

Regulation No. 74-27

October 21, 1974  
Enactment Date



# Regulation

of the

## District of Columbia

TITLE REGULATION AMENDING REGULATION NO. 74-21 DEFINING THE WORD LOAN

Vice Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the District of Columbia Council adopted Regulation  
2 No. 74-21, which established interest rates for certain loans,  
3 pursuant to Public Law 93-395; and

4 WHEREAS, the District of Columbia Council intended for the  
5 word loan as used in Regulation No. 74-21 to have the broadest  
6 interpretation; and

7  
8 WHEREAS, the Corporation Counsel has recommended an amendment  
9 to Regulation No. 74-21 to resolve any ambiguity as to coverage.

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

12  
13 Section 1. Regulation No. 74-21 - Regulation Establishing  
14 Interest Rates for Certain Loans - is hereby amended as to read  
15 "loan or financial transaction" wherever the term "loan" was  
16 previously used.

17  
18 Section 2. This regulation shall become effective immediately  
19 upon enactment.  
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RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON				X	
FORD				X		MOORE				X		SELDEN	X				

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

Submitted on first reading at a meeting of the District of Columbia City Council on October 1, 1974

Adopted on second and final reading October 15, 1974

Presented to the Mayor-Commissioner October 15, 1974

*Edward S. Wilby*  
Secretary of the City Council

Approved *Walter Washington*  
Mayor-Commissioner

21 OCT 1974  
Date

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

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

Readopted \_\_\_\_\_

\_\_\_\_\_  
Date

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

*Edward S. Wilby*  
Secretary of the City Council

REGULATION 74-28

chargeable to the guests if used.

Section 2. This regulation shall be effective upon enactment.

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Regulation No. 74-28



October 25 1974  
Enactment Date

# Regulation

of the

## District of Columbia

TITLE AMENDMENT TO ABC REGULATIONS REGARDING SALES OF MINIATURES

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, several hotels in the District of Columbia have indicated their  
2 desire to make closed containers of spirits, wine, and beer available for purchase  
3 by their registered guests at all hours, and  
4

5 WHEREAS, the District of Columbia Council has the authority, Section 7 of  
6 the District of Columbia Alcoholic Beverages and Control Act (Section 25-107,  
7 D. C. Code, 1973 edition), to prescribe rules and regulations to control and  
8 regulate the sale of alcoholic beverages in the District of Columbia,  
9

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

12  
13 Section 1. Title 3, Section 3.4 (b) of the A.B.C. Board regulations is amended  
14 to read as follows:

15  
16 "b" No licensee holding a retailer's class C, class D, or class F, or  
17 a license issued under Section 11(1) of the Act, shall sell or serve any  
18 beverages between the hours of 2:00 a.m. and 8:00 a.m. on each  
19 Monday through Friday and between the hours of 3:00 a.m. and 8:00 a.m.  
20 on each Saturday, between the hours of 3:00 a.m. and 10:00 a.m. on each  
21 Sunday, except that on each January 1st service shall be lawful until  
22 4:00 a.m., and except that it shall be lawful for all licensed hotels to  
23 have available at all hours in the rooms of their registered adult guests  
24 closed miniature containers of spirits, splits of wine, and beer

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on October 1, 1974

Adopted on second and final reading October 15, 1974

Presented to the Mayor-Commissioner October 15, 1974 *Edward S. Webb*  
Date Secretary of the City Council

Approved *Thal to Washington* 25 OCT 1974  
Mayor-Commissioner Date

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

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

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

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



## THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

WALTER E. WASHINGTON  
Mayor-Commissioner

October 25, 1974

Honorable John A. Nevius  
Chairman  
District of Columbia Council  
Washington, D. C.

Dear Mr. Chairman:

I have signed, but with certain reservations, Regulation No. 74-28 which, according to its title, purports to amend the Alcoholic Beverage Control Regulations regarding the sales of minatures. I believe that this regulation requires further amendment of a substantive nature before it can become a meaningful and cohesive document.

Among other things, the regulation contains several typographical errors which distort its intent. The enacting clause indicates that the Council was, in fact, approving a resolution. It is not clear as to what is meant by "minature containers", "splits", or "adult", since none of these terms is defined by Regulation No. 74-28, or by any other regulation relating to the sale of beverages. Under existing law a person between the ages of eighteen and twenty-one may purchase and consume beer and light wines. As sales to minors are already otherwise regulated in the ABC regulations, it was not necessary to include the word "adult" in Regulation No. 74-28.

My major concern with the regulation, however, is that I am unable to determine with any degree of certainty from a literal reading of the second proviso (which constitutes the only addition made by the regulation to the present section 3.4(b)), exactly what it intends

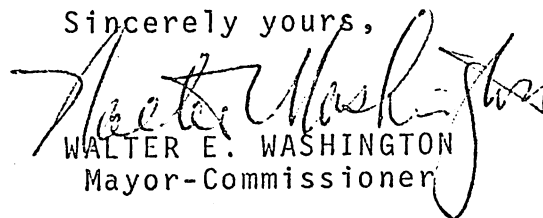
to accomplish. The amendment merely provides that it shall be lawful for licensed hotels to have available certain alcoholic beverages in the rooms of their adult registered guests at all hours which, if used, will be chargeable to such guests. This practice is already permissible under existing law and regulation. Accordingly, the language added by the amendment is meaningless and, as written, is not susceptible of either enforcement or administration.

If, however, the intent of the amendment is to allow licensed hotels to sell and charge minatures and splits of alcoholic beverages to their registered guests at all hours of the day and night, seven days a week, it should clearly state this. Unfortunately, the regulation does not now so provide.

I have attached a draft regulation which amends section 3.4 of the Alcoholic Beverage Control Regulations in its entirety, I believe this proposal will express with more clarity the intent of the Council amendment, specifically state the hours during which alcoholic beverages may be sold in a more logical, informative manner for the public and the industry, and, most importantly, enable the Alcoholic Beverage Control Board to effectively administer the intent of the amendment made by Regulation No. 74-28 which presently it cannot do.

I urge prompt and favorable consideration by the Council of my recommendations.

Sincerely yours,



WALTER E. WASHINGTON  
Mayor-Commissioner

Attachment



AMENDMENT TO THE ALCOHOLIC BEVERAGE CONTROL REGULATIONS  
RELATING TO THE SALE OF BEVERAGES BY HOTELS

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

Section 1. Section 3.4 of the Alcoholic Beverage  
Control Regulations (Title 3, D. C. Rules and Regula-  
tions) is amended to read as follows:

"Sec. 3.4 Hours of Sale and Consumption

"(a) (1) The holder of a retailer's license class  
A may sell alcoholic beverages only between the hours  
of:

"(A) 10:00 a.m. and 9:00 p.m., Monday through  
Friday; and

"(B) 10:00 a.m. and 12:00 midnight, on Saturday  
or the weekday immediately before a legal holiday.

"(2) No beverages may be sold by such a licensee  
on Sunday.

"(b) The holder of a retailer's licensee class  
B may sell beer and light wines daily only between  
the hours of 8:00 a.m. and 12:00 midnight.

"(c) (1) The holders of a retailer's license  
class C, class D, class E, or class F, or a consump-  
tion license issued under section 11(1) of the Act,  
may sell or serve alcoholic beverages only between  
the hours of:

"(A) 8:00 a.m. and 2:00 a.m., Monday through  
Thursday;

"(B) 8:00 a.m. and 3:00 a.m., Friday and  
Saturday;

"(C) 10:00 a.m. and 2:00 a.m., on Sunday;  
and

"(D) On each January 1st until 4:00 a.m.

"(2) A hotel holding any such license may make available in the room of a registered guest and charge to such registered guest, if consumed, closed containers of spirits, wines, and beer at all hours on any day of the week.

"(d) The holder of a manufacturer's license and the holder of a wholesaler's license may sell alcoholic beverages only between the hours of 10:00 a.m. and 9:00 p.m., Monday through Saturday. Deliveries may be made to another licensee between the hours of 5:00 a.m. and 9:00 p.m., Monday through Saturday. No sales or deliveries shall be made on Sunday.

"(e) The holders of a retailer's license class C, class D, class E, and class F shall not, during the hours sales are prohibited, dispense, serve, or give away any beverage for consumption on the said licensed premises."

Section 2. Regulation No. 74-28, approved October 25, 1974, is hereby repealed.

Section 3. The amendments made by this regulation shall take effect upon enactment.

Regulation No. 74-29

October 18, 1974  
Enactment Date



# Regulation

of the

## District of Columbia

REGULATION AMENDING REGULATION NO. 74-20, RENT CONTROL REGULATION  
TITLE FOR THE DISTRICT OF COLUMBIA

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

1 WHEREAS, the District of Columbia Council adopted Regulation No. 74-20,  
 2 which established a system of rent control, pursuant to Public Law 93-157; and  
 3  
 4 WHEREAS, the District of Columbia Council intended the provisions and  
 5 deadlines stipulated in Regulation No. 74-20 to promote effective implementation  
 6 of the Regulation with respect to both landlord and tenant interests; and  
 7  
 8 WHEREAS, the District of Columbia Council finds that the deadline for  
 9 housing registration provided in Section 9(b) of Regulation No. 74-20 is  
 10 inconsistent with such effective implementation; and  
 11  
 12 WHEREAS, the District of Columbia Council finds that Section 7(b) of  
 13 Regulation No. 74-20, which requires compliance with Title 5DD of the District  
 14 of Columbia Rules and Regulations, is inconsistent with certain other provisions  
 15 of the regulation intended to promote speedy and efficient implementation of the  
 16 regulation; and  
 17  
 18 WHEREAS, the District of Columbia Housing Rent Commission has  
 19 requested amendment of the above named Sections in order to prevent a crisis  
 20 which threatens effective implementation of Regulation No. 74-20; and  
 21  
 22 WHEREAS, the District of Columbia Council finds that the threatened  
 23 breakdown in effective implementation of Regulation 74-20 requires emergency  
 24 action to amend Sections 7(b) and 9(b).

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X			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~~ <sup>Emergency</sup> reading at a meeting of the District of Columbia City Council on October 18, 1974

~~Adopted on second and final reading~~

Presented to the Mayor-Commissioner October 18, 1974 Date

Approved *[Signature]* Mayor-Commissioner Secretary of the City Council *[Signature]* 18 OCT 1974 Date

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

Disapproved and returned to the City Council Mayor-Commissioner Date

Readopted Date

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



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

3  
4 Section 1. Section 7(b) (lines 46-49) of Regulation No. 74-20 be amended  
5 to read as follows: "All hearings shall be conducted pursuant to the provisions  
6 of the D. C. Administrative Procedure Act (D. C. Code, Section 1-1501 et. seq.)."  
7

8 Section 2. Section 9(b) of Regulation No. 74-20 shall be amended by  
9 substituting the words "90th day" for the words "60th day" (line 12).

10  
11 Section 3. Section 9(e) of Regulation No. 74-20 shall be amended by  
12 substituting the words "90th day" for the words "60th day" (line 4).  
13

14 Section 4. This regulation shall take effect immediately upon enactment  
15 and remain effective for 120 days thereafter.  
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Regulation No. 74-30



November 15, 1974  
Enactment Date

# Regulation

of the

## District of Columbia

TITLE REGULATION AMENDING REGULATION 72-29 (AMBULANCE STANDARDS) REGARDING THE TRANSPORTATION OF NON-AMBULATORY AND HANDICAPPED PATIENTS

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

1 WHEREAS, pursuant to subsection (b) of Section 205 of Reorganization Plan No.  
2 3 of 1967, the District of Columbia Council is authorized with the concurrence of  
3 the Commissioner to delegate it's functions to any officer or the government of the  
4 District of Columbia; and

5  
6 WHEREAS, pursuant to paragraphs (133), (288) and (391) of Section 402 of such  
7 plan, the Council is authorized to make health regulations, to prescribe regulations  
8 for the registration of motor vehicles respectively, and to require a license of  
9 businesses or callings.

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

12  
13 Section 1. Section 11, Paragraph 6 and subparagraph (e) thereof, of D. C.  
14 Regulation 72-29 which is concerned with non-emergency transport of the handicapped/  
15 disabled is amended to read:

16  
17 "Section 11(a)6(e) Such other acts as the Commissioner shall designate;  
18 provided further, that this exemption shall expire three years from the effective  
19 date of this regulation, unless, by that date, the Council has promulgated  
20 regulations establishing minimum standards for the equipment and personnel  
21 employed in such transportation that ensure the safety and adequacy of the  
22 equipment and the training and ability of the personnel to handle unexpected  
23 health emergencies arising from such transportation."  
24

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

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on October 15, 1974

Adopted on second and final reading November 6, 1974

Presented to the Mayor-Commissioner November 6, 1974

Approved [Signature]  
Mayor-Commissioner

[Signature]  
Secretary of the City Council

15 NOV 1974  
Date

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

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

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

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





Regulation No. 74-31

December 1, 1974  
Enactment Date

# Regulation

of the

## District of Columbia

TITLE REGULATION ESTABLISHING STANDARDS FOR CERTIFICATION AND EMPLOYMENT FOR SECURITY OFFICERS

Councilwoman Marguerite C. Selden Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized to make rules  
2 and regulations regarding security officers pursuant to Section 402(391), Reorganization  
3 Plan No. 3 of 1967; and

4  
5 WHEREAS, the District of Columbia Council was petitioned by the Institute  
6 for Public Interest Representation, Georgetown University Law Center, to adopt  
7 standards for the licensure, employment and use of security officers in the District of  
8 Columbia; and

9  
10 WHEREAS, after a public hearing and many discussions with members of  
11 the public, affected District Government agencies and the security industry,  
12 the Public Safety Committee recommends adoption of these regulations.

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

16  
17 Section 1. The Regulations set forth as Appendix I are hereby adopted,  
18 and shall be so compiled and published as is deemed appropriate for their  
19 orderly arrangement within the D.C. Rules and Regulations.

20  
21 Section 2. This Regulation shall take effect ninety days following  
22 enactment.

23  
24

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on November 6, 1974

Adopted on second and final reading November 19, 1974

Presented to the Mayor-Commissioner November 21, 1974

*Edward F. Kelly*  
Secretary of the City Council

Approved *Marguerite C. Selden*  
Mayor-Commissioner

1 DEC 1974  
Date

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

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

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

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



## APPENDIX I

## Part 1 - Definitions

## Sec. 1.1 Definitions.

As used in these regulations:

(a) "Private Detective Agency" means a person, firm, or corporation, licensed as a private detective agency under Title 5EE of the District of Columbia Rules and Regulations, which provides security officer services for a fee or other consideration.

(b) "Certification" means the permission which must be granted by the Commissioner before a person can lawfully be employed as a security officer in the District of Columbia.

(c) "Chief of Police" means the Chief of the Metropolitan Police Department of the District of Columbia, or his designated agent.

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

(e) "Employer" means, unless the context implies otherwise, a person, firm, corporation or other private organization providing security officer service, exclusively in connection with the affairs of the one business organization which employs them.

(f) "Security Officer" means any uniformed person privately employed to prevent the theft or misappropriation or concealment of goods, wares, or merchandise, money, bonds, stock certificates, or other valuable documents, papers and articles, or to prevent damage to real or personal property, or to prevent assaults, gate-crashing or other disorders at meetings, events, or performances, or to prevent similar illegal occurrences and including:

(1) Uniformed individuals employed by an agency or other employer for the above purposes;

(2) Uniformed individuals privately employed as guards, watchmen, patrol service personnel for specified property, security technicians, security officers, and other similar positions.

(3) Except that the following shall not be included within the term security officer:

(a) Individuals commissioned as special policemen pursuant to D.C. Code, Sec. 4-115;

(b) Individuals working in their official capacity as employees of the Federal Government;

(c) Members of the Metropolitan Police Department or the public police force of any other jurisdiction. No member of a public police force shall serve as a private security officer in the District of Columbia.

## Part 2 - Applications for Certification

1  
2  
3 Sec.

- 4 2.1 Filing of Applications  
5 2.2 Fingerprints  
6 2.3 Photographs  
7 2.4 Previous Employers; Character References  
8 2.5 Examination Fee  
9 2.6 Temporary Certification Period

10  
11 Sec. 2.1 Filing of Applications.

12  
13 Application for certification as a security officer shall be made to the  
14 Commissioner on a form prescribed by the Commissioner. Every person applying  
15 for certification shall submit to the Commissioner, under oath, the information  
16 required by this title, as well as such other information as the Commissioner may  
17 require for assistance in determining the applicant's suitability for certification  
18 under this title.

19  
20 Sec. 2.2 Fingerprints.

21  
22 Every applicant for certification shall furnish the Chief of Police with three  
23 sets of his or her fingerprints. Such fingerprints shall be taken by the Chief of  
24 Police. These fingerprints shall become part of certification application and shall  
25 be compared and recorded by the Chief of Police. Each applicant shall be advised  
26 in writing at the time of fingerprinting that if the applicant has been convicted of  
27 a felony that fact will not necessarily disqualify the applicant from certification  
28 since eligibility may be considered by the Board of Appeals and pursuant to  
29 Section 3.4.

30  
31 Sec. 2.3 Photographs.

32  
33 Every applicant shall submit with his application four recent, identical,  
34 full-faced photographs of himself, one inch by one and one-half inches in size,  
35 taken not more than three months prior to the date of application.

36  
37 2.4 Previous Employers; Character References.

38  
39 Every applicant shall submit, as part of this application, the names and  
40 addresses of his or her employers for the previous five-year period. The applicant  
41 shall also provide on his or her application, as character references, the names  
42 and addresses of three persons, other than employers of the previous five years,  
43 who are not related to him or her by blood, marriage, or legal decree.

44  
45 Sec. 2.5 Examination Fee.

46  
47 The Examination fee for the test required by Section 3.7 shall be  
48 determined and set by the Commissioner. This fee shall not be refundable.

49  
50 Sec. 2.6 Temporary Certification Period.

51  
52 Persons 18 years of age and older who meet the requirements set forth  
53 in Sections 2.1, 2.2, 2.3, 2.4, and 3.6, may be issued a temporary certification  
54 card which shall contain on the face thereof an expiration date, which shall  
55 not be later than six weeks subsequent to the date of issuance. In addition,  
56 temporary certification card shall have inscribed conspicuously across the face  
57 thereof the word "TEMPORARY". In the event certification is not either granted or  
58 denied as of the designated expiration date, the applicant shall be entitled to a  
59 new temporary certification card.  
60

## Part 3 - Certification Requirements

## Sec.

- 3.1 Effective Date and Duration of Certification
- 3.2 Renewals
- 3.3 Applicability
- 3.4 Criminal Convictions
- 3.5 Character
- 3.6 Health
- 3.7 Testing
- 3.8 Duty of Agency or Employer

## Sec. 3.1 Effective Date and Duration of Certification.

Every certification hereunder shall be effective for one year, and the expiration date, which shall be the preceeding day of the following year, shall be shown on the certification.

## Sec. 3.2 Renewals.

To continue as a security officer, one must apply for a renewal certification each year. The test required in Section 3.7 will not have to be repeated. The Commissioner shall update all background checks, especially the investigation of criminal convictions. While awaiting notification of acceptance or denial of certification, a security officer may continue to work. When granted, a renewal certification shall be dated as of the expiration date of the previously existing certification.

## Sec. 3.3 Applicability.

Any person at least 18 years of age may be certified as a security officer, provided he or she meets the other requirements of this title.

## Sec. 3.4 Criminal Convictions.

As promptly as possible after an application is submitted, the Chief of Police shall take fingerprints of the applicant and submit them to the Federal Bureau of Investigation, and to such other authorities as the Chief of Police may deem advisable, for comparison and record checking, and shall make such other investigation of the applicant as the Chief determines to be relevant. The Chief of Police shall report the results to the Commissioner and to the employer within one week, excluding weekends and holidays, after results have been received. No person convicted of a felony in any jurisdiction within the past 10 years, or a misdemeanor involving the illegal use, carrying or concealment of a dangerous weapon or involving larceny within the past five years, will be eligible for employment as a security officer unless he or she meets the burden of proving to the Board of Appeals and Review that he or she is not a significant safety risk and meets all other requirements of this title. The Board shall consider the following in determining whether the applicant is a significant safety risk: (a) the nature of the crime and its relationship to the duties and circumstances of employment of a security officer; (b) information pertaining to the degree of rehabilitation of the convicted person since the crime



1 was committed; and (c) the time elapsed since the conviction. Under no  
2 circumstances may a person convicted of a felony be certified or serve as a  
3 security officer until one year after release from incarceration resulting  
4 directly or indirectly from said conviction.

5  
6 Sec. 3.5 Character.

7  
8 Except as otherwise stated in this title, no person shall be employed as  
9 a security officer unless such person has first been certified by the Commissioner  
10 as being of good moral character. In making such determination, the Commissioner  
11 shall consider information received from the applicant's employers of the past five  
12 years, character references, convictions for misdemeanors, military record, if any,  
13 and any other relevant information which the Commissioner's investigation reveals.

14  
15 Sec. 3.6 Health.

16  
17 Each applicant for certification shall be required to submit a doctor's  
18 certificate stating that to the best of the doctor's knowledge after examining  
19 the applicant, the applicant is not presently addicted to drugs or alcohol; is not  
20 suffering from any debilitating mental defect or disorder; and is not suffering from  
21 serious heart disease, severe epilepsy, or other physical defect which might cause  
22 substantial loss of control in situations of severe stress. When testing for  
23 epilepsy or other physical defects which might involve substantial costs to deter-  
24 mine, the doctor may rely upon the sworn statement of the applicant. The  
25 applicant, under oath, must give his affirmation to the same effect, provided  
26 that in the cases where certification is requested, concurrent with or as a  
27 condition of employment with a private detective agency or a business employer,  
28 such agency or employer shall certify as to the health of the applicant.

29  
30 Sec. 3.7 Testing.

31  
32 When a person applies for certification, the Commissioner shall supply  
33 him or her with a brief synopsis of relevant statutes, regulations and a clear  
34 statement of the powers and limitations of a security officer in the District of  
35 Columbia, including a statement of the possible penalties noted in Section 6.1  
36 for non-compliance with relevant regulations. Upon satisfactory completion of  
37 the investigations and determinations required by other parts of this section,  
38 applicants for certification shall be required to pass an examination given by the  
39 Commissioner testing their security-related knowledge and their understanding of  
40 a security officer's powers, limitations, and duties.

41  
42 Sec. 3.8 Duty of Agency or Employer.

43  
44 No investigation or certification under this title shall relieve any agency  
45 or other employer of the duty to investigate and make its own determination of an  
46 applicant's suitability for employment as a security officer. All agencies and  
47 employers have an affirmative duty to supervise security officers in their employ,  
48 and any attempt at a contractual limitation of liability shall be null and void.  
49 In all cases, the liability of the agency or other employer for the acts of its employees  
50 shall be limited to those times when the employee is on duty and to those acts within  
51 the scope of his or her employment or assignment. Failure of the private detective  
52 agency to properly supervise the activities of its employees is grounds for denial  
53 or suspension of its license.

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## 1 Part 4 - Requirements Pertaining to Identification of Security Officers

2  
3 Sec.

- 4 4.1 Identification Cards
- 
- 5 4.2 Uniforms
- 
- 6 4.3 Badges, Patches and Emblems
- 
- 7 4.4 Security of Accoutrements
- 
- 8 4.5 Motor Vehicles
- 
- 9 4.6 Advertisements

10  
11 Sec. 4.1 Identification Cards.12  
13 Upon certification by the Commissioner and payment of a \$5.00 fee,  
14 each security officer shall receive an identification card including a photograph  
15 of the security officer, the name and business address of the officer's employer,  
16 and a statement that the bearer is not a police officer and has only the powers  
17 of an ordinary citizen. This identification card shall be carried on the person of  
18 the officer whenever he is engaged in his duties and shall be exhibited upon  
19 request to any person with whom such security officer may come in contact in the  
20 performance of his or her duties. If this identification card is lost or destroyed,  
21 a duplicate card will be issued by the Commissioner upon the payment of a \$3.00  
22 fee. Upon termination of the security officer's service, he or she shall return the  
23 identification card to the Commissioner within 48 hours, excluding weekends and  
24 holidays, and if an officer takes employment with another agency or employer, a  
25 new identification card shall be issued upon payment of a \$1.00 fee. When the  
26 employment of a security officer is terminated the agency or employer shall report  
27 such termination to the Commissioner within 48 hours, excluding weekends and  
28 holidays. Each agency or employer shall file a list of all security officers with  
29 the Commissioner on a quarterly basis. The list shall be kept confidential except  
30 for official use.  
31

## 32 Sec. 4.2 Uniforms.

33  
34 All security officers, certified under this title, shall wear a uniform  
35 approved by the Commissioner which is distinctly different from the uniform of  
36 the Metropolitan Police Department, and which shall not have any stripe on the  
37 trousers, around the cap, or around the sleeve of the uniform shirt, blouse,  
38 jacket or overcoat. Minimal requirements for the uniform are a white uniform  
39 cap or a cap covered by a white cap cover and a uniform outer garment such as  
40 a shirt, blouse, jacket or overcoat. The outer garment shall have the designated  
41 patches and badges required by Section 4.3 clearly visible at all times. White  
42 caps or caps covered by white cap covers shall be worn at all times by security  
43 officers during the performance of duties involving crowd control at special events.  
44

## 45 Sec. 4.3 Badges, Patches and Emblems.

46  
47 (a) No security officer shall wear or carry a metal, or metallic appearing,  
48 badge. A distinctive cloth badge worn on the security officer's left breast is  
49 permissible if the prior written approval of the Commissioner has been obtained.  
5051 (b) Notwithstanding the corporate name of the agency, the words, "police",  
52 and "United States", "District of Columbia", or abbreviations therefore, or the  
53 seals or insignias of the United States or the District of Columbia cannot be used  
54 on any badge, patch, emblem or uniform.  
5556 (c) Uniforms bearing the following emblems and patches will be approved  
57 by the Commissioner and shall be worn by security officers:  
58  
59  
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7 of 10

1 (1) Shoulder patches which are red in color, bear the name of the  
2 employer or agency and have white, clearly legible lettering.  
3 The patches shall include the name of the employing agency  
4 or employer spelled out in full; initials will not be allowed  
5 and abbreviations are permissible only with the prior written  
6 approval of the Commissioner. The patches may bear an agency or  
7 employer design or insignia that has been first approved in writing  
8 by the Commissioner. The patches shall be of half-moon design,  
9 three inches high and five inches wide. A patch shall be worn  
10 on each shoulder of a shirt, blouse, jacket, or overcoat.

11  
12 (2) A patch bearing the words, "Security Officer," shall be worn on  
13 the right breast. It shall be 4-1/2 inches long, 1 inch high, and  
14 red with white lettering.

15  
16 (3) An employee may wear an appropriate designation of his rank,  
17 such as sergeant, on either or both sleeves; and chevrons shall be  
18 red in color with white piping. If the employee is of officer rank,  
19 he may wear the appropriate emblem on the collar or shoulders of his  
20 uniform shirt, jacket or blouse. The word "inspector" or an  
21 abbreviation therefore, shall not appear on any badge, patch, emblem  
22 or uniform.

23  
24 (4) A non-metal cap ornament, not having a metallic appearance,  
25 may be worn. It may carry the rank of the employee and shall bear  
26 the agency or employer name.

27  
28 (5) Any deviation from the requirements of subparagraph (c) require  
29 prior written approval of the Commissioner.

30  
31 (6) Subparagraph (c) applies only to security officers; and no other  
32 uniformed security personnel, licensed, commissioned or certified  
33 by the District of Columbia Government, shall wear badges, patches  
34 or emblems which are red with white lettering, or which are not  
35 readily discernible from said badges, patches, and emblems.

36  
37 (7) Except as to security officers certified for the first  
38 time, requirements of subparagraph (c) shall not take effect until one  
39 year after the effective date of this regulation.

40  
41 Sec. 4.4 Security of Accoutrements.

42  
43 Each security officer shall take due care to prevent his identification  
44 card, uniform, badges, patches, or emblems from falling into the possession of  
45 unauthorized persons.

46  
47 Sec. 4.5 Motor Vehicles.

48  
49 No person shall attach to his personal motor vehicle any sign, plate,  
50 insignia or other designation identifying the driver or owner as a security officer.  
51 This shall not prevent such identification on any car owned, leased or otherwise  
52 used in the business of any agency or employer.

1     Sec. 4.6 Advertisements.

2  
3             Any person, firm or corporation licensed as a private detective agency  
4 under Title 5EE of the District of Columbia Rules and Regulations which provides  
5 security services for a fee or other consideration, and which advertises its  
6 business to the public, shall include in that advertisement its license number.  
7

8             Part 5 - Denial, Suspension or Revocation of Certification

9  
10     Sec.

- 11     5.1 Grounds for Denial, Suspension or Revocation of Certification  
12     5.2 Procedure for Denial, Suspension or Revocation of Certification  
13     5.3 Right to Hearing  
14     5.4 Right to Appeal  
15

16     Sec. 5.1 Grounds for Denial, Suspension or Revocation of Certification.

17  
18             Certification of a security officer shall be subject to denial, suspension  
19 or revocation for any of the following reasons:

20  
21             (a) Material misstatement in the license application.  
22

23             (b) Violation of requirements pertaining to identification cards, uniforms,  
24 and badges as outlined in Part 4.  
25

26             (c) Failure or refusal to comply with any statute or regulation governing  
27 security officers or the wilful and fraudulent circumvention of any such statute  
28 or regulation.  
29

30             (d) Conviction of a felony while employed as a security officer. Denial,  
31 suspension or revocation shall not prevent an individual from reapplying for  
32 certification.  
33

34             (e) Conviction of a misdemeanor involving theft, fraudulent conduct,  
35 assault, false arrest or imprisonment, or any offense arising out of or based  
36 on employment as a security officer which involves a breach of trust or an  
37 invasion of privacy.  
38

39             (f) Carrying a deadly weapon, handcuffs or aerosol chemical dispensers  
40 in the course of employment. This does not prohibit the carrying of a night stick  
41 constructed solely of wood.  
42

43     Sec. 5.2 Procedure for Denial, Suspension or Revocation of Certification.

44  
45             (a) Whenever the Commissioner proposes to deny, suspend or revoke a  
46 certification hereunder, he or she shall give to the applicant or security officer  
47 notice which shall:  
48

49                     (1) Be in writing and signed by the Commissioner.

50  
51                     (2) State the facts constituting each violation or other basis  
52 for the action proposed.  
53

54                     (3) Indicate, where applicable, each statutory provision or  
55 regulation violated or not complied with.  
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(4) State the action that is proposed in the matter.

(5) Advise the applicant or security officer that he or she is entitled to a full hearing, if requested, as provided by this regulation instead of these rules, in which the Commissioner's action may be reversed.

(6) Advise as to the time and manner in which such appeal must be filed.

(7) Be served upon the applicant or security officer.

(b) Such notice shall be deemed to be served upon the person to whom it is directed when it or a copy of it is:

(1) Served on that person personally; or (2) left with a person over the age of 16 years at the address stated on the certification, when that person is employed at, or a resident of, such address; or (3) mailed by certified mail, postage prepaid, to the address stated on the certification application, and not returned by the postal authorities. If any notice mailed as authorized by the preceding sentence is returned by the postal authorities by reason of refusal of the addressee to accept delivery, it shall be deemed to have been served on the addressee as of the date of such refusal.

Sec. 5.3 Right to Hearing.

Any person on whom notice has been served pursuant to the preceding section may file with the Board of Appeals and Review a written demand for a hearing. Such demand shall be filed within 20 calendar days from the date the notice was served personally, or within 24 calendar days of the date the notice was served other than personally, including the date it was mailed. Filing of the demand for hearing shall not in itself stay enforcement of the action of the Commissioner. The Commissioner may grant, or the reviewing Board may order a stay upon appropriate terms. Every applicant or security officer shall be entitled to an on the record hearing within 21 days of demand with full procedural safeguards, including the right to be represented by his or her own legal counsel and the right to confront and cross-examine witnesses.

Sec. 5.4 Right to Appeal.

If the Board of Appeals and Review upholds the denial, suspension or revocation of certification, the applicant may file an appeal with the D.C. Court of Appeals for review. The appeal shall be filed in such court within such time as such court may by rule prescribe. Filing of the appeal shall not in itself stay enforcement of the action of the Commissioner or order of the Board. The Commissioner may grant or the Board or reviewing court may order a stay upon appropriate terms.

Part 6 - Penalties

Sec. 6.1 Penalties.

Violation of any provision of these regulations shall be punishable by fine of up to \$300 or imprisonment for up to 90 days in addition to the possible denial, suspension or revocation or certification under Part 5 of this title.

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Part 7 - Transitional Provisions, Revisions and Severability

1 Transitional Provisions

2 Revisions and Repeal

3 Severability

4 Sec. 7.1 Transitional Provisions.

5 (a) These regulations are to take effect ninety days after adoption  
6 and are to be applicable to all persons applying for certification as security  
7 officers on and after that date.

8 (b) Any person who has been certified as a security officer before the  
9 effective date of this regulation, shall be given one year to come into compliance  
10 with these regulations.

11 Sec. 7.2 Revisions and Repeal.

12 Section 3.6(a) of Title 5EE, D.C. Rules and Regulations is hereby  
13 repealed. These regulations shall supersede any other District of Columbia Rules  
14 and Regulations to the extent of any conflict therewith.

15 Sec. 7.3 Severability.

16 If any portion of these regulations is for any reason held invalid by any  
17 court of competent jurisdiction, such portion shall be deemed a separate, distinct,  
18 and independent provision, and such holding shall not affect the validity of the  
19 remaining provisions.

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Regulation No. 74-32



December 1, 1974  
Enactment Date

# Regulation

of the

## District of Columbia

TITLE REGULATION PROHIBITING SMOKING IN RETAIL STORES AND ELEVATORS

Councilwoman Marguerite C. Selden Presents the following regulation:

1 WHEREAS, smoking on the premises of a retail store endangers the public  
 2 health and safety of the community, and  
 3  
 4 WHEREAS, smoking in elevators is dangerous to the public health and  
 5 safety of the community, and  
 6  
 7 WHEREAS, pursuant to Section 5-304 and 1-226, D.C. Code (1973 ed.)  
 8 the District of Columbia Council is authorized to enact regulations to protect the  
 9 health and safety of District of Columbia citizens.  
 10  
 11 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council  
 12 that:  
 13  
 14 Section 1. Title 7, Section 2.1 of the D.C. Rules and Regulations be  
 15 amended by the addition of a letter (a) before the definition "smoking" and the  
 16 addition of a new (b) and (c) which shall read as follows:  
 17  
 18 b. Retail Store - The term "retail store" means any establish-  
 19 ment whose primary purpose is to sell or offer for sale, not for resale,  
 20 any goods, wares, merchandise, articles or things and all activities,  
 21 operations and services connected therewith or incidental thereto.  
 22  
 23 c. Dwelling - The term dwelling means a residential building  
 24 used or intended to be used for human habitation by not more than one  
 family.

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on November 6, 1974  
 Adopted on second and final reading November 19, 1974  
 Presented to the Mayor-Commissioner November 21, 1974  
 Approved [Signature] Mayor-Commissioner      [Signature] Secretary of the City Council  
 Date 1 DEC 1974  
 Enacted W/O signature of the Mayor according to ten day limitation rule: \_\_\_\_\_ Date \_\_\_\_\_  
 Disapproved and returned to the City Council \_\_\_\_\_ Date \_\_\_\_\_  
 Mayor-Commissioner  
 Readopted \_\_\_\_\_ Date \_\_\_\_\_

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

1            Section 2. Title 7, Section 2.2 of the D.C. Rules and Regulations is  
2 amended by the addition of the word, "elevator" to paragraph (a) and further  
3 amended by the addition of a new (d) which shall read as follows:  
4

5            d. Notwithstanding the above provision, smoking shall be prohibited  
6 in:

7  
8                    (1) Retail Stores. Smoking shall be prohibited in retail stores  
9 employing more than 20 persons or having the capacity for 200  
10 or more customers.

11                            (a) Exception for approved areas. The prohibition of  
12 (1) above shall not apply in restrooms, restaurants,  
13 beauty salons (except in those work areas where hair spray  
14 is in use), lounges and executive offices of retail stores.  
15

16                            (b) Exception for certain retail stores. In retail stores  
17 designed and arranged in a manner that does not include  
18 any of the approved areas mentioned in (a) above, the  
19 owner or proprietor may designate a smoking area if he  
20 so chooses. Such areas shall be in compliance with any  
21 other applicable provision of this title.  
22

23                    (2) Elevators. Smoking shall be prohibited in all elevators except  
24 those in single family dwellings.  
25

26  
27            Section 3. This regulation shall take effect 30 days after enactment and  
28 "No Smoking" signs, according to specifications in Section 2.2b, Title 7 shall  
29 be posted by the effective date.  
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Regulation No. 74-33



December 1, 1974

Enactment Date

# Regulation

of the

## District of Columbia

TITLE REGULATION AUTHORIZING THE CHIEF OF POLICE TO PURCHASE AND DISPOSE OF CERTAIN FIREARMS POSSESSED BY RESIDENTS OF THE DISTRICT OF COLUMBIA

Councilwoman Marguerite C. Selden Presents the following regulation:

WHEREAS, there has occurred a dangerous proliferation of firearms in this District of Columbia resulting in serious hazards to the safety and well being of the citizens of the District of Columbia; and,

WHEREAS, widespread possession of firearms has brought with it increased use of firearms in the commission of crimes and increased accidental shootings; and,

WHEREAS, it has been demonstrated that the purchase of firearms by governmental authorities can reduce the threat posed to the community by firearms; and,

WHEREAS, the District of Columbia Council is empowered to make all such reasonable and usual police regulations as it may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of property within the District of Columbia (Reorganization Plan No. 3 of 1967, Section 402(4)); and to determine by regulation the disposition of property under Section 4-160(a) of the D.C. Code (1973) Reorganization Plan No. 3, Section 402 (102)); and to cause the Metropolitan Police Department to keep records (Reorganization Plan No. 3 of 1967, Section 402(98)); and to make and modify rules and regulations for the proper government, conduct, discipline, and good name of the Metropolitan Police Department (Reorganization Plan No. 3 of 1967, Section 402(93));

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

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on November 6, 1974

Adopted on second and final reading November 19, 1974

Presented to the Mayor-Commissioner November 21, 1974

*Edward B. Webb*  
Secretary of the City Council

Approved *Alberta Washington*  
Mayor-Commissioner

1 DEC 1974  
Date

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

Date

Disapproved and returned to the City Council

Mayor-Commissioner

Date

Readopted

Date

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

*Edward B. Webb*  
Secretary of the City Council

1           Section 1. Codification: The regulations set forth are hereby  
2 adopted, and shall be compiled and published as is deemed appropriate for their  
3 orderly arrangement within the D.C. Rules and Regulations.  
4

5           Section 2. Definitions:  
6

7           a. Chief of Police shall mean the Chief of Police of the  
8 District of Columbia or his designated agent.  
9

10           b. Commissioner shall mean the Commissioner of the District  
11 of Columbia or his designated agent: after January 2, 1975,  
12 it shall mean Mayor of the District of Columbia or his  
13 designated agent.  
14

15           c. The masculine shall include the feminine.  
16

17           d. Firearm means any pistol, rifle, shotgun which can or may  
18 readily be converted to expel a lethal projectile by the action  
19 of an explosive, and which is capable of being concealed on  
20 the person of any individual.  
21

22           e. Resident of the District of Columbia shall mean a person who  
23 can by proper identification establish to the Chief of Police that  
24 he is a resident of the District of Columbia.  
25

26           Section 3. Amendment of Article 52: Article 52 regulating the sale and  
27 carrying of firearms in the District of Columbia of the Police Regulations of the  
28 District of Columbia is hereby amended by the addition of the sections contained  
29 in this regulation.  
30

31           Section 4. Purchasing Authorization: The Chief of Police or his designated  
32 agent shall be authorized to purchase any firearms including, but not limited to  
33 hand guns, rifles and sawed-off shotguns. Such firearms shall be purchased only  
34 from a resident of the District of Columbia regardless of age, who has voluntarily  
35 offered the firearms for sale. The provisions of 1§ Article 51, of the Police Regulations  
36 shall not apply to such sales.  
37

38           Section 5. Compensation: The Commissioner of the District of Columbia  
39 shall determine the compensation to be paid in cash to any person who sells a  
40 firearm to the Chief of Police pursuant to Section 1 of this regulation.  
41

42           Section 6. Disposition of Acquired Firearms:  
43

44           a. The Chief of Police shall use reasonable diligence in determining  
45 proper ownership of all acquired firearms.  
46

47           1. Where the acquired firearm is properly registered in  
48 the District of Columbia but was purchased by the Chief of  
49 Police from someone other than the registered owner or his  
50 agent, the firearms shall be restored to the rightful owner  
51 provided the rightful owner claims the firearm in person.  
52 Where such firearm was purchased from the registered owner  
53 or his agent, the Chief of Police may dispose of such firearm  
54 as authorized in Subsection 6(b), (c) or (d) of these regulations.  
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1           2. Where the acquired firearm has been reported missing or  
2           stolen by a resident of the District of Columbia, but is not  
3           properly registered in the District of Columbia, the Chief shall  
4           notify the rightful owner of the firearm of his right to claim such  
5           firearm in person after it has been properly registered. Upon the  
6           failure of the rightful owner to file application for registration  
7           within 15 days after such notification by the Chief of Police, the  
8           Chief may dispose of such firearms as authorized in Subsections  
9           6(b), (c) or (d) of these regulations.

10           3. Where the acquired firearm proves to be the rightful property  
11           of a person who is not a resident of the District of Columbia and  
12           is properly registered or otherwise lawfully owned in the juris-  
13           diction in which the owner is a resident, the Chief may notify  
14           the owner and proper authorities that the firearm is in the custody  
15           of the Chief of Police of the District of Columbia and may be  
16           claimed from him within 60 days.

17           4. Where the acquired firearm proves to be the rightful property  
18           of a person who is not a resident of the District of Columbia and  
19           is not properly registered or otherwise lawfully owned in the  
20           jurisdiction in which the owner is a resident, the Chief of Police  
21           may notify the proper authorities of the jurisdiction in which the  
22           owner is a resident that the firearm is in the custody of the Chief  
23           and may be claimed from him on such terms as are customarily  
24           observed between the Metropolitan Police Department and other  
25           jurisdictions.

26           b. Notwithstanding any of the foregoing where investigation discloses  
27           that the weapon has been requested for the investigation of crimes, the Chief  
28           of Police shall make the firearm available to the proper authorities.

29           c. Where an acquired firearm is not claimed and registered properly  
30           within 60 days of its acquisition, the Chief of Police shall be authorized to dispose  
31           of such firearm solely for the purpose of the destruction of the firearm. Complete  
32           destruction of the firearm must be ascertained by the Chief of Police or his  
33           representative. Such disposition may be by barter for the cost of destruction of  
34           the firearms.

35           d. All firearms not properly claimed or registered within 60 days of acquisi-  
36           tion by the Chief of Police are deemed to have no saleable value and therefore may  
37           be disposed of as provided by D.C. Code 4-160 subject to the limitations contained  
38           in Section 6(b) of this regulation.

39           Section 7. Limitations on Sale and Purchase of Firearms:

40           a. Not more than five firearms may be purchased from any person, firm,  
41           corporation, partnership or other entity or their agent or representative in any  
42           thirty-day period.

43           b. The Chief of Police may refuse to purchase a firearm which he determines  
44           to have been purchased by the offering party primarily for resale to the District of  
45           Columbia.

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1           Section 8. Recordkeeping: No record of the identification of the person  
2 selling a firearm to the Chief of Police shall be kept for more than 60 days  
3 after the transaction. Nor shall any information as to the identity of the seller be  
4 transferred to any data bank, computer file, or any other form of information  
5 storage, nor be provided to any other agency of government or to any private or  
6 public entity. Nothing in this section shall prohibit the keeping of such other  
7 records as are necessary for proper financial accountability in the administration  
8 of the Metropolitan Police Department. Statistics on the operation of the program  
9 shall be maintained by the department.

10           Section 9. General Provision:

11           a. No information or evidence obtained from a person selling  
12 a firearm to the Chief of Police, as provided for in this  
13 regulation, shall be used against such natural person in any  
14 criminal proceeding with respect to violation of any provi-  
15 sions contained in Articles 50, 51, 52, 53, 54 or 55 of the  
16 Police Regulations of the District of Columbia or of any pro-  
17 visions of the D.C. Code pertaining to the ownership,  
18 carrying, sale or possession of firearms in the District of  
19 Columbia.

20           b. The Commissioner of the District of Columbia or his  
21 designated agent is authorized to make such orders as are  
22 necessary and proper to carry out the purposes of this  
23 regulation.

24           c. If any provision of this regulation or the application  
25 thereof to any person or circumstances is held invalid, the  
26 remainder of the regulation and its application to other  
27 persons not similarly situated or to other circumstances  
28 shall not be affected thereby. The provisions of this  
29 regulation are declared severable.

30           d. Any provision pertaining to the sale, purchase, carrying or  
31 ownership of any firearm of any regulation of the District of  
32 Columbia inconsistent with the carrying out of any provision  
33 of this regulation is hereby repealed.

34           Section 10. Bounty for Illegal Firearms: The Chief of Police shall be authorized  
35 to offer and pay \$100 in each case to any person who provides information leading to  
36 the recovery by the Metropolitan Police Department of any firearm whose possession  
37 is prohibited by the Police Regulations of the District of Columbia or by Title 22 of  
38 the D.C. Code.

39           Section 11. Effective Date: This regulation shall become effective upon  
40 enactment.

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Regulation No. 74-34



December 14, 1974  
Enactment Date

**Regulation**  
of the  
**District of Columbia**

TITLE CHILD DEVELOPMENT FACILITIES REGULATION

Councilman Tedson J. Meyers Presents the following regulation:

1 WHEREAS, it is the policy of the District of Columbia that the  
2 condition of childhood is such that a child is not capable of self-protection,  
3 and when care is given over to others, certain mental and physical risks arise  
4 calling for reasonable protective measures to reduce these risks; and

5  
6 WHEREAS, the District of Columbia Council is authorized by Section 1-226,  
7 D. C. Code, 1973 edition, pursuant to Section 402(4) of Reorganization Plan No. 3  
8 of 1967, to make and enforce all such reasonable and usual police regulations  
9 as may be deemed necessary for the protection of lives, limbs, health, comfort  
10 and quiet of all persons and the protection of all property within the District of  
11 Columbia; and

12  
13 WHEREAS, the District of Columbia Council is authorized by Section  
14 47-2344, D. C. Code, 1973 edition, pursuant to Section 402(391) of Reorganization  
15 Plan No. 3 of 1967 to require licenses and regulate businesses which in the  
16 judgment of the Council require inspection, supervision or regulation; and

17  
18 WHEREAS, the District of Columbia Council is authorized by Section 1-228,  
19 D. C. Code, 1973 edition, pursuant to Section 402(5) of Reorganization Plan  
20 No. 3 of 1967 to make building regulations; and

21  
22 WHEREAS, the District of Columbia Council is authorized by Section  
23 6-118, D. C. Code, 1973 edition, pursuant to Section 402(134) of Reorganization  
24 Plan No. 3 of 1967 to promulgate rules and regulations to prevent and control

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

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

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974

Adopted on second and final reading December 3, 1974

Presented to the Mayor-Commissioner December 4, 1974

*Edward B. Webb, Jr.*  
Secretary of the City Council

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

\_\_\_\_\_ Date

I HEREBY CERTIFY that Regulation No. 74-34 was presented to the Mayor of the District of Columbia on December 4, 1974, and that the Mayor neither approved nor disapproved the Regulation within the ten-day period specified in Section 406(c) of Reorganization Plan No. 3 of 1967.

*Martin K. Schaller*  
Martin K. Schaller  
Executive Secretary, D. C.

## REGULATION 74-34

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1 the spread of communicable diseases.

2  
3 NOW, THEREFORE BE IT ENACTED by the District of Columbia Council  
4 that:

5  
6 Section 1. The District of Columbia Council hereby adopts the following  
7 regulation, to be known as the Child Development Facilities Regulation:

8  
9 "Title I - PURPOSE, SCOPE, DEFINITIONS, AND SEPARABILITY OF PROVISIONS

10  
11 Section 101. The purpose of this regulation is to protect infants and  
12 children whose care is given to others away from home for less than 24 hours  
13 per day, and to insure the provision of adequate child development programs  
14 for such infants and children.

15  
16 Section 102. This regulation shall apply to every child development  
17 facility providing care, supervision, and guidance, for infants or children,  
18 for less than 24 hours per day per infant or child, on a regular basis, no matter  
19 by what name the facility is designated. This regulation shall not apply to:

20  
21 (1) occasional babysitting in the babysitter's home for infants  
22 or children of one family.

23  
24 (2) informal parent-supervised neighborhood playgroups.

25  
26 (3) care furnished in places of worship during religious services.

27  
28 (4) child development centers providing only a before or after  
29 school child development program.

30  
31 This regulation shall be made available to the public upon request and shall  
32 be maintained on file in the Commissioner's office for inspection during  
33 regular business hours.

34  
35 Section 103. For purposes of this regulation the following terms shall  
36 have the meanings ascribed:

37  
38 (1) Caregiver: an individual whose duties include direct care,  
39 supervision, and guidance of infants or children in a child development  
40 home.

41  
42 (2) Child, Children: an individual or individuals between the ages  
43 of 2 years and 15 years.

44  
45 (3) Child Development Center: a child development facility for more  
46 than 5 children, which provides a full day (more than 4 but less than 24  
47 hours per day), part day (up to 4 hours per day) or before and after school  
48 child development program, including such programs provided during  
49 school vacations.

50  
51 (4) Child Development Facility: location where a child development  
52 program is provided for infants or children, away from home, for less than  
53 24 hours per day for each infant or child. Such facility may be known  
54 as a child development center, child development home, or infant care  
55 center, but does not include a public or private elementary or secondary  
56 school engaged in legally required educational and related functions.

57  
58 (5) Child Development Home: a child development program provided  
59 in a private residence for up to a total of 5 children and infants, with no  
60 more than 2 infants in the group. The total of 5 children and infants shall



REGULATION 74-34  
-----3 of 22  
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1 include those of the caregiver.

2  
3 (6) Child Development Program: a program responsive to the stages of  
4 physical, emotional, social and intellectual growth and behavior of infants or  
5 children.

6  
7 (7) Commissioner: Commissioner of the District of Columbia or his  
8 designated agent.

9  
10 (8) Communicable Disease: any disease so defined in section 8-5:104  
11 of the District of Columbia Health Regulations.

12  
13 (9) District: The District of Columbia.

14  
15 (10) Infant: an individual younger than 2 years of age.

16  
17 (11) Licensed Child Placing Agency: a child placing agency licensed  
18 pursuant to Title 32, Chapter 7B of the District of Columbia Code (Act of  
19 April 22, 1944, 58 Stat. 193, as amended).

20  
21 (12) Person: any individual, firm, partnership, company, corporation,  
22 trustee, or association.

23  
24 Section 104. Severability of Provisions

25  
26 If any provision of this regulation is declared unconstitutional by a court  
27 of competent jurisdiction or the applicability thereof to any person or circum-  
28 stance is held invalid, the validity of the remainder of the regulation and  
29 applicability of such provision to other persons and circumstances shall not be  
30 affected thereby.

31  
32 Title II - LICENSING OF CHILD DEVELOPMENT FACILITIES

33  
34 Section 201. License Requirements for Child Development Facilities

35  
36 (a) No person shall either directly or indirectly operate a child development  
37 facility without first having obtained a license from the Commissioner authorizing  
38 that operation, except that individuals who are related to an infant or child may  
39 care for that infant or child without obtaining a license. For purposes of this  
40 regulation "related" shall mean any of the following relationships by marriage,  
41 blood, or adoption: parent, grandparent, brother, sister, step-parent, step-  
42 sister, step-brother, uncle and aunt.

43  
44 (b) A separate license shall be required for each child development facility  
45 when more than one child development facility is operated by the same person at  
46 different premises. Only one license shall be required for a child development  
47 facility located in separate buildings on the same grounds or premises and operated  
48 by one person.

49  
50 (c) Unless specifically exempted by this regulation, the provisions and  
51 requirements herein shall apply to all child development facilities established  
52 or operated in the District, and the Commissioner shall have the necessary power,  
53 including subpoena power pursuant to sections 1-237 and 4-601 of the District of  
54 Columbia Code, to supervise, inspect and investigate those child development  
55 facilities to determine compliance with this regulation.

56  
57 (d) Each license shall set forth the name and address of the premises of  
58 the child care facility, the name of the licensee, and the maximum number of  
59 infants and children to be accommodated.  
60



## REGULATION 74-34

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

3  
4 (f) Each license shall be issued only for the premises and person or persons  
5 named as applicants in the application and shall not be valid for use by any other  
6 person or persons or at any place other than that designated in the license. Any  
7 transfer as to person or place without the approval of the Commissioner shall cause  
8 an immediate forfeiture of such license.

9  
10 (g) Each license certificate in the licensee's possession shall be the  
11 property of the District and shall be returned to the Commissioner immediately  
12 upon the suspension or revocation of a license, or upon the refusal to renew a  
13 license or upon its forfeiture in accordance with subsection (f) of this section, or  
14 if operation of a facility is discontinued by the voluntary action of the licensee.

15  
16 Section 202. Fees.

17  
18 (a) The Commissioner shall pursuant to section 47-2344 of the District of  
19 Columbia Code fix, and may adjust from time to time, child development facility  
20 license fees which shall in his judgment be commensurate with the cost to the  
21 District of inspections, supervision and regulation required by this regulation.

22  
23 (b) No license fee shall be required of any child development facility  
24 operated by the District Government.

25  
26 Section 203. Application for License.

27  
28 (a) Any person proposing to operate a child development facility in the  
29 District shall, prior to the commencement of operation, make application to the  
30 Commissioner for a child development facility license. The application shall  
31 contain the following information, all of which shall be a matter of public record  
32 available for inspection upon request during regular business hours:

33  
34 (1) The name, age, address and occupation of the person making  
35 application or in the case of a corporation or association, the names, ages,  
36 addresses, and occupations of the officers and directors thereof.

37  
38 (2) The name, age, address and occupation of the individual desig-  
39 nated by the applicant as the director of the child development facility and any  
40 additional information concerning that individual which the Commissioner may  
41 require.

42  
43 (3) The address of the premises which are to constitute the child  
44 development facility, together with a description of all structures and facilities  
45 forming a part thereof in such detail as the Commissioner may require.

46  
47 (4) The name by which the facility is to be known.

48  
49 (5) The name and address of the owner of the building or buildings  
50 in which the child development facility is located.

51  
52 (6) The number of hours per day of child development programs to be  
53 offered and the age groups of the infants or children to be served.

54  
55 (7) A program statement describing the programs and services to be  
56 provided including contractual and staff resources. All contractual services to  
57  
58  
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## REGULATION 74-34

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1 be provided shall comply with the requirements of this regulation,  
2 and with all other applicable District laws and regulations.

3  
4 (8) Proof that the premises are in conformity with all applicable  
5 Federal and District health, fire, safety, and zoning regulations, and  
6 building codes, and that any necessary permits for occupancy have been  
7 issued by the appropriate authorities and are in full force.

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

13  
14 (b) An applicant for a child development facility license shall sign  
15 the license application and shall affirm that all statements therein are true.  
16 The applicant's signature shall be in the case of an individual that of the  
17 individual, in the case of a partnership that of all partners, and in the  
18 case of a corporation that of two of the officers thereof, one of whom shall  
19 be the president.

20  
21 (c) Each applicant shall inform the Commissioner within 10  
22 business days of any change in the facts stated in the license applica-  
23 tion.

24  
25 Section 204. Issuance of License and Notification of Change in  
26 Circumstance.

27  
28 (a) (1) The Commissioner shall issue a license after having  
29 determined that the representations made in the application are  
30 correct and sufficient to show that the applicant has complied with  
31 the requirements of this regulation.

32  
33 (2) When a total of not more than five infants and children  
34 are placed for care in a child development home by the District  
35 Department of Human Resources or by a licensed child placing  
36 agency, the Commissioner, in issuing a license, may accept the  
37 findings, submitted on a form provided by him, of the Department  
38 of Human Resources or such licensed child placement agency that  
39 the child development home in which the infants and children are  
40 placed meets the applicable requirements of this regulation.

41  
42 (b) A license issued by the Commissioner shall expire one year from  
43 the date of issuance.

44  
45 (c) The licensee of a child development facility shall inform the  
46 Commissioner of any change in the operation, program, or services of a  
47 child development facility of a degree or character which may affect its  
48 licensure.

49  
50 Section 205. License Denial, Renewal, Suspension and Revocation

51  
52 (a) The Commissioner shall be required to renew a child development  
53 facility license when he has determined that the licensee has complied with  
54 the provisions of this regulation.

55  
56 (b) Application for renewal of a child development facility license  
57 shall be submitted to the Commissioner on a form provided by him not  
58  
59  
60

## REGULATION 74-34

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1 later than ninety days prior to the expiration date of this license.  
2 Notwithstanding any other provision of this regulation, a child development  
3 facility holding a valid license at the date of application for renewal of  
4 such license may continue in operation until the Commissioner has taken  
5 action on the renewal application.

6  
7 (c) The Commissioner shall be required, after providing notice  
8 and opportunity for hearing in accordance with Section 206 of this  
9 regulation, to deny, refuse to renew, or to suspend or revoke any license  
10 if he finds any of the following:

11  
12 (1) A failure to comply with the provisions of this regulation.

13  
14 (2) A failure to comply with any other Federal or District  
15 law or regulation applicable to child development facilities.

16  
17 (3) That any licensee, or person in charge of the facility,  
18 has committed, aided, abetted, or permitted to be committed, any  
19 acts of dishonesty, fraud, gross negligence, abuse, assault,  
20 battery or other illegal acts in the operation of the facility.

21  
22 (d) The Commissioner shall suspend a license whenever he finds  
23 that the failure of a child development facility to comply with any provision  
24 of this regulation or with any other Federal or District law or regulation  
25 applicable to such facility is of such a serious nature and magnitude that  
26 there is an imminent danger to the health, safety or welfare of the infants  
27 or children. Such suspension shall continue until the Commissioner has  
28 determined that the imminent danger has been corrected.

29  
30 (1) If the Commissioner finds that the immediate interests  
31 of the infants or children in a child development facility would be  
32 best served by affording such facility an opportunity to correct  
33 a condition which would otherwise constitute a basis for  
34 suspension, revocation of or refusal to renew a license under  
35 subsection (c) of this section, he may afford the licensee the  
36 opportunity to correct the violation within 30 days after receipt  
37 of a notice to correct.

38  
39 (2) When a licensee has been cited for a violation of  
40 this or other applicable regulation relating to the condition of  
41 the building or property in which the child development facility  
42 is located, and when such building or property is owned by  
43 someone other than the licensee, the Commissioner may request  
44 that the licensee and the owner of the building or property meet  
45 with the Commissioner for the purpose of settling any dispute  
46 regarding the correction of such violation.

47  
48 (e) The Commissioner may make available to child development  
49 facilities such District Government services as will assist such facilities  
50 in meeting the requirements of this regulation.

51  
52 Section 206. Hearings.

53  
54 (a) When the Commissioner proposes to deny issuance of a  
55 license or to suspend or revoke a license issued pursuant to this  
56 regulation for failure to comply with or for a violation of this regulation,  
57 he shall first issue a notice to the applicant or licensee, specifying the  
58 violation and reasons for the proposed action. Such notice shall also  
59 inform the applicant or licensee that he has five days from the date of  
60



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1 service of the notice in which to request a hearing. If no hearing is  
2 requested, the Commissioner may then deny, suspend or revoke the  
3 license. In each case the Commissioner shall maintain an official  
4 record, shall serve upon the applicant or the licensee a proposed  
5 decision including findings of fact and conclusions of law and shall  
6 render the final decision in writing to the applicant or licensee  
7 accompanied by findings of fact and conclusions of law. Each case  
8 shall be determined in accordance with the provisions of the District of  
9 Columbia Administrative Procedure Act set forth in Sections 1-1509 and  
10 1-1510 of the District of Columbia Code.

11 (b) Upon suspension of a license pursuant to Section 205 (d)  
12 of this regulation, the Commissioner shall immediately notify the  
13 licensee that the licensee may, within 24 hours following the suspension,  
14 request a hearing. Such hearing shall be conducted by the Commissioner  
15 within two calendar days following receipt of the request.  
16

17  
18 Title III - PENALTIES, REMEDIES AND ENFORCEMENT PROCEDURES

19  
20 Section 301. Penalties and Remedies

21  
22 (a) Any person who violates any provision of this regulation  
23 shall be guilty of a misdemeanor, and upon conviction shall be subject  
24 to a fine of not less than \$25 nor more than \$300.

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

31  
32 (c) The imposition of any fine pursuant to subsection (a) of this  
33 section shall be in addition to any denial, suspension, revocation or  
34 refusal to renew a child development facility license which may result  
35 from the violation.

36  
37 Section 302. Right of Entry, Inspection and Subpoena Powers

38  
39 (a) The Commissioner and any other duly authorized official of  
40 the District having jurisdiction over, or responsibilities pertaining to any  
41 child development facility, after presenting official credentials of  
42 identification and authority issued by the District, shall have the right  
43 either with or without prior notice, to enter upon and into the premises of  
44 any child development facility licensed pursuant to this regulation or for  
45 which an application for license has been made, in order to determine  
46 compliance and to facilitate verification of information submitted on or  
47 in connection with an application for licensure pursuant to provision of  
48 this regulation. The conduct of the authorized official shall be such that  
49 the entry and inspection shall take place with the least possible disruption  
50 to the program.

51  
52 (b) The right of entry and inspection shall also extend to any  
53 premises which the Commissioner has reason to believe are being operated  
54 or maintained as a child development facility without a valid license:  
55 Provided, however, that no entry or inspection of any unlicensed premises  
56 shall be made without the permission of the director in charge thereof unless  
57 a warrant is first obtained from the District of Columbia Superior Court,  
58 pursuant to District of Columbia Code, Section 11-941, authorizing the  
59 entry or inspection for the purpose of determining compliance with provisions  
60 of this regulation.

1 Section 303. Payment of Public Funds to Unlicensed Facilities

2  
3 No person, department, agency, officer or employee of the District  
4 shall pay, or approve for payment from public funds, any amount or amounts  
5 to a child development facility under any Federal or District program of  
6 public assistance or other aid in connection with services provided, or to  
7 be provided, to any infant or child in such facility unless that facility has  
8 a current license issued by the Commissioner under this regulation.  
9

10 Section 304. Time Period for Compliance with Requirements of Regulation

11  
12 (a) If any child development facility in operation before the  
13 effective date of this regulation is determined by the Commissioner to  
14 have deficiencies under the requirements of this regulation, except for  
15 deficiencies under Section 405 of this regulation, such facility shall be  
16 licensed for a period of one year with an additional extension of up to  
17 twelve months, if approved by the Commissioner: Provided, that  
18

19 (1) The facility submits a written plan of correction which  
20 contains the specific steps that it will take to meet all such  
21 requirements and a timetable detailing the corrective steps to be  
22 taken and when correction of deficiencies will be accomplished.  
23

24 (2) The Commissioner makes a finding that the facility  
25 is reasonably able to meet such requirements through corrective  
26 steps and they can be completed during the allowable time period.  
27

28 (3) The facility is surveyed by officials designated by the  
29 Commissioner at least semiannually until corrections are completed  
30 and the Commissioner finds on the basis of such surveys that the  
31 facility has in fact made substantial effort and progress in its plan  
32 of correction as evidenced by supporting documentation.  
33

34 (b) (1) A person operating a child development facility in  
35 operation before the effective date of this regulation may be  
36 excused by the Commissioner from compliance with the provisions  
37 of Section 405 of this regulation, either in whole or in part, upon  
38 a finding by the Commissioner that full compliance would result  
39 in exceptional or undue hardship by reason of excessive structural  
40 or mechanical renovations: Provided, that a variance may be  
41 granted only to the extent necessary to relieve such exceptional  
42 or undue hardship and only when compensating factors are present  
43 which give adequate protection to the public health or safety and  
44 which assure that the intent and purpose of Section 405 of this  
45 regulation are not impaired.  
46

47 (2) To be considered for a variance, the owner of an  
48 existing child development facility shall submit a written request  
49 to the Commissioner setting forth:  
50

51 (A) the specific requirements in Section 405 of  
52 this regulation from which the owner seeks relief;  
53

54 (B) the exceptional or undue hardship which would  
55 result from compliance with those requirements; and  
56

57 (C) the extent to which the owner seeks to be  
58 exempted from those requirements.  
59  
60

1 (3) Any request for a variance shall be published in the  
2 D.C. Register at least 30 days before the Commissioner acts on  
3 the request. Such publication shall be at the expense of the  
4 requesting party. The publication shall contain a brief statement  
5 describing the variance sought and the reasons the variance is  
6 sought. Any public comment on the request for a variance shall  
7 be submitted to the Commissioner within 30 days after publication  
8 of the request. The Commissioner shall maintain a public record  
9 of all variances granted and such record shall state the basis upon  
10 which the variances were granted. No variance shall be granted  
11 for reasons other than those stated in the record.  
12

13 (4) A person operating a child development facility adversely  
14 affected by the refusal of the Commissioner to grant a variance may  
15 appeal such action by the Commissioner pursuant to the provisions  
16 of the District of Columbia Administrative Procedure Act (Title I,  
17 Chapter 15 of the D.C. Code). The owner shall be notified in  
18 writing of the refusal of a variance and of his right to a hearing  
19 with respect to such a refusal. A request for a hearing shall be  
20 made by the owner in writing to the Commissioner within 5 days of  
21 receipt of the notice of refusal. Failure of the owner to request a  
22 hearing or failure of the owner to appear at a scheduled hearing  
23 shall be considered a waiver of the owner's right to a hearing and  
24 the Commissioner's refusal of the variance shall become effective  
25 immediately.  
26

27 (5) Any variance granted pursuant to this section shall be  
28 reviewed by the Commissioner when the owner of the facility applies  
29 for a permit to undertake any renovation or physical modification of  
30 the child development facility.  
31

32 Title IV - CHILD DEVELOPMENT FACILITY STANDARDS  
33

34 Section 401. Child Development Centers  
35

36 (a) Staffing requirements:  
37

38 (1) Director - A director shall be required who is physically  
39 present during the week for at least one-third of the time the  
40 children are at the center.  
41

42 (A) The director shall be qualified by meeting the  
43 requirements of one of the following:  
44

45 (i) Master's degree, from an accredited  
46 college, in early childhood education or a related  
47 field, social work, home economics, or psychology,  
48 and one year of experience in a child development  
49 facility.  
50

51 (ii) Bachelor's degree, from an accredited  
52 college, in early childhood education or a related  
53 field, social work, home economics, or psychology,  
54 and at least twelve credit hours of advanced study in  
55 early childhood education and one year of experience  
56 in a child development facility.  
57

58 (iii) Bachelor's degree, from an accredited  
59 college, in early childhood education, and two years  
60



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of experience in a child development facility or a bachelor's degree in a related field, social work, home economics, or psychology, and three years of experience in a child development facility.

(iv) Two or more years of college with course work in early childhood education or in a related field, social work, home economics, or psychology, and five years of experience in a child development facility.

(v) Experience as director of a licensed child development center in the District in operation before the effective date of this regulation: Provided, within three years after the effective date of this regulation such director completes nine college credit hours in early childhood education or equivalent training.

(B) The director shall be responsible for the supervision and administration of the child development center, including:

(i) Selection of qualified staff and supervision of that staff to insure that a child development program, as required by this section, is provided.

(ii) Compliance with health requirements of Section 403 and maintenance of records required by Section 404 of this regulation.

(iii) Compliance with applicable District codes and regulations.

(iv) Development of a plan, to be approved by the Commissioner, for emergency situations including the development of a fire evacuation plan, and for illness of staff.

(v) Designation of a teacher to be responsible in the absence of the director.

(vi) The provision of in-service training for staff volunteers.

(vii) The provision of adult supervision for the children.

(viii) Development of parent involvement in the child development program and in the activities of the center.

(2) Teachers

(A) Teachers shall be qualified by meeting the requirements of one of the following:

(i) Bachelor's degree in early childhood education or related field.

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1 (ii) Two or more years of college including  
2 at least 15 hours of early childhood education courses  
3 and one year of experience in a child development  
4 facility.

5  
6 (iii) A high school diploma or its equivalent  
7 and 3 years of experience as a teacher or assistant  
8 teacher in a child development center, plus, within  
9 two years after the effective date of this regulation,  
10 9 college credit hours in early childhood education  
11 or a related field.

12  
13 (B) The duties of a teacher shall include but not be  
14 limited to the following:

15  
16 (i) Initiating daily activities related to the  
17 child development program.

18  
19 (ii) Maintaining an attractive, clean room.

20  
21 (iii) Supervising the assistant teacher,  
22 when assigned.

23  
24 (iv) Attending in-service training programs  
25 when offered.

26  
27 (v) Making periodic progress reports on the  
28 children to the parents.

29  
30 (3) Assistant Teachers

31  
32 (A) An assistant teacher shall be qualified by  
33 meeting the requirements of one of the following:

34  
35 (i) Two or more years of college and  
36 demonstration, to the satisfaction of the director,  
37 of skill and competence with children.

38  
39 (ii) A high school diploma and certificate  
40 in child development from an accredited vocational  
41 high school or, in lieu of such certificate, one year  
42 of experience in a child development center.

43  
44 (B) The duties of an assistant teacher shall include  
45 but not be limited to the following:

46  
47 (i) Assisting the teacher and participating  
48 in the planning of the daily program.

49  
50 (ii) In the absence of the teacher, assuming  
51 responsibility for the children in the group.

52  
53 (iii) Attending in-service training programs  
54 when offered.

55  
56 (4) Aides

57  
58 (A) An aide shall demonstrate, to the satisfaction of  
59 the director, the ability to work well with children.  
60

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(B) The duties of an aide shall include, but not be limited to, the following:

(i) Assisting the teacher and assistant teacher, as directed.

(ii) Attending in-service training programs when offered.

(5) Foodhandling and maintenance personnel

Child development centers shall provide sufficient personnel to maintain standards of sanitation and safety consistent with all applicable District rules and regulations.

(b) Group size and child-adult ratio

The size of any one group of children shall not exceed that specified below for each age group. There shall be a teacher, who may also be the director, and an assistant teacher or aide for each group at all times, except that in part-day programs (up to 4 hours per day), a volunteer may be substituted for an assistant teacher or aide.

<u>Age</u>	<u>Maximum size of group</u>	<u>Child-adult ratio</u>
2 years to 2 years, 6 months	8	4 to 1
2 years, 6 months through 3 years	16	8 to 1
4 years	20	10 to 1
5 years	25	15 to 1
6 years through 14 years	30	15 to 1

When children of different ages are placed in one group, the ratio shall be adjusted, subject to the approval of the Commissioner, so as to protect the welfare of the younger children in the group. A change in child-adult ratios shall be made only with the approval of the Commissioner when he finds that such change will not result in decreasing the effectiveness of the child development program.

(c) Program requirements

The daily child development program of a center shall:

(1) Reflect knowledge and understanding of the fundamental needs and development of children.

(2) Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.

(3) Provide a balance between periods of active play and quiet activities. Full day programs for children under 6 years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

(4) Provide daily activities for each child designed to:

(A) Influence a positive concept of self.

(B) Stimulate motivation.



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1 (C) Enhance his physical, social, cognitive, and  
2 communication skills by giving him opportunities to learn  
3 about himself and others, about social relationships, and  
4 about the world around him.  
5

6 (D) Help him to deal with reality through undertaking  
7 real tasks and learning to master them.  
8

9 (E) Provide creative and aesthetic experiences.  
10

11 (F) Help him to develop skills in both large and  
12 small muscle activities.  
13

14 (G) Help him to take responsibility for his bodily  
15 needs and encourage good health habits.  
16

17 (5) Include at least two hours of outdoor play every day in a  
18 full day program and at least thirty minutes in a part day program,  
19 except in extreme weather conditions.  
20

21 (d) Center equipment and supplies  
22

23 (1) Each center shall have a sufficient number, for the size  
24 of the enrollment of the center, of toys, games, equipment,  
25 including outdoor play equipment, raw materials, and books which  
26 are safe for use by children and adequate for the requirements of  
27 the child development program.  
28

29 (2) In full day programs each child shall have his own  
30 toilet articles.  
31

32 (3) Individual eating and drinking equipment, including, but  
33 not limited to, a fork, spoon, plate and cup for each child shall be  
34 provided by the center as appropriate, when meals or snacks are  
35 served.  
36

37 (4) An emergency supply of clothes shall be available, and  
38 wet and soiled clothes shall be changed promptly.  
39

40 (5) Centers shall be equipped with furnishings, including  
41 tables, cots, chairs, and shelves, appropriate to the age, size and  
42 activities of the children, and sufficient for the number of children  
43 enrolled in the program.  
44

45 (6) In full day programs, there shall be a clean cot for each  
46 child under six years of age. The cots shall be stacked or folded  
47 when not in use, so as not to infringe on play space. When in use,  
48 there shall be a minimum of 2 feet between each cot and aisle space  
49 of not less than 2 feet between rows. A clean blanket shall also be  
50 provided by the center for each child.  
51

52 (e) Meals and snacks  
53

54 (1) Food shall be protected and stored in accordance with  
55 Title 8, Chapter 6, Part 1, District of Columbia Health Regulations  
56 (General Food Regulations).  
57

58 (2) According to the program offered, food suitable to the  
59  
60

ages of the children shall be provided which shall be nutritionally equivalent to the following:

Breakfast:

- 1 serving of fruit or vegetable juice
- Eggs or protein-rich food 2 or 3 times a week
- 1/2 cup of cooked cereal or 3/4 cup dry cereal or
- 1 slice of enriched bread

Morning snack:

- 1 serving of fruit or vegetable juice
- 1 serving of enriched bread, crackers, or cereal

Lunch:

- 2 oz. of meat or other food containing equivalent amount of protein
- 2 or more servings of vegetables or fruit
- 1 serving of bread
- 1 serving of butter
- 1/2 cup of whole milk

Afternoon snack:

- 1 serving of fruit or vegetable juice or 1/2 cup of whole milk
- 1 serving of enriched bread, rolls, or cereal

Section 402. Child Development Homes

(a) Caregiver. Each child development home shall have at least one caregiver who shall be between 18 and 70 years of age, and who shall be responsible for the supervision and administration of the child development home, including:

- (1) Compliance with the health requirements of Section 403 and maintenance of records as required by Section 404 of this regulation.
- (2) Compliance with all applicable District rules and regulations, except that food handling, preparation, and service in child development homes shall be exempted from the requirements of Title 8, Chapter 6, Part 1 of the District of Columbia Health Regulations (General Food Regulations): Provided that such food handling, preparation and service shall be conducted in a manner consistent with the intent thereof.
- (3) Development of a plan, to be approved by the Commissioner, for emergency situations, including designation of a responsible adult to substitute for the caregiver as needed. At no time shall infants or children be without adult supervision.
- (4) Development of parent involvement in the child development program and in the activities of the child development home, including periodic progress reports on the infants and children to the parents.
- (5) Cooperation with District officials trained in child

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1 development who are assigned to work with the caregiver in  
2 planning and implementing the child development program.

3  
4 (b) Program requirements.

5  
6 The daily child development program of a child development  
7 home shall:

8  
9 (1) Reflect knowledge and understanding of the fundamental  
10 needs, growth and development of children.

11  
12 (2) Have continuity and flexibility so the needs of  
13 individual infants and children as well as the needs of the group  
14 are met.

15  
16 (3) Provide a balance between periods of active play and  
17 quiet activities. For infants over 3 months of age this shall  
18 include play periods outside of the crib. Full day programs for  
19 infants and children under six years of age shall provide for rest  
20 during the day, the length of which will vary with the age of the  
21 child, but shall not exceed a total of three hours.

22  
23 (4) Provide daily activities for each infant and child  
24 designed to:

25  
26 (A) Influence a positive concept of self.

27  
28 (B) Stimulate motivation.

29  
30 (C) Enhance his physical, social, cognitive,  
31 and communication skills by giving him opportunities to  
32 learn about himself and others, about social relationships,  
33 and about the world around him.

34  
35 (D) Help him to deal with reality through  
36 undertaking real tasks and learning to master them.

37  
38 (E) Provide creative and aesthetic experiences.

39  
40 (F) Help him to develop skills in both large and  
41 small muscle activities.

42  
43 (G) Help him to take responsibility for his bodily  
44 needs and encourage good health habits.

45  
46 (5) Include at least two hours of outdoor play every day in  
47 a full day program and at least thirty minutes in a part day program,  
48 except in extreme weather conditions.

49  
50 (6) Include activities for children between the ages of 6  
51 and 15 which shall provide opportunities for playing with peers, for  
52 solitary occupations, for study, for active play, for rest and  
53 relaxation, for learning new skills, for attending group after school  
54 programs, and for talking with and being listened to by a supportive  
55 adult.

56  
57 (c) Equipment and supplies

58  
59 (1) There shall be sufficient indoor and outdoor play  
60



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1 materials, toys, supplies, and equipment suitable to the ages  
2 of the infants and children to stimulate creative play.

3  
4 (2) Playthings and toys (including parts of toys that  
5 come apart) for infants shall be large enough so that they cannot  
6 be swallowed; sturdy enough that they will not splinter or break;  
7 shall not have sharp points or rough edges; shall have paint or  
8 finishes that are safe if chewed or licked; shall not contain  
9 small parts that can come loose, such as buttons on stuffed  
10 animals; and shall be sanitary and easily washable.

11  
12 (3) Toys shall be kept clean and in good repair.

13  
14 (4) Each child in a full day program or each infant in a full  
15 or part day program shall have an individual bed, cot or crib, with  
16 adequate bedding provided by the child development home, kept in  
17 clean and sanitary condition at all times.

18  
19 (5) Each infant or child shall be provided with space for  
20 his own clothing and belongings. Small children shall have at  
21 least one chair suitable to their needs and comfort.

22  
23 Section 403. Health requirements

24  
25 The caregiver or director of each child development facility shall  
26 be responsible for compliance with the following health requirements:

27  
28 (a) No infant or child shall be admitted to a child development  
29 facility without having first obtained a complete health examination by a  
30 licensed physician. The results of such examination shall be submitted  
31 to the caregiver or director of the child development facility on a form  
32 approved by the Commissioner.

33  
34 (b) No infant or child shall be admitted to a child development  
35 facility without having first obtained all immunizations appropriate to the  
36 age of such infant or child, as required by the District Department of  
37 Human Resources.

38  
39 (c) After admission to a child development facility each infant or  
40 child shall be required to obtain an annual physical examination, the  
41 results of which shall be submitted to the caregiver or director of the child  
42 development facility on a form approved by the Commissioner.

43  
44 (d) Basic first aid equipment and supplies shall be available at all  
45 times and staff shall be trained to administer emergency first aid including  
46 control of bleeding and administration of artificial respiration.

47  
48 (e) In every child development facility a daily inspection of each  
49 infant or child for signs of illness shall be made prior to each infant's  
50 or child's admission. Any infant or child showing any sign of illness shall  
51 be excluded from the group.

52  
53 (f) Provision shall be made for isolation of an infant or child who  
54 becomes sick or a child suspected of being sick. Parents or guardians shall  
55 be promptly advised of any illness or disability found in the infant or child.

56  
57 (g) The temperature of an infant or child may be taken when indicated.  
58 The thermometer shall be cleaned and disinfected before and after each use.  
59  
60

1 (h) The parent or guardian of each infant or child admitted to  
 2 a child development facility shall submit to the caregiver or director of  
 3 the facility, on a form approved by the Commissioner, authorization for  
 4 emergency medical treatment for the infant or child.  
 5

6 (i) No medicine or treatment, except emergency first aid, shall  
 7 be given to any infant or child without a medical order or prescription from  
 8 a licensed physician and the written consent of the parent or guardian. Any  
 9 medicine so ordered or prescribed shall be clearly labeled as to the name  
 10 of the infant or child, the name of the medicine, the dosage, and the name  
 11 and telephone number of the infant's or child's physician.  
 12

13 (j) All child development facility employees shall be in good health.  
 14 They shall have an annual health examination by a licensed physician. A  
 15 written report stating that the person is free from tuberculosis and other  
 16 disease in a communicable form shall be submitted by the physician to the  
 17 facility caregiver or director.  
 18

19 Section 404. Recordkeeping  
 20

21 The following records shall be maintained for 3 years by the caregiver  
 22 or director of a child development facility and shall be forwarded to or made  
 23 available to the Commissioner for inspection as directed:  
 24

25 (a) Register. Information on where parents or guardians of each  
 26 infant or child may be reached at all times shall be accurate and current.  
 27 When the infant or child is living with someone other than parents,  
 28 information required by items 7 through 9 of this subsection shall be  
 29 submitted by that individual. The register shall contain the following  
 30 information:  
 31

- 32 (1) Infant's or child's name in full
- 33 (2) Date of admission
- 34 (3) Sex
- 35 (4) Birthdate
- 36 (5) Home address
- 37 (6) Home telephone number
- 38 (7) Parents' names in full
- 39 (8) Parents' business addresses
- 40 (9) Parents' telephone numbers
- 41 (10) Designation of individuals authorized to receive
- 42 infant or child at end of session
- 43 (11) Name of individual to be contacted in an emergency
- 44 when parent is not available
- 45 (12) Date of child's withdrawal
- 46 (13) Reason for withdrawal  
 47

48 (b) Infant's or child's health record. A health record shall be  
 49 maintained for each infant or child enrolled in a child development facility  
 50 which shall contain the following information:  
 51

- 52 (1) Infant's or child's name in full
- 53 (2) Sex
- 54 (3) Birthdate
- 55 (4) Home Address
- 56 (5) Date of examination
- 57 (6) Physician's opinion concerning general physical  
 58 condition of infant or child  
 59  
 60

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- 1 (7) History of illnesses and diseases, including allergies
- 2 and specific communicable diseases
- 3 (8) Recent exposure to communicable disease
- 4 (9) Specific immunizations received, with dates
- 5 (10) Result of tuberculin testing
- 6 (11) Correctable defects, recommendations and other
- 7 remarks of examining physician
- 8 (12) Physician's signature
- 9 (13) Physician's address and phone number
- 10 (14) Parents' health insurance information
- 11 (15) Parent's signed authorization for treatment of infant
- 12 or child in an emergency
- 13

14 (c) Employee record. A record containing the following information  
 15 shall be maintained by the child development facility for each of its  
 16 employees.

- 17
- 18 (1) Name and address of employing facility
- 19 (2) Employee's name in full
- 20 (3) Sex
- 21 (4) Birthdate
- 22 (5) Home address
- 23 (6) Title of position
- 24 (7) Duties
- 25 (8) Qualifications (attach copy of curriculum vitae)
- 26 (9) Date of appointment to present position
- 27 (10) Date of health exam
- 28 (11) Employee's health record including physician's
- 29 opinion concerning employee's general physical
- 30 condition, freedom from disease in a communicable
- 31 form and ability to work closely with or care for
- 32 infants or children without danger to such infants
- 33 or children; date of chest x-rays; when indicated,
- 34 date of laboratory tests for communicable disease;
- 35 physician's signature, address and telephone
- 36 number; and health insurance information.
- 37

38 (d) Employee appointment, promotion or withdrawal notification.  
 39 A record of personnel actions shall be maintained by the child development  
 40 facility which shall contain the following information:

- 41
- 42 (1) Name and address of employing facility
- 43 (2) Employee's name in full
- 44 (3) Date of promotion to or withdrawal from present position
- 45 (4) Name of staff member being replaced, if applicable
- 46 (5) Reason for withdrawal
- 47 (6) Signature of employee
- 48 (7) Signature of employer
- 49

50 Section 405. Physical requirements of the facilities

51 (a) Physical structure

52 (1) General applicable codes. All child development facilities  
 53 shall conform with the Building Code of the District of Columbia (as  
 54 amended herein), the Health Regulations of the District of Columbia  
 55 and all other applicable District of Columbia rules and regulations.  
 56  
 57  
 58  
 59  
 60



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1 (2) Building Code Amendments. The Building Code of the  
2 District of Columbia shall be amended as follows:

3  
4 (A) Section 201.1 of the Building Code shall be  
5 amended to include the following definitions to be inserted  
6 alphabetically: "Child development center", and "Child  
7 development home", as defined in accordance with Section 103  
8 of this regulation. The words "day nursery, day care center,  
9 or day care facility," and the definition thereof shall accord-  
10 ingly be deleted from Section 201.1 of the Building Code.

11  
12 (B) Section 202.7(4)1 "Group F - Assembly" of the  
13 Building Code shall be amended to include the words "child  
14 development centers," after the words "purposes such as".

15  
16 (C) Section 202.9, "Group L, Residential" of the  
17 Building Code shall be amended as follows:

18  
19 (i) Sub-section (1), "Group L-1" shall be  
20 amended by adding the following: "Child development  
21 centers of fewer than thirteen (13) children provided  
22 that such centers comply with the requirements of  
23 Section 617.8 of the Building Code as amended herein;  
24 and child development homes".

25  
26 (ii) Sub-section (2), "Group L-2," shall be  
27 amended by adding the following: "Child development  
28 centers for fewer than thirteen (13) children, provided  
29 that all children in such centers shall be fully  
30 ambulatory and capable of following instructions in  
31 emergencies; and child development homes".

32  
33 (D) Section 617.8 "Residential L-1 Occupancies -  
34 Corridors" shall be amended by adding the following:

35  
36 "For child development centers located in apartment  
37 buildings if the two means of egress from the facility discharge  
38 into the same corridor, the means of egress shall be separated  
39 in the corridor by a smoke stop partition having not less than a  
40 one-hour fire resistance rating. The door in the smoke stop  
41 partition shall be not less than 36 inches wide. The door  
42 assembly shall have a fire resistance rating of 20 minutes and  
43 shall be equipped with a self-closing device, a latch and an  
44 automatic hold-open device approved by the Commissioner."

45  
46 (E) Section 616.2(1) 2 of the Building Code,  
47 "Residential L-2 Occupancies-Exit Requirements" shall be  
48 amended by adding, after the words "2500 square feet", the  
49 following: "except that, all habitable rooms in child develop-  
50 ment centers for fewer than thirteen (13) children and child  
51 development homes in unprotected wood-frame construction  
52 shall have access to two (2) separate means of exit at least  
53 one of which shall consist of an enclosed interior stair, or  
54 exterior stairway, or fire escape or a horizontal exit, all so  
55 arranged as to provide a safe path of travel to the outside of  
56 the building without traversing any corridor or space exposed  
57 to an unprotected vertical opening."

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(F) Section 616.4 of the Building Code, "Residential L-2 Occupancies-Protective Appliances" shall be amended by adding the following: "Child development homes and child development centers located in one- or two-family dwellings shall provide one fire extinguisher per floor, including the basement, and shall provide one extinguisher in the kitchen. Centers shall be equipped with a manual fire alarm system, except in those facilities equipped with either an automatic sprinkler system or an approved automatic fire detection system."

(G) Section 202.8(2), "Group H. Institutional" of the Building Code shall be amended to include after the words "nursing homes," the words "infant care facilities." The words "day nurseries" shall be deleted from this section of the Building Code.

(H) Section 405.1 of the Building Code shall be amended to read as follows: "All group H occupancy buildings of other than Type I or 2A construction shall be fully sprinklered except group H occupancies where the use is restricted to the first floor only."

(3) General Physical requirements:

(A) In a facility that houses both infants and children, except child development homes, the physical requirements for the infants shall apply, unless the area housing the infants is maintained as a separate fire area.

(B) Proper heating shall be provided. A minimum temperature of 65° fahrenheit shall be maintained in all rooms at all times.

(C) No surface or other items that children or infants may touch shall be painted with paint containing lead. Paints used on all such items or surfaces shall comply with the specifications for such in the Housing Regulations and the Health Regulations of the District of Columbia.

(D) Natural light and ventilation requirements of the Building Code shall be met in all child development facilities.

(b) Program Space Requirements

(1) Outdoor playspace

Suitable space for outdoor play shall be provided. This space shall be free from conditions which are or may be hazardous to the life or health of the children or infants. A minimum of 60 square feet of outdoor play area per child or infant per session shall be provided in an enclosed yard on the premises or in a nearby park or playground, or on a properly safeguarded roof facility, approved by the Commissioner.

(2) Indoor space

Adequate indoor space suitable for the daily program shall be provided. A minimum of 35 square feet per child per session, exclusive of bathrooms, closets, halls, kitchen and storage places, shall be provided. Play space shall be clear of cots except at nap time.

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1 (3) Toilet facilities

2  
3 At least one flush toilet and one lavatory shall be provided  
4 for every ten (10) occupants of the facility, including staff. Adult  
5 facilities shall be provided separately from those for the children or  
6 infants. When toilets and lavatories are not of a height to be used by  
7 the children without assistance, a block or step shall be provided.  
8 Training chairs shall be provided by the facility for use by children who  
9 require them. Training potties shall be emptied promptly and sanitized  
10 after each use. Soap and individual or paper towels shall be provided.  
11 A drinking fountain shall be provided in the facility or individual clean  
12 cups for drinking shall be provided.  
13

14 (4) Isolation room

15  
16 Enclosed space shall be provided for the isolation of children  
17 who may become ill.  
18

19 (5) Storage

20  
21 First aid supplies shall be stored in a location beyond the  
22 reach of children or infants but in a place readily accessible and known  
23 to all the staff. Prescription or other drugs and any household cleansers,  
24 chemicals or other substances or devices, including thermometers, that  
25 might be harmful to children or infants shall be stored out of reach of  
26 children in cabinets with doors that close securely.  
27

28 (6) Telephone

29  
30 All child development facilities shall be equipped with at  
31 least one non-coin operated telephone for use by staff in emergencies  
32 and readily accessible during the hours of operation of such facility.  
33

34 (c) Other Safety Requirements

35  
36 (1) Safety precautions such as barriers, gates and screens  
37 shall be provided at all windows, doorways and stairways. Insect  
38 screens shall be installed on all outside doors and openable windows.  
39 Porches, walkways, play areas, low windows and stairways which are  
40 elevated shall be equipped with barriers to prevent falls by children and  
41 infants.  
42

43 (2) In child development centers all required exits shall be  
44 equipped with panic release hardware or with knob-type hardware that  
45 cannot lock from the inside. No other type of securing hardware may  
46 be used as supplemental to or in conjunction with this required type of  
47 hardware. Doors shall swing in the direction of egress.  
48

49 (3) Child development homes and child development centers  
50 located in residential buildings shall provide at least one operable  
51 flashlight for each staff member. Such flashlights shall be stored in a  
52 location accessible to staff use in the event of a power failure.  
53

54 TITLE V - ADVISORY COMMISSION ON CHILD DEVELOPMENT FACILITIES

55  
56 Section 501. There shall be established by the District of Columbia Council  
57 an Advisory Commission on Child Development Facilities which shall review  
58 for and propose to the District of Columbia Council regulations related to  
59 child development facilities in the District.  
60



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1 Section 502. The Advisory Commission on Child Development shall have nine  
 2 members, appointed by the Chairman of the District of Columbia Council. Three  
 3 members of the Commission shall be operators of licensed child development  
 4 facilities in the District. Three members of the Commission shall be parents of  
 5 infants or children enrolled in child development facilities in the District. One  
 6 member shall be a specialist in early childhood education. Two members shall  
 7 be District residents who have demonstrated an interest in child development  
 8 programs. A representative from the District Department of Human Resources,  
 9 the District Department of Recreation and the District public schools shall  
 10 participate as ex-officio non-voting members in the deliberations of the Com-  
 11 mission.  
 12

13 Section 503. Of the initial appointees, three members shall serve a term of  
 14 one year, three members shall serve a term of two years, and three members  
 15 shall serve a term of three years, as designated by the Chairman of the District  
 16 of Columbia Council at the time of appointment. Thereafter, all members shall  
 17 serve a term of three years. Those appointed to fill vacancies created for any  
 18 reason shall serve only the unexpired portion of the term unless reappointed.  
 19 No member shall be reappointed after serving a full three year term on the  
 20 Commission.  
 21

22 Section 504. The members of the Commission shall, by vote, elect a chair-  
 23 person who shall serve in that office for a three year term. The chairperson of  
 24 the first Commission shall be elected from among the three members designated  
 25 to serve a three year term pursuant to section 503 of this regulation.  
 26

27 Section 505. The Commission shall meet when called by its chairperson and  
 28 may develop rules of procedure for the execution of its responsibilities.  
 29

30 Section 506. The Commission shall serve without compensation.  
 31

32 Section 507. The Secretary of the District of Columbia Council shall provide  
 33 appropriate assistance to the Commission."  
 34

35 Section 2. EFFECTIVE DATES  
 36

37  
 38 (a) Titles I through IV of this regulation shall become effective on  
 39 July 1, 1975.  
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41 (b) Title V of this regulation shall become effective immediately upon  
 42 enactment.  
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Regulation No. 74-34



December 14, 1974  
Enactment Date

**Regulation**

of the  
**District of Columbia**

TITLE CHILD DEVELOPMENT FACILITIES REGULATION

Councilman Tedson I. Meyers Presents the following regulation:

- 1 WHEREAS, it is the policy of the District of Columbia that the
- 2 condition of childhood is such that a child is not capable of self-protection,
- 3 and when care is given over to others, certain mental and physical risks arise
- 4 calling for reasonable protective measures to reduce these risks; and
- 5
- 6 WHEREAS, the District of Columbia Council is authorized by Section 1-226,
- 7 D. C. Code, 1973 edition, pursuant to Section 402(4) of Reorganization Plan No. 3
- 8 of 1967, to make and enforce all such reasonable and usual police regulations
- 9 as may be deemed necessary for the protection of lives, limbs, health, comfort
- 10 and quiet of all persons and the protection of all property within the District of
- 11 Columbia; and
- 12
- 13 WHEREAS, the District of Columbia Council is authorized by Section
- 14 47-2344, D. C. Code, 1973 edition, pursuant to Section 402(391) of Reorganization
- 15 Plan No. 3 of 1967 to require licenses and regulate businesses which in the
- 16 judgment of the Council require inspection, supervision or regulation; and
- 17
- 18 WHEREAS, the District of Columbia Council is authorized by Section 1-228,
- 19 D. C. Code, 1973 edition, pursuant to Section 402(5) of Reorganization Plan
- 20 No. 3 of 1967 to make building regulations; and
- 21
- 22 WHEREAS, the District of Columbia Council is authorized by Section
- 23 6-118, D. C. Code, 1973 edition, pursuant to Section 402(134) of Reorganization
- 24 Plan No. 3 of 1967 to promulgate rules and regulations to prevent and control

RECORD OF COUNCIL VOTE											
COUNCILMAN	A	Y	N	A	N	V.	A.	B.	R.	A.	
NEVIUS	X										
TUCKER											
FORD				X							
				X							
				X							
				X							
				X							

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

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974  
 Adopted on second and final reading December 3, 1974  
 Presented to the Mayor-Commissioner December 4, 1974  
 Date Edward B. White, Jr.  
 Secretary of the City Council

Approved \_\_\_\_\_

I HEREBY CERTIFY that Regulation No. 74-34 was presented to the Mayor of the District of Columbia on December 4, 1974, and that the Mayor neither approved nor disapproved the Regulation within the ten-day period specified in Section 406(c) of Reorganization Plan No. 3 of 1967.

*Martin K. Schaller*  
 Martin K. Schaller  
 Executive Secretary, D. C.

REGULATION 74-34

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the spread of communicable diseases.

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

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

"Title I - PURPOSE, SCOPE, DEFINITIONS, AND SEPARABILITY OF PROVISIONS"

Section 101. The purpose of this regulation is to protect infants and children whose care is given to others away from home for less than 24 hours per day, and to insure the provision of adequate child development programs for such infants and children.

Section 102. This regulation shall apply to every child development facility providing care, supervision, and guidance, for infants or children, for less than 24 hours per day per infant or child, on a regular basis, no matter by what name the facility is designated. This regulation shall not apply to:

- (1) occasional babysitting in the babysitter's home for infants or children of one family.
- (2) informal parent-supervised neighborhood playgroups.
- (3) care furnished in places of worship during religious services.
- (4) child development centers providing only a before or after school child development program.

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

Section 103. For purposes of this regulation the following terms shall have the meanings ascribed:

- (1) Caregiver: an individual whose duties include direct care, supervision, and guidance of infants or children in a child development home.
- (2) Child, Children: an individual or individuals between the ages of 2 years and 15 years.
- (3) Child Development Center: a child development facility for more than 5 children, which provides a full day (more than 4 but less than 24 hours per day), part day (up to 4 hours per day) or before and after school child development program, including such programs provided during school vacations.
- (4) Child Development Facility: location where a child development program is provided for infants or children, away from home, for less than 24 hours per day for each infant or child. Such facility may be known as a child development center, child development home, or infant care center, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.
- (5) Child Development Home: a child development program provided in a private residence for up to a total of 5 children and infants, with no more than 2 infants in the group. The total of 5 children and infants shall



REGULATION 74-34

- 1 include those of the caregiver.
- 2
- 3 (6) Child Development Program: a program responsive to the stages of
- 4 physical, emotional, social and intellectual growth and behavior of infants or
- 5 children.
- 6
- 7 (7) Commissioner: Commissioner of the District of Columbia or his
- 8 designated agent.
- 9
- 10 (8) Communicable Disease: any disease so defined in section 8-5:104
- 11 of the District of Columbia Health Regulations.
- 12
- 13 (9) District: The District of Columbia.
- 14
- 15 (10) Infant: an individual younger than 2 years of age.
- 16
- 17 (11) Licensed Child Placing Agency: a child placing agency licensed
- 18 pursuant to Title 32, Chapter 7B of the District of Columbia Code (Act of
- 19 April 22, 1944, 58 Stat. 193, as amended).
- 20
- 21 (12) Person: any individual, firm, partnership, company, corporation,
- 22 trustee, or association.
- 23

24 Section 104. Severability of Provisions

25  
 26 If any provision of this regulation is declared unconstitutional by a court  
 27 of competent jurisdiction or the applicability thereof to any person or circum-  
 28 stance is held invalid, the validity of the remainder of the regulation and  
 29 applicability of such provision to other persons and circumstances shall not be  
 30 affected thereby.

31  
 32 Title II - LICENSING OF CHILD DEVELOPMENT FACILITIES

33  
 34 Section 201. License Requirements for Child Development Facilities

35  
 36 (a) No person shall either directly or indirectly operate a child development  
 37 facility without first having obtained a license from the Commissioner authorizing  
 38 that operation, except that individuals who are related to an infant or child may  
 39 care for that infant or child without obtaining a license. For purposes of this  
 40 regulation "related" shall mean any of the following relationships by marriage,  
 41 blood, or adoption: parent, grandparent, brother, sister, step-parent, step-  
 42 sister, step-brother, uncle and aunt.

43  
 44 (b) A separate license shall be required for each child development facility  
 45 when more than one child development facility is operated by the same person at  
 46 different premises. Only one license shall be required for a child development  
 47 facility located in separate buildings on the same grounds or premises and operated  
 48 by one person.

49  
 50 (c) Unless specifically exempted by this regulation, the provisions and  
 51 requirements herein shall apply to all child development facilities established  
 52 or operated in the District, and the Commissioner shall have the necessary power,  
 53 including subpoena power pursuant to sections 1-237 and 4-601 of the District of  
 54 Columbia Code, to supervise, inspect and investigate those child development  
 55 facilities to determine compliance with this regulation.

56  
 57 (d) Each license shall set forth the name and address of the premises of  
 58 the child care facility, the name of the licensee, and the maximum number of  
 59 infants and children to be accommodated.

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

3  
4 (f) Each license shall be issued only for the premises and person or persons  
5 named as applicants in the application and shall not be valid for use by any other  
6 person or persons or at any place other than that designated in the license. Any  
7 transfer as to person or place without the approval of the Commissioner shall cause  
8 an immediate forfeiture of such license.

9  
10 (g) Each license certificate in the licensee's possession shall be the  
11 property of the District and shall be returned to the Commissioner immediately  
12 upon the suspension or revocation of a license, or upon the refusal to renew a  
13 license or upon its forfeiture in accordance with subsection (f) of this section, or  
14 if operation of a facility is discontinued by the voluntary action of the licensee.

Section 202. Fees.

15  
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17  
18 (a) The Commissioner shall pursuant to section 47-2344 of the District of  
19 Columbia Code fix, and may adjust from time to time, child development facility  
20 license fees which shall in his judgment be commensurate with the cost to the  
21 District of inspections, supervision and regulation required by this regulation.

22  
23 (b) No license fee shall be required of any child development facility  
24 operated by the District Government.

Section 203. Application for License.

25  
26  
27  
28 (a) Any person proposing to operate a child development facility in the  
29 District shall, prior to the commencement of operation, make application to the  
30 Commissioner for a child development facility license. The application shall  
31 contain the following information, all of which shall be a matter of public record  
32 available for inspection upon request during regular business hours:

33  
34 (1) The name, age, address and occupation of the person making  
35 application or in the case of a corporation or association, the names, ages,  
36 addresses, and occupations of the officers and directors thereof.

37  
38 (2) The name, age, address and occupation of the individual desig-  
39 nated by the applicant as the director of the child development facility and any  
40 additional information concerning that individual which the Commissioner may  
41 require.

42  
43 (3) The address of the premises which are to constitute the child  
44 development facility, together with a description of all structures and facilities  
45 forming a part thereof in such detail as the Commissioner may require.

46  
47 (4) The name by which the facility is to be known.

48  
49 (5) The name and address of the owner of the building or buildings  
50 in which the child development facility is located.

51  
52 (6) The number of hours per day of child development programs to be  
53 offered and the age groups of the infants or children to be served.

54  
55 (7) A program statement describing the programs and services to be  
56 provided including contractual and staff resources. All contractual services to  
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be provided shall comply with the requirements of this regulation, and with all other applicable District laws and regulations.

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

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

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

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

Section 204. Issuance of License and Notification of Change in Circumstance.

(a) (1) The Commissioner shall issue a license after having determined that the representations made in the application are correct and sufficient to show that the applicant has complied with the requirements of this regulation.

(2) When a total of not more than five infants and children are placed for care in a child development home by the District Department of Human Resources or by a licensed child placing agency, the Commissioner, in issuing a license, may accept the findings, submitted on a form provided by him, of the Department of Human Resources or such licensed child placement agency that the child development home in which the infants and children are placed meets the applicable requirements of this regulation.

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

(c) The licensee of a child development facility shall inform the Commissioner of any change in the operation, program, or services of a child development facility of a degree or character which may affect its licensure.

Section 205. License Denial, Renewal, Suspension and Revocation

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

(b) Application for renewal of a child development facility license shall be submitted to the Commissioner on a form provided by him not

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1 later than ninety days prior to the expiration date of this license.  
 2 Notwithstanding any other provision of this regulation, a child development  
 3 facility holding a valid license at the date of application for renewal of  
 4 such license may continue in operation until the Commissioner has taken  
 5 action on the renewal application.

6  
 7 (c) The Commissioner shall be required, after providing notice  
 8 and opportunity for hearing in accordance with Section 206 of this  
 9 regulation, to deny, refuse to renew, or to suspend or revoke any license  
 10 if he finds any of the following:

11  
 12 (1) A failure to comply with the provisions of this regulation.

13  
 14 (2) A failure to comply with any other Federal or District  
 15 law or regulation applicable to child development facilities.

16  
 17 (3) That any licensee, or person in charge of the facility,  
 18 has committed, aided, abetted, or permitted to be committed, any  
 19 acts of dishonesty, fraud, gross negligence, abuse, assault,  
 20 battery or other illegal acts in the operation of the facility.

21  
 22 (d) The Commissioner shall suspend a license whenever he finds  
 23 that the failure of a child development facility to comply with any provision  
 24 of this regulation or with any other Federal or District law or regulation  
 25 applicable to such facility is of such a serious nature and magnitude that  
 26 there is an imminent danger to the health, safety or welfare of the infants  
 27 or children. Such suspension shall continue until the Commissioner has  
 28 determined that the imminent danger has been corrected.

29  
 30 (1) If the Commissioner finds that the immediate interests  
 31 of the infants or children in a child development facility would be  
 32 best served by affording such facility an opportunity to correct  
 33 a condition which would otherwise constitute a basis for  
 34 suspension, revocation of or refusal to renew a license under  
 35 subsection (c) of this section, he may afford the licensee the  
 36 opportunity to correct the violation within 30 days after receipt  
 37 of a notice to correct.

38  
 39 (2) When a licensee has been cited for a violation of  
 40 this or other applicable regulation relating to the condition of  
 41 the building or property in which the child development facility  
 42 is located, and when such building or property is owned by  
 43 someone other than the licensee, the Commissioner may request  
 44 that the licensee and the owner of the building or property meet  
 45 with the Commissioner for the purpose of settling any dispute  
 46 regarding the correction of such violation.

47  
 48 (e) The Commissioner may make available to child development  
 49 facilities such District Government services as will assist such facilities  
 50 in meeting the requirements of this regulation.

51 Section 206. Hearings.

52  
 53 (a) When the Commissioner proposes to deny issuance of a  
 54 license or to suspend or revoke a license issued pursuant to this  
 55 regulation for failure to comply with or for a violation of this regulation,  
 56 he shall first issue a notice to the applicant or licensee, specifying the  
 57 violation and reasons for the proposed action. Such notice shall also  
 58 inform the applicant or licensee that he has five days from the date of  
 59  
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1 service of the notice in which to request a hearing. If no hearing is  
2 requested, the Commissioner may then deny, suspend or revoke the  
3 license. In each case the Commissioner shall maintain an official  
4 record, shall serve upon the applicant or the licensee a proposed  
5 decision including findings of fact and conclusions of law and shall  
6 render the final decision in writing to the applicant or licensee  
7 accompanied by findings of fact and conclusions of law. Each case  
8 shall be determined in accordance with the provisions of the District of  
9 Columbia Administrative Procedure Act set forth in Sections 1-1509 and  
10 1-1510 of the District of Columbia Code.

11  
12 (b) Upon suspension of a license pursuant to Section 205 (d)  
13 of this regulation, the Commissioner shall immediately notify the  
14 licensee that the licensee may, within 24 hours following the suspension,  
15 request a hearing. Such hearing shall be conducted by the Commissioner  
16 within two calendar days following receipt of the request.  
17

18 Title III - PENALTIES, REMEDIES AND ENFORCEMENT PROCEDURES

19  
20 Section 301. Penalties and Remedies

21  
22 (a) Any person who violates any provision of this regulation  
23 shall be guilty of a misdemeanor, and upon conviction shall be subject  
24 to a fine of not less than \$25 nor more than \$300.  
25

26 (b) Each day of any violation shall constitute a separate offense,  
27 and the penalties prescribed above shall be applicable to each such  
28 separate offense, except that no further penalties shall be imposed for  
29 the period during which any appeal from a conviction of such offense is  
30 pending.  
31

32 (c) The imposition of any fine pursuant to subsection (a) of this  
33 section shall be in addition to any denial, suspension, revocation or  
34 refusal to renew a child development facility license which may result  
35 from the violation.  
36

37 Section 302. Right of Entry, Inspection and Subpoena Powers

38  
39 (a) The Commissioner and any other duly authorized official of  
40 the District having jurisdiction over, or responsibilities pertaining to any  
41 child development facility, after presenting official credentials of  
42 identification and authority issued by the District, shall have the right  
43 either with or without prior notice, to enter upon and into the premises of  
44 any child development facility licensed pursuant to this regulation or for  
45 which an application for license has been made, in order to determine  
46 compliance and to facilitate verification of information submitted on or  
47 in connection with an application for licensure pursuant to provision of  
48 this regulation. The conduct of the authorized official shall be such that  
49 the entry and inspection shall take place with the least possible disruption  
50 to the program.  
51

52 (b) The right of entry and inspection shall also extend to any  
53 premises which the Commissioner has reason to believe are being operated  
54 or maintained as a child development facility without a valid license:  
55 Provided, however, that no entry or inspection of any unlicensed premises  
56 shall be made without the permission of the director in charge thereof unless  
57 a warrant is first obtained from the District of Columbia Superior Court,  
58 pursuant to District of Columbia Code, Section 11-941, authorizing the  
59 entry or inspection for the purpose of determining compliance with provisions  
60 of this regulation.

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Section 303. Payment of Public Funds to Unlicensed Facilities

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

Section 304. Time Period for Compliance with Requirements of Regulation

(a) If any child development facility in operation before the effective date of this regulation is determined by the Commissioner to have deficiencies under the requirements of this regulation, except for deficiencies under Section 405 of this regulation, such facility shall be licensed for a period of one year with an additional extension of up to twelve months, if approved by the Commissioner: Provided, that

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

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

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

(b) (1) A person operating a child development facility in operation before the effective date of this regulation may be excused by the Commissioner from compliance with the provisions of Section 405 of this regulation, either in whole or in part, upon a finding by the Commissioner that full compliance would result in exceptional or undue hardship by reason of excessive structural or mechanical renovations: Provided, that a variance may be granted only to the extent necessary to relieve such exceptional or undue hardship and only when compensating factors are present which give adequate protection to the public health or safety and which assure that the intent and purpose of Section 405 of this regulation are not impaired.

(2) To be considered for a variance, the owner of an existing child development facility shall submit a written request to the Commissioner setting forth:

(A) the specific requirements in Section 405 of this regulation from which the owner seeks relief;

(B) the exceptional or undue hardship which would result from compliance with those requirements; and

(C) the extent to which the owner seeks to be exempted from those requirements.

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(3) Any request for a variance shall be published in the D.C. Register at least 30 days before the Commissioner acts on the request. Such publication shall be at the expense of the requesting party. The publication shall contain a brief statement describing the variance sought and the reasons the variance is sought. Any public comment on the request for a variance shall be submitted to the Commissioner within 30 days after publication of the request. The Commissioner shall maintain a public record of all variances granted and such record shall state the basis upon which the variances were granted. No variance shall be granted for reasons other than those stated in the record.

(4) A person operating a child development facility adversely affected by the refusal of the Commissioner to grant a variance may appeal such action by the Commissioner pursuant to the provisions of the District of Columbia Administrative Procedure Act (Title I, Chapter 15 of the D.C. Code). The owner shall be notified in writing of the refusal of a variance and of his right to a hearing with respect to such a refusal. A request for a hearing shall be made by the owner in writing to the Commissioner within 5 days of receipt of the notice of refusal. Failure of the owner to request a hearing or failure of the owner to appear at a scheduled hearing shall be considered a waiver of the owner's right to a hearing and the Commissioner's refusal of the variance shall become effective immediately.

(5) Any variance granted pursuant to this section shall be reviewed by the Commissioner when the owner of the facility applies for a permit to undertake any renovation or physical modification of the child development facility.

Title IV - CHILD DEVELOPMENT FACILITY STANDARDS

Section 401. Child Development Centers

(a) Staffing requirements:

(1) Director - A director shall be required who is physically present during the week for at least one-third of the time the children are at the center.

(A) The director shall be qualified by meeting the requirements of one of the following:

(i) Master's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and one year of experience in a child development facility.

(ii) Bachelor's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and at least twelve credit hours of advanced study in early childhood education and one year of experience in a child development facility.

(iii) Bachelor's degree, from an accredited college, in early childhood education, and two years

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of experience in a child development facility or a bachelor's degree in a related field, social work, home economics, or psychology, and three years of experience in a child development facility.

(iv) Two or more years of college with course work in early childhood education or in a related field, social work, home economics, or psychology, and five years of experience in a child development facility.

(v) Experience as director of a licensed child development center in the District in operation before the effective date of this regulation: Provided, within three years after the effective date of this regulation such director completes nine college credit hours in early childhood education or equivalent training.

(B) The director shall be responsible for the supervision and administration of the child development center, including:

(i) Selection of qualified staff and supervision of that staff to insure that a child development program, as required by this section, is provided.

(ii) Compliance with health requirements of Section 403 and maintenance of records required by Section 404 of this regulation.

(iii) Compliance with applicable District codes and regulations.

(iv) Development of a plan, to be approved by the Commissioner, for emergency situations including the development of a fire evacuation plan, and for illness of staff.

(v) Designation of a teacher to be responsible in the absence of the director.

(vi) The provision of in-service training for staff volunteers.

(vii) The provision of adult supervision for the children.

(viii) Development of parent involvement in the child development program and in the activities of the center.

(2) Teachers

(A) Teachers shall be qualified by meeting the requirements of one of the following:

(i) Bachelor's degree in early childhood education or related field.



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(ii) Two or more years of college including at least 15 hours of early childhood education courses and one year of experience in a child development facility.

(iii) A high school diploma or its equivalent and 3 years of experience as a teacher or assistant teacher in a child development center, plus, within two years after the effective date of this regulation, 9 college credit hours in early childhood education or a related field.

(B) The duties of a teacher shall include but not be limited to the following:

(i) Initiating daily activities related to the child development program.

(ii) Maintaining an attractive, clean room.

(iii) Supervising the assistant teacher, when assigned.

(iv) Attending in-service training programs when offered.

(v) Making periodic progress reports on the children to the parents.

**(3) Assistant Teachers**

(A) An assistant teacher shall be qualified by meeting the requirements of one of the following:

(i) Two or more years of college and demonstration, to the satisfaction of the director, of skill and competence with children.

(ii) A high school diploma and certificate in child development from an accredited vocational high school or, in lieu of such certificate, one year of experience in a child development center.

(B) The duties of an assistant teacher shall include but not be limited to the following:

(i) Assisting the teacher and participating in the planning of the daily program.

(ii) In the absence of the teacher, assuming responsibility for the children in the group.

(iii) Attending in-service training programs when offered.

**(4) Aides**

(A) An aide shall demonstrate, to the satisfaction of the director, the ability to work well with children.

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(B) The duties of an aide shall include, but not be limited to, the following:

(i) Assisting the teacher and assistant teacher, as directed.

(ii) Attending in-service training programs when offered.

(5) Foodhandling and maintenance personnel

Child development centers shall provide sufficient personnel to maintain standards of sanitation and safety consistent with all applicable District rules and regulations.

(b) Group size and child-adult ratio

The size of any one group of children shall not exceed that specified below for each age group. There shall be a teacher, who may also be the director, and an assistant teacher or aide for each group at all times, except that in part-day programs (up to 4 hours per day), a volunteer may be substituted for an assistant teacher or aide.

<u>Age</u>	<u>Maximum size of group</u>	<u>Child-adult ratio</u>
2 years to 2 years, 6 months	8	4 to 1
2 years, 6 months through 3 years	16	8 to 1
4 years	20	10 to 1
5 years	25	15 to 1
6 years through 14 years	30	15 to 1

When children of different ages are placed in one group, the ratio shall be adjusted, subject to the approval of the Commissioner, so as to protect the welfare of the younger children in the group. A change in child-adult ratios shall be made only with the approval of the Commissioner when he finds that such change will not result in decreasing the effectiveness of the child development program.

(c) Program requirements

The daily child development program of a center shall:

(1) Reflect knowledge and understanding of the fundamental needs and development of children.

(2) Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.

(3) Provide a balance between periods of active play and quiet activities. Full day programs for children under 6 years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

(4) Provide daily activities for each child designed to:

(A) Influence a positive concept of self.

(B) Stimulate motivation.

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(C) Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

(D) Help him to deal with reality through undertaking real tasks and learning to master them.

(E) Provide creative and aesthetic experiences.

(F) Help him to develop skills in both large and small muscle activities.

(G) Help him to take responsibility for his bodily needs and encourage good health habits.

(5) Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

(d) Center equipment and supplies

(1) Each center shall have a sufficient number, for the size of the enrollment of the center, of toys, games, equipment, including outdoor play equipment, raw materials, and books which are safe for use by children and adequate for the requirements of the child development program.

(2) In full day programs each child shall have his own toilet articles.

(3) Individual eating and drinking equipment, including, but not limited to, a fork, spoon, plate and cup for each child shall be provided by the center as appropriate, when meals or snacks are served.

(4) An emergency supply of clothes shall be available, and wet and soiled clothes shall be changed promptly.

(5) Centers shall be equipped with furnishings, including tables, cots, chairs, and shelves, appropriate to the age, size and activities of the children, and sufficient for the number of children enrolled in the program.

(6) In full day programs, there shall be a clean cot for each child under six years of age. The cots shall be stacked or folded when not in use, so as not to infringe on play space. When in use, there shall be a minimum of 2 feet between each cot and aisle space of not less than 2 feet between rows. A clean blanket shall also be provided by the center for each child.

(e) Meals and snacks

(1) Food shall be protected and stored in accordance with Title 8, Chapter 6, Part 1, District of Columbia Health Regulations (General Food Regulations).

(2) According to the program offered, food suitable to the

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ages of the children shall be provided which shall be nutritionally equivalent to the following:

Breakfast:

- 1 serving of fruit or vegetable juice
- Eggs or protein-rich food 2 or 3 times a week
- 1/2 cup of cooked cereal or 3/4 cup dry cereal or 1 slice of enriched bread

Morning snack:

- 1 serving of fruit or vegetable juice
- 1 serving of enriched bread, crackers, or cereal

Lunch:

- 2 oz. of meat or other food containing equivalent amount of protein
- 2 or more servings of vegetables or fruit
- 1 serving of bread
- 1 serving of butter
- 1/2 cup of whole milk

Afternoon snack:

- 1 serving of fruit or vegetable juice or 1/2 cup of whole milk
- 1 serving of enriched bread, rolls, or cereal

Section 402. Child Development Homes

(a) Caregiver. Each child development home shall have at least one caregiver who shall be between 18 and 70 years of age, and who shall be responsible for the supervision and administration of the child development home, including:

- (1) Compliance with the health requirements of Section 403 and maintenance of records as required by Section 404 of this regulation.
- (2) Compliance with all applicable District rules and regulations, except that food handling, preparation, and service in child development homes shall be exempted from the requirements of Title 8, Chapter 6, Part 1 of the District of Columbia Health Regulations (General Food Regulations): Provided that such food handling, preparation and service shall be conducted in a manner consistent with the intent thereof.
- (3) Development of a plan, to be approved by the Commissioner, for emergency situations, including designation of a responsible adult to substitute for the caregiver as needed. At no time shall infants or children be without adult supervision.
- (4) Development of parent involvement in the child development program and in the activities of the child development home, including periodic progress reports on the infants and children to the parents.
- (5) Cooperation with District officials trained in child



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development who are assigned to work with the caregiver in planning and implementing the child development program.

(b) Program requirements.

The daily child development program of a child development home shall:

(1) Reflect knowledge and understanding of the fundamental needs, growth and development of children.

(2) Have continuity and flexibility so the needs of individual infants and children as well as the needs of the group are met.

(3) Provide a balance between periods of active play and quiet activities. For infants over 3 months of age this shall include play periods outside of the crib. Full day programs for infants and children under six years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

(4) Provide daily activities for each infant and child designed to:

(A) Influence a positive concept of self.

(B) Stimulate motivation.

(C) Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

(D) Help him to deal with reality through undertaking real tasks and learning to master them.

(E) Provide creative and aesthetic experiences.

(F) Help him to develop skills in both large and small muscle activities.

(G) Help him to take responsibility for his bodily needs and encourage good health habits.

(5) Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

(6) Include activities for children between the ages of 6 and 15 which shall provide opportunities for playing with peers, for solitary occupations, for study, for active play, for rest and relaxation, for learning new skills, for attending group after school programs, and for talking with and being listened to by a supportive adult.

(c) Equipment and supplies

(1) There shall be sufficient indoor and outdoor play

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materials, toys, supplies, and equipment suitable to the ages of the infants and children to stimulate creative play.

(2) Playthings and toys (including parts of toys that come apart) for infants shall be large enough so that they cannot be swallowed; sturdy enough that they will not splinter or break; shall not have sharp points or rough edges; shall have paint or finishes that are safe if chewed or licked; shall not contain small parts that can come loose, such as buttons on stuffed animals; and shall be sanitary and easily washable.

(3) Toys shall be kept clean and in good repair.

(4) Each child in a full day program or each infant in a full or part day program shall have an individual bed, cot or crib, with adequate bedding provided by the child development home, kept in clean and sanitary condition at all times.

(5) Each infant or child shall be provided with space for his own clothing and belongings. Small children shall have at least one chair suitable to their needs and comfort.

Section 403. Health requirements

The caregiver or director of each child development facility shall be responsible for compliance with the following health requirements:

(a) No infant or child shall be admitted to a child development facility without having first obtained a complete health examination by a licensed physician. The results of such examination shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

(b) No infant or child shall be admitted to a child development facility without having first obtained all immunizations appropriate to the age of such infant or child, as required by the District Department of Human Resources.

(c) After admission to a child development facility each infant or child shall be required to obtain an annual physical examination, the results of which shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

(d) Basic first aid equipment and supplies shall be available at all times and staff shall be trained to administer emergency first aid including control of bleeding and administration of artificial respiration.

(e) In every child development facility a daily inspection of each infant or child for signs of illness shall be made prior to each infant's or child's admission. Any infant or child showing any sign of illness shall be excluded from the group.

(f) Provision shall be made for isolation of an infant or child who becomes sick or a child suspected of being sick. Parents or guardians shall be promptly advised of any illness or disability found in the infant or child.

(g) The temperature of an infant or child may be taken when indicated. The thermometer shall be cleaned and disinfected before and after each use.

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(h) The parent or guardian of each infant or child admitted to a child development facility shall submit to the caregiver or director of the facility, on a form approved by the Commissioner, authorization for emergency medical treatment for the infant or child.

(i) No medicine or treatment, except emergency first aid, shall be given to any infant or child without a medical order or prescription from a licensed physician and the written consent of the parent or guardian. Any medicine so ordered or prescribed shall be clearly labeled as to the name of the infant or child, the name of the medicine, the dosage, and the name and telephone number of the infant's or child's physician.

(j) All child development facility employees shall be in good health. They shall have an annual health examination by a licensed physician. A written report stating that the person is free from tuberculosis and other disease in a communicable form shall be submitted by the physician to the facility caregiver or director.

Section 404. Recordkeeping

The following records shall be maintained for 3 years by the caregiver or director of a child development facility and shall be forwarded to or made available to the Commissioner for inspection as directed:

(a) Register. Information on where parents or guardians of each infant or child may be reached at all times shall be accurate and current. When the infant or child is living with someone other than parents, information required by items 7 through 9 of this subsection shall be submitted by that individual. The register shall contain the following information:

- (1) Infant's or child's name in full
- (2) Date of admission
- (3) Sex
- (4) Birthdate
- (5) Home address
- (6) Home telephone number
- (7) Parents' names in full
- (8) Parents' business addresses
- (9) Parents' telephone numbers
- (10) Designation of individuals authorized to receive infant or child at end of session
- (11) Name of individual to be contacted in an emergency when parent is not available
- (12) Date of child's withdrawal
- (13) Reason for withdrawal

(b) Infant's or child's health record. A health record shall be maintained for each infant or child enrolled in a child development facility which shall contain the following information:

- (1) Infant's or child's name in full
- (2) Sex
- (3) Birthdate
- (4) Home Address
- (5) Date of examination
- (6) Physician's opinion concerning general physical condition of infant or child

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- 1 (7) History of illnesses and diseases, including allergies
- 2 and specific communicable diseases
- 3 (8) Recent exposure to communicable disease
- 4 (9) Specific immunizations received, with dates
- 5 (10) Result of tuberculin testing
- 6 (11) Correctable defects, recommendations and other
- 7 remarks of examining physician
- 8 (12) Physician's signature
- 9 (13) Physician's address and phone number
- 10 (14) Parents' health insurance information
- 11 (15) Parent's signed authorization for treatment of infant
- 12 or child in an emergency
- 13

14 (c) Employee record. A record containing the following information  
 15 shall be maintained by the child development facility for each of its  
 16 employees.

- 17
- 18 (1) Name and address of employing facility
- 19 (2) Employee's name in full
- 20 (3) Sex
- 21 (4) Birthdate
- 22 (5) Home address
- 23 (6) Title of position
- 24 (7) Duties
- 25 (8) Qualifications (attach copy of curriculum vitae)
- 26 (9) Date of appointment to present position
- 27 (10) Date of health exam
- 28 (11) Employee's health record including physician's
- 29 opinion concerning employee's general physical
- 30 condition, freedom from disease in a communicable
- 31 form and ability to work closely with or care for
- 32 infants or children without danger to such infants
- 33 or children; date of chest x-rays; when indicated,
- 34 date of laboratory tests for communicable disease;
- 35 physician's signature, address and telephone
- 36 number; and health insurance information.
- 37

38 (d) Employee appointment, promotion or withdrawal notification.  
 39 A record of personnel actions shall be maintained by the child development  
 40 facility which shall contain the following information:

- 41
- 42 (1) Name and address of employing facility
- 43 (2) Employee's name in full
- 44 (3) Date of promotion to or withdrawal from present position
- 45 (4) Name of staff member being replaced, if applicable
- 46 (5) Reason for withdrawal
- 47 (6) Signature of employee
- 48 (7) Signature of employer
- 49

50 Section 405. Physical requirements of the facilities

51 (a) Physical structure

52 (1) General applicable codes. All child development facilities  
 53 shall conform with the Building Code of the District of Columbia (as  
 54 amended herein), the Health Regulations of the District of Columbia  
 55 and all other applicable District of Columbia rules and regulations.  
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(2) Building Code Amendments. The Building Code of the District of Columbia shall be amended as follows:

(A) Section 201.1 of the Building Code shall be amended to include the following definitions to be inserted alphabetically: "Child development center", and "Child development home", as defined in accordance with Section 103 of this regulation. The words "day nursery, day care center, or day care facility," and the definition thereof shall accordingly be deleted from Section 201.1 of the Building Code.

(B) Section 202.7(4) "Group F - Assembly" of the Building Code shall be amended to include the words "child development centers," after the words "purposes such as".

(C) Section 202.9, "Group L, Residential" of the Building Code shall be amended as follows:

(i) Sub-section (1), "Group L-1" shall be amended by adding the following: "Child development centers of fewer than thirteen (13) children provided that such centers comply with the requirements of Section 617.8 of the Building Code as amended herein; and child development homes".

(ii) Sub-section (2), "Group L-2," shall be amended by adding the following: "Child development centers for fewer than thirteen (13) children, provided that all children in such centers shall be fully ambulatory and capable of following instructions in emergencies; and child development homes".

(D) Section 617.8 "Residential L-1 Occupancies - Corridors" shall be amended by adding the following:

"For child development centers located in apartment buildings if the two means of egress from the facility discharge into the same corridor, the means of egress shall be separated in the corridor by a smoke stop partition having not less than a one-hour fire resistance rating. The door in the smoke stop partition shall be not less than 36 inches wide. The door assembly shall have a fire resistance rating of 20 minutes and shall be equipped with a self-closing device, a latch and an automatic hold-open device approved by the Commissioner."

(E) Section 616.2(1) 2 of the Building Code, "Residential L-2 Occupancies-Exit Requirements" shall be amended by adding, after the words "2500 square feet", the following: "except that, all habitable rooms in child development centers for fewer than thirteen (13) children and child development homes in unprotected wood-frame construction shall have access to two (2) separate means of exit at least one of which shall consist of an enclosed interior stair, or exterior stairway, or fire escape or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening."



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(F) Section 616.4 of the Building Code, "Residential L-2 Occupancies-Protective Appliances" shall be amended by adding the following: "Child development homes and child development centers located in one- or two-family dwellings shall provide one fire extinguisher per floor, including the basement, and shall provide one extinguisher in the kitchen. Centers shall be equipped with a manual fire alarm system, except in those facilities equipped with either an automatic sprinkler system or an approved automatic fire detection system."

(G) Section 202.8(2), "Group H. Institutional" of the Building Code shall be amended to include after the words "nursing homes," the words "infant care facilities." The words "day nurseries" shall be deleted from this section of the Building Code.

(H) Section 405.1 of the Building Code shall be amended to read as follows: "All group H occupancy buildings of other than Type I or 2A construction shall be fully sprinklered except group H occupancies where the use is restricted to the first floor only."

(3) General Physical requirements:

(A) In a facility that houses both infants and children, except child development homes, the physical requirements for the infants shall apply, unless the area housing the infants is maintained as a separate fire area.

(B) Proper heating shall be provided. A minimum temperature of 65° fahrenheit shall be maintained in all rooms at all times.

(C) No surface or other items that children or infants may touch shall be painted with paint containing lead. Paints used on all such items or surfaces shall comply with the specifications for such in the Housing Regulations and the Health Regulations of the District of Columbia.

(D) Natural light and ventilation requirements of the Building Code shall be met in all child development facilities.

(b) Program Space Requirements

(1) Outdoor playspace

Suitable space for outdoor play shall be provided. This space shall be free from conditions which are or may be hazardous to the life or health of the children or infants. A minimum of 60 square feet of outdoor play area per child or infant per session shall be provided in an enclosed yard on the premises or in a nearby park or playground, or on a properly safeguarded roof facility, approved by the Commissioner.

(2) Indoor space

Adequate indoor space suitable for the daily program shall be provided. A minimum of 35 square feet per child per session, exclusive of bathrooms, closets, halls, kitchen and storage places, shall be provided. Play space shall be clear of cots except at nap time.

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(3) Toilet facilities

At least one flush toilet and one lavatory shall be provided for every ten (10) occupants of the facility, including staff. Adult facilities shall be provided separately from those for the children or infants. When toilets and lavatories are not of a height to be used by the children without assistance, a block or step shall be provided. Training chairs shall be provided by the facility for use by children who require them. Training potties shall be emptied promptly and sanitized after each use. Soap and individual or paper towels shall be provided. A drinking fountain shall be provided in the facility or individual clean cups for drinking shall be provided.

(4) Isolation room

Enclosed space shall be provided for the isolation of children who may become ill.

(5) Storage

First aid supplies shall be stored in a location beyond the reach of children or infants but in a place readily accessible and known to all the staff. Prescription or other drugs and any household cleansers, chemicals or other substances or devices, including thermometers, that might be harmful to children or infants shall be stored out of reach of children in cabinets with doors that close securely.

(6) Telephone

All child development facilities shall be equipped with at least one non-coin operated telephone for use by staff in emergencies and readily accessible during the hours of operation of such facility.

(c) Other Safety Requirements

(1) Safety precautions such as barriers, gates and screens shall be provided at all windows, doorways and stairways. Insect screens shall be installed on all outside doors and openable windows. Porches, walkways, play areas, low windows and stairways which are elevated shall be equipped with barriers to prevent falls by children and infants.

(2) In child development centers all required exits shall be equipped with panic release hardware or with knob-type hardware that cannot lock from the inside. No other type of securing hardware may be used as supplemental to or in conjunction with this required type of hardware. Doors shall swing in the direction of egress.

(3) Child development homes and child development centers located in residential buildings shall provide at least one operable flashlight for each staff member. Such flashlights shall be stored in a location accessible to staff use in the event of a power failure.

TITLE V - ADVISORY COMMISSION ON CHILD DEVELOPMENT FACILITIES

Section 501. There shall be established by the District of Columbia Council an Advisory Commission on Child Development Facilities which shall review for and propose to the District of Columbia Council regulations related to child development facilities in the District.

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1 Section 502. The Advisory Commission on Child Development shall have nine  
 2 members, appointed by the Chairman of the District of Columbia Council. Three  
 3 members of the Commission shall be operators of licensed child development  
 4 facilities in the District. Three members of the Commission shall be parents of  
 5 infants or children enrolled in child development facilities in the District. One  
 6 member shall be a specialist in early childhood education. Two members shall  
 7 be District residents who have demonstrated an interest in child development  
 8 programs. A representative from the District Department of Human Resources,  
 9 the District Department of Recreation and the District public schools shall  
 10 participate as ex-officio non-voting members in the deliberations of the Com-  
 11 mission.  
 12

13 Section 503. Of the initial appointees, three members shall serve a term of  
 14 one year, three members shall serve a term of two years, and three members  
 15 shall serve a term of three years, as designated by the Chairman of the District  
 16 of Columbia Council at the time of appointment. Thereafter, all members shall  
 17 serve a term of three years. Those appointed to fill vacancies created for any  
 18 reason shall serve only the unexpired portion of the term unless reappointed.  
 19 No member shall be reappointed after serving a full three year term on the  
 20 Commission.  
 21

22 Section 504. The members of the Commission shall, by vote, elect a chair-  
 23 person who shall serve in that office for a three year term. The chairperson of  
 24 the first Commission shall be elected from among the three members designated  
 25 to serve a three year term pursuant to section 503 of this regulation.  
 26

27 Section 505. The Commission shall meet when called by its chairperson and  
 28 may develop rules of procedure for the execution of its responsibilities.  
 29

30 Section 506. The Commission shall serve without compensation.  
 31

32 Section 507. The Secretary of the District of Columbia Council shall provide  
 33 appropriate assistance to the Commission."  
 34

35  
 36 Section 2. EFFECTIVE DATES  
 37

38 (a) Titles I through IV of this regulation shall become effective on  
 39 July 1, 1975.  
 40

41 (b) Title V of this regulation shall become effective immediately upon  
 42 enactment.  
 43  
 44  
 45  
 46  
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 57  
 58  
 59  
 60

Regulation No. 74-35



December 12, 1974  
Enactment Date

# Regulation

of the

## District of Columbia

TITLE REGULATION ESTABLISHING ASSESSMENT AND REASSESSMENT REGULATIONS OF REAL PROPERTY AND RELATED MATTERS

Chairman John A. Nevius Presents the following regulation:

1 WHEREAS, Public Law 93-407, signed by President Ford on September 3,  
2 1974, requires the Mayor and the Council to act together to promulgate assess-  
3 ment and reassessment regulations for real property and related matters within  
4 ninety days of enactment; and

5  
6 WHEREAS, the Mayor has submitted to the Council his proposed regulations,  
7 in accordance with provisions 421 (c), 421 (e) and 421 (f) of Public Law 93-407,  
8 within the required forty-five days from enactment; and

9  
10 WHEREAS, the Committee of the Whole of the D. C. Council published  
11 the Mayor's proposal on October 29, 1974 in the D. C. Register as required by  
12 the D. C. Administrative Procedures Act and held, after due notice, public  
13 hearings on November 12, 1974.

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

17  
18 Section 100. SCOPE OF REGULATIONS

19  
20 These regulations concern the assessment and reassessment of real  
21 property and matters relating thereto consistent with the provisions of the  
22 District of Columbia Real Property Tax Revision Act of 1974 and other applicable  
23 provisions of law.  
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 November 19, 1974

Adopted on second and final reading December 2, 1974

Presented to the Mayor-Commissioner December 2, 1974

*Edward B. Webb*  
Secretary of the City Council

Approved *Walter Washington*  
Mayor-Commissioner

12 DEC 1974  
Date

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

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

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

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

*Edward B. Webb*  
Secretary of the City Council

1           Section 101. DEFINITIONS

2  
3           (a) Act. The word "Act" means the District of Columbia Real Property  
4 Tax Revision Act of 1974 (Public Law 93-407).

5  
6           (b) Arms Length Transaction. The term "arms length transaction" means  
7 the sale of property which was exposed for sale in the open market under pre-  
8 vailing market conditions with a reasonable time for the seller to find a purchaser  
9 and which took place between parties who had knowledge of the uses to which the  
10 property could be put, both seeking to maximize their gains and neither being in  
11 a position to take advantage of the exigencies of the other.

12  
13           (c) Assess. Except where specifically provided otherwise, the word  
14 "assess" means to value real property for tax purposes.

15  
16           (d) Assessment. Except where specifically provided otherwise, the  
17 word "assessment" means a real property valuation established by the Commissioner  
18 for tax purposes against which the rate of tax is applied to arrive at the tax lia-  
19 bility.

20  
21           (e) Assessment Areas. The term "assessment areas" means the geographic  
22 areas within the District which have been designated by the Commissioner as  
23 areas for assessment purposes.

24  
25           (f) Cities of Comparable Size. The term "cities of comparable size" means  
26 at least the 30 largest cities in the United States as listed in the United States  
27 Bureau of the Census population studies.

28  
29           (g) Commissioner. The word "Commissioner" means the Commissioner of  
30 the District of Columbia established under Reorganization Plan Numbered 3 of  
31 1967, or his authorized representative.

32  
33           (h) Council. The word "Council" means the District of Columbia Council  
34 established under Reorganization Plan Numbered 3 of 1967.

35  
36           (i) Erected. The word "erected" means completely built and finished.

37  
38           (j) Estimated Market Value. The term "estimated market value" means 100  
39 per centum of the most probable price rounded to the nearest one hundred dollars  
40 at which a particular piece of real property, if exposed for sale in the open market  
41 with a reasonable time for the seller to find a purchaser, would be expected to  
42 transfer under prevailing market conditions between parties who have knowledge of  
43 the uses to which the real property may be put, both seeking to maximize their  
44 gains and neither being in a position to take advantage of the exigencies of the  
45 other.

46  
47           (k) Real Property. The term "real property" means real estate identified  
48 by plat on the records of the District of Columbia Surveyor according to lot and  
49 square together with improvements thereon.

50  
51           (l) Roofed and Under Roof. The word "roofed" and the phrase "under roof"  
52 mean the stage of completion of a structure where the main roof and the roofs of  
53 any structures thereon are in place.

54  
55           (m) Tax Year. The term "tax year" as used in these regulations shall have  
56 the same meaning as that term is given in the Act.

57  
58           (n) Vicinity of the District and Washington Metropolitan Area. The terms  
59 "vicinity of the District" and "Washington Metropolitan Area" mean Prince Georges  
60 and Montgomery Counties in the State of Maryland and Arlington and Fairfax



Counties, and the city of Alexandria and the city of Fairfax in the State of Virginia.

Section 102. REAL PROPERTY TAX RATE

(a) Commissioner. (1) On or before July 15 of each year the Commissioner shall submit to the Council, in accordance with the provisions of the Act, a proposed real property tax rate for the tax year. The Commissioner may extend for up to thirty days the period for submitting the tax rate.

(2) At the time the Commissioner submits to the Council the proposed tax rate under paragraph (1) of this sub-section, he shall also submit, in addition to other information required by the Act, the real property tax rate (rounded to the nearest penny) calculated to yield in the tax year the same amount of revenue (exclusive of the revenue attributable to new construction) as was raised by that tax at the rate applicable during the year preceding the tax year.

(3) When the rounding of the tax rate in accordance with sub-section (2) of this section does not yield the same amount of revenue as was obtained from the previous year's levy, the tax rate shall be increased to the nearest penny which will yield at least the same amount of such revenue.

(b) Establishment of Rate. (1) The Council, after public hearing, shall establish each year a tax rate within thirty days after receipt of the proposed rate submitted by the Commissioner.

(2) The Council may, by resolution, extend the time for setting the rate of taxation, except that if the Council does make such an extension, it must establish the tax rate for that tax year.

(c) Tax Rate and Burden Studies. (1) On or before June 30, 1975 and each succeeding year thereafter, the Commissioner shall compile and publish studies based on the best information available regarding the relative amount of tax burdens for all major taxes compared with those in surrounding jurisdictions in the Washington metropolitan area and other cities of comparable size.

(2) In establishing the rate each year the Council shall consider the tax burdens studies made pursuant to paragraph (1) of this sub-section and any other comparisons it deems advisable to make.

(3) Major taxes for purposes of tax burden studies of individuals shall include, but not necessarily be limited to, individual income taxes, real property taxes, sales taxes and motor vehicle taxes.

(4) The tax impact study on businesses shall be an annual study which shall present business tax rate comparisons. Major taxes for purposes of comparing tax rates on businesses shall include, but not necessarily be limited to, real property taxes, business income taxes, personal property taxes and major excise taxes.

(5) For purposes of Section 413 of the Act major classes of property shall mean, with respect to taxable properties, at least the following two classes: (1) residential real property and; (2) commercial real property and, with respect to exempt property, at least the following three classes: (1) United States government owned properties; (2) District government owned properties, and, (3) all properties other than United States Government and District of Columbia government owned properties.

Residential property shall include the following: (1) vacant land zoned for residential use; (2) residential garages, and, (3) all improved property used primarily for residential dwelling purposes, including

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1 detached dwellings, semi-detached dwelling, row dwellings, flats, residential  
2 condominiums, cooperatives and apartments.

3  
4 Commercial property shall include all  
5 taxable real property other than residential property.

6  
7 Section 103. ASSESSMENT-SALES RATIO STUDIES

8  
9 (a) The Commissioner shall annually prepare and publish an assessment-  
10 sales ratio study for major classes of property for the entire District and for major  
11 classes of property within each assessment area for which sufficient data is  
12 available as determined by the Commissioner.

13  
14 (b) Results of the study shall be published in the D.C. Register and made  
15 available to the press.

16  
17  
18 Section 104. ASSESSMENT

19  
20 (a) All real property shall be assessed no less frequently than once every  
21 two years, and as soon as practicable such assessment shall be made annually  
22 except that for fiscal year 1978, and for each fiscal year thereafter, all real  
23 property shall be assessed on an annual basis.

24  
25 (b) For purposes of this section, the terms "assess" and "assessed" do  
26 not include changes in assessed value resulting from new construction, additions  
27 to existing structures, damages to or destruction of property, and any other  
28 similar changes specified in Sections 47-710 and 711 of the D.C. Code.

29  
30 Section 105. ASSESSED VALUE

31  
32 (a) The assessed value of all real property shall be the proposed estimated  
33 market value established on or before January 1 of the year preceding the tax year,  
34 as determined by the Commissioner, except that the assessed value of new  
35 structures and other improvements added to the assessment roll as of July 1 "each  
36 year shall be the estimated market value as of that July 1" and the assessed value  
37 of new structures and improvements added to the assessment roll as of January 1  
38 each year shall be the estimated market value as of January 1 of the tax year

39  
40 (b) The assessed value of a property shall be established on the basis of  
41 the most current, accurate, and conclusive evidence of market value available at  
42 the time the assessed value is determined.

43  
44  
45 Section 106. INSPECTION OF PROPERTIES

46  
47 The Commissioner is authorized to conduct exterior and interior inspection  
48 of properties when, in his judgment, such inspection is necessary in establishing  
49 assessed values

50  
51  
52 Section 107. ASSESSMENT AREAS

53  
54 (a) The Commissioner may designate geographic assessment areas for  
55 purposes of analyzing market values.

56  
57 The boundaries of the assessment areas may be changed as necessary in  
58 order to reflect changing economic or other conditions which have a bearing on  
59 the market value of properties. Whenever the Commissioner deems it desirable,  
60

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1 for the purpose of analyzing market values, to analyze values by types of property  
 2 as, for example, all motels or all hotels, rather than only those types of properties  
 3 located in a geographical area, he may do so.

4  
 5 (b) Descriptions of the boundaries of the areas or maps showing the bound-  
 6 aries shall be made available to the public during normal business hours.

7  
 8 Section 108. FACTORS AND APPROACHES WHICH MAY BE USED IN ESTABLISHING  
 9 ASSESSED VALUES

10  
 11 (a) In determining the assessed value of property the Commissioner shall take  
 12 into account all available information which may have a bearing on the market value  
 13 of the real property including but not limited to government imposed restrictions,  
 14 sales information for similar types of real property, mortgage or other financial  
 15 considerations, replacement costs less accrued depreciation because of age and  
 16 condition, income earning potential (if any), zoning, the highest and best use to  
 17 which the property can be put, and the present use and condition of the property  
 18 and its location.

19  
 20 (b) In considering the above factors, the Commissioner may apply when  
 21 appropriate one or more of the following generally recognized approaches to value  
 22 or any other method he deems necessary to arrive at estimated market values:

23  
 24 (1) The comparable sales approach to value. The price or prices at  
 25 which reasonably comparable properties have recently sold.

26  
 27 Sales which represent arms length transactions between buyer and  
 28 seller shall be used in analyzing market values.

29  
 30 Sales which do not represent arms length transactions shall either  
 31 be disregarded or adjusted for differences.

32  
 33 Sales comparisons may be made by property type within an assess-  
 34 ment area.

35  
 36 If sufficient sales data for an assessment area are not available,  
 37 sales data from other similar areas may be used.

38  
 39 (2) The replacement cost approach. The cost of replacing property  
 40 with new property of similar utility at present price levels, less the extent to which  
 41 the value has been reduced by depreciation because of age, condition, obsoles-  
 42 cence, or other factors.

43  
 44 The replacement cost of a property may be estimated either by (1)  
 45 adjusting the property's original cost for price level changes, or (2) applying  
 46 current prices to the property's labor and materials components and taking into  
 47 account any other costs typically incurred in bringing the property to a finished  
 48 state.

49  
 50 Replacement cost shall be reduced by the amount of the estimated  
 51 loss of value because of age, condition or other factors.

52  
 53 (3) The income approach to value. The amount that investors would  
 54 be willing to pay to receive the income that the property could be expected to  
 55 yield.

56  
 57 An indication of the value of an income producing property may be  
 58 estimated by computing the present worth of a future income stream.

59  
 60 The income stream is capitalized or converted into an indicated ...

1 value. The amount to be capitalized may be either the gross or net return.

2  
3 Section 109. INFORMATION TO BE PROVIDED BY PROPERTY OWNERS

4  
5 (a) Whenever the Commissioner shall determine that in order to carry out  
6 his functions and responsibilities under the Act, facts in the possession of a  
7 property owner should be made available to the Commissioner he may, by written  
8 notice to the property owner, require such owner to provide to him, on the form  
9 prescribed by the Commissioner, such facts as, in the discretion of the  
10 Commissioner, will assist him in determining the estimate of the market value of  
11 the property. In the absence of any extension of time granted by the Commissioner  
12 all such forms shall be filed with the Commissioner within 30 days from the time  
13 of the mailing of the written notice to the property owner.

14  
15 (b) Any information obtained from a property owner pursuant to this section  
16 concerning any income derived from investment or income-producing real property  
17 shall be handled in the same confidential manner as is provided in paragraphs (a),  
18 (b), (c), and (d) of Section 47-1564(c) of the District of Columbia Code.

19  
20 (c) Any violation of the provisions of sub-section (b) of this section shall  
21 be a misdemeanor and shall be punishable by a fine not exceeding \$1,000.00 or  
22 imprisonment for six months, or both, in the discretion of the Court. All prose-  
23 cutions under this section shall be brought in the Superior Court of the District  
24 of Columbia on information by the Corporation Counsel of the District of Columbia  
25 or any of his assistants in the name of the District of Columbia.

26  
27 Section 110. AVAILABILITY OF RECORDS

28  
29 (a) The preliminary assessment roll, as prescribed by Section 424(a) of  
30 the Act, all maps, field books, assessment sales-ratio studies, copies of any  
31 documents received from the Office of the Surveyor and plats shall be available  
32 for public inspection during normal business hours.

33  
34 (b) Records of individual properties including any notes and memorandums  
35 and any statement indicating the basis upon which the real estate has been assessed  
36 shall be open for inspection by the taxpayer or his designated agent during normal  
37 business hours, except that the taxpayer may be required to give to the Commissioner  
38 at least 24 hours notice in advance of his intention to inspect records.

39  
40 (c) Copies of all material shall be furnished to any person upon request for  
41 a charge not to exceed the cost of producing such copies.

42  
43 Section 111. PUBLICATION OF ASSESSMENT LISTING

44  
45 (a) The Commissioner shall publish annually a listing of assessed values  
46 of all properties by lot and square and address where available.

47  
48 (b) The Commissioner shall publish such listing in sufficient quantity to  
49 allow for distribution to the Municipal Center, the District Building, the main  
50 public library and to a public library branch in each of the eight wards of the city.  
51 Notice of publication and of the location of the listing shall be published in the  
52 D. C. Register.

53  
54 (c) Additional copies of the listing shall be made available to the public  
55 upon request at the lowest charge which would cover the cost of reproducing the  
56 listing.

57  
58 Section 112. NOTIFICATION TO TAXPAYER

59  
60 (a) The Commissioner shall notify each owner of taxable property, by mail,

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1 of the assessment of his real property for the next fiscal year.

2  
3 (b) Notices shall be mailed as soon as possible after January 1, but not  
4 later than March 1 of each year.

5  
6 (c) Unless otherwise specified, any notice, bill or statement required by  
7 these regulations or other applicable provision of law to be served upon the  
8 property owner shall be deemed to be served when mailed by first class mail to  
9 the last known address of the property owner as recorded in the real estate  
10 assessment records of the District.

11  
12 (d) The notice or accompanying statement shall include all of the information  
13 required by Section 425 of the Act.

14  
15 Section 113. INFORMATION FROM OTHER DISTRICT OF COLUMBIA AGENCIES

16  
17 (a) Within five days from the date of the filing of a Deed Recordation tax  
18 return the Recorder of Deeds shall transmit such return to the Department of Finance  
19 and Revenue, D. C.

20  
21 (b) The Department of Economic Development, D. C., shall forward to  
22 the Department of Finance and Revenue, D. C., a copy of each building permit  
23 relating to structural, electrical, or plumbing changes within 5 days from the  
24 date the permit is approved.

25  
26 (c) The Zoning Commission of the District of Columbia shall provide to  
27 the Department of Finance and Revenue, D. C., a detailed listing of all zoning  
28 and land use changes within 10 days from the date of the adoption of such change.

29  
30 (d) The Office of the Surveyor, D. C., shall provide the Department of  
31 Finance and Revenue, D. C., with copies of all plats recorded in the subdivi-  
32 sion books, plats recorded in connection with condominiums, and other plats  
33 recorded with respect to record lots within 10 days after they are recorded with  
34 the Office of the Surveyor, D. C.

35  
36 (e) The Board of Zoning Adjustments of the District of Columbia shall  
37 submit to the Department of Finance and Revenue all approved zoning variances  
38 within 15 days from the date of the adoption of such variances.

39  
40 (f) The Fire Marshal of the Fire Department of the District of Columbia shall  
41 on or before the 10th day of each month provide the Department of Finance and  
42 Revenue, D. C., with a listing of each real property damaged or destroyed by fire  
43 in the District of Columbia.

44  
45 (f) The Commissioner, upon request, may extend the time for the filing of any  
46 documents required to be filed with the Department of Finance and Revenue, D. C.,  
47 under this section.

48  
49 Section 114. COMPENSATION OF MEMBERS OF THE BOARD OF EQUALIZATION  
50 AND REVIEW

51  
52 Each member of the Board of Equalization and Review shall receive compen-  
53 sation at a rate of one-two thousandth of the annual salary of the first step of  
54 Grade 15 of the General Schedule in Section 5332 of Title 5 of the United States  
55 Code for each hour such member is engaged in the actual performance of duties  
56 vested in the Board, except that the chairman shall receive compensation at the  
57 rate of one-two thousandth of the second step of Grade 15 of the General Schedule  
58 in Section 5332 of Title 5 of the United States Code for each hour he is engaged  
59 in the actual performance of duties vested in the Board.  
60



1           Section 115. ESTABLISHING MARKET VALUES

2  
3           (a) When in accordance with Section 426 (f) of the Act the Board raises  
4 or lowers the estimated market value of any real property which it finds to be  
5 more than 5 per centum above or below the estimated market value contained  
6 in the preliminary assessment roll, it shall change the value to an amount  
7 equal to the Board's estimate of market value of such property.  
8

9           (b) The Board shall not consider average ratio studies to be a basis for  
10 changes in market value of any property or properties if it finds that other factors  
11 such as physical inspections of properties, analysis of sales data other than  
12 that contained in the average ratio study, construction cost data or data relating  
13 to the potential income, if any, of the property require a variance from the average  
14 ratio studies.  
15

16           Section 116. PAYMENT OF REAL PROPERTY TAX

17  
18           (a) Real property taxes are payable semi-annually in the months of  
19 September and March, provided that if the Council does not set the tax rate  
20 by August 15 of the tax year the first-half bill shall be due and payable thirty  
21 (30) days after the date of the mailing of the tax bills, in which event penalty  
22 and interest shall not begin to accrue until after the expiration of the period  
23 for payment.  
24

25           (b) The tax bill shall identify the property by parcel or lot and by square  
26 number, state the amount of tax due and the manner in which such tax is payable  
27 according to law, and state whether there are any delinquent taxes on such  
28 property.  
29

30           Section 117. DELINQUENT NOTICES

31  
32           (a) Prior to July 1 of each year, notices of delinquent tax shall be mailed  
33 to the record owner or his designated representative as to real property upon  
34 which any tax for the current fiscal year is unpaid after March 31.  
35

36           (b) Prior to December 1 of each year, a second notice of delinquent tax  
37 shall be mailed to the record owner or his designated representative as to real  
38 property upon which any amount of tax for the fiscal year ending on the preceding  
39 June 30 has not been paid. The notice provided for in this subsection shall state  
40 that the real property involved will be sold at public auction at the next scheduled  
41 tax sale if the taxes due and owing, including any penalty and interest thereon,  
42 are not paid prior to such sale.  
43

44           Section 118. DELINQUENT TAX LIST

45  
46           (a) There shall be prepared annually a list of all real property in the  
47 District upon which taxes were in arrears on the first day of July.  
48

49           Section 119. ADVERTISING OF DELINQUENT TAX LIST AND NOTICE OF SALE

50  
51           (a) A list of all taxes, charges, and assessments on real property in the  
52 District of Columbia subject to taxation on which said taxes, charges, and assess-  
53 ments have been levied and are in arrears on the first day of July of each year and  
54 a notice of the sale of such property shall be advertised once in two major daily  
55 newspapers published in the District of Columbia at least three weeks prior to  
56 the day fixed for such sale.  
57

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

1 shall recite the date, time, and place of said sale.

2  
3 (c) Each item on the delinquent tax list shall contain the name of the owner  
4 of the property, a description of the delinquent property by parcel, square, and  
5 lot numbers, and shall indicate the total amount of taxes, penalties, interest,  
6 and charges due.

7  
8 Section 120. DELETIONS

9  
10 A real property shall be deleted from the delinquent tax list upon payment  
11 at any time up to the time of the tax sale of all taxes, penalties, interest and  
12 other charges due.

13  
14 Section 121. DEPOSIT REQUIRED

15  
16 Every purchaser of property at a tax sale shall be required to deposit with  
17 the District at the time of sale not less than 20% of the purchase price as a  
18 guarantee of the payment of the total amount required to be paid by the purchaser.

19  
20 Section 122. PUBLIC AUCTION

21  
22 (a) All properties remaining on the delinquent tax list shall be sold at  
23 public auction beginning at the time and place specified in the notice provided for  
24 in section 106.5 of these regulations.

25  
26 (b) Properties to be sold shall be announced by lot, square and parcel  
27 numbers.

28  
29 (c) A bidder at the tax sale shall bid by stating his name or, if he is  
30 acting for another, the name of his principal, and his opening bid shall be at least  
31 equal to the total amount of tax, penalty, interest and other charges due the  
32 District.

33  
34 (d) In the event no bid is received for a property which is at least equal to  
35 the total amount of tax, penalty, interest and other charges due, the property  
36 shall be deemed bid off and sold to the District of Columbia.

37  
38 Section 123. FORFEITURE OF DEPOSIT

39  
40 The deposit of any purchaser at a tax sale who fails to pay the full amount  
41 of his bid price, including surplus, within five days after the last day of sale  
42 shall be forfeited to the District.

43  
44 Section 124. CERTIFICATE OF SALE

45  
46 A Certificate of Sale shall be issued to the purchaser of each property sold  
47 at the tax sale.

48  
49 Section 125. RECORDING OF SALE

50  
51 Within twenty (20) days, exclusive of Saturdays, Sundays and legal  
52 holidays, after the last day of the tax sale, a written report shall be filed with  
53 the Recorder of Deeds describing each property sold, except those bid off to the  
54 District, to whom assessed, the tax and penalty and other charges due, the name  
55 of the purchaser, the sale price, the date on which the property was sold, the  
56 costs of sale involved, and the surplus bid for the property, if any.

57  
58 Section 126. NOTIFICATION OF REDEMPTION PERIOD

59  
60 Not less than thirty (30) days prior to the expiration date of the two year

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1 redemption period, the record owner shall be notified, by certified or registered  
2 mail, of the final date by which he must redeem his property.

3  
4 Section 127. DEEDS TO THE DISTRICT

5  
6 Upon issuance of a deed to the District of Columbia pursuant to Section  
7 437 of the Act, all outstanding taxes, penalties and interest, and charges of  
8 any kind which may be due as to the property described in the deed, shall be  
9 expunged.

10  
11 Section 128. TAX DEFERRAL

12  
13 (a) Taxpayers eligible under Section 435 of the Act may defer payment of  
14 any real property tax owed in excess of 110 per centum of his immediate preceding  
15 year's real property tax liability.

16  
17 (b) Taxpayers eligible under Section 436 of the Act may defer payment of  
18 any real property tax owed which is attributable to an increase in assessed value  
19 of more than 25 per cent over the assessment of the immediately previous fiscal  
20 year.

21  
22 (c) The taxpayer must have owned the residential real property for which  
23 the tax deferral is claimed for at least 60 consecutive months prior to July 1  
24 of the tax year in which the deferral is requested.

25  
26 Section 129. COMPUTATION OF DEFERRAL AMOUNTS

27  
28 (a) Increases in assessed valuation resulting from improvements made  
29 since the last previous assessment may not be included in the calculation of  
30 the increase in real estate tax payable for purposes of Section 435 and 436 of  
31 the Act. The amount of increased value resulting from improvements to the  
32 property shall be provided by the Commissioner upon request.

33  
34 (b) Any increase in tax attributable to increases in the tax rate shall not  
35 be included in the computation of deferral amount in the case of eligible tax-  
36 payers with household adjusted gross incomes in excess of \$20,000.

37  
38 Section 130. REQUESTS FOR DEFERRAL

39  
40 (a) Written requests for deferral must be filed at the same time that the  
41 first half tax bills are due and payable. Reasonable extensions of time may be  
42 granted by the Commissioner upon written request and for good cause shown.

43  
44 (b) Adjustments in tax liability resulting from tax deferrals shall be made  
45 on the second half tax bill. No adjustments shall be made on the first half tax  
46 bill.

47  
48 (c) A taxpayer who elects to pay both his first half and second half bills  
49 on or before the due date for the first half payment shall not deduct his claimed  
50 amount of deferral from the amount of tax due. The amount of deferral for which  
51 he is eligible will be refunded after review and approval of the request for deferral.

52  
53 (d) Taxes deferred pursuant to Sections 435 and 436 of the Act shall bear  
54 interest compounded annually. The rate of interest applied in each year shall be  
55 the average Treasury bill rate for the twelve months preceding July 1 of the tax  
56 year in which the deferral is granted, as certified by the Secretary of the Treasury  
57 to the Commissioner.

58  
59 Section 131. COMBINED HOUSEHOLD ADJUSTED GROSS INCOME

60

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1 (a) For purposes of the application of Sections 435 and 436 of the Act, the  
 2 words "combined household adjusted gross income" shall mean the adjusted gross  
 3 incomes (for District income tax purposes) of all members of the taxpayer's family  
 4 who resided in the residential real property during the previous calendar year.

5  
 6 Section 132. TAX RELIEF FOR HISTORIC SITES

7  
 8 (a) The Joint Committee on Landmarks of the National Capital shall on or  
 9 before December 15, 1975, provide the Commissioner with a listing of all buildings  
 10 which they have designated historic landmarks, and shall notify the Commissioner  
 11 on or before June 15 and December 15 of each succeeding year of any additions or  
 12 deletions to such listing.

13  
 14 (b) In order to be eligible for tax relief provided by Section 432 of the Act,  
 15 owners of buildings which have been designated historic landmarks by the Joint  
 16 Committee on Landmarks of the National Capital shall enter into an agreement  
 17 with the Commissioner for a period of not less than twenty years to use and main-  
 18 tain the building in a manner which will assure the continued maintenance and  
 19 preservation of the building as an historic site.

20  
 21 (c) An eligible building whose owner has entered into an agreement with the  
 22 Commissioner in accordance with sub-section (b) of this section shall, in addition  
 23 to being assessed at full market value, be assessed, both as to land and improve-  
 24 ments, as an historic site, which latter assessment, if it is less than the full  
 25 market value determined without regard to the historic nature of the building, shall be  
 26 the basis of tax liability to the District of Columbia.

27  
 28 (d) If the Commissioner determines that a building or any part thereof as  
 29 to which an agreement has been entered into with the District in accordance with  
 30 sub-section (b) of this section was not used and properly maintained in accord-  
 31 ance with the agreement during all or any part of any fiscal year, such building,  
 32 or part thereof, shall be assessed for such fiscal year, or part thereof, on the  
 33 basis of full market value. The difference, if any, between the assessments made  
 34 on the basis of full market value and the assessments primarily made on the basis  
 35 of the current use of the land and improvements shall be the basis of tax liability  
 36 for violation of the agreement. Any back taxes, plus interest at the prevailing  
 37 United States Treasury rate of interest for the fiscal year or part thereof during  
 38 which the terms of the agreement were not met, which may be due and owing shall  
 39 be payable within sixty (60) days after the date of mailing by the Commissioner of  
 40 a notice to the owner of the amount of taxes and interest due.

41  
 42 Section 133. ELIGIBILITY FOR EXEMPTION

43  
 44 Real property must meet all of the following conditions to be eligible  
 45 for exemption from taxation.

46  
 47 (a) Title to the real property for which exemption is sought must be  
 48 recorded in the name of the organization, or institution requesting exemption  
 49 from taxation on or prior to the effective date of the exemption; and

50  
 51 (b) Must be occupied by and used by the organization or institution seeking  
 52 exemption for at least one of the types or categories of exempt purposes as defined  
 53 in the real estate tax exemption act of December 24, 1942 (Section 47-801, D. C.  
 54 Code).

55  
 56 Section 134. APPLICATION FOR EXEMPTION

57  
 58 (a) Exemptions from taxation of real property must be by written application  
 59 except for the following:  
 60

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-----12 of 14  
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- 1 (1) Property owned by the United States Government;  
 2  
 3 (2) Property owned by the Government of the District of Columbia;  
 4  
 5 (3) Property owned by the Commonwealth of the Philippines and used  
 6 for government purposes;  
 7  
 8 (4) Property owned by foreign governments not under a treaty agree-  
 9 ment and used for legation purposes;  
 10  
 11 (5) Property specifically exempt by Acts of Congress.

12  
 13 (b) (1) All applications for an exemption of real property must be in  
 14 writing and filed with the Commissioner.

15  
 16 (2) The following information must be included in the application  
 17 for exemption:

- 18  
 19 a. Name of the applicant;  
 20  
 21 b. Location, square, and lot number of the real property  
 22 involved;  
 23  
 24 c. Date real property was acquired;  
 25  
 26 d. Current and proposed future use of real property;  
 27  
 28 e. Description of the activities of the applicant;  
 29  
 30 f. Name, address, and telephone number of person to be  
 31 contacted for an inspection of the real property;  
 32  
 33 g. Such other information as the Commissioner may require.

34  
 35 (c) Action on Applications

36  
 37 (1) Real properties for which an application for an exemption has  
 38 been filed shall be physically inspected to verify and evaluate data in the appli-  
 39 cation and results of the inspection will be recorded.

40  
 41 (2) Written notice of the granting or denial of an application for  
 42 exemption shall be mailed to the applicant and shall cite the provision of law  
 43 under which an exemption is granted, or the reason for its denial and the effective  
 44 date of the exemption, if approved.

45  
 46 (3) If a request for an exemption is denied, the procedure for appeal  
 47 will be included in the notice to the applicant for exemption.

48  
 49 Section 135. TAXABLE OR EXEMPT STATUS

50  
 51 (a) Tax status of any real property on July 1 of any year will prevail for  
 52 the respective properties for the entire fiscal year except for properties sold by  
 53 the U. S. Government after July 1, in which case the property tax will be computed  
 54 on a pro-rata basis beginning with the date of sale and will be payable by the  
 55 property buyer.

56  
 57 (b) Requests for exemption from property tax if approved are effective on  
 58 July 1 of the fiscal year for which the exemption is granted.

59  
 60 (c) Property, except for property sold by the United States, which loses its



1 exempt status for any reason becomes taxable on July 1 following the date the  
2 exemption expires.

3  
4 Section 136. ANNUAL REPORT ON EXEMPT REAL PROPERTIES  
5

6 (a) Every owner of real property exempt from taxation, except the United  
7 States Government, the District of Columbia Government, and foreign governments  
8 must furnish the Commissioner a report on or before March 1 of each year stating  
9 under oath the purpose for which the exempt property has been used during the  
10 preceding calendar year.

11  
12 (b) Annually, on or before February 1, notice of the reporting requirement,  
13 together with a report form prescribed by the Commissioner, shall be mailed to  
14 each such owner of exempt property. Failure of the owner to receive the notice  
15 or report form shall not relieve the owner from compliance with the requirements  
16 of sub-section (a) of this section.

17  
18 (c) A second notice will be mailed to each non-responding owner no later  
19 than ten (10) days prior to March 1 of each year restating the filing requirement.  
20 Failure of the owner to receive the notice or report form shall not relieve the  
21 owner from compliance with the requirements of sub-section (a) of this section.  
22

23 Section 137. EXTENSIONS OF TIME  
24

25 For good cause shown, the Commissioner may extend the time for filing  
26 the annual report of an exempt organization for a period not to exceed thirty (30)  
27 days after March 1, providing such request for extension is filed prior to March 1.  
28

29 Section 138. ASSESSMENT OF UNREPORTED PROPERTIES  
30

31 (a) If the report required to be filed by sub-section (a) of section 136 is  
32 not filed within the time provided therefor, or as extended by the Commissioner,  
33 the property affected shall immediately be assessed and taxed but the tax assessed  
34 under this section shall be for a minimum period of thirty (30) days.  
35

36 (b) A tax bill shall be mailed to the owner for each month or portion of a  
37 month that the report remains unfiled, together with interest thereon at the rate  
38 provided by law.  
39

40 (c) Exempt properties upon which taxes are delinquent are subject to  
41 inclusion in the annual tax sale in the same manner as other delinquent properties.  
42

43 Section 139. REVIEW OF REPORTS  
44

45 (a) Annual reports will be reviewed each year to determine eligibility for  
46 exemption for the ensuing fiscal year.  
47

48 (b) The Commissioner may require the furnishing of additional information  
49 and may conduct a physical inspection of the property at his discretion.  
50

51 (c) Any property no longer eligible for exemption shall be returned to a  
52 taxable status effective July 1 of the ensuing fiscal year and the owners so notified  
53 in writing.  
54

55 (d) If after the filing of the annual report but prior to July 1 of any year it is  
56 determined by the Commissioner that the property is no longer entitled to be exempt  
57 from tax the exemption shall be terminated as of July 1.  
58  
59  
60

REGULATION 74-35

Section 140. EFFECTIVE DATE

Except as otherwise specifically provided in the Act or in these regulations, these regulations shall become effective immediately upon adoption by the Council.

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Regulation of the District of Columbia

TITLE A REGULATION REQUIRING SAFEGUARDS ON THE SALE OF LIVE TURTLES OR TURTLE EGGS

Dr. Henry S. Robinson, Jr.

Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized, pursuant to
2 paragraph (4) of Section 402 of Reorganization Plan No. 3 of 1967, to make
3 regulations under D. C. Code, sections 1-226 and 1-227, for the protection
4 of the health of persons within the District of Columbia; and
5
6 WHEREAS, the District of Columbia Council is authorized, pursuant to
7 paragraphs (134) through (136) of Section 402 of Reorganization Plan No. 3 of
8 1967, to make regulations regarding the control of communicable diseases;
9 and
10
11 WHEREAS, the District of Columbia Council finds that diseased turtles
12 pose a particular health hazard with regard to salmonella infection for humans,
13 particularly young children.
14
15 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
16 that:
17
18 Section 1. Section 8-5:107 of the Health Regulations of the District
19 of Columbia (as incorporated by reference into Title 6A, DCRR) is amended by
20 adding the following new subsection at the end thereof:
21
22 "(f) Salmonella and the sale and distribution of turtles.
23
24 "(l) Definitions. As used in this subsection the term -
"(A) 'Person' means any individual, corporation,

Table with 5 columns: COUNCILMAN, AYE, NAY, N.V., A.B., R.A. and 5 rows of councilman names and their votes.

Submitted on first reading at a meeting of the District of Columbia City Council on November 19, 1974
Adopted on second and final reading December 3, 1974
Presented to the Mayor-Commissioner December 3, 1974
Approved [Signature] Mayor-Commissioner
Enacted W/O signature of the Mayor according to ten day limitation rule:
Disapproved and returned to the City Council
Readopted

Edward B. Webb Secretary of the City Council
13 DEC 1974 Date

[Signature] Secretary of the City Council

1 company, partnership, association, or other entity.

2  
3 "(B) 'Turtle' means any animal of the order Testudinata  
4 (Chelonia), class Reptilia, having a carapace length of less than 4 inches,  
5 including those commonly known as turtles, tortoises, and terrapins,  
6 except marine species (families Dermochildae and Cheloniidae).

7  
8 "(2) Sale of turtles. No person shall sell or offer for sale or  
9 distribution to the public, turtles or viable turtle eggs unless prior to such  
10 sale, offer, or distribution thereof there is filed with the Director proof that  
11 such turtles or turtle eggs come from a lot which has been certified to be  
12 free from the bacteria of the salmonella and Arizona genera, in accordance  
13 with procedures outlined in 42 CFR 72.26.

14  
15 "(3) Duties of wholesalers and retailers.

16  
17 "(A) It shall be the duty and obligation of all persons  
18 selling or offering for sale or distribution turtles or viable turtle eggs at  
19 wholesale to provide the retail dealer with the certificate of proof required  
20 by paragraph (2) regarding the lot of turtles which is then the subject of  
21 sale.

22  
23 "(B) It shall be the duty of all wholesale and retail  
24 dealers to maintain turtle storage and display facilities free from the bacteria  
25 of the salmonella and Arizona genera.

26  
27 "(4) Destruction of diseased turtles.

28  
29 "(A) The Director may at any time take samples of  
30 tank water or any other appropriate method or sampling of turtles offered for  
31 sale or distribution and, after testing by a method deemed by the Director to  
32 be appropriate for the determination of the presence of such bacteria, order  
33 the humane destruction of any turtle, lots of turtles, or turtle eggs found to  
34 be contaminated with bacteria of the salmonella and Arizona genera or found  
35 to be held in water contaminated with such bacteria.

36  
37 "(B) Such order shall be in writing, state with  
38 particularity the facts upon which it is based, including the specification of  
39 the tests utilized, and shall be served upon the person in whose possession  
40 the turtles or turtle eggs are found.

41  
42 "(C) Any person receiving such an order for destruction  
43 shall within 10 days of the date of the notice —

44  
45 "(i) destroy and dispose of such turtles or  
46 turtle eggs in a manner satisfactory to the Director, and so notify the Director  
47 in writing;

48  
49 "(ii) request in writing that the Director destroy  
50 such turtles or turtle eggs; or

51  
52 "(iii) notify the Director in writing that he wishes  
53 to appeal the demand for destruction.

54  
55 "(D) In the event of such an appeal, the Director shall  
56 provide an opportunity for a hearing, by written notice to the appellant,  
57 specifying a time and place for the hearing, to be held within 10 days of the  
58 notice. Such hearing on appeal shall be consistent with hearing procedures  
59 afforded under the District of Columbia Administrative Procedures Act.

## REGULATION 74-36

3 of 3

1           "(E) After service of an order for destruction of turtles or  
2 turtle eggs and pending their destruction or withdrawal of the demand by the  
3 Director following an appeal, the person in possession of the turtles or turtle  
4 eggs shall not sell, distribute, or otherwise dispose of any of the turtles  
5 or turtle eggs except to destroy the same as herein provided. Such person  
6 shall additionally take all reasonable steps necessary to ensure the  
7 containment of such contamination and safety of humans and other animals  
8 therefrom, pending final disposition of the appeal.  
9

10           "(5) Warning notice to public. The following warning notice shall  
11 be posted conspicuously at every display of turtles for retail sale or  
12 distribution or where the public may handle turtles, unless the requirement  
13 is waived in writing by the Director:  
14

15           " 'CAUTION: Turtles may transmit bacteria  
16 causing disease in humans. Therefore, it is important to:  
17

18                   (1) wash the hands thoroughly after handling  
19 turtles or material in a turtle bowl;  
20

21                   (2) prevent water or any other items from a  
22 turtle bowl from coming in contact with food or other areas  
23 where food is prepared;  
24

25                   (3) ensure that these precautions are followed  
26 by children or others handling turtles. '  
27

28           "(6) Sale of turtle food. No person shall sell or offer for sale or  
29 distribution to the public turtle food unless such turtle food is free of the  
30 bacteria of the salmonella and Arizona genera.  
31

32           "(7) Exceptions for certain special purposes. The provisions of  
33 this subsection shall not apply to turtles offered for sale, or distributed for  
34 bona fide educational, zoological, medical, scientific, or exhibition  
35 purposes, other than use as pets. "  
36

37           Section 2. Section 8-4:907 of the Health Regulations of the District of  
38 Columbia is amended by adding the following new subsection at the end thereof:  
39

40                   "(e) Turtles. The operator of a pet shop shall comply  
41 with the provisions of section 8-5:107 (f) of these  
42 regulations regarding the sale and distribution of  
43 turtles in the District of Columbia. "  
44

45           Section 3. The amendments made by this regulation shall take effect  
46 thirty days after the date of enactment.  
47  
48  
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50  
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