

COUNCIL OF THE DISTRICT OF COLUMBIA

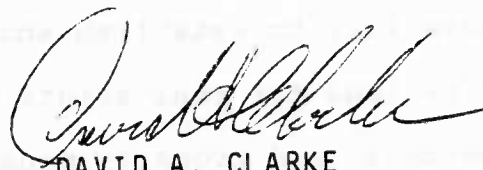
NOTICE

D.C. LAW 5-117

"District of Columbia Real Estate Licensure Act of 1982 Amendments Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-175 on first and second readings, June 26, 1984 and July 10, 1984, respectively. Following the signature of the Mayor on July 13, 1984, this legislation was assigned Act No. 5-169, published in the August 10, 1984 edition of the D.C. Register, (Vol. 31 page 4023) and transmitted to Congress July 19, 1984 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-117, effective September 26, 1984.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	23,24,25,26,27,30,31
August	1,2,3,6,7,8,9,10
September	5,6,7,10,11,12,13,14,17,18,19,20,21,24,25

D.C. LAW 5 - 117

AN ACT

EFFECTIVE
DATE SEP 26 1984D.C. ACT 5 - 169

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 13 1984

To amend the District of Columbia Real Estate Licensure Act of 1982 to establish registration and certification procedures for resident managers; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Real Estate Licensure Act of 1982 Amendments Act of 1984".

Sec. 2. The District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Code, sec. 45-1921 et seq.), is amended as follows:

(a) Section 2 (D.C. Code, sec. 45-1921) is amended to read as follows:

"Sec. 2. Purposes :

"The purposes of this act are to revise the real estate licensure law; to establish educational and other qualifications for real estate brokers, real estate salespersons, and property managers; to establish registration and certification procedures for resident managers; to protect the public against incompetence, fraud, and deception in real estate transactions; to establish a Real Estate Guaranty and Educational Fund to compensate victims of unlawful real estate practices; and for other purposes."

D.C. Code,
sec. 45-
1921
(1985 supp.

(b) Section 3 (D.C. Code, sec. 45-1922) is amended as follows:

D.C. Code,
sec. 45-
1922
Note,
D.C. Code,
sec. 29-
1101
(1985 supp.

(1) A new paragraph (1a) is inserted to read as follows:

"(1a) The term 'associate broker' means any person licensed under the act as a broker, who is employed by a real estate broker, franchise firm, association, business, or corporation, but who is not a partner, an officer, or principal broker within a licensed legal entity."

(2) Paragraph (2) is repealed.

(3) Paragraph (3) is repealed.

(4) A new paragraph (6a) is inserted to read as follows:

"(6a) The term 'escrow funds' means earnest money deposits for purchase of residential and commercial property and security deposits for rental of residential and commercial property."

(5) Paragraph (10) is amended to read as follows:

"(10) The term 'property manager' means an agent for the owner of real estate in all matters pertaining to property management as defined in this act, which are under his or her direction, and who is paid a commission, fee, or other valuable consideration for his or her services. A property manager may employ resident managers. The property manager shall be held accountable for the day-to-day job-related activities of the property manager's employees. The property manager may not perform any of the activities

set forth in section 3(12) and (13) that relate to listing for sale, offering for sale, buying or offering to buy, negotiating the purchase, sale, or exchange of real estate, or negotiating a loan on real estate for a fee, commission, or other valuable consideration."

(6) A new paragraph (10a) is inserted to read as follows:

"(10a) The term 'principal real estate broker' means any person licensed under this act as a broker who is held accountable for the day-to-day operation of the real estate firm, association, partnership, or corporation."

(7) A new paragraph (10b) is inserted to read as follows:

"(10b) The term 'property management' means leasing, renting or offering to lease or rent, managing, marketing, and the overall operation and maintenance of real estate. The term 'property management' includes the physical, administrative, and fiscal management of any real property serviced by a licensee, or his or her employee or agent."

(8) Paragraph (11) is amended to read as follows:

"(11) The term 'real estate' means condominiums, leaseholds, time sharing and any other interest or estate in land, whether corporeal, incorporeal, freehold, or nonfreehold, and whether located in the District or elsewhere. The term 'real estate' includes any share or membership in a cooperative organized pursuant to the District of Columbia Cooperative Association Act, approved

June 19, 1940 (54 Stat. 480; D.C. Code, sec. 29-1101 et Enrolled Original
seq.), to engage in activities relating to real estate, even
though the shares or membership may be deemed to be
securities or personal property for purposes of the act."

(9) Paragraph (12) is amended to read as follows:

"(12) The term 'real estate broker' means any
person, firm, association, partnership, or corporation
(domestic or foreign) which:

"(A) for a fee, commission, or other
valuable consideration, lists for sale, or sells, exchanges,
purchases, rents, or leases real property. A real estate
broker may collect or offer to collect rent or income for
the use of real estate, or negotiate a loan secured by a
mortgage, deed of trust, or other encumbrance upon the
transfer of real estate. A real estate broker may also
engage in the business of erecting housing for sale and may
sell or offer to sell that housing, or who as owner may sell
or, through solicitation or advertising, offer to sell or
negotiate the sale of any lot in any subdivision of land
comprising 5 lots or more. This definition shall not apply
to the sale of space for the advertising of real estate in
any newspaper, magazine, or other publication; and

"(B) may employ real estate brokers,
associate real estate brokers, real estate salespersons,
property managers and resident managers. The real estate
broker shall be held accountable for the day-to-day
job-related activities of his or her employees. These
activities include, but are not limited to, property

management, leasing or renting of property, listing for sale, buying or negotiating the purchase or sale, or exchanging real estate or negotiating a loan on real property."

(10) A new paragraph 12(a) is inserted to read as follows:

"(12a) The term 'real estate franchise' means any real estate franchise brokerage firm practicing in the District which does not own or operate individual offices directly, but licenses its trade name, reputation, operation procedure, and referral services to independently owned and operated brokerage firms."

(11) Paragraph (13) is amended to read as follows:

"(13) The term 'real estate salesperson' means any person employed by a licensed real estate broker to manage or lease; rent or offer to lease or rent; list for sale, sell, or offer for sale; buy or offer to buy; negotiate the purchase or sale, or exchange of real estate; or to negotiate a loan on real estate."

(12) A new paragraph (13a) is inserted to read as follows:

"(13a) The term 'resident manager' means a person responsible for the day-to-day management of a contiguous cluster of rental property who serves as the principal on-site representative of the owner or licensee."

(c) Section 4 (D.C. Code, sec. 45-1923) is amended as follows:

D.C. Code,
sec. 45-1923
(1985 supp.)

(1) Subsection (a) is amended to read as follows:

"(a)(1) There is established a Real Estate Commission of the District of Columbia which shall consist of 7 members. The Mayor shall appoint 7 members of the Commission, with the advice and consent of the Council, each of whom, at the time of appointment, shall have been a resident of the District for a period of 1 year immediately preceding appointment. Each member shall maintain residency in the District while serving as a member of the Commission.

"(2)(A) Two of the Commission members shall be licensed in the District as real estate brokers and shall have been actively engaged in the real estate business for not less than 5 years immediately preceding their appointment and while serving with the Commission.

"(B) One Commission member shall represent the interests of real estate consumers and shall not have been actively engaged in or been closely connected to the business or vocation of real estate within the 5 years immediately preceding his or her appointment, or while serving on the Commission.

"(C) One Commission member shall be licensed in the District as a real estate salesperson and shall have been actually engaged in the selling, purchasing, leasing, renting, or exchanging of real estate property for not less than 5 years immediately preceding his or her appointment, and while serving with the Commission.

"(D) One Commission member shall be licensed in the District as a certified property manager and have

been actually engaged in the property management business for not less than 5 years immediately preceding his or her appointment, and while serving with the Commission.

"(E) One Commission member shall be an attorney who has been actively engaged in the practice of law in the District for not less than 1 year immediately preceding his or her appointment.

"(F) One Commission member shall be an employee of the District government and shall serve at the pleasure of the Mayor.

"(3) The Mayor shall appoint 1 member of the Commission to serve as chairperson of the Commission. The chairperson shall appoint 1 member of the Commission to serve as chairperson during the chairperson's absence."

(2) Subsection (d) is amended to read as follows:

"(d)(1) The members first appointed under this act shall serve the following terms:

"(A) The consumer member and 1 real estate broker member designated by the Mayor shall serve through February 27, 1987;

"(B) The attorney member and 1 real estate broker member designated by the Mayor shall serve through February 27, 1987; and

"(C) The business chance broker member and the property manager member shall serve through February 27, 1986. Upon the expiration of this term, the business chance broker member will be replaced by a real estate salesperson member pursuant to section 2(c)(1) of the District of

Columbia Real Estate Licensure Act of 1982 Amendments Act of 1984.

"(2) Thereafter, terms shall be 3 years and shall begin regularly on February 28, upon the expiration of a prior term, irrespective of the date of appointment or confirmation.

"(3) Members shall serve until their successors have been appointed and have qualified.

"(4) A vacancy shall be filled in the same manner as the original appointment, except that the business chance broker member of the first Commission appointed under this act shall be replaced by a real estate salesperson member as provided in subsection (d)(1)(C).

"(5) An appointment to fill a vacancy occurring prior to the expiration of a term shall be filled only for the remainder of the term.

"(6) No member may be appointed for more than 2 successive 3-year terms, except that the members appointed to a 4-year term under subsection (d)(1)(A) may be reappointed for 1 successive 3-year term.

"(7) The Mayor may remove members at any time for failure to maintain the qualifications specified in subsection (a), for neglect of duties required by this act, or for incompetency.

"(8) Four members shall constitute a quorum for meetings of the Commission. The action of a majority of the members present at a meeting where a quorum exists shall be deemed to be the action of the Commission."