

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS
TITLE 10A HISTORIC PRESERVATION

CHAPTER 31 HISTORIC PRESERVATION REVIEW BOARD MEETING AND HEARING PROCEDURES

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3100 GENERAL PROVISIONS

The Board’s hearings and meetings are rulemaking proceedings and shall be conducted in accordance with D.C. Official Code § 2-505.

The Board shall hold a regularly scheduled monthly meeting, except that the Board may decide not to schedule a hearing in August or for other good cause. In addition to the regularly scheduled monthly meeting, the Chairperson may call additional meetings or hearings as needed for the conduct of business.

The proposed agenda and staff reports for each meeting or hearing shall be posted in the Historic Preservation Office and made available to the public at least five (5) days before the meeting or hearing.

Copies of the agenda shall be available to the public at the meeting or hearing. Notwithstanding the prepared agenda, the Board is not precluded from amending or reordering the agenda at the meeting or hearing to promote the public interest or efficient administration of the Historic Protection Act.

Board proceedings may be adjourned from time to time. If the time and place of resumption is publicly announced when the adjournment is ordered, no further notice shall be required.

3101 APPEARANCE AND REPRESENTATION

Any applicant, government representative, or person may appear and offer statements and exhibits in any proceeding before the Board, or may submit written materials for consideration by the Board.

An individual may appear on his or her own behalf or on behalf of any other person, when authorized by that person.

An individual need not be a member of the bar of any court to appear before the Board in a

representative capacity.

Any individual appearing before the Board other than on his or her own behalf shall establish his or her authority to act in a representative capacity.

3102 DUTIES OF THE CHAIRPERSON

The Chairperson of the Board shall be the presiding officer at all hearings and meetings. The presiding officer shall have authority to do the following:

- (a) Regulate the course of the proceedings;
- (b) Dispose of procedural requests or similar matters;
- (c) Determine if the materials supplied to the Board are of sufficient detail and clarity to permit a Board decision;
- (d) Call, qualify, and question persons at a hearing, receive relevant information, and introduce into the record documentary or other material;
- (e) Request any applicant or person at any time during a proceeding to state his or her respective position concerning any issues in the proceeding and theory in support thereof;
- (f) Adjourn a proceeding and establish the date when it will be continued;
- (g) Close a proceeding;
- (h) Establish reasonable time limits for comments and fairly allocate time among the applicant, interested persons, and others;
- (i) Exclude unduly repetitious or irrelevant comments or presentations, and permit a person to adopt the prior statement of another person; and
- (j) Take any other action authorized by these rules or necessary under these rules for the proper, expeditious, and fair conduct of the hearing or meeting.

3103 ORDER OF PROCEEDING

The order of proceeding at a historic landmark or historic district designation hearing shall be as follows, unless the Chairperson determines otherwise for good cause:

- (a) Introductory statement by the Chairperson;
- (b) Statement by the applicant;
- (c) Staff report;

- (d) Statement by the owner, if not the applicant (when a historic landmark is proposed);
- (e) Reports or statements by public agencies;
- (f) Statements by affected Advisory Neighborhood Commissions;
- (g) Statements by persons in support of the application;
- (h) Statements by persons in opposition;
- (i) Response by the owner, if any (when a historic landmark is proposed); and
- (j) Discussion and determination by the Board.

The order of proceeding at a meeting to consider permit and other applications shall be as follows, subject to the Chairperson's discretion:

- (a) Staff presentation;
- (b) Applicant's presentation;
- (c) Reports or statements by public agencies;
- (d) Statements by affected Advisory Neighborhood Commissions;
- (e) Statements by persons in support of the application;
- (f) Statements by persons in opposition; and;
- (g) Discussion and determination by the Board.

The Board may ask questions of any person or seek clarification of any statement at any time during a proceeding.

3104 QUORUM AND VOTING PROCEDURES

A majority of the duly constituted Board shall constitute a quorum for the purpose of conducting business at a public hearing or meeting pursuant to these regulations.

If the Board loses a quorum during the course of a meeting, unless otherwise prohibited, the Board may at its own discretion proceed to conduct business without a quorum on a case-by-case basis, provided that there is no objection from the applicant or any person interested in the matter under consideration by the Board.

Actions of the Board shall be taken in public by a majority vote among the members present

and voting, and the vote of each member shall be recorded and noted for inclusion in the transcript or minutes of the meeting.

A member may participate and vote on a case even though that member may not have attended prior proceedings in the case, provided that the member has reviewed the complete record in the case.

3105 DUTIES OF BOARD MEMBERS

Each Board member shall become knowledgeable regarding the statutes, regulations, standards, and other policies relating to the Board's responsibility and authority.

A members shall not participate in making a decision of the Board without becoming familiar with the case pending before the Board, including previous discussions and decisions associated with the matter.

3106 CONFLICT OF INTEREST

Board members shall comply with all applicable D.C. rules and regulations on conflict of interest.

Any member of the Board shall recuse himself or herself from voting and all other proceedings on any case for which the member has a real or apparent conflict of interest. Upon recusal, the Board member shall leave the meeting or hearing room during the Board's consideration of the case.