

Regulation No. 74-10

May 17, 1974  
Enactment Date



# Regulation

of the

## District of Columbia

TITLE

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

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

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

5  
6 WHEREAS, the District of Columbia Council finds that it is necessary to  
7 amend certain regulations in Title 32, District of Columbia Rules and Regulations,  
8 relating to the transfer of identification tags.

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

11  
12 Section 1. Title 32 of the District of Columbia Rules and Regulations  
13 (Motor Vehicle Regulations for the District of Columbia), is hereby amended:

14  
15 (1) by amending subsection (a) of section 3.309 to read as follows:

16  
17 " (a) A registrant who acquires a vehicle and desires the  
18 transfer of identification tags from a vehicle currently registered in  
19 his name to the newly-acquired vehicle shall, within five (5) business  
20 days after such acquirement, request the Director to prepare an  
21 application to transfer the valid registration and owner's identification  
22 tags to the newly-acquired vehicle. "; and

23  
24 (2) by striking out in subsections (b) and (c) of section 3.309 the word

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

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

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

Adopted on second and final reading May 7, 1974

Presented to the Mayor-Commissioner May 7, 1974

Approved [Signature]  
Mayor-Commissioner

[Signature]  
Secretary of the City Council  
17 MAY 1974  
Date

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

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

Readopted \_\_\_\_\_  
Date

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

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

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

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Regulation No. 74-11

May 31, 1974  
Enactment Date



# Regulation

of the

## District of Columbia

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

Vice Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, Paragraph (5), Section 402, Reorganization Plan No. 3 of  
2 1967 transferred to the District of Columbia Council the authority to adopt  
3 regulations concerning the issuance of building regulations, of which the  
4 Housing Regulations of the District of Columbia are a part thereof  
5

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

8  
9 Section 1. The second sentence of Section 1302.1 of the Housing  
10 Regulations of the District of Columbia is hereby amended to read as follows:

11  
12 "Such appeal shall be filed within ten (10) days after the date of  
13 service of the notice of violation unless, in the public interest,  
14 such notice of violation specifies a period of less than ten (10)  
15 days, but not less than twenty-four (24) hours, within which to  
16 file such appeal: Except, where a request for a variance has been  
17 submitted to the Director of the Department of Economic Develop-  
18 ment in accordance with the provisions of Section 2702 of these  
19 regulations, such appeal shall be filed within 10 days after the  
20 date of service of the notice of the final determination on such  
21 request for a variance."  
22

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

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

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

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

Adopted on second and final reading May 21, 1974

Presented to the Mayor-Commissioner May 21, 1974

*Edward S. Webb*  
Secretary of the City Council

Approved *Robert M. Ashby*  
Mayor-Commissioner

May 31, 1974  
Date

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

\_\_\_\_\_ Date

Disapproved and returned to the City Council \_\_\_\_\_

\_\_\_\_\_ Mayor-Commissioner

\_\_\_\_\_ Date

Readopted \_\_\_\_\_

\_\_\_\_\_ Date

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

*Edward S. Webb*  
Secretary of the City Council

..2.of.2.

1 "The Board of Appeals and Review shall in accordance with  
2 Organization Order No. 112, as the same may be amended from  
3 time to time, and its rules of practice and procedure, provide  
4 the appellant with an opportunity for a hearing. The decision  
5 of the Board of Appeals and Review sustaining, modifying, or  
6 vacating notices issued under the authority of these regulations  
7 shall be the final administrative remedy."  
8

9 Section 3. The second sentence of the first paragraph of Section 2703  
10 of the Housing Regulations of the District of Columbia is hereby amended to  
11 read as follows:  
12

13 "Such appeal shall be filed within ten (10) days after the date of  
14 service of the notice of violation unless, in the public interest,  
15 such notice of violation specifies a period of less than ten (10)  
16 days, but not less than twenty-four (24) hours, within which to  
17 file such appeal: Except, where a request for a variance has been  
18 submitted to the Director of the Department of Economic Develop-  
19 ment in accordance with the provisions of Section 2702 of this  
20 Code, such appeal shall be filed within 10 days after the date of  
21 service of the notice of the final determination on such request  
22 for a variance."  
23

24 Section 4. The second paragraph of Section 2703 of the Housing  
25 Regulations of the District of Columbia is hereby amended to read as follows:  
26

27 "The Board of Appeals and Review shall in accordance with  
28 Organization Order No. 112, as the same may be amended from  
29 time to time, and its rules of practice and procedure, provide  
30 the appellant with an opportunity for a hearing. The decision of  
31 the Board of Appeals and Review sustaining, modifying, or vacating  
32 actions from which the appeal is taken from these regulations shall  
33 be the final administrative remedy."  
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35 Section 5. This Regulation shall take effect immediately upon enactment.  
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Regulation No. 74-13

May 31, 1974  
Enactment Date



# Regulation

of the  
District of Columbia

TITLE REGULATION CONCERNING TEMPORARY RENT INCREASE MORATORIUM

Vice Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized, pursuant to  
2 PL. 93-157 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 26, 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. 74-9  
17 (Regulation Concerning Temporary Rent Increase Moratorium); and

18  
19 WHEREAS, a legal question has arisen regarding the procedures followed in  
20 enacting Regulation No. 74-9; and

21  
22 WHEREAS, the City Council finds that a regulation for temporary rent increase  
23 moratorium to be effective before May 1, 1974 is necessary for the immediate  
24 preservation of the public peace, health, safety, welfare and morals, and to preserve  
the status quo in the housing industry within the District of Columbia; and

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

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

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

Adopted on ~~second and final~~ reading

Presented to the Mayor-Commissioner May 31, 1974 Date

Edward B. Wehby  
Secretary of the City Council

Approved [Signature] Date 31 MAY 1974

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

Disapproved and returned to the City Council Mayor-Commissioner Date

Readopted Date

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

1 WHEREAS, the Council finds that the same is necessary for a moratorium  
2 to be effective before June 1, 1974; and  
3

4 WHEREAS, the provisions of this regulation, below are identical to those  
5 of Regulation No. 74-9.  
6

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

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

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

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

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

23 Section 5. This regulation shall expire on July 31, 1974.  
24

25 Section 6. This regulation shall take effect immediately upon enactment.  
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PROOF OF PUBLICATION

-IN-

The Washington Post

District of Columbia, ss.

Personally appeared before me, a

Notary Public in and for the said District,

Frank E. Malosky

....., well known to me to be Asst. Credit Mgr. .... of

The Washington Post

a daily newspaper printed and published in the City of Washington, District of Columbia, and made oath in due form of law that the annexed advertisement was published in said newspaper at the times mentioned in the Certificate opposite hereto.

Witness my hand and official seal this

22nd day of October, 1975

*Frank E. Malosky*

NOTARY PUBLIC, D. C.

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

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

Title: Regulation concerning temporary rent increase moratorium.

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

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

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

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

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

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

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

I Herby Certify that the foregoing advertisement was printed and published in

The Washington Post

a daily newspaper, upon the following dates at a cost

of FORTY SEVEN AND 02/100 Dollars:

June 2, 1974

*Edward B. Webb, Jr.*



Regulation No. 74-14



June 14, 1974  
Enactment Date

# Regulation

of the

## District of Columbia

TITLE REGULATION OF SLOW-MOVING VEHICLES

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

1 WHEREAS, the District of Columbia Council finds that it is in the interest  
2 of traffic safety to regulate certain slow-moving vehicles using the public  
3 highways of the District of Columbia; and  
4

5 WHEREAS, the District of Columbia Council is authorized to make and  
6 modify regulations relating to the movement of traffic and the equipment for  
7 motor vehicles.  
8

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

11  
12 Section 1. Title 32 of the District of Columbia Rules and Regulations  
13 (Motor Vehicle Regulations for the District of Columbia), is amended by adding  
14 after section 6.412 the following new section:

15  
16 "Section 6.413 - EMBLEM REQUIRED ON SLOW-MOVING VEHICLES.

17  
18 "(a) As used in this section, the term 'slow-moving motor vehicle' means  
19 (1) any motor vehicle designed for operation at speeds not in excess of fifteen  
20 miles per hour, or (2) any motor vehicle which is generally utilized in its  
21 operation for a purpose which normally requires it to be operated at speeds not  
22 in excess of fifteen miles per hour, or (3) any motor vehicle or other vehicle  
23 while being towed by a motor vehicle within the scope of paragraphs (1) and (2)  
24 of this subsection. The term 'slow-moving motor vehicle' shall not include any

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

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

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

Adopted on second and final reading June 4, 1974

Presented to the Mayor-Commissioner June 4, 1974

Approved [Signature]  
Mayor-Commissioner

[Signature]  
Secretary of the City Council  
June 14, 1974  
Date

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

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

Readopted \_\_\_\_\_  
Date

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

REGULATION 74-14

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

3  
4 "(b) A slow-moving vehicle emblem shall consist of a fluorescent yellow-  
5 orange triangle with a dark red reflective border conforming insofar as practical  
6 to standard ASAE S276.2 (revised March 1967) adopted by the American Society  
7 of Agricultural Engineers.

8  
9 "(c) Any slow-moving vehicle using the public highways of the District of  
10 Columbia at any time during the day or night shall display a slow-moving vehicle  
11 emblem of the type set forth in subsection (b) of this section. The use of such  
12 emblem shall be in addition to any other lighting devices, flags, or other  
13 equipment required by law. The use of such emblem in any manner or for any  
14 purpose other than as provided in this subsection is prohibited."

15  
16 Section 2. This regulation shall take effect immediately upon enactment.  
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Regulation No. 74-15



June 14, 1974  
Enactment Date

# Regulation of the District of Columbia

**TITLE** HEALTH CARE FACILITIES REGULATION

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

- 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 § 1-226
- 6 D. C. Code 1973 ed., pursuant to Section 402(4) of Reorganization Plan
- 7 No. 3 of 1967 to make and enforce all such reasonable and usual police
- 8 regulations as may be deemed necessary for the protection of lives, limbs,
- 9 health, comfort and quiet of all persons and the protection of all property
- 10 within the District of Columbia; and
- 11
- 12 WHEREAS, the District of Columbia Council is authorized by § 47-2344
- 13 D. C. Code 1973 ed., pursuant to Section 402(391) of Reorganization Plan
- 14 No. 3 of 1967 to require licenses and regulate businesses which in the
- 15 judgment of the Council require inspection, supervision or regulation; and
- 16
- 17 WHEREAS, the District of Columbia Council is authorized by § 1-228
- 18 D. C. Code 1973 ed., pursuant to Section 402(5) of Reorganization Plan
- 19 No. 3 of 1967 to make building regulations; and
- 20
- 21 WHEREAS, the District of Columbia Council is authorized by § 6-118
- 22 D. C. Code 1973 ed., pursuant to Section 402(134) of Reorganization Plan
- 23 No. 3 of 1967 to promulgate rules and regulations to prevent and control
- 24 the spread of communicable diseases; and

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

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

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

Adopted on second and final reading June 4, 1974

Presented to the Mayor-Commissioner June 4, 1974  
Date

Approved *Henry S. Robinson, Jr.* Mayor-Commissioner June 14, 1974  
Date

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

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

Readopted \_\_\_\_\_  
Date

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

*Edward B. Weisberg*  
Secretary of the City Council

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

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

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

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

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

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

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

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

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

- (1) Activity of Daily Living: Getting in and out of bed, bathing, dressing, eating, walking, and taking medications prescribed for self-administration.
- (2) Administrator: The person responsible for planning, organizing, directing, and controlling the operation of a health care facility, or who in fact performs such functions, whether or not such functions are shared by more than one person.
- (3) Commissioner: Commissioner of the District of Columbia or his designated agent.
- (4) Continuous: Available at all times without cessation, break or interruption, 7 days a week, 24 hours a day.
- (5) Dentist: An individual licensed to practice dentistry in the District pursuant to title II, chapter 3 of the District of Columbia Code.
- (6) Dietary Service: An organized service applying principles of nutrition and management to menu planning, food preparation and service provided to patients and personnel in the facility.
- (7) Dietitian: An individual who meets the qualifications and

REGULATION 74-15  
-----3 of 61  
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1 standards for membership in the American Dietetic Association, and who applies  
2 the principles of nutrition and management to menu planning, food preparation,  
3 and service.

4  
5 (8) District: The District of Columbia.

6  
7 (9) Existing Skilled Care Facility: A skilled care facility in  
8 operation prior to the effective date of this regulation.

9  
10 (10) Facility: The overall organization and program and services  
11 including staff personnel, the building or buildings, equipment and supplies  
12 necessary for implementation of health, nursing and sheltered care services.

13  
14 (11) Full Time: The number of days per week and hours per day  
15 that constitutes the regularly scheduled working week of the employees in a  
16 health care facility.

17  
18 (12) Food Service Manager: A person who meets the qualifications  
19 and standards for membership in the Hospital Institutional and Educational Food-  
20 Service Society or who has satisfactorially completed special courses approved  
21 by the Commissioner in Food Service Supervision and who has had supervised  
22 work experience in all phases of food service.

23  
24 (13) Food Service Personnel: Those persons who prepare or serve food  
25 or are in any way involved with the use, care, or maintenance of kitchen equipment  
26 or the sanitation and housekeeping functions involved in the preparation and serving  
27 of food.

28  
29 (14) Health Care Facility: A residential facility providing medical  
30 or non-medical services consistent with accepted professional, therapeutic,  
31 medical care concepts and practices as well as current health programs and legislation.  
32 The term shall include and refer to the following levels of care:

- 33  
34 1. Skilled Care Facilities  
35 2. Intermediate Nursing Care Facilities  
36 3. Supervised Personal Care Facilities  
37

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

42  
43 (16) Intermediate Care: Professional nursing services provided under  
44 the direction of a physician to individuals who do not have such an illness,  
45 disease, injury or other condition as to require the degree of care and treatment  
46 which a hospital or skilled nursing facility is designed to provide. Services  
47 include both regular and continuing health related services.

48  
49 (17) Intermediate Nursing Care Facility: A facility or distinct part  
50 thereof primarily engaged in providing intermediate care.

51  
52 (18) Licensed Practical Nurse: A person who is currently licensed by  
53 the Practical Nurses' Examining Board of the District pursuant to subchapter II of  
54 chapter 4, title 2 of the District of Columbia Code.

55  
56 (19) Maintain: To keep in a state of efficiency.

57  
58 (20) Medical Records Practitioner: A person who is eligible for  
59 certification as a Registered Record Administrator (RRA), or an Accredited Record  
60 Technician (ART) by the American Medical Record Association under its requirements;  
or is a graduate of a school of medical record science that is accredited jointly by  
the Council on Medical Education of the American Medical Association and the  
American Medical Record Association.

## REGULATION 74-15

4 of 61

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

4  
5 (22) Nursing Personnel: Registered nurses, licensed practical  
6 nurses, practical nurses, nursing assistants, aides and orderlies.

7  
8 (23) Occupational Therapist: A person who is a graduate of an  
9 occupational therapy curriculum accredited jointly by the Council on Medical  
10 Education of the American Medical Association and the American Occupational  
11 Therapy Association; or is eligible for the National Registration Examination  
12 of the American Occupational Therapy Association; or has two years of  
13 appropriate experience as an occupational therapist, and has achieved a  
14 satisfactory grade on a proficiency examination conducted, approved, or  
15 sponsored by the U. S. Public Health Service.

16  
17 (24) Owner: Any person who, alone or jointly or severally with  
18 others, shall have legal title to any building or premises arranged, designed  
19 or used in whole or in part, to house one or more persons.

20  
21 (25) Patient: An individual who is in need of and receiving professional  
22 services directed by a physician toward maintenance, improvement, or protection  
23 of mental and physical health or alleviation of disability or pain.

24  
25 (26) Permissible Occupancy: The maximum number of patients or  
26 residents for which the facility is licensed to care.

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

30  
31 (28) Personal Care: General supervision of and direct assistance to an  
32 individual who, because of advanced age, infirmity, physical or mental limitations,  
33 is unable to perform his activities of daily living.

34  
35 (29) Pharmacist: A pharmacist licensed in the District pursuant  
36 to title 2, chapter 6 of the District of Columbia Code.

37  
38 (30) Physician: A person licensed or registered to practice the  
39 healing art in the District pursuant to subchapter I of chapter I, title 2 of  
40 the District of Columbia Code.

41  
42 (31) Physical Therapist: A person who is licensed to practice  
43 physical therapy pursuant to subchapter III of chapter 4, title 2 of the District  
44 of Columbia Code.

45  
46 (32) Podiatrist: An individual licensed to practice podiatry in the  
47 District pursuant to title 2, chapter 7 of the District of Columbia Code.

48  
49 (33) Practical Nurse: A person who has graduated from a school of  
50 practical nursing approved by the National Association of Practical Nurse  
51 Education, or who has attended at least one year of an approved school of  
52 professional nursing.

53  
54 (34) Principal Physician: A physician who is available to the facility  
55 to provide medical consultation related to the patient care policies and procedures  
56 and who shall provide emergency medical care in the facility or in the absence of  
57 the patient's private physician.

58  
59 (35) Professional Nurse: A registered nurse or licensed practical  
60 nurse.

## REGULATION 74-15

5 61  
----of----

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

5  
6 (37) Qualified Personnel: Persons holding official credentials,  
7 accreditation registration, certification or holding licenses issued by the  
8 District. The term as used in these regulations shall include administrators,  
9 dentists, dietitians, occupational therapists, professional nurses, physicians,  
10 podiatrists, speech pathologists or audiologists, pharmacists, patient activity  
11 specialist and social workers.

12  
13 (38) Registered Nurse: A person who is licensed and currently  
14 registered by the Nurses' Examining Board of the District pursuant to subchapter I  
15 of chapter 4, title 2 of the District; or a person licensed in another jurisdiction  
16 whose application for licensure is pending in the District. Registered nurse shall  
17 be abbreviated RN.

18  
19 (39) Resident: A person in a health care facility who is independent  
20 and self-sufficient to the extent that only minimum supervision is necessary in  
21 a protective environment.

22  
23 (40) Resident Beds: Accommodations with supporting services  
24 such as food, laundry, and housekeeping for residents who generally stay  
25 in excess of 24 hours.

26  
27 (41) Skilled Care Facility: A facility or distinct part thereof  
28 primarily engaged in providing to in-patients continuous professional nursing  
29 coverage and health related services under the direct supervision of physicians.  
30 Skilled care facilities are solely limited to those facilities classified as nursing  
31 homes, convalescent homes, and extended care facilities which provide 24-hour  
32 professional nursing services and a complete program of health related and  
33 rehabilitative services under the direct supervision of a full-time Medical Director  
34 or principal physicians.

35  
36 (42) Skilled Nursing Services: A service furnished by or under direct  
37 supervision of professional nurses to assure the safety of the patient and achieve  
38 the medically desired results.

39  
40 (43) Social Worker: A graduate of a school of social work  
41 accredited by the Council on Social Work Education or a person with a  
42 Baccalurate degree with experience in social service.

43  
44 (44) Speech Pathologist or Audiologist: A person who meets the  
45 education and experience requirements for a Certificate of Clinical Competence in  
46 the appropriate area (speech pathology or audiology) granted by the American  
47 Speech and Hearing Association; or meets the educational requirements for  
48 certification, and is in the process of accumulating the supervised experience  
49 required for certification.

50  
51 (45) Sponsor: The person, persons, or agency legally responsible  
52 for the welfare and support of a patient or resident and/or having legal authority  
53 to act on behalf of the patient or resident.

54  
55 (46) Supervision: Direct overseeing and inspection of a  
56 particular act, function or activity.

57  
58 (47) Supervised Personal Care Facility: A facility or distinct part  
59 thereof providing, in a supervised environment, personal care assistance and  
60 other health related services which shall be provided under the direction of a physician

1 (48) Therapeutic Diet: A regimen prescribed by a physician for the treat-  
 2 ment of a patient with a specific illness through modification and/or control of  
 3 calories, increase or decrease of nutrients, changes in texture of food, or  
 4 restriction of specific ingredients.  
 5

6 Section 4. Separability of Provisions  
 7

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

13 TITLE II. License of Health Care Facilities  
 14

15 Section 1. - License Requirements for Health Care Facilities  
 16

17 (a) No person shall either directly or indirectly operate  
 18 a health care facility without having first obtained a license from the  
 19 Commissioner authorizing that operation.  
 20

21 (b) No license to operate a hospital, sanatorium or other  
 22 facility for the care, custody, shelter, or treatment of the physically or  
 23 mentally ill shall be deemed to authorize the operation of a health care facility.  
 24 The operation of a health care facility which is part of a hospital, sanatorium  
 25 or other facility or is operated in conjunction with, or under the same management,  
 26 as a hospital, sanatorium, or other facility for the care, custody, shelter, or  
 27 treatment of the physically or mentally ill shall require a license as a health  
 28 care facility pursuant to this regulation.  
 29

30 (c) A separate license shall be required for each health care  
 31 facility when more than one health care facility is operated by the same owner at  
 32 different premises. Only one license shall be required for a health care facility  
 33 located in separate buildings on the same grounds or premises and operated by  
 34 one owner.  
 35

36 (d) Unless specifically exempted by this regulation, the  
 37 provisions and requirements herein, shall apply to all health care facilities  
 38 established or operated in the District and the Commissioner shall have the  
 39 necessary power, including subpoena power pursuant to sections 1-237 and 4-601  
 40 of the District of Columbia Code to supervise, inspect and investigate those  
 41 facilities to determine compliance with this regulation.  
 42

43 (e) Each license shall set forth the name and address of  
 44 the premises of the health care facility, the name of the licensee, and the  
 45 licensed bed capacity in each level of health care within the facility.  
 46

47 (f) The license shall be posted in a conspicuous place on  
 48 the licensed premises.  
 49

50 (g) Each license shall be issued only for the premises and  
 51 person or persons named as applicants in the application and shall not be valid  
 52 for use by any other person or persons or at any place other than that designated  
 53 in the license. Any transfer as to person or place without the approval of the  
 54 Commissioner shall cause an immediate forfeiture of such license.  
 55

56 (h) Each license certificate in the licensee's possession shall be  
 57 the property of the District and shall be returned to the Commissioner immediately  
 58 upon the suspension or revocation of a license, or upon the refusal to renew a  
 59 license or upon its forfeiture in accordance with subsection (g) of this section or  
 60



REGULATION 74-15

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

3  
 4 Section 2. Fees:

5  
 6 (a) The Commissioner shall pursuant to section 47-2344 of the  
 7 District of Columbia Code fix and may adjust from time to time, health care  
 8 facility license fees which shall in his judgment be commensurate with the cost  
 9 to the District of inspections, supervision and regulation required by this  
 10 regulation.

11  
 12 (b) No license fee pursuant to subsection (a) of this section  
 13 shall be required of any health care facility operated by the District Government.

14  
 15 Section 3. Certificate of Need

16  
 17 Prior to the issuance of a permit for new construction or  
 18 renovation of a skilled care or intermediate nursing care facility in the District,  
 19 a Certificate of Need shall be secured from the Commissioner pursuant to section  
 20 8-7:128 of the District of Columbia Health Regulations.

21  
 22 Section 4. Application for License:

23  
 24 (a) Any owner of a health care facility proposing to operate  
 25 a health care facility in the District shall, prior to the commencement of operation,  
 26 make application to the Commissioner for a health care facility license. The  
 27 application shall contain the following information, all of which shall be a matter  
 28 of public record, available for inspection upon request during regular business hours:

29  
 30 (1) The name, age, address and occupation of the owner  
 31 making application; or in the case of a corporation or association, the names, ages,  
 32 addresses, and occupations of the officers and directors thereof.

33  
 34 (2) The name, age, address and occupation of the individual  
 35 designated by the applicant as the administrator of the facility and any additional  
 36 information concerning that individual which the Commissioner may require.

37  
 38 (3) The address of the premises which are to constitute  
 39 the health care facility, together with a description of all structures and  
 40 facilities forming a part thereof in such detail as the Commissioner may require.

41  
 42 (4) The name by which the facility is to be known.

43  
 44 (5) The name and address of the owner or owners of  
 45 the facility and if the owner is a corporation, the names and addresses of the  
 46 officers, directors and stockholders owning at least 1% of the authorized and  
 47 issued stock of the corporation.

48  
 49 (6) The name, address, and occupation of any person not  
 50 set forth in the preceding paragraph who will be entitled to receive directly or  
 51 indirectly through a designee, or assignee, any pecuniary profit from the operation  
 52 of the home, other than compensation for services rendered.

53  
 54 (7) The level or levels of health care to be provided and  
 55 the maximum bed capacity in each level.

56  
 57 (8) A program statement describing the programs and  
 58 services to be provided including contractual and staff resources.

REGULATION 74-15  
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\_8\_of\_61

1 (9) Proof that the premises are in conformity with  
2 all applicable federal and local health, safety, and zoning regulations, and  
3 building codes, and that any necessary permits for occupancy have been  
4 issued by the appropriate authorities and are in full force.  
5

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

11 (b) An applicant for a health care facility license shall sign  
12 the license application and shall affirm that all statements therein are true.  
13 The applicant's signature shall be in the case of an individual owner that of the  
14 individual, in the case of a partnership that of all partners thereof, in case of a  
15 corporation by two of the officers thereof, one of whom shall be the President.  
16

17 (c) Each applicant shall provide an annual budget, financial  
18 records, and such information, and such assurances as the Commissioner shall  
19 require, concerning financial resources and insurance coverage to demonstrate  
20 an ability to provide adequate care and protection to the patients and/or residents  
21 during the licensed period.  
22

23 (d) Each applicant shall inform the Commissioner within 10  
24 days of any change in the facts stated in the license application.  
25

26 Section 5. Issuance of License and Notification of Change in  
27 Circumstances:  
28

29 (a) The Commissioner shall issue a license upon receipt of  
30 a completed application, and after (1) at least one on-site facility inspection by  
31 the Commissioner to ascertain compliance with this regulation, and (2) a determination  
32 by him that the representations made in the application are correct and sufficient,  
33 to show that the applicant has complied with the requirements of this regulation.  
34

35 (b) A license issued by the Commissioner shall expire one  
36 year from the date of issuance.  
37

38 (c) The name of the facility shall not be changed without notice  
39 to the Commissioner. The words "hospital", "rehabilitation center" or any  
40 words conveying a substantially similar meaning shall not be used in the name  
41 of a health care facility. A new license shall be issued bearing the new name  
42 of the facility and the same expiration date as the license issued in the facilities'  
43 former name.  
44

45 (d) Written approval shall be required by the Commissioner  
46 for any change in ownership of the facility. Such approval may be granted only  
47 upon a demonstration that the health care facility and its operation will conform  
48 with all licensing requirements as though it were the subject of an application for  
49 original license. The Commissioner shall be promptly notified of any change  
50 in the administrator of the facility.  
51

52 (e) The owner of a health care facility shall inform the  
53 Commissioner of any change in the operation, program, or services of a facility  
54 of a degree or character which may affect its licensure.  
55

56 (f) No license shall be issued to an applicant who has been  
57 previously convicted of operating a health care facility without a valid license  
58 within the past five years from date of application.  
59  
60

Section 6. License Renewal, Suspension and Revocation

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

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

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

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

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

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

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

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

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

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

Section 7. Hearings and Judicial Review:

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

REGULATION 74-1510  
----of----61

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

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

10  
11 TITLE III. Penalties, Remedies and Enforcement Procedures

12  
13 Section 1. Penalties and Remedies

14  
15 (a) Any person who violates any provision of this regulation  
16 shall be guilty of a misdemeanor and, upon conviction, shall be subject to a  
17 fine not to exceed \$300.00, or to a term of imprisonment not to exceed ninety  
18 days.

19  
20 (b) The imposition of any fine or term of imprisonment  
21 pursuant to subsection (a) of this section shall be in addition to any denial,  
22 suspension, revocation, or refusal to renew a health care facility license which  
23 may result from the violation.

24  
25 (c) Each day of any violation shall constitute a separate  
26 offense, and the penalties prescribed above shall be applicable to each such  
27 separate offense, except that no further penalties shall be imposed for the  
28 period during which any appeal from a conviction of such offense is pending.

29  
30 (d) Any person or representative thereof, who is damaged  
31 due to a violation of this regulation shall:

32  
33 (1) have a civil cause of action against any person  
34 violating this regulation, and

35  
36 (2) be entitled to recover from any such person:

37  
38 (A) Actual damages

39 (B) Punitive damages

40 (C) A reasonable attorney's fee and

41 litigation costs reasonably incurred.

42  
43 Section 2. Right of Entry, Inspection and Subpoena Powers

44  
45 (a) The Commissioner and any other duly authorized official  
46 of the District having jurisdiction over, or responsibilities pertaining to any  
47 health care facilities, patients or residents in such facilities, shall have the  
48 right after presenting official credentials of identification and authority issued  
49 by the District either with, or without prior notice, to enter upon and into the premises  
50 of any health care facility licensed pursuant to this regulation or for which an  
51 application for license has been made, in order to determine compliance, and to  
52 facilitate verification of information submitted on, or in connection with, an  
53 application for licensure pursuant to provisions of this regulation. The conduct  
54 of the authorized official shall be such that the entry and inspection shall take place  
55 with the least possible disruption to the patients.

56  
57 (b) The right of entry and inspection shall be extended to any premises  
58 which the Commissioner has reason to believe is being operated or maintained  
59 as a health care facility without a valid license. Provided, however, that no  
60 entry or inspection of any unlicensed premises shall be made without the permission

REGULATION 74-1511 of 61

1 of the owner or administrator in charge thereof, unless a warrant is first  
2 obtained from the District of Columbia Superior Court pursuant to District  
3 of Columbia Code section 11-641 authorizing the entry or inspection for the purpose  
4 of determining compliance with provisions of this regulation. Such entry and  
5 inspection shall be made with the least possible disruption to the patients.  
6

7 Section 3. Access Requirements Relating to Health Care Facilities  
8

9 (a) The health care facility shall permit members of  
10 community organizations and representatives of community legal services  
11 programs, whose purposes include rendering assistance without charge to nursing  
12 home patients, to have full and free access to the health care facility in order  
13 to:  
14

15 (1) Visit, talk with, and make personal, social  
16 and legal services available to all patients.  
17

18 (2) Inform patients of their rights and entitlements,  
19 and their corresponding obligations, under Federal and District laws by means  
20 of distribution of educational materials and discussion in groups and with  
21 individual patients.  
22

23 (3) Assist patients in asserting their legal rights  
24 regarding claims for public assistance, medical assistance, and social security  
25 benefits, as well as in all other matters in which patients are aggrieved.  
26 Assistance may be provided individually, as well as on a group basis, and  
27 may include organizational activity, as well as counseling and litigation.  
28

29 (4) Inspect all areas of the health care facility  
30 except the living areas of a patient who protests such inspection. Such authority  
31 shall not include the right to examine the business records of the facility  
32 without the consent of the Administrator, nor the clinical record of a patient  
33 without his consent.  
34

35 (5) Engage in all other methods of assisting, advising,  
36 and representing patients so as to extend to them the full enjoyment of their  
37 rights.  
38

39 (b) Such access shall be permitted between the hours of  
40 8:00 a.m., and 8:00 p.m. daily.  
41

42 (c) Persons entering a health care facility pursuant to this  
43 section shall promptly advise the Administrator or the Acting Administrator  
44 or other available agent of the facility of their presence. Such persons shall not  
45 enter the living area of any patient without identifying himself to the patient and  
46 without receiving the patient's permission to enter.  
47

48 (d) Individual patients shall have the complete right to  
49 terminate any visit by persons having access pursuant to this section.  
50 Communications between a patient and such persons shall be confidential, unless  
51 the patient authorizes the release of such information.  
52

53 (e) No patient shall be punished or harassed by the health  
54 care facility or by its agent or employees because of his efforts to avail himself  
55 of his rights.  
56

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

REGULATION 74-1512  
----of---- 61

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

6  
7 (g) Nothing in this section shall be construed to restrict  
8 any right or privilege of any health care facility patient to receive visitors who  
9 are not representatives of community organizations or legal services programs  
10 as defined in subsection (a) of this section.

11  
12 Section 4. Payment of Public Funds to Unlicensed Facilities

13  
14 (a) No person, department, agency, officer or employee of  
15 the District shall pay, or approve for payment, from public funds, any amount  
16 or amounts to a health care facility under any Federal or District program of public  
17 assistance or other aid in connection with services provided, or to be provided,  
18 to an actual or prospective patient or resident in such facility unless that facility  
19 has a current license issued by the Commissioner under this regulation.

20  
21 Section 5. Research

22  
23 If a health care facility conducts research, or allows research  
24 to be conducted within the facility it shall follow, and comply with the statement  
25 of assurance on research involving human subjects required by the United States  
26 Department of Health, Education and Welfare.

27  
28 Section 6. Period for Compliance with Standards

29  
30 (a) If any health care facility, in operation before the  
31 effective date of this regulation, is determined by the Commissioner to have  
32 deficiencies under the requirements of this regulation, such facilities shall  
33 be licensed for a period of one year after the expiration of the facility's  
34 current license, with an additional extension of up to 12 months if approved by  
35 the Commissioner, Provided, That:

36  
37 (1) The facility submits a written plan of correction  
38 which contains the specific steps that it will take to meet all such requirements and  
39 a timetable detailing the corrective steps to be taken and when correction of  
40 deficiencies will be accomplished.

41  
42 (2) The Commissioner makes a finding that the facility  
43 is reasonably able to meet such requirements through corrective steps and they  
44 can be completed during the allowable period of time.

45  
46 (3) During the period allowed for corrections, the  
47 facility be in compliance with existing District Fire Safety and Sanitation Codes  
48 and regulations and the 1967 edition of the Life Safety Code.

49  
50 (4) The facility is surveyed by officials designated by the  
51 Commissioner at least semiannually until corrections are completed and the  
52 Commissioner finds on the basis of such surveys that the facility has in fact  
53 made substantial effort and progress in its plan of correction as evidenced by  
54 supporting documentation, signed contracts and/or work orders.

55  
56 TITLE IV. Prohibition of Discriminatory Practices57  
58 Section 1. Discriminatory Practices Prohibited:

59  
60 (a) All health care facilities licensed by the District shall...

## REGULATION 74-15

13 of 61

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

3  
4 (b) Discrimination and/or isolation based upon age, race,  
5 religion, sex, socio-economic or intellectual characteristics within the facility  
6 in recreational activities, meals and other social functions shall be prohibited  
7 unless medically recommended by the patient's physician in writing, in which  
8 case such recommendation shall be entered in the patient's clinical record.  
9

10 (c) No patient shall be denied admission to a health care  
11 facility or discharged from a health care facility based upon the patients  
12 marital status.  
13

14 TITLE V. Skilled Care Facility Standards:

15 Section 1. - Administrative Management

16 (a) Administrator - A full-time Administrator shall be  
17 employed five consecutive days per week during regular business hours.  
18 He shall be responsible for the internal operation of the facility.  
19

20 (1) The Administrator shall have the following  
21 qualifications:  
22

23 (A) He shall be licensed under District of  
24 Columbia Council Regulation No. 70-37.  
25

26 (B) He shall be certified annually by a  
27 licensed physician as having no physical or mental disabilities or personality  
28 disturbances which would significantly interfere with carrying out his  
29 responsibilities.  
30

31 (2) In the absence of the Administrator, a registered  
32 nurse, physician or licensed administrator shall be designated as Acting  
33 Administrator, with full authority, to act for him in his absence.  
34

35 (3) Adequate written guidelines for the Acting  
36 Administrator shall be provided.  
37

38 (b) Personnel Licensure - All personnel required to be  
39 licensed shall maintain current licensure in the District. A list of all personnel  
40 with current registration numbers shall be on file and available to agents of  
41 the Commissioner.  
42

43 (c) Personnel Policies - Personnel policies shall be written  
44 and available to all staff and to agents of the District. These policies shall  
45 include, but not be limited to the following:  
46

47 (1) Wage scales, hours of work, vacation, sick  
48 leave, insurance and other benefits.  
49

50 (2) Pre-employment and annual medical examinations  
51 by a licensed physician. These medical examinations shall include, but not be  
52 limited to, medical history, physical examination, chest x-ray and other appropriate  
53 tests as indicated.  
54

55 (3) Plans for orientation of all personnel and for  
56 regularly scheduled staff meetings.  
57

58 (4) Annual evaluation of employee performance by  
59  
60

REGULATION 74-15

14 of 61

1 appropriate supervisor.

2  
3 (5) Position descriptions for each category  
4 of personnel. Each employee shall be given a copy of his position description.

5  
6 (6) Personnel file for each employee.

7  
8 (d) General Admission Policies - The facility shall  
9 admit and retain only those patients who can be treated safely and adequately  
10 within the limitation of the licensing requirements and who require the level  
11 of care provided.

12  
13 (1) Admission requirements which are predicated  
14 upon religion, sex, organizational membership, lodges, orders, etc., shall be in  
15 writing. Whenever a facility denies an applicant admission to the facility, the  
16 reason for such denial shall be given to the applicant in writing.

17  
18 (2) Policies regarding patient fees and payments  
19 and refund policies shall be in writing and copies of such policies shall be provided  
20 to the Commissioner as well as to each patient and sponsor.

21  
22 (e) Patient Status Policies

23  
24 (1) There shall be written procedures to be followed  
25 whenever there is a significant change in patient's health status or in charges, billings  
26 or other related administrative matters.

27  
28 (A) In case of serious illness or accident,  
29 medical care shall be secured immediately and the Administrator or Director  
30 of Nursing Services shall immediately notify the next of kin or sponsor and  
31 document in the patient's record.

32  
33 (B) Death shall be determined and  
34 pronounced only by a physician. In the case of death, both the patient's  
35 attending physician and the next of kin or sponsor shall be notified promptly.

36  
37 (C) The facility shall provide for deaths to  
38 be investigated in accordance with District of Columbia Code, Title XI, chapter 23.

39  
40 (2) Information describing the care and services  
41 provided by the facility shall be accurate and clearly stated. Patient and sponsor,  
42 shall be given a written copy of fees and a detailed description of care and  
43 services provided signed by the Administrator, prior to admission.

44  
45 (3) Patient Status Policy - The Administrator shall  
46 report to a patient sponsor at least every six months regarding the general physical  
47 and mental condition of the patient.

48  
49 (f) Any patient determined to be competent may discharge  
50 himself from the facility upon presentation of a written release; Provided That,  
51 the sponsor or next of kin of patients determined to be legally incompetent shall be  
52 notified prior to the release of the patient. No patient who is determined to be  
53 competent shall be transferred or discharged by the facility on a non-emergency basis  
54 without a written order from the attending physician and without having first been  
55 consulted and informed. Any transfer or discharge on a non-emergency basis of an  
56 incompetent patient shall require a written order from the attending physician and  
57 timely notification of next of kin and sponsor.

58  
59 (g) Transfer Agreement - There shall be a written agreement  
60 with one or more hospitals so that there will be reasonable assurance that transfer



## REGULATION 74-15

15 of 61

1 of patients will be affected between the hospitals and the skilled care facility  
2 whenever such transfer has been medically determined necessary by the  
3 attending physician.

4  
5 (1) The agreement shall be with a hospital  
6 located in the District.

7  
8 (2) The agreement shall specify that the hospital  
9 will accept, immediately, any emergency patient from the facility.

10  
11 (3) The agreement shall provide that all necessary  
12 medical and social information accompany the patient, both to and from the  
13 facility and the hospital.

14  
15 (4) The terms of the agreement shall be  
16 established jointly by the facility and the hospital participating in the agreement.

17  
18 (5) The agreement shall designate responsibility  
19 for provision and payment of transportation to and from the hospital.

20  
21 (6) Each facility shall maintain a copy of the  
22 agreement in its administrative files.

23  
24 (h) Visitors - Each patient shall be permitted to receive  
25 visitors, privately, at any reasonable hour.

26  
27  
28  
29  
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31  
32  
33 (i) Posting of License - All licenses, permits and  
34 certifications shall be posted in a conspicuously visible location in the room or  
35 hallway immediately inside the main or front door. The license for the facility  
36 shall indicate the permissible occupancy for the building and where applicable,  
37 the specified number of beds designated for each level of care. No facility shall  
38 have more patients than the number of beds for which licensed, except in case  
39 of an emergency when temporary permission may be granted by the Commissioner.

40  
41 (j) Emergency Care of Patients - The facility shall have  
42 written policies and procedures governing the care of patients in an emergency,  
43 i. e., during a communicable disease episode; food poisoning outbreak; or when  
44 a patient is critically ill or mentally disturbed.

45  
46 (1) Any occurrence of communicable diseases,  
47 as defined by section 8-5:104 of the District of Columbia Health Regulations, food  
48 poisoning or dysentery or other unusual occurrence which threatens the welfare,  
49 safety or health of any patient, shall be reported immediately by the examining  
50 physician to the Commissioner.

51  
52 (2) The facility shall furnish such information  
53 related to such occurrences as the Commissioner may require.

54  
55 (3) The patient's attending physician and next  
56 of kin and sponsor shall be notified of the emergency.

57  
58 (k) Rights of Patients - A supportive environment shall  
59 be provided and maintained to promote self-esteem, personal dignity, and to insure  
60 that the patient's property and civil rights are respected and protected. The ...

REGULATION 74-15  
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16 of 61  
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1 following "rights and privileges" of the patient shall be in writing and a copy  
2 shall be given to each patient and sponsor upon admission:  
3

4 (1) The Administrator shall not handle the  
5 personal business affairs of patients, without first being authorized to do so in writing  
6 by the patient, if competent, or if not, by his sponsor.  
7

8 (2) An accurate record shall be kept of all funds  
9 and personal property deposited for safekeeping with the facility for use by  
10 the patient. This record shall contain a listing of all deposits and all withdrawals  
11 made, substantiated by receipts. A copy of the record shall be presented to the  
12 patient and sponsor on a semi-annual basis and upon transfer or discharge from  
13 the facility.  
14

15 (3) The facility shall provide for the safekeeping  
16 of possessions and valuables of patients if they request this service, Provided That,  
17 a limitation may be placed on the dollar value of the valuables and possessions  
18 accepted by the facility. In such cases the patient or his sponsor shall be  
19 provided with a receipt for these items.  
20

21 (4) Patients shall be encouraged and allowed to  
22 wear their own clothing. If clothing is provided by the facility, it shall be  
23 appropriate and it shall not be dehumanizing.  
24

25 (5) Patient's mail shall be delivered unopened.  
26

27 (6) Patients shall have access to a telephone or  
28 the right to have a private telephone.  
29

30 (7) Provisions shall be made for patients, who  
31 so desire, to bring personal possessions and furnishings to their living quarters  
32 in the facility unless the facility can demonstrate that it is not practical or  
33 feasible or safe.  
34

35 (8) Patients shall have the right of privacy in  
36 their rooms and facility personnel shall respect this right by knocking on the  
37 door before entering a patient's room.  
38

39 (9) Physical and mental harassment or abuse of patients  
40 is prohibited.  
41

42 (10) Each patient shall have the right to retain  
43 the services of his personal physician at his own expense if able or under  
44 medicare, medicaid or any other plan. When appropriate, the personal physician  
45 shall supply the health care facility with his medical findings after examining the  
46 patient.  
47

48 (11) Provisions shall be made to meet the spiritual  
49 needs of the patient by:  
50

51 (A) Advising the proper clergyman, when  
52 requested by the patient or sponsor, of the patient's admission to the facility.  
53

54 (B) Allowing patients to attend religious  
55 services of their choice in the community.  
56

57 (12) No religious beliefs or practices shall be imposed  
58 on any patient.  
59

60 (13) Patients shall be provided the right of registration

REGULATION 74-15

17 of 61

and disposition of complaints without being intimidated by threat of discharge or other reprisal. All patients, next of kin and/or sponsors shall be provided with the address and telephone number of the local Social Security Office and the District Licensing Office as designated by the Commissioner.

(1) Insurance Coverage - The facility shall carry sufficient insurance to cover the four basic exposures:

- (1) Hazard (fire, extended coverage and vandalism)
- (2) Consequential (indirect) loss from operation breakdowns
- (3) Theft
- (4) Legal risk (liability)

(A) The liability insurance shall include malpractice of at least \$100,000 and comprehensive general of at least \$300,000 - \$500,000.

(B) The facility shall carry Workmen's Compensation insurance for all employees pursuant to section 36-501 of the District of Columbia Code.

Section 2. - Administrative Records

(a) The Administrator shall maintain current and accurate records which shall be on file and available at all times for inspection and review by the Commissioner.

(b) Records related to patients - Within 30 days after the end of each calendar year, the Administrator shall report the following information to the Commissioner on appropriate forms to be provided by the Commissioner.

- (1) Total admissions
- (2) Total discharges
- (3) Total number of deaths
- (4) Authorized bed capacity
- (5) Average daily bed occupancy
- (6) Total days of care given
- (7) Total number of autopsies
- (8) Aggregate number of patients receiving restorative services, dental services and podiatric services according to type of service.

(c) Administrative Records - Within 30 days after the end of each calendar year, the Administrator shall report the following administrative information to the Commissioner on appropriate forms to be provided by the Commissioner.

- (1) Payroll records

REGULATION 74-15

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- 1 (2) Reports of fire inspection
- 2
- 3 (3) Compliance reports of Life Safety Code
- 4
- 5 (4) Report of inspection of fire alarm system and
- 6 fire drills
- 7
- 8 (5) Report of elevator inspection
- 9
- 10 (6) Disaster plan and procedures
- 11
- 12 (7) Certification of flame spread rating of carpets
- 13 and curtains
- 14
- 15 (8) Contracts for services including but not
- 16 limited to the following: waste removal, exterminating service, linen service and
- 17 food service
- 18
- 19 (9) Radiation survey report of x-ray equipment
- 20 (if applicable)
- 21
- 22 (10) Contracts or written agreements for
- 23 professional services including but not limited to the following: physician services,
- 24 restorative services, diagnostic and laboratory services, dental services, podiatry
- 25 services, social services, medical records and dietary consultant services.
- 26 Contracts with consultants shall specify the number of hours to be provided.
- 27
- 28 (d) Unusual Occurrence and Incident Reports - The
- 29 facility shall maintain individual reports of unusual occurrences and incidences
- 30 including but not limited to accidents, injuries and drug errors.
- 31
- 32 (e) Maintenance and Retention of Records - A qualified
- 33 employee shall be assigned the responsibility for assuring that records are
- 34 maintained, completed and preserved. All administrative records shall be filed
- 35 and retained for at least 5 years.
- 36

Section 3. - Patient Care Policies

- 37
- 38
- 39 (a) There shall be written policies to govern the nursing care
- 40 and related medical and other services provided. These policies shall be developed
- 41 with the advice of a committee of professional personnel, including the Medical
- 42 Director, the Director of Nursing Services, one or more physicians and one or more
- 43 registered nurses. Policies shall include but not be limited to the following:
- 44
- 45 (1) Physician services
- 46
- 47 (2) Nursing services
- 48
- 49 (3) Dietary services
- 50
- 51 (4) Restorative services (physical, occupational,
- 52 and speech therapy)
- 53
- 54 (5) Pharmaceutical services
- 55
- 56 (6) Diagnostic services
- 57
- 58 (7) Emergency care of patients
- 59
- 60 (8) Dental services

REGULATION 74-15

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19 of 61  
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- (9) Podiatry services
- (10) Social services
- (11) Patient activities
- (12) Clinical records
- (13) Utilization review
- (14) Environmental controls, management and safety
- (15) Unusual occurrences and incidents including but not limited to accidents, injuries and drug errors.

(16) Infection control  
 (b) Policies shall be reviewed by the Committee at least annually with written notation, signature, and date of review.

(c) The Administrator shall be responsible for the execution of these policies.

Section 4. - Admission Policies

(a) Patients in need of nursing care shall be admitted to the facility only upon the written recommendation of a physician.

(b) The facility shall secure patient information prior to, or at the time of admission, which shall include but not be limited to the following:

- (1) Current medical findings
- (2) Diagnosis
- (3) Treatment plan and rehabilitation potential
- (4) Summary of the course of treatment followed

prior to admission

(5) Orders from a physician for the immediate care of the patient

(c) A physical examination of the patient shall have been performed not more than 5 days prior to admission, or performed within 48 hours after admission.

(d) If medical orders for the immediate care of a patient are unobtainable at the time of admission, the Medical Director or Principal Physician responsible for emergency care shall give temporary orders.

Section 5. - Physician Services and Medical Supervision of Patients

(a) A Medical Director or Principal Physician shall assume full responsibility for the overall supervision of medical care provided in the facility.

(b) All patients shall be under the supervision of a physician and shall be seen as often as their condition requires, but no less...

## REGULATION 74-15

20 of 61

1 than every 30 days.

2  
3 (1) The physician shall prescribe a planned  
4 regimen of medical care which covers the following: Medications and treatment,  
5 restorative services, diet, special procedures for the health and safety of the  
6 patient, patient activities and plans for continuing care and discharge.

7  
8 (2) Patient's total program of care shall be reviewed  
9 and revised at intervals appropriate to his needs, but no less than every 30 days.

10  
11 (3) Medications and treatments ordered shall be  
12 in effect for the specified number of days indicated by the physician, not to  
13 exceed a period of 30 days unless recorded in writing by the physician.

14  
15 (4) Telephone orders shall be accepted by qualified  
16 professional nurses only and recorded, and shall be countersigned by the  
17 physician within 48 hours.

18  
19 (5) The physician shall make arrangements for  
20 the medical care of the patient in his absence.

21  
22 (6) Documentation of the medical supervision of  
23 patient shall be evidenced by orders and progress notes in the patient's record,  
24 written and signed by the patient's physician.

25  
26 (7) Each patient shall have a comprehensive medical  
27 examination and evaluation of his health status at least every six months which  
28 shall be documented in the record. Clinical laboratory and other appropriate  
29 tests shall be given annually.

30  
31 (c) Physicians for Emergency Care - The Administrator  
32 shall obtain a written agreement from one or more physicians to provide necessary  
33 medical care in case of an emergency.

34  
35 (1) A schedule listing the names and telephone  
36 numbers of each physician and the specific days each is on call shall be posted  
37 at each nursing station.

38  
39 (2) There shall be established procedures,  
40 written and posted, to be followed in an emergency, which cover the immediate  
41 care of the patient, persons to be notified, and reports to be prepared.

42  
43 Section 6. - Nursing Services

44  
45 (a) Nursing Service Requirements - A registered nurse  
46 shall be on duty at the facility on a 24-hour basis, 7 days per week. In  
47 addition, the facility shall provide 24-hour professional nursing service which  
48 is sufficient to meet the nursing needs of all patients as determined by the  
49 Commissioner.

50  
51 (b) Director of Nursing Services - There shall be a  
52 registered nurse employed full time as Director of Nursing Services and who  
53 devotes full time to the nursing service of the facility.

54  
55 (1) The Director of Nursing Services shall be  
56 qualified by education and/or experience, with appropriate documentation, in  
57 specialty areas related to the facility.

58  
59 (2) The Director of Nursing Services shall:  
60

## REGULATION 74-15

21 of 61

1 (A) Develop and maintain nursing objectives,  
2 standards of nursing practice, nursing procedures manuals, and written job  
3 descriptions for each level of nursing personnel.  
4

5 (B) Recommend to the Administrator the  
6 number and levels of nursing personnel to be employed, recruit and select,  
7 and recommend termination of employment when necessary.  
8

9 (C) Assign and supervise all levels of  
10 nursing personnel.  
11

12 (D) Participate in budget planning for  
13 nursing services.  
14

15 (E) Participate in the development and  
16 implementation of patient care policies.  
17

18 (F) Coordinate nursing services with other  
19 paramedical services.  
20

21 (G) Plan and conduct orientation programs  
22 for new nursing personnel and continuing inservice education for all nursing personnel.  
23

24 (H) Actively participate in the selection  
25 of prospective patients in terms of nursing staff available in the facility.  
26

27 (c) Registered Nurses - There shall be registered  
28 nurses employed on a 24-hour basis, 7 days per week to provide and supervise  
29 the nursing care of all patients.  
30

31 (1) A registered nurse shall be qualified by  
32 education and/or experience, with appropriate documentation, in specialty areas  
33 related to the facility.  
34

35 (2) A registered nurse shall:  
36

37 (A) Make daily rounds to all nursing units  
38 performing such functions as visiting patients, reviewing clinical records,  
39 medication orders and cards, patient care plans and staff assignments.  
40

41 (B) Accompany physicians when visiting  
42 patients  
43

44 (C) Have the ability to recognize  
45 significant changes in the condition of patients and take appropriate action.  
46

47 (d) Nursing Personnel - Nursing personnel shall be  
48 assigned duties consistent with their training and experience.  
49

50 (1) The amount of nursing time available for  
51 patient care shall be exclusive of non-nursing duties.  
52

53 (2) Sufficient nursing time shall be available to  
54 assure that each patient:  
55

56 (A) Receives treatments, medications and  
57 diet as prescribed.  
58

59 (B) Receives proper care to prevent decubiti.  
60

REGULATION 74-15

1 (C) Is kept comfortable, clean and well  
2 groomed.

3  
4 (D) Is treated with dignity, kindness,  
5 consideration and respect.

6  
7 (e) Staffing - A sufficient number of nursing personnel  
8 shall be employed and on duty, fully clothed and awake, at all times to meet  
9 the total needs of the patients 24 hours a day, 7 days per week. The facility shall  
10 provide at least 2.4 hours of bedside nursing care per patient on a 24-hour  
11 basis, 7 days per week excluding the hours of the Director of Nursing Services  
12 and any assistant directors of nursing services. The following table sets out  
13 the required nursing service staffing:  
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REGULATION 74-15

REQUIRED NURSING SERVICE STAFFING

		Bed Capacity								
		20 or Less	21-30	31-40	41-50	51-60	61-70	71-80	81-9-	91-100
<u>Duty Hours</u>		1 R. N.	1 R. N.	1 R. N.	1 R. N.	2 R. N.	2 R. N.	2 R. N.	2 R. N.	2 R. N.
7:00 A.M. -	2 N. P.	1 L. P. N.	1 L. P. N.	2 L. P. N.	2 L. P. N.	3 L. P. N.	3 L. P. N.	3 L. P. N.	3 L. P. N.	3 L. P. N.
3:00 P.M.		2 N. P.	3 N. P.	3 N. P.	4 N. P.	4 N. P.	5 N. P.	6 N. P.	7 N. P.	
3:00 P.M. -	1 R. N.	1 R. N.	1 R. N.	1 R. N.	2 R. N.	2 R. N.	2 R. N.	2 R. N.	2 R. N.	2 R. N.
11:00 P.M.	1 N. P.	1 L. P. N.	1 L. P. N.	2 L. P. N.	2 L. P. N.	3 L. P. N.	3 L. P. N.	3 L. P. N.	3 L. P. N.	3 L. P. N.
		1 N. P.	2 N. P.	2 N. P.	2 N. P.	2 N. P.	3 N. P.	4 N. P.	5 N. P.	
11:00 P.M. -	1 R. N.	1 R. N.	1 R. N.	1 R. N.	1 R. N.	1 R. N.	1 R. N.	1 R. N.	1 R. N.	1 R. N.
7:00 A.M.	1 N. P.	1 N. P.	1 L. P. N.	1 L. P. N.	1 L. P. N.	2 L. P. N.	2 L. P. N.	2 L. P. N.	2 L. P. N.	2 L. P. N.
			1 N. P.	2 N. P.	2 N. P.	2 N. P.	3 N. P.	4 N. P.	5 N. P.	

R. N. - Registered Nurse

L. P. N. - Licensed Practical Nurse.

N. P. - Nursing Personnel

23 of 61

REGULATION 74-1524 of 61  
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1 In facilities with over 100 patient beds additional professional nurses and  
2 nursing personnel shall be employed to provide at least 2.4 hours of bedside nursing  
3 care per patient day on a 24-hour basis, 7 days per week, maintaining a staffing  
4 pattern as outlined in the table. If the facility provides more than one level of  
5 health care, i.e., skilled care and intermediate, etc., the nursing staff ratio  
6 shall be determined by the licensed bed capacity in each level of care within  
7 the facility. The licensed bed capacity shall be determined by the annual rate of  
8 utilization of beds in each level of care which shall be subject to review and  
9 change, not to exceed semi-annually, upon the written request of the licensee to  
10 the Commissioner.

11  
12 (f) Restraint and Confinement - The facility shall  
13 have a written policy that defines the use of restraint and a procedure for  
14 monitoring the use consistent with the following requirements:

15  
16 (1) Physical restraints shall be employed only  
17 upon written order in the clinical record by a physician to protect the patient  
18 from injury to himself or to others.

19  
20 (2) Restraint shall not be employed as a means  
21 of punishment or for the convenience of the staff, or as a substitute for a  
22 therapeutic program.

23  
24 (3) Orders for restraint shall not be in force  
25 for longer than twelve (12) hours, subject to written renewal by a physician.

26  
27 (4) A patient placed in restraint shall be  
28 checked at least every 30 minutes by nursing personnel trained in the use of  
29 restraint. A record of each check shall be maintained in the patient's clinical  
30 record.

31  
32 (5) Mechanical restraint shall be designed and  
33 used so as not to cause physical injury to the patient and used so as to cause  
34 the least possible discomfort.

35  
36 (6) Motion and exercise shall be provided for a  
37 period of not less than 10 minutes during each 2 - hour period of restraint.

38  
39 (7) Confinement of a patient in a locked room  
40 shall be prohibited.

41  
42 (8) Totally enclosed beds and barred enclosures  
43 shall be considered restraint.

44  
45 (9) Drugs shall not be used excessively, as  
46 punishment, for the convenience of staff, as a substitute for therapeutic programs  
47 or in quantities that interfere with a patient's rehabilitation potential or activities  
48 of daily living.

49  
50 (g) Restorative Nursing Care Program - The facility  
51 shall have a restorative nursing care program directed toward assisting each patient  
52 to achieve and maintain the highest level of self-care, esteem, and independence.

53  
54 (1) Restorative nursing care initiated in the  
55 hospital shall be continued immediately upon admission to the facility.

56  
57 (2) The nursing staff shall evaluate the  
58 rehabilitation potential of all patients and make recommendations to the physician  
59 for appropriate orders.

60 (3) The nursing staff shall practice restorative

REGULATION 74-15

25 of 61

1 nursing skills in their daily care of patients. These skills shall include:

2  
3 (A) Maintaining good body alignment  
4 and proper positioning of bedfast patients.

5  
6 (B) Encouraging and assisting bedfast  
7 patients to change position at least every two (2) hours, day and night to  
8 stimulate circulation and prevent decubiti and deformities.

9  
10 (C) Keeping patients active and out of  
11 bed for reasonable periods of time, except when contradicted by physician's  
12 orders.

13  
14 (D) Encouraging patients to achieve in-  
15 dependence in activities of daily living by teaching self-care, transfer and  
16 ambulation activities and by redirecting their interests if necessary.

17  
18 (E) Assisting patients to adjust to their  
19 disabilities and to use their prosthetic devices.

20  
21 (F) Achieving good body alignment and  
22 balance of patients using mechanical supports which are properly designed  
23 and applied under the supervision of a professional nurse.

24  
25 (G) Initiating a bladder and bowel training  
26 program for the incontinent patient.

27  
28 (H) Assisting patients to carry out prescribed  
29 physical therapy exercises between visits by the physical therapist.

30  
31 (h) Inservice Education Program - There shall be an  
32 inservice education program in effect for all nursing personnel in addition to  
33 detailed job orientation for new personnel. Inservice programs shall be  
34 scheduled and conducted monthly for all nursing personnel on each tour of duty,  
35 and records of these programs shall be maintained and available for review by the  
36 Commissioner. Inservice programs shall include but not be limited to the following:

37  
38 (1) Emergency procedures, disaster plans  
39 and fire evacuation plans.

40  
41 (2) Speciality areas related to the facility.

42  
43 (3) Drugs, therapeutics and pharmaceutical services.

44  
45 (4) Dietary needs and services.

46  
47 (5) Patient care plans and policies

48  
49 (6) Clinical records, reporting and recording  
50 policies and procedures.

51  
52 (7) Social and psychological aspects of patient  
53 care.

54  
55 (8) Restorative services, physical therapy,  
56 occupational therapy and speech therapy.

57  
58 (9) Dental needs and services.

59  
60 (10) Podiatry needs and services.

REGULATION 74-1526 of 61

(11) Therapeutic patient activities.

(12) Infection control

Nursing personnel shall be encouraged by the Administrator and Director of Nursing Services to attend education and training programs, conducted in the community, that relate to patient care.

(i) Nursing Care Plan - There shall be a written nursing care plan for each patient including diagnosis, treatment prescribed, long and short-term goals and other pertinent information.

(1) The nursing care plan shall include daily nursing care needs. How these needs can best be met, patient's preferences, dietary needs, methods and approaches recommended, and modifications necessary to insure best results.

(2) Nursing care plans shall be available for use by all personnel responsible for rendering direct services to patients.

(3) Nursing care plans shall be reviewed and revised by the registered nurse as needed, at least every 30 days, and signed and dated by the registered nurse.

(4) Relevant nursing information from the nursing care plan shall be included with other medical information when patients are transferred.

(5) Infection Control - There shall be an Infection Control Committee composed of members of the medical, nursing, administrative, dietary, pharmacy, housekeeping, maintenance and other services. The Committee shall establish policies and procedures for investigating, controlling and preventing infections in the facility. The Committee shall monitor staff performance to insure that the policies and procedures are executed. The Committee shall conduct quarterly meetings and keep minutes for review by the Commissioner. The infection control policies and procedures shall be reviewed annually and revised as needed. Environmental Services including housekeeping, pest control, laundry, and linen supply shall be in accordance with sections 16 through 20 of this title.

(j) Dietary Supervision - The dietary needs of each patient shall be documented in the nursing care plan.

(1) Nursing personnel shall observe in the record that patients are served diets as prescribed.

(2) Patients needing assistance in eating shall be given such assistance promptly upon receipt of meals.

(3) Adaptive devices shall be provided to contribute to the patient's independence in eating.

(4) Food and fluid intake of patients shall be observed and deviations from normal recorded, and reported to the Director of Nursing Services, physician and dietitian.

Section 7. - Dietary Services

(a) The facility shall provide qualified dietary and food service personnel to meet the general and specific needs of all patients. All

REGULATION 74-1527 of 61

1 food and drink shall be clean, wholesome, free from spoilage, and so prepared as  
2 to be safe for human consumption and served in accordance with title 8, chapter  
3 6, part 1 of the D. C. Health Regulations. Specific dietary services shall be in  
4 accordance with the following:

5  
6 (1) Supervision - The individual responsible  
7 for total food service shall be a dietitian or food service manager who receives  
8 regularly scheduled consultation no less than four (4) hours per week from a  
9 dietitian, or the facility shall employ a contract food service fulfilling the  
10 same requirements.

11  
12 (2) Staffing - The required ratio of full time food  
13 service personnel including relief personnel to patients shall be no less than  
14 (1) one food service worker to every ten (10) patients to insure that the dietary  
15 needs of patients are met. There shall be food service employees on duty for a  
16 period of 12 or more hours per day, seven (7) days per week. Dietary supervisory  
17 personnel shall not be included in the staffing ratio.

18  
19 (3) Menus - Menus shall be planned at least  
20 one week in advance and the current week's menu posted in the food preparation  
21 area. All changes in menu shall be recorded. Standard routine diet modifications  
22 appropriate to the needs of individual patients shall be prepared by the dietitian  
23 or dietary consultant and posted as a supplement to the menu. Substitutions of  
24 equal nutritive value shall be offered to patients in the event that food is refused.

25  
26 (4) Inservice Education - A regularly scheduled  
27 program of inservice education shall be conducted for all food service personnel.  
28 Records shall be maintained on such inservice programs and shall be available  
29 for review by the Commissioner.

30  
31 (5) Employee Records - Current employee records  
32 shall be maintained and shall include a resume of each employee's training and  
33 experience, evidence of health examinations, reports of accidents occurring on  
34 duty, and work assignments consistent with employee qualifications.

35  
36 (6) Health Examinations - All food service  
37 personnel shall have pre-employment and annual physical examinations by a  
38 licensed physician, and shall be certified by him in writing as having no  
39 evidence of communicable disease or carrier state, and as being in good health.  
40 The health examination shall include a medical history, physical examination  
41 by the physician, chest x-ray and such other laboratory tests including stool  
42 cultures as may be indicated. The certificate of health shall be kept on file in  
43 the Administrator's office and shall be available for inspection by the Commissioner.

44  
45 (7) Employees Clothing - Food service  
46 employees shall wear clean, washable garments while working and shall keep  
47 their hands clean at all times. All female employees shall wear hairnets and all  
48 male employees shall have clean hair or head coverings while engaged in the  
49 preparation and serving of food. No tobacco products shall be used nor shall  
50 smoking be permitted, in any food preparation area.

51  
52 (b) The facility shall meet the following general  
53 dietary requirements:

54  
55 (1) Three or more meals a day shall be served.  
56 In addition, to the extent medically possible, snacks and bedtime nourishment  
57 shall be offered.

58  
59 (2) Meals shall be scheduled so that the  
60 maximum interval between meals is five (5) hours, except that there shall be

## REGULATION 74-15

28 61  
----of----

1 no more than 14 hours between a substantial evening meal and breakfast  
2 the following day.

3  
4 (3) The minimum daily food requirement for each  
5 patient, unless otherwise ordered by the patient's physician, shall be:

6 (A) Two or more 8 ounce cups of milk or  
7 milk products.

8 (B) Two or more servings (4 to 6 ounces  
9 cooked weight) of protein (meat, fish, eggs or poultry).

10 (C) Two or more servings of fruit, one of  
11 which shall include citrus fruit or other good source of vitamin C.

12 (D) Two or more servings of vegetables,  
13 one of which shall include a dark green or deep yellow vegetable as a source of  
14 vitamin A.

15 (E) Four or more servings of whole grain or  
16 enriched bread or cereal.

17 (F) Other foods needed to complete meals and  
18 to provide additional food energy to fulfill caloric needs.

19 (4) Feeding assistance shall be provided to  
20 patients who are blind or otherwise handicapped.

21 (5) Provisions shall be made for group dining.  
22 If patients are unable to go to the central dining room, a convenient area closer  
23 to their living quarters shall be designated for group dining pursuant to section  
24 18(d) of this title.

25 (c) Nutritional requirements shall be in accordance  
26 with:

27 (1) Physician's orders and, to the extent  
28 medically possible, meet the dietary allowances of the Food and Nutrition Board  
29 of the National Academy of Science, adjusted for age, sex and activity.

30 (2) Therapeutic Diets - Special (modified)  
31 diets shall be prescribed by the attending physician and prepared under the  
32 guidance of a Dietitian. The diet prescription shall be a part of the patient's  
33 clinical record. Changes in diet orders, authorized by the physician, shall be  
34 forwarded in writing to the kitchen and notation made in the patient's clinical  
35 chart. In the absence of the dietitian, the food service manager shall have  
36 sufficient knowledge of food values to make appropriate substitutions when  
37 necessary.

38 (3) The dietitian shall have access to the  
39 patient's clinical record and shall document all observations, consultations  
40 and instructions regarding patient acceptance and tolerance of prescribed diets.

41 (d) Dietary Records - The following records shall be  
42 maintained and available for review by the Commissioner:

43 (1) Menus as served shall be filed and retained for  
44 30 days.

45 (2) Record of food purchased for preparation shall  
46 be filed and retained for 90 days.

REGULATION 74-15

28 61  
 ----of----

1 no more than 14 hours between a substantial evening meal and breakfast  
 2 the following day.

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 5 patient, unless otherwise ordered by the patient's physician, shall be:

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 8 milk products.

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 11 cooked weight) of protein (meat, fish, eggs or poultry).

12  
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 14 which shall include citrus fruit or other good source of vitamin C.

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 16 (D) Two or more servings of vegetables,  
 17 one of which shall include a dark green or deep yellow vegetable as a source of  
 18 vitamin A.

19  
 20 (E) Four or more servings of whole grain or  
 21 enriched bread or cereal.

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 24 to provide additional food energy to fulfill caloric needs.

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 37 medically possible, meet the dietary allowances of the Food and Nutrition Board  
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 42 guidance of a Dietitian. The diet prescription shall be a part of the patient's  
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 44 forwarded in writing to the kitchen and notation made in the patient's clinical  
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 46 sufficient knowledge of food values to make appropriate substitutions when  
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 50 patient's clinical record and shall document all observations, consultations  
 51 and instructions regarding patient acceptance and tolerance of prescribed diets.

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 54 maintained and available for review by the Commissioner:

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 57 30 days.

58  
 59 (2) Record of food purchased for preparation shall  
 60 be filed and retained for 90 days.

## REGULATION 74-15

29 of 61

1 (e) Diet Manual - A current diet manual recommended by the  
 2 Commissioner shall be readily available to food service personnel and supervisors  
 3 of nursing service.  
 4

5 (f) Tested Recipes - A file of tested recipes adjusted  
 6 to appropriate yield shall be maintained and used by all personnel engaged in  
 7 food preparation.  
 8

9 (g) Food on Hand - Supplies of staple non-  
 10 perishable food for a minimum of a one-week period, and of perishable foods for  
 11 a minimum of a two-day period shall be maintained on the premises.  
 12

13 (h) Budget - The dietitian or food service manager  
 14 shall participate in planning and budgeting for the dietary needs of all patients  
 15 and shall be responsible for determining the quantity, quality and variety of  
 16 food purchased.  
 17

18 Section 8. - Restorative Services  
 19

20 (a) The facility shall provide directly or through  
 21 written contract physical therapy, occupational therapy and speech therapy services  
 22 to meet the physical needs of all patients, in addition to restorative nursing care.  
 23

24 (b) Restorative services shall be administered in  
 25 accordance with physician's orders and by a physical therapist, occupational  
 26 therapist and speech pathologist or audiologist.  
 27

28 (c) Restorative services assistants shall be employed  
 29 by the facility to assist the therapists in performing functions not requiring  
 30 therapy expertise. Restorative services assistants shall receive continuing on-  
 31 the-job training under the supervision of the therapists.  
 32

33 (d) Restorative services, including modalities to be  
 34 used, frequency, and anticipated goals shall be written and included as part of  
 35 the total patient care plan.  
 36

37 (e) Therapists' treatment plan and progress notes for  
 38 each patient shall be signed, dated and made a part of the patient's complete  
 39 clinical record.  
 40

41 (1) Patients receiving therapy shall be re-evaluated  
 42 by the physician and therapist at least every 30 days. There shall be documentation  
 43 of the evaluation included in the patient's clinical record.  
 44

45 (2) Therapist's progress notes shall be  
 46 informative to the physician and nursing personnel so that the patient's activity  
 47 can be maintained and supported by nursing personnel.  
 48

49 (f) The facility shall provide therapy services areas  
 50 of sufficient size to accommodate and store necessary equipment and supplies and to  
 51 facilitate movement of disabled patients pursuant to section 18(f) of this title.  
 52

53 (g) Each therapist shall participate in preparing a  
 54 budget and determine the need for equipment necessary for services provided.  
 55 Each therapist shall advise the Administrator of the need for equipment purchase,  
 56 rental, storage and maintenance of same.  
 57

58 (h) There shall be regularly scheduled inservice education  
 59 programs for therapy staff. Records of these programs shall be kept on file and  
 60 available for inspection by the Commissioner.



REGULATION 74-15  
-----30 of 61  
----of----Section 9. - Pharmaceutical Services

(a) District and Federal laws, regulations, standards, administrative guidelines and rules regulating the procurement, handling, storage, administering and recording of drugs shall be complied with.

(b) The facility shall have written methods and procedures for its pharmaceutical services developed by a staff pharmacist, a consultant pharmacist, or a pharmaceutical advisory committee which shall include one or more licensed pharmacists. These written methods and procedures shall be in accordance with accepted professional pharmaceutical practices, shall be reviewed annually and shall be approved by the Commissioner.

(1) If the facility has a pharmacy, a licensed pharmacist shall be employed to administer the pharmacy department.

(2) If the facility does not have a pharmacy, it shall have procedures for promptly and conveniently obtaining prescribed drugs and biologicals from community pharmacists and shall employ a consultant pharmacist.

(3) If the facility does not have a pharmacy, but does maintain a supply of drugs:

(A) The consultant pharmacist shall be responsible for the control of all bulk drugs and maintain records of their receipt and disposition.

(B) The consultant pharmacist shall dispense drugs from the drug supply, properly label them and shall make them available to appropriate professional nursing personnel.

(C) Provision shall be made for emergency withdrawal of medications from the drug supply.

(c) Physician Orders

(1) All medications administered to patients shall be ordered in writing by the patient's physician.

(A) Oral (telephone) orders shall be given only to a professional nurse, immediately reduced to writing in the patient's clinical record, signed by the professional nurse, and countersigned by the physician within 48 hours.

(B) Medication orders shall contain specific instructions as to dosage per time interval, (hours, day, week, months), the time when the medication is to be administered and the route of administration, whether orally, intramuscularly, intravenously, rectally, etc.

(C) The physician shall note on the patient's clinical record when applicable, the condition(s) for which the medication has been ordered, expected reactions or possible adverse reactions, and procedures for attending to such expected or possible reactions.

(2) Medication Stop Order Policies - The facility shall have written "medication stop order policies" approved by the Medical Director to ensure that a medication is administered correctly and for only as long a period as is necessary.

REGULATION 74-15

(A) The registered nurse and the prescribing physician together shall review monthly each patient's medications. Such review shall be signed and dated by the physician in the patient's clinical record.

(B) The patient's attending physician shall be notified of stop order policies and contacted promptly by the professional nurse for renewal of medication orders to provide continuity of the patient's therapeutic regimen.

(C) Orders for anticoagulant drugs shall be re-affirmed every 72 hours by the attending physician.

(d) Administration of Medications - All medications shall be prepared and administered only by a physician or by professional nursing personnel. Each administered dose shall be properly and promptly recorded and initialed in the patient's clinical record by the person administering the medication. Items necessary for the proper preparation and administration of medications shall be available at the nursing station.

(1) Medications shall be prepared immediately preceding administration and the person preparing the medication must administer the medication.

(2) In administering medications, medication cards or other systems approved by the Commissioner shall be used and checked against the physician's order. The physician or professional nurse administering the medication shall personally verify the identity of the patient immediately before administering the medication.

(3) Medication errors and drug reactions shall be immediately reported to the patient's physician and an entry thereof made in the patient's clinical record as well as on an incident report.

(4) Refusal of medications by a patient shall be documented on his clinical record and reported immediately to his attending physician.

(5) Self-administration of medications by patients is prohibited, except for emergency drugs on special order of the patient's physician, or in a pre-discharge program under the supervision of a professional nurse.

(6) Medications shall be released to patients on discharge only on the written authorization of the patient's physician.

(7) Up-to-date medication reference texts and sources of information such as tests on pharmacology, posology, the Physician's Desk Reference or the American Society of Hospital Pharmacists Formulary shall be provided by the Administrator.

(e) Labeling and Storage of Medications - Medications shall be stored in a locked cabinet at the nurse's station. Cabinets shall be well lighted and of sufficient size to permit storage without crowding and shall be maintained in a clean and orderly manner. Medication preparation areas shall be of sufficient size, well lighted and shall have counters which are constructed of non-porous, easily cleanable materials; shall have a pharmaceutical sink, and a climate conditioning to insure proper storage temperatures for the medications.

(1) All medications shall be labeled by a pharmacist and such label shall contain the following information.

(A) Patient's full name

.. ..

REGULATION 74-15

32  
 ----of---- 61

- 1 (B) Physician's full name
- 2
- 3 (C) Prescription number
- 4
- 5 (D) Date of issue
- 6
- 7 (E) Name and strength of drug
- 8
- 9 (F) Expiration date of all time-dated drugs
- 10
- 11 (G) Name, address and telephone number of
- 12 the pharmacy issuing the drug
- 13
- 14 (H) If the drug is dispensed under its
- 15 "generic" name, the manufacturer's name and the lot or control number shall
- 16 also appear on the label.
- 17

18 (2) Labels shall be securely affixed to the

19 outside of medication containers and shall be properly protected with transparent

20 tapes or other suitable means.

21

22 (3) The medications of each patient shall be

23 kept and stored in their original containers. There shall be no transferring of

24 of medications between containers.

25

26 (4) Medications requiring refrigeration shall be

27 kept in a pharmaceutical refrigerator, or in a separate locked compartment within

28 a refrigerator at or near the nursing station. All refrigeration used for storage of

29 medications shall have thermometers which are easily readable, in proper working

30 condition and accurate within a range of plus or minus two degrees.

31

32 (5) Medications labelled for "external use" or

33 "poison" shall be kept separate from other medications in a locked cabinet.

34

35 (6) Medication containers having soiled,

36 damaged, illegible or otherwise incomplete labels shall either be returned to

37 the issuing pharmacist for relabeling or shall be properly destroyed. Nursing

38 personnel shall not package, repackage, return to containers nor label in whole, or

39 in part, any medications, nor alter in any way a medication label.

40

41 (7) Medications having an expiration date

42 shall be removed from usage and properly destroyed after such date.

43 Medications no longer in use, or medications, or written prescriptions for patients

44 who have left the facility shall be properly destroyed. Such disposal shall be

45 witnessed by an authorized representative of the facility and a signed notation

46 shall be made on the patient's chart.

47

48 (f) Control of "Controlled Substances"

49

50 (1) The facility shall comply with all District

51 and Federal laws relating to the procurement, storage, dispensing, administration

52 and disposal of all "Controlled Substances" as defined by 21 U.S. Code section

53 803(6).

54

55 (2) Double-locked cabinets, or securely

56 fastened, locked boxes or drawers within lockable medicine cabinets, shall

57 be provided for the storage of all substances controlled by the "Comprehensive

58 Drug Abuse Prevention and Control Act of 1970."

59

REGULATION 74-15

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1 (a) The facility shall have a written agreement with  
 2 a physician or licensed laboratory, approved by the District for obtaining  
 3 required clinical laboratory, x-ray, audiological, ophthalmologic, and other  
 4 diagnostic services.

5  
 6 (b) The physician having ordered the laboratory work, shall  
 7 be promptly notified by the Director of Nursing Services of the test results.

8  
 9 (c) Arrangements shall be made by the facility  
 10 for transportation of patients, if necessary, to and from source of diagnostic  
 11 services.

12  
 13 (d) All diagnostic reports shall be included in the  
 14 clinical record.

15  
 16 Section 11. - Dental and Podiatric Services

17  
 18 (a) The facility shall have a written agreement with a  
 19 dentist for obtaining regular and emergency dental services. Dental services  
 20 shall include diagnostic, preventive, educational, consultative, or corrective  
 21 procedures administered by or under the supervision of a dentist.

22  
 23 (b) Dental care shall be rendered upon need or request  
 24 of the patient or sponsor.

25  
 26 (c) The facility shall have a written agreement with  
 27 a podiatrist for obtaining routine and emergency podiatric services. Podiatric  
 28 services shall include direct services to patients, as well as consultation and  
 29 inservice training for nursing personnel.

30  
 31 (d) Appropriate space and equipment with proper  
 32 maintenance shall be provided in the facility for dental and podiatric services,  
 33 or transportation shall be arranged by the facility for patients to visit the dentist's  
 34 or podiatrist's office.

35  
 36 (e) Medications or treatments prescribed by the dentist  
 37 or podiatrist shall be in writing and included as part of the patient's clinical  
 38 record. Nursing personnel shall assist patients in carrying out the dentist's  
 39 or podiatrist's orders.

40  
 41 (f) Reports of treatment by the dentist or podiatrist  
 42 shall be documented at the time of each visit, and included in the clinical  
 43 record of each patient.

44  
 45 Section 12. - Social Services

46  
 47 (a) The facility shall provide social services, directly  
 48 or through contractual services, to meet the medically related social needs  
 49 of patients.

50  
 51 (b) There shall be a Social Worker in the facility who  
 52 has the responsibility for recognizing social problems and taking necessary action  
 53 to solve them.

54  
 55 (c) A complete social evaluation of each patient shall  
 56 be made as soon as possible after admission to identify patient's needs. A  
 57 plan shall be formulated to meet these needs during his treatment and care in the  
 58 facility and in planning for his discharge.

59  
 60 (d) The social evaluation, plan of care, all social...

REGULATION 74-15

1 service activity and reports shall be incorporated in the patient's clinical record.

2  
3 (e) The Social Worker shall participate in clinical  
4 staff conferences, including utilization review committee meetings, and confer  
5 with attending physicians at intervals during the patient's stay in the facility,  
6 and prior to discharge of the patient.

7  
8 (f) The Social Worker shall plan for orientation and inservice  
9 education programs, case conferences, and staff orientation to community services.

10  
11 Section 13 - Patient Activities

12  
13 (a) Patient activities suited to the needs and interests  
14 of all patients shall be provided as an important therapeutic adjunct to the  
15 active treatment program and to encourage restoration to self-care and resumption  
16 of normal activities of daily living. A patient's activity program shall include,  
17 but not be limited to, active, passive, individual and group activities directed  
18 toward stimulating interest and participation in hobbies, music, drama, arts and  
19 crafts, and social functions. Suitable activities shall be provided for patients who  
20 are unable to leave their rooms. Patients shall be encouraged but not forced to  
21 participate in patient activity programs.

22  
23 (b) Director of Patient Activities - In facilities of 50  
24 or more beds, a Director of Patient Activities shall be employed to plan,  
25 organize and direct a daily patient activity program. This individual shall  
26 hold current registration in the National Therapeutic Recreation Society as a  
27 therapeutic recreation specialist or possess qualifications necessary for such  
28 registration and shall be required to work the number of hours per week as  
29 prescribed.

30  
31 (c) Patient Activities Specialist - A patient activities  
32 specialist is a person who works under the direct supervision of the Director  
33 of Patient Activities when appropriate. This individual meets the qualifications  
34 necessary for registration as a Therapeutic Specialist in the National Therapeutic  
35 Recreation Society, or has two (2) years full time paid experience in a health  
36 care facility, or (60) sixty hours of specialized training in therapeutic recreation  
37 and patient activities. If the patient activities specialist is employed in a facility  
38 with fewer than 50 beds which does not employ a Director of Patient Activities,  
39 the non-registered patient activities specialist must receive at least (16) sixteen  
40 hours of consultation per month, from a person who meets the qualifications of a  
41 Director of Patient Activities. The number of patient activities specialists and  
42 hours of work required shall be determined by the following table:

43

<u>NUMBER OF BEDS</u>	<u>HOURS REQUIRED</u>	<u>RESPONSIBLE PERSONS</u>
44 1-10 beds	45 10 hours per week 46 (at least 3 days)	47 Administrator/owner or 48 patient activities specialist
49 11-29 beds	50 20 hours per week 51 (at least 5 days)	52 patient activities specialist
53 30-49 beds	54 30 hours per week 55 (at least 5 days)	56 patient activities specialist
57 50-100 beds	58 60 hours per week	59 Director of Patient Activities 60 1 patient activities specialist

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REGULATION 74-15

For additional beds, the following shall be required:

1 2 3 4 5 6 7	1-29 additional beds	20 hours per week (5 days)	1 Director of Patient Activities 1 patient activities specialist (for total 80 hours per week)
8 9 10 11 12	30-50 additional beds	30 hours per week	1 Director of Patient Activities 2 patient activities specialists (for total 90 hours per week)
13 14 15 16 17 18	51-100 additional beds	60 hours per week	1 Director of Patient Activities 2 patient activities specialists (for total 120 hours per week)

The ratio of patient activity specialists to residents shall be no less than one (1) activity specialist to every fifty (50) residents.

-----

(d) In addition to staff requirements, activity program schedules and execution of same shall be approved by the Commissioner.

(e) Qualifications and Responsibilities of the Director of Patient Activities

(1) The Director of Patient Activities shall supervise the activity specialists and coordinate their activities with nursing, social services, physical therapy, and dietary and other services.

(2) In the absence of a Director of Volunteers, the Director of Patient Activities shall be responsible for recruitment, training and supervision of patient activity volunteers, if volunteers are used.

(3) The Director of Patient Activities shall make the fullest possible use of community, social and recreational resources.

(4) The Director of Patient Activities shall evaluate all patients on admission to determine their therapeutic and diversional needs. These evaluations shall be reviewed every 90 days and signed, dated, and incorporated in the patient's clinical record.

(5) The Director of Patient Activities shall prepare a detailed budget and determine the type of equipment and supplies necessary to provide adequate programs, and shall advise the administrator regarding the purchase, storage and maintenance of same.

(6) The Director of Patient Activities shall prepare a calendar of regular monthly activities and post this calendar in conspicuous locations. The entire activity program shall be reviewed and updated at least every 6 months.

(7) The Director of Patient Activities shall attend facility staff meetings.

(f) Provision of Space - Appropriate space shall

## REGULATION 74-15

36 of 61

1 be provided for recreational activities to accommodate and store necessary  
2 equipment and supplies and to facilitate movement of disabled persons, i.e.,  
3 wheelchair.  
4

5 (g) Inservice Education  
6

7 (1) A regularly scheduled program of inservice  
8 education shall be conducted for all patient activity staff, volunteers, and other  
9 facility personnel.  
10

11 (2) These programs shall include community  
12 involvement and be directed towards interpreting the aims and methods of the  
13 activity programs.  
14

15 (3) Records of all inservice education programs  
16 shall be maintained and shall be available for review by the Commissioner.  
17

18 Section 14. - Clinical Records  
19

20 (a) A clinical record shall be established and  
21 maintained for each patient admitted to the facility, and all information  
22 contained therein shall be treated as confidential. A Medical Records  
23 Practitioner, or qualified employee of the facility, shall be employed full-time  
24 and assigned the responsibility for assuring that records are maintained,  
25 completed and preserved. If the facility does not employ a Medical Records  
26 Practitioner the designated employee shall be trained by and receive regular  
27 consultation from a person so qualified.  
28

29 (b) The clinical record shall serve as a basis for  
30 planning patient care and shall provide a means of communication between  
31 the physician and other professional disciplines contributing to the patient's  
32 care.  
33

34 (c) The clinical record shall furnish documentary evidence  
35 of the course of the patient's illness and treatment and shall serve as a basis  
36 for review, study and evaluation of the medical care rendered to the patient.  
37

38 (d) The forms appropriate for use in maintaining the  
39 clinical records shall be subject to approval by the Commissioner.  
40

41 (1) Composition of Record - Each clinical  
42 record, with all entries kept current, dated, and signed with full signatures and  
43 discipline identification, shall include but not be limited to the following:  
44

45 (A) Patient Register: The patient's name  
46 age, sex, marital status, social security, medicaid numbers, home address,  
47 religion, and date admitted; names, addresses and telephone numbers of  
48 personal physician, dentist, next of kin or sponsor; admitting diagnosis, final  
49 diagnosis, condition on discharge, disposition, date of discharge, and any  
50 other information required by the Commissioner.  
51

52 (B) Transfer Information: A hospital  
53 discharge summary or transfer form from attending physician.  
54

55 (C) Medical Evaluation: Patient's medical  
56 history, physical examination, diagnosis, prognosis, and an estimation of  
57 rehabilitation potential.  
58

59 (D) Physician's Orders: All medications,  
60 diet, treatment and rehabilitation procedures required for the safety and well...

## REGULATION 74-15

37 of 61

1 being of the patient.

2  
3 (E) Physician's Progress Notes:

4  
5 (1) Shall be written at the time of  
6 observation to describe significant changes in the patient's condition, when  
7 medication and treatment orders are changed, and when the patient's condition  
8 remains stable to indicate a status quo condition.  
9

10 (2) At least a monthly statement  
11 note shall be entered.  
12

13 (3) On discharge, the patient's  
14 medical experience shall be summarized by the attending physician.  
15

16 (F) Medication and Treatment: A daily  
17 record of all medications and treatment given.  
18

19 (G) Nursing Notes: Shall be kept daily  
20 and in accordance with the policies of the nursing service.  
21

22 (H) Physician's Consultative Reports: Statement  
23 of medical consultants of various disciplines concerning the patient's status  
24 and treatment.  
25

26 (I) Laboratory, X-ray and Diagnostic  
27 Reports

28 (J) Service Reports: On-going reports of  
29 physical therapy, occupational therapy, speech therapy, podiatry, dental,  
30 patient activity and nutritional and social services.  
31

32 (K) Accident or Incident Reports: Detailed  
33 reports of any unusual occurrences, including medication reactions.  
34

35 (L) List of Patient's Personal Belongings:  
36 Shall be made at the time of admission, and updated at appropriate intervals.  
37

38 (2) Patient Care Plan - A comprehensive  
39 patient care plan shall be developed and maintained for each patient and readily  
40 available to all personnel involved in rendering direct services to patient.  
41

42 (A) The patient care plan shall be  
43 inclusive and shall indicate the patient's needs with appropriate orders for the  
44 following services: Nursing, restorative, dietary, dental, diagnostic, patient  
45 activity, social and podiatry.  
46

47 (B) Upon discharge, the patient care  
48 plan shall be incorporated in the clinical records.  
49

50 (3) Retention of Records - All clinical records of  
51 discharged patients shall be completed within 15 days and shall be filed and  
52 retained for at least 5 years.  
53

54 Section 15. - Utilization Review

55 (a) A utilization review plan shall be developed with  
56 the advice of the committee of professional personnel responsible for promulgation  
57 and enforcement of patient care policies pursuant to section 3 of this title.  
58  
59  
60



REGULATION 74-15

(b) Utilization reviews shall be made, on a sample or other basis, of admissions, duration of stay, and professional services furnished for the purpose of analyzing the medical necessity of the services, and of promoting the most effective use of available health facilities and services. Such reviews shall emphasize identification and analysis of patterns of patient care in order to maintain consistent high quality.

(c) Utilization Review Plan - The facility shall have a written description of its utilization review plan which shall include:

- (1) Frequency of meetings
- (2) The type of records to be kept
- (3) The method to be used in selecting cases on a sample or other basis
- (4) The definition of what constitutes the period or periods of extended duration
- (5) Arrangements for committee reports and their dissemination
- (6) Responsibilities of the facility's administrative staff in support of utilization review

(d) Composition of the Utilization Review Committee - The utilization review committee shall include:

- (1) Two or more physicians, with the inclusion of other professional personnel, or
- (2) A committee or group outside the facility composed of two or more physicians which is established by a local medical society, and some or all of the hospitals and extended care facilities in the locality.

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REGULATION 74-1539 of 61Section 16. Environmental Requirements

(a) Skilled care facilities shall be designed, constructed, located, equipped and maintained to provide a functional, healthful, safe, comfortable and supportive environment for all persons using the facilities. The physical plant of skilled care facilities shall provide maximum environmental support for the goals of services offered and shall be responsive to the needs of patients, staff and the visiting public.

(b) Criteria for appropriate location of skilled care facilities.

(1) Accompanying the plans and program information required by section 17 (a) of this title, a statement of compliance with the following criteria for location of facilities shall be submitted to the Commissioner:

(A) Facilities shall be accessible to the fullest extent possible to the patient groups served. Facilities shall be located on or near major streets and roads and along, or within easy walking distance of public transportation routes and shopping areas. Location in a remote area will not be acceptable except where it can be shown that there is a special need for services in such an area.

(B) Skilled care facilities shall be located in areas containing, and shall be located reasonably near, a sufficient number and variety of community resources to carry out all contractual and in-house program requirements including but not limited to those listed in sections 1, 5 and 13 of title 5 of this regulation, such as hospital services, patient activity programs, volunteer participation, etc.

(C) Ambient Noise Level-Skilled care facilities shall not be located in proximity to sources of loud, continuous, or impact noises. The facility shall be remotely located from railroads, factories, airports, and similar noise sources. The ambient noise level at the proposed sites of new skilled care facilities shall not exceed 55 decibels during the day and 50 decibels at night in residential or special purpose zones, or 60 decibels during the day and 55 decibels at night in commercial zones, and shall otherwise comply with any District of Columbia regulation relating to noise control standards.

(D) Air Pollution-Skilled care facilities shall be located in areas reasonably free from noxious and hazardous smoke and fumes, and the location of these facilities shall otherwise be in compliance with the Air Quality Control Regulations of the District of Columbia (D.C. Council Reg. No. 72-12, as amended).

(2) The Commissioner shall develop additional guidelines to assure the appropriate and equitable location of skilled care facilities throughout the District.

Section 17. Physical Structure and Construction Requirements

(a) Procedure for review-Before a skilled care facility is constructed, added to, or remodelled, or before an existing structure is converted for use as a skilled care facility, properly prepared plans, specifications, a study indicating facility elevator needs, and a program statement indicating location

## REGULATION 74-15

40 of 61

1 and use of rooms, and the location, size and type of fixed equip-  
2 ment, shall be submitted to the Commissioner for review and approval  
3 before a permit for such construction is issued.

4 (b) Applicable General Codes.

5 (1) The physical plant of a skilled care  
6 facility shall conform to all applicable portions of the Housing  
7 Regulations of the District of Columbia, and shall meet all other  
8 applicable District rules and regulations. All new construction  
9 of skilled care facilities, and all additions to, repairs and  
10 remodeling of existing buildings used for these facilities, shall  
11 conform to the District of Columbia Building Code (Title 5A-1,  
12 District of Columbia Rules and Regulations, hereafter referred to  
13 as DCRR), to all other applicable District of Columbia rules and  
14 regulations, to the National Fire Protection Association (NFPA)  
15 Standard No. 101 (1967), Section 10-1, "Hospitals, Nursing Homes  
16 and Residential-Custodial Care Occupancies," and to the American  
17 National Standards Institute, Inc. Document No. A 117.1-1961,  
18 "American Standards Institute, Inc. Document No. A 117.1-1961,  
19 "American Standard Specifications for Making Buildings and  
20 Facilities Accessible to, Usable by, the Physically Handicapped."  
21 All new construction for skilled care facilities shall comply  
22 with the minimum requirements of the Hill-Burton Program (admini-  
23 stered by the Health Services and Mental Health Administration  
24 of the U.S. Department of Health, Education and Welfare), as  
25 specified in "General Standards for Construction and Equipment  
26 for Hospital and Medical Facilities," Section 9: Facility for  
27 Long-Term Care - Nursing Homes. and Chronic Disease Hospitals,  
28 Public Health Service publication No. 930-A-7, as revised, 1969,  
29 (hereafter referred to as Hill-Burton standards).

30 (2) All additions to existing skilled  
31 care facilities shall comply with the minimum standards of  
32 Hill-Burton, Sections 9.14-9.18. For the purpose of this regu-  
33 lation, conversions of existing buildings to skilled care faci-  
34 lities shall be considered as new construction. Existing skilled  
35 care facilities shall comply with the provisions of the NFPA  
36 Standard No. 101, Section 10-2.

37 (3) Where District code requirements  
38 conflict with those of the federal or national agencies adopted  
39 by reference above, the more stringent shall apply, except that  
40 requirements specified in Sections 16-18 of this Title shall  
41 supersede any other requirements.

42 (c) Other Construction Requirements. In addi-  
43 tion to compliance with all applicable standards and regulations,  
44 all skilled care facilities, including those in operation before  
45 the effective date of this regulation, shall comply with the  
46 following:

47 (1) Electrical Systems.

48 (A) General: All electrical systems  
49 shall be designed, constructed, maintained and inspected in  
50 accordance with the National Electrical Code (Title 5B-1, DCRR)  
51 and the District of Columbia Electrical Code (Title 5b-2, DCRR),  
52 and all other applicable District rules and regulations. Electrical  
53 cords and appliances shall be maintained in a safe condition and  
54 frayed wires, cracked or damaged switches and plugs shall be  
55 replaced. The use of exposed wiring shall not be permitted.

56 (B) Emergency Electrical System:

57 The facility shall have available,  
58 and in working order, an emergency electrical system approved by  
59 the Commissioner. The emergency electrical system shall provide  
60 lighting and power for lights at nursing stations, telephone  
switchboards, night lights, exits, stairways, corridors, boiler

REGULATION 74-15-----

rooms and fire alarm systems. Emergency power shall be provided for a minimum of one (1) elevator where elevators are used for transporting patients.

(C) Artificial Illumination Levels.

(i) General illumination levels.

Lighting levels throughout the facility shall conform to the following minimum lighting level table, provided that the facility shall provide any additional lighting level as may be needed by patients with visual impairments and as may be needed for special tasks. The facility and its lighting system shall be designed, equipped and maintained to avoid high brightness, highly reflective surfaces and glare.

MINIMUM LIGHTING LEVELS FOR SKILLED CARE FACILITIES  
(Footcandles on the task)

Corridors and interior ramps	20
Stairways other than exits	20
Exit stairways & landings	20
Doorways	10
Administrative & Lobby areas	30
Chapel and/or quiet areas	20
Physical Therapy	20
Occupational Therapy	30
Dining Area	30
Social Area	30
Patient Care Unit-General	10
Patient Care Unit-Reading	30
Nurses Station - General	30
Nurses Station - Desks & Charts	50
Utility Rooms	20
Pharmacy Area	30
Kitchen - General	30
Kitchen - Work Areas	70
Laundry Rooms	30
Janitor's Closet	15
Boiler Room	20
Toilet Facilities	20

(ii) Night Lights. The facility shall be equipped with night lights providing no less than one (1) foot-candle of illumination in corridors, toilets, patients bedrooms and similar areas.

(iii) Type of Light. General area lighting levels may be provided by flourescent lighting. Some incandescent lighting shall be provided in patient's bedrooms, living and social areas.

(2) Natural Lighting. Every habitable room shall contain windows in size and area and in specifications in accordance with the District of Columbia Building Code. In habitable rooms, windows shall be of an openable type, with sills no higher than 3'-0" above the floor. Obscure glass, glass blocks or similar non-transparent and distortion-producing materials for openings shall not satisfy window area requirements under this regulation.

(3) Water Supply and Distribution General.

(A) Water supply and distribution systems shall conform with the District of Columbia Plumbing Code (Title 5C-2, DCRR) and with the Model Plumbing Code for the Washington Metropolitan Areas, (Title 5C-1, DCRR), and all other applicable District rules and regulations.

REGULATION 74-1542 of 61

1 (B) Safe Supply. The water supply  
2 shall be approved by the Commissioner. Samples for bacteriological  
3 testing shall be taken. There shall be no crossconnection between  
4 the safe water supply and water supplies that are questionable or  
5 unsafe, or any source of pollution through which a safe supply might  
6 become contaminated.

7 (C) Hot and cold water. Each sink,  
8 lavatory, bathtub and shower shall have a continuous supply of hot  
9 and cold running water. The temperature of hot water at fixtures  
10 used by patients shall be automatically controlled and shall not  
11 exceed 110 degrees Fahrenheit. An adequate supply of hot water for  
12 patient use shall be available at all times. The water supply  
13 system shall also include a separate or boosted supply at higher  
14 temperatures for the kitchen, dishwashing and laundry uses. Water  
15 pressure shall be 15 p.s.i. on all floors during periods of peak  
16 demand.

17 (D) Drinking water. Drinking foun-  
18 tains shall be installed in areas available for general patients  
19 use. Half of the number of fountains provided shall be installed for use by wheel-  
20 chair patients, and shall not project into corridors or rooms.

21 (4) Sewerage Systems. The system for the  
22 disposal of water-carried sewerage shall be constructed, operated  
23 and maintained in accordance with the codes referenced in paragraph 3  
24 of this section.

25 (5) Solid waste Disposal.

26 (A) General. Solid waste manage-  
27 ment including disposal and incineration in skilled care facilities  
28 shall comply with the Solid Waste Regulations of the District of  
29 Columbia (D.C. Council Reg. No. 71-21), with the Air Quality Control  
30 Regulations of the District of Columbia (D.C. Council Reg. No. 72-12,  
31 as amended), the D.C. Building Code, and all other applicable District  
32 rules and regulations.

33 (B) Any person making, using,  
34 storing or having in his charge or under his control any shavings,  
35 excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible  
36 waste materials, shall, at the close of each working day, remove  
37 all such material, which shall be completely baled and stacked in an orderly  
38 manner, from the building or store such material in suitable vaults  
39 or in metal or metal lined and metal covered receptacles or bins.  
40 The frequency of trash and garbage pick ups shall be adequate to  
41 prevent long storage periods.

42 (C) Trash and refuse. Adequate  
43 facilities shall be provided for the collection and storage of all  
44 trash and other refuse accumulations in a health care facility.  
45 All such wastes shall be handled and stored in a manner pursuant to  
46 Title 8, chapter 6, Part I of the District of Columbia Health  
47 Regulations (General Food Regulations).

48 (D) Food grinders. Each skilled  
49 care facility served by a sanitary sewer and conducting activities  
50 any of which generate food waste (garbage) shall have and use one  
51 or more food waste (garbage) grinders and shall otherwise be in  
52 compliance with D.C. Council Reg. No. 71-21, Solid Waste Regulation,  
53 as amended.

54 (6) Heating and cooling

55 (A) General. All fuel burning  
56 heating equipment shall be designed, installed, vented and main-  
57 tained in good repair in accordance with the Fuel Burning Equip-  
58 ment Code (Title 5H, DCRR), with the Air Quality Control Regulations  
59  
60

## REGULATION 74-15

43 of 61

1 (D.C. Council Reg. No. 72-12, as amended), and all other applicable  
2 District rules and regulations. Air conditioning equipment and  
3 its installation shall comply with the Refrigerator and Air-Cond-  
4 itioning Code (Title 5F, DCRR) and all other applicable District  
5 rules and regulations.

6 (B) Minimum temperature capability  
7 of system. The heating system  
8 shall be of a size and capacity to maintain a temperature of 70  
9 degrees Farenheit and a relative humidity of 25% in all occupied  
10 rooms. Each room used by patients shall be maintained at a  
11 minimum temperature of 70 degrees Farenheit between 7:00 AM and  
12 10:00 PM and 66 degrees Farenheit other times, whenever such room  
13 is occupied. The heating system shall be thermostatically con-  
14 trolled from one or more areas.

15 (C) Other Requirements. Heating and  
16 cooling systems shall provide freedom from drafts. Heating fix-  
17 tures shall be properly shielded for the safety of the patient.  
18 Each heating source shall be equipped with hand controls. No  
19 portable room heaters, space heaters or fireplaces shall be per-  
20 mitted as primary sources of heat in any room, although fireplaces may be utilized  
21 for decorative and social/recreational purposes. Only authorized persons shall  
22 have access to boiler and mechanical equipment rooms.

23 (7) Ventilation and Exhaust Systems.

24 (A) Each facility shall be well-  
25 ventilated through the use of windows, forced air, or both. Both  
26 natural and mechanical ventilation and exhaust shall comply with  
27 the provisions of the D.C. Building Code, and all other applicable  
28 District rules and regulations.

29 (B) If only natural ventilation is  
30 relied upon, the total openable area shall equal at least 1/16th  
31 of the floor area served. When openable area other than windows  
32 is included in the required area, at least 50% of the required  
33 area shall be furnished by a window or windows. Ventilating  
34 skylights may be permitted to furnish not more than 50% of the  
35 required openable area.

36 (C) Mechanical ventilation shall  
37 consist of a system providing habitable rooms with a minimum of  
38 two air changes per hour, and all other areas with at least ten  
39 air changes per hour. Not more than 25% of the kitchen air may  
40 be obtained from the dining room or other rooms. Not more than 50%  
41 recirculation of air shall be permitted within rooms in which food  
42 or drink is served. Corridors shall not be used to exhaust air  
43 from any room with unusually high levels of odor or humidity.

44 (D) Isolation rooms and connected  
45 bathrooms shall be exhausted in such a manner as to prevent con-  
46 tamination of other areas.

47 (E) All cooking units that create  
48 smoke, steam gases, fumes, odors, vapors or excessive heat shall be  
49 hooded and vented, or locally vented, to the outside air by forced  
50 draft, in such a manner as to effectively remove such conditions:  
51 Provided that, small burners used intermittently for short periods  
52 of time, warming equipment, bread toasters, coffee urns, and radiant  
53 cooking units need not be so vented unless they, or a combination  
54 of such units, create a nuisance. Stove and other cooking unit  
55 ventilation hoods shall be provided with automatic fire extinguish-  
56 ment systems.

57 (F) Air velocities across the face of  
58 any louver, grill or other ventilating opening shall not exceed 400  
59 cubic feet per minute. In all duct and fan installations, noise  
60 generation shall not exceed by more than 10 decibels the existing

REGULATION 74-15

44 of 61

noise level in the area served.

(G) All ventilation and exhaust systems shall be maintained in good operating order. Air filters shall be provided and properly cleaned, regularly replaced and maintained in all recirculating air systems.

(8) Accoustical Insulation and Noise Reduction.

(A) General. In a skilled care facility, no patient room or area shall have a general noise level in excess of 45 decibels at any time. In addition, every effort shall be made in the facility to reduce noise levels, and impact and air borne sound transmission. Air spaces around ducts and other openings into rooms and air spaces under and around doors and partitions shall be properly sealed to maintain sound isolation.

(B) Carpeting and Fabrics. Wall-to-wall carpeting, suitable for use under wheelchairs and rolling equipment shall be used in all patient areas where the general noise level would otherwise exceed 45 decibels at anytime. Window curtains of soft fabric, fabric wall hangings and other materials that absorb sound shall be used in areas of high noise generation. Carpeting shall not be used in wet work areas, kitchens and treatment rooms. Throw or scatter rugs shall not be used except for non-slip entrance mats mounted flush with floor surface.

(C) Flame-Resistant Properties of Carpeting and Fabrics. All curtains used for decorative or accoustical purposes, cubicle curtains, and other fabrics hung on walls shall be of flame-proof material and shall be maintained flame-resistant. All carpeting in skilled care facilities shall have a flamespread rating of not over 75 or, in fully sprinklered buildings, a rating of not over 200 and shall otherwise comply with the Bureau of Health Insurance-State Agency Letter No. 172, "Guidelines for the Surveying of Carpets in ECF's and Non-Accredited Hospitals", (Baltimore, Maryland, January 1973, U.S. Department of Health, Education and Welfare, Social Security Administration).

(9) Elevators. Elevators shall be designed, constructed, maintained and inspected in accordance with the District of Columbia Elevator Code (Titles 5E-2 and 5E-1, DCRR) and other applicable District rules and regulations. Electric or electro-hydraulic elevators shall be installed in the facility if either patients' bedrooms or other patient areas are located on floors above street level. Elevators shall be of a sufficient size to accommodate a wheeled stretcher. Car doors of non-hospital type elevators shall have a minimum clear opening of 32". Cabs floors shall stop automatically flush with each floor level. Elevators shall be equipped with a by-pass switch to enable emergency express use. The number of elevators in the facility shall be determined by an elevator need study submitted by the owner of a skilled care facility to be approved by the Commissioner and shall be provided in the following minimum ratio:

<u>No. of Beds</u>	<u>No. of Elevators</u>
1-59	2(one of which shall be a hospital type)
60-200	3(one of which shall be a hospital type)
201-350	4(one of which shall be a hospital type)
Over 350	A study of the facility

## REGULATION 74-15

45 of 61

shall be made to determine the need for number of additional elevators

(10) Wall, Ceilings, Floors and Finishes.

Walls and floors shall be designed and maintained to minimize the incidence of accidents. Hazards such as projecting sharp corners shall be avoided. Walls and ceilings generally shall be made of materials that permit frequent washing. Finishes in areas exposed to water, high humidity or grease shall be moisture-proof and grease proof. Floors shall be easily cleanable, either carpeted or of non-slip surface. All floor materials shall be mounted flush with adjacent materials to provide unbroken surfaces facilitating wheelchair use. Door thresholds and expansion joint covers shall be flush with the floor. Where the floor directly above is used by patients, ceilings of unheated rooms or of rooms where there is high heat generation such as boiler or laundry rooms, kitchens, etc., shall be insulated to prevent heat loss or transfer. Floors on grade or above air spaces shall also be insulated to prevent heat loss.

(11) Ramps, Stairs and Corridors. Doorway, passage way and stair well design shall meet the requirements of the D.C. Building Code, all other applicable District rules and regulations, the NFPA Standard No. 101 Sections 10-1 and 10-2 and the ANSI standards in document A117.1-1961. Such circulation routes shall be kept free from obstructions at all times. Ramps, stairways and corridors shall be equipped with firmly secured handrails or bannisters on each side. Handrail ends shall return to the wall. Ramps shall be generally designed for wheelchair use, with a maximum gradient of 8.33% (1 to 12).

Section 18.

## Architectural Program Requirements

(a) General. The provision of space in a skilled care facility and the way in which the facility is equipped, furnished and maintained shall provide a home-like setting for patients while providing the staff a pleasant and functional working environment. Utilization of decoration, color, furnishings, etc., shall be designed to minimize the institutional character of facilities and services. The limited mobility of patients shall be considered in designating uses and proximity relationships for various rooms in the facility. Patients shall find readily accessible from their bedrooms any room for their social, recreational and dining activities. Staff shall be afforded adequate and pleasant working space, as well as space appropriate to their personal needs.

(b) Outdoor Space. Every new skilled care facility shall provide in its design and on its property some outdoor area for use by patients, staff and the visiting public for quiet recreation. Residents shall be encouraged to go outdoors. Steps shall not be included in the design of the outdoor space and the space shall be accessible from the ground floor level of the facility without the use of ramps or steps, whenever possible. The outdoor space shall be well-planted and maintained. It shall be of sufficient size and shape to permit three or more sitting areas that are reasonably private from one another. The space shall be so located to receive direct sunlight for at least four (4) hours each day. Existing skilled care facilities shall provide such space meeting the above requirements as their existing property affords.

(c) Nursing Unit.

Each nursing unit shall have the following major service areas within it:



## REGULATION 74-15

46 of 61

1 (1) Nursing station. Space and facilities  
2 shall be provided for the supervision and care of patients.

3  
4 (A) Space and facilities for the proper  
5 and easy maintenance of medical records shall be provided and  
6 shall consist of an ample writing surface, well-lighted and within  
7 easy reach of file cabinets or other record storage equipment. A  
8 separate, fully enclosed room shall be provided for major record-  
9 keeping duties. The room shall be well-ventilated, reasonably  
insulated from sound, and equipped with a telephone.

10  
11 (B) Other office space shall be provided,  
12 as needed.

13 (C) At least one toilet room with a lava-  
14 tory for nursing staff and a limited access area for storage of  
15 staff clothing and personal items shall be provided both convenient to the  
16 nursing station.  
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REGULATION 74-1547 of 61

1 (D) A medication preparation and storage  
2 room adjacent to nursing station shall be provided. The room shall be well-  
3 lighted, fully enclosed and equipped with hot and cold water fixtures and a  
4 locked refrigerator, and other locked cabinets used only for storage of  
5 medications and drug supplies, including "controlled substances." The  
6 room may also be used as a "clean workroom" for nursing procedures, if  
7 there is adequate space to ensure a separate work area and counter space  
8 for medication preparation from those of nursing procedures. A single sink  
9 unit may be used for both activities. Access to the room shall be limited.

10  
11 (E) A telephone for use by staff, shall  
12 be provided.

13  
14 (F) A call system register shall be  
15 provided indicating signals from each patient bedroom, toilet room and  
16 bath or shower room and from each patient social recreation space.

17  
18 (2) Storage Areas. Adequate space shall be  
19 provided in each nursing unit for the storage of all equipment, for clean  
20 linens and for other non-pharmaceutical supplies.

21  
22 (3) Utility Rooms. Adequate space shall be  
23 provided in each nursing unit for the separate handling of various "soiled"  
24 functions. Separate rooms shall be provided when various "soiled" functions  
25 should not be mixed. All such rooms shall contain a clinical sink, adequate  
26 work counters and cabinet space, and waste and soiled linen receptacles.  
27 Adequate facilities shall be provided for the following "soiled" functions:

28  
29 (1) The safe handling and storage of  
30 soiled linens;

31  
32 (2) The sanitary disposal of dressings  
33 and infected materials;

34  
35 (3) The cleaning and sanitizing of bed pans,  
36 equipped with a sanitary, self-closing waste receptacle;

37  
38 (4) The sterilization of glassware, enamelware,  
39 stainless steel, instruments, syringes, needles and rubber goods, etc., equipped,  
40 if necessary, with an instrument sterilizer approved by the Fire Department of  
41 the District of Columbia.

42  
43 (5) The sterilization, cleaning and disinfecting  
44 of patients equipment and for the storage of individual patient equipment which  
45 has been properly labeled.

46  
47 (4) Patient Bedrooms. Patient bedrooms shall  
48 be designed and equipped for providing nursing care and for the comfort and  
49 privacy of patients. Bedrooms shall provide a personal, home-like atmosphere.

50  
51 (A) Each bedroom shall have direct access  
52 to a major corridor and at least one window. Patient bedrooms shall  
53 not be located on floors below grade.

54  
55 (B) A lavatory with hot and cold running  
56 water shall be located either in each patient bedroom or in a bathroom adjacent  
57 to the bedroom.

58  
59 (C) Each bedroom shall be equipped with  
60 a bed appropriate to the patient's physical condition; a bedside table/cabinet

REGULATION 74-15

48 of 61

1 with individual reading lamps for each bed, within easy reach of each bed,  
2 and equipped with at least a 100-watt bulb; a call system; at least one  
3 comfortable chair for each occupant of the room; a bureau providing some  
4 lockable storage space for personal items, with a surface on top for the  
5 display of photographs and other personal items, a wardrobe or closet for  
6 each occupant; a clock with numbers at least one inch high; a large print calendar;  
7 and a mirror in an appropriate  
8 place to be easily used as a grooming aid. Institutional furnishings shall  
9 be avoided except as needed for medical purposes. The room should be  
10 pleasantly decorated, with curtains, rugs, etc. Patients should be encouraged  
11 to do their own decorating, including the hanging of personal pictures, the  
12 display of personal items, etc.

13  
14 (B) Multi-bed rooms shall have flame  
15 proof curtains or other devices for patient privacy.

16  
17 (C) All bedrooms shall be equipped with  
18 telephones or telephone jacks. Bedfast patients shall have a telephone at  
19 bedside at all times.

20  
21 (D) Patients rooms shall be equipped with  
22 sufficient electrical receptacles to permit installation of television sets and  
23 radio sets with remote controls and individual bed sound box, in multiple  
24 occupancy rooms. Bedfast patients shall be provided television and/or radio  
25 upon request, without charge.

26  
27 (E) Single bedrooms shall be provided as  
28 isolation facilities for patients with infectious and contagious diseases, for  
29 patients who develop acute illness, or who are in terminal phases of illness,  
30 and for patients who are unduly disturbing to others. The rooms shall be  
31 ventilated in such a manner to prevent contagion and shall have separate, adjacent  
32 toilet and bathing facilities.

33  
34 (F) No patient bedroom shall have more  
35 than four (4) occupants. Single or double occupancy should be the basic  
36 unit of accommodating patients. At least three feet (3') of space shall be  
37 maintained around beds in multiple occupancy rooms.

38  
39 (G) Doors to patient bedrooms shall be  
40 lockable from the inside or outside by the patient. Keys shall be readily available  
41 to attendants as well as furnished to the patient/occupant of the room.

42  
43 (H) Multiple occupancy rooms shall  
44 provide no less than 90 square feet per patient exclusive of closets, toilet  
45 rooms, wardrobes and vestibules. Minimum room dimension for double  
46 rooms, exclusive of toilet room, closets, etc., shall be 10' - 0". Minimum  
47 gross room dimension for other multi-occupancy rooms shall be 12' - 0".

48  
49 (I) Single occupancy rooms shall provide  
50 no less than 120 square feet per patient exclusive of closets, wardrobes,  
51 toilet rooms and vestibules. Minimum room dimension shall be 10' - 0".

52  
53 (J) All patient bedrooms shall be distinctly  
54 lettered or numbered on the door.

55  
56 (5) Patient Toilet and Bathrooms.

57  
58 (A) Toilet facilities, lavatories, bathtubs  
59 and showers must be located on the same floor as the bedrooms they serve.  
60 Toilet and lavatories shall be located within 50 feet of the bedrooms

REGULATION 74-15

they serve. Fixtures shall be provided on each floor in the following ratios to the number of persons served on each floor.

No. of Patients of each sex	Water Closets	Lavs.	Tubs or Showers
1-6	1	1	1
7-12	2	2	2
13-18	3	3	3
19-26	4	4	4
Each eight or fewer additional patients of each sex add:	1	1	1

No fewer than one bathtub shall be provided for every 16 patients or less.

(B) Grab bars shall be installed in all toilet and bathing compartments. All toilet and bathrooms shall be equipped with sturdily-mounted handrails to provide adequate assistance to patients. Bathtubs shall be installed in a safe and approved manner. Door hardware on toilet stalls shall be of the type that operates both from the inside and outside. Connection to the nurses' call system shall be provided in every toilet, tub, or shower stall and in every toilet room or wash room used by patients.

(C) At least one (1) toilet room and stall for every ten (10) non-ambulatory patients shall be large enough to accommodate a wheelchair patient and an attendant and shall be provided on each floor where such non-ambulatory patients reside. When such toilet requirements are met, it is not necessary to count non-ambulatory patients again for the purposes of calculating standard water closet needs as specified in the fixture table in paragraph 5(A) of this section. Doors to toilet rooms and toilet stalls shall have a minimum width of 2'-10" to admit a wheelchair.

(D) All bathrooms, tubs and shower stalls shall be large enough to accommodate a wheelchair patient and attendant. Showers shall be no less than four (4) feet square in size and shall have no curbs.

(E) Every toilet, shower or tub shall be installed in a separate stall or room.

(F) In addition to those that may be located in patient bedrooms, lavatories shall be provided in the same room with, or directly adjacent to all toilets or urinals. Where multiple toilets are installed in the same room, lavatories shall be provided in the ratio of at least one for every three toilets or urinals. In multiple installations, urinals may be substituted for water closets in male facilities if the ratio does not exceed one (1) urinal for every two (2) water closets.

(G) Patient toilet and bathing facilities shall not be used by staff.

(H) At least one (1) room for toilet training shall be provided in each nursing unit for every eight(8) patients in that unit who are incontinent in bowel or bladder functions. Three (3) feet of clearance at the front and the sides of the water closet shall be provided, as well as adequate room for other fixtures and equipment, as needed.

REGULATION 74-15

(I) Other patient toilet facilities - When patients have the use of common living or eating space on floors other than those on which they reside an additional toilet and lavatory shall be provided adjacent to these common spaces for each 50 persons or less of each sex.

(J) Rooms shall be arranged in the facility so that the sole entrance or exit from any bedroom or toilet room shall not be by way of any other bedroom, toilet room or food-handling area.

(6) Refreshment Stations. Every nursing unit shall have an area or unit for the storage and serving of between-meal snacks for use by staff and patients not otherwise restricted to a medically-supervised diet. The area shall contain a refrigerator for food stuffs only, a sink and approved equipment for heating foods and drinks. Space should be ample for the storage of all foods individual patients wish to store.

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## REGULATION 74-15

51 of 61

1 (7) Laundry: Each nursing unit shall be provided with a small  
2 residential-type laundry area for use by patients to wash personal clothing.

3  
4 (8) Social Recreation Space

5  
6 (A) Every nursing unit shall contain, on the same floor  
7 as the unit, social recreation space in the amount of 20 Sq. Ft. per an average  
8 number of patients in the unit. No single space for this purpose shall exceed  
9 360 square feet in area, however sound-insulated flexible partitions may be  
10 used to subdivide larger space.

11  
12 (B) When more than one such social space exists on  
13 a single nursing unit, one of these social spaces may be used for small group,  
14 on-ward dining if ample other social space exists to accommodate the average  
15 number of patients who may wish to occupy it at any one time.

16  
17 (C) Social space shall be located as close as possible  
18 to the bedrooms of patients, and, whenever possible, within 50' of bedrooms.

19  
20 (D) Social space shall contain no fewer than two openable  
21 window except in rooms smaller than 100 sq. ft. Whenever possible, all such space shall  
22 be located in the facility along walls that receive at least 2 hours of direct sunlight  
23 a day.

24  
25 (E) All social spaces shall be attractively furnished  
26 with domestic (non-institutional) furniture and shall be attractively decorated.  
27 Patients shall be encouraged to participate in the decoration of the rooms. The  
28 rooms shall contain plants, pets of suitable temperament such as fish, birds,  
29 hamsters, etc. Furniture shall be arranged to create separate clusters for  
30 small group conversation.

31  
32 (F) At least one (1) social space on each nursing unit  
33 shall contain a television set, a library with books, current periodicals and  
34 newspapers, and a piano.

35  
36 (G) Social spaces shall be located near or adjacent to  
37 refreshment stations for easy access to food and drink.

38  
39 (H) At least one (1) social space on each nursing unit shall  
40 be designated for quiet privacy of a small group and may be utilized for patients and  
41 their visitors. If such social space is not used for visiting, additional visiting space  
42 shall be provided allowing for visual and conversation-level accoustical privacy.

43  
44 (g) Public Telephones - Each nursing unit shall provide semi-  
45 private or private space where ambulatory patients and visitors may make phone  
46 calls: At least one (1) telephone shall be installed for this purpose for approximately  
47 every ten (10) patients on the unit who do not have private telephones.

48  
49 (d) Food Service Areas

50  
51 (1) General - Food service areas shall be planned,  
52 equipped and operated in accordance with chapter 6, part 6 of the Health  
53 Regulations of the District of Columbia (Title 8, DCRR) entitled "Establishment,  
54 Maintenance and Operation of Restaurants, Delicatessens, or Catering Businesses,"  
55 with chapter 6, part 1 of the Health Regulations entitled "General Food Regulations,"  
56 and with all other applicable District rules and regulations.

57  
58 (2) Kitchen and Dietary Area

59  
60 (A) The facility shall have a kitchen area adequate to " "

## REGULATION 74-15

52 of 61

1 meet its food service needs. When food is prepared on the premises, the  
2 kitchen area shall be arranged and equipped for the refrigeration, storage,  
3 preparations, and serving of food, as well as for dishwashing, utensil  
4 washing, refuse storage and removal.

5  
6 (B) Food preparation areas shall be arranged for the  
7 separation of functions and so located to permit efficient service to patients.

8  
9 (C) Handwashing facilities with single-service towels  
10 shall be provided for kitchen workers in all areas where food is handled and in  
11 the separate areas of each food operation.

12  
13 (D) Use of food preparation areas for non-dietary functions shall  
14 be prohibited.

15  
16 (E) Dining Areas - A well lighted, well ventilated area  
17 shall be provided in the facility for those patients able to eat outside their  
18 rooms. At least 12 square feet of floor area shall be provided for each patient using the  
19 room. When dining space for the entire facility is centralized on one floor,  
20 additional space on the floor of each nursing unit for small-group dining shall be  
21 provided for those patients unwilling or unable to travel to the centralized dining  
22 room. Every dining area shall have windows and shall be pleasantly furnished  
23 and decorated in a home-like style. Patients shall be encouraged to participate  
24 in decorating dining rooms. Special tables and extra square footage shall be  
25 provided in the dining area as needed, for wheelchair seating.

26  
27 (e) Multi-purpose Room - Each skilled care facility  
28 shall provide at least one (1) room large enough to accommodate all patients and  
29 accompanying staff for special events of a recreational or social nature. The  
30 dining area may be used for such purposes where it can be shown that such  
31 multi-use of the room can be scheduled so that all functions can be accommodated  
32 without interference.

33  
34 (f) Therapy Service Areas

35  
36 (1) General - The skilled care facility shall  
37 provide areas for therapy of sufficient size to accommodate and store all necessary  
38 equipment and supplies and of a sufficient size to facilitate the movement of  
39 patients and staff. Appropriate equipment for the functions performed in this area  
40 shall be provided and properly installed, with utilities provided and properly safe-  
41 guarded. Lavatories and toilets designed for disabled patients, particularly those  
42 in wheelchairs with staff attendants, shall be provided directly adjacent to each  
43 therapy area. Therapy service areas shall include those for physical therapy, etc. and  
44 for dental and podiatry services.

45  
46 (2) Physical Therapy Room - Physical therapy rooms  
47 shall be provided as needed to accommodate the full physical therapy services  
48 provided in the skilled care facility. Parallel bars, handrails, wheelchair,  
49 walkers, crutches and canes are required as standard ambulation equipment.

50  
51 (3) Examination and treatment rooms - Special rooms  
52 shall be provided for examinations, treatment and other therapeutic procedures.  
53 These rooms shall be equipped with a treatment table, or special treatment chair,  
54 a lavatory or sink with knee, foot or elbow controls, an instrument sterilizer approved  
55 by the Fire Department, an instrument table and the necessary instruments and  
56 supplies.

57  
58 (g) Other Patient Service Areas

59  
60 (1) Concession Shop - The skilled care facility

REGULATION 74-15

53 of 61

1 shall provide at least one (1) area easily accessible to patients for a concession  
2 shop at which patients, staff and the public may purchase various items such as  
3 magazines, candies, small gifts, various supplies, etc. Postage stamps  
4 and stationary shall be sold in the shop. Vending machines shall not fulfill  
5 requirements for a concession shop. The shop shall be open a minimum of 4 (four)  
6 hours per day during day time working hours.

7  
8 (2) Barber and beauty shop - The facility shall  
9 provide rooms for personal grooming services for both men and women patients.  
10 The services of a barber and a beautician shall be available. Rooms for these  
11 services shall be centrally located and attractively decorated. Consideration  
12 shall be given for wheelchair patients in the design and equipping of these rooms.

13  
14 (3) Recreational and occupational therapy rooms -  
15 Rooms shall be provided, as needed, with appropriate equipment and utilities for the  
16 functions performed in connection with recreational and occupational therapy.  
17 If ceramics instruction is provided, the proper voltage for kiln installation shall be  
18 provided and kilns shall be installed in accordance with all applicable District  
19 rules and regulations. Sinks shall be installed with proper traps to prevent drains from  
20 clogging.

21  
22 (h) In-Service Training Program Areas - Rooms shall be  
23 designated in the facility in sufficient number and size to accommodate all in-service  
24 training and continuing education programs that are provided.

25  
26 (i) Public Toilet and Washing Facilities - Separate toilet  
27 and lavatory facilities shall be provided for the general public.

28  
29 (j) Staff Facilities

30  
31 (1) Where persons of both sexes work on the  
32 premises, separate, toilets and lavatories shall be provided for each sex.  
33 Where employees live on the premises at least one water closet, one lavatory  
34 and one bathtub or shower shall be provided for each four (4) or fewer employees  
35 of each sex so domiciled. Where employees live off the premises, at least one (1)  
36 water closet and one lavatory shall be provided for each sex, provided at least  
37 one bathtub or shower is available for employee use.

38  
39 (2) Employee Change Rooms - One or more  
40 change rooms for each sex shall be provided for the use of employees not living  
41 on the premises. Individual clothing storage facilities shall be provided for  
42 all non-nursing staff. Change rooms shall be well-ventilated. Air from these  
43 rooms shall not be recirculated.

44  
45 (k) Laundry Areas

46  
47 (1) Patient Laundry - There shall be a separate area  
48 provided for the reception of all patient laundry, and it shall not be in the patient  
49 areas. Suitable bags shall be provided for patient linen. Patient linen shall not be  
50 sorted, laundered, rinsed, or stored in bathrooms, patient rooms, kitchens, or  
51 food storage areas.

52  
53 (2) Linen Supply - The linen supply shall be at  
54 least three times the amount needed for the usual occupancy. Clean linen and  
55 clothing shall be stored in clean, dry, dust-free areas, easily accessible to nurses'  
56 stations.

57 (3) Laundry Facilities - Laundry facilities shall  
58 be located in areas separate from the patient units and shall be provided with the  
59 necessary washing, drying, and ironing equipment. The laundry areas shall  
60 not be used as passageways. The dryers shall be vented to the outside and



REGULATION 74-15-----54 of 61

1 equipped with removable lint traps. Electrical equipment shall be grounded in  
2 an approved manner. The laundry facility shall be of adequate capacity to  
3 accommodate.

4 (4) Soiled Linen - Soiled linen shall be  
5 stored in separate well-ventilated areas and shall not be permitted to  
6 accumulate in the facility. Contaminated laundry shall be placed in double  
7 specially colored bags and processed in a manner recommended by the Commissioner.  
8 The laundry process shall be such that the finished articles shall be free  
9 of dirt, of irritating chemical residues, and pathogenic organisms.

10  
11 (5) Finished Laundry - Clean, finished laundry  
12 shall be transported from the laundry to the facility in enclosed lined hampers  
13 with removable liners, or enclosed carts or dollies, or wrapped in secure paper  
14 packages.

15  
16 (1) Maintenance and Housekeeping Supplies Storage

17  
18 (1) Adequate provision shall be made for the  
19 storage of all housekeeping supplies and equipment in a separate room from  
20 any toilet or utility room. The storage area shall be well lighted and ventilated  
21 and shall be equipped with a janitorial sink.

22  
23 (2) All poisons and toxic substances, including  
24 those used for pest control shall be stored in non-patient and in non-food preparation  
25 areas of the facility. Storage areas containing such poisons shall be locked and  
26 shall have limited access.  
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REGULATION 74-15  
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----of----1 Section 19. Variances for existing skilled care facilities.

2  
3 (a) The owner of an existing skilled care facility required to comply with the  
4 provisions of sections 16-18 of this title may be excused by the Commissioner  
5 from such compliance, either in whole or in part, upon a finding by the Commissioner  
6 that full compliance would result in exceptional or undue hardship by reason of  
7 excessive structural or mechanical renovations: Provided, that a variance may be  
8 granted only to the extent necessary, to relieve such exceptional or undue hardship,  
9 and only when compensating factors are present which give adequate protection to  
10 the public health or safety and which assure that the intent and purpose of sections  
11 16-18 of this title are not impaired.

12  
13 (b) To be considered for a variance, the owner of an existing skilled care facility  
14 shall submit a written request to the Commissioner setting forth:

15  
16 (1) the specific requirements in sections 16-18 of this Title from which the  
17 owner seeks relief;

18  
19 (2) the exceptional or undue hardship which would result from compliance  
20 with those requirements; and

21  
22 (3) the extent to which the owner seeks to be exempted from those  
23 requirements.

24  
25 (c) Any request for a variance shall be published in the District of Columbia Register  
26 at least 30 days before the Commissioner acts on the request. Such publication  
27 shall be at the expense of the requesting party. The publication shall contain a  
28 brief statement describing the variance sought and the reasons the variance is sought.  
29 Any public comment on the request for a variance shall be submitted to the Commissioner  
30 within 30 days after publication of the request. The Commissioner shall maintain a  
31 public record of all variances granted and such record shall state the basis upon  
32 which the variances were granted. No variance shall be granted for reasons other  
33 than those stated in the record.

34  
35 (d) The owner of a skilled care facility adversely affected by the refusal of the  
36 Commissioner to grant a variance may appeal such action by the Commissioner pursuant  
37 to the provisions of the District of Columbia Administrative Procedure Act (title I,  
38 chapter 15 of the D.C. Code). The owner shall be notified in writing of the refusal  
39 of a variance and of his right to a hearing with respect to such refusal. A request for  
40 a hearing shall be made by the owner in writing to the Commissioner within 15 days of  
41 receipt of the notice of refusal. Failure of the owner to request a hearing, or failure  
42 of the owner to appear at a scheduled hearing shall be considered a waiver of the owner's  
43 right to a hearing and the Commissioner's refusal of the variance shall become effective  
44 immediately.

45  
46 (e) Any variance granted pursuant to this section shall be reviewed by the Commissioner  
47 when the owner of the facility proposes to undertake any construction or modification  
48 of the facility as specified in section 17(a) of this title.

49  
50 Section 20. Environmental Services.

51  
52 (a) Housekeeping Services. The skilled care facility shall provide housekeeping and  
53 maintenance personnel to maintain the exterior and the interior of the facility in a safe,  
54 clean, orderly and attractive manner.

55  
56 (1) Housekeeping personnel shall have as their primary responsibility, the  
57 the sanitary maintenance of the facility. Nursing and dietary personnel  
58 shall not perform housekeeping duties. Housekeeping personnel shall keep  
59 the facility free from offensive odor, accumulations of dirt, rubbish, dust and  
60 hazards. Floors shall be cleaned regularly. Polish, if used, shall be of the safety  
non-slip type. Deodorizers shall not be used to cover up odors caused by  
unsanitary conditions or poor housekeeping practices.

REGULATION 74-15

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55a of 61  
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(2) Storage areas, attics, and basements shall be kept safe and free from accumulations of extraneous materials such as refuse, discarded furniture, and other waste materials. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

## REGULATION 74-15

56 of 61

1 (3) Patient areas - It shall be the duty of the housekeeping staff to  
2 thoroughly clean any area which has been allocated for use by a  
3 person before it is allocated for use by any other person. Patient rooms  
4 shall be cleaned and arranged in an orderly fasion and shall be well-  
5 ventilated. Odor control shall be achieved by cleanliness and proper  
6 ventilation.

7  
8 (b) Maintenance Services and Pest Control.

9  
10 (1) Maintenance service. Maintenance services shall include the  
11 responsibility for the provision of light, heat, power and water to  
12 the building and transmission points where they are to be used.  
13 Buildings equipment, and grounds shall be regularly maintained and  
14 attended. The building shall be maintained in good repair, free of  
15 hazards to the health and safety of patients, staff and public such as  
16 cracks, warped or loose boards, loose tiles, and loose or broken  
17 windowpanes, or any other damaged or defective parts of the building.

18  
19 (2) Pest control. A pest control program shall be in operation in the  
20 facility. Pest control services shall be provided either by the main-  
21 tenance staff of the facility or by contract with a recognized pest-control  
22 company.

23  
24 (A) The facility shall be so constructed and maintained that the premises  
25 are free from insects and rodents, and shall be kept clean and free  
26 from debris which might provide harborage for insects and rodents.

27  
28 (B) Windows shall be screened during insect seasons (March 15 through  
29 November 15, inclusive) and all openings to the outside shall be so  
30 designed that insects are excluded.

31  
32 (C) Care shall be taken to use the least toxic and the least flammable  
33 effective insecticides and rodenticides.

34  
35 (c) General safety and inspection.

36  
37 (1) Safety. In addition to hazard-free maintenance, safety shall be  
38 further insured by prohibiting from all skilled care facilities any occu-  
39 pancies or activities undesirable to the health and safety of patients  
40 and staff in the facility.

41  
42 (2) First aid. First aid supplies shall be maintained in a place known  
43 to, and readily available to all personnel responsible for the health and  
44 well-being of patients and staff.

45  
46 (3) Administrative inspection. The administrator of the facility or  
47 an authorized representative shall regularly inspect the building(s)  
48 and grounds to insure they are free from hazards of any kind and that  
49 sanitary standards and infection control standards are developed and  
50 maintained. Investigations into the causes of accidents shall be instituted  
51 immediately upon an accident occurring and corrective measures shall be  
52 immediately adopted.

53  
54 (4) Compressed Gases. The facility shall provide for safe storage and  
55 handling of flammable and non-flammable gases approved by the Commissioner.  
56 Storage rooms for flammable compressed gases shall contain no oxidizing  
57 materials. Storage rooms for flammable and non-flammable gases shall  
58 be deemed hazardous locations. All containers or cylinders shall be  
59 securely racked and fastened at all times. The caps of cylinders shall be  
60 maintained in place at all times when cylinders are not in use.

1 (d) Fire Protection, Prevention and Disaster Plan.

2  
3 (1) Manual of Instructions. There shall be a written manual of instruc-  
4 tions of action to be taken in the event of a fire, approved by appropriate  
5 officials of the District of Columbia Fire Department.  
6

7  
8  
9 The manual shall include the plan to be followed in  
10 case of fire, explosion or other emergency and shall specify persons  
11 to be notified, locations of alarm signals and fire extinguishers, evacu-  
12 ation routes, procedures for evacuating helpless patients, frequency of  
13 fire drills, and the assignment of specific tasks and responsibilities  
14 to the personnel of each shift.  
15

16 (2) The fire plan shall be developed with the assistance of qualified fire  
17 and safety experts, and all personnel shall be trained to perform specific  
18 tasks. Simulated drills testing the effectiveness of the plan shall be  
19 conducted for each shift at least four (4) times a year. The plan shall  
20 be posted through-out the facility. The most recent fire inspection report  
21 with the date of the latest inspection of the alarm system shall be available  
22 in the Administrator's office.  
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REGULATION 74-1560 of 61

1 In facilities with over 150 patient beds, additional professional nurses and  
2 nursing personnel shall be employed to provide 2.0 hours of bedside nursing  
3 care per patient day on a 24-hour basis, 7 days per week, maintaining a  
4 staffing pattern as outlined in the table. If the facility provides more than  
5 one level of health care, i.e., skilled care and intermediate, etc., the nursing  
6 staff ratio shall be determined by the licensed bed capacity in each level of  
7 care within the facility. The licensed bed capacity shall be determined  
8 by the annual rate of utilization of beds in each level of care which shall  
9 be subject to review and change, not to exceed semi-annually, upon the  
10 written request of the licensee to the Commissioner.

11  
12 (c) Restraint and confinement, restorative nursing  
13 care program, inservice education program, nursing care plan, infection  
14 control and dietary supervision as set forth in section 6 of title 5 shall  
15 apply to intermediate nursing care facilities.

Section 4. Dietary Services

16  
17  
18  
19 Section 7 of title 5 of this regulation relating to  
20 dietary services shall apply to intermediate nursing care facilities.

Section 5. Restorative Services

21  
22  
23  
24 The intermediate nursing care facility shall  
25 provide directly or through contractual services, physical therapy services  
26 to meet the physical needs of all patients, in addition to restorative nursing care.  
27 A full range program of physical therapy is desirable but not mandatory, however,  
28 these services shall be made available to individual patients when specifically  
29 prescribed by his physician.

Section 6. Occupational and Speech Therapy

30  
31  
32  
33 The intermediate nursing care facility shall provide  
34 by written agreement occupational and speech therapy services to meet the general  
35 needs of all patients. A full range program of occupational therapy and speech  
36 therapy is desirable but not mandatory, however, these services shall be made  
37 available to individual patients when specifically prescribed by his physician.

Section 7. Pharmaceutical, Diagnostic, Dental and Podiatry Services

38  
39  
40  
41 Sections 9, 10 and 11 of title 5 of this regulation  
42 relating to pharmaceutical, diagnostic, dental and podiatry services shall apply  
43 to intermediate nursing care facilities.

Section 8. Social Services

44  
45  
46  
47 (a) The facility shall provide for social services,  
48 directly or through contractual services, to promote preservation of the  
49 patient's physical and mental health.

50  
51 (b) There shall be a designated staff member suited  
52 by training or experience who has the responsibility for recognizing social  
53 problems and taking necessary action to solve them.

54  
55 (c) A social evaluation of each patient shall be made as  
56 soon as possible after admission to identify patient's needs. The designated staff  
57 member shall arrange for the necessary social services and for the integration of  
58 social services with the total patient care plan.

59  
60 (d) The social evaluation, plan of care, all social

REGULATION 74-15-----

INTERMEDIATE CARE  
REQUIRED NURSING SERVICE STAFFING

	20 or less	21 - 30	31 - 40	41 - 50	51 - 60	61 - 70	71 - 80
<u>Duty hours</u>							
7:00 A.M. - 3:00 P.M.	1 RN* 1 NP	1 RN* 2 NP	1 RN* 1 LPN 2NP	1RN* 1LPN 3NP	1RN 1LPN 4NP	1 RN 2LPN 4NP	1 RN 2LPN 5NP
3:00 P.M. - 11:00 P.M.	1LPN** 1NP	1LPN** 2NP	1LPN** 2NP	1LPN** 3NP	1RN 1LPN 3NP	1RN 1LPN 4NP	1RN 2LPN 5NP
11:00 P.M. - 7:00 A.M.	1LPN** 1NP	1LPN** 1NP	1LPN** 2NP	1LPN** 3NP	1LPN** 3NP	1LPN 4NP	2LPN 4NP
<u>Duty Hours</u>	<u>81 - 90</u>	<u>91 - 100</u>	<u>101 - 110</u>	<u>111 - 120</u>	<u>121 - 130</u>	<u>131 - 140</u>	<u>141 - 150</u>
7:00 A.M. - 3:00 P.M.	1RN 2LPN 6NP	2RN 2LPN 6NP	2RN 2LPN 7NP	2RN 3LPN 7NP	3RN 3LPN 7NP	3RN 3LPN 8NP	3RN 3LPN 9NP
3:00 P.M. - 11:00 P.M.	1RN 2LPN 5NP	2RN 2LPN 5NP	2RN 2LPN 6NP	2RN 3LPN 6NP	2RN 3LPN 6NP	2RN 3LPN 7NP	2RN 3LPN 8NP
11:00 P.M. - 7:00 A.M.	1RN 1LPN 5NP	1RN 2LPN 5NP	1RN 2LPN 5NP	2RN 2LPN 5NP	2RN 2LPN 5NP	2RN 2LPN 6NP	2RN 2LPN 7NP

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R. N. - Registered Nurse  
L. P. N. - Licensed Practical Nurse  
N. P. - Nursing Personnel

\* May be L. P. N. provided that a registered nurse is employed at least 4 hours per week, during the day tour of duty, to provide consultation.

\*\* May be an R. N.

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REGULATION 74-1561 of 61  
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1 service activity and reports shall be incorporated in the patient's clinical  
2 record.

3  
4 (e) The facility shall provide for a social worker  
5 to participate in orientation and inservice education of staff and volunteers;  
6 participate in education programs, case conferences, and staff orientation  
7 to community services.

8  
9 Section 9. Patient Activities

10  
11 (c) Section 13 of title 5 of this regulation relating  
12 to patient activities shall apply to intermediate nursing care facilities.

13  
14 Section 10. Clinical Records

15  
16 (a) A clinical record shall be maintained for each  
17 patient admitted to the facility, and all information contained therein shall be  
18 treated as confidential.

19  
20 (b) The clinical record shall serve as a basis for  
21 planning patient care and shall provide a means of communication between  
22 the physician and other professional disciplines contributing to the patient's  
23 care.

24  
25 (c) The clinical record shall furnish documentary  
26 evidence of the course of the patient's illness and treatment and shall serve  
27 as a basis for review, study and evaluation of medical care rendered to the  
28 patient.

29  
30 (d) The forms appropriate for use in maintaining  
31 the clinical records shall be subject to approval by the Commissioner.

32  
33 Section 11. Utilization Review

34  
35 (a) A written plan shall be developed to provide for  
36 independent professional review and re-evaluation of patients in intermediate  
37 nursing care facilities to determine whether their current physical and mental  
38 conditions are such as to indicate continued placement in the intermediate  
39 nursing care facility. The plan shall provide procedures sufficient to  
40 determine whether the services actually rendered are adequate and responsive  
41 to the conditions and needs identified, and whether a change to other living  
42 arrangements or other facilities is indicated.

43  
44 (b) Such reviews shall be conducted at intervals no  
45 longer than quarterly by or under the supervision of a physician and other appropriate  
46 medical, professional nursing, and social service personnel not employed by  
47 or having a financial interest in the institution.

48  
49 Section 12. Environmental Control, Management and Safety.

50  
51 Sections 16, 17, 18, 19 and 20 of title 5 of this regulation  
52 shall apply to intermediate nursing care facilities. "

53  
54 Section 2. The provisions of chapter 8 of the Housing Regulations of  
55 the District of Columbia shall not apply to skilled care and intermediate nursing  
56 care facilities after the effective date of this regulation.

57  
58 Section 3. This regulation shall take effect immediately upon passage.  
59  
60



1 application therefor, the amount and form of application  
2 as may be determined by the Commissioner, a special  
3 identification card which may contain the name, address,  
4 photograph and such other identifying data that the Commissioner  
5 may prescribe; provided that (1) such card carries conspicuously  
6 a notation that disclaims the bearer's authority to use the card  
7 for any purpose other than identification, and (2) carries the  
8 statement, "This identification card is furnished by the District  
9 of Columbia Government as a service to the bearer. Application  
10 for, or possession of, this card is not required by law."

11  
12 (b) Such special identification card shall expire every four  
13 years, but may be renewed upon request and payment of the  
14 fee for renewal.

15  
16 (c) Residents of the District of Columbia who are 65 years of  
17 age or older are exempted from paying a fee for such card.

18  
19 (d) No police officer is authorized to request presentation of  
20 the card authorized by this regulation as a means of identification,  
21 although the same may be volunteered by the bearer; nor shall the  
22 agency designated by the Mayor-Commissioner to administer the  
23 program authorized in this section, after any action upon the  
24 application, retain in its files any information other than the name,  
25 address, age of applicant to whom the card is issued, the date of  
26 issuance and a reference to the document(s) relied upon in  
27 verifying the identity of the applicant.

28  
29 (e) Any person who shall use fraud or misrepresentation in the  
30 application for and/or use of a special identification card issued  
31 under this Article shall be guilty of a misdemeanor and upon  
32 conviction thereof, shall be fined not more than \$300, or  
33 imprisoned for a period not exceeding 10 days, or both.

34  
35 Section 2. This regulation shall become effective thirty days  
36 following enactment.  
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Regulation No. 74-17

June 29, 1974  
Enactment Date



# Regulation

of the  
District of Columbia

TITLE AMENDMENTS TO TITLE 32, DISTRICT OF COLUMBIA RULES AND REGULATIONS (MOTOR VEHICLE REGULATIONS FOR THE DISTRICT OF COLUMBIA)

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

1 WHEREAS, Reorganization Plan No. 3 of 1967 transferred to the District of  
2 Columbia Council the function of making rules and regulations for the registration,  
3 operation, and ownership of motor vehicles; and  
4

5 WHEREAS, the District of Columbia Council finds that it is necessary to amend  
6 certain regulations in Title 32, District of Columbia Rules and Regulations (MOTOR  
7 VEHICLE REGULATIONS FOR THE DISTRICT OF COLUMBIA).  
8

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

11 Section 1. Title 32 of the District of Columbia Rules and Regulations (Motor  
12 Vehicle Regulations for the District of Columbia), adopted by District of Columbia  
13 Council Regulation Number 72-13, is hereby amended as follows:  
14

15 (1) by striking out "and regularly used" in the definition of "Commercial  
16 Vehicle" in section 1.301;  
17

18 (2) by striking out "under" in section 2.301 and inserting in lieu thereof  
19 "upon", and by inserting immediately before the period at the end of such section  
20 ", or for which the prescribed fee has not been paid";  
21

22 (3) by amending Section 2.305(a) (9) as follows:  
23

24 "(9) Has been convicted with such frequency of offenses against  
traffic regulations of the District of Columbia and elsewhere as to

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on June 4, 1974

Adopted on second and final reading June 18, 1974

Presented to the Mayor-Commissioner June 19, 1974  
Date

Approved \_\_\_\_\_  
Mayor-Commissioner

*Edward F. White*  
Secretary of the City Council  
29 JUN 1974  
Date

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

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

Readopted \_\_\_\_\_  
Date

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

1 indicate a disrespect for traffic laws, such fact being established by  
 2 the point system described in subsection (b) of this section; or a  
 3 pattern of traffic offenses over a one year period which indicate a  
 4 disregard for the safety of other persons or property."

5  
 6 (4) by amending subsections (a) and (b) of section 2.309 to read as  
 7 follows, and by adding thereto a new subsection (d):

8  
 9 "(a) The initial period of revocation following conviction for an  
 10 offense for which revocation is made mandatory by law shall be six  
 11 months for the first offense, one year following a second offense,  
 12 and two years following a third or subsequent offense.

13  
 14 "(b) The initial period of revocation under the discretionary  
 15 authority of the Department shall be for six months. The period of  
 16 revocation for subsequent offenses shall be established in the  
 17 discretion of the Director."

18  
 19 "(d) Unless minimum periods have been established in  
 20 individual cases involving a person's physical or mental qualifications  
 21 to drive, all persons whose licenses have been revoked shall be  
 22 eligible to apply for restoration of privileges at the expiration of the  
 23 period for which such privileges have been revoked."

24  
 25 (5) by inserting "or order of suspension or revocation," immediately  
 26 before "whichever" in subsection (e) of section 2.315;

27  
 28 (6) by inserting "that such notice has been served on him" immediately  
 29 before the period in subsection (f) of section 2.315;

30  
 31 (7) by amending section 2.506 to read as follows:

32  
 33 "The Department shall not issue any license hereunder —

- 34  
 35 (1) To any person who is under the age of 21 years;  
 36  
 37 (2) To any person who is unable to read, write and speak the  
 38 English language;  
 39  
 40 (3) To any person who is covered by diplomatic immunity;  
 41  
 42 (4) To any person who does not possess a valid District  
 43 motor vehicle operator's permit;  
 44  
 45 (5) To any person who has previously been adjudged to be  
 46 afflicted with or suffering from any mental disability or  
 47 disease and who has not at the time of application been  
 48 restored to competency by the methods provided by law;  
 49  
 50 (6) To any person who is required by these rules to take an  
 51 examination unless such person shall have successfully  
 52 passed such examination;  
 53  
 54 (7) To any person employed by a Federal or District of  
 55 Columbia agency, whose established policy forbids such  
 56 person from operating a public vehicle for hire;  
 57  
 58 (8) To any employee of the Department whose employment is  
 59 concerned directly with the issuance of a license;  
 60

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- (9) To any person who has not, within the three years immediately preceding the date of his application for a license, resided for at least one year in the Metropolitan Area, and has not had at least one year's driving experience as a licensed motor vehicle operator in the Metropolitan Area;
- (10) To any person who, by reason of his physical or mental disability, the Director has good cause to believe would not be capable of safely operating a public vehicle.
- (11) To any person who has been convicted of offenses against traffic regulations of the District of Columbia and elsewhere with such frequency as to indicate a disrespect for traffic laws and a disregard for the safety of other persons or property.

(12) To any person, if --

(a) He is a chronic alcoholic or addicted to the use of drugs;

(b) He is on parole or probation at the time of the filing of his application for a license, except that if such parole or probation arose out of a conviction for a crime other than those listed in paragraph (c) below, his application may be considered for approval by the Director if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of an instructor's license.

(c) He has, within the three years immediately preceding the filing of his application, been convicted of, or during such period has served any part of a sentence for, or is currently under indictment for the commission of or an attempt to commit any of the following:

- (1) murder, manslaughter, mayhem, malicious disfiguring of another, abduction, kidnapping burglary, housebreaking, robbery, or larceny;
- (2) assault with intent to commit any offense punishable by imprisonment in the penitentiary;
- (3) any sex offense;
- (4) any violation of the narcotic laws."

(8) by amending section 2.901 by renumbering paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (6), (7), and (9); by inserting in the appropriate places the following new paragraphs:

"(1) To any person who is under the age of 21 years;"

## REGULATION 74-17

4 of 6

1           "(5) To any employee of the Department whose employment  
2           is concerned directly with the issuance of a license;"

3  
4           "(8) To any person who has been convicted with such  
5           frequency of offenses against traffic regulations of  
6           the District of Columbia and elsewhere as to indicate  
7           a disrespect for traffic laws, such fact being established  
8           by the point system described in subsection (b) of section  
9           2.305 of this Chapter; or for a serious traffic offense or  
10          offenses which indicate a disregard for the safety of other  
11          persons or property."

12  
13          and by amending new paragraph (6) by inserting "in the Metropolitan Area"  
14          immediately after operator";

15  
16                 (9) by striking out in subsection (d) of section 2.903 "thirty" and  
17          inserting in lieu thereof "ninety";

18  
19                 (10) by inserting "District of Columbia" immediately after "current"  
20          in subsection (j) of section 3.201;

21  
22                 (11) by striking out in subsection (k) of section 3.201 "the" the first  
23          time it appears therein and inserting in lieu thereof "except where a District of  
24          Columbia title of the vehicle accompanies the application, such";

25  
26                 (12) by deleting in section 3.202 the designation "(a)" and all of  
27          subsection (b);

28  
29                 (13) by striking out in subsection (a) of section 3.317 "vehicle owner"  
30          and inserting in lieu thereof "applicant";

31  
32                 (14) by striking out in subsection (b) of section 3.317 "owner" and  
33          inserting in lieu thereof "applicant"; and by inserting just before the period at  
34          the end of the first sentence of such subsection the following:

35  
36                         ", and entitles the person in whose name such tags  
37                         are to be registered to receive one unvalidated set of  
38                         such tags";

39  
40                 (15) by amending subsection (c) of section 3.317 to read as follows:

41  
42                         "(c) The reservation described in this section may  
43                         be made, and unvalidated sets of such tags  
44                         may be issued, without reference to any  
45                         specified vehicle: Provided, that such  
46                         unvalidated tags may not be used as owner's  
47                         identification tags, or displayed on any motor  
48                         vehicle, or otherwise presented as evidence  
49                         of the registration of any motor vehicle. Such  
50                         reservation shall terminate at the end of the  
51                         first registration year for which a motor vehicle  
52                         has not been registered under such reservation:  
53                         Provided further, that prior to the expiration of  
54                         such registration year the person in whose name  
55                         such reservation was made may renew such  
56                         reservation for another registration year, by  
57                         payment of a new \$25.00 reservation fee. If a  
58                         motor vehicle has been registered in connection  
59                         with the reservation, the Director may issue  
60                         validated personalized identification tags for

REGULATION 74-175 of 6

such vehicle and said reservation shall be maintained by the Director so long as such vehicle, or a substitute vehicle therefor, is registered.";

2  
3  
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5  
6 (16) by striking out in section 3.407 "\$1.00" and inserting in lieu  
7 thereof "\$2.00";

8  
9 (17) by striking out in Part I of Appendix A of Chapter III "4" and  
10 inserting in lieu thereof "5";

11  
12 (18) by striking out in Part II of Appendix A of Chapter III "34,000" and  
13 inserting in lieu thereof "3,400";

14  
15 (19) by deleting the last sentence of Part III of Appendix A of Chapter III;

16  
17 (20) by inserting "INDIVIDUAL TRANSACTION INVOLVING A" in Part  
18 VIII of Appendix A of Chapter III immediately after "EACH";

19  
20 (21) by striking out in subsection (a) of section 4.205 "an approved  
21 inspection seal for";

22  
23 (22) by striking out in subsection (a) of section 4.206 "as of July 1, 1969,"  
24 and by inserting "current" immediately before "Motor Vehicle Inspection Manual";

25  
26 (23) by striking out in subsection (b) of section 4.207 "as of July 1, 1969,"  
27 and by inserting "current" immediately before "Motor Vehicle Inspection Manual";

28  
29 (24) by striking out in subsection (e) of section 5.214 "special use" the  
30 last time it appears therein and inserting in lieu thereof "customer's";

31  
32 (25) by striking out in subsection (a) of section 6.203 ", other than  
33 motorcycles and truck tractors," and by inserting ", other than truck tractors  
34 manufactured or assembled prior to January 1, 1968, and motorcycles" immediately  
35 after "1955";

36  
37 (26) by striking out in subsection (b) of section 6.203 "twenty (20)" and  
38 inserting in lieu thereof "fifteen (15)";

39  
40 (27) by striking out in subsection (a) of section 6.204 "motorcycle,  
41 motor-driven cycle, or truck tractor manufactured and assembled after September  
42 15, 1957" and inserting in lieu thereof "truck tractor manufactured or assembled  
43 after September 15, 1957, but prior to January 1, 1968, and motorcycles and  
44 motor-driven cycles";

45  
46 (28) by striking out in subsection (b) of section 6.205 "twenty (20)" and  
47 inserting in lieu thereof "fifteen (15)";

48  
49 (29) by striking out in subsection (c) of section 6.209 "may be white,  
50 amber or red" and inserting in lieu thereof "shall be white";

51  
52 (30) by inserting in subsection (a) of section 6.216 immediately after the  
53 designation "(a)" the following:

54  
55 "The Director may register, as an authorized emergency vehicle,  
56 vehicles of any fire or police department, ambulances, and  
57 other official government-owned vehicles used for the emergency  
58 care or preservation of life, health, or property.";



1 (31) by striking out "such" in section 8.112 immediately following  
2 "each", and inserting in lieu thereof "individual transaction involving a"; and  
3 by adding at the end of such section the following sentence:  
4

5 "Until such fees and collection charges are paid, no services  
6 or products of the Department, including, but not limited to,  
7 original or duplicate motor vehicle operator's licenses, motor  
8 vehicle identification tags, special use tags, original or  
9 duplicate registration cards, or original or duplicate  
10 certificates of title, will be provided to such person.";  
11

12 (32) by striking out in paragraph (1) of subsection (a) of section 9.511  
13 "eight" and ".08", and inserting in lieu thereof "six" and ".06."; by striking out  
14 in paragraph (2) of such subsection "fifteen", ".15", "eight", ".08", "twenty",  
15 and ".20", and inserting in lieu thereof "ten", ".10", "six", ".06", "eleven",  
16 and ".11", respectively; and by striking out in paragraph (3) of such subsection  
17 "fifteen", ".15", "twenty", and ".20", and inserting in lieu thereof "ten",  
18 ".10", "eleven", and ".11", respectively;  
19

20 (33) by striking out the subsection designation "(a)" of section 9.511;  
21 and by deleting subsections (b), (c), and (d) of such section.  
22

23 (34) by striking out in paragraph (1) of section 10.102 "exclusively";  
24

25 (35) by adding "within the Metropolitan Area" immediately before the  
26 semi-colon in paragraph (9) of section 10.201;  
27

28 (36) by redesignating paragraph (11) of section 10.201 as paragraph  
29 (12) and inserting the following new paragraph (11):  
30

31 "(11) To any person who has been convicted with such  
32 frequency of offenses against traffic regulations of the District  
33 of Columbia and elsewhere as to indicate a disrespect for  
34 traffic laws, such fact being established by the point system  
35 described in subsection (b) of section 2.305 of Title 32; or for  
36 a serious traffic offense or offenses which indicate a disregard  
37 for the safety of other persons or property."  
38

39 (37) by striking out paragraph (1) of section 10.601 and redesignating  
40 paragraphs (2) and (3) as paragraphs (1) and (2) respectively; and  
41

42 (38) by repealing section 10.602.  
43

44 Section 2. This regulation shall take effect immediately upon enactment.  
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Regulation No. 74-18



June 27 1974  
Enactment Date

**Regulation**  
of the  
**District of Columbia**

**TITLE** AMENDMENT TO AIR QUALITY CONTROL REGULATIONS REGARDING SOLID WASTE REDUCTION CENTER NUMBER 1 (INCINERATOR NO. 5)

Mr. Rockwood H. Foster Presents the following regulation:

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  
3 citizens (§ 1-226, D. C. Code, 1967 Ed., Supp. V, 1972); and  
4

5 WHEREAS, the Air Quality Control Act, § 8-611 et seq., D. C. Code  
6 1967 Ed. (Supp. V, 1972) authorizes the District of Columbia Council to  
7 make and revise regulations regarding the air quality of the District of  
8 Columbia; and  
9

10 WHEREAS, the Clean Air Act of 1970, as amended, 42 U. S. Code  
11 § 1857 et seq., permits local jurisdictions to amend regulations previously  
12 approved by the Environmental Protection Agency.  
13

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

16  
17 Section 1. Section 8-2: 724 (a)(2) of the Health Regulations as  
18 originally adopted in Regulation No. 72-12 and as amended by Regulation  
19 No. 73-18, is hereby further amended to read as follows:  
20

21 "A variance is hereby granted for the operation of the  
22 District facility known as Solid Waste Reduction Center  
23 Number 1. This variance shall expire on June 30, 1977."  
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 June 18, 1974

Adopted on second and final reading June 25, 1974

Presented to the Mayor-Commissioner June 25, 1974

*Edward F. Kelly*  
Secretary of the City Council  
27 JUN 1974

Approved *Robert H. 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.

*Robert D. Moore*  
Acting Secretary of the City Council

REGULATION 74-18

----of----

1        Section 2. Regulation No. 73-18 as approved on September  
2 4, 1973 is revised and amended to read as follows:

3            Tests to be performed by the Department of Environmental  
4 Services.

5            (a) The Department of Environmental Services shall con-  
6 duct stack tests on a quarterly basis to determine stack emis-  
7 sions from Solid Waste Reduction Center Number 1 for the follow-  
8 ing substances:  
9

10                    mercury  
11                    lead  
12                    sulfur dioxide  
13                    oxides of nitrogen  
14                    carbon monoxide  
15                    hydrocarbons  
16                    particulates  
17                    beryllium  
18                    asbestos

19            (b) The Department of Environmental Services shall con-  
20 duct ambient air quality tests at least on a quarterly basis  
21 on all pollutants for which the Environmental Protection  
22 Agency has established ambient air quality standards together  
23 with tests for lead and mercury ambient levels.

24            (c) The results of all tests performed pursuant to this  
25 Section shall be delivered to the District of Columbia Council  
26 no later than 20 days after said tests have been completed.

27            (d) The results of all tests performed pursuant to this  
28 Section shall be published by the Department of Environmental  
29 Services in the D. C. Register at the earliest date practicable  
30 after said tests have been completed.  
31

32            Section 3. The amendments made by this regulation shall  
33 take effect immediately upon enactment.  
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Regulation No. 74-19



Enactment Date July 26, 1974

# Regulation of the District of Columbia

TITLE COSMETOLOGY SCHOOL REGULATION

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

1 WHEREAS, the District of Columbia Council is authorized by § 1-226 D. C.  
2 Code 1973 ed. , pursuant to Section 402(4) of Reorganization Plan No. 3  
3 of 1967 to make and enforce all such reasonable and usual police regulations  
4 as may be deemed necessary for the protection of lives, limbs, health,  
5 comfort and quiet of all persons and the protection of all property within the  
6 District of Columbia; and  
7

8 WHEREAS, the District of Columbia Council is authorized by § 2-1303  
9 D. C. Code 1973 ed. , pursuant to Section 402(60), Reorganization Plan No. 3  
10 of 1967, to make rules and regulations to carry out the provisions of the Act  
11 of June 7, 1938 relating to cosmetologists.  
12

13 WHEREAS, the District of Columbia Council is authorized by § 47-2344  
14 D. C. Code 1973 ed. , pursuant to Section 402(391) of Reorganization Plan  
15 No. 3 of 1967 to require licenses and regulate businesses which in the  
16 judgment of the Council require inspection, supervision or regulation.  
17

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

21 Section 1. Purpose and Scope

22 (a) Purpose. The purpose of these regulations is to establish  
23 requirements for schools of cosmetology in the District of Columbia.  
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 8, 1974

Adopted on second and final reading July 16, 1974

Presented to the Mayor-Commissioner July 16, 1974

Approved [Signature]  
Mayor-Commissioner

[Signature]  
Secretary of the City Council  
26 JUL 1974

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

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

Readopted \_\_\_\_\_  
Date

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

## REGULATION 74-19

2 of 9

(b) Scope. These regulations shall apply to all schools of cosmetology in the District of Columbia.

Section 2. Definitions

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

(1) Board: The District of Columbia Board of Cosmetology.

(2) Instructor: An individual licensed to teach cosmetology in the District of Columbia pursuant to § 2-1317 of the District of Columbia Code.

(3) Operator: An individual licensed to practice cosmetology in the District of Columbia pursuant to § 2-1317 of the District of Columbia Code.

(4) School of Cosmetology: Any place or premises, or part thereof, wherein or whereupon cosmetology or any part of its practices are taught.

(5) Student: An individual, enrolled in a school of cosmetology, who is engaged in learning or acquiring any or all practices of cosmetology, and while so learning, performs or assists in any of the practices of cosmetology under the immediate supervision of a licensed instructor.

Section 3. Requirement of Certificate of Registration

No person shall either directly or indirectly operate a school of cosmetology without having first obtained a valid certificate of registration from the Board, pursuant to sections 2-1306 and 2-1310 of the D.C. Code. Prior to the granting of a valid certificate of registration by the Board, the applicant shall provide such information as shall be required by the Board and as further provided for in this regulation.

Section 4. Qualifications for Certification

(a) Duration of Courses of Study

Each school of cosmetology shall provide, for the purpose of teaching, courses of study of the following duration:

(1) For operator training: Fifteen hundred (1500) hours in not less than eight (8) consecutive months.

(2) For Manager/Instructor training: Two thousand (2000) hours in not less than eleven (11) consecutive months.

(3) Limited Certificates:

(A) For manicurist training: One hundred and twenty-five (125) hours in not less than one (1) month.

(B) For shampoo and scalp treatment training: One hundred and twenty-five (125) hours in not less than one (1) month.

(C) For facial training: One hundred and twenty-five (125) hours in not less than one (1) month.

(4) The period of time required to complete the courses of study listed in paragraphs (1), (2), and (3) of this section for students attending the night term of a school shall be increased as prescribed by the Board.

1 (b) Instructors

2  
3 (1) Instructor/student ratio

4  
5 No school shall provide less than one instructor for each  
6 twenty-five (25) students. The ratio of instructors to students shall be  
7 sufficient to provide that no more than five practical operations shall be  
8 supervised by any one instructor at any one time.

9  
10 (2) Instructors Prohibited from Practice

11  
12 No instructor in a school of cosmetology may devote any  
13 portion of his or her time to work in a beauty shop during training hours.  
14 The instructors shall be in attendance in the class room at all times during  
15 training hours.

16  
17 (3) Licensed Physician Attached to Staff

18  
19 Each school shall attach to its staff as a consultant, a person  
20 licensed or registered to practice the healing art in the District of Columbia  
21 pursuant to subchapter I of chapter I, title 2 of the D. C. Code, who shall  
22 lecture at least once a month on sanitation, sterilization, skin and scalp  
23 diseases, and personal hygiene.

24  
25 (c) Record of Attendance

26  
27 Each school shall keep a daily record of the attendance of each student,  
28 maintain regular class and instruction hours, establish grades, and hold  
29 examinations before the issuance of diplomas. A monthly report shall be  
30 submitted to the Board, listing each student in attendance, the student's  
31 license number, total number of hours attended by each student during the  
32 month covered by the report, and the cumulative total of hours of each student  
33 to date. Said report shall be submitted to the Board not later than the 10th day  
34 of the succeeding month. Upon completion of the course in which the student  
35 is enrolled, the school shall prepare a valid and accurate certificate attesting  
36 to the successful completion of the course by the student on a form to be  
37 provided by the Board. The form shall furnish the student with documentary  
38 evidence that such student has satisfactorily completed the prescribed  
39 training program, and shall be in addition to any certificate of completion  
40 which the school may confer upon a successful graduate of the school.

41  
42 (d) Facsimile of Official Signature

43  
44 Each school shall supply the Board with facsimile signatures, on  
45 its letterhead or a sheet of plain white paper, of the individual or individuals  
46 authorized by the owner of such school to sign all official certificates for  
47 admission of students to examinations, and all other official reports required  
48 by the Board.

49  
50 (e) Maximum Class Day

51  
52 The maximum amount of time spent by any student in class shall not  
53 exceed eight hours per day, nor six days per week.

54  
55 (f) Separate Rooms

56  
57 A school shall provide separate rooms for class work and practical  
58 instruction and a separate room for supervised practice.  
59  
60

1 (g) School to be Entirely Separate

2  
3 A school shall be so located as to be entirely separate and have  
4 no connection with a beauty shop or any other place of business. An  
5 entrance for the use of the school separate and distinct from the  
6 entrance to any other office or place of business shall be provided.  
7

8 (h) Advertisement

9  
10 In the event that a school desires to advertise, it shall do so  
11 only as a school of cosmetology. A school and a shop not, in any form of  
12 advertising, be so designated as to mislead the public in regard to prices  
13 or location.  
14

15 (i) Bottles and Containers Labeled

16  
17 All bottles and containers in use must be clearly and correctly labeled  
18 as to the contents therein.  
19

20 (j) Sanitary Regulations

21  
22 Each school shall comply with all health and sanitary regulations  
23 for beauty shops now in force or which may be promulgated by the District  
24 of Columbia Council.  
25

26 (k) Registration Blank and Certificate of Health

27  
28 Each student applying for admission to a school of cosmetology shall  
29 secure, prior thereto, a registration blank from the Board of Cosmetology and a  
30 certificate of health signed by a physician licensed or registered to practice  
31 the healing art in the District of Columbia pursuant to subchapter I of  
32 chapter II, title 2 of the D. C. Code.  
33

34 (l) Bulletin Board

35  
36 A bulletin board shall be maintained by each school of  
37 cosmetology, and a copy of the Act of June 7, 1938, as amended, relating to  
38 the practice of cosmetology, (52 Stat. 611, D.C. Code, title 2, chapter 13.),  
39 of these regulations, the school's certificate of registration, and all  
40 instructor and student licenses granted by the Board shall be conspicuously  
41 displayed thereon at all times. In addition, commencing 90 days following  
42 the effective date of this regulation, each school shall conspicuously post  
43 on the bulletin board for the current and previous year, the number of  
44 students who have successfully completed the required course of study at  
45 the school; the number of students who have applied for the Board examination  
46 for licensure either as an operator or manager or both at the school; and the  
47 number of students from the school who have successfully passed the Board  
48 examination for licensure either as an operator or manager or both. The  
49 school shall also post where information may be obtained concerning  
50 refunds to customers and claims for damage resulting from work performed  
51 on the premises.  
52

53 (m) Display of Sign

54  
55 Each school shall display in a conspicuous place a sign which  
56 shall read:  
57

58 "ALL WORK IN THIS SCHOOL DONE BY STUDENTS."  
59  
60

## REGULATION 74-19

5 of 9

(n) Student Practice Upon the Public

No school shall directly or indirectly charge any money whatsoever for treatment by one of its students or for materials used in the treatment until such student shall have successfully completed at least five hundred (500) hours of training. Schools wishing to charge the public for work of a student or materials used shall first certify to the Board that the student has successfully completed the required number of hours. Upon receipt of such certification, the Board shall issue to the student an identification card indicating that such student has completed the training requirements of the Board.

(o) Curriculum, Course Schedules and Examinations

Each school curriculum, course schedule and the content and type of examinations shall be submitted to and approved by the Board. Each school shall arrange the courses devoted to each branch of the practice of cosmetology in accordance with the following schedule. Practical instruction shall consist of class work and individual instruction in all subjects.

## (l) Theoretical instruction shall cover the following outline of study:

## (A) Bacteriology.

(i) Growth, character, and reproduction of bacteria.

(ii) Sterilization (methods, practical antiseptics, personal hygiene).

## (B) Anatomy.

(i) Bones (heads, hands).

## (C) Physiology.

(i) Muscles (function, composition, divisions, blood supply, effect of stimulants and electricity, muscles of the head, face, and neck).

(ii) Nervous system (cerebro-spinal system, cranial nerves, sensory and motor nerves, functions, sympathetic nervous system, nerves of the scalp, face, and neck, nerve supply to muscles).

(iii) Circulatory system (blood, arteries, capillaries, veins, heart).

(iv) Lymph (formation, function).

(v) Respiration (function of the respiratory tract, [larynx, trachea, bronchi,] lungs, importance of ventilating and cleanliness).

(vi) Digestion (alimentary canal, absorption, elimination, skin, kidney, lungs, and intestines).

(vii) Skin (definition of skin, functions of the skin, division of the skin).

## (D) Glands.



REGULATION 74-19

- 1 (i) Description.
- 2
- 3 (ii) Diseases of the glands (sebaceous (oil), suderiferous
- 4 (sweat), malformations).
- 5
- 6 (E) Pigment Anomalies.
- 7
- 8 (i) Nevi Lentigo (freckles).
- 9
- 10 (ii) Chloasam.
- 11
- 12 (iii) Leukoderma.
- 13
- 14 (F) Finger Nails.
- 15
- 16 (i) Growth.
- 17
- 18 (ii) Divisions.
- 19
- 20 (iii) Diseases.
- 21
- 22 (G) Hair.
- 23
- 24 (i) Location and color.
- 25
- 26 (ii) Hair and racial characteristics.
- 27
- 28 (iii) Structure of the hair.
- 29
- 30 (iv) Growth of the hair.
- 31
- 32 (v) Scalp diseases.
- 33
- 34 (H) Chemistry.
- 35
- 36 (i) Bleaches.
- 37
- 38 (ii) Dyes.
- 39
- 40 (iii) Permanents.
- 41
- 42 (iv) Chemical relaxers.
- 43

(2) Schedules of practical operations during course of training

<u>Subject</u>	<u>Minimum Number of Practical Operations Operator Manager or</u>	
	SHAMPOO	
Soap	30	50
Liquid dry	9	11
Special	9	11
	RINSE	
Cream	6	7
Color	6	7
Special	6	8

REGULATION 74-19

7 of 9

1		PERMANENT		
2				
3	Permanent waving		43	72
4	Chemical straightening		43	72
5				
6		HOT WORK		
7				
8	Pressing		8	12
9	Croquignole waiving		20	40
10	Blocking		8	12
11	Round curl		8	12
12				
13		WET WORK		
14				
15	Pin curl		26	34
16	Finger wave		26	34
17	Skip wave		27	34
18				
19		HAIRCUTTING		
20				
21	Short		16	20
22	Long		2	2
23	Trim		12	16
24	Thinning		16	20
25				
26		DYEING AND BLEACHING		
27				
28	Blocking		4	6
29	Liquid (combination)		10	15
30	Paste (bleach)		10	15
31				
32		SCALP TREATMENTS		
33				
34	Oily hair		10	15
35	Dry hair		10	15
36	Falling hair		12	18
37				
38		FACIALS		
39				
40	Arch		13	17
41	Plain		13	17
42	Bleach		13	17
43	Pack		13	17
44	Mask		13	17
45	Make-up		13	19
46				
47		MANICURE		
48				
49	Water		30	35
50	Cream		30	35
51	Hand and arm bleach		4	5
52	Hand and arm massage		4	5

(3) Distribution of Hours of Training

No student shall be certified by the school as having successfully completed the required course of study until such student has completed the hours of training which shall be distributed approximately as set forth below: Provided That, students enrolled for limited certificates shall be required only to complete the hours set forth in section 4(a)(3) of this regulation.

REGULATION 74-19

	<u>OPERATOR</u>	<u>MANAGER</u>
1		
2		
3	75	80
4	160	225
5	200	225
6	40	40
7	200	225
8	125	175
9	50	50
10	25	35
11	100	125
12	100	125
13	225	230
14	50	75
15	75	125
16	25	35
17	50	50
18	...	100
19	<u>...</u>	<u>50</u>
20		
21	1,500	2,000
22		

(4) Scope of Examinations

Prior to the issuance of a diploma and any certification to the Board each student shall be required to successfully complete examinations given by the school, as approved by the Board. Examinations shall cover all subjects listed in these regulations relating to theoretical instructions as well as practical and oral demonstrations by the student in manicuring, facials, shampooing, scalp treatment, rinses, dyes, finger waving, permanent waving, haircutting, sanitation and sterilization, chemical straightening, personal hygiene, ethics, D.C. Law, and for the manager course, shop management, bookkeeping, and teaching methods.

(p) Equipment required for schools of cosmetology

Minimum equipment required for schools of cosmetology with an enrollment of twenty-five students or less shall be as follows:

- 4 shampoo bowls
- 10 stoves
- 6 Dryers
- 3 Blowers
- 2 Facial chairs
- 4 All-purpose chairs
- 1 Vibrator
- 5 Manicure tables
- 2 Wet sterilizers
- Dry sterilizer sufficiently large enough to hold equipment for 25 students.

A container for liquid sterilization on each manicure table.

Section 5. Denial, Suspension or Revocation of License

(a) Failure to comply with any provision of these regulations shall be grounds for the denial, suspension, or revocation of the certificate of registration of a school of cosmetology, pursuant to section 2-1304 of the D.C. Code.

REGULATION 74-19

(b) Hearing Process. Nothing herein shall be construed so as to deprive the school of cosmetology of the hearing and appeal process provided in sections 2-1304 and § 2-1305, D.C. Code.

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74-20

Regulation No. -----

August 1, 1974

Enactment Date -----



# Regulation of the District of Columbia

TITLE RENT CONTROL REGULATION FOR THE DISTRICT OF COLUMBIA

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

1 WHEREAS, a critical situation exists in the District of Columbia by reason  
2 of the acute shortage of leased or rented rooms, apartments, houses, and other  
3 housing accommodations, resulting in increased rents and serious overcrowding  
4 and causing severe threats to the public health, safety, and welfare; and  
5

6 WHEREAS, unless rents and rental services for these leased or rental  
7 dwellings are regulated and controlled, unreasonable, unjust, and exorbitant  
8 rents and rental agreements will cause disruptive and abnormal conditions in  
9 the leased or rental accommodation market, which will produce serious threats  
10 to the orderly functioning of the housing market and the economy of the District  
11 of Columbia; and  
12

13 WHEREAS, upon the imposition of rent control in the District, unless  
14 occupants of rented or leased housing accommodations in the District are entitled  
15 to a reasonable advance notice of the intention of their landlords to convert from  
16 a rental basis to condominium or cooperative units, mass evictions of substantial  
17 numbers of apartment dwellers, on short notice, will cause disruptive and abnormal  
18 conditions in the leased or rental dwelling market, which will further produce  
19 serious threats to the orderly functioning of the housing market and the economy  
20 of the District of Columbia; and  
21

22 WHEREAS, pursuant to the District of Columbia Rent Control Act of 1973  
23 (87 Stat. 623 P. L. 93-157), the District of Columbia Council is authorized to make  
24 such rules and regulations as it determines necessary and appropriate to regulate

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on July 18, 1974

Adopted on second and final reading July 26, 1974

Presented to the Mayor-Commissioner July 26, 1974

*Edward S. Wehler*  
Secretary of the City Council

Approved *Arthur S. Linkletter*  
Mayor-Commissioner

1 AUG 1974  
Date

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

Date

Disapproved and returned to the City Council  
Mayor-Commissioner

Date

Readopted  
Date

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

*Edward S. Wehler*  
Secretary of the City Council

## REGULATION 74-20

--2 of 13

1 and stabilize rents in the District of Columbia .

2  
3 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council  
4 that:

5  
6 Section 1. The regulations set forth are hereby adopted, and shall be so  
7 compiled and published as is deemed appropriate for their orderly arrangement  
8 within the D. C. Rules and Regulations.

9  
10 Section 2. Legislative Findings and Intent - The District of Columbia  
11 Council hereby finds that there is a serious shortage of rental units in the  
12 District of Columbia; that this shortage is particularly critical for households  
13 of low and moderate income; that escalating rent increases have been prevalent  
14 throughout the District of Columbia since the termination of Federal Rent Controls,  
15 on January 11, 1973; that, while most landlords have acted responsibly, there has  
16 been a significant minority of excessive increases in rents and/or decreases in  
17 services; that rent increases have been significantly higher and more prevalent  
18 on moderate priced rental units than on high priced rental units; that the protection  
19 of the health and welfare of the residents of the District of Columbia requires  
20 enactment of rent controls which protect the rights of tenants and assure landlords  
21 a fair rate of return.

22  
23 It is the intent of this regulation to protect tenants from excessive rent  
24 increases, unjustified reduction of services, harassment and unreasonable  
25 eviction; to protect the right of landlords to a reasonable return on their investments;  
26 to encourage stability of ownership and tenancy and improve landlord/tenant  
27 relations; and to foster the maintenance of the existing housing stock through  
28 compliance by both landlords and tenants with the District of Columbia Housing  
29 Code and through provision of incentives to upkeep and reasonable renovation.

30  
31 Section 3. Definitions - As used in this regulation -

32  
33 (a) The term "Act" means the District of Columbia Rent Control Act of 1973  
34 (87 Stat. 623; P. L. 93-157).

35  
36 (b) The term "base rent" means the rent charged (converted to a monthly  
37 basis) for a housing accommodation on February 1, 1973. If such an accommodation  
38 was not rented on that date, base rent shall mean the amount of rent last charged  
39 or allowed on the accommodation between January 1, 1972 and February 1, 1973.  
40 In the event that the accommodation was not rented during that period, or the  
41 landlord can establish to the satisfaction of the Commission that the rent charged  
42 on or before February 1, 1973 cannot be determined, the base rent will be the amount  
43 of rent appropriate for that accommodation on February 1, 1973, as determined by  
44 the Commission.

45  
46 (c) The term "capital improvement" means a permanent improvement or  
47 renovation other than ordinary repair, replacement or maintenance, the use of  
48 which will continue beyond a twelve month period beginning with the completion  
49 of the improvement.

50  
51 (d) The term "Commission" means the District of Columbia Housing Rent  
52 Commission.

53  
54 (e) The term "Commissioner" means the Commissioner of the District of  
55 Columbia, or his designated agent.

56  
57 (f) The term "Council" means the District of Columbia Council established  
58 under Reorganization Plan Number 3 of 1967.

59  
60 (g) The term "housing accommodation" means any building, structure, .....

## REGULATION 74-20

--3 of 13

1 residence, or any part thereof, and land appurtenant thereto, which is rented,  
2 leased or offered for rent or lease for dwelling purposes, including a single  
3 family residence or a room, apartment, efficiency, or group of rooms in a building,  
4 structure of residence. The term shall not include (1) any hotel, motel, or other  
5 structure used primarily for transient occupancy in which more than 60 percent of  
6 the units devoted to living quarters for tenants and guests are normally used for  
7 transient occupancy; or (2) any room or space normally rented, leased or offered  
8 for rent or lease for transient occupancy. The term "unit" of a housing accommodation  
9 shall mean any room, apartment, efficiency, or group of rooms rented or leased or  
10 offered for rent or lease within such an accommodation.

11  
12 (h) The term "housing regulations" means the Housing Regulations of the  
13 District of Columbia (1971 ed.).

14  
15 (i) The term "initial leasing period" shall mean that period of time during  
16 which the first tenant of a new housing accommodation or one substantially  
17 rehabilitated, occupies or rents such accommodation.

18  
19 (j) The term "landlord" means an owner, lessor, sublessor, assignee,  
20 agent, or other person receiving or entitled to receive the rents or benefits for  
21 the use or occupancy of a housing accommodation as herein defined.

22  
23 (k) The term "optional facilities" means any facilities or equipment made  
24 available by a landlord to a tenant at the option of the tenant and in exchange for  
25 payment of a rental fee over and above the rental fee for occupancy of the  
26 accommodation.

27  
28 (l) The term "person" means an individual, corporation, partnership  
29 association, joint venture, or any organized group of individuals or the legal  
30 successor or assigns of representatives of the foregoing.

31  
32 (m) The term "related facilities" means any facilities or equipment made  
33 available by a landlord to a tenant, the use of which is included upon payment  
34 of the rental fee for the housing accommodation.

35  
36 (n) The term "related services" means services provided by a landlord or  
37 required by law or by the terms of a rental agreement to be provided by a landlord  
38 to a tenant in connection with the use and occupancy of any housing accommodation,  
39 including but not limited to: repairs; decorating and maintenance; furnishings and  
40 furniture; provision of light, heat, hot water, cold water, telephone answering  
41 and elevator services; kitchen, bath, and laundry facilities and privileges; use  
42 of halls, corridors, stairs, common rooms, yard, and other common areas; janitor  
43 service; and removal of trash and refuse.

44  
45 (o) The term "rent" means the entire amount of money, money's worth,  
46 bonus, benefit, or gratuity demanded, received, or charged by the lessor landlord  
47 to a lessee tenant as a condition of occupancy and use of a housing accommodation,  
48 its related services, and its related facilities including, but not limited to, charges  
49 for parking and utilities and the use of recreational facilities if provided.

50  
51 (p) The term "rent ceiling" means the maximum allowable amount of rent to  
52 which the base rent for any housing accommodation within the scope of this regulation  
53 may be elevated, in keeping with the provisions of this regulation.

54  
55 (q) The term "substantial rehabilitation" means any improvement to or  
56 renovation of a housing accommodation for which the capital expenditure totals  
57 fifty percent or more of the estimated market price of the accommodation prior to  
58 rehabilitation, provided a building permit has been issued for such rehabilitation  
59 on or after February 1, 1973. For the purposes of this subsection, "estimated  
60 market price" shall mean one of the following, whichever is higher: (1) total

## REGULATION 74-20

-4- of -13

1 purchase price paid by the landlord for the accommodation; or (2) the estimated  
2 market value for property assessment purposes as determined by the Commissioner.  
3 Where the improvement or renovation is made to only a portion of the housing  
4 accommodation, the capital expenditure thereon should be pro rated at the per-  
5 centage of the estimated market price of the whole unit which the portion bears  
6 to the whole.

7  
8 (r) The term "tenant" means a tenant, subtenant, lessee, sublessee,  
9 or other person entitled to the possession, occupancy, or the benefits thereof  
10 of any housing accommodation as herein defined.

11  
12 Section 4. Rent Control Coverage - The system of rent control provided in  
13 this regulation shall be applicable to all housing accommodations in the District  
14 of Columbia with the following exceptions:

15  
16 (a) Any establishments which have as their primary purpose the providing  
17 of diagnosis, cure, and treatment of illness of residents, including but not limited  
18 to hospitals, convalescent homes and nursing homes, and personal care homes.

19  
20 (b) Any publicly owned housing accommodations which are managed by  
21 the National Capital Housing Authority or any successor thereto; and any housing  
22 accommodation which is Federally owned or for which the mortgage or rents are  
23 Federally subsidized.

24  
25 (c) Any new housing accommodation created by new construction and  
26 offered for rent or lease on or after February 2, 1973, during the initial leasing  
27 period of such accommodation, or during the first year of tenancy, whichever is  
28 shorter. For the purposes of this subsection, a new housing accommodation is  
29 an accommodation for which the initial Certificate of Occupancy was issued on or  
30 after February 1, 1973.

31  
32 (d) Any dormitory operated by an institution of higher learning or private  
33 school, in which rooms are provided for its students.

34  
35 (e) Any rooming house or boarding house as defined in Section 1102 of the  
36 housing regulations of the District of Columbia.

37  
38 (f) A room rented by the occupant of a housing accommodation, whether  
39 such occupant is the owner of the accommodation or a tenant who leases or rents  
40 the accommodation.

41  
42 Section 5. Stabilization of Rents

43  
44 (a) Subject to such adjustments as are authorized in this Section and in  
45 Section 6 of this regulation, no landlord shall charge a rent for a housing  
46 accommodation in excess of the base rent as defined in Section 3(b) or, when  
47 applicable, the rent ceiling provided in subsection (f) herein.

48  
49 (b) Upon the effective date of this regulation, and subject to the provisions  
50 of paragraph (i) herein, a landlord who is renting or leasing any housing accommodation  
51 within the scope of this regulation shall be entitled to charge an amount of rent for  
52 such accommodation which shall not exceed the rent ceiling computed according to  
53 the following formula:

54  
55 (1) Step 1: Adding to the base rent an amount equal to four percent  
56 (4%) of base rent to allow for increased costs incurred by the landlord during  
57 calendar year 1973 after February 1, 1973; and

58  
59 (2) Step 2: Adding to the figure computed in Step 1 an amount equal  
60 to eight percent (8%) of this figure to allow for increased costs incurred by the



## REGULATION 74-20

--5\_of\_13

1 landlord during calendar year 1974.

2  
3 (c) When a landlord has initiated or completed capital improvements on  
4 an accommodation between February 1, 1973 and the effective date of this  
5 regulation, the rent ceiling for such accommodation shall be computed to make  
6 allowance for such capital improvements provided that (1) the cost of such capital  
7 improvement equals at least 25% of the estimated market value for the accommodation  
8 (or the appropriate percentage of the estimated market value when the improvement  
9 applies only to a unit of such accommodation); (2) the landlord has obtained, and  
10 made available to the tenant and the Commission the appropriate contract plans,  
11 specifications, and building permits; (3) the cost of the improvement is amortized  
12 according to the formula provided in Section 6(b)(5) of this regulation and the rent  
13 increase, notwithstanding such formula, is no more than 4% of the allowable rent  
14 ceiling for such accommodation.

15  
16 (d) When, upon effective date of this regulation, the rent being charged  
17 for any housing accommodation exceeds the allowable rent ceiling as computed  
18 according to the formula provided in (b) herein, the rent for such accommodation  
19 shall be reduced to the allowable rent ceiling, effective on the next date when  
20 rent is normally due. It shall be the responsibility of the landlord to notify the  
21 tenant in writing of the required decrease at least one week prior to effective  
22 date of such decrease.

23  
24 (e) Whenever the Commission finds that past or forthcoming decreases  
25 or increases in taxes, operating costs or maintenance costs may justify a change  
26 in the rent ceiling provided in this Section or additional provisions to allow for  
27 increased costs incurred by landlords, it shall present its findings and appropriate  
28 recommendations to the Council.

29  
30 (f) The rent ceiling for a substantially rehabilitated housing unit as defined  
31 in Section 3(q) of this regulation, shall be computed by increasing by 125% the  
32 allowable rent ceiling for 1974 as provided in paragraph (b) of this Section.

33  
34 (g) The rent ceiling for a newly constructed housing accommodation which  
35 becomes subject to this regulation after initial exemption as provided in Section 4(c)  
36 shall be the initial rent charged during the initial leasing period.

37  
38 (h) Where the Commission determines that the related services and/or  
39 facilities supplied by a landlord are substantially reduced as compared to services  
40 and/or facilities previously provided, the rent ceiling shall be lowered accordingly  
41 by the Commission on its own initiative or upon petition by the tenant, in accordance  
42 with the provisions of Section 7.

43  
44 (i) The Commission may (1) refuse to allow any upward adjustment of the  
45 base rent of any housing accommodation or (2) decrease the rent ceiling on such  
46 accommodation, pursuant to the procedures provided in Sections 6 and 7 of this  
47 regulation, if it determines that the accommodation does not substantially comply  
48 with the housing regulations and such lack of compliance is not caused by the  
49 tenant's neglect or misconduct.

50  
51 (j) When, after effective date of this regulation, a housing accommodation  
52 becomes vacant, the rent ceiling for such accommodation shall be increased to the  
53 highest rent ceiling applicable to any substantially identical accommodation within  
54 the same rental facility, provided the tenant has vacated voluntarily or as a result  
55 of notice to quit or eviction for one of the following causes: (1) nonpayment of rent;  
56 (2) violation of an obligation to his tenancy, as provided in Section 10(b)(1) of this  
57 regulation; or (3) use of the accommodation for illegal purposes, as provided in  
58 Section 10(b)(2) of this regulation. For the purpose of this subsection, accommodations  
59 shall be defined as "substantially identical" when they contain essentially the same  
60 square footage, the same floor plan, comparable amenities and equipment, comparable

REGULATION 74-20  
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--6 of 13

1 locations with respect to exposure and height (if exposure and height have previously  
2 been factors in amount of rent charged), and are in substantially comparable physical  
3 condition.

4  
5 (k) The rent ceiling for any housing accommodation which (1) was purchased  
6 by the present landlord from the Federal Government on or after February 1, 1973  
7 and (2) for which the mortgage and/or rents were Federally subsidized immediately  
8 prior to purchase shall be the rent charged on effective date of this regulation,  
9 plus 4% of the rent ceiling on that date.

10  
11 (l) No rent increase authorized under these regulations shall be put into  
12 effect unless the tenant has been given written notice thirty days prior thereto.  
13 Any notice of increase of rent shall be signed by the landlord and shall contain:

14  
15 (1) The amount of rent for the rent payment interval immediately  
16 preceding the proposed increase and that for the rent payment interval in which  
17 the increase becomes effective.

18  
19 (2) The percentage increase and the dollar amount of the proposed  
20 increase.

21  
22 (3) The effective date of the proposed increase.

23  
24 (4) A statement that the unit is in substantial compliance with  
25 the housing regulations.

26  
27 (5) The base rent and explanation of the manner by which the  
28 increase has been computed, when such increase is pursuant to Section 5 of  
29 this regulation.

30  
31 (6) The exact method of computation of the increase, including  
32 itemization of the cost factors to which the increase is attributable, when such  
33 increase is pursuant to Sections 6 and 7 of this regulation.

34  
35 (7) A statement of certification by the landlord that the increase  
36 is in compliance with all the provisions of the District of Columbia Rent Control  
37 regulation.

38  
39 (8) Statement of penalties as described in Section 14(c) of this  
40 regulation.

41  
42 Section 6. Adjustment in Rent Ceiling Because of Hardship

43  
44 (a) In addition to those procedures for adjustments allowed under Section 5,  
45 the Commission may make such individual adjustments, either upward or downward,  
46 of the maximum rent ceilings as may be necessary to correct hardships of other  
47 inequities, and in so doing, shall observe the principle of maintaining maximum  
48 rents for housing accommodations at levels which will yield to the landlords a  
49 reasonable return from such housing accommodations.

50  
51 (b) In determining whether to make an individual adjustment in the rent  
52 ceiling because of hardship, the Commission shall consider the following among  
53 other relevant factors:

54  
55 (1) Increases or decreases in property taxes, provided the  
56 Commission determines that such increases or decreases reflect (i) a general  
57 tax increase or decrease; (ii) that portion of an upward assessment due to  
58 capital improvement approved by the Commission, as provided in paragraph 5;  
59 and/or (iii) a correction of a prior overevaluation or underevaluation, due to error,  
60 by the Department of Finance and Revenue.

REGULATION 74-20

--7 of 13--

1 (2) Unavoidable increases or any decreases in operating costs  
2 and maintenance expenses.

3  
4 (3) Increases or decreases in living space or related services,  
5 provided that the Commission has approved any increases in space or services  
6 as being reasonable and in the interest of the affected tenants.

7  
8 (4) Substantial deterioration of the housing accommodation, other  
9 than ordinary wear and tear, or failure to perform ordinary repairs, replacement  
10 or maintenance.

11  
12 (5) Capital improvement of the housing accommodation as defined  
13 in Section 3(c) of this regulation provided that (i) the necessary permits for such  
14 improvements have been issued by the Commissioner and (ii) the Commission has  
15 determined that said improvements are reasonable and that the interests of the  
16 tenant have been protected. The cost of a capital improvement shall be amortized  
17 over the projected useful life of the improvement, as determined by the Commission.  
18 Based on such amortization, the cost of such capital improvement may be used to  
19 justify an upward adjustment in the rent ceiling, provided the monthly rent increase  
20 attributable to such improvement is not more than 1 1/2% of the share of the amortized  
21 cost attributable to any benefitted unit.

22  
23 Section 7. Procedure for Adjustment of Rent Ceiling or Advance Ruling

24  
25 (a) The Commission shall consider an upward or downward adjustment of  
26 the rent ceiling for any individual housing accommodation upon receipt of a petition  
27 for adjustment filed under oath by the landlord or tenant of such housing accommodation  
28 or upon action on its own initiative. Such petition shall be made on a form approved  
29 by the Commission. The Commission may consolidate petitions and actions relating  
30 to housing accommodations in the same building, and all such petitions and actions  
31 may be considered in a single hearing. Any finding by the Commission on a petition  
32 shall be based on the record pertaining to such petition. The Commission shall act  
33 by approving or denying each petition filed with it no later than 60 days after the  
34 filing of the petition unless extended by written consent of the parties.

35  
36 (b) Upon receipt of such petition, the Commission shall notify the landlord  
37 or tenant, whichever is appropriate, by U. S. Certified Mail, or any other form of  
38 service which assures delivery, of the receipt of such petition and of the right of  
39 either party to request a hearing in writing within fifteen days of the receipt of such  
40 notice. A copy of the appropriate petition shall accompany such notification. If a  
41 hearing is timely requested by either party, or if the action is undertaken on the  
42 initiative of the Commission, notice of the time and place of the hearing shall be  
43 furnished the parties by U. S. Certified Mail at least fifteen days prior to the  
44 commencement of such hearing. Such notice shall inform the landlord or tenant,  
45 whichever is appropriate, of his right to retain legal counsel to represent him  
46 at the hearing. All hearings shall be conducted pursuant to Title 5DD of the  
47 District of Columbia Rules and Regulations and shall be consistent with the  
48 provision of the D. C. Administrative Procedure Act (D. C. Code, Sec. 1-1501  
49 et. seq.).

50  
51 (c) When a petition for adjustment is filed with the Commission or upon  
52 action initiated by the Commission, the landlord of the particular accommodation  
53 shall furnish the Commission, within fifteen (15) days after the Commission's  
54 written demand therefor, an information statement approved by the Commission,  
55 and containing such information as it may request. Such information requirements  
56 shall include but not be limited to an itemization of the actual income and operating  
57 expenses for a two-year period, ending no more than four months prior to the date  
58 of the petition for adjustment.

59  
60 (d) Pursuant to receipt of a petition for adjustment or to initiation of action

## REGULATION 74-20

- 8 of 13 -

1 by the Commission under this Section, the Commission shall notify the landlord  
2 and/or tenant, whichever is appropriate, of his right to inspect and copy all  
3 documents, records, reports and other written materials or evidence that will  
4 be used by the opposing party in support of his petition or by the Commission in  
5 support of its proposed action.  
6

7 (e) When a landlord plans a capital improvement or an increase in space or  
8 related services in a housing accommodation he may, upon submission of appropriate  
9 contract plans and specifications, building permits, or in the case of increased  
10 related services, other proof of his intentions, file a petition for an advance ruling  
11 for future adjustment of the rent ceiling for such accommodation. Such petition  
12 shall be filed under oath upon a form approved by the Commission and may reflect  
13 the projected cost of the planned improvements or added related services at the time  
14 of their completion and/or implementation. The considerations and procedures  
15 governing such advance rulings shall be consistent with Section 6(b)(3) and (5)  
16 and Section 7(a), (b), (d), and (f). Any adjustment in rent ceiling conditionally  
17 approved by such advance ruling shall become effective upon submission of proof,  
18 to the satisfaction of the Commission, of fulfillment of the projected plans for  
19 improvements or added related services, as described in the petition and of the total  
20 costs thereof. Preliminary approval of a petition for advance ruling shall be subject  
21 to such subsequent review and final approval as the Commission determines as  
22 necessary and appropriate.  
23

24 (f) Notwithstanding any other provision of this Section, the Commission  
25 may, without holding a hearing, refuse to adjust the rent ceiling for any individual  
26 accommodations under this Section and may dismiss any petition for adjustment  
27 if a hearing has been held under this Section for such housing accommodation within  
28 six months prior to the filing of the said petition.  
29

30 Section 8. Housing Rent Commission  
31

32 (a) Establishment and Functions. There is hereby established for the District  
33 of Columbia a temporary Commission to stabilize and regulate rents and to carry out  
34 and enforce the provisions of the Act, these regulations and any rules or orders  
35 promulgated and adopted by the Commission pursuant to the Act and those regulations.  
36 Members of the Commission shall be appointed within thirty days after the effective  
37 date of this regulation. The establishment, duties, powers, appointments of  
38 members, membership, compensation, and termination of the Commission shall be  
39 in accordance with the Act. Five members of the Commission shall constitute a  
40 quorum for the transaction of the business of the Commission: Provided, that at  
41 least two of the five members present shall be representatives of the interests of  
42 the tenants and two shall be representatives of the interests of landlords.  
43

44 (b) Election of Vice Chairman. Within 30 days after appointment and approval  
45 of each of the nine members of the Commission, a Vice-Chairman shall be elected  
46 by the Commission from among its members.  
47

48 (c) Selection and Appointment of Commission Employees. The Commission  
49 shall appoint an Executive Director, legal counsel, and such other staff as it may  
50 deem necessary. The Commission may also appoint mediators, who shall be  
51 authorized to conciliate disputes between landlord and tenants which may arise  
52 under the provisions of the Act, these regulations, or any rules or orders promulgated  
53 and adopted by the Commission pursuant to the Act and these regulations.  
54

55 (d) Adoption of Rules of Procedure. The Commission is hereby authorized  
56 to adopt additional rules of procedure as it may deem necessary. In so doing,  
57 the Commission shall comply with the rule making procedures contained in the  
58 District of Columbia Administrative Procedures Act 1-1501 et. seq. D. C. Code,  
59 (1973 ed.).  
60

REGULATION 74-20--9 of 13--

1 (e) Complaints. The Commission shall be authorized to receive and review  
2 complaints by tenants and landlords in the District of Columbia with respect to any  
3 violation of these regulations or of any rule or order of the Commission with respect  
4 to the enforcement and the administration of such rules.

5  
6 Section 9. Lease and Registration Requirements

7  
8 (a) Every new tenant of a housing accommodation not excluded from coverage  
9 of this regulation by Section 4 shall be given by the landlord a written lease for the  
10 initial period of tenancy.

11  
12 (b) On or before the 60th day following the appointment and confirmation  
13 of a quorum of the Commission members, every landlord of a housing accommodation  
14 not excluded from coverage of this regulation by Section 4 shall file with the  
15 Commission, on forms approved by the Commission, a registration statement for  
16 each such accommodation or group of accommodations in one building.

17  
18 (c) The registration form shall contain such information as the Commission  
19 may require, including but not limited to:

20  
21 (1) A description of the property, including address, number of  
22 apartments, number of stories, approximate age, type of construction, and date  
23 and number of license issued by the District of Columbia Government.

24  
25 (2) A description of the utilities and air conditioning provided by  
26 the landlord and type of heating fuel used.

27  
28 (3) Rental information on each unit for base rent date: total occupancy  
29 fee charged, amount of security deposit, related services included, related facilities  
30 and charges therefor on February 1, 1973, or the appropriate base rent date as  
31 provided in Section 3(b) of this regulation.

32  
33 (4) Current rent information on each unit: (Same as above).

34  
35 (5)(i) When an accommodation has been substantially rehabilitated,  
36 as provided in Section 3(q), the estimated market price of such unit prior to rehabili-  
37 tation, a description of the rehabilitation, and the itemized costs of such rehab-  
38 ilitation; (ii) when an accommodation is planned to be substantially rehabilitated  
39 or in the process of being substantially rehabilitated on the effective date of this  
40 regulation, the estimated market price of such unit prior to rehabilitation, the  
41 method of computing the estimated market price, a description of the proposed  
42 rehabilitation, and the itemized estimated costs of such rehabilitation.

43  
44 (6) When the rent for an accommodation has been increased to  
45 allow for capital improvements as provided in Section 5(c), the estimated market value  
46 of such accommodation prior to capital improvement, a list of all such improvements  
47 allowed for pursuant to Section 5(c), and the itemized costs of such improve-  
48 ments.

49  
50 (7) Itemization of any outstanding violations of the housing  
51 regulations.

52  
53 (8) Name and address of owner and, when applicable, resident  
54 agent.

55  
56 (d) In the event that any information provided on the registration form  
57 becomes invalid or obsolete, it shall be the responsibility of the landlord to  
58 correct such information within thirty days.

59  
60 (e) No petition for the upward adjustment of rent ceilings shall be granted

REGULATION 74-2010 of 13

1 by the Commission for any accommodation not registered in accordance with the  
2 provisions of this Section; nor shall the landlord of any accommodation not so  
3 registered be eligible for any rent increase adjustment provided in Section 5 and  
4 applicable to that accommodation on or after the 60th day following confirmation  
5 of the Commission members.

6  
7 (f) Each registration form shall be filed and available for public inspection  
8 in the Commission Office. Each landlord shall keep a duplicate of each such form  
9 and make it available upon request to the appropriate tenant or prospective tenant.

10  
11 Section 10. Eviction

12  
13 (a) No tenant shall be evicted from his housing accommodation for any  
14 reason other than nonpayment of rent, unless he has been served with a notice  
15 to vacate specifying therein the reason for his eviction, and a copy of such notice  
16 has been served upon the Commission.

17  
18 (b) No tenant shall be evicted from his housing accommodation, notwith-  
19 standing the expiration of his lease, so long as the tenant continues to pay rent  
20 to which the landlord is entitled, unless:

21  
22 (1) The tenant is violating an obligation of his tenancy, and  
23 fails, within thirty days after receiving notice thereof from the landlord, to  
24 correct such violation.

25  
26 (2) An illegal act has been performed in the accommodation as  
27 determined by a court of competent jurisdiction.

28  
29 (3) The landlord seeks in good faith to recover possession of  
30 the housing accommodation for his immediate and personal use and occupancy.  
31 It shall be unlawful for the owner of such premises or his agent to demand or  
32 receive rent for the premises for at least six months after recovering; or

33  
34 (4) The landlord has in good faith contracted in writing to sell  
35 the accommodation for immediate and personal use and occupancy as a dwelling  
36 by the purchaser for at least six months after recovery, during which period it  
37 shall be unlawful for the purchaser of such premises or his agent to demand or  
38 receive any rent therefor. The landlord, at the time he offers the accommodation  
39 for sale, shall so notify the tenant in writing.

40  
41 (5) The landlord seeks in good faith to recover possession for the  
42 immediate purpose of making alterations or renovations which cannot safely or  
43 reasonably be accomplished while the accommodation is occupied or for the  
44 immediate purpose of demolishing the accommodation and replacing it with new  
45 construction, provided that the plans for the alteration or new construction have  
46 been filed with and approved by the Commissioner of the District of Columbia  
47 or his appropriate agent. When the landlord seeks to recover repossession under  
48 this subsection for the purpose of initiating substantial rehabilitation of the  
49 accommodation, he shall be subject to the provisions of Section 12(b) of this  
50 regulation. If, however, the landlord seeks to recover possession in order to  
51 make repairs which are necessary to bring the premises into compliance with  
52 District of Columbia Housing Regulations, the tenant shall have an absolute  
53 right to repossession immediately upon completion of the repairs, at the same rent  
54 and under the same obligations; or

55  
56 (6) The landlord seeks in good faith to recover possession for the  
57 immediate purpose of discontinuing the housing use and occupancy for a continuous  
58 period of not less than six months, during which period, commencing on the date  
59 possession is recovered under this subsection, it shall be unlawful for the landlord  
60 of such housing accommodation or his agent to demand or receive rent for the same.

REGULATION 74-20

..11 of 13

1 Where the landlord seeks to recover repossession under this subsection for the  
2 purpose of initiating substantial rehabilitation of the accommodation, he shall  
3 be subject to the provisions and requirements of Section 12(b) of this regulation.  
4

Section 11. Retaliatory Action

5  
6  
7 (a) No landlord shall take any retaliatory action against any tenant who  
8 exercises any right conferred upon him by the Act or by this regulation, or by any  
9 rule or order issued pursuant thereto. For purposes of this Section, retaliatory  
10 action shall include, but not be limited to, any action or proceeding to recover  
11 possession of a housing accommodation or action which would increase rent,  
12 decrease services, increase the obligations of a tenant or constitute an undue  
13 or unusual inconvenience, violation of privacy, harassment, or reduction in the  
14 quality or quantity of services or be any form of threat of coercion.  
15

16 (b) In determining whether an action taken by a landlord against a tenant  
17 is a retaliatory action as defined in (a) above, the Commission shall take into  
18 consideration whether, within the last six months preceding such landlord's  
19 action:  
20

21 (1) The tenant has made an oral or written request to the landlord  
22 or his agent to effect repairs which are necessary to bring the housing accommodation  
23 into compliance with the housing regulations; or  
24

25 (2) The tenant has, either orally or in writing, contacted appropriate  
26 officials of the District of Columbia about existing violations of the housing  
27 regulations in the accommodation which he occupies or reported suspected violations  
28 which, if confirmed, render the accommodation in substantial noncompliance with  
29 the housing regulations.  
30

31 (3) The tenant has, after having given reasonable notice to the  
32 landlord or his agent, either orally or in writing, of violations of the housing  
33 regulations, withheld his rent, all or in part.  
34

35 (4) The tenant has organized, been a member of, or been involved  
36 in any lawful activities of a tenant organization; or  
37

38 (5) The tenant has made efforts to secure or enforce any rights under  
39 his lease or contract with the landlord.  
40

41 (6) The tenant has brought legal action against the landlord based  
42 on this regulation.  
43

44 (c) Notwithstanding the provisions of (b) above, the landlord may maintain  
45 his action if he can show that his predominant reason in seeking eviction is one  
46 or more of the just causes for eviction provided in Section 10.  
47

Section 12. Conversion of Housing Through Condominium Conversion,  
48 Cooperative Ownership, or Substantial Rehabilitation  
49

50  
51 (a) Every tenant of a housing accommodation which the landlord seeks to  
52 convert from a rental basis to a condominium or cooperative, shall be notified in  
53 writing 180 days prior to the conversion thereof. The landlord of such a housing  
54 accommodation shall make to each tenant a bona fide offer of sale of the unit  
55 which said tenant occupies, and the tenant shall be afforded 60 days within which  
56 to accept. No tenant shall be served with a 30-day notice to vacate until 150  
57 days after he first received notice of the landlord's intention to convert, nor shall  
58 the notice to vacate be served prior to the expiration of the aforesaid 60-day  
59 period or receipt of the tenant's written rejection of the bona fide offer of sale of  
60 the unit which he occupies, whichever occurs first.

1 (b) The tenant of every housing accommodation which the landlord seeks  
2 to substantially rehabilitate shall be notified in writing 120 days prior to  
3 commencement of rehabilitation. No tenant shall be served with a 30-day notice  
4 to vacate until 90 days after he first received notice of the landlord's intention  
5 to rehabilitate. The 120-day written notice shall include the information required  
6 under Section 9(c)(5), and information indicating tenant may obtain a copy of the  
7 registration form at the office of the Commission, and its address.  
8

9 Section 13. Prohibited Acts

10  
11 (a) It shall be unlawful, regardless of any agreement, lease or other  
12 obligation heretofore or hereafter entered into, for any landlord to demand or  
13 receive any rent in excess of the rent ceiling established for any housing  
14 accommodation, or to do or omit any act in violation of any provisions of the  
15 Act, this regulation, or any rules or orders promulgated and adopted pursuant  
16 to the Act and these regulations.  
17

18 (b) It shall be unlawful for any person required by these regulations, or  
19 any rules or orders promulgated and adopted pursuant to the Act and these regulations,  
20 to make a written registration statement or other statement and willfully include  
21 therein any false, misleading, or untrue information.  
22

23 (c) It shall be unlawful for any landlord of a housing accommodation within  
24 the scope of this regulation knowingly to reduce or eliminate related services  
25 previously provided in relation to the rent or lease of such accommodation without  
26 a proportionate decrease in rent.  
27

28 (d) It shall be unlawful for any landlord of a housing accommodation within  
29 the scope of this regulation to increase charges for related facilities as defined  
30 in Section 3 unless such increase in charges maintains the rent level for such  
31 accommodation within the allowable rent ceiling, as provided in Section 5.  
32

33 (e) It shall be unlawful for any landlord to charge a tenant, who on  
34 effective date of this regulation, occupies a housing accommodation subject  
35 to this regulation, any security deposit not previously required by the landlord  
36 for occupancy of said housing accommodation.  
37

38 (f) It shall be unlawful for a tenant to withhold his rent in whole or in part  
39 unless such rent withheld from the landlord is deposited in an escrow account  
40 established for that purpose.  
41

42 (g) It shall be unlawful for any landlord to increase the rent for any  
43 accommodation above the base rent as defined in Section 3(b) of this regulation  
44 if (1) the landlord of such accommodation is not properly licensed pursuant to  
45 Section 3102 of the Housing Regulations of the District of Columbia and (2) the  
46 manager of such accommodation, when other than the landlord, is not properly  
47 registered pursuant to Section 3106 of the Housing Regulations of the District  
48 of Columbia.  
49

50 Section 14. Miscellaneous Provisions

51  
52 (a) Effective date: These regulations become effective immediately  
53 upon enactment.  
54

55 (b) Severability. If any provision of this regulation, or any Section,  
56 sentence, clause, phrase, or word or the application thereof, in any circumstances  
57 if held invalid, the validity of the remainder of this regulation, and of the  
58 application of any such provision, section, sentence, clause, phrase, or word  
59 in any other circumstances shall not be affected. Thereby and to this end, the  
60 provisions of this regulation are declared severable.



REGULATION 74-20

1 (c) Penalties. Any person who willfully violates any provision of this Act  
2 or any rules or order of the Commission shall be fined no more than \$5,000  
3 for each such violation.

4  
5 (d) Nothing herein shall prohibit any landlord or tenant from bringing  
6 a civil course of action in a court of competent jurisdiction to enforce any  
7 right conferred upon said landlord or tenant pursuant to this regulation.

8  
9 (e) Termination. The provisions of this regulation shall terminate as  
10 provided by the Act.

11  
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14-20

Regulation No. -----

August 1, 1974

Enactment Date -----



# Regulation

of the

District of Columbia

TITLE RENT CONTROL REGULATION FOR THE DISTRICT OF COLUMBIA

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

1 WHEREAS, a critical situation exists in the District of Columbia by reason  
 2 of the acute shortage of leased or rented rooms, apartments, houses, and other  
 3 housing accommodations, resulting in increased rents and serious overcrowding  
 4 and causing severe threats to the public health, safety, and welfare; and

5  
 6 WHEREAS, unless rents and rental services for these leased or rental  
 7 dwellings are regulated and controlled, unreasonable, unjust, and exorbitant  
 8 rents and rental agreements will cause disruptive and abnormal conditions in  
 9 the leased or rental accommodation market, which will produce serious threats  
 10 to the orderly functioning of the housing market and the economy of the District  
 11 of Columbia; and

12  
 13 WHEREAS, upon the imposition of rent control in the District, unless  
 14 occupants of rented or leased housing accommodations in the District are entitled  
 15 to a reasonable advance notice of the intention of their landlords to convert from  
 16 a rental basis to condominium or cooperative units, mass evictions of substantial  
 17 numbers of apartment dwellers, on short notice, will cause disruptive and abnormal  
 18 conditions in the leased or rental dwelling market, which will further produce  
 19 serious threats to the orderly functioning of the housing market and the economy  
 20 of the District of Columbia; and

21  
 22 WHEREAS, pursuant to the District of Columbia Rent Control Act of 1973  
 23 (87 Stat. 623 P. L. 93-157), the District of Columbia Council is authorized to make  
 24 such rules and regulations as it determines necessary and appropriate to regulate

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on July 18, 1974

Adopted on second and final reading July 26, 1974

Presented to the Mayor-Commissioner July 26, 1974

*Edward S. Walsh*  
Secretary of the City Council

Approved *[Signature]*  
Mayor-Commissioner

1 AUG 1974  
Date

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

Date

Disapproved and returned to the City Council

Mayor-Commissioner

Date

Readopted -----

Date

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

*Edward S. Walsh*  
Secretary of the City Council

--2 of 13

1 and stabilize rents in the District of Columbia.

2  
3 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council  
4 that:

5  
6 Section 1. The regulations set forth are hereby adopted, and shall be so  
7 compiled and published as is deemed appropriate for their orderly arrangement  
8 within the D. C. Rules and Regulations.

9  
10 Section 2. Legislative Findings and Intent - The District of Columbia  
11 Council hereby finds that there is a serious shortage of rental units in the  
12 District of Columbia; that this shortage is particularly critical for households  
13 of low and moderate income; that escalating rent increases have been prevalent  
14 throughout the District of Columbia since the termination of Federal Rent Controls,  
15 on January 11, 1973; that, while most landlords have acted responsibly, there has  
16 been a significant minority of excessive increases in rents and/or decreases in  
17 services; that rent increases have been significantly higher and more prevalent  
18 on moderate priced rental units than on high priced rental units; that the protection  
19 of the health and welfare of the residents of the District of Columbia requires  
20 enactment of rent controls which protect the rights of tenants and assure landlords  
21 a fair rate of return.

22  
23 It is the intent of this regulation to protect tenants from excessive rent  
24 increases, unjustified reduction of services, harassment and unreasonable  
25 eviction; to protect the right of landlords to a reasonable return on their investments;  
26 to encourage stability of ownership and tenancy and improve landlord/tenant  
27 relations; and to foster the maintenance of the existing housing stock through  
28 compliance by both landlords and tenants with the District of Columbia Housing  
29 Code and through provision of incentives to upkeep and reasonable renovation.

30  
31 Section 3. Definitions - As used in this regulation -

32  
33 (a) The term "Act" means the District of Columbia Rent Control Act of 1973  
34 (87 Stat. 623; P. L. 93-157).

35  
36 (b) The term "base rent" means the rent charged (converted to a monthly  
37 basis) for a housing accommodation on February 1, 1973. If such an accommodation  
38 was not rented on that date, base rent shall mean the amount of rent last charged  
39 or allowed on the accommodation between January 1, 1972 and February 1, 1973.  
40 In the event that the accommodation was not rented during that period, or the  
41 landlord can establish to the satisfaction of the Commission that the rent charged  
42 on or before February 1, 1973 cannot be determined, the base rent will be the amount  
43 of rent appropriate for that accommodation on February 1, 1973, as determined by  
44 the Commission.

45  
46 (c) The term "capital improvement" means a permanent improvement or  
47 renovation other than ordinary repair, replacement or maintenance, the use of  
48 which will continue beyond a twelve month period beginning with the completion  
49 of the improvement.

50  
51 (d) The term "Commission" means the District of Columbia Housing Rent  
52 Commission.

53  
54 (e) The term "Commissioner" means the Commissioner of the District of  
55 Columbia, or his designated agent.

56  
57 (f) The term "Council" means the District of Columbia Council established  
58 under Reorganization Plan Number 3 of 1967.

59  
60 (g) The term "housing accommodation" means any building, structure, ...

## REGULATION 74-20

--3 of 13

1 residence, or any part thereof, and land appurtenant thereto, which is rented,  
2 leased or offered for rent or lease for dwelling purposes, including a single  
3 family residence or a room, apartment, efficiency, or group of rooms in a building,  
4 structure of residence. The term shall not include (1) any hotel, motel, or other  
5 structure used primarily for transient occupancy in which more than 60 percent of  
6 the units devoted to living quarters for tenants and guests are normally used for  
7 transient occupancy; or (2) any room or space normally rented, leased or offered  
8 for rent or lease for transient occupancy. The term "unit" of a housing accommodation  
9 shall mean any room, apartment, efficiency, or group of rooms rented or leased or  
10 offered for rent or lease within such an accommodation.

11  
12 (h) The term "housing regulations" means the Housing Regulations of the  
13 District of Columbia (1971 ed.).

14  
15 (i) The term "initial leasing period" shall mean that period of time during  
16 which the first tenant of a new housing accommodation or one substantially  
17 rehabilitated, occupies or rents such accommodation.

18  
19 (j) The term "landlord" means an owner, lessor, sublessor, assignee,  
20 agent, or other person receiving or entitled to receive the rents or benefits for  
21 the use or occupancy of a housing accommodation as herein defined.

22  
23 (k) The term "optional facilities" means any facilities or equipment made  
24 available by a landlord to a tenant at the option of the tenant and in exchange for  
25 payment of a rental fee over and above the rental fee for occupancy of the  
26 accommodation.

27  
28 (l) The term "person" means an individual, corporation, partnership  
29 association, joint venture, or any organized group of individuals or the legal  
30 successor or assigns of representatives of the foregoing.

31  
32 (m) The term "related facilities" means any facilities or equipment made  
33 available by a landlord to a tenant, the use of which is included upon payment  
34 of the rental fee for the housing accommodation.

35  
36 (n) The term "related services" means services provided by a landlord or  
37 required by law or by the terms of a rental agreement to be provided by a landlord  
38 to a tenant in connection with the use and occupancy of any housing accommodation,  
39 including but not limited to: repairs; decorating and maintenance; furnishings and  
40 furniture; provision of light, heat, hot water, cold water, telephone answering  
41 and elevator services; kitchen, bath, and laundry facilities and privileges; use  
42 of halls, corridors, stairs, common rooms, yard, and other common areas; janitor  
43 service; and removal of trash and refuse.

44  
45 (o) The term "rent" means the entire amount of money, money's worth,  
46 bonus, benefit, or gratuity demanded, received, or charged by the lessor landlord  
47 to a lessee tenant as a condition of occupancy and use of a housing accommodation,  
48 its related services, and its related facilities including, but not limited to, charges  
49 for parking and utilities and the use of recreational facilities if provided.

50  
51 (p) The term "rent ceiling" means the maximum allowable amount of rent to  
52 which the base rent for any housing accommodation within the scope of this regulation  
53 may be elevated, in keeping with the provisions of this regulation.

54  
55 (q) The term "substantial rehabilitation" means any improvement to or  
56 renovation of a housing accommodation for which the capital expenditure totals  
57 fifty percent or more of the estimated market price of the accommodation prior to  
58 rehabilitation, provided a building permit has been issued for such rehabilitation  
59 on or after February 1, 1973. For the purposes of this subsection, "estimated  
60 market price" shall mean one of the following, whichever is higher: (1) total .....

4 of 13

1 purchase price paid by the landlord for the accommodation; or (2) the estimated  
2 market value for property assessment purposes as determined by the Commissioner.  
3 Where the improvement or renovation is made to only a portion of the housing  
4 accommodation, the capital expenditure thereon should be pro rated at the per-  
5 centage of the estimated market price of the whole unit which the portion bears  
6 to the whole.

7  
8 (r) The term "tenant" means a tenant, subtenant, lessee, sublessee,  
9 or other person entitled to the possession, occupancy, or the benefits thereof  
10 of any housing accommodation as herein defined.

11  
12 Section 4. Rent Control Coverage - The system of rent control provided in  
13 this regulation shall be applicable to all housing accommodations in the District  
14 of Columbia with the following exceptions:

15  
16 (a) Any establishments which have as their primary purpose the providing  
17 of diagnosis, cure, and treatment of illness of residents, including but not limited  
18 to hospitals, convalescent homes and nursing homes, and personal care homes.

19  
20 (b) Any publicly owned housing accommodations which are managed by  
21 the National Capital Housing Authority or any successor thereto; and any housing  
22 accommodation which is Federally owned or for which the mortgage or rents are  
23 Federally subsidized.

24  
25 (c) Any new housing accommodation created by new construction and  
26 offered for rent or lease on or after February 2, 1973, during the initial leasing  
27 period of such accommodation, or during the first year of tenancy, whichever is  
28 shorter. For the purposes of this subsection, a new housing accommodation is  
29 an accommodation for which the initial Certificate of Occupancy was issued on or  
30 after February 1, 1973.

31  
32 (d) Any dormitory operated by an institution of higher learning or private  
33 school, in which rooms are provided for its students.

34  
35 (e) Any rooming house or boarding house as defined in Section 1102 of the  
36 housing regulations of the District of Columbia.

37  
38 (f) A room rented by the occupant of a housing accommodation, whether  
39 such occupant is the owner of the accommodation or a tenant who leases or rents  
40 the accommodation.

41  
42 Section 5. Stabilization of Rents

43  
44 (a) Subject to such adjustments as are authorized in this Section and in  
45 Section 6 of this regulation, no landlord shall charge a rent for a housing  
46 accommodation in excess of the base rent as defined in Section 3(b) or, when  
47 applicable, the rent ceiling provided in subsection (f) herein.

48  
49 (b) Upon the effective date of this regulation, and subject to the provisions  
50 of paragraph (i) herein, a landlord who is renting or leasing any housing accommodation  
51 within the scope of this regulation shall be entitled to charge an amount of rent for  
52 such accommodation which shall not exceed the rent ceiling computed according to  
53 the following formula:

54  
55 (1) Step 1: Adding to the base rent an amount equal to four percent  
56 (4%) of base rent to allow for increased costs incurred by the landlord during  
57 calendar year 1973 after February 1, 1973; and

58  
59 (2) Step 2: Adding to the figure computed in Step 1 an amount equal  
60 to eight percent (8%) of this figure to allow for increased costs incurred by the

REGULATION 74-205 of 13

1 landlord during calendar year 1974.

2  
3 (c) When a landlord has initiated or completed capital improvements on  
4 an accommodation between February 1, 1973 and the effective date of this  
5 regulation, the rent ceiling for such accommodation shall be computed to make  
6 allowance for such capital improvements provided that (1) the cost of such capital  
7 improvement equals at least 25% of the estimated market value for the accommodation  
8 (or the appropriate percentage of the estimated market value when the improvement  
9 applies only to a unit of such accommodation); (2) the landlord has obtained, and  
10 made available to the tenant and the Commission the appropriate contract plans,  
11 specifications, and building permits; (3) the cost of the improvement is amortized  
12 according to the formula provided in Section 6(b)(5) of this regulation and the rent  
13 increase, notwithstanding such formula, is no more than 4% of the allowable rent  
14 ceiling for such accommodation.

15  
16 (d) When, upon effective date of this regulation, the rent being charged  
17 for any housing accommodation exceeds the allowable rent ceiling as computed  
18 according to the formula provided in (b) herein, the rent for such accommodation  
19 shall be reduced to the allowable rent ceiling, effective on the next date when  
20 rent is normally due. It shall be the responsibility of the landlord to notify the  
21 tenant in writing of the required decrease at least one week prior to effective  
22 date of such decrease.

23  
24 (e) Whenever the Commission finds that past or forthcoming decreases  
25 or increases in taxes, operating costs or maintenance costs may justify a change  
26 in the rent ceiling provided in this Section or additional provisions to allow for  
27 increased costs incurred by landlords, it shall present its findings and appropriate  
28 recommendations to the Council.

29  
30 (f) The rent ceiling for a substantially rehabilitated housing unit as defined  
31 in Section 3(q) of this regulation, shall be computed by increasing by 125% the  
32 allowable rent ceiling for 1974 as provided in paragraph (b) of this Section.

33  
34 (g) The rent ceiling for a newly constructed housing accommodation which  
35 becomes subject to this regulation after initial exemption as provided in Section 4(c)  
36 shall be the initial rent charged during the initial leasing period.

37  
38 (h) Where the Commission determines that the related services and/or  
39 facilities supplied by a landlord are substantially reduced as compared to services  
40 and/or facilities previously provided, the rent ceiling shall be lowered accordingly  
41 by the Commission on its own initiative or upon petition by the tenant, in accordance  
42 with the provisions of Section 7.

43  
44 (i) The Commission may (1) refuse to allow any upward adjustment of the  
45 base rent of any housing accommodation or (2) decrease the rent ceiling on such  
46 accommodation, pursuant to the procedures provided in Sections 6 and 7 of this  
47 regulation, if it determines that the accommodation does not substantially comply  
48 with the housing regulations and such lack of compliance is not caused by the  
49 tenant's neglect or misconduct.

50  
51 (j) When, after effective date of this regulation, a housing accommodation  
52 becomes vacant, the rent ceiling for such accommodation shall be increased to the  
53 highest rent ceiling applicable to any substantially identical accommodation within  
54 the same rental facility, provided the tenant has vacated voluntarily or as a result  
55 of notice to quit or eviction for one of the following causes: (1) nonpayment of rent;  
56 (2) violation of an obligation to his tenancy, as provided in Section 10(b)(1) of this  
57 regulation; or (3) use of the accommodation for illegal purposes, as provided in  
58 Section 10(b)(2) of this regulation. For the purpose of this subsection, accommodations  
59 shall be defined as "substantially identical" when they contain essentially the same  
60 square footage, the same floor plan, comparable amenities and equipment, comparable

## REGULATION 74-20

--6 of 13

1 locations with respect to exposure and height (if exposure and height have previously  
2 been factors in amount of rent charged), and are in substantially comparable physical  
3 condition.

4  
5 (k) The rent ceiling for any housing accommodation which (1) was purchased  
6 by the present landlord from the Federal Government on or after February 1, 1973  
7 and (2) for which the mortgage and/or rents were Federally subsidized immediately  
8 prior to purchase shall be the rent charged on effective date of this regulation,  
9 plus 4% of the rent ceiling on that date.

10  
11 (l) No rent increase authorized under these regulations shall be put into  
12 effect unless the tenant has been given written notice thirty days prior thereto.  
13 Any notice of increase of rent shall be signed by the landlord and shall contain:

14  
15 (1) The amount of rent for the rent payment interval immediately  
16 preceding the proposed increase and that for the rent payment interval in which  
17 the increase becomes effective.

18  
19 (2) The percentage increase and the dollar amount of the proposed  
20 increase.

21  
22 (3) The effective date of the proposed increase.

23  
24 (4) A statement that the unit is in substantial compliance with  
25 the housing regulations.

26  
27 (5) The base rent and explanation of the manner by which the  
28 increase has been computed, when such increase is pursuant to Section 5 of  
29 this regulation.

30  
31 (6) The exact method of computation of the increase, including  
32 itemization of the cost factors to which the increase is attributable, when such  
33 increase is pursuant to Sections 6 and 7 of this regulation.

34  
35 (7) A statement of certification by the landlord that the increase  
36 is in compliance with all the provisions of the District of Columbia Rent Control  
37 regulation.

38  
39 (8) Statement of penalties as described in Section 14(c) of this  
40 regulation.

41  
42 Section 6. Adjustment in Rent Ceiling Because of Hardship

43  
44 (a) In addition to those procedures for adjustments allowed under Section 5,  
45 the Commission may make such individual adjustments, either upward or downward,  
46 of the maximum rent ceilings as may be necessary to correct hardships of other  
47 inequities, and in so doing, shall observe the principle of maintaining maximum  
48 rents for housing accommodations at levels which will yield to the landlords a  
49 reasonable return from such housing accommodations.

50  
51 (b) In determining whether to make an individual adjustment in the rent  
52 ceiling because of hardship, the Commission shall consider the following among  
53 other relevant factors:

54  
55 (1) Increases or decreases in property taxes, provided the  
56 Commission determines that such increases or decreases reflect (i) a general  
57 tax increase or decrease; (ii) that portion of an upward assessment due to  
58 capital improvement approved by the Commission, as provided in paragraph 5;  
59 and/or (iii) a correction of a prior overevaluation or underevaluation, due to error,  
60 by the Department of Finance and Revenue.

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1 (2) Unavoidable increases or any decreases in operating costs  
2 and maintenance expenses.

3  
4 (3) Increases or decreases in living space or related services,  
5 provided that the Commission has approved any increases in space or services  
6 as being reasonable and in the interest of the affected tenants.

7  
8 (4) Substantial deterioration of the housing accommodation, other  
9 than ordinary wear and tear, or failure to perform ordinary repairs, replacement  
10 or maintenance.

11  
12 (5) Capital improvement of the housing accommodation as defined  
13 in Section 3(c) of this regulation provided that (i) the necessary permits for such  
14 improvements have been issued by the Commissioner and (ii) the Commission has  
15 determined that said improvements are reasonable and that the interests of the  
16 tenant have been protected. The cost of a capital improvement shall be amortized  
17 over the projected useful life of the improvement, as determined by the Commission.  
18 Based on such amortization, the cost of such capital improvement may be used to  
19 justify an upward adjustment in the rent ceiling, provided the monthly rent increase  
20 attributable to such improvement is not more than 1 1/2% of the share of the amortized  
21 cost attributable to any benefitted unit.

22  
23 Section 7. Procedure for Adjustment of Rent Ceiling or Advance Ruling

24  
25 (a) The Commission shall consider an upward or downward adjustment of  
26 the rent ceiling for any individual housing accommodation upon receipt of a petition  
27 for adjustment filed under oath by the landlord or tenant of such housing accommodation  
28 or upon action on its own initiative. Such petition shall be made on a form approved  
29 by the Commission. The Commission may consolidate petitions and actions relating  
30 to housing accommodations in the same building, and all such petitions and actions  
31 may be considered in a single hearing. Any finding by the Commission on a petition  
32 shall be based on the record pertaining to such petition. The Commission shall act  
33 by approving or denying each petition filed with it no later than 60 days after the  
34 filing of the petition unless extended by written consent of the parties.

35  
36 (b) Upon receipt of such petition, the Commission shall notify the landlord  
37 or tenant, whichever is appropriate, by U. S. Certified Mail, or any other form of  
38 service which assures delivery, of the receipt of such petition and of the right of  
39 either party to request a hearing in writing within fifteen days of the receipt of such  
40 notice. A copy of the appropriate petition shall accompany such notification. If a  
41 hearing is timely requested by either party, or if the action is undertaken on the  
42 initiative of the Commission, notice of the time and place of the hearing shall be  
43 furnished the parties by U. S. Certified Mail at least fifteen days prior to the  
44 commencement of such hearing. Such notice shall inform the landlord or tenant,  
45 whichever is appropriate, of his right to retain legal counsel to represent him  
46 at the hearing. All hearings shall be conducted pursuant to Title 5DD of the  
47 District of Columbia Rules and Regulations and shall be consistent with the  
48 provision of the D. C. Administrative Procedure Act (D. C. Code, Sec. 1-1501  
49 et. seq.).

50  
51 (c) When a petition for adjustment is filed with the Commission or upon  
52 action initiated by the Commission, the landlord of the particular accommodation  
53 shall furnish the Commission, within fifteen (15) days after the Commission's  
54 written demand therefor, an information statement approved by the Commission,  
55 and containing such information as it may request. Such information requirements  
56 shall include but not be limited to an itemization of the actual income and operating  
57 expenses for a two-year period, ending no more than four months prior to the date  
58 of the petition for adjustment.

59  
60 (d) Pursuant to receipt of a petition for adjustment or to initiation of action



1 by the Commission under this Section, the Commission shall notify the landlord  
2 and/or tenant, whichever is appropriate, of his right to inspect and copy all  
3 documents, records, reports and other written materials or evidence that will  
4 be used by the opposing party in support of his petition or by the Commission in  
5 support of its proposed action.  
6

7 (e) When a landlord plans a capital improvement or an increase in space or  
8 related services in a housing accommodation he may, upon submission of appropriate  
9 contract plans and specifications, building permits, or in the case of increased  
10 related services, other proof of his intentions, file a petition for an advance ruling  
11 for future adjustment of the rent ceiling for such accommodation. Such petition  
12 shall be filed under oath upon a form approved by the Commission and may reflect  
13 the projected cost of the planned improvements or added related services at the time  
14 of their completion and/or implementation. The considerations and procedures  
15 governing such advance rulings shall be consistent with Section 6(b)(3) and (5)  
16 and Section 7(a), (b), (d), and (f). Any adjustment in rent ceiling conditionally  
17 approved by such advance ruling shall become effective upon submission of proof,  
18 to the satisfaction of the Commission, of fulfillment of the projected plans for  
19 improvements or added related services, as described in the petition and of the total  
20 costs thereof. Preliminary approval of a petition for advance ruling shall be subject  
21 to such subsequent review and final approval as the Commission determines as  
22 necessary and appropriate.  
23

24 (f) Notwithstanding any other provision of this Section, the Commission  
25 may, without holding a hearing, refuse to adjust the rent ceiling for any individual  
26 accommodations under this Section and may dismiss any petition for adjustment  
27 if a hearing has been held under this Section for such housing accommodation within  
28 six months prior to the filing of the said petition.  
29

### 30 Section 8. Housing Rent Commission

31  
32 (a) Establishment and Functions. There is hereby established for the District  
33 of Columbia a temporary Commission to stabilize and regulate rents and to carry out  
34 and enforce the provisions of the Act, these regulations and any rules or orders  
35 promulgated and adopted by the Commission pursuant to the Act and those regulations.  
36 Members of the Commission shall be appointed within thirty days after the effective  
37 date of this regulation. The establishment, duties, powers, appointments of  
38 members, membership, compensation, and termination of the Commission shall be  
39 in accordance with the Act. Five members of the Commission shall constitute a  
40 quorum for the transaction of the business of the Commission: Provided, that at  
41 least two of the five members present shall be representatives of the interests of  
42 the tenants and two shall be representatives of the interests of landlords.  
43

44 (b) Election of Vice Chairman. Within 30 days after appointment and approval  
45 of each of the nine members of the Commission, a Vice-Chairman shall be elected  
46 by the Commission from among its members.  
47

48 (c) Selection and Appointment of Commission Employees. The Commission  
49 shall appoint an Executive Director, legal counsel, and such other staff as it may  
50 deem necessary. The Commission may also appoint mediators, who shall be  
51 authorized to conciliate disputes between landlord and tenants which may arise  
52 under the provisions of the Act, these regulations, or any rules or orders promulgated  
53 and adopted by the Commission pursuant to the Act and these regulations.  
54

55 (d) Adoption of Rules of Procedure. The Commission is hereby authorized  
56 to adopt additional rules of procedure as it may deem necessary. In so doing,  
57 the Commission shall comply with the rule making procedures contained in the  
58 District of Columbia Administrative Procedures Act 1-1501 et. seq. D. C. Code,  
59 (1973 ed.).  
60

1 (e) Complaints. The Commission shall be authorized to receive and review  
2 complaints by tenants and landlords in the District of Columbia with respect to any  
3 violation of these regulations or of any rule or order of the Commission with respect  
4 to the enforcement and the administration of such rules.  
5

6 Section 9. Lease and Registration Requirements  
7

8 (a) Every new tenant of a housing accommodation not excluded from coverage  
9 of this regulation by Section 4 shall be given by the landlord a written lease for the  
10 initial period of tenancy.  
11

12 (b) On or before the 60th day following the appointment and confirmation  
13 of a quorum of the Commission members, every landlord of a housing accommodation  
14 not excluded from coverage of this regulation by Section 4 shall file with the  
15 Commission, on forms approved by the Commission, a registration statement for  
16 each such accommodation or group of accommodations in one building.  
17

18 (c) The registration form shall contain such information as the Commission  
19 may require, including but not limited to:  
20

21 (1) A description of the property, including address, number of  
22 apartments, number of stories, approximate age, type of construction, and date  
23 and number of license issued by the District of Columbia Government.  
24

25 (2) A description of the utilities and air conditioning provided by  
26 the landlord and type of heating fuel used.  
27

28 (3) Rental information on each unit for base rent date: total occupancy  
29 fee charged, amount of security deposit, related services included, related facilities  
30 and charges therefor on February 1, 1973, or the appropriate base rent date as  
31 provided in Section 3(b) of this regulation.  
32

33 (4) Current rent information on each unit: (Same as above).  
34

35 (5)(i) When an accommodation has been substantially rehabilitated,  
36 as provided in Section 3(q), the estimated market price of such unit prior to rehabili-  
37 tation, a description of the rehabilitation, and the itemized costs of such rehab-  
38 ilitation; (ii) when an accommodation is planned to be substantially rehabilitated  
39 or in the process of being substantially rehabilitated on the effective date of this  
40 regulation, the estimated market price of such unit prior to rehabilitation, the  
41 method of computing the estimated market price, a description of the proposed  
42 rehabilitation, and the itemized estimated costs of such rehabilitation.  
43

44 (6) When the rent for an accommodation has been increased to  
45 allow for capital improvements as provided in Section 5(c), the estimated market value  
46 of such accommodation prior to capital improvement, a list of all such improvements  
47 allowed for pursuant to Section 5(c), and the itemized costs of such improve-  
48 ments.  
49

50 (7) Itemization of any outstanding violations of the housing  
51 regulations.  
52

53 (8) Name and address of owner and, when applicable, resident  
54 agent.  
55

56 (d) In the event that any information provided on the registration form  
57 becomes invalid or obsolete, it shall be the responsibility of the landlord to  
58 correct such information within thirty days.  
59

60 (e) No petition for the upward adjustment of rent ceilings shall be granted

1 by the Commission for any accommodation not registered in accordance with the  
2 provisions of this Section; nor shall the landlord of any accommodation not so  
3 registered be eligible for any rent increase adjustment provided in Section 5 and  
4 applicable to that accommodation on or after the 60th day following confirmation  
5 of the Commission members.

6  
7 (f) Each registration form shall be filed and available for public inspection  
8 in the Commission Office. Each landlord shall keep a duplicate of each such form  
9 and make it available upon request to the appropriate tenant or prospective tenant.

10  
11 Section 10. Eviction

12  
13 (a) No tenant shall be evicted from his housing accommodation for any  
14 reason other than nonpayment of rent, unless he has been served with a notice  
15 to vacate specifying therein the reason for his eviction, and a copy of such notice  
16 has been served upon the Commission.

17  
18 (b) No tenant shall be evicted from his housing accommodation, notwith-  
19 standing the expiration of his lease, so long as the tenant continues to pay rent  
20 to which the landlord is entitled, unless:

21  
22 (1) The tenant is violating an obligation of his tenancy, and  
23 fails, within thirty days after receiving notice thereof from the landlord, to  
24 correct such violation.

25  
26 (2) An illegal act has been performed in the accommodation as  
27 determined by a court of competent jurisdiction.

28  
29 (3) The landlord seeks in good faith to recover possession of  
30 the housing accommodation for his immediate and personal use and occupancy.  
31 It shall be unlawful for the owner of such premises or his agent to demand or  
32 receive rent for the premises for at least six months after recovering; or

33  
34 (4) The landlord has in good faith contracted in writing to sell  
35 the accommodation for immediate and personal use and occupancy as a dwelling  
36 by the purchaser for at least six months after recovery, during which period it  
37 shall be unlawful for the purchaser of such premises or his agent to demand or  
38 receive any rent therefor. The landlord, at the time he offers the accommodation  
39 for sale, shall so notify the tenant in writing.

40  
41 (5) The landlord seeks in good faith to recover possession for the  
42 immediate purpose of making alterations or renovations which cannot safely or  
43 reasonably be accomplished while the accommodation is occupied or for the  
44 immediate purpose of demolishing the accommodation and replacing it with new  
45 construction, provided that the plans for the alteration or new construction have  
46 been filed with and approved by the Commissioner of the District of Columbia  
47 or his appropriate agent. When the landlord seeks to recover repossession under  
48 this subsection for the purpose of initiating substantial rehabilitation of the  
49 accommodation, he shall be subject to the provisions of Section 12(b) of this  
50 regulation. If, however, the landlord seeks to recover possession in order to  
51 make repairs which are necessary to bring the premises into compliance with  
52 District of Columbia Housing Regulations, the tenant shall have an absolute  
53 right to repossession immediately upon completion of the repairs, at the same rent  
54 and under the same obligations; or

55  
56 (6) The landlord seeks in good faith to recover possession for the  
57 immediate purpose of discontinuing the housing use and occupancy for a continuous  
58 period of not less than six months, during which period, commencing on the date  
59 possession is recovered under this subsection, it shall be unlawful for the landlord  
60 of such housing accommodation or his agent to demand or receive rent for the same.

1 Where the landlord seeks to recover repossession under this subsection for the  
2 purpose of initiating substantial rehabilitation of the accommodation, he shall  
3 be subject to the provisions and requirements of Section 12(b) of this regulation.  
4

5 Section 11. Retaliatory Action  
6

7 (a) No landlord shall take any retaliatory action against any tenant who  
8 exercises any right conferred upon him by the Act or by this regulation, or by any  
9 rule or order issued pursuant thereto. For purposes of this Section, retaliatory  
10 action shall include, but not be limited to, any action or proceeding to recover  
11 possession of a housing accommodation or action which would increase rent,  
12 decrease services, increase the obligations of a tenant or constitute an undue  
13 or unusual inconvenience, violation of privacy, harassment, or reduction in the  
14 quality or quantity of services or be any form of threat of coercion.  
15

16 (b) In determining whether an action taken by a landlord against a tenant  
17 is a retaliatory action as defined in (a) above, the Commission shall take into  
18 consideration whether, within the last six months preceding such landlord's  
19 action:

20  
21 (1) The tenant has made an oral or written request to the landlord  
22 or his agent to effect repairs which are necessary to bring the housing accommodation  
23 into compliance with the housing regulations; or  
24

25 (2) The tenant has, either orally or in writing, contacted appropriate  
26 officials of the District of Columbia about existing violations of the housing  
27 regulations in the accommodation which he occupies or reported suspected violations  
28 which, if confirmed, render the accommodation in substantial noncompliance with  
29 the housing regulations.  
30

31 (3) The tenant has, after having given reasonable notice to the  
32 landlord or his agent, either orally or in writing, of violations of the housing  
33 regulations, withheld his rent, all or in part.  
34

35 (4) The tenant has organized, been a member of, or been involved  
36 in any lawful activities of a tenant organization; or  
37

38 (5) The tenant has made efforts to secure or enforce any rights under  
39 his lease or contract with the landlord.  
40

41 (6) The tenant has brought legal action against the landlord based  
42 on this regulation.  
43

44 (c) Notwithstanding the provisions of (b) above, the landlord may maintain  
45 his action if he can show that his predominant reason in seeking eviction is one  
46 or more of the just causes for eviction provided in Section 10.  
47

48 Section 12. Conversion of Housing Through Condominium Conversion,  
49 Cooperative Ownership, or Substantial Rehabilitation  
50

51 (a) Every tenant of a housing accommodation which the landlord seeks to  
52 convert from a rental basis to a condominium or cooperative, shall be notified in  
53 writing 180 days prior to the conversion thereof. The landlord of such a housing  
54 accommodation shall make to each tenant a bona fide offer of sale of the unit  
55 which said tenant occupies, and the tenant shall be afforded 60 days within which  
56 to accept. No tenant shall be served with a 30-day notice to vacate until 150  
57 days after he first received notice of the landlord's intention to convert, nor shall  
58 the notice to vacate be served prior to the expiration of the aforesaid 60-day  
59 period or receipt of the tenant's written rejection of the bona fide offer of sale of  
60 the unit which he occupies, whichever occurs first.

REGULATION 74-2012 of 13

1 (b) The tenant of every housing accommodation which the landlord seeks  
2 to substantially rehabilitate shall be notified in writing 120 days prior to  
3 commencement of rehabilitation. No tenant shall be served with a 30-day notice  
4 to vacate until 90 days after he first received notice of the landlord's intention  
5 to rehabilitate. The 120-day written notice shall include the information required  
6 under Section 9(c)(5), and information indicating tenant may obtain a copy of the  
7 registration form at the office of the Commission, and its address.  
8

Section 13. Prohibited Acts

9  
10  
11 (a) It shall be unlawful, regardless of any agreement, lease or other  
12 obligation heretofore or hereafter entered into, for any landlord to demand or  
13 receive any rent in excess of the rent ceiling established for any housing  
14 accommodation, or to do or omit any act in violation of any provisions of the  
15 Act, this regulation, or any rules or orders promulgated and adopted pursuant  
16 to the Act and these regulations.  
17

18 (b) It shall be unlawful for any person required by these regulations, or  
19 any rules or orders promulgated and adopted pursuant to the Act and these regulations,  
20 to make a written registration statement or other statement and willfully include  
21 therein any false, misleading, or untrue information.  
22

23 (c) It shall be unlawful for any landlord of a housing accommodation within  
24 the scope of this regulation knowingly to reduce or eliminate related services  
25 previously provided in relation to the rent or lease of such accommodation without  
26 a proportionate decrease in rent.  
27

28 (d) It shall be unlawful for any landlord of a housing accommodation within  
29 the scope of this regulation to increase charges for related facilities as defined  
30 in Section 3 unless such increase in charges maintains the rent level for such  
31 accommodation within the allowable rent ceiling, as provided in Section 5.  
32

33 (e) It shall be unlawful for any landlord to charge a tenant, who on  
34 effective date of this regulation, occupies a housing accommodation subject  
35 to this regulation, any security deposit not previously required by the landlord  
36 for occupancy of said housing accommodation.  
37

38 (f) It shall be unlawful for a tenant to withhold his rent in whole or in part,  
39 unless such rent withheld from the landlord is deposited in an escrow account  
40 established for that purpose.  
41

42 (g) It shall be unlawful for any landlord to increase the rent for any  
43 accommodation above the base rent as defined in Section 3(b) of this regulation  
44 if (1) the landlord of such accommodation is not properly licensed pursuant to  
45 Section 3102 of the Housing Regulations of the District of Columbia and (2) the  
46 manager of such accommodation, when other than the landlord, is not properly  
47 registered pursuant to Section 3106 of the Housing Regulations of the District  
48 of Columbia.  
49

Section 14. Miscellaneous Provisions

50  
51  
52 (a) Effective date: These regulations become effective immediately  
53 upon enactment.  
54

55 (b) Severability. If any provision of this regulation, or any Section,  
56 sentence, clause, phrase, or word or the application thereof, in any circumstances  
57 if held invalid, the validity of the remainder of this regulation, and of the  
58 application of any such provision, section, sentence, clause, phrase, or word  
59 in any other circumstances shall not be affected. Thereby and to this end, the  
60

REGULATION 74-20

(c) Penalties. Any person who willfully violates any provision of this Act or any rules or order of the Commission shall be fined no more than \$5,000 for each such violation.

(d) Nothing herein shall prohibit any landlord or tenant from bringing a civil course of action in a court of competent jurisdiction to enforce any right conferred upon said landlord or tenant pursuant to this regulation.

(e) Termination. The provisions of this regulation shall terminate as provided by the Act.

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DISTRICT OF COLUMBIA  
HOUSING RENT COMMISSION

October 3, 1974

Honorable Sterling Tucker  
Chairman  
Housing and Urban Development Committee  
City Council, District of Columbia  
District Building, Room 500  
Washington, D. C. 20004

Dear Mr. Tucker:

In light of certain unforeseen and inexplicable delays in obtaining administrative and budgetary support for the legislatively mandated activities of the Housing Rent Commission from the Government of the District of Columbia, the Commission is now faced with a crisis which threatens the effective implementation of the Rent Control regulation which became effective on August 1, 1974.

Section 9 of this regulation requires that landlords submit property registration statements on forms approved by the Commission within sixty days of the appointment and confirmation of a quorum of the Commission members. This sixty-day period expires on October 21, 1974, after which period landlords who have not filed will be in violation of Section 9 and will be subject to a penalty of up to \$5,000 under Section 14(c) of the regulation.

Because of the unforeseen and inexplicable delays to which I alluded above, the Commission has been unable to prepare the necessary landlord registration forms, despite the fact that we have worked days, nights, and even on weekends to produce such forms. The perfection of that form was especially tedious because we had no typing help, we had delays in having items reproduced, and formal minutes couldn't be kept because we were forced to operate without a secretary or even a tape recorder throughout. And when we did struggle through with the form, we got after-the-fact technical advice on its layout and style which required its major re-design and further delay in spite of the fact that we had originally requested such assistance from the beginning. Then, when we received the first batch of ten thousand or more late and

10/3/74

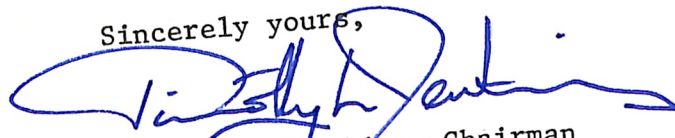
Honorable Sterling Tucker  
October 3, 1974  
Page 2

without a prior proof as had been stipulated, we found spelling errors, inconsistencies with our formally voted instructions and obvious oversights affecting the convenience with which landlords could fill it out. Even as of this letter, not even as many as twenty thousand corrected forms are available to the public for the two hundred thousand rental units that must be registered in less than thirty days.

It is rather obvious to me that because of the delay in preparing the landlord registration form and having it available for filing by landlords, few, if any landlords can reasonably be expected to have them submitted to the Commission by the October 21st deadline. We are thus confronted with the dilemma of finding virtually every landlord in the city in violation of Section 9 of the regulation through no fault of his own, or having the Commission itself in violation of the regulation for failing to enforce Section 9.

Therefore, on behalf of the Commission, I must request that the provision in Section 9(b) of the regulation requiring that landlords submit registration statements to the Commission within sixty days of the appointment and confirmation of a quorum of the Commission members be amended by the Council so as to extend the deadline for filing another thirty days. This is a matter of utmost importance which affects the very credibility and viability of the Commission.

Sincerely yours,



Timothy L. Jenkins, Chairman  
Housing Rent Commission

b  
t  
b

to



JACK POLLIN  
3851 Calvert St., N. W.  
Washington, D. C. 20007

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

October 15, 1974

Housing Rent Commission  
Government of the District of Columbia  
Munsey Building, Suite 600  
1329 E Street, N. W.  
Washington, D. C. 20004

Attention: Mr. William Bodwitch

Gentlemen:

When the Rent Control Regulation for the District of Columbia became law on August 1, 1974, we adjusted our rents according to the law and waited patiently for the Housing Rent Commission to be formed.

Now, over two months have passed and the mechanics for "Adjustment in Rent Ceiling Because of Hardship" (Sections 6 and 7) have not been put together.

Section 7 of the law provides for an upward or downward adjustment of the rent ceiling upon submittal by the landlord (and favorable review by the Commission) of a petition prepared by the landlord on a form approved by the Commission.

A discussion by my representative (Mr. Albert Pollin) with your Mr. Bodwitch on October 2, 1974 revealed that these forms are not available and may be available by October 21, 1974. Since we are suffering extreme financial hardships daily, we are requesting that you review the attached request for adjustment as soon as possible.

We have noted that there are landlords that have not rolled back their rents as required by the law. If the Commission fails to develop adjustment procedures, landlords have no alternative but to take appropriate measures to avoid financial disaster.

Please feel free to contact any of the following in regard to this request:

Mr. Jack Pollin  
3851 Calvert St., N. W.  
Washington, D. C. 20007  
FE. 7-7182

Mr. Albert Pollin  
8809 Walnut Hill Road  
Chevy Chase, Md. 20015  
657-8952 293-5752

Mr. Charles Hurwitz  
1609 Connecticut Ave., N. W.  
Washington, D. C. 20009  
AD. 4-4724

In the event you insist that we apply on the required forms, we are enclosing a self addressed stamped envelope so that you can forward these forms to us when they are available.

Your prompt action will be appreciated.

Yours very truly,



JACK POLLIN

cc: Mr. Charles Hurwitz w/encl.  
Miss M. A. Beller, Esq. w/encl.  
Mr. Sterling Tucker  
Mayor Walter Washington  
Office of Consumer Affairs- Mrs. Barbara Crawford  
Washington Board of Realtors  
The Washington Post - Mr. William Rasberry

Section 1002 (b) (1) (A) of the  
District of Columbia Code, which  
prohibits the sale of land  
by the landowner to a person

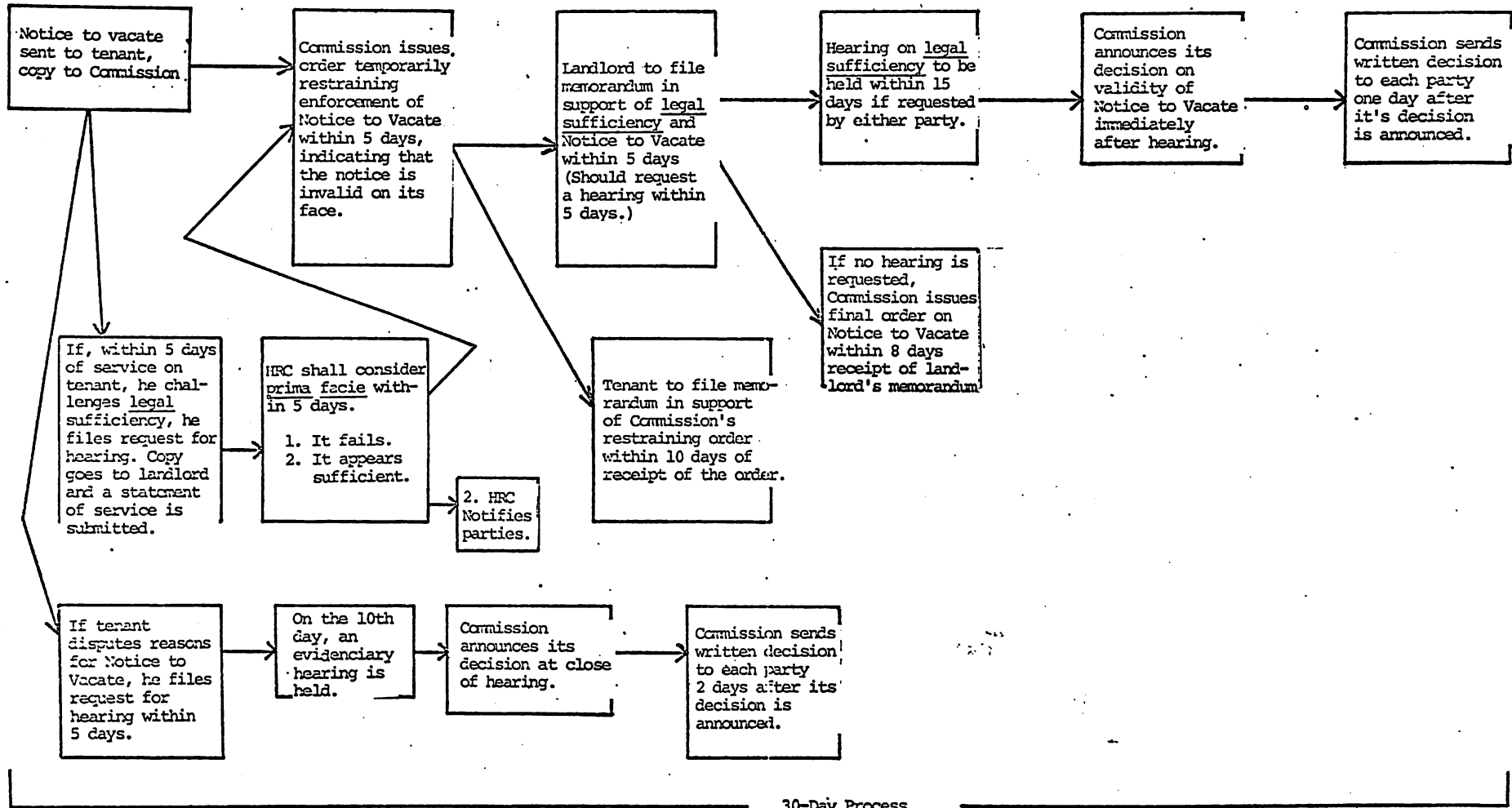
A disclaimer of interest in  
your Mr. Beller's interest in the  
are not available. We are  
we are submitting the  
ing that you will continue to  
possible.

We have noted what you have  
Each their own. We would like  
to develop a program  
to take care of the

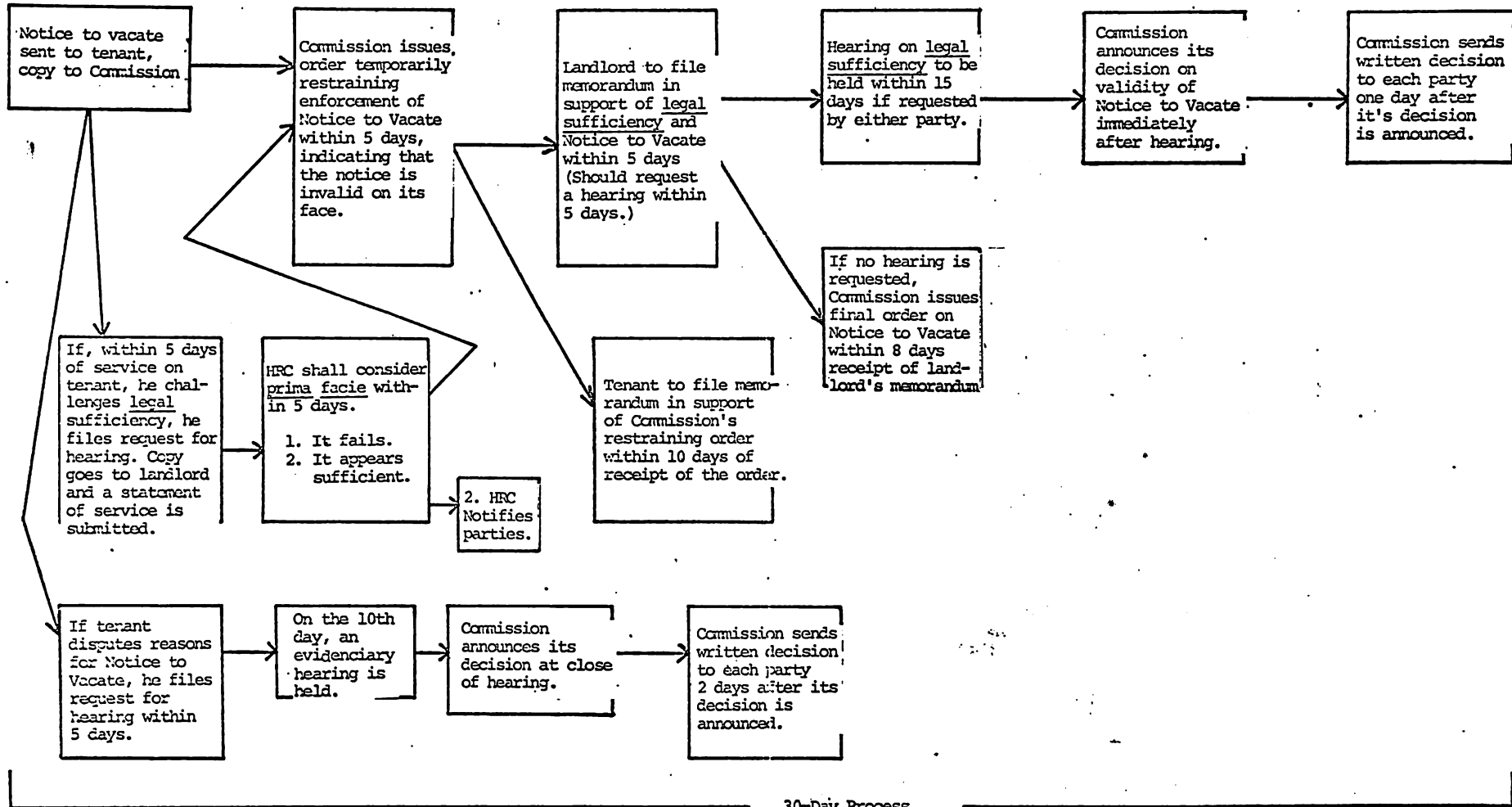
Please refer to the  
to this request.

Mr. Jack Pollin  
3050 Connecticut Ave., N. W.  
Washington, D. C. 20008  
FE. 7-7111

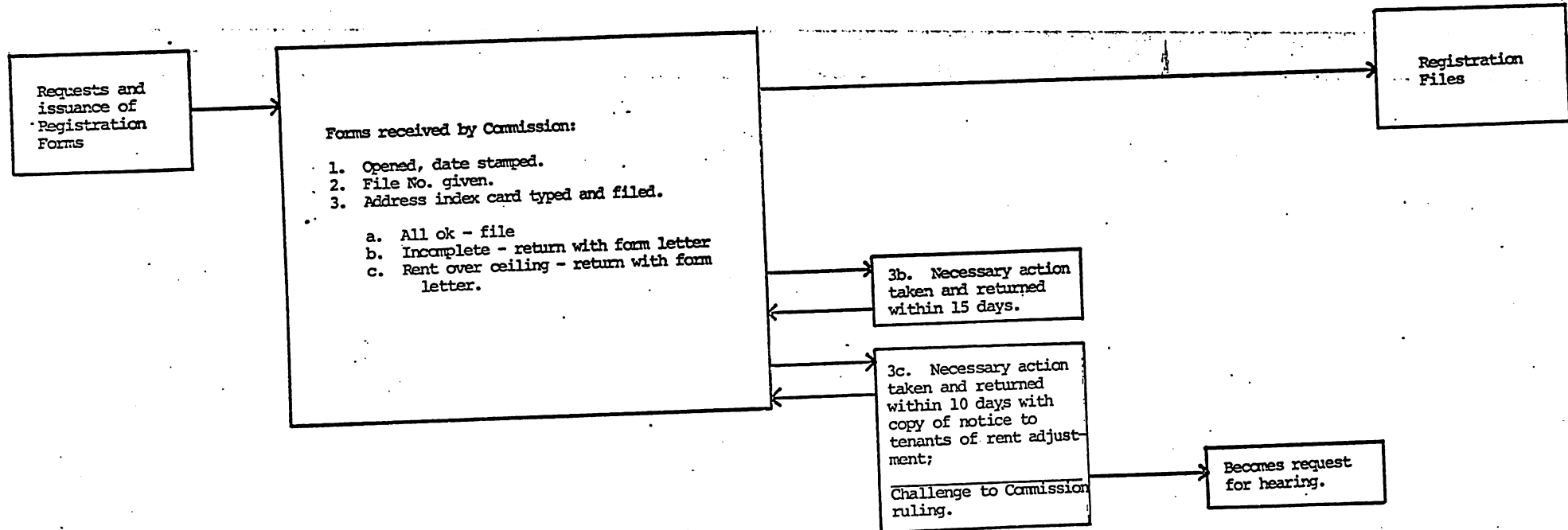
PROCEDURE WHEN COMMISSION DETERMINES THAT NOTICE TO VACATE IS PRIMA FACIE INVALID  
(Section 6.1 Rules of Procedure)

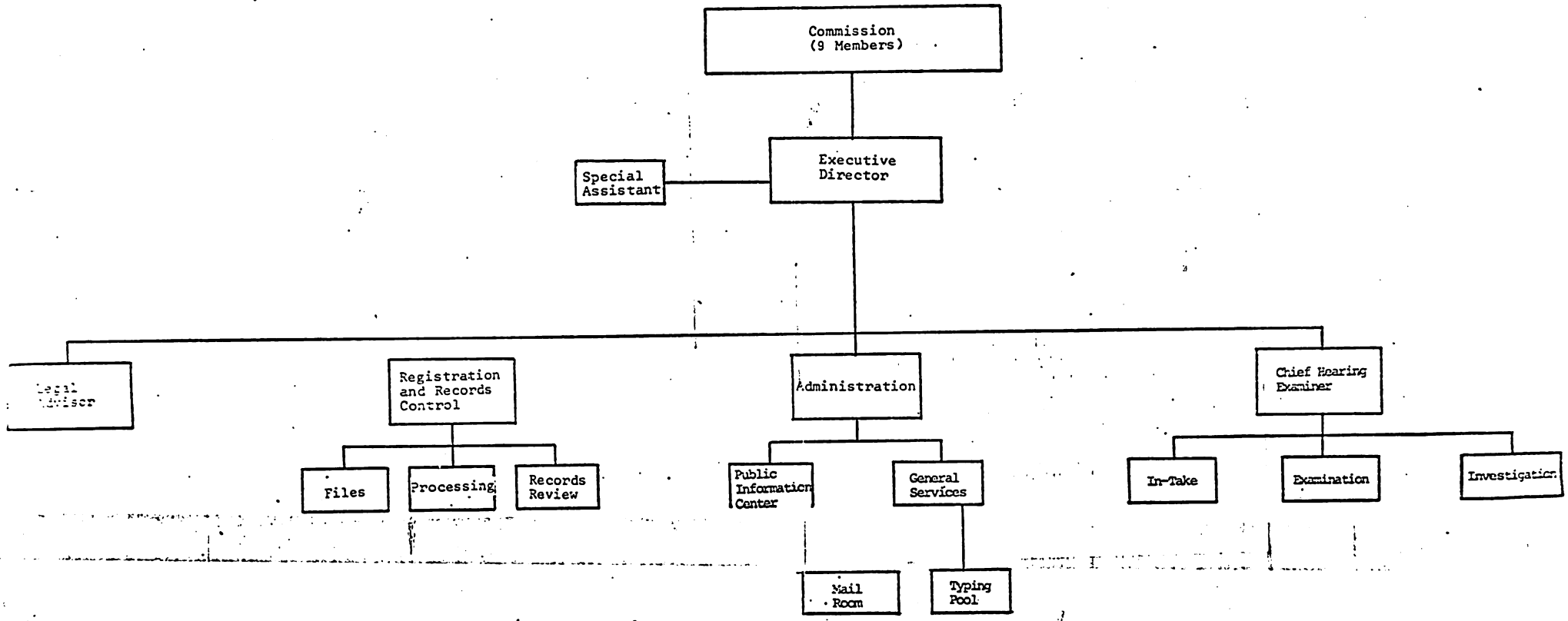


PROCEDURE WHEN COMMISSION DETERMINES THAT NOTICE TO VACATE IS PRIMA FACIE INVALID  
(Section 6.1 Rules of Procedure)



LANDLORD REGISTRATION





In RE 4200 Cathedral Ave. Apt. \_\_\_\_\_ :  
APT. BLDG. [Apt. No. & Address] : No. \_\_\_\_\_  
4200 Cathedral Avenue, N.W. :

Petition for Adjustment  
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

see attached list

The present rent ceiling is \$ COLUMN B per month.

( \$ 54,612. )  
The adjusted rent ceiling prayed for is \$ COLUMN A per month,  
( \$ 61,158. )  
effective November 1, 1974, or sooner if possible.

The name(s) of the tenant(s) of the said housing accommodation is/are Furnished upon request

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement ~~(including structural rehabilitation)~~ as defined by the Internal Revenue Code.
- Inability to earn a reasonable return on investment.
- Rents substantially below market for comparable accommodations.
- Losses incurred <sup>since</sup> ~~since~~ June ~~1973~~ <sup>1974</sup> due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other \_\_\_\_\_ [Specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7 (b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Raymond J. Howar  
Signature

RAYMOND J. HOWAR  
Name

4200 CATHEDRAL AVE #21

A  
Proposed Rent

B

APT #	TENANT	DATE	NEW TENANT	RENT	DATE	RENT	DATE	RENT
06	DIAMOND, ANTHONY	2/1/73	330	267.00	300.00	305-		
07	COHEN, JUNE		285	229.00	257.21	262-		
08	KAMATH, MADHAN		235	190.00	215-	216-		
09	KRICK, ROSE		235	185.00	208.1	210-		
10	MACMULLEN, URBAN		295	229.00	257-	265-		
11	WINEBURG, ARTHUR	4/1/74	335	246.00	276	335-		
12	HARPER, JOEL		315	251.00	282.22	284-		
12-A	CONSTANTINOPOLE, PAT		360	292.00	323	325-		
114	DEANE, MIRIAM		375	302.00	359	340-		
15	BEST, CAROL		290	234.00	263.2	265-		
166	ROBERTSON, NELLE		365	292.00	328.77	335-		
167	NODINE, ARTHUR		295	234.00	263-	265-		
168	BURTON, JUNE		235	190.00	213-	216-		
169	KAUTZMAN, EUNICE		235	190.00	213-	216-		
170	DARGLIESH, ALBERTINE		300	239.00	268-	275-		
171	MILLER, LORINE		300	239.00	268-	275-		
172	MILLER, ERNESTINE		355	287.00	322-	320-		
172-A	WOLF, MARTIN		380	318.00	357	343-		
174	RES MANAGE							
175	POTTS, JOSEPH		310	244.00	274-	286-		
176	SAID, LUCILLE		310	244.00	274-	286-		
176	HALLGARTEN, KATHARYN		375	297.00	337-	340-		
177	LAVERINE, JOHN		300	239.00	268-	275-		
178	WATT, MILDRED		245	195.00	219.02	220-		
179	MORAN, MARY		245	174.00	195.42	190-		
180	LESQUIRE, WILLIAM		310	261.00	273-	280-		
181	PERKEY, JOHN		330	261.00	293.5	300-		
182	HINCKLEY, ROBERT		300	267.00	300-	308-		
182-A	SCHOTT, STEVEN		350	297.00	334-	346-		



APT #	TENANT	NEW TENANT	A		B	
			RENT 2/1/73	RENT 2/1/73	RENT 2/1/73	RENT 2/1/73
314	PARK, LEE		385	313.00	352	356-
315	SACCARDI, MILDRED		385	249.00	283	286-
16	HARRIS, HARRY		315	249.00	278	286-
317	HATT, ROBERT		335	270.00	303	305-
102	SOUTHERLAND, DOROTHY		235	190.00	213	216-
103	CHISU, JOAN	4/1/74 HCC	245	195.00	219	245-
104	WEBBER, CATHARINE		250	200.00	225	227-
105	JENNINGS, THOMAS		349	277.00	311	303-
106	SHELDON, CLIFFORD		375	302.00	339	346-
107	DONAHUE, MARY		300	244.00	274	286-
108	QUIGON, HILDA		270	220.00	247	245-
109	STEVOUICH, VLASTOUIC		250	200.00	225	227-
110	BRECK, EVELYN		315	249.00	280	286-
411	MCELWEE, DINCKNEY	3/1/74 TIC	330	249.00	272	330-
412	SHUBAIAT, CAITH	7/1/73 SHUB	350	302.00	339	315-
412-A	BEGOPASTURE, ANNE	4/1/74 FEL	400	323.00	362	400-
414	DECKER, CHARLES		390	318.00	357	356-
415	DENNERT, ARTHUR		320	254.00	285	292-
416	RUPP, CHARLES		320	254.00	285	292-
417	HOSKINSON, GENEVIEVE		320	254.00	285	292-
418	ROVAHN, PAMELA		220	179.00	201	260-
501	NANNES, CASPER		340	270.00	307	305-
502	BLOCH, MALISSE	6/1/73 COYNE	260	200.00	225	235-
503	MOFFETT, BERNARD	9/1/73 RICH	260	200.00	225	235-
504	CASTORO, ELSA		265	205.00	230	232-
505	BRUCE, LOUIS		355	287.00	323	320-
506	QUADRINO, BECKE	5/2/74 CULLEN	390	308.00	346	390-
507	SRINIVASAN, MANGALAM	5/1/73 NELSON	320	287.00	322	296-
508	MCCOMB, ARCHIBALD		255	205.00	230	232-
509	GABLEMAN, ELLEN		255	205.00	230	232-

Apt #	Servant Name	2/1/73 New Start	A Proposed Rent 2/1/73	B 9/1/74	New Rent 8/1/74
510	FRYE, III	320	254.00	285	292-
511	EDMUNDS, WADE	320	254.00	285	292-
512	BOWERSOCK, LINDA	360	282.00	317.4	325-
512-A	MEYERS, SYLVESTER	390	308.00	346.4	351-
514	PAUL, RUTH	400	323.00	363.4	367-
515	DEGNAN, GEORGE	325	259.00	290	292-
516	CHEN, THEMA	325	259.00	291	292-
517	FLATHER, ELMER	325	259.00	291.0	292-
518	MCDOWELL, ELEANOR	265	205.00	230.5	232-
519	STODARD, ELEANOR	340	282.00	317.4	308-
601	MILLER, ISIDORE	340	270.00	303	308-
602	JOYCE, MITZI	260	205.00	230	232-
603	Joseph, Reine	260	200.00	225	227-
604	ONE, ELEANOR	265	205.00	230.5	232-
605	KING, MAURICE	360	282.00	317.4	320-
606	<del>BELE, V. V.</del> VACANT	360	308.00	346.4	351-
607	FINLEY, ELIZABETH	335	249.00	280.7	305-
608	SMITH, JOAN	255	205.00	230	232-
609	GREGORY, CHRIS	255	205.00	230	232-
610	MURDOCK, ANNA	320	254.00	285	292-
611	SANDRIDGE, WILLIAM	335	267.00	300.7	305-
612	HANKLIN, CUSSIE	360	277.00	311.2	320-
612-A	HEMB, PAUL	390	308.00	346.4	351-
614	SWANSON, C.A.	525	420.00	472	475-
615	FORD, KATHRYN	265	210.00	235.5	235-
616	WILLIAS, MARGARET	335	256.00	287.5	292-
617	HOLLERMAN, CUSTANCE	335	292.00	328.1	305-
618	WENLEY, EMISE	265	205.00	230	232-
619	HOBSON, KATHARINE	340	270.00	303	308-
701	ROUSE, GORDON	340	270.00	303	308

Dpt #	Tenant 2/1/73	Tenant	A Proposed		B	
			Rent 2/1/73	Rent 9/1/74	Rent 8/1	
702	HOYBERGER, LOUISE		260	200.00	225	227-
703	WHALEN, HELEN		260	200.00	225	227-
704	PAWSON, MARY	5/25/74 Brown	275	207.00	233	275-
705	KINNEY, C.C.		355	282.00	317.14	320-
706	GREENBERG, PAUL	6/16/74 Tucker	390	328.00	361.77 368.40	362-
707	HAWFIELD, ANNE		375	246.00	276.	280-
708	POULOS, ACHILLES		255	205.00	232	232-
709	SALEM, ALVA		255	205.00	230	232-
710	CLANCEY, MARTIN	6/16/74 Tucker	320	251.00	282	272-
711	LOWMAN, HAROLD	3/11/74 S...	350	254.00	285.9	350-
712	CARTER, ALBERT		360	295.00	331.24	335-
712-A	MARTIN, EARL	6/25/73 S...	390	318.00	357.72	345-
714	CADALYN, JANE		525	411.00	462.	475-
715	POLI, JOSETTE		245	220.00	247.	245-
716	HODGE, MARGUERITE	10/11/73 7/9/73	325	259.00	290.	300-
717	HALPERT, STEWART	7/22/73 MAR...	335	282.00	317.77	305-
718	TREMEARNE, THOMAS		265	205.00	230.	232-
719	KIRLIN, FLORENCE		340	270.00	323.	305-
801	HINES, GEORGE		345	272.00	303.	305-
802	CALE, MARY		260	205.00	230.	232-
803	LEVY, SARAH		260	200.00	225.	227-
804	RONHOVDE, ERIK	7/16/73 HE	275	210.00	236.	235-
805	MAU, LORETTA		355	282.00	317.24	326-
806	SOBERNHEIM, RUDOLF		390	328.00	368.	362-
807	CHUMBRIS, PETER		325	249.00	280.7	280-
808	JIMMINK, MARY	7/16/74 D...	270	226.00	254.14	245-
809	ELDRED, EPPA		255	205.00	230.	233-
810	HAMILTON, FRANCIS		320	256.00	288.53	292-
811	SACCARDI, WILLIAM		350	297.00	334.9	321-
812	CRENSHAW, HILDA	7/14/73 M...	350	277.00	317.	315-