

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 An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), Article III of Reorganization Plan No. 1 of 1983, effective March 31, 1983, D.C Official Code §§ 47-2828 and 47-2851.20, and Mayor's Order 83-92, dated April 7, 1983, 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 Title 14, Chapter 2 (Housing Business Licenses) of the District of Columbia Municipal Regulations.

The rulemaking amends the housing business licensing rules to update requirements for licensure and to clarify housing inspection requirements during the period of licensure. In addition, the name of the chapter is amended.

Proposed regulations were published in a Notice of Proposed Rulemaking on October 2, 2009, in the *D.C. Register* at 56 DCR 7840. One comment was received and the proposed regulations have been revised to: (1) include a new section with the license categories that may be issued pursuant to this chapter; (2) clarify licensees' premises maintenance requirements; (3) revise the registered agent provisions for licensees not residing in the District; and (4) clarify the license user fees. These proposed regulations supersede those published on October 2, 2009.

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

Title 14 DCMR, Chapter 2 is amended to read as follows:**CHAPTER 2 HOUSING BASIC BUSINESS LICENSES**

Secs.	
200	General Licensing Requirements
201	License Categories
202	Inspection of Premises
203	Registered Agent for Non-Resident Licensees
204	Licensing of Property Managers
205	Renewal of Housing Basic Business Licenses
206	Denial, Suspension, and Revocation of Licenses
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220	License and User Fees
299	Definitions

200 GENERAL LICENSING REQUIREMENTS

- 200.1 The provisions of this chapter shall be applicable to housing businesses licensed under D.C. Official Code § 47-2828.
- 200.2 For purposes of this chapter, a housing business is any dwelling unit or rooming unit in a residential building that is offered for rent or lease. A housing business shall include the rental of a dwelling unit or rooming unit in a residential building that the licensee also occupies. A housing business shall not include any transient housing providers, such as a hotel, bed and breakfast, inn and motel, boarding house, or rooming house.
- 200.3 No person shall operate a housing business in any premises in the District of Columbia without first having been issued a basic business license for the premises by the Department of Consumer and Regulatory Affairs (Department).
- 200.4 A licensee shall conspicuously post the license on the premises indicated on the license, and such license shall be available for inspection by any authorized District government official or any tenant residing at the premises.
- 200.5 Each applicant shall, as a condition to the issuance of a license, indicate on the license application the name and contact information of a property manager or resident manager responsible for conducting maintenance and repairs on the property.
- 200.6 The appointment or employment of a person to conduct property maintenance and repairs shall be maintained during the period of time for which a license is issued; whenever any change is made in the appointment or employment of such person, the licensee shall deliver to the Director of the Department (Director) a written notice of the change not less than five (5) days after the change.
- 200.7 A licensee shall conspicuously post the license on the premises indicated on the license, and such license shall be available for inspection by any authorized District government official or any tenant residing at the premises.

201 LICENSE CATEGORIES

- 201.1 The Department shall have the following categories for licensees subject to this chapter:
- (a) One-family rental, which shall include the rental of single-family homes, townhouses, duplexes, individual condominium units, or individual rooms (including individual rooms in a residential building that the licensee also occupies);
 - (b) Two-family rental, which shall include the rental of an English basement apartment, converted basement apartment, or carriage house in a single-family home where the main residence is occupied by the property owner or another tenant;
 - (c) Apartment building (3-4 units), which shall include the rental of buildings with three (3) or four (4) dwelling units;

- (d) Apartment building (5-25 units), which shall include the rental of buildings with at least five (5) units and no more than twenty-five (25) dwelling units; and
- (e) Apartment building (26 or more units), which shall include the rental of buildings with at least twenty-six (26) dwelling units.

- 201.2 Each license category, with the exception of a one-family rental, shall require a Certificate of Occupancy at the time of application for licensure.
- 201.3 Pursuant to District zoning regulations, one-family rental licenses shall not be issued to residential housing properties that are rented for less than (90) days or less.
- 201.4 Each license category, unless exempt pursuant to D.C. Official Code § 42-3502.05(a)(3), shall require registration of the rental units with the Department of Housing and Community Development's Rental Accommodations Division at the time of application for licensure.

202 INSPECTION OF PREMISES

- 202.1 As a condition of licensure, a licensee shall allow the Department, and any other District government agency responsible for enforcement of the housing and building regulations, to inspect its housing business premises.
- 202.2 A licensee shall:
- (a) Comply with all statutes and regulations governing the presence of rodents, waste storage and disposal, and maintenance of waste containers;
 - (b) Ensure that the licensed premises are maintained free of trash and debris;
 - (c) Ensure that grass or weeds are maintained at a height of less than eight (8) inches;
 - (d) Maintain the premises in a manner that complies with the applicable provisions of the D.C. Official Code and the District fire prevention and control laws and regulations; and
 - (e) Comply with all other District and federal statutes and regulations that govern housing businesses
- 202.3 The Director shall determine whether a licensee is in compliance with all applicable provisions of the business license laws and regulations, and shall require that the building or part of the building to be licensed complies with the applicable building and housing laws and regulations.
- 202.4 In accordance with § 202.1, the Director may develop a housing inspection program establishing a regular system of inspections for licensees, with more frequent inspections for any licensee found to be in violation of the applicable building and housing statutes or regulations.

203 REGISTERED AGENT FOR NON-RESIDENT LICENSEES

- 203.1 An applicant or licensee that is the non-resident owner of at least one (1) rental unit in the District of Columbia shall appoint and continuously maintain a registered agent for the service of process.
- 203.2 The non-resident owner shall make the appointment by filing a written statement with the Director on a prescribed form.
- 203.3 The registered agent shall be an individual who is a resident of the District of Columbia or an organization incorporated in the District of Columbia.
- 203.4 If the licensee changes the registered agent, or if the name or address or any information about the agent changes after the licensee files the statement with the Director, the nonresident owner shall, within seven (7) business days of its occurrence, file a written statement notifying the Director of the change.
- 203.5 The Director shall serve as the registered agent for the non-resident owner if the following applies:
- (a) A registered agent is not appointed under § 203.1; or
 - (b) The individual or organization named ceases to serve as the resident agent and no successor is appointed.

204 LICENSING OF PROPERTY MANAGERS

- 204.1 For purposes of this chapter, the term “property manager” means an agent for the owner of real estate in all matters pertaining to property management, as defined in D.C. Official Code § 47-2853.141, which are under his or her direction, and who is paid a commission, fee, or other valuable consideration for his or her services. A property manager may employ resident managers.
- 204.2 If the property manager of a housing business is someone other than the licensee, that property manager shall comply with the requirements of D.C. Official Code §§ 47-2853.141 through 47-2853.143, and any regulations issued pursuant thereto.

205 RENEWAL OF HOUSING BASIC BUSINESS LICENSES

- 205.1 The Director may, upon application by a licensee, issue a renewal of a housing basic business license subject to subsequent determination that all provisions of the applicable laws and regulations are being observed by the licensee.
- 205.2 The premises of each license renewal applicant shall be subject to the inspection provisions of this chapter.

206 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

- 206.1 Refusal to permit any authorized District of Columbia official to inspect the premises occupied or to be occupied by a housing business shall be cause for withholding the issuance of a license for the premises until such time as inspection is permitted.
- 206.2 Refusal to permit any authorized District of Columbia official to inspect the premises occupied by a licensed housing business shall be cause for revocation of the license.
- 206.3 The Director 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;
 - (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; or
 - (d) The making of any false statement in the license application.
- 206.4 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.

207 – 219 [RESERVED]

220 LICENSE AND USER FEES

- 220.1 The following fees shall apply to a housing business in addition to the fees required for obtaining the business license:
- (a) Pursuant to D.C. Official Code § 42-3504.01, an annual Rental Accommodations Division fee of \$21.50 per unit (which shall be collected at the initial issuance of the license and biennially at the renewal of the license in an amount of forty-three dollars (\$43.00));
 - (b) Pursuant to D.C. Official Code § 42-3131.01(c), a fee of ninety dollars (\$90.00) shall be collected for any reinspection of a licensee's premises for routine housing code violations. The fee shall be collected after the reinspection has occurred;
 - (c) Pursuant to D.C. Official Code § 42-3131.01(d), abatement by the Department of any housing or building code violations on a licensee's premises shall result in an initial administrative fee of one hundred seventy-five dollars (\$175.00) and an additional fee of thirty dollars (\$30.00) for each person-hour of labor performed on the abatement

beyond the first person-hour of labor. These fees shall be in addition to the costs incurred by the Department for the abatement of the violations; and

- (d) A fee to cover proactive inspection costs of the Department of thirty-five dollars (\$35) per unit on rental accommodations of three (3) units or more shall be charged at the issuance and renewal of the license. The charge shall not exceed two thousand dollars (\$2,000) biennially. The fee shall be deposited in the fund established by D.C. Official Code § 42-3131.01(b)(1)(A).

299 DEFINITIONS

- 299.1 The provisions of section 199 of chapter 1 of this title and the definitions set forth in that section shall be applicable to this chapter.

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, 941 North Capitol Street, NE, Suite 9500, Washington, D.C. 20002, or via e-mail at helder.gil@dc.gov, 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. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “DCRA News” link and then clicking on the “Rulemaking” tab.

OFFICE OF MOTION PICTURE AND TELEVISION DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING

The Director of the District of Columbia Office of Motion Picture and Television Development (“OMPTD”), pursuant to the authority set forth in section 2d(d) of the District of Columbia Financial Incentives for Motion Picture and Television Productions Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8277), delegated to the Director of OMPTD in Mayor’s Order 2009-213, dated December 11, 2009, hereby gives notice of her intent to adopt the following new chapter 32 of Title 1 of the District of Columbia Municipal Regulations in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. The new chapter establishes the following schedule of fees for permits authorizing the occupation of public space for motion picture, television, and other media productions (“film permit”). **Title 1 of the District of Columbia Municipal Regulations is amended by adding a new chapter 32 as follows:**

Chapter 32: Occupation of Public Space for Motion Picture, Television, and other Media Productions

3200 SCHEDULE OF FEES

The following fees are established for permits authorizing the occupation of public space for motion picture, television, and other media productions (“film permits”):

Permit	Fee		
Permit Application Processing Fee	\$30 (one-time fee per project)		
Film Permit (less than 10 total cast and crew)	\$150 first day	\$50 each additional day	\$500 cap
Film Permit (10 – 39 total cast and crew)	\$300 first day	\$100 each additional day	\$1,500 cap
Film Permit (40 – 69 total cast and crew)	\$450 first day	\$150 each additional day	\$3,000 cap
Film Permit (more than 70 total cast and crew)	\$600 first day	\$200 each additional day	\$4,500 cap
Still Photography Film Permit	\$150 (flat fee per-project)		
Student Film Permit	No fee (with proof of enrollment in accredited film program)		

Comments on this proposed rulemaking should be submitted in writing to Josh Friedman, Communications Director, Office of Motion Picture and Television Development, 2025 M Street, NW, Suite 600, Washington, DC 20036, within thirty (30) days after the publication of this notice in the *D.C. Register*. Additional copies of this proposed rulemaking are available from the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGFORMAL CASE NO. 990, IN THE MATTER OF THE DEVELOPMENT OF LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under District of Columbia Official Code § 34-401¹, hereby gives notice of its intent to adopt the following amendments to Chapter 27 of Title 15 of the District of Columbia Municipal Regulations (“DCMR”) in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. Chapter 27, which is entitled “Regulation of Telecommunications Service Providers,” contains the Commission’s rules and service quality standards for telecommunications service providers in the District of Columbia. The following proposed amendments to Chapter 27 will establish the Commission’s reporting requirements for service outages and incidents resulting in personal injury for telecommunications service providers in accordance with the “Omnibus Utility Amendment Act of 2004”² and D.C. Official Code § 34-2002(g).³

2740 REPORTING REQUIREMENTS FOR SERVICE OUTAGES AND INCIDENTS RESULTING IN PERSONAL INJURY OR DEATH

2740.1 The provisions of section 2740, except as otherwise reflected, shall apply to all telecommunications service providers serving at least 100 customers or 100 access lines, excluding telecommunications service providers that utilize local access obtained from the incumbent local exchange provider or another telecommunications service provider via resold or commercially negotiated agreements.

2740.2 Telecommunications service providers shall report to the Commission and to the Office of the People’s Counsel certain telecommunications service outages and disruptions. Telecommunications service providers shall report incidents that result in the loss of human life or personal injury requiring hospitalization directly or indirectly arising from or connected

¹ D.C. Official Code § 34-401 (2009 Supp.).

² *Id.*

³ D.C. Official Code § 34-2002(g) (2009 Supp.).

with the maintenance or operation of the telecommunications system within the District of Columbia.

2740.3 All service outages shall be communicated by telephone or email to the Commission and the Office of the People's Counsel as soon as practicable, but not later than one (1) hour after the telecommunications service provider has determined that a service outage has occurred.

2740.4 Each telephone or email communication rendered by the telecommunications service provider subsequent to a service outage shall, at a minimum, state clearly the following information:

- (a) The location of the service outage(s);
- (b) The estimated total number of customers out of service;
- (c) A preliminary assessment as to the cause of the service outage(s); and
- (d) The estimated repair and/or restoration time.

2740.5 If the outage is required to be reported to the Federal Communications Commission pursuant to 47 C.F.R. §§ 4.9 and 4.11, then the telecommunications service provider shall file a copy of the same reports with the Commission and the Office of the People's Counsel. If the outage occurs during the Commission's business hours, the telecommunications service provider shall file the relevant Notification Communications Outage Report required pursuant to 47 C.F.R. §§ 4.9 and 4.11 with the Commission and the Office of the People's Counsel within two (2) hours after the Notification has been filed with the Federal Communications Commission. For outages occurring outside of the Commission's normal business hours, the telecommunications service provider shall file with the Commission and the Office of the People's Counsel within one (1) hour of the next business day the relevant Notification Communications Outage Report filed with the Federal Communications Commission pursuant to 47 C.F.R. §§ 4.9 and 4.11.

2740.6 For those outages that are reported to the Federal Communications Commission, within one (1) business day of submission of the Initial Communications Outage Report and the Final Communications Outage Report to the Federal Communications Commission pursuant to 47 C.F.R. §§ 4.9 and 4.11, the telecommunications service provider shall file a copy of the District-specific portion of those reports with the Commission and the Office of the People's Counsel.

- 2740.7 If the telecommunications service provider withdraws any report that is submitted to the Federal Communications Commission pursuant to 47 C.F.R. § § 4.9 and 4.11 as well as the Commission and the Office of the People's Counsel, the telecommunications service provider shall file with the Commission and the Office of the People's Counsel the withdrawal filed with the Federal Communications Commission within one (1) business day of submission of the withdrawal. The telecommunications service provider shall also explain the reasons for the withdrawal.
- 2740.8 The telecommunications service provider shall provide its customer service representatives or other appropriate employees with specific restoration information, including estimated restoration times, to enable the customer service representatives or appropriate employees to respond to customer inquiries regarding the service outage.
- 2740.9 The telecommunications service provider shall file a written report concerning all service outages with the Public Service Commission and the Office of People's Counsel within five (5) days following the end of a service outage. Each written report shall, at a minimum, state clearly the following information:
- (a) A description of the service outage(s) and/or incident(s) and information as to the cause of the event(s);
 - (b) The actual repair and restoration times of the service outage(s) and/or incident(s);
 - (c) A description of the restoration effort;
 - (d) The total number of customers affected by the service outage;
 - (e) A self-assessment of the telecommunications service provider's restoration efforts in the District of Columbia; and
 - (f) A description of the steps that the telecommunications service providers will undertake to prevent such outages in the future or improve repair times and processes.
- 2740.10 The Commission may request, if necessary, additional information concerning any service outage, if necessary.
- 2740.11 Telecommunications service providers shall communicate by telephone or email all incidents that result in the loss of human life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or

operation, to the Commission and the Office of the People's Counsel within one hour upon receiving notice of the incident.

2740.12 Each telephone or email communication concerning the loss of human life and/or personal injury requiring hospitalization shall, at a minimum, state clearly the following information:

- (a) The location of the incident(s);
- (b) The date and time of the incident(s);
- (c) The total number of persons affected;
- (d) A brief description of the incident; and
- (e) Identification of a contact person and contact information.

2740.13 A written report concerning the loss of human life and/or personal injury requiring hospitalization shall be submitted to the Commission and to the Office of the People's Counsel within thirty (30) days after the completion of any internal investigation or notification of the completion of any governmental investigation of any incident that results in the loss of life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or operations. If there is no investigation, the report shall be submitted thirty (30) days after the incident. The report shall include:

- (a) A description of the incident(s) and information as to the cause of the event(s);
- (b) The location of the incident(s);
- (c) The exact date and time of the incident(s) occurrence; and
- (d) The total number of persons affected;
- (e) Any other known relevant information about the incident not provided in the original notification; and
- (f) The steps the telecommunications service provider will take to prevent such an occurrence in the future.

2740.14 The Commission may request, if necessary, additional information concerning any incident that results in the loss of life and/or personal injury requiring hospitalization, directly or indirectly arising from or

connected with the telecommunications service provider's maintenance or operations.

2740.15 FCC reports filed under section 2740 are presumed to be confidential. Challenges to the confidentiality of these reports shall follow the procedures outlined in the Commission's rules governing confidential and proprietary information. All other reports filed under this section are not presumed to be confidential.

2799 DEFINITIONS

"Service outage" means an outage that lasts for at least 30 minutes and affects 100 or more customers or 100 or more lines.

"Telecommunications service provider" means an entity that provides telecommunications services. An entity that provides only telecommunications services that are not regulated by the Commission is not included in this definition.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments and reply comments not later than thirty (30) and forty-five (45) days, respectively, after publication of this notice in the *D.C. Register* with Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, DC 20005. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the above address.