

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2853.10(a)(12), Mayor's Order 2000-70, dated May 2, 2000, and Mayor's Order 2009-11, dated February 2, 2009, hereby gives notice of the adoption of the following amendments to Title 17, Chapter 26 (Real Estate Licenses) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking re-designates the Board of Real Estate as the Real Estate Commission, pursuant to Mayor's Order 2009-11, and amends the code of ethics for real estate brokers, real estate salespersons, and property managers to prohibit a licensee from influencing a real estate appraisal.

These rules were previously published as a proposed rulemaking in the *D.C. Register* on April 30, 2010 (57 DCR 3784). No comments were received in response to that notice and no changes have been made. These final rules will be effective upon publication of this notice in the *D.C. Register*.

**Title 17 DCMR, Chapter 26 is amended as follows:**

Chapter 26 is amended as follows:

- (a) Strike the phrase "Board of Real Estate" wherever it appears and insert the phrase "Real Estate Commission" in its place.
- (b) Strike the phrase "the Board" wherever it appears and insert the phrase "the Commission" in its place.

Subsection 2609.23 is amended to read as follows:

2609.23 A licensee shall not influence or attempt to influence the development, reporting, result, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or in any other manner, including any act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality, or violates a statute or regulation. This regulation shall not prohibit a licensee from making a good faith complaint against a real estate appraiser.

New subsection 2609.24 is added to read as follows:

2609.24 In addition to complying with the requirements set forth in this section, a licensee shall comply with the requirements set forth in the Act, the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1701 *et seq.*), as amended, and the rules issued pursuant to those acts.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES  
AND  
DEPARTMENT OF HEALTH**

**ERRATA NOTICE**

The Administrator of the Office of Documents and Administrative Issuances, pursuant to the authority set forth in section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-559), and the Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)) (“Act”), and Mayor’s Order 98-140, dated August 20, 1998, hereby give notice of the following corrections to the text of the District of Columbia Municipal Regulations (DCMR) which was amended by a Notice of Final Rulemaking published in the District of Columbia Register, and issued by the Department of Health on June 29, 2007 at 54 DCR 6417. The Notice of Final Rulemaking amended Chapter 35 of Title 17 of the DCMR to adopt amended licensing fees for health occupations.

The Late Renewal Fee for Respiratory Care Therapists is corrected to \$85.00, so that the relevant text reads as follows:

**RESPIRATORY CARE THERAPISTS:**

Application Fee	\$85.00
License Fee	\$169.00
Paid Inactive Status	\$169.00
Renewal Fee	\$160.00
Late Renewal Fee	\$85.00
Document Duplication Fee	\$34.00
Verification of Records	\$34.00
Reinstatement Fee	\$254.00
Criminal Background Check	\$50.00

Any Respiratory Care Therapist who can document paying a late renewal fee higher than \$85.00 may apply to the Health Professional Licensing Administration within the Department of Health for a refund of the amount overpaid.

Inquiries regarding this notice shall be addressed by mail to Administrator, Office of Documents and Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001 or via telephone at (202) 727-5090.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES  
AND  
DEPARTMENT OF HEALTH CARE FINANCE**

**ERRATA NOTICE**

The Administrator of the Office of Documents and Administrative Issuances, pursuant to the authority set forth in section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-559), and the Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program and for other purposes approved December 27, 1967 (81 Stat. 774; D. C. Official Code, §1-307.02) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), hereby give notice of the following corrections to the text of the District of Columbia Municipal Regulations (DCMR) which was amended by a Notice of Final Rulemaking published in the District of Columbia Register, and issued by the Department of Health on September 28, 2001 at 48 DCR 8971. Pursuant to D.C. Law 17-109, the “Department of Health Care Finance Establishment Act of 2007,” the Department of Health Care Finance is the successor agency for rulemaking regarding eligibility, service coverage, and service delivery and reimbursement policies for the District's health-care-financing programs.

The Notice of Final Rulemaking intended to create a new chapter 57 in title 29 regarding Medical Assistance for Immigrant Children. At the time of publication of the Notice of Final Rulemaking, title 29 contained an existing chapter 57. The Administrator of the Office of Documents and Administrative Issuances, pursuant to an old codification structure, consequently assigned the new chapter the designation 57A to avoid overwriting the original chapter 57 which was still in effect.

However, to comply with the new codification scheme set out in 1 DCMR 313, the current Administrator has reassigned Chapter 57A as Chapter 73.

Any questions or comments regarding this notice shall be addressed by mail to Administrator, Office of Documents and Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001 or via telephone at (202) 727-5090.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES  
AND  
ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**

**ERRATA NOTICE FOR ZONING COMMISSION ORDER NO. 08-12**

The Administrator of the Office of Documents and Administrative Issuances, pursuant to the authority set forth in the section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-559), hereby gives notice of the following corrections to the text of the Notice of Final Rulemaking published in the District of Columbia Register, and issued by the Zoning Commission of the District of Columbia on November 14, 2008 at 55 DCR 11862. The Notice of Final Rulemaking amended the Zoning Map incorporated in Title 11 of the DCMR (Zoning) to rezone certain properties located in Ward 8 that were zoned R-5-A to the R-2, R-3 or the R-4 Zone District.

In the chart included in the Notice of Final Rulemaking, the following properties are deleted because they were listed in the order, but do not exist:

Square 5920, lot 115;

Square 5938, lot 850;

Square 5727, lots 183 and 184;

Square 5730, lots 47 and 48;

Square 5734, lot 812;

Square 5984, lots 803;

Square 6159, lot 959.

In the chart included in the Notice of Final Rulemaking, the following properties are deleted because they were erroneously listed in the chart as being zoned R-5-A, when in fact they were not, and were therefore not intended to be included in the rezoning, which was expressly limited to rezoning properties zoned R-5-A:

Square 5957, lot 67. This lot retains its R-2 zoning.

Square 5892, lots 120 and 125. These lots retain their C-1 zoning.

Inquiries regarding this notice shall be addressed by mail to Administrator, Office of Documents and Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001 or via telephone at (202) 727-5090.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES  
AND  
ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**

**ERRATA NOTICE FOR ZONING COMMISSION ORDER NO. 08-22**

The Administrator of the Office of Documents and Administrative Issuances, pursuant to the authority set forth in the section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-559), hereby gives notice of the following corrections to the text of the Notice of Final Rulemaking published in the District of Columbia Register, and issued by the Zoning Commission of the District of Columbia on June 26, 2009 at 56 DCR 5057. The Notice of Final Rulemaking amended the Zoning Map incorporated in Title 11 of the DCMR (Zoning) to rezone certain properties located in Ward 7 that are currently zoned R-5-A to the R-2, R-3 or the R-4 Zone District.

In the chart included in the Notice of Final Rulemaking, the following properties are deleted because they were erroneously listed in the chart as being zoned R-5-A, when in fact they were not, and were therefore not intended to be included in the rezoning, which was expressly limited to rezoning properties zoned R-5-A:

Square 5204, parts of lots 18 and 19. These lots retain their R-2 zoning.

Square 5176, parts of lot 208 and 304. These lots retain their R-2 zoning.

In the chart included in the Notice of Final Rulemaking, the following property is deleted because it does not exist: Square 5636, lot 77.

Inquiries regarding this notice shall be addressed by mail to Administrator, Office of Documents and Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001 or via telephone at (202) 727-5090.

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING**

The Secretary of the District of Columbia, pursuant to the authority set forth in section 558 of An Act To establish a code of laws for the District of Columbia, approved March 3, 1901 (31 Stat. 1279; D.C. Official Code § 1-1201(c) (2006 Repl.)), and Mayor’s Order 97-177, dated October 9, 1997, hereby takes final rulemaking action adopting the following amendments to Chapter 24 (Notaries Public) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR). This rulemaking was previously published in the D.C. Register as proposed rulemaking on April 30, 2010 (57 DCR 3786). No comments were received on the proposed rulemaking. The final rules make no changes to the proposed rules as published.

The purpose of these amendments is to increase certification service and commissioning fees from \$10.00 to \$15.00 and \$50.00 to \$75.00 respectively.

**Chapter 24 (Notaries Public) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR) is amended as follows:**

**2407 CERTIFICATION (AUTHENTICATION) OF NOTARIES PUBLIC**

2407.2 The following fees shall be charged for the issuance of certifications of notaries public under this section:

- (a) ‘A’ Certificate’ ..... \$15.00
- (b) ‘Foreign Certificate’ ..... \$15.00
- (c) ‘B’ Certificate’ ..... \$15.00
- (d) ‘Apostille’ ..... \$15.00

**2408 CERTIFICATION OF RECORDS**

2408.2 The fee charged for each certification issued under this section shall be fifteen dollars (\$15.00).

**2409 COMMISSION FEES**

2409.1 Each notary public before obtaining his or her commission, and for each renewal thereof, shall pay to the D.C. Treasurer a license fee of seventy-five dollars (\$75.00).

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING  
AND  
ZONING COMMISSION ORDER NO. 09-18  
Z.C. Case No. 09-18  
(Text Amendment – 11 DCMR )  
(Text Amendment to Expressly Authorize More Than One Regular Monthly Zoning  
Commission Meeting)  
May 24, 2010**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798; D.C. Official Code §§ 6-641.01 and 641.03), hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia, DCMR Title 11. A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on April 23, 2010, at 57 DCR 3500. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

**Description of Amendments**

The proposed text amendment clarifies that the Commission may convene more than one regular monthly meeting.

**Procedures Leading to Adoption of Amendments**

A petition requesting the amendments was filed by the Office of Planning (“OP”) on November 17, 2009. The Commission voted to set down the proposal for hearing at its November 23, 2009 public meeting.

The Commission gave notice to all Advisory Neighborhood Commissions (“ANCs”) pursuant to § 13 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10. No reports were received.

A public hearing was scheduled for February 11, 2010. The hearing was canceled because of inclement weather. The hearing was re-scheduled for and held on April 1, 2010, after which the Commission authorized the referral of the proposed text to the National Capital Planning Commission (“NCPC”) and the publication of a notice of proposed rulemaking in the *D.C. Register*.

NCPC, through a delegated action dated April 30, 2010, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit No. 9.)

The Notice of Proposed Rulemaking was published in the *D.C. Register* on April 23, 2010, at 57 DCR 3500, for a 30-day notice and comment period. No comments were received.

At a properly noticed May 24, 2010 public meeting, the Commission took final action to adopt the text amendments as follows:

CHAPTER 30, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, § 3005 Meeting and Hearings, § 3005.6, is amended by inserting the phrase “at least” so that the provision will read as follows:

3005.6           A meeting of the Commission shall be held at least once each month in accordance with a schedule to be established by the Commission, and additional meetings as needed may be called by the presiding officer or by three (3) members.

On April 1, 2010, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** the proposed rulemaking at the close of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; William W Keating, III, not present not voting).

On May 24, 2010, upon motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; third Mayoral appointee position vacant, not voting.)

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on June 11, 2010.