AN ACT

D.C. ACT 21-665

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 10, 2017

To amend Subchapter I-B of Chapter 28 of Title 47 of the District of Columbia Official Code to rename the Board of Architecture and Interior Design the Board of Architecture, Interior Design, and Landscape Architecture, to change the composition of the membership of the successor board, 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 that 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 authorize disciplinary actions against licensed professional design firms; and to amend the Confirmation Act of 1978 to make a conforming amendment.

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.
      “47-2853.67. License; issuance.
      “47-2853.68. Actions against firms.”.
   (2) A new part H-i is added to read as follows:
      “Part H-i.
      “Landscape Architects.
      “47-2853.117. Eligibility requirements.
      “47-2853.118. Prohibited conduct and representations.”.
(b) Section 47-2853.04(a) is amended by adding a new paragraph (18A) to read as follows:

"(18A) Landscape Architect;".

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

"(a)(1) There is established a Board of Architecture, Interior Design, and Landscape Architecture ("Board") to consist of 9 members, of whom:

"(A) Four shall be architects licensed in the District;

"(B) Two shall be interior designers licensed in the District;

"(C) Two shall be professional landscape architects licensed in the District;

and

"(D) One shall be a consumer member.

"(2) The Board shall regulate the practice of architecture, interior design, and landscape architecture.".

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

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

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

"(b) Nothing contained in this chapter shall be construed to prohibit a student, draftsman, or employee from engaging in the practice of architecture; provided, that the practice is performed under the responsible charge, as defined in § 47-2853.64(a)(4), of a licensed architect."

(e) Section 47-2853.62 is amended by striking the phrase "Board of Architecture and Interior Designer" and inserting the phrase "Board of Architecture, Interior Design, and Landscape Architecture" in its place.

(f) New sections 47-2853.64 through 47-2853.68 are added to read as follows:

"§ 47-2853.64. Definitions.

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

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

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

"(3) "Professional design services" means architecture, interior design, or landscape architecture services provided in the District.

"(4) "Responsible charge" means direct control and personal supervision by a licensed architect, interior designer, or landscape architect in the provision of professional design services, including that the licensee personally makes professional design decisions or reviews and approves proposed decisions before their implementation, including consideration of alternatives whenever technical decisions are to be made, and judges the qualifications of technical specialists and the validity and applicability of their recommendations before the recommendations are incorporated in the work.

"§ 47-2853.65. Licensure of professional design firms."
“(a) No firm, franchise, partnership, association, or corporation shall offer or perform professional design services in the District unless the entity has obtained a license from the Mayor as a professional design firm.

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

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

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

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

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

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

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

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

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

“§ 47-2853.66. Offices; rules.

“(a) Each professional design firm shall be under the responsible charge of at least one member who holds a valid license as an architect, interior designer, or landscape architect issued by the Mayor and who shall serve in that capacity at one office only.

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

“§ 47-2853.67. License; issuance.

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

“§ 47-2853.68. Actions against firms.

“(a) After notice and a hearing as provided for in this subchapter, the Board shall suspend or revoke the license of a professional design firm found in noncompliance.
“(b) After notice and hearing, where the Board determines that a professional design firm license or applicant has committed any of the acts described in § 47-2853.17 or violated any rules issued pursuant to that section, the Board may:

“(1) Deny the application for an initial license or a renewal of licensure;
“(2) Revoke or suspend the licensure of the professional design firm;
“(3) Censure or reprimand the professional design firm; or
“(4) Impose a civil fine not to exceed $50,000 for each violation.”.

(g) Section 47-2853.102 is amended by striking the phrase “Board of Architecture and Interior Design” and inserting the phrase “Board of Architecture, Interior Design, and Landscape Architecture” in its place.

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

“Part H-i. Landscape Architects.


“(a) For the purpose of this part, the term “practice of landscape architecture” means rendering or offering to render services, including consultation, evaluation, planning, and preparation of studies, designs, specifications, and other technical submissions, in connection with the development of land areas where, and to the extent that the dominant purpose of such services is preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, grading and drainage and the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards, and the administration of contracts relative to projects principally directed at the functional and aesthetic use of land, and the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this section. The term “practice of landscape architecture” does not include the design of structures or facilities with separate and self-contained purposes such as are ordinarily included in the practice of engineering or architecture or the making of land surveys or final land plats for official approval or recording.

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

“§ 47-2853.117. Eligibility requirements.

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

“(1) Is of good moral character;
“(2) Is a graduate of a degree program in landscape architecture accredited by an accrediting institution, as prescribed by rule, or has completed an education program in landscape architecture, as prescribed by rule, that is the equivalent of an accredited landscape architectural degree program; and
“(3)(A) Has passed examination on the practice of landscape architecture, as prescribed by rule;

“(B) Meets any other requirements prescribed by rule that demonstrate to the Board that the applicant has the proper training, experience, knowledge, and qualification to practice landscape architecture; or

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

“§ 47-2853.118. Prohibited conduct and representations.

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


Sec. 4. Fiscal impact statement.


Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
February 10, 2017
## Council of the District of Columbia

**WASHINGTON, D.C. 20004**

### ADOPTED FIRST READING, 11/15/2016

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**CERTIFICATION RECORD**

1/13/2017

**SECRETARY TO THE COUNCIL**

### ADOPTED FINAL READING, 12/06/2016

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**CERTIFICATION RECORD**

1/13/2017

**SECRETARY TO THE COUNCIL**

**Docket No. B21-790**