



## **Appendix A:**

### NCARB Policy Resolutions to Sunset: 1960-1979, Part 2

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#### Project Background

In FY19, Board discussions unveiled a resolution from 2000 that dictated an NCARB position on an issue/policy that no longer aligned with current practice or philosophy. Evaluation of the resolution was assigned to a task force for review and discussion, but led the Board to question the status of other resolutions that dictated official NCARB policy or position. Policies or positions implemented by membership vote remain active unless the membership takes a follow-up action to sunset it, provides a deadline, or includes information granting authority of future adjustments to another party in the resolution.

NCARB staff began a research project to evaluate the status of all historical NCARB resolutions, and the Policy Advisory Committee (PAC) has been asked to make recommendations to the NCARB Board of Directors on whether the resolutions should remain NCARB policy or sunset.

The resolutions were reviewed by category, and the first set of policies was sunset in FY21. This year, the PAC reviewed additional resolutions from 1960-1979 in the following areas:

- Membership
- Related Organizations
- Studies
- Other Miscellaneous Topics

The following resolutions are being recommended for sunset:

- Resolution 1975-23: Lateral Forces
- Resolution 1973-01: Adherence to Accepted Actions
- Resolution 1972-10: Approval for Board of Directors to Join in Council
- Resolution 1971-08: Board Resolution on Firm Names
- Resolution 1962-01: Annual Meeting Agenda
- Resolution 1961-13: Engineer and Architect Registration Laws
- Resolution 1961-14: Service on NCARB Committees
- Resolution 1960-08: Collateral Attendance at NCARB Conventions

Rationale for each of the resolutions being recommended for sunset is included below, along with the full text of the resolution.

## Resolutions Recommended for Sunset as part of Resolution 2024-A

### Resolution 1975-23: Lateral Forces

**“WHEREAS**, Earthquakes may occur at any time in these United States, and

**WHEREAS**, For the protection of life, health and property, architects should possess a working knowledge of lateral forces design for buildings, and

**WHEREAS**, Architects may achieve such knowledge by various methods; now, therefore, be it

**RESOLVED**, That Member Boards accept evidence of knowledge of lateral forces design only after the method of achieving such competency is reviewed and approved in advance by a standing committee of NCARB concerned with this and other special problems.”

**Rationale:** This resolution was intended to make Member Boards require an examination on lateral forces (especially for reciprocal licensure). A lateral forces/seismic exam did exist, but was eventually discontinued by Resolution 1989-15. However, Resolution 1975-23 was not sunset at this time, so the policy remains in existence. In addition, Resolution 1975-23 does not offer many specifics, and sunsetting the resolution would provide clarity for membership.

### Resolution 1973-01: Adherence to Accepted Actions

**“WHEREAS**, all actions are initiated through resolutions and brought before Annual Meetings open discussion thereby making it possible for all Member Boards to participate fully in such actions and,

**WHEREAS**, inasmuch as these resolutions which are voted by the Member Boards at the Annual Meeting are in the interest of all and constitute voluntary acceptance by all Member Board and,

**WHEREAS**, our validity of operation and the effectiveness of our services depend upon our abiding by the actions agreed upon together at the Annual Meetings, now, therefore,

**RESOLVED**, that all Member Boards pledge, within their ability to comply with such legally voted actions which are consistent with the statute of their States and to take no adverse unilateral action without first giving notice of such proposed action.”

**Rationale:** This resolution requires Member Boards to work to accept NCARB’s national standards for licensure; the language of the resolution leaves significant room for flexibility depending on jurisdictional laws and rules. Retiring this resolution ensures that Member Boards are free to make the decisions that best suit their jurisdictional needs.

### Resolution 1972-10: Approval for Board of Directors to Join in Council

**“BE IT RESOLVED**, that the NCARB Board of Directors be authorized to Join in Council with such other organizations formed for the purpose of recommending that interprofessional actions be developed in the public interest.”

**Rationale:** NCARB’s Board of Directors regularly collaborates with other organizations to serve the public interest, including both other architecture-related organizations, as well as NCARB’s counterpart organizations for other professions. NCARB’s *Bylaws* has been updated since this resolution was passed to give the Board of Directors authority to manage “the affairs of the Council,” which would include partnerships with external organizations—making this policy unnecessary. Establishing an individual policy for each action the Board of Directors is authorized to undertake would place a significant burden on NCARB’s members, and retiring this resolution establishes a clearer precedent for laying out the Board of Directors’ authority.

### Resolution 1971-08: Board Resolution on Firm Names

**“WHEREAS**, the rapidly expanding interstate architectural practice throughout the country is frequently hampered by virtue of the differences in State registration laws, and

**WHEREAS**, the individual States and jurisdictions recognize the validity of the NCARB Certificate, and

**WHEREAS**, it would appear reasonable that any architectural firm from another State would be permitted to retain its identity, when a duly registered architect is in responsible charge, now,

**THEREFORE, BE IT RESOLVED**, that until Paragraph B of Section V of the Legislative Guidelines (relating to practicing under an assumed name) is enacted into law, any firm legally engaged in architectural practice in the State of its origin, shall be granted the right to retain its identity by permitting the firm name to follow the name of the architect in responsible charge of the project, provided that the title "architect" follows his name and that he has a license to practice in the State for which the project is designed.”

**Rationale:** This resolution encourages states to allow architects to use their firm name across state lines, as long as the architect is licensed in the state. At the time, some states prohibited the use of firm names that did not include the name of the architect(s). This resolution was meant to address that problem as a temporary policy in place while states worked to adopt a piece of the *Legislative Guidelines* added in 1970. The *Legislative Guidelines* section of the *Model Law and Regulations* was removed when the document was overhauled in 2021. Firm registration is now covered under Model Law Section 303 and Model Regulations R303, and this policy is no longer needed.

### Resolution 1962-01: Annual Meeting Agenda

“**WHEREAS**, the stated purpose of the NCARB is:

1. To promote high standards of preparation for architectural practice.
2. To foster the enactment of laws pertaining thereto.
3. To equalize and improve the standards of examination.
4. To compile and transfer records.

**AND WHEREAS**, the representatives of the Member Boards represent the whole profession and are therefore responsible to the whole profession.

**AND WHEREAS**, there are great distances and lack of direct communication between the Member Boards of this Council other than at this meeting.

**THEREFORE BE IT RESOLVED**, that the agenda of the Annual Meeting of the NCARB be so organized to allow the greatest participation by the Member Boards in the discussion and implementation of our stated purpose, that all written reports of committees be published and circularized among the Members of this Council prior to the annual meeting and all other routine business and reports be kept to a minimum in order that the above-stated objectives may be more effectively accomplished.”

***Rationale:*** NCARB continues to circulate information needed for the Annual Business Meeting in advance of the meeting, and the *NCARB Bylaws* include notice deadlines for the Annual Business Meeting and resolutions. However, the reports of individual committees are shared in NCARB’s Annual Report, which is now released after the close of the fiscal year. Because requirements regarding information-sharing and preparatory materials for the Annual Business Meeting are located within other policies, this resolution can be retired.

### Resolution 1961-13: Engineer and Architect Registration Laws

“**WHEREAS**, various engineering societies have adopted resolutions recommending registration laws under which 'both Engineers and Architects should be free to offer their services for, and accept prime commissions to execute, any type of project which they are qualified to handle;' and

**WHEREAS**, such laws would facilitate the designing of buildings by engineers who lack the education and experience needed to fit them for this work; and

**WHEREAS**, for this and other reasons, such laws would not be in the interest of either the engineering or the architectural profession, or in the public interest; now

**THEREFORE, BE IT RESOLVED**, that the National Council of Architectural Registration Boards is opposed to the adoption of registration laws which encourage the practice of architecture by engineers or the practice of engineering by architects.”

**Rationale:** This resolution seems to be addressing laws encouraging lessening registration and restrictions around incidental practice. While the type of legislation mentioned in this resolution does not seem to be a common practice today, NCARB remains opposed to any legislation regarding incidental practice that would lessen public protection or reduce our Member Boards' ability to regulate the profession. NCARB's *Model Law and Regulations* does include a definition of architecture, as well as a footnote touching on incidental practice. Additionally, NCARB's Incidental Practice Task Force has evolved into an Inter-Organizational Council of Regulations (ICOR) multi-professional task force exploring how to better regulate around this topic. Retiring this resolution will ensure that NCARB can update its model language around incidental practice once the task force completes its work, if necessary.

### Resolution 1961-14: Service on NCARB Committees

**“WHEREAS**, each Member Board of this Council is vitally interested in the aims and purposes of the Council; and

**WHEREAS**, the active participation of each Member Board on the affairs of this Council is necessary in order that such aims and purposes be accomplished;

**BE IT THEREFORE RESOLVED**, that at least one member of each Member Board of this Council be given the opportunity to serve on a working committee of the Council, in order that a greater continuity of interest and accomplishments may be maintained and fulfilled in the interests of the profession of Architecture.”

**Rationale:** NCARB's current policy is to ensure that all Member Board Members who volunteer to serve on a committee receive a committee appointment; however, it is possible that not all Member Boards would be represented in a given year if there were not a volunteer from each Member Board. Retiring this policy removes redundancy and creates clarity around NCARB's current practices.

### Resolution 1960-08: Collateral Attendance at NCARB Conventions

**“WHEREAS**, the joint conferences between the AIA, the NAAB, the ACSA and the NCARB are necessary for the proper liaison between the organizations and should be continued; and

**WHEREAS**, the efforts of NCARB officers who have served at these conferences in the past are recognized with a great appreciation by this convention; and

**WHEREAS**, other means to further the full understanding of the activities and problems of the respective organizations should be pursued;

**THEREFORE, BE IT RESOLVED**, that the AIA, the NAAB and the ACSA be invited and urged to have an official in attendance at future NCARB conventions.”

***Rationale:*** NCARB currently invites our partner organizations (including those listed in this resolution) to the Annual Business Meeting and other Council meetings. However, retiring this policy would ensure we can change our approach in the future, should the need arise.