

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS
TITLE 10A HISTORIC PRESERVATION

CHAPTER 32 GENERAL ADMINISTRATIVE PROCEDURES

Secs.	
3200	General Provisions
3201	Public Hearings and Meetings
3202	Public Mailing List
3203	Annual Notices
3204	Minutes and Transcripts
3205	Legal Advice and Representation
3206	Computation of Time
3207	Amendment and Waiver of Rules
3208	Severability

3200 GENERAL PROVISIONS

All proceedings of the Mayor's Agent and Board shall be conducted in accordance with the Administrative Procedure Act (D.C. Official Code § 2-501 *et seq.*) and other applicable laws and regulations.

3201 PUBLIC HEARINGS AND MEETINGS

Public hearings and meetings conducted by the Mayor's Agent and Review Board shall be open to the public. All interested persons are invited to participate.

At a public hearing or meeting, the Mayor's Agent and Review Board shall accord "great weight" to the properly adopted written recommendations of affected Advisory Neighborhood Commissions in all matters under their consideration and subject to ANC purview.

Decorum and good order shall be maintained at all times. No person or group shall willfully and knowingly utter loud, threatening, or abusive language, or engage in any disorderly or disruptive conduct within any building or part of any building owned or under the control of the District of Columbia with the intent to impede, disrupt, or disturb the orderly conduct of a public meeting or hearing pursuant to these regulations, or enter or remain in, during the course of any public meeting or hearing pursuant to this chapter, any area set aside for use by persons other than the general public.

3202 PUBLIC MAILING LIST

The Board shall maintain a general public mailing list for notice of public meetings, hearings, and other matters. The mailing list shall include the members of the Council of the District of Columbia, all Advisory Neighborhood Commissions, and any historic preservation organization, civic group, or interested person upon request.

At least every two years, the HPO may purge the mailing list of organizations and persons listed by request, after giving notice indicating the manner in which they should state their desire to remain on the list. The HPO may also routinely purge the mailing list of any addressees upon receipt of mail returned by the U.S. Postal Service as undeliverable. Anyone purged from the list may request reinstatement at any time.

The Board may supplement the general public mailing list with an electronic mailing list maintained for the same purposes.

3203 ANNUAL NOTICES

Near the end of each calendar year, the Board shall publish in the *D.C. Register* a notice of its meeting dates for the upcoming year, also indicating the deadline dates by which applications must be filed before each meeting. The notice may also include supplemental meeting dates as the need arises. This notice shall be available in the HPO office and shall be posted on the HPO website throughout the year.

3204 MINUTES AND TRANSCRIPTS

Any proceeding before the Mayor's Agent or Board shall be reported under the supervision of the presiding officer, stenographically or by recording or other means, by an official reporter who may be designated for this purpose from time to time.

The transcript prepared by the reporter shall be the sole official transcript of the hearing.

Minutes of Review Board proceedings may also be prepared by the staff. Minutes shall be summary in nature and shall include the vote and nature of the action taken on each case.

Transcripts and minutes are a matter of public record, and shall be open for inspection at the Historic Preservation Office. Copies of the transcript shall be available to any interested person from the official reporter on payment of any applicable copying charge.

If the transcript and minutes conflict, the wording of the transcript shall prevail.

3205 LEGAL ADVICE AND REPRESENTATION

The Mayor's Agent, State Historic Preservation Officer, and Review Board may request and receive legal advice from the Office of the Corporation Counsel at any time.

The Review Board may request and obtain representation by the Office of the Corporation Counsel at any proceeding before the Mayor's Agent.

The Review Board may request legal assistance from the Office of the Corporation Counsel in any enforcement action or other matter pursuant to these regulations.

3206 COMPUTATION OF TIME

In computing any period of time specified in this chapter, calendar days shall be counted unless otherwise indicated.

In computing any period of time specified in this chapter, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless the period ends on a Saturday, Sunday, or holiday, in which case the period runs until the end of the next business day.

The one hundred twenty (120) day period provided by the Act during which the Mayor must act on an application, shall be computed from the date the Review Board receives the referral of a complete application from DCRA, or for applications subject to review under the Old Georgetown Act or the Shipstead-Luce Act, from the date the CFA receives the referral.

The provision of a forty-five (45) day notice to Advisory Neighborhood Commissions is intended to address the statutory requirement for a notice period of thirty (30) working days. If there is a discrepancy, the calculation by working days shall control.

Except as otherwise provided by law, whenever an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may for good cause be extended or shortened by the Mayor's Agent, SHPO or Board, as the case may be.

Except as otherwise provided by law, failure to take action within a time period specified in these rules shall not invalidate an otherwise proper action pursuant to the rules.

3207 AMENDMENT AND WAIVER OF RULES

At any time, the Mayor's Agent, State Historic Preservation Officer, or Review Board may amend provisions of these rules pertinent to their respective authorities. Any amendments shall be adopted in accordance with the provisions of the Administrative Procedure Act (D.C. Official Code § 2-505).

If the duties of an agency or official cited in these rules change pursuant to a governmental reorganization, any affected authorities or responsibilities under these rules shall automatically transfer to the agency or official assuming these duties, without the need for amendment.

The Mayor's Agent, SHPO, and Review Board may, for good cause shown, waive any of the provisions of these rules pertaining to their respective authorities, if in their judgment the waiver will not prejudice the rights of any person and is not otherwise prohibited by law.

3208 SEVERABILITY

If any section or provision of this subtitle is determined invalid after judicial review, that decision shall not affect the validity of the regulations as a whole, or any part of the regulations other than the part determined to be invalid.