


Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson introduced the following bill which was referred to the
Committee _____.

To amend Chapter 28 of Title 47 of the District of Columbia Code to require District of
Columbia licensure as a prerequisite to serving on the Board of Architecture and
Interior Designers; to rename and change the composition of membership on the
Board of Architecture and Interior Designers; to allow students and employees to
engage in the practice of architecture when under the supervision of a licensed
architect; to require the licensure of firms operating in the District which practice
architecture, landscape architecture, and interior design; to require each office of a
professional design firm located in the District to be licensed; to establish
requirements for licensure of professional design firms; and to allow disciplinary
actions against licensed professional design firms in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
act may be cited as the "Regulation of Landscape Architecture and Professional Design Firms
Amendment Act of 2016".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as
follows:

(a) The table of contents is amended by adding new designation Part H-i to Subchapter
I-B to read as follows:

"Part H-i. Professional Landscape Architects."

42 (b) Section 47-2853.04(a) is amended by adding a new paragraph (18A) to read as
43 follows:

44 “(18A) Professional Landscape Architect;”.

45 (c) Section 47-2853.06(a) is amended to read as follows:

46 “(a) There is established a Board of Architecture, Interior Design and Landscape
47 Architecture to consist of 9 members of whom 4 shall be architects licensed in the District, 2
48 shall be interior designers licensed in the District, 2 shall be professional landscape architects
49 licensed in the District, and one shall be a consumer member. The Board shall regulate the
50 practice of architecture, interior design, and landscape architecture.”.

51 (d) Section 47-2853.61 is amended by adding the following sentence at the end:

52 “Nothing contained in this chapter shall be construed to prohibit a student,
53 draftsman, or other employee from engaging in the practice of architecture, provided that
54 such practice is performed under the instruction, supervision or control of a licensed
55 architect.”.

56 (c) Section 47-2853.62 is amended by striking the phrase “Board of Architecture and
57 Interior Designers” and inserting the phrase “Board of Architecture, Interior Design, and
58 Landscape Architecture” in its place.

59 (f) New sections 47-2853.64 through 47-2853.67 are added to read as follows:

60 “47-2853.64. Licensure of professional design firms.

61 “(a) For the purposes of this part, the following definitions shall apply:

62 “(1) The term “professional design firm” means any firm, franchise,
63 partnership, association, or corporation that is licensed to solicit and provide architecture,
64 interior design, or landscape architecture services in the District.

65 “(2) The term “professional design services” means architecture, interior
66 design, or landscape architecture services provided in the District.

67 “(3) The term “professional design document” means any drawing,
68 specification, report, request for information, construction and administration document, or
69 contract that in any way calls for the professional services of an architect, interior designer,
70 or landscape architect.

71 “(4) The term “responsible charge” means direct control and personal
72 supervision by a licensed architect, interior design, or landscape architect in the provision of
73 professional design services. The degree of control necessary shall be such that:

74 “(A) The license personally makes professional design decisions or
75 reviews and approves proposed decisions prior to their implementation, including
76 consideration of alternatives, whenever technical decisions are made; and

77 “(B) The license judges the qualifications of technical specialists and the
78 validity and applicability of their recommendations before such recommendations are
79 incorporated in the work.

80 “(b) No firm, franchise, partnership, association, or corporation shall offer or perform
81 professional design services in the District unless the entity has obtained a license from the
82 Mayor as a professional design firm.

83 “(c) No professional design firm license shall be issued to any applicant unless the
84 following requirements are met:

85 “(1) The applicant is organized and exists pursuant to applicable District and
86 federal laws;

87 “(2) At least one partner, officer, shareholder, member, or manager is an
88 architect, interior designer, or landscape architect licensed and in good standing in the
89 District;

90 “(3) At least two-thirds of the directors, partners, officers, shareholders,
91 members, or managers are licensed and in good standing as architects, interior designers,
92 landscape architects, or professional engineers in the District or in other states;

93 “(4) Each member who performs professional design services in the District is
94 licensed and in good standing in the District; and

95 “(5) All professional design services solicited or provided by a professional
96 design firm in the District shall be under the responsibility charge of a supervising architect,
97 interior designer, or professional landscape architect who is licensed in the District. This
98 provision shall not be construed to permit any licensed architect, interior designer, or
99 professional landscape architect to practice or supervise the performance of services which
100 are beyond the scope of those authorized by the license as established under this subchapter.

101 “(d) No person shall sign and stamp any professional design document on behalf of the
102 firm except an architect, interior designer, or professional landscape architect licensed in the
103 District. This provision shall not be construed to prohibit any licensed architect, interior,
104 designer, or professional landscape architect from associating with professional engineers or
105 other professionals in a business entity duly registered by the District.

106 “(e) A professional design firm licensed pursuant to this section may use the words
107 “architect”, “interior designer”, “professional landscape architect”, or any other word, letter,
108 figure, title, sign, card, advertisement, or symbol indicating that the firm is authorized to
109 solicit or provide architectural design services in connection with its firm name. A licensed
110 professional design firm shall notify the Board within one month after the admission or
111 withdrawal of a member or shareholder in the District from any firm so licensed.

112 “(f) The license of a professional design firm that falls out of compliance with the
113 provisions of this section due to changes in firm ownership or personnel shall be suspended

114 or revoked if the firm fails to take corrective action within a reasonable period, as defined by
115 the Board.

116 "47-2853.65. Offices; rules.

117 "(a) Each office established or maintained in the District to solicit or provide
118 professional design services shall be licensed in accordance with the subchapter. Each such
119 office shall be under the direct supervision of at least one member who holds a valid license
120 as an architect, interior designer, or professional landscape architect issued by the Mayor.
121 Such a member or resident manager may serve in such capacity at one office only.

122 "(b) The Mayor shall issue rules to prescribe the licensure application procedures.

123 "47-2853.66. License; issuance.

124 "A license for a professional design firm shall be issued by the Mayor if the firm has
125 furnished evidence satisfactory to the Board of compliance with the requirements for
126 licensure or renewal as outlined in this subchapter.

127 "47-2853.67. Actions against firms.

128 "(a) After a notice and hearing as provided in this subchapter, the Board shall, in
129 accordance with D.C. Official Code § 47-2853.64(f), suspend or revoke the license of a
130 professional design firm if at any time such firm fails to meet any of the qualifications for
131 licensure prescribed by this subchapter.

132 "(b) After a notice and hearing where the Board determines that a professional design
133 firm license or applicant has committed any of the acts described in D.C. official Code § 47-
134 2853.17 or violated any rule promulgated to enforce this subchapter, the Board may take one
135 or more of the following actions:

136 "(1) Deny the application for an initial or renewal licensure;

137 "(2) Revoke or suspend the licensure of any firm;

138 "(3) Censure or reprimand an architecture firm; or

139 “(4) Impose a civil fine not to exceed \$50,000 for each violation.”

140 (8) Subchapter I-B is amended by adding a new Part H-i to read as follows:

141 “Part H-i. Professional Landscape Architects.

142 “47-2853.116. Scope of practice for professional landscape architects.

143 “For the purpose of this part, the term “Practice of landscape architecture” means
144 rendering or offering to render services, which include consultation, evaluation, planning,
145 and preparation of studies, designs, specifications, and other technical submissions, in
146 connection with the development of land areas where, and to the extent that the dominant
147 purpose of such services is preservation, enhancement or determination of proper land uses,
148 natural land features, ground cover and planting, naturalistic and aesthetic values, the
149 settings, approaches or environment for structures or other improvements, natural drainage
150 and the consideration and determination of inherent problems of the land relating to the
151 erosion, wear and tear, blight or other hazards. These services also include the
152 administration of contracts relative to projects principally directed at the functional and
153 aesthetic use of land, and the location and arrangement of such tangible objects and features
154 as are incidental and necessary to the purposes outlined herein, but shall not include the
155 design of structures or facilities with separate and self-contained purposes such as are
156 ordinarily included in the practice of engineering or architecture, and shall not include the
157 making of land surveys or final land plats for official approval or recording. This provision
158 shall not be construed to restrict or otherwise affect the right of any architect, professional
159 engineer, land surveyor, nurseryman, landscape designer, landscape contractor, land
160 planner, community planner, landscape gardener, golf course designer, turf maintenance
161 specialist, irrigation designer, horticulturist, arborist, or any other similar person from
162 engaging in their occupation or the practice of their profession from rendering any service in
163 connection therewith that is not otherwise proscribed.

164 "47-2853.117. Eligibility requirements.

165 "An applicant for a license as a professional landscape architect shall establish to the
166 satisfaction of the Board of Architecture, Interior Design, and Landscape Architecture that
167 the applicant:

168 "(1) Is of good moral character;

169 "(2) Is a graduate of a degree program in landscape architecture accredited by
170 an accrediting institution prescribed by rule, or has completed an education program in
171 landscape architecture prescribed by rule as the equivalent of an accredited landscape
172 architectural degree program;

173 "(3) Has passed examination on the practice of landscape architecture
174 prescribed by rule; and

175 "(4) Meets any other requirements established by rule to ensure that the
176 applicant has had the proper training, experience, and qualification to practice landscape
177 architecture.

178 "47-2853.118. Certain conduct and representations prohibited.

179 "Unless licensed to practice landscape architecture under this subchapter, no person
180 shall engage, directly or indirectly, in the practice of landscape architecture in the District or
181 use the title "professional landscape architect," "registered landscape architect, "landscape
182 architectural designer," or display or use any words, letters, figures, titles, signs, cards,
183 advertisements, or any other symbols or devices indicating, or tending to indicate, that the
184 person is a professional landscape architect or is a practicing landscape architecture."

185 Sec. 3. Fiscal impact statement.

186 The Council adopts the fiscal impact statement in the committee report as the fiscal
187 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
188 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

189 Sec. 4. Effective date.

190 This act shall take effect following approval by the Mayor (or in the event of veto by
191 the Mayor, action by the Council to override the veto), a 30-day period of Congressional
192 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
193 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
194 District of Columbia Register.