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A BILL
21-790

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 28 of Title 47 of the District of Columbia Official 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. Subchapter I-B of Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

- (a) The table of contents is amended as follows:
 - (1) Part C is amended by adding new section designations to read as follows:
 - “47-2853.64. Definitions.
 - “47-2853.65. Licensure of professional design firms.
 - “47-2853.66. Offices; rules.

33 “47-2853.67. License; issuance.

34 “47-2853.68. Actions against firms.

35 (2) A new part H-i is added to read as follows:

36 “Part H-i.

37 “Landscape Architects.

38 “47-2853.116. Scope of practice for landscape architects.

39 “47-2853.111. Eligibility requirements.

40 “47-2853.118. Prohibited conduct and representations.

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

43 “(18A) Landscape Architect;”.

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

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

50 (d) Section 47-2853.61 is amended as follows:

51 (1) Designate the existing text as subsection (a).

52 (2) A new subsection (b) is added to read as follows:

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

56 (e) 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 47-2853.68 are added to read as follows:

60 “§ 47-2853.64. Definitions.

61 “(a) For the purposes of § 47-2853.65 through 47-2853.68, the term:

62 “(1) “Professional design document” means any drawing, specification, report,
63 request for information, construction and administration document, or contract that in any way
64 calls for the professional services of an architect, interior designer, or landscape architect.

65 “(2) “Professional design firm” means any firm, franchise, partnership,
66 association, or corporation that is licensed to solicit and provide architecture, interior design, or
67 landscape architecture services in the District.

68 “(3) “Professional design services” means architecture, interior design, or
69 landscape architecture services provided in the District.

70 “(4) “Supervision” means direct control and personal responsibility by a licensed
71 architect, interior design, or landscape architect in the provision of professional design services,
72 including that the person personally makes professional design decisions or reviews and
73 approves proposed decisions prior to their implementation, including consideration of

74 alternatives whenever technical decisions are made, and judges the qualifications of technical
75 specialists and the validity and applicability of their recommendations before such
76 recommendations are incorporated in the work.

77 § 47-2853.65. Licensure of professional design firms.

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

81 “(b) No professional design firm license shall be issued to an applicant unless:

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

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

86 “(3) Each member who performs professional design services in the District is
87 licensed and in good standing in the District; and

88 “(4) All professional design services solicited or provided by a professional
89 design firm in the District shall be under the responsibility charge of a supervising architect,
90 interior designer, or landscape architect who is licensed in the District. This provision shall not
91 be construed to permit any licensed architect, interior designer, or landscape architect to practice
92 or supervise the performance of services which are beyond the scope of those authorized by the
93 license as established under this subchapter.

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94 “(c)(1) No person shall sign and stamp a professional design document on behalf of the
95 firm except an architect, interior designer, or landscape architect licensed in the District.

96 “(d) A professional design firm licensed pursuant to this section may use the words
97 “architect”, “interior designer”, “landscape architect”, or any other word, letter, figure, title, sign,
98 card, advertisement, or symbol indicating that the firm is authorized to solicit or provide
99 professional design services in connection with its firm name.

100 “(e) A licensed professional design firm shall notify the Board within 30 days after the
101 admission or withdrawal of a member or shareholder from a firm licensed by the District.

102 “(f) The license of a professional design firm that is in noncompliance with the provisions
103 of this section due to changes in firm ownership or personnel shall be subject to suspension or
104 revocation of its license.

105 “47-2853.66. Offices; rules.

106 “(a). Each firm licensed in the District to provide professional design services shall be
107 under the direct supervision of at least one member who holds a valid license as an architect,
108 interior designer, or landscape architect issued by the Mayor and who shall serve in that capacity
109 at one office only.

110 “(b) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
111 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
112 rules to prescribe the licensure application procedures.

113 “47-2853.67. License; issuance.

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

117 “47-2853.68. Actions against firms.

118 “(a) After a notice and a hearing as provided in this subchapter, the Board shall, suspend
119 or revoke the license of a firm found in noncompliance.

120 “(b) After a notice and hearing where the Board determines that a professional design
121 firm license or applicant has committed any of the acts described in § 47-2853.17 or violated any
122 rules issued pursuant to that section, the Board may take one or more of the following actions:

123 “(1) Deny the application for an initial or renewal licensure;

124 “(2) Revoke or suspend the licensure of any firm;

125 “(3) Censure or reprimand any professional firm; or

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

127 (g) A new Part H-i is added to read as follows:

128 “Part H-i. Landscape Architects.

129 “47-2853.116. Scope of practice for landscape architects.

130 “(a)(1) For the purpose of this part, the term “practice of landscape architecture” means
131 rendering or offering to render services that include consultation, evaluation, planning, and
132 preparation of studies, designs, specifications, and other technical submissions, in connection
133 with the development of land areas where, and to the extent that the dominant purpose of such
134 services is preservation, enhancement, or determination of proper land uses, natural land

135 features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or
136 environment for structures or other improvements, grading and drainage and the consideration
137 and determination of inherent problems of the land relating to the erosion, wear and tear, blight
138 or other hazards, and the administration of contracts relative to projects principally directed at
139 the functional and aesthetic use of land, and the location and arrangement of such tangible
140 objects and features as are incidental and necessary to the purposes outlined in this section. The
141 term “practice of landscape architecture” does not include the design of structures or facilities
142 with separate and self-contained purposes such as are ordinarily included in the practice of
143 engineering or architecture or the making of land surveys or final land plats for official approval
144 or recording.

145 “(2) This subsection shall not be construed to restrict or otherwise affect the right
146 of any architect, professional engineer, land surveyor, nurseryman, landscape designer,
147 landscape contractor, land planner, community planner, landscape gardener, golf course
148 designer, turf maintenance specialist, irrigation designer, horticulturist, arborist, or any other
149 similar person from engaging in their occupation or the practice of their profession or from
150 rendering any service in connection their occupation or profession.

151 “(b) This section shall not be construed to restrict or otherwise effect the practice of
152 landscape architecture by officers and employee of the United States government, so long as the
153 services are rendered within the scope of government employment.

154 “47-2853.117. Eligibility requirements.

155 “An applicant for a license as a landscape architect shall establish to the satisfaction of
156 the Board of Architecture, Interior Design, and Landscape Architecture that the applicant:

157 “(1) Is of good moral character;

158 “(2) Is a graduate of a degree program in landscape architecture accredited by an
159 accrediting institution prescribed by rule, or has completed an education program in landscape
160 architecture prescribed by rule as the equivalent of an accredited landscape architectural degree
161 program; and

162 “(3) Has passed examination on the practice of landscape architecture prescribed
163 by rule; or

164 “(4) Meets any other requirements established by rule of the Board that the
165 applicant has had the proper training, experience, knowledge, and qualification to practice
166 landscape architecture; or

167 “(5) Meets the requirement of subsection (1) of this section and holds a valid
168 license to practice landscape architecture issued by another state or territory of the United States
169 if the Board determines the criteria for issuance of such license are substantially identical to the
170 licensure criteria prescribed by the District of Columbia in this act or rules pursuant to this act at
171 time of application.

172 “47-2853.118. Prohibited conduct and representations.

173 “Unless licensed to practice landscape architecture under this subchapter, no person shall
174 engage, directly or indirectly, in the practice of landscape architecture in the District or use the
175 title “professional landscape architect,” “landscape architect,” “registered landscape architect, or

176 display or use any words, letters, figures, titles, signs, cards, advertisements, or any other
177 symbols or devices indicating, or tending to indicate, that the person is a landscape architect or is
178 practicing landscape architecture.”.

179 Sec. 3. Fiscal impact statement.

180 The Council adopts the fiscal impact statement in the committee report as the fiscal
181 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
182 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

183 Sec. 4. Effective date.

184 This act shall take effect following approval by the Mayor (or in the event of veto by the
185 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
186 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
187 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
188 Columbia Register.