

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code §§ 47-2828, 47-2851.03a(o), and 47-2851.20, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to 16 DCMR Chapter 8 (Home Improvements). This proposed rulemaking is necessary to clarify the provisions, update the bond requirements of home improvement contractors, require home improvement contractors to maintain a list of all permitted work projects, require home improvement contractors to include their business license number on advertisements, update the service of process and appeals provisions, amend the definitions of “home improvement contract”, “home improvement work”, and “residential property”, and make technical corrections of legal citations.

Title 16 DCMR Chapter 8 is amended as follows:

Section 800.1 is amended to read as follows:

800.1 No person shall require or accept any payment for a home improvement contract to be undertaken in the District in advance of the full completion of all work required to be performed under the contract, unless that person is licensed as a home improvement contractor or as a licensed salesperson employed by a licensed contractor in accordance with the provisions of this chapter.

Section 800.6 is amended to read as follows:

800.6 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

Section 802.1 is amended to read as follows:

802.1 Each applicant for a contractor’s license shall file in the Office of the Director a bond issued in support of the license for which application is made, extending to third-party recovery, in the penal sum of twenty-five thousand dollars (\$ 25,000) running to the District of Columbia, with corporate surety authorized by the Commissioner of the Department of Insurance, Securities, and Banking to do business in the District.

Section 802.5 is amended to read as follows:

802.5 The security which may be accepted by the D.C. Treasurer under § 802.4 shall be one of the following:

- (a) Cash in the amount of twenty-five thousand dollars (\$ 25,000);
- (b) A certified check or cashier's check in the amount of twenty-five thousand dollars (\$ 25,000) made payable to the order to the D.C. Treasurer; or
- (c) A marketable bond or bonds or a note or notes having in the aggregate a maturity value of at least twenty-six thousand dollars (\$ 26,000) and issued by the government of the United States or by any agency or instrumentality of the government, together with an irrevocable power of attorney and agreement, on a form provided by the D.C. Treasurer authorizing the D.C. Treasurer to collect or sell, assign, and transfer that bond or note; Provided, that no such bond or note shall be collected or sold until such time as it may be necessary to make payment to any person entitled to recover damage from the security which the bond represents.

Section 802.8 is amended to read as follows:

802.8 If the security deposited pursuant to this section is other than bonds or notes and is reduced below twenty-five thousand dollars (\$ 25,000), or if the security is in the form of marketable bonds or notes and, by reason of the payment of or on account of any final judgment, is reduced to an amount less than twenty-six thousand dollars (\$ 26,000), the licensee shall, within five (5) calendar days after having been notified in writing by the Director to do so, make an additional deposit to bring the amount on deposit with the D.C. Treasurer for the purpose of this subsection up to the amount required under the appropriate provision of this section.

Section 807.1 is amended to read as follows:

807.1 Notwithstanding the applicable provisions of regulations governing refrigeration and air conditioning licensing and electrical licensing and bonding, and plumbing, but subject to the provisions of this section, a home improvement contractor licensed under the authority of this chapter may advertise in any manner and may state orally to a prospective customer that any contract between the customer and the contractor may provide for the performance of electrical, plumbing, gasfitting, or refrigeration and air conditioning work, or any combination of those services. In any advertisement, the licensee shall include his or her license number.

A new section 807.3 is added to read as follows:

807.3 A licensee shall maintain a list that includes information about all permits obtained and all contractors or subcontractors performing work on any project permitted or requiring a permit under this chapter. Such list shall include the contractor or subcontractor's name and address and, if applicable, their license number. If

requested by the Director, the licensee shall produce this list within forty-eight (48) hours of the Director's request.

Section 814.5 is amended to read as follows:

- 814.5 The notice shall be personally served upon the applicant or licensee, or otherwise served by one of the following methods:
- (a) Served personally upon the applicant or licensee, or the applicant or licensee's agent; or
 - (b) Sent by first class mail to the home or business address of the applicant or licensee, or the applicant or licensee's agent, appearing on the application or license.

A new section 814.6 is added to read as follows:

- 814.6 A notice that is returned by the post office for reason of refusal of service of the addressee to accept delivery, or incorrect address, is deemed to have been properly served on the addressee by mail.

A new section 814.7 is added to read as follows:

- 814.7 An applicant or licensee may not file a separate application for licensure under this chapter during the appeal process.

Section 815.1 is amended to read as follows:

- 815.1 Any licensee on whom a notice has been served pursuant to § 814 may file a written notice of appeal with the Office of Administrative Hearings (OAH).

Section 815.2 is amended to read as follows:

- 815.2 All hearings and appeals shall be conducted pursuant to the regulations promulgated by OAH. Any stay of an OAH decision that results in the revocation of a license shall be issued pursuant to the procedures set forth by OAH.

Section 899 is amended as follows:

The definition of "home improvement contract" is amended to read as follows:

Home improvement contract - an agreement for the performance of home improvement work in the District for a contract price of three hundred dollars (\$ 300) or more. This term shall also include the second or any subsequent agreements entered into between the same contractor and the same homeowner within any twelve (12) month period, if the total of the contract prices of all the agreements aggregate three hundred dollars (\$ 300) or more.

The definition of “home improvement work” is amended to read as follows:

Home improvement work – means the addition to or alteration, conversion, improvement, modernization, remodeling, repair, or replacement of a residential property, or a structure adjacent to the residential property, including a driveway, fence, garage, porch, deck, or swimming pool. Any construction work outside the scope of “home improvement work” shall be considered either general contracting or construction management, as those terms are defined in Title 17 of the District of Columbia Municipal Regulations, Chapter 39.

The term “home improvement work” does not include:

- 1) construction of a new building to be used as a residential property;
- 2) the sale or installation of any appliance, materials, household furnishings, or equipment, if not made a part of the realty;
- 3) work performed by licensed electricians, plumbers and gasfitters, or refrigeration and air conditioning mechanics, so long as the work performed by them is limited to that of their licensed occupation; or
- 4) work performed by a homeowner on his or her own residential property.

The term “residential property” is amended to read as follows:

Residential property - real property or interest in real property consisting of a single-family dwelling or two-family dwelling (flat), including an individual apartment unit in a condominium or cooperative apartment building, together with any structure or grounds appurtenant to the single-family or two-family dwelling.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, NE, Washington, D.C. 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code §§ 47-2846 and 47-2851.20, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to 16 DCMR Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions). This proposed rulemaking is necessary to include violations of two new license endorsement categories to the Business and Professional Licensing Administration Infractions and to make conforming changes.

Title 16 DCMR Chapter 33 is amended as follows:

Section 3301.1(hh) is amended to read as follows:

(hh) Section 6 of the Security and Fire Alarm Systems Regulation Act of 1980, effective Sept. 26, 1980 (D.C. Law 3-107; D.C. Official Code § 7-2805) (operating an alarm dealer and agent business without a license endorsement);

Section 3301.1(ii) is amended to read as follows:

(ii) Section 4 of An Act To provide full and fair disclosure of the character of charitable, benevolent, patriotic, or other solicitations in the District of Columbia, approved July 10, 1957 (71 Stat. 279; D.C. Official Code § 44-1703(a)) (engaging in the conduct of charitable solicitation without a certificate of registration);

Section 3301.1 is amended to add two new subsections to read as follows:

(jj) D.C. Official Code § 47-2851.03d(a) (operating a business without a general business license endorsement); or

(kk) D.C. Official Code § 47-2851.03d(b) (operating a general contracting or construction management business without a general contractor/construction manager license endorsement).

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, NE, Washington, D.C. 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2851.20, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, a new Chapter 38 (General Business) of Title 17 of the District of Columbia Municipal Regulations (DCMR). This rulemaking adds a new chapter 38 to create a new basic business license endorsement category for businesses engaging in any transactions in the District of Columbia that have a tax identification number and that are not otherwise required to obtain an endorsement under an existing license category.

The creation of this new license category was authorized by the Fiscal Year 2009 Budget Support Act of 2008, D.C. Law 17-219, effective August 16, 2008.

17 DCMR Chapter 38 is added to read as follows:

CHAPTER 38 GENERAL BUSINESS

Secs.	
3800	General Provisions
3801	Application for License
3802	Denial, Suspension, and Revocation of License
3803	Penalties
3804	Notice of Proposed Action and Appeal Rights
3805	Hearings and Appeal
3899	Definitions

3800. GENERAL PROVISIONS

3800.1 Each business engaging in any business transactions in the District, whether on a permanent or temporary basis, shall apply to the Department of Consumer and Regulatory Affairs (Department) for a basic business license with a general business endorsement (license) if:

- (a) The business has a tax identification number;
- (b) The business' activity is not otherwise required to obtain an endorsement under any other basic business license endorsement category; and
- (c) The business does not have at least one principal who is required to maintain licenses granted or regulated by a local, state, or national certification board or body.

3800.2 A business subject to this chapter shall obtain a separate license for each business entity with a tax identification number and each business location in the District.

- 3800.3 A licensee shall conspicuously post the license on the premises indicated on the license, which shall be available for inspection by any duly authorized government official.
- 3800.4 A licensee shall obtain any other basic business license and endorsements as required by District statute or regulation.
- 3800.5 A license issued under this chapter is not transferable.

3801. APPLICATION FOR LICENSE

- 3801.1 Application for a license issued under this chapter shall be made to the Director of the Department of Consumer and Regulatory Affairs (Director) on a form prescribed by the Director.
- 3801.2 To apply for a license, an applicant shall:
- (a) Obtain a Certificate of Occupancy or Home Occupation Permit, if required under applicable District zoning laws and regulations;
 - (b) Complete a Clean Hands Certification issued by the Office of Tax and Revenue; and
 - (c) Pay the required license fees.
- 3801.3 Each application shall be signed by the owner or authorized representative of each business and shall correctly set forth the information required on the application form.
- 3801.4 Each license shall be valid for two (2) years from the date of issuance.
- 3801.5 A licensee shall notify the Department of any change of address within thirty (30) days of the change.
- 3801.6 A licensee shall notify the Department of any change of ownership of the business within thirty (30) days of the change.

3802. DENIAL, SUSPENSION, AND REVOCATION OF LICENSE

- 3802.1 The Director may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter for any reason set forth in this chapter or D.C. Official Code § 47-2844.
- 3802.2 The Director also may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter on any of the following grounds:
- (a) Conviction of the business license holder for any criminal offense involving fraudulent conduct arising out of or based on the business being licensed; or

- (b) Willful or fraudulent circumvention by the business operator of any provision of District statute or regulation relating to the conduct of the business.
- (c) Employment of any fraudulent or misleading device, method, or practice relating to the conduct of the business.
- (d) The making of any false statement in the license application.

3802.3 All qualifications set forth in this chapter as prerequisite to the issuance of a license shall be maintained for the entire license period. Failure to maintain any qualification for license shall be cause for suspension or revocation of the license.

3803. PENALTIES

3803.1 Each licensee shall be liable for all penalties provided for violation of any of the provisions of this chapter, whether the violations are committed by the licensee or the licensee's agent or employee.

3803.2 Pursuant to D.C. Official Code § 47-2846, any person violating any provision of this chapter shall, upon conviction, be fined not more than three hundred dollars (\$300) or imprisoned for not more than thirty (30) days, or both.

3803.3 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

3804. NOTICE OF PROPOSED ACTION AND APPEAL RIGHTS

3804.1 If the Department proposes to deny, suspend or revoke a license, a written notice shall be provided to the applicant or licensee, which states the proposed action and the basis for the proposed action.

3804.2 The notice required under § 3804.1 shall advise the applicant or licensee of the right to request a hearing within ten (10) business days (excluding Saturdays, Sundays, and legal holidays) from the date of the service of the notice.

3804.3 The notice shall advise that the action proposed or recommended will be taken at the expiration of ten (10) calendar days after service of the notice unless an appeal is taken.

3804.4 The notice shall be:

- (a) Served personally upon the applicant or licensee, or the applicant or licensee's agent; or

- (b) Sent by first class mail to the home or business address of the applicant or licensee, or the applicant or licensee's agent, appearing on the application or license.

3804.5 A notice that is returned by the post office for reason of refusal of the addressee to accept delivery, or incorrect address, is deemed to have been properly served on the addressee by mail.

3804.6 An applicant or licensee may not file a separate application for licensure under this chapter during the appeal process.

3805. HEARINGS AND APPEAL

3805.1 Any licensee on whom a notice has been served pursuant to § 3804 may file a written notice of appeal with the Office of Administrative Hearings (OAH).

3805.2 All hearings and appeals shall be conducted pursuant to the regulations promulgated by OAH. Any stay of an OAH decision that results in the revocation of a license shall be issued pursuant to the procedures set forth by OAH.

3899. DEFINITIONS

3899.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Certificate of Occupancy – means the document issued by the Department certifying that the use of a building complies with District zoning laws.

Clean Hands Certification – means the certification required by D.C. Official Code §§ 47-2861 *et seq.* and issued from the Office of Tax and Revenue to a person applying for a license.

General Business License – means the license required for businesses subject to D.C. Official Code § 47-2851.03d.

Home Occupation Permit – means the document issued by the Department allowing an individual to conduct certain occupations in his or her principal residence.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, NE, Washington, D.C. 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2851.20, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, a new Chapter 39 (General Contractor/Construction Manager) of Title 17 of the District of Columbia Municipal Regulations (DCMR). This rulemaking adds a new chapter 39 to create a new basic business license endorsement category for individuals or businesses engaged in general contracting or construction management.

The creation of this new license category was authorized by the Fiscal Year 2009 Budget Support Act of 2008, D.C. Law 17-219, effective August 16, 2008.

17 DCMR Chapter 39 is added to read as follows:

CHAPTER 39 GENERAL CONTRACTOR/CONSTRUCTION MANAGER

Secs.

3900	General Provisions
3901	Licensing of General Contractor/Construction Manager
3902	Insurance
3903	Examination of Records
3904	Advertising and Records
3905	Contracts
3906	Receipts
3907	Permits
3908	Denial, Suspension, or Revocation of License
3909	Penalties
3910	Notice of Proposed Action and Appeal Rights
3911	Hearings and Appeal
3999	Definitions

3900. GENERAL PROVISIONS

- 3900.1 Each person engaged in general contracting or construction management in the District shall apply to the Department of Consumer and Regulatory Affairs (Department) for a basic business license with a General Contractor/Construction Manager endorsement (license).
- 3900.2 A licensee shall conspicuously post the license on the premises indicated on the license, which shall be available for inspection by any duly authorized government official. A photocopy of the license shall be posted in a conspicuous place at each construction site maintained by the licensee.

- 3900.3 A licensee shall obtain any other basic business license and endorsements as required by District statute or regulation.
- 3900.4 No licensed General Contractor/Construction Manager shall hold himself or herself out or engage in business as a General Contractor/Construction Manager under any name other than the name appearing on his or her license; Provided, that nothing in this subsection shall prevent the use of a trade name if the name is contained in the license application and approved by the Director of the Department of Consumer and Regulatory Affairs (Director).
- 3900.5 No person shall include in any contract relating to general contracting or construction management work any provision waiving or purporting to waive any provision of this chapter. Any provision included in a contract which waives or purports to waive any provision of this chapter shall be void and of no effect.
- 3900.6 A license issued under this chapter is not transferable.
- 3900.7 A person who obtains a license under this chapter shall not be required to obtain a home improvement contractor license to engage in home improvement work, as that term is defined in 16 DCMR § 899.1; Provided, that the person engaging in such work complies with the requirements of 16 DCMR §§ 808, 810, and 811.

3901. LICENSING OF GENERAL CONTRACTOR/CONSTRUCTION MANAGER

- 3901.1 Application for a license issued under this chapter shall be made to the Director on a form prescribed by the Director.
- 3901.2 Licenses shall be of the following five (5) classes:
- (a) Class A – The holder of a Class A license is subject to no limitation as to the value of any single contract project.
 - (b) Class B – The holder of a Class B license is not entitled to engage in the construction of any single contract project of a value in excess of ten million dollars (\$10,000,000).
 - (c) Class C – The holder of a Class C license is not entitled to engage in the construction of any single contract project of a value in excess of five million dollars (\$5,000,000).
 - (d) Class D – The holder of a Class D license is not entitled to engage in the construction of any single contract project of a value in excess of two million dollars (\$2,000,000).
 - (e) Class E - The holder of a Class E license is not entitled to engage in the construction of any single contract project of a value in excess of five hundred thousand dollars (\$500,000).
- 3901.3 Each application shall be signed by the owner or authorized representative of each business and shall correctly set forth the information required on the application form.

- 3901.4 Each application shall list all jurisdictions where the applicant is licensed to engage in the business of general contracting or construction management and if any disciplinary actions have been taken against the applicant in any other jurisdiction. This includes any monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license in any jurisdiction.
- 3901.5 Each application shall include a credit report from a credit reporting agency that is subject to oversight by the Federal Trade Commission and a statement of all outstanding judgments against the applicant.
- 3901.6 The credit report required by § 3901.5 shall be submitted by:
- (a) The business; and
 - (b) Any principal officers of the business and any person owning, directly or indirectly, twenty-five percent (25%) or more of the interest in the business; or
 - (c) Any sole proprietor.
- 3901.7 Any false statement contained in the application for license shall be grounds for the denial, suspension, or revocation of that license by the Director.
- 3901.8 Each license shall be valid for two (2) years.
- 3901.9 A licensee shall notify the Department of any change of address within thirty (30) days of the change.
- 3901.10 No license shall be issued to any applicant whose license under this chapter has been revoked for cause at any time within the last four (4) years. For any applicant other than a natural person, this provision shall apply to every principal officer and to any person owning, directly or indirectly, twenty-five percent (25%) or more of the interest in the applicant.
- 3901.11 A licensee shall notify the Department of any disciplinary action (as described in § 3901.4) taken against the licensee in any jurisdiction the licensee is licensed to engage in the business of general contracting or construction management within thirty (30) days of such action.
- 3901.12 All qualifications set forth in this chapter as prerequisite to the issuance of a license shall be maintained for the entire license period. Failure to maintain any qualification for license shall be cause for suspension or revocation of the license.
- 3901.13 The license number, and the class of license obtained, shall appear on every application for a building permit.

3902. INSURANCE

- 3902.1 Prior to the issuance of a license, each applicant shall furnish to the Director a certificate of insurance, issued by an insurer authorized to insure in the District with

a credit rating of B+ or higher by A.M. Best Company, evidencing commercial general liability insurance as follows:

- (a) If the applicant is applying for a Class A license: limits of at least two and a half million dollars (\$2,500,000) per occurrence (primary or umbrella) for bodily injury and property damage arising in any way from the issuance of the license;
- (b) If the applicant is applying for a Class B license: limits of at least one and a half million dollars (\$1,500,000) per occurrence (primary or umbrella) for bodily injury or property damage arising in any way from the issuance of the license;
- (c) If the applicant is applying for a Class C license: limits of at least five hundred thousand dollars (\$500,000) per occurrence, one million dollars (\$1,000,000) in the aggregate combined single limit, for bodily injury or property damage arising in any way from the issuance of the license;
- (d) If the applicant is applying for a Class D license: limits of at least five hundred thousand dollars (\$500,000) per occurrence, one million dollars (\$1,000,000) in the aggregate combined single limit, for bodily injury or property damage arising in any way from the issuance of the license; and
- (e) If the applicant is applying for a Class E license: limits of at least five hundred thousand dollars (\$500,000) per occurrence for bodily injury or property damage arising in any way from the issuance of the license.

3902.2 Each insurance policy required under this chapter shall include a provision requiring thirty (30) days advance notice to the Director prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this chapter in full force and effect for the duration of the license period.

3902.3 A single violation of this section shall be grounds for the Director to suspend or revoke the license.

3902.4 Each insurance policy required by this chapter shall name the District of Columbia Treasurer as an additional insured on a primary, non-contributory basis.

3903. EXAMINATION OF RECORDS

3903.1 The Director is authorized, in connection with the consideration of license applications and from time to time during the license period, during regular business hours, to require any applicant or licensee to make available to the Director such information as the Director considers necessary in determining or verifying whether the applicant or licensee has or retains the qualifications necessary for obtaining or retaining a license, or has violated or failed to comply with any provision of statute or regulation relating to the conduct of the licensed business or to obtaining or retaining a license.

3903.2 Failure to make information available to the Director; failure to furnish to the Director the information the Director is authorized to request by this section; or

failure to furnish to the Director or to permit the Director to make one (1) or more copies of such records maintained by the applicant or licensee as the Director may specify, shall be grounds for denial, suspension, or revocation of a license.

- 3903.3 The information required by this section to be furnished to the Director may, at the option of the applicant or licensee, be furnished to the Director at the Director's office or, upon notice to the Director, at the place of business of the applicant or licensee.

3904. ADVERTISING AND RECORDS

- 3904.1 In any advertisement, the licensee shall include his or her license number.

- 3904.2 All plumbing, gasfitting, electrical, or refrigeration and air conditioning work, or any combination of those services, to be performed under any contract between a property owner and a licensee, shall be performed in accordance with all of the requirements of the regulations applicable to that work, with particular reference to the use of qualified personnel (whenever required by the applicable regulations) in securing the permits and in the performance of the work.

- 3904.3 A licensee shall maintain a list that includes information about all permits obtained and all contractors or subcontractors performing work on any project permitted or requiring a permit under this chapter. Such list shall include the contractor or subcontractor's name and address, and if applicable, their license number. If requested by the Director, the licensee shall produce this list within forty-eight (48) hours of the Director's request.

3905. CONTRACTS

- 3905.1 A licensee shall print his or her license number legibly on the front page of every estimate, contract, and subcontract.

- 3905.2 No licensee, or any agent for the licensee, shall accept any payment for general contracting or construction management work to be performed for a property owner until after the understanding between the property owner and the licensee, or the licensee's agent, with respect to the work, has been reduced to writing in accordance with the provisions of this section.

- 3905.3 The contract shall be signed by the property owner and, as the case may be, either by the licensee, or other agent for the licensee subject to the licensee's approval.

- 3905.4 If the contract contains a provision that the contract shall not be binding until accepted by the licensee, the licensee shall within fifteen (15) days after the contract has been executed by the property owner, unless a later date is agreed upon between the licensee and the property owner, in writing, give the property owner written notice of acceptance or rejection.

- 3905.5 Notice of acceptance or rejection under § 3905.4 shall be delivered to the property owner personally, by first class mail, or by electronic mail.

- 3905.6 In case of rejection, any payment made by the property owner for any services that have not been rendered by the licensee shall be returned to the property owner with the notice of rejection.
- 3905.7 Each contract for general contracting or construction management work shall bear the licensee's name, address, telephone number, and license number.
- 3905.8 Each contract shall include a description of the terms of payment, the approximate date on which the work required by the contract is to start, and the approximate date on which the work will be completed, such starting and completion dates to be subject to change at the time the contract is accepted by the licensee and at no other time (except by written agreement between the property owner and the licensee), with notice of any such change to be set forth in the written notice of acceptance of the contract furnished to the property owner by the licensee.
- 3905.9 A contract may include a provision to the effect that the licensee shall not be liable for delays due to unforeseeable causes beyond the control of and without the fault or negligence of the licensee, including acts of God, or the public enemy, or of the property owner, fires, floods, strikes, freight embargoes, or unusually severe weather.
- 3905.10 A set of specifications shall be made part of the contract, either by inclusion in the contract or by being incorporated in the contract by reference, showing the work to be done and the materials to be used.
- 3905.11 There shall be no change in specifications without the written approval of the property owner.
- 3905.12 No licensee shall cause or permit any contract or other document relating to the performance of general contracting or construction management work to be signed by the property owner before all blank spaces are filled in with easily legible writing and the licensee has submitted to the property owner the completed contract or other document and given the property owner a reasonable opportunity to examine it.
- 3905.13 Each contract shall contain a notice in bold type no smaller than ten (10) point stating in substance that the property owner shall not sign the contract in blank and that the property owner is entitled to a copy of the contract at the time he or she signs.
- 3905.14 If the property owner has a prior existing unpaid account balance with the licensee which arose in the regular course of business and which is to be consolidated with the unpaid balance for the performance of general contracting or construction management work, then, as a separate transaction, the licensee may, within fifteen (15) days subsequent to the time the contract is signed by the property owner and not less than twenty-four (24) hours prior to commencing performance of the work, furnish the property owner with a written statement setting forth the consolidated balance due the licensee and the terms of payment.

3906. RECEIPTS

- 3906.1 Prior to the completion of the contracted work, a licensee that accepts any payment for the work shall promptly deliver to the property owner a receipt for that payment.
- 3906.2 If payment is made by check or U.S. Postal money order, no receipt need be delivered to the property owner.

3907. PERMITS

- 3907.1 Each licensee entering into a contract for the performance of any construction work for which a permit is required by applicable District law or regulation shall be responsible for taking such action as may be necessary to ensure that the work is performed only under the authority of the required permit and in accordance with all of its terms.

3908. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE

- 3908.1 The Director may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter for any reason set forth in this chapter or D.C. Official Code § 47-2844.
- 3908.2 All qualifications set forth in this chapter as prerequisite to the issuance of any license shall be maintained for the entire license period. Failure to maintain any qualification for a license shall be cause for suspension or revocation of the license.
- 3908.3 If the Director determines that a licensee is engaging in or has engaged in a pattern of substantial code violations, the Director may order a temporary suspension of any license issued pursuant to this chapter for a period not to exceed ten (10) days. Notice of the temporary suspension and the grounds for that suspension shall be immediately sent or delivered to the licensee at the address listed on the licensee's application. The licensee shall have an opportunity for a hearing before the Director prior to the expiration of the ten (10) day temporary suspension. If the Director determines by a preponderance of the evidence that a pattern of substantial code violations exists, the Director may suspend the licensee's license for a longer period of time or revoke the license.
- 3908.4 The grounds for denial, suspension, or revocation of a license include the following:
- (a) Material misstatement in application for license;
 - (b) Failure or refusal to comply with any provision of statute or regulation governing the carrying on of the general contracting or construction management work;
 - (c) Conviction of false pretenses, larceny after trust, embezzlement, or any other offense involving fraudulent conduct, arising out of or based on a general contracting or construction management contract;
 - (d) Misrepresentation or concealment, through any subterfuge or device, or any matter required by this chapter to be stated to the property owner

or of the nature of any matter required by this chapter to be furnished to the property owner;

- (e) Employment of any fraudulent or misleading device, method, or practice in connection with the negotiation or performance of a contract for general contracting or construction management;
- (f) Use of advertising with regard to contracting for or performing general contracting or construction management work which is misleading or deceptive by reason of any false statement contained in that advertising or which, by reason of incompleteness or otherwise, may mislead or deceive;
- (g) Willful or fraudulent circumvention of any provision of statute or regulations relating to the conduct of the licensed business;
- (i) The unjustified failure or refusal of a licensee to substantially complete the work required by a contract within a reasonable time after the approximate date of completion specified in the contract; and
- (j) Working beyond the scope of the class of license issued under § 3901.2.

3908.5 Any advertising conforming with the then-current regulations, rules, or guides of the Federal Trade Commission shall not be deemed to be misleading or deceptive under § 3908.4(f).

3909. PENALTIES

3909.1 Each licensee shall be liable for all penalties provided for violation of any of the provisions of this chapter, whether the violations are committed by the licensee or the licensee's agent or employee.

3909.2 Pursuant to D.C. Official Code § 47-2846, any person violating any provision of this chapter shall, upon conviction, be fined not more than three hundred dollars (\$300) or imprisoned for not more than ninety (90) days, or both.

3909.3 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

3910. NOTICE OF PROPOSED ACTION AND APPEAL RIGHTS

3910.1 If the Department proposes to deny, suspend or revoke a license, a written notice shall be provided to the applicant or licensee, which states the proposed action and the basis for the proposed action.

- 3910.2 The notice required under § 3910.1 shall advise the applicant or licensee of the right to request a hearing within ten (10) business days (excluding Saturdays, Sundays, and legal holidays) from the date of the service of the notice.
- 3910.3 The notice shall advise that the action proposed or recommended will be taken at the expiration of ten (10) calendar days after service of the notice unless an appeal is taken.
- 3910.4 The notice shall be:
- (a) Served personally upon the applicant or licensee, or the applicant or licensee's agent; or
 - (b) Sent by first class mail to the home or business address of the applicant or licensee, or the applicant or licensee's agent, appearing on the application or license.
- 3910.5 A notice that is returned by the post office for reason of refusal of the addressee to accept delivery, or incorrect address, is deemed to have been properly served on the addressee by mail.
- 3910.6 An applicant may not file a separate application for licensure under this chapter during the appeal process.

3911. HEARINGS AND APPEAL

- 3911.1 Any licensee on whom a notice has been served pursuant to § 3910 may file a written notice of appeal with the Office of Administrative Hearings (OAH).
- 3911.2 All hearings and appeals shall be conducted pursuant to the regulations promulgated by OAH. Any stay of an OAH decision that results in the revocation of a license shall be issued pursuant to the procedures set forth by OAH.

3999. DEFINITIONS

- 3999.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Director - the Director of the Department of Consumer and Regulatory Affairs.

Construction management – means any work performed by a construction manager.

Construction manager – means any person who, for a fee, is contracted to supervise and coordinate the work of design professionals and multiple general contractors, while allowing the design professionals and general contractors to control individual operations and the manner of design and construction. Services provided by a construction manager may include:

- (a) coordination, management, or supervision of design or construction;

- (b) cost management, including estimates of construction costs and development of project budgets;
- (c) scheduling for all phases of a project;
- (d) design review, including review of formal design submission and construction feasibility; and
- (e) bid packaging and general contractor selection; provided, that an owner who performs construction management himself or herself for his or her own residential property is not considered to be engaged in construction management for purposes of this chapter.

The term “construction manager” does not include any licensed engineer or architect acting within the scope of his or her license.

General contractor – means any person who, for a fee, is contracted to do construction on real property owned, controlled, or leased by another person of commercial, industrial, institutional, governmental, residential or accessory use buildings or structures. This also includes the remodeling, repair, improvement or demolition of these buildings or structures.

The term “general contractor” shall also include persons engaged in heavy construction (including highway, street, bridge, transmission line, marine facilities, and oil and gas structures construction, and dredging); land development (including blasting, test drilling, landfill, leveling, earthmoving, excavating, land drainage, and other land preparation); and the construction of new buildings.

The term “general contractor” does not include:

- (a) any subcontractor, employee, or agent working for or under the supervision of a general contractor licensed or required to be licensed under this chapter and acting within the scope of his or her contract, employment, or agency;
- (b) any person who merely furnishes materials or supplies for use at a construction site without fabricating them into, or consuming them in the performance of, the work of a general contractor;
- (c) any licensed engineer or architect acting within the scope of his or her license;
- (d) any person who does general contracting work on property that constitutes his or her primary residence, if that primary residence is a single-family dwelling;
- (e) any property owner who does minor nonstructural repairs on the owner’s property; and
- (f) a governmental entity for work upon premises owned by the governmental entity and performed by employees of the governmental entity.

General contracting – means any work that is performed by a general contractor.

The term “general contracting” shall not include work performed by licensed electricians, licensed plumbers and gasfitters, or licensed refrigeration and air conditioning mechanics, so long as the work performed by them is limited to that of their licensed profession.

Pattern of substantial code violations – means five (5) or more violations of the building code which imperil the public health, safety, or welfare, or two (2) or more violations of

any stop work order issued pursuant to this code, or any combination thereof involving five (5) or more violations of this code within any six (6) month period, at one (1) or more construction sites within the District managed or controlled by the licensee.

Property owner - any person or person's authorized agent who enters into a contract for the performance of general contracting work on property owned or occupied by that person.

Payment - the transfer, directly or indirectly, of any valuable consideration, and shall include, but not be limited to, the delivery of cash, promissory note, installment contract, other written promise to pay money, chattel mortgage, or deed of trust; Provided, that the term "payment" shall not include the promise to pay embodied in the contract itself.

Person - includes an individual, firm, partnership, joint stock company, corporation, association, incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, committee, assignee, officer, employee, principal or agent.

Single contract project – means the total estimated cost of a project being undertaken by a general contractor or construction manager.

Subcontractor – means any person who contracts to perform construction-related services for a general contractor, a construction manager, or another subcontractor.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, NE, Washington, D.C. 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The Chairperson of the District of Columbia Taxicab Commission pursuant to the authority set forth under section 14 (a) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, D.C. Law 6-97; D.C. Official Code § 50-313 (a), and Mayor's Order 87-156, dated July 1, 1987, hereby gives notice of rulemaking action taken on July 9, 2008 to revise § 1201.7 of Chapter 12 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The proposed rulemaking clarifies language in § 1201.7 requiring limousine operators to maintain a written or printed manifest and delineates the penalties for failure to do so. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Section 1201.7 in Chapter 12 of Title 31 DCMR is amended as follows:

1201 GENERAL REQUIREMENTS

- 1201.7 Each operator of a limousine shall maintain an itinerary/trip ticket, work order, log sheet or electronic device that contains a daily log of all trips engaged in during the operation of the vehicle. Information retrieved or maintained on an electronic device or cellular telephone shall be transferred to a written or printed format. All such records shall be considered to be the manifest.
- (a) Each manifest shall be formatted to include, but not be limited to, the following information: the date, time of pick up, address or location of the pick up, final destination, and time of discharge.
 - (b) Any operator who fails to have an approved manifest formatted as required in section (a) in his/her possession during the operation of the vehicle, fails to properly complete and maintain the manifest, or fails to provide the manifest to a government agency upon request shall be subject to the civil fines for these violations listed in section 825.1.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Doreen E. Thompson, General Counsel and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the D.C. Department of Transportation pursuant to the authority set forth in sections 5(4) and 6(b) and (c) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137, D.C. Official Code § 50-921.04 and § 50-921.05(b) and (c)) and sections 603 and 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code §§ 10-1141.03 and 10-1141.04)) and Mayor's Order 96-175, (December 9, 1996), gives notice of his intent to adopt the following rules to add a new section to chapter 12 of Title 24 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The proposed rules will establish the District Department of Transportation's policies and procedures to obtain a public space permit to authorize a curb cut across public space to construct a driveway.

Title 24 DCMR, Chapter 12 is amended by adding new sections 1201, 1202, and 1203 to read as follows:

1201 CURB CUTS AND DRIVEWAYS

- 1201.1 No person shall make a curb cut in, demolish, repair or construct a driveway across the public space without first obtaining a public space permit from the Department of Transportation.
- 1201.2 The Director may approve a public space permit for a curb cut when there is alley access to the property if the applicant for the permit complies with subsection 1201.4.
- 1201.3 The Director may approve a public space permit for a curb cut when there is potential access to an expanded alley network if the applicant for the permit complies with subsection 1201.4.
- 1201.4 The Director may grant a public space permit for a curb cut when the applicant for the permit submits to the Director information that demonstrates that there is no alternative way to access on-site parking or a loading dock through existing or proposed paved alleys, or there is a special need as provided in section 1202.
- 1201.5 A property owner shall obtain a new public space permit for the curb cut to continue use of an existing curb cut or driveway when any of the activities listed in subsection 1201.6 occur on the property.
- 1201.6 The public space permit expires when the activities listed below occur on the property:

- (a) There is new construction;
 - (b) The principal building on the property is razed or partially razed; or
 - (c) Substantial improvements, in excess of fifty percent (50%) of the building's value, are made to the principal building.
- 1201.7 If the Director does not issue a public space permit for a curb cut or driveway to an owner, and there is an existing curb cut or driveway the owner of the property shall at the owner's expense remove the curb cut, driveway, or parking pad and restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1201.8 The Director may approve a permit for double curb cuts to construct a circular driveway if the applicant proves a compelling need for a one-way circulation of motor vehicles. A compelling need may include a special need as provided in section 1202.
- 1201.9 If approval of the activity is required to be approved by the Fine Arts Commission or the Historic Preservation Review Board, the applicant for a curb cut permit shall submit those approvals with the public space permit application.
- 1201.10 The Director shall issue a public space permit for the curb cut after the permit application is approved and all permit fees and deposits have been paid by the applicant.
- 1201.11 The curb cut permittee shall construct the curb cut and associated driveway in compliance with current DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1201.12 No person shall park any vehicle so that the vehicle protrudes in whole or in part into the public space, a public sidewalk, or public alley.
- 1201.13 The owner of property abutting a curb cut shall repair, at the property owner's expense, any damage to public space caused by the use or construction of an abutting curb cut, driveway, or parking pad.

1202 SPECIAL NEEDS

- 1202.1 An applicant has a special need if the applicant is the owner of the abutting property and the applicant meets the requirements for a reserved parking space contained in 18 DCMR 2710.1 (a)-(d).

- 1202.2 Public space permits issued for a special need shall expire upon the sale of the property.
- 1202.3 Prior to the issuance of a public space permit for a special need, a covenant of maintenance agreement shall be attached to the deed for the property stating that upon the sale of the property, any curb cut, driveway or parking pad authorized by this permit and located on public space be removed and the public space restored.
- 1202.4 Upon the sale of the property, any curb cut, driveway or parking pad located on public space pursuant to a special need shall be removed and the public space restored in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1202.5 The responsibility to obtain a public space permit for the restoration of public space pursuant to subsection 1202.4 and the cost of the restoration shall be borne by the seller of the property, unless the buyer agrees to obtain the public space permit and bear the cost instead.

1203 PERMIT REVOCATION

- 1203.1 The Director may revoke a permit for a curb cut or driveway on or across public space at any time.
- 1203.2 Upon revocation of the permit, the owner of the property, at the property owners expense, shall remove the driveway and restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1203.3 A property owner, at the property owner's expense, shall remove any curb cut or driveway that is not authorized by the Director and the property owner shall restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.

24 DCMR, section 1299 is amended to add the following new definitions to read as follows:

Driveway – A strip of concrete or other Department of Transportation approved material designed to enable vehicular conveyance from a public roadway or alley to a parking pad, garage or loading dock on private property.

Curb Cut – A break in the roadway that allows access to a driveway leading to a parking pad, garage or loading dock.

Public Space – All the publicly owned property between the adjacent property lines on a street right-of-way and, if applicable, extended to the adjacent building restriction line on private property, including, but not limited to, the roadway, tree spaces, sidewalks and alleys.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Karina Ricks, Associate Director, District Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009.

Comments may also be sent electronically to publicspace.committee@dc.gov. Copies of this proposal are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 08-22

(Text Amendment – 11 DCMR)

(Map Amendment to Rezone Portions of Ward 7 From R-5-A to R-1-B, R-2, R-3, or R-4)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend the Zoning Map of the District of Columbia as incorporated in the Zoning Regulations (Title 11 DCMR).

The proposed map amendment rezones certain squares, and portions of squares, in Ward 7, from R-5-A to the R-1-B, R-2, R-3, or R-4 Districts, as shown in the table below.

PROPOSED NEW ZONE	SQUARE	LOTS
R-1-B	5546	part of 5, part of 6, part of 800, and part of 806
R-1-B	5547	part of 833, and part of 852
R-2	5048 W	802, 804, 812, 814, 816, 818, 820, 822, and 824
R-2	5087	58-60, 67, 847, 924, 930, 932, 936-944, 946, 947, and 951
R-2	5088	4, 5, 10-15, 20-23, 45-50, 53, 54, 57, 58, 70-72, 78, 79, 84, 87-90, 103-111, 114, 117-120, 123-126, 131-138, 143-146, 148, 149, 806, 807, 810-817, 820, 821, 825-831, 834-836, 838-851, and 853
R-2	5089	7-13, 17-19, 22, 25, 26, 34, 35, 38-42, 45, 46, 51, 52, 55-58, 62, 63, 65, 66, 70-75, 802, 803, 805, 807-811, 813, 815-817, and 819-821
R-2	5090	2-8, 16-19, 32, 54-57, 70-79, 81, 800, 808-814, 817-821, 823-831, 833-835, 837, and 838
R-2	5091	1, 2, 5-8, 19-24, 26-36, 39-44, 49-52, 55-57, 65, 67, 69, 70, 800, 803, 806, 808, 810, 812, 816, 820, 824, 826-835, 837, 839-842, and 2001-2018
R-2	5092	1, 9, 22-27, 31, 34-41, 50, 52-59, 61-63, 800-808, 816, 818-822, 824-831, and 2001-2011
R-2	5093	15, 21-26, 203, 808, 817, and 2001-2012
R-2	5159	part of 802
R-2	5160	35, 36, 39, 41, 68-70, 802, and 803
R-2	5178	23-28, 48-51, and 800
R-2	5179	44-49, 54-63, 72, 73, 78, 82, 83, 88, and 89
R-2	5201	23-25, 119-122, 807, and 809
R-2	5202	27-29
R-2	5232	1-5, and 800-802
R-2	5246	3, 4, 7, 79, and 81
R-2	5252	31-34, 44, 72-79, 113-116, 140, 141, 146-199, 811-820, and 823-825
R-2	5258	24, 25, 28-32, 41-53, 800, and 804

Z.C. NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 08-22

PAGE 2

PROPOSED NEW ZONE	SQUARE	LOTS
R-2	5259	7-9, 14-22, 25, 38, 39, part of 40, part of 41, part of 42, 43, part of 800, part of 808, 809-811, and 814
R-2	5264	part of 7, 54, 57, and 59-61
R-2	5265	1-3, 47-50, and 53
R-2	5266	1-6, 11, 12, 15-17, 20-22, 42-44, 50, 55, 800, 802-804, and 2001-2008
R-2	5267	4-10, 20, 35, 36, 39, 42-45, 54-60, 804, 805, 810, and 811
R-2	5268	9-13, 22-25, 28, 41, 42, and 809
R-2	5271	1-3, 6, 7, 18-33, and 803-805
R-2	5272	17, 25, 26, 32-34, 37, 38, 41-45, 52, 53, 55, and 805
R-2	5273	15, 16, 36-40, 43, 46, 64, part of 801, and 2001-2009
R-2	5278	part of 7, 10, 20, 21, 23, and 24
R-2	5397 S	814, 816, and 818
R-2	5397	803
R-2	5410 N	4-10
R-2	5410	19-22, 25-40, 43, and 44
R-2	5463	800, 808, and 809
R-2	5464	41-44
R-2	5465	9-12, 43, and 44
R-2	5466	43-46
R-2	5467	1-6, and 807
R-2	5480	1, 7, 8, 11, 12, 26, 29, 36-48, 800, 802, and 804-809
R-2	5481	10, 802, and 804
R-2	5482	23-25, 801, and 802
R-2	5483	1, 2, 5, 12, 13, 16-18, 20-24, 28-35, 800, and 802-807
R-2	5484	1, 2, 8-13, 19, 20, 27-30, 34, 35, 40-43, 46, 800, 801, and 803-807
R-2	5485	1, 2, 7, 8, 11-19, 22, 26-37, and 800-804
R-2	5486	10, 11, 15-17, 33, 34, and 802
R-2	5498	84-88, and 95-97
R-2	5500	1, 2, 5, 6, 8, and 800-802
R-2	5501	6-15
R-3	5000 S	60-71
R-3	5138	135, 809, 810, and 812-819
R-3	5140	76, 77, 88, and 810
R-3	5190	5-12, 27-30, 32-35, 37-39, and 806-808
R-3	5199	73-79
R-3	5203	24, 25, 29-42, 45, 820, 824, 851, 861, 863, 866, and 878-895
R-3	5204	part of 18, 19, and 23-36
R-3	5409	1-5, and 808

Z.C. NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 08-22

PAGE 3

PROPOSED NEW ZONE	SQUARE	LOTS
R-3	5414	20-40, 801, 803, and 807
R-3	5417	53, and 62-97
R-3	5418	33-44, 51-57, 62-64, 800, and 803-809
R-3	5419	1-4, 11-15, 21-23, 28, and 29
R-3	5420	800
R-3	5421	1-4, 22-27, 802, 805, and 806
R-3	5425	1 and 5-7
R-3	5426	8, 9, and 28-31
R-3	5427	67-76, and 78-97
R-3	5429	20-24, 800, 805, and 806
R-3	5430	33-41, 802-807, 809, 810, and 812
R-3	5431	13, 53-61, 65-81, 805-808, and 811
R-3	5432	57, 65, and 800-809
R-3	5434	5-10, 813, and Parcel 203-0009
R-3	5440	31, 32, 39-41, 803, 804, 806, and 2001-2006
R-3	5443	800
R-3	5444	18-21, 58, 59, 61-69, 800-803, 805-811, and 813-817
R-3	5445	48, 49, 52-54, 800-811, and 813-817
R-3	5446	42-48, 805-808, 810-814, and 2001-2006
R-3	5447	39-45, 800-803, 805-807, 809-811, 813, and 814
R-3	5448	800-802, and 804
R-3	5449	20, 21, 800, 803, and 807-812
R-3	5450	35, 39, 40, 803, 805, and 807-813
R-3	5451	39-43, 801, 803-805, and 807-809
R-3	5452	8, 9, 12-14, 17, 26, 27, 29, 30, 800-803, and 805-809
R-3	5546	7-9, and 13
R-3	5547	800-809, 823, 825, 827, 829, and 831
R-3	5548	13, 14, 91, 92, 100, 101, 114, 115, 803, and 810
R-3	5627	2, 3, 6, 7, 11-13, 17-21, 38, 41-47, 52-56, 100-111, 800, 809-812, and 2001-2006
R-4	5076	52-57, 801, and 803-806
R-4	5077	11-17, 20-25, 31-33, 36-41, 44-46, 49-55, 65-71, 76-80, 94-102, 113-117, 121-132, 134, 804-807, and 809
R-4	5078	part of 28, 43-45, 49, 50, 53-56, 59-70, 83, 85-89, 813, and 816
R-4	5086	2, 3, 800-802, 804-806, 808, 810-812, 814-822, 829-833, 842, 844, and 845
R-4	5172	3-10, 49, 55, 73-88, 92-97, 802-808, 811, and Parcels 184-0042, 184-0046, 184-0046, and 184-0049
R-4	5173	18, 19, 36, 41-43, 69, 70, 73-75, 86-88, 814, 817, and 820

Z.C. NOTICE OF PROPOSED RULEMAKING
 Z.C. CASE NO. 08-22
 PAGE 4

PROPOSED NEW ZONE	SQUARE	LOTS
R-4	5176	1, 194-207, part of 208, part of 304, 372-374, 801, 803, 805, 807, 837, 839-844, 852, 853, 862, 863, 867, 869, 871, 872, 874-879, 881, 882, 884-886, 890, 891, 895-900, 902, 904, 907-910, 913-915, 918-920, 923-926, 928, 931-934, 937-989, and 994-1029
R-4	5202	8, 9, 53, and part of 803
R-4	5552	43-70, 801-803, and 810-816
R-4	5553	16, 29-38, 805, and 811
R-4	5554	11-14
R-4	5555	29-44, 805, 806, and 808
R-4	5556	11-13, 43-45, 47-60, 806, 814, 821, and 822
R-4	5581	part of 19, 20-23, 26-29, 38, and 805
R-4	5582	2-9, and 805
R-4	5584	37-41, 68, 72-75, 82-84, 90-93, 97, 105, 112, 113, 117-119, 802, 804, 805, 810-815, 818-823, 825, 826, and 829
R-4	5585	34-43, and 809
R-4	5586	40, 41, 58, 60-76, 809, and 815
R-4	5636	5-8, 43-46, 49-51, 57, 61, 64, 66-68, 70, 77, 800, 801, 804-807, 815, 817, and 2001-2020
R-4	5637	63, 64, 77-83, 90-104, 818, 819, 839, 840, 844, 850, and 852

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.