or
13 maintain the surfaces that have direct contact with food which shall include
14 the floors. Within 18 months of the date of enactment of this regulation,
15 supervisory personnel engaged in any type of food operation shall be required
16 to possess a card issued by the Director indicating that such person has
17 successfully completed the requirements of the Department of Environmental
18 Services as regards proper food sanitation. A refresher training program shall
19 be taken by every supervisory employee at least every three years after
20 completing the initial training program. The training program may be given by
21 the licensee or any other person or organization. The Director may also operate
22 such training program with full costs to be borne by the employer of the employees
23 or the employee himself."

24
25 Section 6. Subsection 8-6:110(a)(1) of the District of Columbia Health
26 Regulations is hereby amended by deleting in the last sentence the words,
27 "cutting blocks and boards, baker's tables of hard maple or equivalent material,
28 which is non-toxic, smooth, and free of cracks, crevices and open seams"
29 and inserting "tables of hard maple or equivalent for baking purposes which
30 are non-toxic, smooth, and free of cracks, crevices and open seams."

31
32 Section 7. Subsection 8-6:110(c) of the District of Columbia Health
33 Regulations is hereby repealed and the following subsection is inserted to
34 read as follows:

35
36 "(c) Compliance with Equipment Requirements. The Director shall in
37 accordance with the District of Columbia Administrative Procedures Act,
38 § 1-1501 et. seq. D.C. Code 1973 ed., promulgate:

39
40 (1) Minimum requirements regarding equipment and utensil
41 specifications; and

42
43 (2) Minimum requirements regarding the installation of
44 equipment and utensils; and

45
46 (3) Requirements relating to the types of machinery,
47 equipment, and utensils necessary to conduct business pursuant to this
48 Article. Requirements pursuant to this section shall be adopted no later
49 than 90 days after the enactment of this Article."

50
51 Section 8. Section 8-6:111 of the District of Columbia Health Regulations
52 is hereby amended by deleting the clause: "Provided, That existing food
53 establishments involved exclusively with previously wrapped, canned,
54 packaged, or bottled food, or with whole nuts, fruits or vegetables that are
55 commonly cooked, peeled, shelled, or washed before being eaten, shall
56 not be required to provide hot running water until on and after July 1, 1968."

57
58 Section 9. Subsection 8-6:111(b)(2) of the District of Columbia Health
59 Regulations is hereby amended by adding in the first sentence before the
60 words "and which" and after the words "employed", the clause, "Provided,

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1 That five or less employees of both sexes may use one toilet," and by
2 deleting the words in the last sentence, "of Public Health. "
3

4 Section 10. Subsection 8-6:111(b)(3) of the District of Columbia Health
5 Regulations is hereby amended by adding at the end of the second paragraph
6 following the words, "food contact surfaces", a new sentence to read: "Any
7 area of a food operation in which fresh meat is handled shall have its own hand
8 washing facility, other than in a toilet room, located no more than 20 feet
9 from where the meat is handled. The Director may in his discretion order
10 said hand washing facility to be closer than 20 feet." The words "of Public
11 Health" in the last paragraph of the subsection shall be deleted.
12

13 Section 11. Subsection 8-6:114(a) of the District of Columbia Health
14 Regulations is hereby amended by deleting the last sentence and adding to the
15 second to the last sentence: "and a suitable sweeping compound shall be
16 used for the purpose of cleaning the floors. Sawdust and other like material
17 shall not be placed on the floors of a food operation. After the effective date
18 of this regulation, all new or replaced display cases shall form a tight joint
19 with the floor so as to effectively prevent refuse from being dropped under
20 the unit and to permit easy cleaning. "
21

22 Section 12. Subsection 8-6:114(b) of the District of Columbia Health
23 Regulations is hereby amended by adding the following sentence at the end
24 of the paragraph: "In all new construction following the date of enactment
25 of this regulation, a coved floor to wall juncture is required. "
26

27 Section 13. Subsection 8-6:114(d) of the District of Columbia Health
28 Regulations is hereby amended by adding the following: "At least 35 foot
29 candles of light shall be required on all working surfaces and at least 25 foot
30 candles on all other surfaces and equipment, in food preparation, utensil-
31 washing and hand washing areas, and toilet rooms. Sources of artificial
32 light shall be provided and used to the extent necessary to provide the required
33 amounts of light on these surfaces when in use and when being cleaned. At
34 least 15 foot candles of light at a distance of 30 inches (76.20 cm) from the
35 floor shall be required in all other areas, including dining areas during
36 cleaning operations. All artificial lighting fixtures shall be provided with
37 protective shielding in food preparation, service station areas, display areas,
38 all refrigeration units, utensil and equipment washing areas. "
39

40 Section 14. Subsection 8-6:114(e) of the District of Columbia Health
41 Regulations is hereby amended by adding the following sentence: "The
42 minimum requirements for ventilation shall be in accordance with the D. C.
43 Building Code. "
44

45 Section 15. Subsection 8-6:114(g) of the District of Columbia Health
46 Regulations is hereby amended by adding at the beginning of the paragraph
47 the sentence, "All toilet rooms shall have hot running water, soap and
48 single service disposal towels. "
49

50 Section 16. Subsection 8-6:114(i) of the District of Columbia Health
51 Regulations is hereby amended by changing subsections (1), (2), (3) and (4)
52 to (2), (3), (4) and (5) respectively, and adding a new subsection (1)
53 which shall read as follows: "(1) The building and equipment in good repair. "
54

55 Section 17. Section 8-6:115 of the District of Columbia Health Regulations
56 is amended by inserting between the first and second sentence the following
57 new sentences: "All trash and storage areas shall be vermin-proof. All
58 trash including unclean discarded boxes shall be kept in containers which
59 shall be tightly covered. "
60

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

3
4 Section 19. a) Section 8-6:117 of the District of Columbia Health
5 Regulations is amended by adding "(a)" before the first sentence. b) The
6 following new subsections shall be added to Section 8-6:117 of the District of
7 Columbia Health Regulations:

8
9 "(b) Inspection. The Director shall inspect each food operation at
10 least four times a year. He may conduct more than four inspections if he deems
11 such additional inspections necessary.

12
13 "(c) Reinspection. If a food operation has received a warning notice or
14 its license is suspended or revoked because of the failure to receive a passing
15 grade in any inspection, said licensee may request reinspection at any time.
16 Said request for reinspection must be made by the licensee and said licensee
17 must certify to his belief that the deficiencies have been corrected. Upon
18 receipt of a request for reinspection, the Director shall perform such reinspection of
19 the food operation within three working days. A food establishment may not resume
20 operation or remove from public view any warning given until such time as the
21 Director has reinspected the food operation and certified that said operation is in
22 compliance with the provisions of this Part.

23
24 "(d) 1) Records. The Director shall keep and maintain records of every
25 inspection made of any food operation within the District. 2) All records
26 describing or pertaining to such inspections shall be open for public inspection
27 during reasonable business hours. The form to be used for each food operation
28 inspection shall be designated as Form ES 109 and shall read as follows:
29
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REGULATION 74-1

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1
2
3 Address _____ Date _____
4 Name of Licensee _____ Officer of Firm _____
5 Trading as _____ USDA Cert. # _____ Customer # _____
6 Food Service Retail Store Other Number of Samples Collected

NOTICE TO ESTABLISHMENT

8 This inspection was conducted:
9 To determine compliance with District regulations.
10 To determine compliance with District and Federal regulations under a cooperative agreement with
11 the U.S. Department of Agriculture.

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

14 A. STRUCTURE		14 C. MEAT & MEAT PRODUCTS, INGREDIENTS, ICE, OTHER FOODS	
15 1. Floors: clean - easily cleanable - in good repair - properly drained	2	15 1. (a) Source: approved	
16 2. Walls, ceiling and overheads: clean - easily cleanable - no sealing paint - in good repair	2	16 (b) Trichinae treatment for appropriate product containing pork muscle tissue	6
17 3. Lighting: adequate for operation	2	17 2. Condition: sound - clean - unadulterated - only authorized food additives used	6
18 4. Ventilation: rooms reasonably free from odors, condensation, smoke etc.	2	18 3. Labeling: proper - no false or misleading statements - products accurately described - accurate net weights	4
19 5. Toilets/dressing rooms: clean - convenient - adequate - properly constructed and ventilated	2	19 4. Temperature of potentially hazardous food: 45° F. or less or 140° F. or more - frozen foods at 0° F. or below	6
20 6. Handwashing facilities: adequate - properly located - soap and towels	6	22 DEMERITS C.	
21 7. Plumbing: potable water supply - sufficient hot and cold running water - no back siphonage or cross connections - no overhead waste lines in critical areas	6	23 D PERSONNEL	
24 DEMERITS A		24 1. Outer garments: appropriate and washable - clean - proper hair restraints	2
25 B. EQUIPMENT		25 2. Good apparent health	6
26 1. Installation: equipment location permits easy access to and cleaning of equipment and adjacent surfaces or properly sealed to adjacent surfaces	2	26 DEMERITS D	
27 2. Refrigerated and hot food holding equipment: adequate - capable of maintaining proper food temperature - in good repair - provision for separation of raw and finished products	6	27 E. GENERAL	
28 3. Food Contact surfaces of equipment and multi-use eating and cooking utensils: constructed of suitable material - free of cracks, crevices, chips, rust or paint - equipment easily disassembled and readily cleanable - clean and sanitized before each use - proper facilities and material available for cleaning and sanitizing	6	28 1. Premises: no rodent harborage - effective vermin control - only permitted pesticides used and properly stored - premises free of trash and litter - no birds or unauthorized animals - facilities and materials available for cleaning	6
29 4. Non-food contact surfaces: Proper construction - clean - in good repair - suitable facilities and materials available for cleaning	6	29 2. General storage: storage areas clean, adequate and properly utilized - food product ingredients, utensils and single service items protected from contamination - soiled linens and clean linens separated - contents of containers properly identified - poisonous materials properly labeled, handled and stored	6
30 5. Cooking units, hoods, and filters: clean - in good repair	2	30 3. Operating methods: food protected during dispensing, display, packaging, processing, and transportation - containers and wrappings sanitary - proper sequence of operations	6
31 DEMERITS B		31 4. Waste containers: properly constructed and used - clean	2
32 TOTAL DEMERITS <input type="checkbox"/>		32 DEMERITS E	

33 **REMARKS:**
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44 **INSPECTED BY:** _____ **RECEIVED BY:** _____
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REGULATION 74-1

10 of 11

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

12
13 The Director shall develop and implement a Certificate of Merit system
14 for food operations consistently receiving high sanitation inspection ratings.
15 The licensee who is awarded such a certificate of merit may post it in the same
16 location as the license is displayed until such time as the Director finds the
17 licensee no longer meets the requirements for the Certificate. Upon notification
18 by the Director that the licensee fails to meet the requirements for the Certificate
19 of Merit, the licensee shall remove such Certificate. "

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

24
25 Section 21. Section 8-6:120 of the District of Columbia Health Regulations
26 is hereby repealed and a new section 8-6:120 is hereby inserted to read as
27 follows:

28
29 "8-6:120. Revocation or Suspension of License. (a) Failure to comply with
30 any of the provisions of this regulation shall be grounds for the revocation
31 or suspension of any license issued for a food operation pursuant to Sec. 47-2327
32 of the D. C. Code. For the purpose of this provision, a sanitation rating using
33 Form ES 109, of less than 85 percent is prima facie evidence of failure to
34 comply with these regulations: Provided, That, the Director may declare any
35 condition evidence of failure to comply with these regulations if he determines
36 that there is imminent danger to the public health.

37
38 "(b) If after inspection, the Director finds that the food operation has a
39 sanitation rating using Form ES 109 of less than 85 percent but above 69
40 percent and there is no imminent danger to the public health:

41
42 (1) He shall issue a warning notice; and

43
44 (2) Unless a subsequent rating within two weeks is 85 percent
45 or higher, he shall take steps to suspend the food operation license: Provided,
46 That the licensee may request an extension of time within which to make
47 necessary corrections when the two-week period is not reasonable. The
48 Director may give no more time than is reasonably necessary to bring the
49 food operation into full compliance, Provided, That, the Director may give no
50 more time than 60 days.

51
52 "(c) If after inspection, the Director finds that the food operation has a
53 sanitation rating using Form ES 109 of less than 70 percent or there is imminent
54 danger to the public health:

55
56 (1) He shall immediately revoke or suspend the license; and

57
58 (2) He shall advise the licensee in writing at the time of the
59 issuance of the citation of his opportunity to be heard by the Director by
60 making a request in writing within 24 hours of the suspension or revocation.

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

16
 17 "(d) Upon suspension the food operation shall cease operations. If it
 18 is found that the food operation continues as such, the licensee shall be
 19 fined \$300.00 per day for every part or whole of the day of operation during
 20 the period of suspension or revocation is in effect pending resolution of the
 21 matter."

22
 23 "(e) No person shall operate a food establishment without a license
 24 as required by these regulations. Any person found to be operating a food
 25 establishment without a license may be fined \$300.00 or imprisoned for
 26 90 days pursuant to Sec. 47-2347 of the D.C. Code."

27
 28 Section 22. Section 8-6:122 of the District of Columbia Health Regulations
 29 is hereby amended by deleting the words "Department of Public Health", and
 30 inserting the words, "Department of Environmental Services" and by adding
 31 the following paragraph:

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

41
 42 Section 23. Independence of Sections. Each section of this Part, and
 43 every part of each section, is hereby declared independent of every other,
 44 and the holding of any section, or part thereof, to be void or ineffective for
 45 any cause shall not be deemed to affect any other section, or part thereof.

46
 47 Section 24. Except as otherwise provided, the provisions of this regulation
 48 shall become effective ninety (90) days after enactment.
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Regulation No. 74-2



March 1, 1974
Enactment Date

Regulation

of the

District of Columbia

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

Councilman Rockwood H. Foster Presents the following regulation:

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

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

12
13 WHEREAS, the District of Columbia Council has consistently supported
14 cooperative planning efforts to achieve a higher air quality standard in the
15 Washington Metropolitan area; and

16
17 WHEREAS, this amendment conforms to such a regional planning standard.

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

20
21 Section 1. Section 8-2:702 and Section 8-2:707 of the Air Quality Control
22 Regulations (Health Regulations) are hereby amended as follows:

23
24 A. Section 8-2:702 DEFINITIONS is amended by the addition of the following:

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

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

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

Adopted on second and final reading February 19, 1974

Presented to the Mayor-Commissioner February 19, 1974

Approved Malter Washington Mayor-Commissioner
Date 1 MAR 1974
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 _____
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 74-2

..2..of..6..

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

3
4 Gasoline: Any petroleum distillate having a Reid vapor pressure of four
5 (4) pounds or greater.

6
7 Loading Facility: Any aggregation or combination of gasoline loading
8 equipment which is both (1) possessed by one person, and (2) located so
9 that all the gasoline loading outlets for such aggregation or combination of
10 loading equipment can be encompassed within any circle of 300 feet in diameter.

11
12 Photochemically Reactive Solvent: Any solvent with an aggregate of more
13 than 20 percent of its total volume composed of the chemical compounds classi-
14 fied below or which exceeds any of the following individual percentage composi-
15 tion limitations, as applied to the total volume of solvent.

16
17 (i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers,
18 or ketones having an olefinic or cycloolefinic type of unsaturation: five percent;

19
20 (ii) A combination of aromatic compounds with eight or more carbon
21 atoms to the molecule except ethylbenzene: eight percent;

22
23 (iii) A combination of ethylbenzene or ketones having branched
24 hydrocarbon structures, trichloroethylene or toluene: twenty percent.

25
26 B. Section 8-2:707 CONTROL OF ORGANIC COMPOUNDS is amended as
27 follows:

28
29 1. Sections 8-2:707 (a), (b), (c) and (g) are hereby repealed.

30
31 2. New Section 8-2:707 (a), (b), (c), (d), (e) and (f) are hereby adopted;
32 subparagraphs formerly numbered (d), (e) and (f) are hereby renumbered (g),
33 (h) and (i) respectively.

34
35 Section 8-2:707 CONTROL OF ORGANIC COMPOUNDS

36
37 (a) Storage of Petroleum Products:

38
39 A person shall not place, store or hold in any stationary tank,
40 reservoir or other container of more than 40,000 gallons capacity any gasoline
41 or any petroleum distillate having a vapor pressure of 1.5 pounds per square
42 inch absolute or greater under actual storage conditions, unless such tank,
43 reservoir or other container is a pressure tank maintaining working pressures
44 sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmo-
45 sphere, or is designed and equipped with one of the following vapor loss
46 control devices in good working order and in operation:

47
48 (1) A floating roof, consisting of a pontoon type or double-
49 deck type roof, resting on the surface of the liquid contents and equipped
50 with a closure seal, or seals, to close the space between the roof edge and
51 tank wall. The control equipment provided for in this paragraph shall not be
52 used if the gasoline or petroleum distillate has a vapor pressure of 11.0
53 pounds per square inch absolute or greater under actual storage conditions.
54 All tank gauging and sampling devices shall be gas-tight except when gauging
55 or sampling is taking place.

56
57 (2) A vapor recovery system, consisting of a vapor gathering
58 system capable of collecting the hydrocarbon vapors and gases so as to prevent
59 their emission to the atmosphere and with all tank gauging and sampling de-
60 vices gas-tight except when gauging or sampling is taking place.

3 of 6

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

3
4 (b) Volatile Organic Compounds or Gasoline Loading into Tank Trucks,
5 Trailers and Railroad Tank Cars:

6
7 A person shall not load volatile organic compounds or gasoline
8 into any tank truck, trailer, or railroad tank car from any loading facility
9 unless such loading facility is equipped with a vapor collection and disposal
10 system or its equivalent in good working order and in operation.

11
12 When loading is effected through the hatches of a tank truck,
13 trailer, or railroad tank car with a loading arm equipped with a vapor collecting
14 adaptor, a pneumatic, hydraulic or other mechanical means shall be provided
15 to force a vapor-tight seal between the adaptor and the hatch. A means shall
16 be provided to prevent liquid drainage from the loading device when it is
17 removed from the hatch of any tank truck, trailer, or railroad tank car, or to
18 accomplish complete drainage before such removal.

19
20 When loading is effected through means other than hatches, all
21 loading and vapor lines shall be equipped with fittings which make vapor-tight
22 connections and which close automatically when disconnected.

23
24 The vapor disposal portion of the system shall consist of one of
25 the following:

26
27 (1) A vapor-liquid absorber system with a minimum recovery ef-
28 ficiency of 90 percent by weight of all the hydrocarbon vapors and gases
29 entering such disposal system.

30
31 (2) A variable vapor space tank, compressor, and fuel gas system
32 of sufficient capacity to receive all hydrocarbon vapors and gases displaced
33 from tank trucks, trailers and railroad tank cars being loaded.

34
35 (3) Other equipment of at least 90 percent efficiency, provided
36 such equipment is submitted to and approved by the Commissioner.

37
38 (c) Volatile Organic Compounds or Gasoline Transfer Vapor Control:

39
40 (1) No person shall transfer volatile organic compounds or gasoline
41 from any delivery vessel into any stationary storage container with a capacity
42 greater than 250 gallons unless such container is equipped with a submerged
43 fill pipe and unless the displaced vapors from the storage container are pro-
44 cessed by a system that prevents release to the atmosphere of no less than
45 90 percent by weight of organic compounds in said vapors displaced from the
46 stationary container location.

47
48 (A) The vapor recovery portion of the system shall include
49 one or more of the following:

50
51 (i) A vapor-tight (dry break) vapor return line from the
52 storage container to the delivery vessel and system that will ensure that the
53 vapor return line is connected before gasoline can be transferred into the
54 container.

55
56 (ii) Refrigeration-condensation system or equivalent
57 designed to recover no less than 90 percent by weight of the organic compounds
58 in the displaced vapor.

59
60 (B) If a "vapor-tight vapor return" system is used to meet

. . . REGULATION 74-2 . . .

4 of 6

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

5
6 (C) The vapor-laden delivery vessel shall be subject to the
7 following conditions:

8
9 (i) The delivery vessel must be so designed and main-
10 tained as to be vapor-tight at all times.

11
12 (ii) The vapor-laden delivery vessel may be refilled
13 only at facilities equipped with a vapor recovery system or the equivalent
14 which can recover at least 90 percent by weight of the organic compounds
15 in the vapor displaced from the delivery vessel during refilling.

16
17 (2) The provisions of this paragraph (c) shall not apply to the
18 following:

19
20 (A) Any container having a capacity less than 2,000 gallons
21 installed prior to promulgation of this paragraph; provided, however, said
22 containers are equipped with submerged fill pipes.

23
24 (B) Transfer made to storage tanks equipped with floating
25 roofs or their equivalent.

26
27 (3) Compliance Schedule:

28
29 Every owner or operator of a stationary storage container or
30 delivery vessel subject to this section paragraphs (a), (b) and (c) herein shall
31 meet the following compliance schedule:

32
33 (A) Any owner or operator in compliance with this section on
34 the effective date of this regulation shall certify such compliance to the Com-
35 missioner no later than 45 days following the effective date of this section.

36
37 (B) Any owner or operator who achieves compliance with this
38 section after the effective date of this section shall certify such compliance
39 to the Commissioner within five days of the date compliance is achieved.

40
41 (4) Any owner or operator of a source subject to paragraphs (a), (b)
42 and (c) of this section may, not later than 45 days following the effective date
43 of this section, submit to the Commissioner for approval a proposed compliance
44 schedule that demonstrates compliance with the provisions specified in paragraphs
45 (a), (b) and (c) of this section as expeditiously as practicable but no later than
46 June 30, 1974. The compliance schedule shall provide for increments of progress
47 toward compliance. The dates for achievement of such increments of progress
48 shall be specified. Increments of progress shall include, but not be limited
49 to:

50
51 (A) Submittal of final control plan to the Commissioner;

52
53 (B) Letting of necessary contracts for construction process
54 or changes or issuance of orders for the purchase of component parts to ac-
55 complish emission control or process modification;

56
57 (C) Initiation of on-site construction or installation of emis-
58 sion control equipment or process modification;

59
60 (D) Final compliance.

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

5
6 (d) Control of Evaporative Losses from the Filling of Vehicular Tanks:

7
8 (1) No person shall transfer gasoline to an automotive fuel tank
9 from gasoline dispensing systems unless the transfer is made through a fill
10 nozzle designed to:

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

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

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

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

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

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

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

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

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

40 (C) January 1, 1975 - Initiate on-site construction or instal-
41 lation of emission control equipment.

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

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

46 (F) Any owner or operator of sources subject to the compliance
47 schedule in this paragraph shall certify to the Commissioner, within five days
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after the deadline for each increment of progress, whether or not the required increment of progress has been met.

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

6 (A) To a source which is presently in compliance with
7 paragraph (d)1 of this section and which has certified such compliance to
8 the Commissioner by June 1, 1974. The Commissioner may request whatever
9 information he considers necessary for proper certification.
10

11 (B) To a source whose owner or operator submits to the
12 Commissioner by June 1, 1974, a proposed alternative schedule. No such
13 schedule may provide for compliance after May 31, 1977. If promulgated
14 by the Commissioner, such schedule shall satisfy the requirements of this
15 paragraph for the affected source.
16

17 (e) Dry Cleaning Operation:
18

19 (1) No person shall operate a dry cleaning operation using other
20 than perchloroethylene, 1, 1, 1-trichloroethane, or saturated halogenated
21 hydrocarbons unless the uncontrolled organic emissions from such operation
22 are reduced at least 85 percent; provided that dry cleaning operations emitting
23 less than three pounds per hour and less than 15 pounds per day of uncon-
24 trolled organic materials are exempt from the requirement of this section.
25

26 (2) If incineration is used as a control technique, 90 percent
27 or more of the carbon in the organic emissions being incinerated must be
28 oxidized to carbon dioxide.
29

30 (3) Any owner or operator of a source subject to this section shall
31 achieve compliance with the requirements of paragraphs (e)1 of this section by
32 discontinuing the use of photochemically reactive solvents no later than April
33 1, 1974, or by controlling emissions as required by paragraphs (1) and (2) of
34 this section no later than May 31, 1975.
35

36 (f) Organic Solvents:
37

38 (1) No person shall discharge into the atmosphere more than 15
39 pounds of photochemically reactive solvents in any one day, nor more than
40 3 pounds in any one hour, from any article, machine, equipment or other
41 contrivance, unless the uncontrolled organic emissions are reduced by at
42 least 85 percent.
43

44 (2) No person shall discharge into the atmosphere more than 40
45 pounds of non-photochemically reactive solvents in any one day, nor more
46 than 8 pounds in any one hour, from any article, machine, equipment or
47 other contrivance, unless the uncontrolled organic emissions are reduced by
48 at least 85 percent. Dry cleaning operations are exempt from the requirements
49 of this paragraph.
50

51 Section 2. These amendments shall become effective immediately upon
52 enactment.
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Regulation No. 74-3



March 15, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE CONSUMER GOODS REPAIR REGULATION

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, Sec. 402(4) of Reorganization Plan No. 3 of 1967 transferred
2 to the District of Columbia Council the regulatory and other functions of the
3 Board of Commissioners under D. C. Code, Sec. 1-226 with respect to making
4 reasonable and usual police regulations for the protection of lives, limbs,
5 health, comfort and quiet of all persons and the protection of all property
6 within the District of Columbia; and
7

8 WHEREAS, Sec. 402 (391) of Reorganization Plan No. 3 of 1967 transferred
9 to the District of Columbia Council the authority to license businesses or
10 callings pursuant to Sec. 47-2344 of the District of Columbia Code; and
11

12 WHEREAS, the Council finds that the public is in need of protection from
13 repair dealers who may be incompetent in their trade or unfair in their dealings;
14 and
15

16 WHEREAS, the Council finds that incompetence, fraud and deceptive
17 practices erode public confidence in the consumer goods repair industry
18 itself; and
19

20 WHEREAS, the Council finds that increased reliance upon highly technical
21 products in everyday life requires the public, of necessity, to deal with and
22 rely upon people who hold themselves out as able to keep such items safe and
23 in good repair; and
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 February 5, 1974

Adopted on second and final reading March 5, 1974

Presented to the Mayor-Commissioner March 5, 1974
Date

Approved *Tedson J. Meyers*
Mayor-Commissioner

Edward S. Kelly
Secretary of the City Council
15 MAR 1974
Date

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

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

Readopted _____
Date

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

Edward S. Kelly
Secretary of the City Council

REGULATION 74-3

1 WHEREAS, the Council believes that regulating repair industries in the
2 manner set forth herein will make such businesses attractive to all area consumers,
3 thereby enhancing the business community of the District of Columbia.
4

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

8 Section 1. The District of Columbia Consumer Goods Repair Regulation,
9 set forth as Appendix I, hereto, is hereby adopted.
10

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

TITLE I -- DEFINITIONS

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7
8 Sec. 101. As used in this regulation, unless the context requires a
9 different meaning:

10
11 (1) "Board" means the Board of Consumer Goods Repair Services, as
12 established by this regulation.

13
14 (2) "Commissioner" means the Commissioner of the District of Columbia
15 or his designated agent.

16
17 (3) "Consumer Goods" means chattels owned and normally used by an
18 individual for personal, family, or household purposes; and such chattels,
19 normally used for personal, family, or household purposes, which are acquired or
20 used for commercial or business purposes other than for sale or resale.

21
22 (4) "Consumer Goods Repair Dealer" means any person who for compen-
23 sation undertakes to perform or have performed repair services on consumer goods
24 in the District, unless such person performs such services solely in the course
25 of carrying out his duties as a salaried employee of an organization or public
26 agency. Persons licensed pursuant to D. C. Code provisions or other federal
27 laws or regulations relating to the rendering of repair services are exempt from
28 this definition unless they perform other repair services not covered by such
29 statute or regulation and are otherwise subject to the provisions of this regulation.

30
31 (5) "Council" means the District of Columbia Council.

32
33 (6) "Customer" means the person who presents consumer goods for repair
34 cost estimates and/or repairs, or the person in whose name the written estimate
35 and final bill, as defined in sections 505 and 511 respectively of this regulation,
36 are issued.

37
38 (7) "District" means the District of Columbia.

39
40 (8) "Organization" means a corporation, agency, trust, estate, partner-
41 ship, cooperative association, or individually owned business.

42
43 (9) "Person" means a natural person or an organization.

44
45 (10) "Repair Industry Category" means consumer goods repair services
46 which fall into a broad class or into a category of related consumer goods as
47 established and defined by the Board.

48
49 (11) "Repair Services" means any kind of activity, including labor, per-
50 formed or agreed to be performed for compensation involving inspection, pick-up,
51 installation, adjustment, servicing, modification, replacement of parts, or improve-
52 ment of consumer goods in the District unless such activity is performed in fulfillment
53 of a long-term commercial service contract with a business or commercial organi-
54 zation.

55
56 (12) "Repair Specialty" means consumer goods repair services which fall
57 into a subcategory of a repair industry category as specified and defined by the
58 Board.

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1 (13) "Supervisory Inspector" means a repair technician, service manager,
2 or other employee, agent or independent contractor licensed pursuant to
3 Sec. 301(b) of this regulation and authorized by a licensed consumer goods
4 repair dealer to ascertain on behalf of that dealer that all work performed on
5 consumer goods by that dealer within such supervisory inspector's repair industry
6 category or specialty has been performed properly, in accordance with accepted
7 standards of that repair industry category or specialty and in conformity with all
8 regulations governing repair services in the District.
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18 TITLE II -- ADMINISTRATION
19
20

21 Sec. 201. Board to be Established. The Commissioner shall establish a
22 five-member Board of Consumer Goods Repair Services which shall be respon-
23 sible for the regulation of the consumer goods repair industry in the District.
24 The Commissioner shall appoint, with the advice and consent of the Council,
25 all members of the Board. The Commissioner shall determine the qualifications,
26 tenure, and compensation for Board members. The Board shall include three (3)
27 members having no occupational affiliation with any business or industry within
28 the scope of this regulation and who represent District consumers. In addition,
29 the Executive Director of the Office of Consumer Affairs shall participate as an
30 ex-officio non-voting member in all deliberations of the Board which do not
31 conflict with his duties pursuant to Commissioner's Order 73-225.
32

33 Sec. 202. Board Shall Administer Licensing Program. The primary
34 responsibility for the administration of the licensing program established pursuant
35 to Title III of this regulation shall rest with the Board.
36

37 Sec. 203. Functions of the Board. The Board shall perform the following
38 functions:
39

40 (a) Conduct from time to time investigations and public hearings to deter-
41 mine the need for regulation of additional repair industry categories. Within
42 twenty-four months after the effective date of this regulation the Board shall
43 conduct a series of such investigations and hearings on the repair industry cate-
44 gories listed in Sec. 603. The first of these hearings shall cover repair of major
45 appliances and shall be held within one hundred and eighty days after the effective
46 date of this regulation. Within six weeks after each hearing on a specific repair
47 industry category, the Board shall report its findings to the Council and, when so
48 indicated, recommend action to provide for inclusion of such category within the
49 scope of this regulation.
50

51 (b) Establish license classifications for consumer goods repair dealers and
52 supervisory inspectors licensed by this regulation. These classifications shall
53 include:
54

- 55 (1) The designation of repair industry specialties within their
56 respective repair industry categories and specific consumer
57 goods repair services within their appropriate specialties.
58
59
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1 (2) The type of repair industry license required by each consumer
2 goods repair dealer and the type of supervisory inspector to be
3 required by each such dealer.
4

5 (c) Establish, in its discretion, advisory panels for each repair industry
6 category required by this regulation to serve as technical consultants to the Board
7 and to assist in the preparation of competency examinations. Each such advisory
8 panel shall consist of three (3) members, to be appointed by the Commissioner
9 from recommendations submitted to him by the Board, two of whom shall be
10 representatives of the relevant repair industry category or specialty and one of
11 whom shall not be affiliated with any repair industry category but has relevant
12 technical expertise. Tenure for advisory panel members shall be determined by
13 the Commissioner.
14

15 (d) Develop, after appropriate study, a recommended fee system for repair
16 dealer and supervisory inspector licensees to be presented to the Commissioner
17 within twelve months after the effective date of this regulation. Such a system
18 shall be devised pursuant to Sec. 47-2344 of the D. C. Code so that the license
19 fee shall be commensurate with the cost to the District of the inspection,
20 competency testing, and other regulatory functions required by this regulation.
21 The proposed system shall be so structured as to fairly apportion the above costs
22 among the licensees.
23

24 (e) Devise and administer a competency examination system for the
25 licensing of supervisory inspectors in each repair industry category or specialty
26 covered by this regulation. In carrying out this function the Board shall:
27

28 (1) Prepare and conduct, at least semi-annually, practical
29 examinations which measure diagnostic and performance ability
30 rather than written and communicative skills. Written com-
31 ponents in such tests shall be kept to a minimum. The content
32 of such examinations shall be determined by the Board with the
33 assistance of the appropriate advisory panels. OR
34

35 (2) Certify the use of privately developed examinations, or other
36 appropriate examinations, for the licensing of supervisory
37 inspectors in any given repair industry category or specialty.
38 Competency examinations not developed by the Board shall be
39 certified only when such examinations are:
40

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

43 (B) Approved by the Board as reliable indicators of
44 performance ability and reviewed by it regularly.
45

46 (C) Administered with the participation of the Board or
47 according to standards approved by the Board.
48

49 (3) When such a Board certified examination is wholly or primarily
50 in written form, make available a practical examination as
51 specified in (1) above. When more than one examination has
52 been made available and/or certified by the Board, the appli-
53 cant shall have the option to choose which examination to take.
54
55

56 (f) Establish pursuant to the D. C. Administrative Procedure Act (title 1,
57 chapter 15 of the D. C. Code), the necessary rules to carry out the provisions
58 of this regulation.
59
60

TITLE III - LICENSURE

Sec. 301. Repair License Required.(a) Consumer Goods Repair Dealer License

- (1) Not later than 120 days after the effective date of this regulation each consumer goods repair dealer who provides repair services in the District in the motor vehicles repair category, pursuant to Sec. 601(a) of this regulation, and each such dealer who provides services in the electronics equipment repair category pursuant to Sec. 602(a) of this regulation, shall obtain a license from the Board pursuant to the provisions of this title.
- (2) At such time as consumer goods repair dealer licensure becomes mandatory in repair industry categories other than the motor vehicle and electronics equipment categories, each consumer goods repair dealer shall be required to secure a separate license for each repair industry category subject to this regulation and in which he provides repair services. If such a dealer confines his repair services to one or more specialties within such a category, he shall be required to secure a license only for each such specialty in which he provides repair services.
- (3) When a consumer goods repair dealer operates more than one place of business offering repair services subject to this regulation, he shall obtain a separate consumer goods repair dealer license for each such place of business.

(b) Supervisory Inspector License

- (1) Not later than 30 months after the effective date of this regulation each motor vehicle and electronics equipment repair dealer shall be licensed as a supervisory inspector or shall be required to employ, pursuant to Sec. 502 of this regulation, a supervisory inspector who shall be licensed pursuant to the requirements of this title.
- (2) Not later than 18 months after the effective date of this regulation, the Board shall establish an interim program for competency testing and registration of motor vehicles and electronics equipment supervisory inspectors. After such date, and effective for a period of one year following the establishment of such interim program, any individual who has successfully passed the appropriate competency test and has otherwise complied with the licensing requirements for supervisory inspectors shall be designated by the Board as a "Registered Automotive Supervisory Inspector" or a "Registered Electronics Supervisory Inspector", as the case may be, in the appropriate repair industry category or in a designated repair specialty within that category.

(c) Failure to Obtain a License an Affirmative Defense

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

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-----..7.of.23Sec. 302. Qualifications for Consumer Goods Repair Dealer License

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

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

Sec. 303. Qualifications for Supervisory Inspector License

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

- (1) is at least 18 years of age
- (2) is physically fit to perform the duties of a supervisory inspector
- (3) has successfully passed the competency examination administered or certified by the Board pursuant to Sec. 203(e) of this regulation and
- (4) is of good moral character. An applicant shall be presumed to be of good moral character unless he has been convicted of a crime which the Board finds has a substantial relationship to the functions and responsibilities to be performed by a supervisory inspector and has not demonstrated good moral character subsequent to his conviction.

Sec. 304. Application for Licensure

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

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

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

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

1 Sec. 306. Grounds for License Denial

2
3 The Board may deny an application for a consumer goods repair dealer or
4 supervisory inspector license if it finds that the applicant:

5
6 (a) has failed to meet any of the applicable qualifications for licensure
7 provided in Sec. 302 (for consumer goods repair dealers) and Sec. 303 (for
8 supervisory inspectors) of this regulation.

9
10 (b) was previously the holder of a license issued pursuant to this
11 regulation, which license has been revoked and the grounds for revocation have
12 not been removed or remedied.

13
14 (c) has engaged, after effective date of this regulation, in any of the
15 prohibited conduct as specified in Sec. 518 of this regulation or failed to comply
16 with an order issued pursuant to Sec. 404 of this regulation.

17
18 (d) has intentionally made a false, misleading, or fraudulent statement
19 of material fact in his application.

20
21 Sec. 307. Renewal of License. Each license issued pursuant to this
22 title shall be valid for a period of 12 months from the date of issuance. Appli-
23 cation for renewal of license, on a form to be provided by the Board, shall be
24 filed with the Board no later than 60 days before the expiration date of the license,
25 accompanied by the license fee required by Sec. 305 of this regulation.

26
27 Sec. 308. Grounds for License Suspension, Revocation, or Refusal
28 to Renew. Pursuant to Sec. 403 of this regulation, the Board
29 may suspend, revoke, or refuse to renew a license issued by it when the licensee
30 has violated any applicable provision of this regulation or has failed to comply
31 with an order issued pursuant to Sec. 404 of this regulation.

32
33 Sec. 309. Appointment of Resident Agent

34
35 (a) Each consumer goods repair dealer licensed pursuant to this regulation
36 who is not a resident of the District shall, upon issuance of his license by the
37 Board, immediately appoint a resident agent who resides or who has an office
38 in the District, and shall promptly notify the Commissioner of the name and
39 address of such resident agent. The Commissioner shall be notified within five
40 days of any change in the appointment of the resident agent. All judicial or other
41 legal process intended for the non-resident licensee and related to the scope of
42 this regulation or other laws or regulations relating to consumer goods repair
43 transactions shall be served upon the resident agent.

44
45 (b) When a non-resident consumer goods dealer fails to appoint or maintain
46 a registered agent in the District or whenever any such registered agent cannot
47 with reasonable diligence be found at his office in the District, or whenever the
48 appointment of such agent shall be revoked and no new agent is named, the
49 Commissioner shall be the agent upon whom any process or other legal notice may
50 be served and upon whom any notice or demand required or permitted by law to be
51 served upon such person may be served. Service on the Commissioner of any such
52 process, notice, or demand shall be made by delivering to and leaving with the
53 Commissioner or his designated agent duplicate copies of such process, notice,
54 or demand. In the event of such service, the Commissioner shall cause one of
55 such copies thereof to be forwarded by registered mail, addressed to the last
56 known address of the non-resident consumer goods repair dealer.

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

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

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

TITLE IV - REMEDIES AND ENFORCEMENT

Sec. 401. Investigations

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

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

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

- (1) a copy of each written estimate, as required by Sec. 505 of this regulation
- (2) a copy of each final bill, as required by Sec. 511 of this regulation
- (3) the name and address of the customer ordering the repair work
- (4) a description of the article repaired, including type, serial number, or license tag number in the case of motor vehicles, and such other information as would reasonably identify the repaired item; and
- (5) all changes of significant identifying numbers

Sec. 402. Complaint Handling Procedures

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

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

Sec. 403. Board Action on Complaints

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

- (1) deny, suspend, revoke or refuse to renew any license issued pursuant to this regulation.
- (2) issue a cease and desist order against persons the Board determines to be in violation of this regulation, pursuant to Sec. 404 of this regulation.
- (3) refer the complaint, when the Board determines that immediate legal action may be necessary, to the Corporation Counsel, who shall seek restraining action, including temporary or permanent injunctions, or initiate other appropriate legal action.

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

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

1 Sec. 404. Cease and Desist Orders

2
3 (a) Upon a finding by the Board that a person is in violation of this
4 regulation and that such violation has an immediate impact on that person's
5 customers, the Board may issue an order requiring that person to cease and
6 desist from such conduct and to take affirmative action, including restitution
7 equivalent to, but not exceeding, the decrease in value of the consumer goods
8 resulting from the violation.
9

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

16 Sec. 405. Penalties

17
18 Any person who violates any provision of this regulation shall be subject
19 to a fine not exceeding \$300 or to imprisonment not to exceed 90 days for each
20 violation, pursuant to Section 47-2347 of the D. C. Code.
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TITLE V

GENERAL CONSUMER PROTECTIONS

SUBTITLE I REPAIR SERVICE REQUIREMENTS

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8 Sec. 501. Rules to be Displayed. All consumer goods repair dealers shall
9 display a sign, designed and approved by the Board, summarizing the major
10 requirements which govern the consumer goods repair industry in the District.
11 Such sign shall be conspicuously posted in the business transaction areas of all
12 repair service facilities.
13

14 Sec. 502. Supervisory Inspector Required. For each and every consumer
15 goods repair category or specialty for which a consumer goods repair dealer has
16 been issued a license pursuant to this regulation, such dealer shall retain the
17 services of at least one supervisory inspector licensed to serve in such category
18 or specialty, pursuant to Sec. 301(b) of this regulation; except that, when a
19 consumer goods repair dealer is licensed to perform repair services in a single
20 repair industry category which includes several specialties, he need not retain
21 a licensed supervisory inspector licensed in that category, provided that such
22 consumer goods repair dealer employs for each and every specialty in which he
23 provides services a supervisory inspector licensed to serve in that specialty.
24 Consumer goods repair dealers who perform no repair services within their
25 establishments or provide repair services in specific categories only through
26 subcontract with other repair dealers shall not be required to employ or designate
27 supervisory inspectors in such categories.
28

29 Sec. 503. Prior Disclosure of Service Charges. Prior to making any home
30 visit for the purpose of making or estimating costs of repairs, a consumer goods
31 repair dealer shall fully disclose any service charge or other fees which will be
32 imposed whether or not repair services are performed.
33

34 Sec. 504. Receiving Items to be Repaired.
35

36 (a) Upon taking possession of goods to be repaired, whether received at
37 a consumer goods dealer location or taken from a home, a consumer goods repair-
38 man shall give the customer a receipt fully disclosing the following:
39

- 40 (1) the name, business address, and telephone number of the
41 consumer goods repair dealer (as such information appears
42 on the license) who is taking possession of the goods or
43 whose agent is taking possession of the goods.
44
45 (2) the name and signature of the person who actually takes the
46 goods into custody and the date such item was received for
47 repair.
48
49 (3) a description of the goods to be repaired including make and
50 model number or such other features as will reasonably identify
51 such goods.
52

53 (b) When it is possible to give the customer a written estimate, as defined
54 in Sec. 505 of this regulation, or any other document which fully discloses all
55 of the information required by this section when taking custody of the item, such
56 document may be supplied in lieu of the receipt required by this section.
57
58
59
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Sec. 505. Written Estimate Required.

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

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

- (1) The name, address, and telephone number of the repair dealer as they appear on the dealer's license for the specific place of business in which the goods are accepted for repair or to which they will be taken when picked up at a residence or commercial organization.
- (2) Name and address of customer.
- (3) Identification and description of the item to be repaired.
- (4) The date the item was received for repair; odometer reading for motor vehicles on this date, the date the estimate was issued; and the promised completion date of the repair.
- (5) A notation of all malfunctions as described by the customer.
- (6) A notation by the dealer or supervisory inspector of all repairs required to correct the malfunctions described by the customer.
- (7) A general description of all repairs authorized by the customer.
- (8) A general description of the labor required for the completion of the authorized repairs, and the cost of such labor.
- (9) A general description of the parts to be replaced or added to complete the authorized repairs, and the total costs of such parts.
- (10) A statement of all additional charges, itemized as follows:
 - (A) CHARGE FOR SUPPLYING THE ESTIMATE (in bold type)
 - (B) Service call charges
 - (C) Service and handling charges
 - (D) Tax
 - (E) Other charges
- (11) The total charges to the customer (items 8, 9 and 10 herein) and a form statement that the final bill will not exceed these total charges by more than 20% for repairs costing \$300 or less or by more than 10% for repairs costing in excess of \$300, subject to the provisions of Sec. 507.
- (12) The following statement: "Bond Filed with Board."

- 1 (13) The following inscription in bold type: "Save this document. To
2 make inquiries, contact the District of Columbia Office of Consumer
3 Affairs between (hours of operation) at (address and telephone
4 number)."
5
6 (14) A form statement and accompanying check-off box whereby the
7 customer may indicate, when signing the estimate or authorizing
8 repairs orally, whether he does or does not wish to waive his
9 right to the return of any replaced part.
10
11 (15) A separate waiver section, as specified in Sec. 506 of this
12 regulation, whereby the customer may authorize oral communication
13 of the information required on the written estimate by signing his
14 initials separately in a designated spot below the waiver option.
15

16 Sec. 506. Oral Communication of Written Estimate.
17

18 (a) If the customer so chooses, he may modify his right to receive a written
19 estimate prior to authorizing repairs by signing the separate waiver provision on the
20 written estimate form. This waiver provision shall be in a form required by the
21 Board and shall:
22

- 23 (1) Provide the customer with the option to authorize repairs on the
24 basis of the consumer goods repair dealer's oral communication of
25 the estimated repair cost and the other information required on the
26 written estimate. The customer shall exercise this option by signing
27 his name and the date in the space provided for waiver option. It
28 shall be the responsibility of the customer to contact the consumer
29 goods repair dealer or supervisory inspector for oral communication
30 of the estimate.
31
32 (2) Contain on the top in bold letters the following statement: **YOU
33 HAVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE WHICH IS SIGNED
34 BY YOU AND THE DEALER BEFORE REPAIR SERVICES ARE AUTHORIZED
35 AND BEGUN.**
36
37 (3) State any charges which will be made in the event that the customer,
38 upon receiving the estimate orally, elects not to proceed with the
39 repairs.
40
41 (4) Instruct the customer to indicate, on the appropriate space on the
42 written estimate form or waiver form, whether he does or does not
43 wish to receive the replaced parts.
44
45 (5) Give the date and time after which storage charges will be imposed
46 if the customer fails to contact the consumer goods repair dealer
47 for oral communication of the estimate.
48

49 (b) Oral communication of the information required on the written estimate
50 shall in no way be considered a substitute for a written estimate. When a customer
51 chooses to authorize repairs on the basis of such oral communication, a written
52 estimate, as required by Sec. 505 of this regulation, shall be completed by the
53 dealer at the time of the oral communication and presented to the customer along
54 with the final bill.
55

56 (c) If a customer chooses to authorize repairs on the basis of an oral com-
57 munication of the information contained on the written estimate, the customer's
58 oral consent shall be considered sufficient authorization to initiate repairs,
59
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1 provided that the date, time and manner in which such oral consent was received
2 is recorded on the written estimate and provided that a copy of the written estimate
3 is given to the customer along with the final bill.

4
5 Sec. 507. Modification of Estimated Costs. The total cost for repair services
6 shall not exceed the total cost quoted on the estimate (written and, if applicable,
7 oral) by more than 20% for repairs costing \$300 or less, or by more than 10% for
8 repairs costing more than \$300; unless the customer, subsequent to oral acceptance
9 of an estimate or after signing a written estimate, agrees orally or in writing to
10 modification of the estimated cost beyond the allowable excess. Any such change
11 in estimated cost agreed to orally by the customer shall be noted by the dealer on
12 the written estimate along with the date, time, and manner in which such change
13 was agreed to.

14
15 Sec. 508. Exemptions from Estimate Requirements. The following shall be
16 exempted from Sections 505, 506 and 507 of this regulation:

- 17
18 (1) repairs the estimated cost of which is \$15.00 or less, including
19 service charges and other miscellaneous items. Final costs for
20 such repairs shall not exceed the original estimate by more than
21 20% (including tax and other charges).
22
23 (2) Repairs which, because of parts and labor warranty or other reason,
24 are performed at no cost to the customer.
25
26 (3) Repairs performed totally in a residence, provided that the customer
27 upon calling the consumer goods repair dealer to come to his home,
28 specifically waives the estimate requirement because neither the
29 customer nor an authorized adult agent for the customer will be
30 present in the home when the goods are inspected and repairs per-
31 formed. Such a previous waiver of the estimate requirement shall
32 be inapplicable, should the customer or an agent previously
33 authorized by him be present when the goods are inspected for repair.
34

35 Sec. 509. Modifying Repair Orders. A consumer goods repair dealer may
36 reserve the right to require customers to authorize in writing any substantive changes
37 in or additions to repairs authorized by the customer.
38

39 Sec. 510. Return of Replaced Parts.

40
41 (a) The consumer goods repair dealer shall deliver to the customer in the
42 container in which a new part was packed any part replaced by such new part,
43 unless the customer expressly waives this requirement by so indicating on the
44 written estimate as provided in Sections 505(b) (14) and 506(a) (4) of this regulation.
45

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

- 48
49 (1) is too large to be easily moved or,
50
51 (2) must be returned to the manufacturer if the customer wishes
52 to take advantage of a parts warranty or,
53
54 (3) can be rebuilt and the repairman purchases it from the customer
55 for that purpose.
56
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1 Sec. 511. Tender of Goods and Final Bill.

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

10
11 (b) Tender of consumer goods as repaired shall constitute certification by
12 the dealer that he has fulfilled his obligations according to the provisions of the
13 regulation.

14
15 (c) The final bill shall be a written statement signed by the dealer or the
16 appropriate supervisory inspector and shall contain the following:

- 17
18 (1) The name, address and telephone number of the repair dealer as
19 they appear on the dealer's license for the specified place of
20 business in which the goods were accepted for repair or to which
21 they were taken after being picked up at a residence or commer-
22 cial organization.
- 23
24 (2) The name and address of the customer.
- 25
26 (3) Identification and description of the item repaired.
- 27
28 (4) The date the item was received for repair, the date the estimate
29 was issued, and the date on which the repair was completed.
- 30
31 (5) A general notation of each stage of labor required to complete
32 the authorized repairs, the amount of time required to complete
33 each stage, and the total cost of such labor.
- 34
35 (6) An itemization of each part added to or replaced in the repaired
36 goods and a specific disclosure if any such parts are rebuilt,
37 reconditioned, or used; a description by name, factory part,
38 number or by name, class and type, of each part added or
39 replaced; and the charges levied for each part added or replaced.
40 No miscellaneous designations, such as "shop supplies" or
41 "shop materials" shall be used.
- 42
43 (7) An itemized statement of all additional charges including but not
44 limited to charges for supplying estimate, service calls, storage,
45 service and handling, taxes, and other charges.
- 46
47 (8) Identification of each repairman who in whole or in part performed
48 repairs on the consumer goods and identification of the specific
49 stage of repair for which each repairman named was partially or
50 wholly responsible.
- 51
52 (9) A statement identifying any and all work which was subcontracted
53 to any other repair dealer including, when requested by the
54 customer, the name and address of any subcontractors who have
55 performed repair work on the consumer goods in question or any
56 parts thereof.
- 57
58
59
60

REGULATION 74-3

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- 1 (10) A statement describing the exact nature of any warranty on the
2 repairs performed, including labor and parts unless such warranty
3 is attached to the final bill; or, when there is no warranty, a
4 disclosure of this fact.
5
- 6 (11) The following statement: "Bond Filed With Board."
7
- 8 (12) The following statement in bold type, on either side of the final
9 bill form: "Save this document. To make inquiries, contact the
10 District of Columbia Office of Consumer Affairs between (hours
11 of operation) at (address and telephone number.)"
12
- 13 (13) The following statement in bold type: "All labor performed and
14 parts added or replaced where necessary to perform the repairs
15 authorized by the customer."
16

Sec. 512. Promised Repair Completion Date.

17
18
19 (a) The consumer goods repair dealer shall make available to the customer
20 the repaired goods, together with the final bill, on or before the promised date
21 specified on the written estimate (or specified orally and noted on the written
22 estimate) unless the customer is notified of a delay, and the new anticipated com-
23 pletion date is provided, in advance of the original date on which the goods were
24 promised.
25

26 (b) If repair is delayed beyond the promised completion date, the customer
27 shall have the right upon request to prompt return of the goods. In requesting such
28 return the customer shall specify whether the goods should be reassembled in such
29 a manner as not to be inferior to their condition at the time they were presented for
30 repair, or in such a lesser condition of assembly as the customer shall designate
31 as acceptable. In either case, where the delay is caused solely by circumstances
32 beyond the control of the consumer goods repair dealer, such repair dealer shall be
33 entitled to charge the customer for the value of the services and parts supplied.
34 An exact accounting of such services and parts shall be given to the customer.
35

Sec. 513. Return of Unrepaired Consumer Goods.

36
37
38 (a) If authorized repairs are not completed because of (1) the repair dealer's
39 inability, unwillingness or failure to perform such repairs or (2) the customer's
40 unwillingness to accept an increase in the cost of repairs beyond the percentage
41 increase allowed in Sec. 507 of this regulation, the customer shall have the right
42 to prompt return of such goods with all parts properly reassembled and in a con-
43 dition which is in no way inferior to the condition of the goods when they were
44 presented for repair. If repairs are not completed for any of the above reasons,
45 there shall be no charge to the customer other than those charges, as specified
46 in the written estimate, which cover such items as the supplying of the estimate,
47 service calls, or storage charges.
48

49 (b) If previously authorized repairs are not completed because of the
50 customer's decision, for reasons other than that described in subsection (a) (2)
51 of this section, not to proceed with such repairs, the customer shall have the right
52 to prompt return of the goods; provided that, whether the customer demands the
53 return of the goods or not, the consumer goods repair dealer shall be entitled to
54 charge the customer for the value of the services and parts supplied. An exact
55 accounting of such services and parts shall be given to the customer.
56

57 Sec. 514. Retention of Goods in Event of Dispute. In the event of a
58 dispute between the customer and the consumer goods repair dealer regarding
59 charges, adequacy of service, or compliance with any of the provisions of this
60

REGULATION 74-3

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1 regulation, the consumer goods repair dealer shall have a lien by operation of
 2 law on said goods, if the customer refuses to pay the charges itemized on the
 3 written estimate, until the dispute has been resolved by referral to and action
 4 by the Board, as provided in Title IV of this regulation, unless the customer posts
 5 a bond or security according to rules promulgated by the Board.
 6

7 Sec. 515. Storage Charges. Storage charges may be charged by a consumer
 8 goods repair dealer when:
 9

- 10 (1) The customer has been notified:
 11 (A) that repairs have been completed;
 12 (B) of the date after which storage charges will begin
 13 to accrue; and
 14 (C) of the cost of such storage charges.
 15
 16
 17
 18 (2) The customer has failed to call the dealer for oral communication
 19 of an estimate as required in Sec. 506(a) (5) of this regulation.
 20
 21
 22 (3) The Board, upon review pursuant to Sections 403 and 404
 23 of this regulation, has determined that the dealer is entitled
 24 to storage charges.
 25

26 Sec. 516. Subcontracted Work. When a consumer goods repair dealer
 27 subcontracts repair services on consumer goods or parts thereof to other consumer
 28 goods repair dealers, he shall be responsible and liable for the quality and
 29 adequacy of such subcontracted work and of all parts involved.
 30

31 Sec. 517. Warranty Cards to be Given to Customer. Where a new part is
 32 installed in making repairs, the warranty card covering such new part, if any,
 33 shall be delivered to the customer by attaching the warranty card to the final bill.
 34
 35
 36

SUBTITLE II PROHIBITED PRACTICES

37
 38
 39 Sec. 518. Prohibited Conduct. Licensees shall not:
 40

- 41 (1) Make or authorize any statement written or oral which is untrue
 42 of misleading, and which is known, or which by the exercise
 43 of reasonable diligence should be known, to be untrue or mis-
 44 leading. Advertising deemed to be misleading or untrue shall
 45 include, but not be limited to, advertising which fails to
 46 conform to the requirements of Sec. 519 of this regulation.
 47
 48 (2) Fail or refuse to give the customer a copy of the final bill or
 49 any document requiring his signature, as soon as the customer
 50 signs such document.
 51
 52 (3) Commit any act related to the operation of consumer repair
 53 services involving dishonesty, fraud, or deceit.
 54
 55 (4) Follow any course of conduct which constitutes gross negligence.
 56
 57
 58
 59
 60

REGULATION 74-3

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- 1 (5) Make false promises of a character likely to influence, persuade,
2 or induce a customer to authorize the repair service, or main-
3 tenance of a consumer good.
4
- 5 (6) Aid or abet an associate, employer, or partner in the commission
6 of any of the acts prohibited under this regulation.
7
- 8 (7) Condone or affirm the commission by an employee of any act
9 prohibited by this regulation.
10
- 11 (8) Exhibit a persistent pattern of conduct which departs from or
12 disregards accepted trade standards.
13
- 14 (9) Fail in any material respect to comply with the applicable pro-
15 visions of this regulation or the regulations adopted pursuant to it.
16

Sec. 519. Advertising.

17
18
19 (a) Advertisements by consumer goods repair dealers shall contain the
20 following information:
21

- 22 (1) The name of the business enterprise as shown on the license.
23
24 (2) The business telephone number as listed in the local telephone
25 directory.
26

27 (b) The use of words such as "guarantee", "guaranteed", "no-fix-no-pay",
28 or words of like import are prohibited unless the terms or qualifications are clearly and
29 completely stated, including the disclosure of:
30

- 31 (1) The nature and extent of the guarantee as to time, parts, and/or
32 labor.
33
34 (2) The identity of the guarantor (e.g., surety), clearly identifying
35 whether the consumer goods repair dealer, the manufacturer, the
36 retailer, or any combination thereof is the guarantor.
37

38 (c) If such terms as "repaired in the home" are included in an advertisement,
39 that advertisement shall disclose any additional charges for repairs not completed
40 in the home as contemplated.
41

42 (d) If a price is quoted in an advertisement, the advertisement shall disclose
43 the following:
44

- 45 (1) Whether the price quoted includes final cost to the customer.
46
47 (2) Whether the item offered is new, used, rebuilt, reconditioned,
48 or rejuvenated as such terms are defined by the Board.
49

50 (e) The use of the word "free" is not permitted in any advertisement unless
51 the repair service is without cost whatsoever. If the offer for free service is
52 conditioned in any way, such conditions shall be clearly set forth in the adver-
53 tisement.
54

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

1 (g) The use of phrases such as "factory trained", "factory specialist",
 2 "factory authorized", "authorized", "licensed", "certified", or words of like
 3 import shall be accompanied by identification of the factory, board, or organi-
 4 zation which "trained", "authorized", "classified" as a "specialist",
 5 "licensed" or "certified" the person so designated.
 6
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15 TITLE VI - CLASSIFICATION OF SERVICES

16
 17 Sec. 601. Repair of Motor Vehicles

18
 19 (a) There shall be a repair industry category designated as "motor
 20 vehicles" which shall include any passenger vehicle fully or partially powered
 21 by an internal combustion engine or an electric motor, and intended primarily as
 22 a means of transportation. This category shall include trailers which are intended
 23 primarily for attachment to such passenger vehicles.
 24

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

- 26
 27 (1) establish and publish appropriate technical definitions,
 28 practices and procedural requirements consistent with this
 29 regulation and designed to assure public safety in the field
 30 of automotive repair.
 31
 32 (2) identify motor vehicle repair services to be included within the
 33 scope of this regulation, including but not limited to such services
 34 as repairing or changing tires; lubrication; installing light bulbs,
 35 batteries, windshield wiper blades, and other minor accessories;
 36 cleaning, adjusting, and replacing spark plugs; replacing fan
 37 belts, oil, and air filters; and other minor services as determined
 38 by the Board which require mechanical expertise to be performed
 39 properly and have given rise to a high incidence of fraud or
 40 deceptive practices or involve a part of the motor vehicle
 41 essential to its safe operation.
 42
 43 (3) establish definitions of the following automotive repair terms and
 44 services along with such others as the Board may deem appropriate:
 45
 46 (A) Motor
 47 Minimum overhaul
 48 Engine overhaul
 49 Tuneup
 50
 51 (B) Brake System
 52 Brake adjustment and replacement
 53 Brake drum, replace
 54 Brake drum, turn
 55 Drum brake linings, renew
 56 Wheel cylinder, rebuild
 57 Master cylinder, rebuild
 58
 59
 60

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- 1 (C) Visibility
 2 Sealed beam, replace
 3 Aim headlights
 4 Speedometer cable, replace
 5 Windshield wiper motor, replace
 6
 7 (D) Steering and Suspension
 8 Ball joint, replace
 9 Shock absorber, replace
 10 Wheel bearing, replace
 11 Wheel balance
 12 Front end alignment
 13 Power steering gear, recondition
 14 Power steering hose, replace
 15
 16 (E) Exhaust System
 17 Tail-pipe, replace
 18 Muffler, replace
 19 Exhaust pipe, replace
 20
 21 (F) Ignition System
 22 Cable set, replace
 23 Spark plugs (set), replace or clean
 24 Tune-up
 25 Points and condenser, replace
 26 Retiming
 27
 28 (G) Fuel System
 29 Carburetor, replace
 30 Fuel pump, replace
 31 Fuel filter, replace
 32 Air cleaner, replace
 33

34 (c) Establish repair industry specialties within the category of motor
 35 vehicles repair and identify the specific types of motor vehicles repair services
 36 to be included in each specialty.
 37

38 Sec. 602. Repair of Electronics Equipment.
 39

40 (a) There shall be a repair industry category designated as "electronics
 41 equipment" which shall include television receivers, radios, audio or video
 42 tape recorders, and/or players, phonographs, amplifiers, speakers, transmitters,
 43 receiver systems, and any associated electronic components normally used or
 44 sold for use in the home.
 45

46 (b) With respect to repair of electronics equipment, the Board shall:
 47

- 48 (1) Establish technical definitions, practices, and procedural
 49 requirements consistent with this regulation, including
 50 definitions of the following electronics equipment repair terms
 51 and services along with such others as the Board may deem
 52 appropriate:
 53

- 54 (A) service call
 55 (B) rebuilt
 56 (C) reconditioned
 57 (D) alignment of television
 58 (E) rejuvenation
 59 (F) picture tube brightener
 60 (G) grades and component description schedules

- 1 (2) Establish repair industry specialties within the electronics
2 equipment repair category (such as TV repair, sound
3 reproduction equipment, etc.) and identify the types of
4 electronics equipment repair services included in each
5 specialty.
6

7 Sec. 603. Other Consumer Goods Repair Categories
8

9 (a) The following repair industry categories shall be subject to investi-
10 gation and hearings by the Board to determine the need for further regulation:
11

- 12 (1) major electrical and gas appliances such as refrigerators and
13 freezers, clothes washers and dryers, ranges and ovens,
14 humidifiers, room air conditioning units, etc.
15
16 (2) small electrical appliances such as electric irons, toasters and
17 waffle irons, electric fry pans, food and beverage blenders,
18 coffee makers, hair dryers, electric shavers, small motors,
19 sewing machines, lamps, electric tools, etc.
20
21 (3) burglar and fire alarms
22
23 (4) bicycles
24
25 (5) musical instruments
26
27 (6) furniture
28
29 (7) camera equipment and optical goods
30
31 (8) jewelry
32
33 (9) safes and locks
34
35 (10) clocks and watches
36
37 (11) garden equipment
38

39 (b) The Board shall identify specific consumer goods which fall within
40 these categories and designate, at its discretion, additional repair industry
41 categories for Board investigation and hearings.
42
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TITLE VII - MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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Regulation No. 74-4

March 15, 1974
Enactment Date



Regulation

of the

District of Columbia

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

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

1 WHEREAS, the District of Columbia Council is authorized pursuant to
2 paragraph (297) of section 402 of Reorganization Plan No. 3 of 1967 to make rules
3 and regulations respecting the movement of vehicular traffic under D. C. Code,
4 sec. 40-603(e), and
5

6 WHEREAS, the District of Columbia Council finds that it is necessary to
7 amend the Highways and Traffic Regulations of the District of Columbia to attain
8 better safety, traffic engineering, and enforcement.
9

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

11 Section 1. Section 11(b) (1) of Article III of the Highways and Traffic
12 Regulations is amended to read as follows:
13

14 "1. Vehicular traffic facing a steady yellow signal
15 is thereby warned that a related green signal is being terminated
16 or that a red signal will be exhibited thereafter, or both. Such
17 vehicular traffic shall stop before entering the nearest crosswalk
18 of the intersection, unless so close to the intersection that a
19 stop cannot safely be made."
20

21 Section 2. This regulation shall take effect thirty (30) days after enactment.
22
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				
FORD				X		MOORE	X					SELDEN	X				

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

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

Adopted on second and final reading March 5, 1974

Presented to the Mayor-Commissioner March 5, 1974 Date

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

Approved *Walter Washington* Date 15 MAR 1974

Mayor-Commissioner

Date

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

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

Readopted Date

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

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

Regulation No. 74-5



April 21, 1974
Enactment Date

Regulation

of the

District of Columbia

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

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

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

5 WHEREAS, the District of Columbia Council is authorized pursuant to
6 paragraphs (295) and (297) of section 402 of Reorganization Plan No. 3 of 1967
7 to prescribe rules and regulations relating to vehicles and the control of traffic
8 under D. C. Code, sections 40-603 (a) and (e); and
9

10 WHEREAS, the District of Columbia Council finds it to be in the interest
11 of persons in the District of Columbia to amend the Bicycle Code provisions of
12 Title 32, District of Columbia Rules and Regulations, to require the mandatory
13 registration of bicycles as a deterrent to theft, to foster the safe use of bicycles
14 on the streets and highways of the District of Columbia, and for other purposes.
15

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

17
18 Section 1. Title 32 of the District of Columbia Rules and Regulations
19 (Motor Vehicle Regulations of the District of Columbia), is hereby amended:

20
21 (1) by amending subsection (c) of Section 11.101 to read as follows:

22
23 "(c) 'Bicycle Registration Period' - a five year period beginning
24 on the date of registration and ending five years from that date."

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

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

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

Adopted on second and final reading April 2, 1974

Presented to the Mayor-Commissioner April 11, 1974

Edward B. Wolff
Secretary of the City Council
21 APR 1974

Approved *Nector Washington*
Mayor-Commissioner

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

Disapproved and returned to the City Council _____
Mayor-Commissioner

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

2
3 "... period."

4
5 (3) by adding to section 11.101 subsections (k) and (u) to read as follows
6 and by redesignating the present subsections (k) thru (s):

7
8 "(k) 'Person' - Any corporation, or other entity, or any natural
9 person or individual."

10
11 "(u) 'Registration Plate' - A numbered metal plate issued for
12 each bicycle which shall identify that bicycle as having been registered
13 for a current bicycle registration period."

14
15 (4) by amending subsections (f) and (g) of section 11.203 to read as follows:

16
17 "(f) No persons shall ride bicycles abreast of each other unless
18 to do so does not endanger themselves or unduly impede or obstruct
19 traffic.

20
21 "(g) No person shall operate a bicycle at a speed in excess of any
22 posted limit or greater than is reasonable and prudent under the conditions
23 then existing."

24
25 (5) by adding the following phrase before the period at the end of
26 subsection (h) of section 11.203: "and shall travel at a speed no greater than the
27 posted speed limit of the adjacent roadway provided that such speed is safe for the
28 conditions then existing on the sidewalk".

29
30 (6) by adding the following new subsections (j) and (k) to section 11.203:

31
32 "(j) No person operating a bicycle shall sound any warning device
33 at any intersection so as to interfere with the obedience to the instructions
34 of official traffic control signals or to the directions by police traffic control
35 officers.

36
37 "(k) No person shall operate a bicycle except in obedience to the
38 instructions of official traffic control signals, signs and other control
39 devices applicable to vehicles, unless otherwise directed by a police
40 officer or other person authorized to direct or control traffic."

41
42 (7) by amending section 11.301 to read as follows:

43
44 "Section 11.301 - MANDATORY REGISTRATION

45
46 "(a) No person shall operate a bicycle in the District of Columbia
47 unless such bicycle has been validly registered as provided by this
48 chapter and bears a serial number, a valid registration tag and valid
49 registration plate, as provided by this chapter, or unless it is validly
50 registered in another jurisdiction, when required by applicable law of
51 such jurisdiction, and bears readily visible evidence of being registered.

52
53 "(b) Subsections (a) shall not apply to the operation of a bicycle
54 within fourteen (14) days of its acquisition by its owner: Provided,
55 that the operator thereof possesses written proof as to the ownership and
56 date of acquisition of the bicycle. Subsections (a) shall not apply to the
57 operation of a bicycle within fourteen (14) days of its being brought into
58 the District except when being operated as a means of transportation to or
59 from a place of employment on a route which requires the operation of
60 the bicycle both outside and within the District of Columbia."

REGULATION 74-5

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1 (c) Every bicycle operated in the District shall be registered
2 as provided by this chapter within fourteen (14) days of its acquisition or
3 of its being brought into the District; provided that a non-resident owner
4 who has registered his bicycle for the current registration period under
5 the laws of another jurisdiction is exempted from this provision.
6

7 (d) Each bicycle registration under this chapter shall expire upon
8 the destruction, sale, or transfer of the registered bicycle and the original
9 owner thereof shall give notice to the Commissioner. The registration of a
10 bicycle may be renewed upon application of the subsequent owner.
11

12 (e) An application for renewal of a registration may be made during
13 the thirty-day period immediately preceding the date of expiration of a
14 registration.
15

16 (f) Upon each application for registration, one dollar (\$1.00) shall
17 be charged to cover the cost of such registration.
18

19 (g) Notwithstanding any other provision of this chapter requiring
20 both a registration tag and a metal registration plate, the Commissioner
21 may in his discretion issue only a numbered stamp or sticker in lieu
22 thereof, during the period prior to May 1, 1975. Any stamp or sticker so
23 issued shall constitute a registration tag and registration plate required
24 under section 11.301 (a) and for all purposes of this chapter. The
25 Commissioner shall provide for the issuance of a metal registration plate,
26 prior to June 1, 1975, in addition to such stamp or sticker. It shall be a
27 criminal offense for any person to operate a bicycle registered under the
28 provisions of this chapter after June 1, 1975 without both a registration
29 tag and a metal registration plate.
30

31 (8) by inserting in subsection (b) of section 11.302 after "Section 11.601
32 (c)" the following: "and (e)".
33

34 (9) by striking out in subsection (b) of section 11.302 under item 2. the
35 word "year" and substituting "period" therein.
36

37 (10) by adding to subsection (b) of section 11.302 after item 2. the following
38 and by redesignating item 3. as item "4."
39

40 "3. Affix a registration plate for the current bicycle registration
41 period to the back frame of the bicycle between the seat and the back
42 wheel."
43

44 (11) by amending subsection (b) of section 11.302 under the redesignated
45 item "4." to read as follows:
46

47 "4. Issue to the owner a registration card bearing the name and
48 address of the owner; the serial, tag and plate numbers; a brief
49 description of the bicycle; and such other information as the Commissioner
50 deems necessary."
51

52 (12) by repealing subsection (c) of section 11.303 and by redesignating
53 subsection "(d)" of 11.303 as "(c)".
54

55 (13) by amending the redesignated subsection "(c)" of section 11.303
56 to read as follows:
57

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

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

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

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

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

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

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

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

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Regulation No. 74-6

April 26, 1974
Enactment Date

Regulation

of the

District of Columbia

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

Chairman John A. Nevius Presents the following regulation:

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

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

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

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

22 (c) Each item on the delinquent tax list shall contain
23 the name of the owner of the property, a description of the delinquent
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 April 2, 1974

Adopted on second and final reading April 16, 1974

Presented to the Mayor-Commissioner April 16, 1974
Date

Edward L. Walsh
Secretary of the City Council

Approved *Walter Washington*
Mayor-Commissioner April 26, 1974
Date

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

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

Readopted _____
Date

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

REGULATION 74-6

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

3
4 Section 2. The Commissioner may place this regulation wherever it
5 is deemed most appropriate during the codification of the District of
6 Columbia Rules and Regulations.

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

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Regulation No. 74-7



April 26, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENT TO AIR QUALITY CONTROL REGULATIONS ON
VISIBLE EMISSIONS

Councilman Rockwood H. Foster Presents the following regulation:

1 WHEREAS, the Air Quality Control Act, § 8-611 et seq. D.C. Code
2 1967 ed. (Supp. V 1972) authorizes the District of Columbia Council to
3 make and revise regulations regarding the air quality of the District of
4 Columbia; and

5
6 WHEREAS, the Clean Air Act of 1970, as amended, 42 U.S. Code
7 § 1857 et seq. permits local jurisdictions to amend regulations previously
8 approved by the Environmental Protection Agency.

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

12
13 Section 1. Section 8-2:713 of the District of Columbia Health Regulations
14 as embodied in the Air Quality Control Regulations, 8 D.C. RR § 2:701 et seq.
15 are hereby amended to read as follows:

16
17 "Except as otherwise provided in this regulation, no person shall cause,
18 suffer, or allow to be emitted into the outdoor atmosphere, visible emissions
19 from stationary sources: Provided, That discharges not exceeding 20% opacity
20 (or No. 1 on the Ringelmann Smoke Chart) shall be permitted for 2 minutes
21 in any 60 minute period and for an aggregate of 12 minutes in any 24 hour per-
22 iod. These discharges shall be allowed only for "start-up", cleaning, soot
23 blowing, and/or adjusting combustion controls of boilers. Where the presence
24 of uncombined water is the only reason for failure of an emission to meet the

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

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

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

Adopted on second and final reading April 16, 1974

Presented to the Mayor-Commissioner April 16, 1974
Date

Edward B. White
Secretary of the City Council

Approved *Walter Washington*
Mayor-Commissioner

April 26, 1974
Date

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

Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

Date

Readopted _____
Date

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

Edward B. White
Secretary of the City Council

REGULATION 74-7

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

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

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Regulation No. 74-8



Enactment Date

Regulation of the District of Columbia

TITLE REGULATION CONCERNING TEMPORARY RENT INCREASE MORATORIUM

Vice-Chairman Sterling Tucker Presents the following regulation:

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

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

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

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

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

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

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

Table with 15 columns: COUNCILMAN, AYE, NAY, N.V., A.B., R.A. and 3 rows of councilman names and their votes.

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

Adopted on second and final reading April 23, 1974

Presented to the Mayor-Commissioner April 23, 1974 Date

Signature of Secretary of the City Council

Approved Mayor-Commissioner Date

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

Disapproved and returned to the City Council 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

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

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

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

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randum ● Government of the District of Columbia

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

Department, Executive Office
Agency, Office: Secretariat

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

Date: April 29, 1974



SUBJECT: Regulation Concerning Temporary Rent Increase Moratorium

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

Regulation No. 74-9

Enactment Date April 26, 1974



Regulation of the District of Columbia

TITLE REGULATION CONCERNING TEMPORARY RENT INCREASE MORATORIUM

Vice Chairman Sterling Tucker Presents the following regulation:

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

3
4 WHEREAS, the District of Columbia Council finds that a rent control regulation
5 is necessary; and

6
7 WHEREAS, the District of Columbia Council believes it will take 60 additional
8 days to fully prepare a comprehensive rent control regulation, and pending such
9 comprehensive legislation, the Council believes immediate legislation is needed to
10 preserve the public peace, health, safety, welfare and morals, and to preserve the
11 status quo in the housing industry within the District of Columbia; and

12
13 WHEREAS, on April 23, 1974 the City Council, having found that it was
14 necessary to put into effect before May 1, 1974, immediate legislation to preserve
15 the public peace, health, safety, welfare and morals, and to preserve the status quo
16 in the housing industry within the District of Columbia, passed Regulation No. 74-8
17 (Regulation Concerning Temporary Rent Increase Moratorium); and

18
19 WHEREAS, Section 4 of said Regulation (the penalty clause) was not in conformity
20 with the penalty provision of Section 7 of the D. C. Rent Control Act of 1973
21 (PL. 93-157) upon which authority said regulation is based on; and

22
23 WHEREAS, the provisions of the regulation may not be inconsistent with provisions
24 of the Act; and

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

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

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

Adopted on second and final reading April 26, 1974

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

Approved *Charles M. Hightower*
Mayor-Commissioner 4/26/74
Date

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

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

Readopted _____
Date

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

1 WHEREAS, the City Council finds that a regulation for temporary rent increase
2 moratorium to be effective before May 1, 1974 is necessary for the immediate
3 preservation of the public peace, health, safety, welfare and morals, and to
4 preserve the status quo in the housing industry within the District of Columbia; and
5

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

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

11 Section 1. No landlord or his agent may charge a greater rent for June 1974
12 and July 1974 on each residential unit rented by him than he received or charged for
13 that same unit on May 1, 1974.
14

15 Section 2. All federally-owned or federally subsidized housing shall be exempt
16 from this regulation.
17

18 Section 3. Corporation Counsel may institute proceedings to enjoin the charging
19 or collecting of any rent in violation of this regulation.
20

21 Section 4. Any person who wilfully violates any provision of this regulation
22 shall be fined not more than \$5,000 for each such violation.
23

24 Section 5. This regulation shall expire on July 31, 1974.
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26 Section 6. This regulation shall take effect immediately upon enactment.
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