District of Columbia Register

Architecture
Chapter 34
Regulations
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

FINAL RULEMAKING

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended as follows:

CHAPTER 34 ARCHITECTS

Chapter 34, ARCHITECTS, is amended as follows:

Secs.
3400 Applicability
3401 General Provisions
3402 Qualifications for Licensure
3403 Licensure by Examination
3404 Waiver of the Education and IDP Requirements
3405 Reciprocal Licensure
3406 Display of License
3407 Term of a License
3408 License Renewal
3409 Inactive Status
3410 Scope of Practice
3411 Rules of Professional Conduct
3412 Disciplinary Actions
3413 Seal of an Architect
3414 Continuing Education
3415 Approved Continuing Education Programs
3499 Definitions

3400 APPLICABILITY
3400.1 This chapter shall apply to applicants for and holders of a license to practice architecture.

3400.2 Chapter 33 of this Title shall supplement this chapter.

3400.3 The provisions of this chapter and the Act shall prevail in the event of a direct and irreconcilable conflict between this chapter or the Act and Chapter 33 of this Title.

Section 3401 GENERAL PROVISIONS

3401.1 The Board of Architecture and Interior Designers (hereinafter referred to as the “Board”), established by the Second Omnibus Regulatory Reform Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.01 et
Each architect member of the Board must be a licensed architect.

Section 3401, GENERAL PROVISIONS, subsection 3401.3 is amended to read as follows:

3401.3 The Board shall at its offices, maintain a record of duly licensed architects that shall include their name, license number, last known mailing address, and last known email address.

Communications with Board members and Board Staff shall be limited as follows:

(a) Prior to the filing of an application or after final Board action on an application, verbal and written communication with individual Board members or any member of the Board’s staff shall be freely permitted; provided, however, that no member of the Board or its staff is authorized to give any indication of what specific action the Board may take upon the merits of any application which may be filed with it;

(b) Advice of a general nature may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the Board’s standards in evaluating applications; and

(c) While an application for licensure or an enforcement proceeding is pending before the Board, no communications may be initiated with any individual Board member concerning the matter; any inquiries must be made orally or in writing to the Board staff or in writing to the Board.

The Board may maintain membership in the National Council of Architectural Registration Boards (NCARB). As part of the Board’s activities, the Board shall endeavor to keep up-to-date information on the recommended policies adopted by NCARB. The Board may cooperate with NCARB in establishing uniform standards of architectural registration throughout the United States, but is under no obligation to do so.

Any forms prepared in accordance with this chapter or the Act shall be made available upon request.

Fees associated with licensure and registration may be found in Title 17 DCMR Chapter 35.

The Department shall maintain copies of all records and papers pertaining to licensure, certification, registration, inspections, investigations, and other matters under the jurisdiction of the Board. Copies of all records and papers duly certified
and authenticated by the Board or its staff shall be received in evidence in all
courts equally and with like effect as the original.

3401.9 Public records kept by the Department on behalf of the Board under the authority
of this section shall be open to public inspection pursuant to the D.C. Freedom of
Information Act. None of any licensed architect’s examination record shall be
considered public record.

3401.10 The Board shall meet in public session not less than four (4) times per year and
shall publish notice of the time and place of each public meeting in the D.C.
Register at least one (1) week in advance of the meeting. The public has the right
to appear before the Board and testify on subjects within the Board’s jurisdiction.

3401.11 The Chairperson shall be elected from among the members of the Board and shall
have authority to sign all official documents issued on behalf of the Board, after
approval by the Board.

3401.12 Four (4) members of the Board shall constitute a quorum.

3401.13 Once quorum is established, a majority vote of all Board members present and
voting is necessary for any action taken by the Board.

3401.14 Board members may convene in committees of no less than three (3) Board
members to carry out specific functions of the Board, provided the full Board
ratifies the actions of any committee.

3402 QUALIFICATIONS FOR LICENSURE

3402.1 To be granted licensure, an applicant shall:

(a) Shall be at least 18 years of age;
(b) Shall be of good moral character;
(c) Shall not have been convicted of an offense that bears directly on the
applicant’s fitness to be licensed.
(1) When reviewing a applicant’s criminal history, the Board shall
follow the guidelines set forth in 1 DCMR § 114 and the Act;
(d) Shall meet any other requirements established by the Board to ensure the
applicant has had the proper training, experience, and qualifications to
practice architecture; and
(e) Shall pay the required fees

3402.2 In evaluating an application and prior to issuing a license, the Board may require
substantiation of the quality and character of the applicant’s experience,
notwithstanding the fact that the applicant has complied with the requirements set forth in this section.

3402.3 At the time of the filing of the application, all required fees and documents shall accompany the application. Each application shall be sworn to or affirmed before a notary public or, if applicable, by electronic signature or other authentication methods as authorized by the Council of the District of Columbia or the Mayor.

Section 3403 LICENSURE BY EXAMINATION

Section 3403, LICENSURE BY EXAMINATION, subsection 3403.1 is amended to read as follows:

3403.1 An applicant for licensure by examination shall:

(a) Hold a professional degree in architecture from a degree program that has been accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than two (2) years after termination of applicant’s enrollment; or hold a professional degree in architecture from a Canadian university certified by CACB; or, for foreign-educated applicants, have satisfied the NCARB education standard as verified by an Education Evaluation Services for Architects (EESA) evaluation report;

(b) Satisfy the Intern Development Program (IDP) training requirements; and

(c) Pass the Architect Registration Examination (A.R.E.) in accordance with NCARB standards in effect at the time the applicant took the examination. After receiving his or her professional degree, an applicant may take portions of the A.R.E., provided that all IDP requirements are completed before licensure is obtained.

3403.2 The Board may request NCARB to determine an applicant’s eligibility, subject to the Board’s final approval; and the Board shall accept the A.R.E. results as determined by NCARB.

3403.3 An applicant shall retain credit for division sections passed on the examination for a term of five (5) years from the date the first division of the examination was taken or from January 1, 2005, for applicants who passed the first division of the examination prior to that date. An applicant must complete a new application for re-examination and pay the required fees each time the applicant seeks to retake any division of the examination.

3404 WAIVER OF THE EDUCATION AND IDP REQUIREMENTS

3404.1 The Board may exempt an applicant from the education and IDP requirements when the applicant holds a current and valid certification issued by NCARB, and
the applicant submits to the Board satisfactory evidence of such certification.

3405 Reciprocal Licensure

3405.1 An applicant who holds a current and valid certification issued by NCARB, submits to the Board satisfactory evidence of such certification, and meets the requirements as set forth in this chapter and the Act, shall be licensed if the applicant:

(a) Holds a current and valid registration as an architect issued by a registration authority of the United States or Canada, and submits to the Board satisfactory evidence of such registration;

(b) Files an application with the Board, upon a form prescribed by the Board, containing such information concerning the applicant as the Board considers pertinent, and is deemed satisfactory by the Board; and

(c) Has paid the required fees to the District.

3406 Display of License

3406.1 A licensee shall display his or her license conspicuously in the licensee’s principal place of business or employment.

3407 Term of a License

3407.1 A license to practice architecture shall expire at midnight of April 30th of each even numbered year.

3408 License Renewal

3408.1 A licensed architect shall not file an application for renewal if the Board has suspended the applicant’s license.

3408.2 At least sixty (60) days prior to the expiration of a license, the Board shall send a renewal application by first class mail to the holder of a license at the licensee’s known address on record with the Board.

3408.3 A holder of a license shall meet all of the requirements for license renewal prior to the issuance of the renewal.

3408.4 A holder of a license shall provide the Board a street address for the licensee’s residence, not a post office box, and shall notify the Board in writing of any change of home or business address within thirty (30) days of the change.

3408.5 The failure of a holder of a license to receive the notice required by § 3408.2 of this chapter does not relieve the holder of the responsibility of renewing the
An applicant for renewal of an architect’s license shall submit the renewal application in a timely manner to the Board and shall complete the continuing education requirements before the expiration date of the license.

Section 3408, LICENSE RENEWAL, subsection 3408.7 is amended to read as follows:

3408.7  [RESERVED]

3408.8  A holder of a license who fails to renew before the expiration date may renew the license within sixty (60) days after expiration by completing all renewal requirements and paying an additional late renewal fee. Upon renewal, the holder shall be deemed to have possessed a valid license during the period between the expiration of the license and its renewal.

3408.9  If a holder of a license fails to renew the license within sixty (60) days after its expiration, the license shall be deemed to have lapsed on the date of expiration and the holder shall be required to apply for reinstatement of the expired license and pay the required reinstatement fee.

3408.10  Denial of an application for renewal for failure to complete the continuing education requirements shall require the applicant to complete the continuing education requirements prior to submitting an application for reinstatement.

3409  INACTIVE STATUS

3409.1  Upon application by a licensee and payment of the required fee, the Board shall place a licensee on inactive status.

3409.2  While on inactive status, an individual shall not practice, attempt to practice, or offer to practice architecture in the District of Columbia.

3409.3  A licensee may remain on inactive status for up to five (5) years from the date of application, and shall notify the Board of any address change within thirty (30) days of the change.

3409.4  The Board shall issue a license to an individual who is on inactive status and who desires to resume practice, if the individual meets the following requirements:
(a) Files an application with the Board;
(b) Pays the required fees;
(c) Demonstrates compliance with all continuing education requirements; and
(d) Complies with all current requirements for license renewal.

3409.5 A lapsed license cannot be placed on inactive status. The license must first be reinstated, as provided in D.C. Official Code § 47-2853.15, provided the license has not been expired for more than five (5) years.

3410 SCOPE OF PRACTICE

3410.1 For the purposes of this chapter, the term “practice of architecture” means rendering or offering to render services in connection with the design and construction, enlargement, or alteration of a structure or group of structures that have as their principal purpose human occupancy or habitation, as well as the space within and surrounding these structures. These services include planning and providing studies, designs, drawings, specifications, and other technical submissions, and the administration of construction contracts. The practice of architecture does not include the practice of engineering, as defined in D.C. Official Code § 47-2853.131, although an architect may perform engineering work that is incidental to the practice of architecture.

3411 RULES OF PROFESSIONAL CONDUCT

3411.1 In engaging in the practice of architecture, a licensed architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill that are ordinarily applied by licensed architects of good standing practicing in the same locality.

3411.2 In designing a project, a licensed architect shall take into account all applicable federal, state, and municipal building laws and regulations. While a licensed architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a licensed architect shall not knowingly design a project in violation of such laws and regulations.

3411.3 A licensed architect shall undertake to perform professional services only when he or she, together with those whom the licensed architect may engage as consultants, NN is qualified by education, training, and experience in the specific technical areas involved.

3411.4 A licensed architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed in writing and agreed to by all interested parties.
The licensed architect shall fully disclose in writing to his or her client or employer any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services.

When making public statements on architectural questions, a licensed architect shall disclose when he or she is being compensated for making such statements.

If, in the course of his or her work on a project, a licensed architect becomes aware of a decision made by his or her employer or client, against such licensed architect’s advice, which will result in a violation of any applicable federal, state, or municipal building laws or regulations and which will, in the licensed architect’s judgment, materially and adversely affect the safety to the public of the finished project, the licensed architect shall:

(a) Report the decision to the local building inspector or other public official charged with enforcement of the applicable federal, state, or municipal building laws and regulations; and

(b) Refuse to consent to the decision.

A licensed architect shall not willfully make a materially false statement or fail willfully to disclose a material fact requested in connection with his or her application for a license or renewal or reinstatement of a license.

A licensed architect shall not assist the application for licensure of an individual known by the licensed architect to be unqualified with respect to education, training, experience, or character.

A licensed architect possessing knowledge of a violation of the provisions set forth in § 3411.1 through § 3411.16 by another licensed architect shall report such knowledge to the Board.

A licensed architect shall not, in the conduct of this or her practice, knowingly violate any municipal, state, or federal criminal law.

A licensed architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent to influence the official’s judgment in connection with a prospective or existing project in which the licensed architect is interested.

A licensed architect shall comply with the licensing laws and regulations governing his or her professional practice in any United States jurisdiction.
Section 3411, RULES OF PROFESSIONAL CONDUCT, Subsection 3411.14 is amended to read as follows:

3411.14 Each office located in the District of Columbia maintained for the preparation of drawings, specifications, reports, or other professional work shall have a licensed architect who is regularly employed at the office and who directly supervises such work.

3411.15 A licensed architect shall not sign or seal technical submissions unless they were prepared by the architect or under his or her direct supervision; provided, however, that in the case of portions of such technical submission prepared under the direct supervision of another licensed architect employed by the first licensed architect (or by his or her firm), he or she may sign and seal those portions of the technical submissions if he or she has reviewed such portions and has coordinated their preparation.

3411.16 A licensed architect shall neither offer nor give any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality) with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensed architect is interested.

3412 DISCIPLINARY ACTIONS

3412.1 Upon providing notice and an opportunity for hearing in accordance with the Act and Chapter 33 of this Title, the Board may revoke, suspend, refuse to renew, or deny an application for a license by a licensee or applicant for any violation of this chapter or the Act.

Section 3412, DISCIPLINARY ACTIONS, subsection 3412.2 is amended to read as follows:

3412.2 If the Board determines that there is a violation of this chapter or the Act, the Board may take any of the actions specified in § 3412.1 of this chapter or any one (1) or more of the following lesser actions:

(a) Reprimand the architect;

(b) Place the architect on probation for a specified period;

(c) Impose limitations on the architect’s license; or

(d) Require a course of remediation approved by the Board that may include retraining and, at the discretion of and in the manner prescribed by the Board, reexamination.
If the Board places an architect on probation, imposes a limitation on the license of an architect, or requires a course of remediation, the Board may provide that if the architect fails to satisfy the conditions of probation, observe the limitations imposed on the license, or complete the course or remediation, the Board may suspend or revoke the architect’s license.

### SEAL OF AN ARCHITECT

Each licensed architect shall procure a seal, which shall contain the name of the licensed architect, his or her license number, and the words LICENSED ARCHITECT-DISTRICT OF COLUMBIA. This seal shall comply in all respects, including size and format, with the specimen shown below:

![Seal of Architect]

The seal shall be evidence of the authenticity of the document and shall be imprinted on all technical submissions, as follows:

(a) each design and each drawing;
(b) on the cover and index pages identifying each set of specifications; and
(c) on the cover page (and index, if applicable) of all other technical submissions.

The seal appearing on any technical submission shall be prima facie evidence that the technical submission was prepared by or under the direct supervision of the individual named on the seal.

No licensed architect shall affix or permit to be affixed his or her seal or signature to any technical submission which depicts work which he or she is not competent to perform.

No licensed architect shall affix his or her seal or signature to any technical submission that was not prepared by him or her or under his or her direct supervision or by another licensed architect and reviewed, approved, or modified.
and adopted under his or her direct supervision.

3413.6 When the license of a licensed architect has been revoked or suspended by the Board, the licensed architect shall surrender his or her seal to the secretary of the Board within a period of thirty (30) days after the revocation or suspension has become effective. If the license of the architect has been suspended for a period of time, his or her seal shall be returned upon expiration of the suspension period. The seal shall not be used for any purpose after the effective date of any suspension or revocation.

Section 3413, SEAL OF AN ARCHITECT, subsection 3413.7 is amended to read as follows:

3413.7 The licensed architect, when affixing his or her seal to any technical submission or any other instruments of services, shall affix his or her name, by manual signature or electronic signature, across the printed image of the seal. An electronic signature must be:

(a) Unique to the person using it;

(b) Capable of verification;

(c) Under the sole control of the person using it; and

(d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

3413.8 All technical submissions or other instruments of services shall be identified as architecture documents.

New section 3414, CONTINUING EDUCATION, is added to read as follows:

3414 CONTINUING EDUCATION

3414.1 This section shall apply to all applicants for the renewal or reinstatement of a license to practice architecture, except those applicants seeking first renewal of a license granted by examination.

3414.2 An applicant for renewal of a license shall submit proof pursuant to this section of having completed twenty-four (24) Professional Development Unit (PDU) hours of credit in approved continuing education programs in health, safety, and welfare subjects during the term of the license.

3414.3 An applicant under this section shall prove completion of required continuing education credits by submitting with the renewal application the following
information with respect to each program:

(a) An AIA continuing education system transcript; or

(b) A certificate of successful completion from the sponsor or provider.

3414.4 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 3415. Licensees are responsible for ensuring that continuing education courses taken to satisfy the Board’s renewal or reinstatement requirements are Board certified or approved.

3414.5 Architects on inactive status, such as emeritus architects, and civilians called to active duty, may be exempted from this requirement at the sole discretion of the Board.

3414.6 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, for renewal after expiration, if the applicant’s failure to submit proof of completion of continuing education requirements was for good cause.

3414.7 For purposes of this section, “good cause” includes, but is not limited to, the following:

(a) Serious and protracted illness of the applicant; or

(b) The death or serious and protracted illness of a member of the applicant’s immediate family.

3414.8 An extension granted under this section shall not relieve an architect from complying with the continuing education requirement for the next renewal period.

New section 3415, APPROVED CONTINUING EDUCATION PROGRAMS, is added to read as follows:

3415 APPROVED CONTINUING EDUCATION PROGRAMS,

3415.1 The Board, at its sole discretion, may approve continuing education programs that contribute to the growth of an applicant in professional competence in the practice of architecture and which meet the other requirements of this section.

3415.2 To qualify for approval by the Board, a continuing education program shall be prepared, offered, administered, or accepted by an entity approved by NCARB, AIA, or a successor organization.

Section 3498, APPENDIX, is replaced in its entirety.
Terms defined in the Act shall have the same meanings when used in this chapter unless the context or subject matter clearly requires a different interpretation.

The definitions in § 3399 of Chapter 33 of this Title are incorporated by references and are applicable to this chapter.


**AIA** – The American Institute of Architects.

**Applicant** – A person who has submitted an application for licensure to the Board.

**A.R.E.** – The current Architect Registration Examination prepared by NCARB.

**Board** – The Board of Architecture and Interior Designers, as established by the Act.

**Direct supervision** – Personal oversight by an individual who has control over, and detailed professional knowledge of, the work prepared.

**Electronic signature** – A digital authentication process which is attached to, or logically associated with, an electronic document.

**Examination** – The current Architect Registration Examination (A.R.E.), as accepted by the Board.

**Health, safety, and welfare subjects** – Technical and professional subjects, which the Board deems appropriate to safeguard the public’s health, safety and welfare. Such subjects include, but are not limited to, the following:

(a) Building design;
(b) Sustainable design;
(c) Environmental or land use analysis;
(d) Life safety;
(e) Architectural programming;
(f) Site and soils analysis; accessibility
(g) Structural systems considerations;
(h) Lateral forces;
(i) Building codes;
(j) Evaluation and selection of building systems, products or materials;
(k) Construction methods;
(l) Contract documentation; and
(m) Construction administration.

**IDP** – The current version of the Intern Development Program as established and administered by NCARB.

**Manual signature** – The handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, and provides responsibility for the creation of the document and accountability for the contents of the document.

**Licensed architect** – a person licensed to practice architecture under this chapter.

**NAAB** – The National Architectural Accrediting Board.

**NCARB** – The National Council of Architectural Registration Boards.

**PDU** – Professional Development Unit.

**Registered architect** - An architect registered in a United States or Canadian jurisdiction.

**Signature** – Includes manual signature or electronic signature.

**Technical submissions** – Studies, designs, drawings, specifications, and any other technical documentation prepared in the course of the practice of architecture.

**TU** – Training unit used to calculate the hours of training earned by IDP applicants.