

Chapter 3 Rules of the Office of Documents

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300 OFFICE OF DOCUMENTS: GENERAL PROVISIONS

300.1 The District of Columbia Office of Documents was established as part of the Executive Office of the Mayor on March 6, 1979 by section 2 of the District of Columbia Documents Act, D.C. Law 2-153 (D.C. Code § 1-1611), as amended.

300.2 The purpose of this chapter is to set forth the policies and procedures for the implementation of the District of Columbia Documents Act and applicable provisions of the District of Columbia Administrative Procedure Act, as amended.

300.3 The provisions of this chapter are promulgated pursuant to the authority set forth in section 3(b) of the District of Columbia Documents Act.

300.4 The Administrator of the Office of Documents is the Director of Documents (also referred to in this chapter as the “Director”). The Director is appointed by the Mayor and is vested with the authority to administer the provisions of the Documents Act in accordance with section 2 of the District of Columbia Documents Act.

300.5 The Office of Documents is responsible for the preparation and publication of the legal publications of the District of Columbia government, including the following:

(a) The *District of Columbia Register* (also referred to as the “D.C. Register” or “Register” and abbreviated “DCR”);

(b) The *District of Columbia Municipal Regulations* (also referred to as the “D.C. Municipal Regulations” and abbreviated “DCMR”); and

(c) The *District of Columbia Statutes-at-Large* (also referred to as the “D.C. Statutes-at- Large” and abbreviated “D.C. Stat.”).

300.6 The Office of Documents is located at One Judiciary Square, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001. This is also the mailing address for the Office of Documents.

300.7 The regular office hours of the Office of Documents are from 8:30 a.m. to 5:30 p.m., Monday through Friday, exclusive of District of Columbia government holidays.

AUTHORITY: The authority for this chapter is section 3 of D.C. Law 2-153, “the District of Columbia Documents Act of 1978.”

SOURCE: Final Rulemaking published at 28 DCR 4091 (September 18, 1981).

EDITOR’S NOTES: In the Notice of Final Rulemaking adopting the text of the proposed rules of the Office of Documents, the provisions herein were designated to be published at chapter 5 of Title 1 of the *District of Columbia Municipal Regulations*. The regulations were subsequently redesignated for publication at chapter 3 of this title and renumbered accordingly.

All references in this chapter to the “Office of Documents” shall mean the “Office of Documents and Administrative Issuances.”

HISTORICAL NOTE: Pursuant to Mayor’s Order 88-104, dated April 26, 1988, the Office of Documents was transferred all of the duties and responsibilities related to the administrative issuances system and was redesignated the “Office of Documents and Administrative Issuances.”

301 GENERAL AUTHORITY OF THE DIRECTOR OF DOCUMENTS

301.1 The Director of Documents is vested with the authority to administer generally the provisions of this chapter, the provisions of the District of Columbia Documents Act, and the applicable provisions of the District of Columbia Administrative Procedure Act (D.C.Code §§ 1-1501 et seq.), as amended, in accordance with the provisions of D.C. Code § 1612.

301.2 The Director is authorized to promulgate rules and procedures for the implementation of the Documents Act and applicable provisions of the D.C. Administrative Procedure Act, as amended.

301.3 The Director is responsible for the supervision, management, and direction of the District of Columbia Office of Documents.

301.4 The Director is authorized to adopt editorial standards for the submission of documents for publication in the *District of Columbia Register* and the *District of Columbia Municipal Regulations* (DCMR), including requirements for standardized organization, numbering, format, grammar, removal of unnecessary sex-based terminology, and other matters of style.

301.5 The Director is authorized to reject for publication any document which fails to comply substantially with the publication requirements and standards set forth in this chapter. This provision does not apply to acts and resolutions adopted by the Council of the District of Columbia. 301.6 The Director is authorized to incorporate by reference the text of documents in the *D.C. Register* or *D.C. Municipal Regulations*, in accordance with the provisions of the D.C. Documents Act and this chapter. 301.7 The Director is required to certify the promulgation, adoption, or enactment of all documents published by the Office of Documents. The Director is authorized to obtain the assistance of the Office of the Corporation Counsel, the officer designated by the Chairperson of the Council, or agency legal counsel in determining whether a document should be certified for publication. 301.8 The Director is required to provide instruction for promulgators of documents in the matters set forth in this chapter, including preparation and submission of documents, publication standards, and other areas that will assist the promulgators in complying with the requirements of this chapter.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4092 (September 18, 1981).

302 SERVICES TO THE PUBLIC

302.1 Except in cases where the time required would be excessive, the staff of the Office of Documents will provide information to the public, upon request, concerning the publications described in § 300.5 and the documents filed with the Office of Documents in accordance with the D.C. Documents Act.

302.2 Documents filed with the Office of Documents for publication and current issues of the *D.C. Register* are available for public inspection on or after the date of publication. Published documents may be inspected in Suite 520 South of One Judiciary Square during the regular office hours of the Office of Documents. There are no formal inspection procedures or requirements. Facilities for making photocopies of documents or portions of the *D.C. Register* are not available in the Office of Documents. 302.3 Current issues of the *D.C. Register* are available to the public for review at each branch of the District of Columbia Public Library. Several branches, including the Martin Luther King branch, maintain files of back issues. Copying facilities are available at most D.C. Public Libraries.

302.4 After publication in the *D.C. Register*, copies of original documents are filed with the Washingtoniana section of the Martin Luther King branch of the D.C. Public Library and in the permanent District of Columbia archive.

302.5 The *D.C. Register* shall be available to the public by mail for one hundred and fifty dollars (\$150) per year, payable in advance by check or money order to the “D.C. Treasurer.” Subscriptions may be purchased in person or by writing to the Office of Documents.

302.6 One subscription to the *D.C. Register* is provided to each Advisory Neighborhood Commission (“ANC”) by the Office of Documents free of charge. ANC copies are intended for use by ANC Commissioners, ANC staff, and members of the public during ANC office hours, subject to the requirements of each Advisory Neighborhood Commission.

302.7 Copies of the *D.C. Statutes-at-Large*, *titles of the D.C. Municipal Regulations* (DCMR), and existing titles of the *D.C. Rules and Regulations* (DCRR) are available for purchase at the Office of Documents located on the fifth floor of the One Judiciary Square, Suite 520 South.

302.8 Most titles of the old *D.C. Rules and Regulations* (DCRR) have been updated by the Office of Documents; however, the contents are not certified by the Director of Documents. DCRR titles are sold subject to this reservation.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4092-93 (September 18, 1981), as amended by Final Rulemaking published at 42 DCR 566 (January 27, 1995).

EDITOR’S NOTE: The DCRR are no longer being published for sale by the Office of Documents and Administrative Issuances, but are available for review by advance appointment only.

303 SERVICES TO DISTRICT GOVERNMENT AGENCIES

303.1 In order to ensure the efficient and timely promulgation of notices of proposed rulemaking, final rules, notices of public hearings, and other legal notices and documents,

the Director of Documents shall assist the agencies of the District government in complying with the provisions of this chapter, the requirements of the D.C. Documents Act, and the applicable provisions of the D.C. Administrative Procedure Act, as amended.

303.2 The Director shall provide for appropriate response to each inquiry presented in person, by telephone, or in writing. Each written inquiry or request for assistance should be addressed to the Director of Documents, One Judiciary Square, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001.

303.3 The staff of the Office of Documents shall provide informal assistance and advice to officials of District agencies with regard to general or specific rulemaking and notice practices, including drafting of proposed rules, notice requirements, promulgation procedures, and other matters arising under the provisions of this chapter.

303.4 The staff of the Office of Documents will conduct seminars in the various aspects of rulemaking practice and preparation of official documents for officials of the District government. Seminars will be arranged for small groups or individuals. The emphasis of these seminars will be on addressing the particular needs of agencies and promulgators of legal documents for publication in the *D.C. Register* and D.C. Municipal Regulations.

303.5 Requests for scheduling of seminars, including a list of topics to be covered, should be in writing to the Director of Documents, One Judiciary Square, 441 4th Street, N.W., Suite

520 South, Washington, D.C. 20001. Requests should be submitted reasonably in advance and should suggest several alternative dates and times to facilitate scheduling.

303.6 Copies of the *D.C. Register* may be made available to District government agencies on a subscription basis without charge by the Office of Documents and Administrative Issuances.

303.7 At the beginning of each fiscal year, monies to cover expected costs of purchasing the following publications from the Office of Documents shall be obligated via the Financial Management System to the Office of Documents by the requesting District government agency:

- (a) Extra copies of the *D.C. Register*;
- (b) *D.C. Municipal Regulations* (DCMR) titles; and
- (c) *D.C. Statutes-at-Large*.

303.8 The requirements of § 303.7 may be waived by the Director of the Office of Documents and Administrative Issuances under the following circumstances:

- (a) Orders for the stated publications exceed the amount of money allocated by the agency;
- (b) The request is for an amount less than fifty dollars (\$50) for a fiscal year;
- (c) The size or overall needs of the requesting agency would make enforcement of the rule impracticable; or
- (d) The justification for the request is related to the mission of the agency.

303.9 Requests for subscriptions to the *D.C. Register* or copies of documents shall be made on a form provided by the Director of Documents.

303.10 Requests for *D.C. Register* subscriptions or copies of other documents shall include a description of the official use for which the *Register* or document is required.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4094 (September 18, 1981), as amended by Final Rulemaking published at 32 DCR 4725 (August 16, 1985), as further amended by Final Rulemaking published at 42 DCR 566 (January 27, 1995).

304 AGENCY REPRESENTATIVES

304.1 Each agency, department, office, or other governmental entity that submits documents for publication in the *D.C. Register* shall designate, from its officers or employees, a representative and alternate to serve as a liaison to the Office of Documents and Administrative Issuances. All such representatives shall be called “agency representatives.”

304.2 Agency representatives and alternates shall be the main contact persons in matters relating to the publication of documents in the *D.C. Register*. All documents submitted by an agency for publication, including notices and rulemaking documents, must be submitted through the agency representative or alternate.

304.3 If an agency has staff or retained legal counsel assigned to provide assistance to the agency rulemaking process, the agency should designate the counsel as the “agency legal representative” and inform the Office of Documents. Agency legal counsel may also be designated as the “agency representative” or alternate, pursuant to § 304.1.

304.4 Designation of an agency legal representative does not automatically exempt an agency from the requirement for review of the substance of rulemaking documents and legal certification by the Office of the Corporation Counsel, as set forth in § 307. Legal certification by agency counsel must be approved by the Director of Documents.

304.5 Each agency representative shall be responsible for the following:

- (a) Representation of the agency in all matters relating to compliance with the provisions of this chapter;
- (b) Responding to inquiries from the Office of Documents concerning documents or notices submitted by the agency for publication;
- (c) Ensuring that the agency head or other official authorized by law to promulgate rules or attest to the promulgation of rules has reviewed all rulemaking documents, has approved the publication of rulemaking notices and the rulemaking text, and has signed the required transmittal form in accordance with the provisions of § 307;
- (d) Ensuring that the required legal certification is set forth on the transmittal form in accordance with the provisions of § 307; and
- (e) Ensuring that all other documents are in compliance with the rules of the Office of Documents and Administrative Issuances prior to submission for publication.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4095 (September 18, 1981).

305 D.C. REGISTER: PUBLICATION POLICY

305.1 The Office of Documents and Administrative Issuances shall publish a weekly serial publication called the *District of Columbia Register*, which shall contain the following:

- (a) Each resolution adopted by the Council and each act adopted by the Council and approved by the Mayor, enacted without mayoral approval, or enacted by the override of a mayoral veto;
- (b) Each final or emergency rule, regulation, or other document required by law to be codified in the *D.C. Municipal Regulations*;
- (c) Each notice of proposed rulemaking or intent to adopt the contents of any other document required to be codified in the *D.C. Municipal Regulations*;
- (d) Each notice of public hearing issued by the Council or an agency;
- (e) Other documents accepted for publication pursuant to §§ 305.6, 305.7, or 305.8.

305.2 Documents required or authorized to be published in the *D.C. Register* shall be published as promptly after submission as possible within limitations imposed by considerations of accuracy, usability of copy submitted, reasonable cost, printing schedules, and substantial compliance with the publication standards set forth in this chapter.

305.3 In prescribing rules governing headings, notice format, effective dates, authority citations, and other matters of form, the Office of Documents does not intend to affect the validity of any document that is filed and published under the law.

305.4 The *D.C. Register* serves as the ongoing supplement to the District of Columbia *Municipal Regulations*. Each document that is subject to codification in the DCMR and published in the *D.C. Register* shall be keyed to the D.C. Municipal Regulations.

305.5 Each rulemaking document submitted to the Office of Documents for publication in the *D.C. Register* must comply fully with the format, style, and other requirements established for the D.C. Municipal Regulations. All requirements of § 313 must be met before the publication of proposed rules; provided, that the Office of Documents may permit amendments to existing DCRR titles which have not been superseded to be proposed and adopted in the same format as the existing rules or regulations.

305.6 The following documents are required to be submitted to the Office of Documents for publication in the *D.C. Register*:

- (a) Each act and resolution of the Council of the District of Columbia;
- (b) Each notice of public hearing;
- (c) Each notice of proposed, final, or emergency rulemaking;
- (d) Each document having general applicability and legal effect; and
- (e) Other documents required by law to be published in the *D.C. Register*.

305.7 The Director of the Office of Documents is authorized to publish the following documents in the *D.C. Register*:

- (a) Documents requested to be published by the Chairperson of the Council or the Chairperson's designee;
- (b) Documents requested to be published by the Joint Committee on Judicial Administration in the District of Columbia;
- (c) Information on changes in the organization of the government of the District of Columbia;
- (d) Notices of public hearings not required by law or regulation to be published in the *D.C. Register*; and
- (e) Documents requested to be published by the Mayor of the District of Columbia.

305.8 Whenever the Director of Documents determines that the publication of a document not required by § 305.6 or authorized by § 305.7 would be of general public interest, the Director may permit the document to be published in the *D.C. Register*.

305.9 The following documents are generally not authorized to be published in the *Register*, except as provided by § 305.8:

- (a) Proclamations or other ceremonial documents;
- (b) Notices of meetings or other activities;
- (c) Correspondence, memoranda, or internal agency documents;
- (d) Press releases, news items, commentary, or editorials;
- (e) Adjudicatory notices, opinions, or orders;
- (f) Declaratory orders;
- (g) Resolutions, petitions, or recommendations submitted for consideration by the Council, Mayor, or an agency; and
- (h) Employment information, job announcements, or position descriptions.

305.10 Without prejudice to any other form of citation, the *D.C. Register* shall be cited by volume and page number, and the short form “DCR” shall be used in the citation. The date of publication of the weekly edition should also generally be included in the citation. For example, material which begins on page 9181 of volume 25 of the *D.C. Register* (which was published on April 11, 1979) should be cited “25 DCR 9181 (April 11, 1979).”

305.11 Each document published in the *D.C. Register* shall be placed under one of the following Table of Contents categories, as indicated:

- (a) **COUNCIL OF THE DISTRICT OF COLUMBIA**--Which shall contain all resolutions and approved acts of the Council, mayoral vetoes of Council acts, notices of D.C. Law numbers assigned, notices of filing and intent to consider legislation, notices of public hearings, and other documents requested to be published by the Chairperson;
- (b) **PUBLIC HEARINGS**--Which shall contain all notices of public hearings issued by an agency or authorized for publication under § 305.7(c);
- (c) **FINAL RULEMAKING**--Which shall contain all final rules, notices of final rulemaking action, and documents having general applicability and legal effect;

(d) **PROPOSED RULEMAKING**--Which shall contain all notices of intent to adopt rules or documents of general applicability and legal effect, except combined notices pursuant to § 305.11(e);

(e) **EMERGENCY RULEMAKING**--Which shall contain all notices of emergency rulemaking and combined notices of emergency and proposed rulemaking; and

(f) **NOTICES AND INFORMATION**--Which shall contain all other documents authorized for publication under §§ 305.7 or 305.8.

305.12 The Office of Documents will publish quarterly a cumulative index of all matters published in the *D.C. Register* during the year. The complete index for each volume will also be published on a calendar year basis.

305.13 Volume 26 of the *D.C. Register* is a short volume beginning July 1, 1979 and ending December 31, 1979. Beginning with Volume 27 in January, 1980, complete volumes of the *D.C. Register* shall be published on a calendar year basis.

305.14 The certification and publication of a document in the *D.C. Register* or *D.C. Municipal Regulations* (DCMR) creates a rebuttable legal presumption that the document was duly issued, adopted, prescribed or enacted, and that all requirements of the D.C. Documents Act and the D.C. Administrative Procedure Act have been met.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4096-4098 (September 18, 1981).

306 PUBLICATION SCHEDULES AND DEADLINES

306.1 Documents may be filed with the Office of Documents between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday. Arrangements for delivery of documents at other times must be made in advance with the Director of Documents.

306.2 Documents delivered by messenger to the Office of Documents will be time-stamped and logged immediately upon receipt. Documents received through the U.S. Mail or departmental mail will be time-stamped and logged in the normal course of mail processing.

306.3 The *D.C. Register* is published on Friday each week. If a government holiday falls on Friday, the official publication date will remain the same; however, the actual distribution of the issue will begin on Thursday.

306.4 The deadline for submission of documents for publication in each Friday edition of the *D.C. Register* is 12:00 p.m. (NOON) on each of the following days of the previous week:

- (a) Public hearing notices Previous Friday
- (b) Acts and resolutions of the Council Previous Friday
- (c) Summaries of Council legislative sessions and other Council notices
Previous Friday
- (d) Final rulemaking notices if no changes have been made in the text as published
with the notice of proposed rulemaking Previous Friday
- (e) Other final rulemaking notices Previous Thursday
- (f) Emergency rulemaking notices Previous Thursday
- (g) Proposed rulemaking notices Previous Thursday
- (h) Council notices of intent to adopt new legislation Previous Thursday
- (i) Other notices and documents Previous Thursday

306.5 Documents filed for publication in an issue of the *D.C. Register* which is scheduled to be published on the Friday of a week containing an official District government holiday must be submitted one day earlier than the deadline set forth in § 306.4.

306.6 Whenever an official government holiday falls on a Friday, all documents for publication in the *D.C. Register* of the following week which would have been due on the day of the holiday under § 306.4 shall be due at 12:00 p.m. (NOON) on Thursday (the day before the holiday).

306.7 All documents subject to codification in the *D.C. Municipal Regulations* must be reviewed by the Office of Documents and certified by the Director prior to publication in the *D.C. Register*.

306.8 A pre-publication review service will be provided by the Office of Documents, as set forth in § 308, in order to expedite the publication of proposed rulemaking and other documents requiring detailed review.

306.9 Proposed rulemaking and other documents subject to codification in the *D.C. Municipal Regulations* which have not been through the pre-publication review process should be submitted several days in advance of the deadlines set forth in § 306.4.

306.10 Documents which have been tentatively certified by the Office of Documents following pre-publication review will not normally require additional review prior to publication.

306.11 The publication of a document on an emergency basis may be requested when the document involves the prevention, alleviation, control, or relief of an emergency situation.

306.12 An agency requesting emergency publication shall briefly describe the nature of the emergency situation and the benefits which would result from immediate publication.

306.13 Requests for emergency publication shall be made in writing and delivered to the Office of Documents with the required number of documents for publication.

306.14 If the Director of Documents concurs with the request for emergency publication, the document will be published as soon as possible in a special supplemental edition of the *D.C. Register*.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4099-4100 (September 18, 1981).

307 PREPARATION AND FILING OF DOCUMENTS

307.1 Except as provided in § 307.2, two (2) copies of each document submitted for publication in the *D.C. Register* shall be filed with the Office of Documents. The first copy shall be an original. The second copy shall be a duplicate original or a certified copy of the original.

307.2 The following documents may be submitted in duplicate original or certified copy form:

- (a) Mayor's Orders;
- (b) Acts and resolutions of the Council of the District of Columbia; and
- (c) Documents prepared and printed by computer.

307.3 To be eligible for publication in the *D.C. Register*, a document must be typewritten or printed on eight and one-half inch by eleven inch (8 1/2" x 11") white, opaque paper.

The text must be set within the following margins:

LEFT MARGIN.....Not less than 1 inch;

RIGHT MARGIN.....Not less than 3/4 inch;

TOP AND BOTTOM MARGINS.....Not less than 3/4 inch; and

Actual Text.....Not more than 1/2 inch inside of the outside margin limit, if the text permits.

307.4 A printed or process document may be accepted for publication if it is suitable as an archival original. Photocopies of originals will only be accepted for publication when they are of **extremely high quality** black print, white background, uniform print density, and absent photocopying imperfections which obscure the print or cause gray marks on the background.

307.5 Documents on letterhead and documents in the form of letters or memoranda are generally not acceptable for publication in the *D.C. Register*.

307.6 All documents submitted for publication in the *D.C. Register* must be **single-spaced**. Extra single spaces between paragraphs or sections, as well as additional spaces between major divisions of documents, are generally acceptable. Documents should be prepared with attention to the cost of printing. Pages containing less than half a page of text should be avoided. Documents having excess margins, large amounts of blank space, or unnecessarily wasted space may be rejected for publication pending correction.

307.7 Documents should be prepared to be read vertically. Charts or other materials which cannot be reproduced in vertical form may be accepted for publication. In such cases, the text should be prepared for publication so that the top of the text will appear on the left margin of the *D.C. Register*.

307.8 Documents generally should not be signed on the originals, except Council acts and Mayor's Orders. If an original is submitted containing a signature, the Office of Documents may delete the signature for *D.C. Register* publication. Signed originals or copies are not acceptable as substitutes for the signature required on the transmittal form.

307.9 Punctuation, capitalization, spelling, and other matters of style must conform, in general, to the current edition of A Manual of Style published by the University of Chicago Press. Where cost is a factor and complex matters of style are not at issue, some users of the *D.C. Register* can generally be assured of compliance with these standards by following the style set forth in The Elements of Style by Strunk and White which is available in paperback.

307.10 Except when considered necessary by the Director of Documents, tabulated blank forms for applications, registrations, reports, contracts, and similar items, and the instructions for preparing the forms, may not be published in full. A brief description or list of forms describing the purpose and use of each form, as well as where copies of the form(s) may be obtained, may be submitted for publication.

307.11 After a document has been submitted for publication, a substantive error in the text may be corrected only by the filing of another document making the correction. Pending the receipt of the corrected document, the Office of Documents should be

informed by telephone of the need to withhold publication pending the submission of the corrected document.

307.12 If a document has been adopted by a legislative or quasi-legislative body in session, substantive or technical errors in the documents as adopted will not be corrected by the Office of Documents unless the correction is approved by the body in public session or the correction is made pursuant to the lawfully adopted procedural rules of the body.

307.13 All rulemaking documents submitted for publication in the *D.C. Register* must be accompanied by a completed, signed transmittal form. Copies of the transmittal form shall be available from the Office of Documents. Non-rulemaking documents shall not be submitted with an official transmittal form, but must be accompanied by an informal memorandum or letter which indicates the agency or other source of the notice, the name of the official authorizing publication, and the address and telephone number of a contact person.

307.14 The transmittal form shall include the signature of the official authorized to issue the rules or the official legally designated to attest to the adoption of rules by a quasi-legislative or administrative body composed of more than one person. Signatures not personally executed by the authorized official and signatures of persons not legally vested with authority to adopt rules or attest to the adoption of rules by a rulemaking body will not be accepted.

307.15 The transmittal form must contain the signature of the Corporation Counsel, designated Assistant Corporation Counsel, or approved agency counsel certifying that the substance of the text of the rule(s) has been reviewed and is, in the opinion of legal counsel, legally sufficient.

307.16 Certification of legal sufficiency, pursuant to § 307.15, must be included on all rulemaking actions. Certification of proposed rules may be conditioned upon review of final rules. If the substance of proposed rules for which final certification has been given is not modified prior to final rulemaking action, the final rules do not require duplicate certification.

307.17 Certification of the form and contents of notices of proposed, final, and emergency rulemaking shall be made by the Office of Documents, pursuant to the provisions of §§ 309 through 311 of this chapter.

307.18 The Director will not certify and publish rulemaking notices in the *D.C. Register* unless it is clear that the promulgator of the rule or proposed rule named on the transmittal form has legal authority to issue the rules.

307.19 The transmittal form shall include a complete citation to the statute or other legal authority for the promulgation of the rules (including the applicable section, subsection, and paragraph), for each of the following:

(a) The legal authority for the official or entity named in the transmittal form as the promulgator to adopt the rules; and

(b) The legal authority for the adoption of the substance of the rules.

307.20 In each instance where a document submitted for publication is rejected pursuant to § 301.5, the Office of Documents shall issue a notice of rejection which shall indicate the reason(s) for rejection. The notice of rejection shall be issued as soon as possible after review of the document.

307.21 An agency may request reconsideration of the rejection of any document for publication in the *D.C. Register* by submitting a written request for reconsideration to the Director of Documents stating the reasons why the document should be published as submitted. The Office of Documents will respond to each request for reconsideration in writing within five (5) days of the receipt of the request.

307.22 If a rulemaking notice is rejected and subsequently submitted in corrected form, it must be accompanied by a new transmittal form executed in accordance with this section.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4100-4103 (September 18, 1981)

308 PRE-PUBLICATION REVIEW OF DOCUMENTS

308.1 Agencies may submit final drafts of rulemaking documents and other documents subject to codification in the *District of Columbia Municipal Regulations* or publication in the *D.C. Register* to the Office of Documents for pre-publication review in accordance with the provisions of this section.

308.2 The purpose of pre-publication review is to provide agencies with assistance and guidance in the application of the provisions of this chapter to specific documents while the documents are in the “final draft” stage. The review process is not intended to be a substitute for agency preparation of the substance of documents in compliance with the provisions of this chapter; therefore, “rough” drafts and drafts that contain gross errors of grammar, format, and style will not be accepted for review.

308.3 Documents that have been reviewed prior to adoption or approval as proposed rulemaking will generally not require additional review by the Office of Documents prior to certification and publication in the *D.C. Register*. Pre-publication review should also greatly reduce the possibility that a document will be rejected for publication due to lack of compliance with the publication standards set forth in this chapter.

308.4 Documents submitted for pre-publication review should be in the same form as required for submission for publication; however, originals should not be submitted for

review. Text which is double or triple-spaced will not be accepted for pre-publication review.

308.5 The pre-publication review process will include examination and recommendations on the following elements:

- (a) Numbering of chapters, sections, and paragraphs;
- (b) Grammar usage, and other matters of style;
- (c) Format of notices and text;
- (d) Contents of draft notices;
- (e) General readability and organization of text; and
- (f) Compliance with the provisions of this chapter.

308.6 Every attempt will be made to complete the review process expeditiously; however, agencies should allow at least two weeks for review of final drafts or longer in cases where the drafts are lengthy and complex.

308.7 The Director may treat a document submitted for publication in the *D.C. Register* that has been rejected under § 301.5 as a document submitted for pre-publication review under this section.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4104 (September 18, 1981).

309 PROPOSED RULEMAKING NOTICES

309.1 A document that is submitted for publication as a proposed rule, including any document that purports to give notice of intent to adopt a new rule, or amend or repeal an existing rule, shall be filed in accordance with the provisions of this section in addition to other applicable provisions of this chapter.

309.2 The heading of each proposed rulemaking document shall state, in bold type or upper case print, the name of the agency promulgating the proposed rule and the phrase **“NOTICE OF PROPOSED RULEMAKING.”**

309.3 The text of the proposed rule(s) shall be **PRECEDED** by a notice that shall contain the following:

- (a) The name of the promulgating official or body authorized to issue rules;

(b) A citation to the rule(s) amended or repealed OR the proposed citation of the new rule(s);

(c) If the proposed rulemaking is being re-published pursuant to § 310.5, a citation to the previous notice(s) of proposed rulemaking published in the *D.C. Register*;

(d) A brief description or title of the proposed rule(s); and

(e) Language stating the intent to adopt, amend, or repeal the rule(s) in not less than thirty (30) days from the date of publication of the notice in the *D.C. Register*. A longer period may be stated if required by law or adopted by the agency.

309.4 The text of the proposed rule(s) shall be **FOLLOWED** by a notice that indicates the following:

(a) The manner in which public comments will be received, including a mailing address or other pertinent information; and

(b) The manner in which a copy of the proposed rule(s) may be obtained, upon request, including a requirement for payment of a reasonable fee, if applicable.

309.5 The date of publication of a proposed rule is the date from which the thirty (30) day (or longer) notice period begins.

309.6 Proposed rules that are re-submitted for publication pursuant to § 310.5 shall indicate those portions of the text that have been substantially altered by setting forth the previously published text in brackets – [...] and underlining the new text that has been altered; provided, that this requirement shall not apply to a Notice of Proposed Rulemaking which completely supersedes a previously published notice, so long as the rules were never adopted. The new notice shall cite the earlier notice and indicate that it has been superseded.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4105 (September 18, 1981)

310 FINAL RULEMAKING NOTICES

310.1 A document that is submitted for publication as a final rule, including any document that purports to give notice of the final adoption of a new rule, or the amendment or repeal of an existing rule, shall be filed in accordance with the provisions of this section and other applicable provisions of this chapter.

310.2 The heading of each final rulemaking document shall state, in bold type or upper case print, the name of the agency promulgating the rule and the phrase “**NOTICE OF FINAL RULEMAKING.**”

310.3 The text of the final rule(s) shall be **PRECEDED** by a notice that shall contain the following:

- (a) The name of the promulgating official or body authorized to issue rules;
- (b) The date on which the final action was taken;
- (c) A brief description or title of the rule(s);
- (d) A citation to the notice(s) of proposed rulemaking previously published in the *D.C. Register*; and
- (e) The effective date of the final rule(s). If no effective date is stated, it will be presumed that the rule(s) will become effective upon publication of the notice of final rulemaking in the *D.C. Register*.

310.4 The Director of Documents may omit publication of the entire text of a final rulemaking document if the final text is identical to the text published with the notice of proposed rulemaking; provided, that this shall not relieve an agency of the requirement to file two (2) copies of the final text with the final rulemaking transmittal form.

310.5 If the text of a rulemaking document is substantially altered from the text published with the notice of proposed rulemaking, the promulgating agency must re-submit the text as a proposed rule pursuant to § 309. An agency does not have to wait the full notice period before re-filing an altered proposed rule. A new notice period begins upon republication.

310.6 For the purposes of this chapter, “substantial alteration” of the text shall not include the following:

- (a) Re-arrangement or renumbering of portions of the text;
- (b) Re-wording to correct errors in format or style;
- (c) Re-wording of the document, including the addition or deletion of material, that serves to clarify the intent, meaning, or application of the rule(s) and that does not substantially change the intent, meaning, or application of the proposed rule(s) or exceed the scope of the rule(s) as published with the notice of proposed rulemaking, as determined by the Office of Documents.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4106 (September 18, 1981).

311 EMERGENCY RULEMAKING NOTICES

311.1 A document that is submitted for publication as emergency rulemaking, including any document that purports to adopt a new rule on an emergency basis or

amend or repeal an existing rule on an emergency basis, shall be filed in accordance with the provisions of this section, in addition to other applicable provisions of this chapter.

311.2 A notice of emergency rulemaking may be combined with a notice of proposed rulemaking. Combined notices must meet the requirements of this section AND the requirements of § 309.

311.3 The heading on each emergency rulemaking document shall state, in bold type or upper case print, the name of the agency promulgating the rule and the phrase **“NOTICE OF EMERGENCY RULEMAKING.”** A combined notice of emergency and proposed rulemaking shall use the phrase **“NOTICE OF EMERGENCY AND PROPOSED RULEMAKING.”**

311.4 The text of the emergency rule(s) shall be **PRECEDED** by a notice that shall contain the following:

- (a) The name of the promulgating official or body authorized to issue rules;
- (b) The date of adoption of the emergency rule(s) and the effective date of the rule(s);
- (c) A citation to an existing rule that is being amended or repealed OR a temporary citation for a new rule;
- (d) A brief description or title of the rule(s);
- (e) A statement giving the justification for emergency rulemaking action which clearly explains why the action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals;
- (f) The date of expiration of the emergency rule(s); and
- (g) If the notice is for combined emergency and proposed rulemaking, it shall include the language required by § 309.3, and the requirements of § 309.4 must be met by the addition of the proper notice to the end of the text of the emergency and proposed rule(s).

311.5 The one hundred twenty (120) day maximum effective period for emergency rules begins on the date of adoption of the rules. A shorter period of effectiveness may be stated in the notice. Emergency rules may take effect on the date of adoption, on the date of publication in the *D.C. Register*, or on another date after adoption.

311.6 A combined Notice of Emergency and Proposed Rulemaking shall state that the rule(s) will expire one hundred twenty (120) days after adoption (or a shorter stated period) or upon publication of final rules, whichever occurs first.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4107 (September 18, 1981).

312 DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS: PUBLICATION POLICY

312.1 The incorporation of existing and future documents in the official compilation of the District of Columbia rules and regulations, the *District of Columbia Municipal Regulations* (“DCMR”), shall be governed by the publication policy set forth in this section.

312.2 The *D.C. Municipal Regulations* shall include every regulation enacted by the appointed District of Columbia Council. These documents are generally known as “Council Regulations.”

312.3 The *D.C. Municipal Regulations* shall include every act of the elected Council of the District of Columbia which specifically amends or modifies an existing “Council Regulation;” which is designated by its provisions as a regulation or amendment to the *D.C. Municipal Regulations*; which is designated by its provisions as an amendment to the *District of Columbia Rules & Regulations* (“DCRR”); or which has not been codified or scheduled to be codified in the District of Columbia Code. The provisions of this subsection shall not apply to emergency or budget acts of the Council of the District of Columbia.

312.4 The *D.C. Municipal Regulations* shall include every document of general applicability and legal effect that is designated for publication in the D.C. Municipal Regulations by resolution of the Council of the District of Columbia.

312.5 The *D.C. Municipal Regulations* shall include every rule, regulation, or document having general applicability and legal effect which was lawfully adopted by the Board of Commissioners of the District of Columbia; the Commissioner of the District of Columbia; or any authorized agency, board, commission, or official of the District of Columbia prior to the effective date of the “District of Columbia Administrative Procedure Act” (Pub. L. No. 90-614; 82 Stat. 1203; D.C. Code, §§ 1-1501 et seq.; enacted October 21, 1968; effective one year thereafter on October 21, 1969), as amended, which was compiled and published in the *D.C. Register* (including special editions of the Register or DCRR as required by section 8 of the Act (D.C. Code § 1-1507)).

312.6 The *D.C. Municipal Regulations* shall include every rule, regulation, or document having general applicability and legal effect promulgated by the Mayor, Commissioner, or any authorized agency, board, commission, or official of the District of Columbia since October 21, 1969 which has been properly adopted and published in accordance with the provisions of sections 6 and 7 of the D.C. Administrative Procedure Act.

312.7 All rules, regulations, and documents of general applicability and legal effect incorporated in the *D.C. Municipal Regulations* shall reflect all amendments, deletions, and other modifications that have been duly enacted or adopted by the District of Columbia Council; the Council of the District of Columbia; or the Commissioner, Mayor, or any authorized agency, board, commission, or official of the District of Columbia.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4108 (September 18, 1981).

313 D.C. MUNICIPAL REGULATIONS: STRUCTURE AND FORMAT

313.1 The major divisions of the *D.C. Municipal Regulations* (DCMR) are titles, each of which brings together broadly related rules and regulations by subject matter categories.

313.2 Titles of the *D.C. Municipal Regulations* are designated by the Office of Documents. Assignment of rules and regulations to the various titles of the *D.C. Municipal Regulations* by the Office of Documents will be based on the structure set forth in § 313.3.

313.3 The structure of the *D.C. Municipal Regulations* is the following:

- 1 MAYOR AND EXECUTIVE AGENCIES**
- 2 COUNCIL**
- 3 ELECTIONS AND ETHICS**
- 4 HUMAN RIGHTS**
- 5 BOARD OF EDUCATION**
- 6 GOVERNMENT PERSONNEL**
- 6A POLICE PERSONNEL**
- 7 EMPLOYMENT BENEFITS**
- 8 UNIVERSITY OF THE DISTRICT OF COLUMBIA**
- 9 TAXATION AND ASSESSMENTS**
- 10 DISTRICT'S COMPREHENSIVE PLAN (PART I)**
- 10 PLANNING AND DEVELOPMENT (PART II)**

- 11 ZONING**
- 12 CONSTRUCTION CODES**
- 13 ELECTRICAL AND MECHANICAL CODES**
- 13A ELEVATOR CODE**
- 13B BOILER AND PRESSURE VESSEL CODE**
- 14 HOUSING**
- 15 PUBLIC UTILITIES & CABLE TELEVISION**
- 16 CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS**
- 17 BUSINESS, OCCUPATIONS, AND PROFESSIONS**
- 18 VEHICLES AND TRAFFIC**
- 19 AMUSEMENTS, PARKS & RECREATION**
- 20 ENVIRONMENT**
- 21 WATER AND SANITATION**
- 22 PUBLIC HEALTH AND MEDICINE**
- 23 ALCOHOLIC BEVERAGES AND FOOD**
- 24 PUBLIC SPACE AND SAFETY**
- 24 VENDORS & SOLICITORS (Chapter 5)**
- 26 INSURANCE**
- 27 CONTRACTS AND PROCUREMENTS**
- 28 CORRECTIONS, COURTS AND CRIMINAL JUSTICE**
- 29 PUBLIC WELFARE**
- 30 LOTTERY AND CHARITABLE GAMES**
- 31 TAXICAB & PUBLIC VEHICLES FOR HIRE**

313.4 Subtitles may be assigned by the Office of Documents to group chapters within a title by specific subject matter or agency. Chapters grouped within a subtitle may be made available to the public separately by subtitle.

313.5 The divisions of each title are **CHAPTERS**. Chapters are assigned or approved by the Office of Documents on the basis of subject matter. Each chapter has a descriptive heading.

313.6 The divisions of each chapter are **SECTIONS**. Each section shall consist of a unified body of rules that covers a specific, closely related segment of the subject matter covered in the chapter. Each section shall have a descriptive heading.

313.7 The major divisions of each section are **SUBSECTIONS**. Subsections are the basic units of the *D.C. Municipal Regulations*. Each subsection shall contain a single, specific requirement, provision, or a declarative statement of policy. Generally, subsections consist of one sentence or, occasionally, two (2) or three (3) sentences. Subsections do not have descriptive headings.

313.8 Subsections may include **PARAGRAPHS AND SUBPARAGRAPHS** that set forth lists, examples, or subdivisions of the specific provision set forth in the subsection. Paragraphs and subparagraphs shall not be used to include separate, distinct provisions that can be set forth in separate subsections.

313.9 The various divisions of the *D.C. Municipal Regulations* shall be designated in the following manner:

(a) **TITLES** - Consecutively in Arabic numerals in accordance with the structure set forth in this section (1, 2, 3, ...);

(b) **SUBTITLES** - Undesignated. Subtitles shall have descriptive headings and indicate the chapters contained in the subtitle;

(c) **CHAPTERS** - Consecutively in Arabic numerals throughout each title. (100.0, 200.0, 300.0, ...3400.0, 3500.0, ...);

(d) **SECTIONS** - Consecutively in Arabic numerals throughout each chapter. (100, 101, 102, ...3420, 3421, 3422, ...);

(e) **SUBSECTIONS** - Consecutively in Arabic numerals throughout each section. (106.1, 106.2, 106.3, ...106.15, 106.16, ...);

(f) **PARAGRAPHS** - Consecutively in lower case Arabic letters set within parenthesis. (106.1(a), 106.1(b), 106.1(c), ...);

(g) **SUBPARAGRAPHS** - In outline style, as follows: (1), (2), (3), ... (1) (A), (1) (B), (1) (C), ... (1) (A) (i), (1) (A) (ii), (1) (A) (iii). Subparagraphs are rarely used in the DCMR.

313.10 The numbering system of the *D.C. Municipal Regulations* can be used to identify the types of divisions contained in a citation. For example: 18 DCMR § 235.6(a)(4) is subparagraph (4) of paragraph (a) of subsection 6 of section 35 of chapter 2 of title 18 DCMR.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4109-4110 (September 18, 1981)