



DCRA PROPOSED RULE-MAKING: HOUSING BUSINESS LICENSING

Legislative Director
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D.C. ADMINISTRATIVE PROCEDURE ACT

D.C. Official Code § 2-504. Official publications

- The District of Columbia Municipal Regulations
- The District of Columbia Register



THE D.C. MUNICIPAL REGULATIONS: REQUIRED PUBLICATIONS

D.C. Official Code 2-552. Official publications

- All rules, regulations, documents having “general applicability and legal effect” adopted by Mayor, Council, any agency, board, commission, or instrumentality
- All acts and resolutions of the Council not codified in the D.C. Official Code
- Courts exempted



THE D.C. REGISTER: REQUIRED PUBLICATIONS

D.C. Official Code 2-553. Public notice and participation in rulemaking

- All rules, regulations, documents having “general applicability and legal effect” not yet published in the D.C.M.R.
- Notices of public hearings
- Proposed agency rule-making



AGENCY RULE-MAKING: PUBLIC NOTICE & PARTICIPATION

Prior to rule-making the agency must:

- ❑ Publish notice of the intended action in the DC Register
- ❑ Provide interested persons with an opportunity to comment
- ❑ Accept comments for a period of not less than 30 days
- ❑ Emergency rules effective immediately
 - If immediately necessary to preserve the public peace, health, safety, welfare, or morals
 - For no longer than 120 days

DCRA PROPOSED RULE- MAKING FOR HOUSING BUSINESS LICENSING

What: DCRA proposed rule-making to amend the Housing Business Licensing regulations (D.C.M.R. Title 14, Chapter 2)

When: Jan. 1, 2010 DCRA publishes Notice of Proposed Rule-Making in the D.C. Register

Why: Notice references issues identified through first proposed rule-making in October 2009:

- Create license categories

- Clarify maintenance requirements

- Clarify requirements for agents of non-resident owners

- Clarify user fees



End of comment period: All public comments accepted if received within 30 days, or by January 31, 2010

OTA COMMENT PROCEDURE

- Alert stakeholders of opportunity to comment
- Request stakeholders to share comments with OTA
- Internal review and analysis
- Establish deadline for OTA recommendations in consultation with DCRA



HEADINGS IN PROPOSED RULE-MAKING FOR HOUSING BUSINESS LICENSING

General Licensing Requirements

License Categories

NEW

Inspection of premises

Registered Agent for Non-Resident Licensees

NEW

Licensing of Property Managers

AMENDED

Renewal of Housing Basic Business Licenses

Denial, Suspension, and Revocation of Licenses

License and User Fees

Definitions

MAJOR PROPOSED CHANGES IN THE HOUSING BUSINESS LICENSING RULES

New license categories created (based on size of accommodation)

Maintenance requirements enumerated

Registered agent for non-resident owners required

User fees updated (including “pro-active inspection” fee)



OTA'S MAJOR CONCERNS



Elimination of explicit (open-ended) language mandating inspections

Enumerating maintenance requirements may imply some are more important than others

Elimination of specific references to other agencies; need for more regulatory coordination

Business license no longer must be “framed under clear glass or plastic”

Required property manager information no longer includes address and physical location

Elimination of security deposit reports upon license renewal

Suggestion that there is an exemption from rent control registration

License categories may create confusion as to when C of O is required

OTA'S MAJOR RECOMMENDATIONS



Keep inspection mandate but specify when DCRA “shall inspect” (e.g., complaint-driven; building-wide; proactive)

Keep references to other agencies; promote regulatory coordination

Keep requirement that business license must be “framed under clear glass or plastic”

Require specific owner, agent, manager information – including physical address

Keep security deposit reports but to be filed with the Rent Administrator

Specify how and when fees will be collected

Inter-agency dialogue

NEXT STEPS



- DCRA review of comments
- Inter-agency dialogue (we hope)
- Modifications DCRA deems warranted
- Publication of Final Rule-Making in the D.C. Register
- OTA comments in full will be placed on agency website at www.ota.dc.gov
- Starting this year, you may comment electronically on proposed rule-makings at <http://www.dcregs.org/Help/MakeComment.aspx>



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