VOL. 60 – NO. 37 FRIDAY, AUGUST 30, 2013

District of Columbia REGISTER

HIGHLIGHTS

- DC Council passes Resolution 20-245, Attendance Accountability Emergency Declaration Resolution of 2013
- Office of State Superintendent of Education updates operating guidelines for District Montessori centers
- DC Taxicab Commission establishes a uniform color scheme for District of Columbia taxicabs
- District Department of the Environment proposes updates to the water quality standards
- Office of the State Superintendent of Education announces funding availability for the Mathematics and Science Partnerships Grant Program
- Office of Planning announces availability of the Historic District Home Repair and Restoration Grants
- Department of Small and Local Business Development announces funding availability for the Healthy Food Retail Program Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 20, 2013

To amend An Act To establish a code of law for the District of Columbia to provide borrowers the same rights for a defective notice of default on residential mortgage as the law provides for a defective notice of intention to foreclose on a residential mortgage, to establish that a foreclosure sale shall be void if a lender files a notice of intention to foreclose on a residential mortgage without a final recorded mediation certificate, to remove all reference to specific fee amounts and provide that the Commissioner of the Department of Insurance, Securities, and Banking shall set all applicable fees through rulemaking, to provide that mediation shall conclude within 180 days of mailing the required forms, to clarify that the Procurement Practices Reform Act of 2010 does not apply to contracts entered into by the Commissioner of the Department of Insurance, Securities, and Banking, or his or her designee, for mediation services, housing counseling services, foreclosure prevention, or remediation services provided pursuant to this act or the Attorneys' General National Mortgage Settlement Agreement, to provide that nothing in this act shall be construed to create any new administrative, judicial, or other review not otherwise available under existing laws, to further clarify the definition of "good faith" and its indicators, to provide new definitions for the terms residential mortgage, mediation services, and trustee, and to provide finality and a defined appeal period to the issuance of a mediation certificate or determination by the Mediation Administrator; to amend the 21st Century Financial Modernization Act of 2000 to provide that judicial review of any final order or action of the Department of Insurance, Securities, and Banking, or its successor, shall be in the Superior Court of the District of Columbia unless The District of Columbia Administrative Procedure Act applies; to amend the Title Insurance Producer Act of 2010, the Title Insurance Insurer Act of 2010, and the Producer Licensing Act of 2002 to make certain clarifying and conforming amendments; and to amend the Health Maintenance Organization Act of 1996 to repeal certain minimum net worth requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarification Amendment Act of 2013".

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Sec. 2. Subchapter Two of Chapter Sixteen of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1271; D.C. Official Code § 42-801 *et seq.*), is amended as follows:

(a) Section 539a(a) (D.C. Official Code § 42-815.01(a)) is amended by striking the phrase, "at least one of which is the principal place of abode of the debtor or his immediate family" and inserting the phrase "but shall not include debts incurred, and currently obligating solely, an entity, as defined by D.C. Official Code § 29-101.02(10)" in its place.

(b) Section 539b (D.C. Official Code § 42-815.02) is amended as follows:

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

(A) A new paragraph (2A)is added to read as follows:

"(2A) "Good faith" means each party in the mediation process actively participates in a manner consistent with the requirements of subsection (e)(1) of this section and those indicators defined by regulations, which may include, as applicable to lenders:

"(A) A requirement that the lender evaluates the borrower's eligibility for all available loss-mitigation options, and alternatives to foreclosure applicable to the residential mortgage in default, and offers all options for which the borrower is eligible;

"(B) An objective standard for assessing the net present value of receiving modified payments compared to the anticipated net recovery following foreclosure; and

"(C) A requirement that if the lender rejects a proposed settlement involving loss-mitigation options or alternatives to foreclosure of that lender, the lender shall provide a written explanation for the rejection of the proposal, which shall include an analysis of the proposal.".

(B) A new paragraph (9A) is added to read as follows:

"(9A) "Mediation services" includes the selection and employment of a mediator, foreclosure mediation training, and supplies and materials relating to the foreclosure mediation program.".

(C) Paragraph (16) is amended by striking the phrase "the person holding" and inserting the phrase "the beneficiary of" in its place.

(2) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase "subsection (c)" and inserting the phrase "subsection (d)" in its place.

(B) Paragraph (2) is amended by striking the phrase "subsection (i)" and inserting the phrase "subsection (j)" in its place.

(3) Subsection (c)(1) is amended as follows:

(A) Subparagraph (K) is amended by striking the phrase "$50 fee" and inserting the phrase "fee as determined by rulemaking" in its place.

(B) Subparagraph (L) is amended by striking the phrase "45 days" and inserting the phrase "90 days" in its place.

(4) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended as follows:

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(i) Strike the phrase "$50 fee" wherever it appears and insert the phrase "fee as determined by rulemaking" in its place.

(ii) Add a new sentence at the end to read as follows:

"The requirements in this subsection may be waived by the Mediation Administrator for good cause shown.".

(B) Paragraph (2) is amended by striking the phrase "45 days" and inserting the phrase "90 days" in its place.

(C) Paragraph (3) is amended by striking the phrase "the $50 fee" and inserting the phrase "the required fee" in its place.

(5) Subsection (e) is amended as follows:

(A) Paragraph (l) is amended by striking the phrase "subsection (i)" wherever it appears and inserting the phrase "subsection (j)" in its place.

(B) Paragraph (3) is amended to read as follows:

"(3)(A) If the mediator determines that the parties are unable to agree to a loan modification or to any other foreclosure alternatives, no later than 10 days after the final mediation session has concluded at which the parties were unable to reach an agreement, the mediator shall prepare and submit to the Mediation Administrator, on a form prescribed by the Commissioner, a recommendation that the matter be concluded. After review and consideration of the mediator's report and any recommendations therein, no later than 10 days after receiving the mediator's report, the Mediation Administrator shall do one of the following:

"(i) Issue a preliminary mediation certificate on a form prescribed by the Commissioner to the lender; provided, that the lender acted in good faith;

"(ii) Issue a determination on a form prescribed by the Commissioner that the lender did not act in good faith; or

"(iii) Refer the matter to another mediator.

"(B)(i) The preliminary mediation certificate issued pursuant to subparagraph (A)(i) of this paragraph shall serve as a preliminary decision for a 30-day period, after which time, defined in rulemaking, the lender may request, on a form prescribed by the Commissioner, a final mediation certificate from the Mediation Administrator; provided, that no appeal is filed within the 30-day period from the date of issuance.

"(ii) During this 30-day period, the borrower may file an appeal to the Superior Court of the District of Columbia. If a borrower files a timely appeal, the borrower shall concurrently notify the Mediation Administrator by filing a copy of the appeal with the Mediation Administrator.

"(iii) Upon expiration of the 30-day appeal period, with no appeal filed by the borrower, the lender may request a final mediation certificate from the Mediation Administrator during the time frame defined in rulemaking.

"(iv) While an appeal is pending, all foreclosure activities shall be stayed until the appeal is resolved.

"(v) The preliminary mediation certificate shall not be recorded with the Recorder of Deeds.

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"(vi) At the conclusion of the appeal, a Superior Court of the District of Columbia order may be used to request or deny a final mediation certificate.

"(C)(i) The determination that a lender did not act in good faith issued pursuant to subparagraph (A)(ii) of this paragraph shall not become final until 30 days from its date of issuance.

"(ii) During this 30-day period, the lender may file an appeal with the Superior Court of the District of Columbia.

"(iii) If no appeal is filed within the 30-day period, the determination shall become final and the notice of default shall become null and void.

"(iv) If an appeal is filed, the imposition of any further fines or assessments and collection of any previously assessed fines or assessments shall be stayed until the Superior Court of the District of Columbia issues a final order.".

(C) Paragraph (5) is amended by striking the phrase "90 days" wherever it appears and inserting the phrase "180 days" in its place.

(6) Designate the 2nd subsection (e) as subsection (f).

(7) Designate subsection (f) as subsection (g).

(8) Designate subsection (g) as subsection (h).

(9) Designate subsection (h) as subsection (i).

(10) Designate subsection (i) as subsection (j).

(11) The newly designated subsection (f) is amended as follows:

(A) Strike the phrase "a fee of $300" and insert the phrase "a fee as determined by rulemaking" in its place.

(B) Strike the phrase "the $300 fee" and insert the phrase "the fee" in its place.

(12) The newly designated subsection (h) is repealed.

(13) New subsections (h-1), (h-2), (h-3), and (h-4) are added to read as follows:

"(h-1) A foreclosure sale of property secured by a residential mortgage shall be void if a lender files a notice of intention to foreclose on a residential mortgage without a final recorded mediation certificate.

"(h-2) A borrower shall have the same rights to assert claims for a defective notice of default on residential mortgage as the law provides for a defective notice of intention to foreclose on a residential mortgage.

"(h-3) Except as provided in subsections (h-1) and (h-2) of this section, a final recorded mediation certificate shall serve as conclusive evidence that all other provisions of this act and implementing regulations have been complied with and can be relied upon by a bona fide purchaser and a bona fide purchaser's lender or assignees.

"(h-4) Nothing in this act shall be construed to limit a borrower's right to assert a claim for fraud or monetary damages against the borrower's lender.".

(14) The newly designated subsection (i) is amended to read as follows:

"(i) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), or any successor act, shall not

apply to any contract that the Commissioner, or his or her designee, may enter into for foreclosure prevention or remediation services provided pursuant to this act or the Attorneys' General National Mortgage Settlement Agreement. Payment may be made by direct voucher.".

(15) The newly designated subsection (j) is amended as follows:

(A) Paragraph (3) is amended by striking the word "and" at the end.

(B) Paragraph (4) is amended by striking the period and inserting the phrase "; and" in its place.

(C) A new paragraph (5) is added to read as follows:

"(5) Establishing all applicable fees for the mediation program.".

(c) Section 539c(a) (D.C. Official Code § 42-815.03(a)) is amended to read as follows:

"(a)(1) There is established as a nonlapsing special fund, the Foreclosure Mediation Fund ("Fund"), into which shall be deposited the fees and penalties generated by the foreclosure mediation program, the District's share of proceeds from the February 2012 consent judgments between the federal government and participating states; and any future designated settlements or funds.

"(2) The Fund shall be used for one or more of the following purposes:

"(A) Payment of mortgage-related or foreclosure-related counseling;

"(B) Mortgage-related or foreclosure-related legal assistance or advocacy;

"(C) Mortgage-related or foreclosure-related mediation;

"(D) Outreach or assistance to help current and former homeowners secure the benefits for which they are eligible under mortgage-related or foreclosure-related settlements or judgments; and

"(E) Enforcement work in the area of financial fraud or consumer protection.".

(d) A new section 539d is added to read as follows:

"Sec. 539d. Construction.

"Other than a judicial review as permitted in section 539b(e)(3) and the rights asserted in section 539b(h-2) and (h-4), nothing in this act shall be construed to create any new administrative, judicial, or other review not otherwise available under existing law and the act shall not apply to actions for judicial foreclosure under section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1271; D.C. Official Code § 42-816), or any other action for judicial foreclosure permitted under existing laws.".

Sec. 3. Section 120 of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.20), is amended by adding a new subsection (c) to read as follows:

"(c) In addition to any temporary cease and desist order, final order. or final cease and desist order issued by the Commissioner pursuant to subsections (a) and (b) of this section, any final order of the Commissioner or final action of the Department shall be subject to

review by the Superior Court of the District of Columbia, unless the final order or final agency action is appealable to the District of Columbia Court of Appeals pursuant to section 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).".

Sec. 4. The Title Insurance Producer Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 31-5041.01 *et seq.*), is amended as follows:

(a) Section 2122 (D.C. Official Code § 31-5041.01) is amended as follows:

(1) Strike the subsection designation "(a)".

(2) A new paragraph (4A) is added to read as follows:

"(4A) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.".

(3) A new paragraph (8A) is added to read as follows:

"(8A) "Individual" means a natural person.".

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

"(9) "Person" means an individual or business entity.".

(5) Paragraph (14) is repealed.

(6) Paragraph (16)(F) is amended to read as follows:

"(F) Matters indemnifying against the incorrectness or marketability of title.".

(7) Paragraph (19)(A) is amended by striking the word "residential" and inserting the word "real" in its place.

(b) Section 2123 (D.C. Official Code § 31-5041.02) is amended as follows:

(1) Subsection (b)(1)(A) is amended to read as follows:

"(A) Disclose on all recorded documents the name of the particular title insurer;".

(2) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Strike the phrase "following coverages" and insert the phrase "coverages listed in paragraph (1A) of this subsection" in its place.

(ii) Strike the colon after the phrase "acceptable to the Commissioner" and insert a period in its place.

(iii) Subparagraphs (A) and ((B) are repealed.

(B) A new paragraph (1A) is added to read as follows:

"(1A) At the time an application for an initial, renewal, or reinstatement of a title insurance producer license is filed, the applicant shall provide satisfactory evidence to the Commissioner of having secured the applicable proof of financial responsibility as herein provided:

"(A) Each business entity with a title insurance producer license is required to obtain an Errors and Omissions policy in an amount not less than $500,000 per occurrence or claim;

"(B) Each individual with a title insurance producer license is required to obtain Errors and Omissions coverage in an amount not less than $500,000 per occurrence or claim, either through the business entity through which the individual is employed or otherwise covered, or through an individually-issued policy;

"(C) Each business entity with a title insurance producer license is required to obtain a surety bond in an amount not less than $200,000 executed by the applicant as principal and by an insurance company as surety or obligor. The Bond shall run to the District of Columbia government as the obligee and benefit the District or any other aggrieved party, including consumer and title insurers;

"(D) Each individual with a title insurance producer license is required to obtain surety coverage in an amount not less than $200,000, either through a business entity where the individual is employed or otherwise covered, or through an individually issued bond;

"(E) Each business entity with a title insurance producer license is required to obtain a fidelity bond or similar insurance policy in an amount not less than $200,000 that covers all employees and contractors. A sole proprietor with no employees or a limited liability entity with no employees shall be exempt from this requirement.".

(c) Section 2126 (D.C. Official Code § 31-5041.05) is amended as follows:

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

(A) Strike the phrase "preparatory to" and insert the word "before" in its place.

(B) Strike the phrase "covering the sale of owner-occupied residential property of 4 or fewer units".

(2) Subsection (b)(1) is amended by striking the phrase "residential," and inserting the word "an" in its place.

(d) Section 2127 (D.C. Official Code § 31-5041.06) is amended as follows:

(1) Subsection (e) is amended by striking the word "residential" and inserting the phrase "real or personal" in its place.

(2) Subsection (f) is amended as follows:

(A) Strike the phrase "on a calendar year basis at its expense within 90 days after the close of the previous calendar year" and insert the phrase "at its expense" in its place.

(B) Strike the phrase "By April 30th of each year, the title insurance producer shall provide a copy of the audit report to each title insurer which it represents or for which it was an appointed producer with the Company".

(e) Section 2128 (D.C. Official Code § 31-5041.07) is amended as follows:

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

(A) Strike the phrase "residential property transaction, a title insurer," and insert the phrase "real or personal property transaction, a title insurance producer, a title insurer," in its place.

(B) Strike the phrase "representative of a title insurer" and insert the

phrase "representative of a title insurance producer or a title insurer" in its place.

(2) Subsection (b) is amended by striking the word "residential" and inserting the phrase "real or personal" in its place.

Sec. 5. The Title Insurance Insurer Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code §§ 31-5031.01 *et seq.*), is amended as follows:

(a) Section 2142 (D.C. Official Code § 31-5031.01) is amended as follows:

(1) Paragraph (3) is repealed.

(2) A new paragraph (4A) is added to read as follows:

"(4A) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.".

(3) A new paragraph (12A) is added to read as follows:

"(12A) "Individual" means a natural person.".

(4) Paragraph (16) is amended to read as follows:

"(16) 'Person" means an individual or business entity.".

(5) Paragraph (20) is repealed.

(6) Paragraph (25)(A) is amended striking the word "residential" and inserting the word "real" in its place.

(b) Section 2145(c) (D.C. Official Code § 31-5031.04(c)) is amended as follows:

(1) Paragraph (1) is amended by striking the words "solely" and "only".

(2) Paragraph (3) is repealed.

(c) Section 2150(e) (D.C. Official Code § 31-5031.09(e)) is amended by striking the word "agents" and inserting the word "producers" in its place.

(d) Section 2152 (D.C. Official Code § 31-5031.11) is amended as follows:

(1) Strike the word "agent" wherever it appears and insert the word "producer" in its place.

(2) Strike the word "agent's" wherever it appears and insert the word "producer's" in its place.

(e) Section 2153 (D.C. Official Code § 31-5031.12) is amended as follows:

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

(A) Strike the word "residential".

(B) Strike the phrase "as soon as reasonably possible prior to" and insert the phrase "no later than the time of" in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended by striking the word "residential".

(B) Paragraph (2) is amended by striking the number "5" and inserting the number "3" in its place.

(f) Section 2154 (D.C. Official Code § 31-5031.13) is amended as follows:

(1) Subsection (b) is repealed.

(2) Subsection (e) is amended by striking the word "agent" and inserting the word "producer" in its place.

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(g) Section 2157 (D.C. Official Code § 31-5031.16) is amended as follows:

(1) The section heading is amended to read as follows:

"Sec. 2157. Favored producer of title insurer; buyer's right to choose.".

(2) Designate the existing text as subsection (a).

(3) Strike the word "agent" wherever it appears and insert the word "producer" in its place.

(4) A new subsection (b) is added to read as follows:

"(b) No seller of property shall require, directly or indirectly, that the buyer purchase title insurance from any particular title producer or insurer.".

(h) Section 2159(a) (D.C. Official Code § 31-5031.18(a)) is amended to read as follows:

"(a)(1) The Commissioner may require that all policy forms used by every company covering title risks in the District be filed with the Commissioner. The Commissioner shall have authority to disapprove, within 60 days after the date of the receipt of a filing, the use in the District of any policy form which is inequitable, or does not comply with District law.

"(2) If a policy form is not disapproved for use within the 60-day period described in paragraph (1) of this subsection, the Commissioner may not disapprove the form for use unless it does not comply with District law.".

(i) Section 2161 (D.C. Official Code § 31-5031.20) is amended by striking the word "agent" and inserting the word "producer" in its place.

Sec. 6. The Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.01 *et seq.*), is amended as follows:

(a) Section 5b(a) (D.C. Official Code § 31-1131.05b(a)) is amended by striking the word "shall" and inserting the word "may" in its place.

(b) Section 6(a)(2) (D.C. Official Code § 31-1131.06(a)(2)) is amended to read as follows:

"(2) Has not committed any act that is a ground for denial, suspension, or revocation set forth in section 12.".

(c) Section 7b (D.C. Official Code § 31-1131.07b) is amended to read as follows:

"Sec. 7b. Continuing education.

"All individual title insurance producers shall fulfill the following continuing education requirements:

"(1) Eight hours biennially for District of Columbia barred attorneys in courses specific to District of Columbia real estate laws and related regulations, and any other continuing education courses approved by the Commissioner;

"(2) Sixteen hours biennially for resident title insurance producers in instruction specific to District of Columbia real estate laws and related regulations, and continuing education courses approved by the Commissioner of which not more than 8 hours may be completed through on-line or video-based courses; or

"(3) Four hours of instruction biennially for nonresident title insurance

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producers in instruction specific to District of Columbia real estate laws and related regulations.".

(d) Section 8 (D.C. Official Code § 31-1131.08) is amended as follows:

(1) Subsection (g) is repealed.

(2) A new subsection (h) is added to read as follows:

"(h) Any license and appointment issued to a nonresident pursuant to this section shall be terminated at any time that the nonresident's equivalent authority in his or her home state is terminated, suspended, or revoked.".

Sec. 7. Section 13(a) of the Health Maintenance Organization Act of 1996, effective April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3412(a)), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase "paragraphs (2A), (3), and (4)" and inserting the phrase "paragraph (4)" in its place.

(b) Paragraphs (2A) and (3) are repealed.

Sec. 8. Applicability.

Sections 2 and 3 shall apply as of November 7, 2011.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24. 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

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1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
August 20,2013
APPROVED

ENROLLED ORIGINAL

A RESOLUTION

20-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the sense of the Council to call upon the United States government to ensure that all private employers employing workers in the District of Columbia to perform services or generate revenues for the federal government are employed under fair and lawful terms and conditions of employment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Fair and Lawful Federally Contracted Employment Resolution of 2013".

Sec. 2. The Council finds that:

(1) Agencies and instrumentalities of the United States government, including the General Services Administration, the National Park Service, the Union Station Redevelopment Corporation, and the Smithsonian Institution, contract with private businesses to provide food, retail, and property services to their visitors and customers, to generate revenues for the upkeep of federal buildings, and to clean and maintain buildings leased by the government from private owners.

(2) The workers employed by these private businesses are employed under substandard and sometimes unlawful terms and conditions in that:

(A) Their wage rates are almost universally below the rate set by the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-188; D.C. Official Code §2-220.01 *et seq.*), currently set at $12.50 per hour;

(B) Few of these workers receive employer-sponsored health insurance, retirement plans, or paid leave;

(C) These workers' wages and benefits are significantly below those paid to workers performing identical duties on federal and District of Columbia contracts covered by the federal Service Contract Act of 1965 (41 U.S.C. § 351 *et seq.*);

(D) Many of these workers are not receiving the wages and benefits to which they are entitled under federal and District of Columbia law, including minimum wages, overtime pay, and paid sick leave; and

(E) Many of these workers are forced to rely on federal and District government benefits and services to support themselves and their families.

(3) The United States government is the largest purchaser and beneficiary of

private sector work in the District of Columbia, yet the District of Columbia suffers from some of the highest levels of poverty and income inequality in the nation.

Sec. 3. It is the sense of the Council to:

(1) Call upon these employers and federal agencies, along with the United States Department of Labor and the President of the United States, to take all necessary actions to ensure that all employees of private employers working within the District of Columbia under a contract, lease, or other form of agreement to which a federal agency is directly or indirectly a party or a beneficiary receive sufficient pay and benefits from their employers to adequately support themselves and their families in dignity and without public assistance. Such actions should include:

(A) Ensuring that current federal laws setting minimum terms and conditions of employment are fully and speedily enforced; and

(B) Ensuring that current and prospective recipients of federal contracts, leases, and concession agreements and any private employers providing goods or services pursuant to these arrangements comply fully with both federal and District of Columbia employment and labor laws, including the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq*.) and the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01 *et seq*.); and

(2) Encourage the Department of Labor to:

(A) Investigate and determine which of these workers are entitled to the wages and benefits payable to workers with comparable duties under the Service Contract Act of 1965 and the Department of Labor's current rules implementing that act; and

(B) To the extent that they are not so entitled or that such entitlement would not result in their being paid at least the wage rate set under the Living Wage Act of 2006, to revise these rules to ensure their entitlement to such a wage rate.

Sec. 4. The Secretary to the Council shall transmit copies of this resolution, upon its adoption, to the President of the United States, the Secretaries of the United States Departments of Labor, Transportation, and the Interior, the Board of Trustees of the Smithsonian Institution, the Administrator of the General Services Agency, and the Mayor of the District of Columbia.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

20-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20, to authorize consideration of veto overrides during recess and to permit the member of the Council making the request for the establishment of an ad hoc committee to consider evidence of a violation of the Code of Conduct, policy, or law by a member of the Council to serve on the ad hoc committee; to authorize the Chairman of the Council, the Committee on Education, the Committee on Health, and the Committee on Workforce and Community Affairs to hold certain hearings and roundtables during recess.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 20 Recess Rules Amendment Resolution of 2013".

Sec. 2. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20, effective January 2, 2013 (Res. 20-1; 60 DCR 627), is amended as follows:

(a) Section 306 is amended by striking the phrase "accompanying temporary bill," and inserting the phrase "accompanying temporary bill, and veto overrides," in its place.

(b) Section 651(b) is amended by striking the phrase "the member making the request or the member" and inserting the phrase "the member" in its place.

Sec. 3. The Chairman of the Council is authorized to hold a hearing or roundtable on a contract, reprogramming, budget modification, or measure, or take any other actions necessary during the period of July 15 through September 15, 2013.

Sec. 4. The Committee on Education is authorized to hold public hearings or roundtables on matters related to measures pending before the committee during the period of July 15 through July 31, 2013.

Sec. 5. The Committee on Health is authorized to hold public hearings or roundtables on matters related to the District of Columbia Health Benefit Exchange Authority from July 15 through August 1, 2013, and up to 2 roundtables through August 31, 2013.

ENROLLED ORIGINAL

Sec. 6. The Committee on Workforce and Community Affairs is authorized to hold up to 2 public hearings or roundtables on matters related to the Department of Employment Services or the Summer Youth Employment Program during the period of July 15 through September 15, 2013.

Sec. 7. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to provide a limited real property tax abatement and tax relief to the Spring Place development project, described as Lots 1 and 803 in Square 3186 and Lots 52 and 822 in Square 3185, in the Takoma Park neighborhood of Ward 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Spring Place Real Property Limited Tax Abatement Assistance Emergency Declaration Resolution of 2013".

Sec. 2. (a) Metro Village is a mixed-income rental complex planned for development in the Takoma neighborhood consisting of 150 units, 120 of which will be affordable for residents earning 60% or less than the Area Median Income.

(b) Under District law, nonprofit owners of affordable housing properties utilizing Low Income Housing Tax Credits are eligible to receive as-of-right real property tax exemptions; however, because the developers of this project, Affordable Housing Developers and Takoma Venture LLC, are for-profit entities, they do not qualify for the as-of-right exemption.

(c) The associated emergency legislation would abate the first $220,000 of annual real property taxes imposed against the owners of the Property, as well as exempt the property from deed and recordation taxes.

(d) A Tax Abatement and Financial Analysis performed by the Office of the Chief Financial Officer and dated June 19, 2013 states that tax abatements are necessary for the construction of Metro Village, a mixed-income residential building adjacent to the Takoma Metro station.

(e) In addition to the affordable housing units, the project will provide many community benefits, including: a choice of transit subsidies to each household; significant off-site improvements to the sidewalk system connecting the property to Blair Road; completion of a segment of the Metropolitan Branch Trail; completion of a major waterline extension that will enhance service levels and safety in Takoma downtown; and after-school activities for residents in conjunction with Promised Land Baptist Church.

(f) The project has significant community support, and a delay in development will jeopardize the financing commitment from the Department of Housing and Urban Development, resulting in increased costs due to rising interest rates and construction costs.

(g) Although the associated emergency and temporary legislation are subject to appropriations, it is possible that funding may be identified during the Council's summer recess.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Spring Place Real Property Limited Tax Abatement Assistance Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to establish that no refund of recordation tax paid with respect to New Issue Bond Program financings that are funded by an allocation of $400,000 for fiscal year 2013 shall be allowed unless a completed claim for refund is filed with the Recorder of Deeds no later than September 2, 2013.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Issue Bond Program Recordation Tax Refund Emergency Declaration Resolution of 2013".

Sec. 2. (a) The New Issue Bond Program Tax Exemption Amendment Act of 2011, effective December 13, 2011 (D.C. Law 19-60; 58 DCR 9169) ("Act"), established that a security interest instrument securing a credit enhancement where the enhancement is required in connection with affordable housing financing provided by the Housing Financing Agency that is funded through bonds issued pursuant to the federal New Issue Bond Program shall be exempt from recordation taxation.

(b) The Act would not apply until its fiscal effect was included in an approved budget and financial plan. The amount of $400,000 from the fiscal year 2013 operating margin was allocated, by section 7014 of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D. C. Law 19-168; 59 DCR 8025), to partially fund the Act.

(c) Because the partial funding of the Act is with fiscal year 2013 funds, it is necessary to ascertain before the end of fiscal year 2013 the number of claimants.

(d) It is necessary to establish a deadline immediately before the end of fiscal year 2013 by which a claimant must have a completed claim for a refund of the tax paid filed with the Recorder of Deeds no later than September 2, 2013 so that the funds can be equitably dispersed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the New Issue Bond Program Recordation Tax Refund Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to establish the Center for Creative Non-Violence and District Government Task Force to advise the Council and the Mayor regarding the future use of the building and property owned by the District located at 425 2nd Street, N.W., and the future use of property owned by the Center for Creative Non-Violence adjacent to the District property, to establish better shelter space and homeless services, and to explore options for affordable workforce housing and transitional housing for homeless District residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "CCNV Task Force Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to create an advisory task force to develop proposals regarding future use of the building and property owned by the District located at 425 2nd Street, N.W., and the future use of property owned on the same city block by the Center for Creative Non-Violence ("CCNV") located adjacent to the District property.

(b) The building occupied by CCNV at 425 2nd Street, N.W., is dilapidated, and the conditions for the over 1300 individuals who are sheltered there are in need of substantial improvement. There is an urgent need to establish better shelter space and improved homeless services.

(c) The value of the real estate creates new opportunities to explore options for improved shelter and better services as well as affordable workforce housing and transitional housing for homeless District residents.

(d) The Committee on Human Services held a public oversight hearing on the subject of CCNV on June 27, 2013. Twenty-three public witnesses testified. It became clear as a result of the hearing that the need for improvement is pressing and the stakeholders are ready to participate in a process to develop recommendations together.

(e) An advisory task force comprised of representatives of the Mayor's office, the Council, CCNV, and other stakeholders to develop a single set of recommendations is critical to determination of the best future use of the properties owned by the District located at 425 2nd Street, N.W., and adjacent property owned by CCNV.

ENROLLED ORIGINAL

(f) This emergency legislation establishes the Center for Creative Non-Violence and District Government Task Force which will be charged with developing a written proposal no later than 6 months after the appointment of the Task Force's members.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the CCNV Task Force Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-245

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to amend An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to establish truancy procedures with inter-agency coordination, and to require the Office of the Attorney General to submit an annual truancy status report; to amend the State Education Office Establishment Act of 2000 to require that a truancy prevention resource guide be available by August 1, 2013; to require the Office of the State Superintendent of Education to submit to the Mayor and the Secretary to the Council recommendations for eliminating out-of-school suspensions and expulsions; and to amend the Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010, An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, and An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to make technical and conforming amendments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Attendance Accountability Emergency Declaration Resolution of 2013".

Sec. 2. (a) In June of 2013, the Council enacted the Attendance Accountability Amendment Act 0f 2013, signed by the Mayor on June 24, 2012 (D.C. Act 20-94; 60 DCR 9839) ("permanent act"), which has new requirements for the Office of the Attorney General, Office of the State Superintendent of Education, and educational institutions.

(b) The permanent act must complete the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until after the school year begins, which for the District of Columbia Public Schools is August 26.

(c) It is of vital importance that the agencies referenced in subsection (a) of this section, in particular the educational institutions, be able to implement the requirements of the permanent act by the start of the 2013-2014 school year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

ENROLLED ORIGINAL

Attendance Accountability Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-246

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to amend An Act To classify the officers and members of the fire department of the District of Columbia to clarify "major changes" to the provision of fire protection, fire prevention, or emergency medical services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fire and Emergency Medical Services Major Changes Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to clarify the phrase "major changes" in order to resolve any confusion or concerns of the Fire and Emergency Medical Services Department ("Department") regarding its ability to fill its funded vacancies and spend its allocated capital funds in order to provide fire and emergency medical services in the District of Columbia.

(b) The phrase "major changes" was not intended to prevent the Department from utilizing its approved budget to fill vacancies, staff up paramedics as necessary, purchase apparatus required to meet the needs of the District, and include those additions in its deployment.

(c) For the current fiscal year, the Mayor proposed, and the Council approved, an operating and capital budget for Fire & Emergency Medical Services that would meet the needs of the District with regard to fire suppression and emergency medical care. The Department supported this budget and did not request additional resources.

(d) For fiscal year 2014, the Mayor presented an operating and capital budget for Fire & Emergency Medical Services that was similar to the current fiscal year. The Department supported this proposal and did not request additional resources. The Council approved a budget that included additional resources for emergency medical services staffing and the purchase of additional apparatus.

(e) The Department has continued to maintain a large percentage of vacancies in operations, and has failed to keep up with a fleet maintenance and replacement schedule. Staffing and purchasing apparatus at the level the Mayor and the Department identified as

appropriate in the fiscal year 2013 and 2014 budget proposals would not be a "major change." It would, however, equip the Department to meet current service delivery needs.

(f) Accordingly, the Department should not interpret "major changes" to prohibit the Department from filling those budgeted vacancies and purchasing those budgeted ambulances and then adding both to its deployment; provided, that there is no reduction or downgrade to the existing deployment plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fire and Emergency Medical Services Major Changes Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-247

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to amend Chapter 28 of Title 47 of the District of Columbia Official Code to enable the Mayor to suspend or revoke the business licenses of any business engaged in the buying or selling of stolen items; and to amend section 16-1001.04 of the District of Columbia Municipal Regulations to include, in the account of each transaction by a junk dealer or secondhand dealer, information regarding the title of the good transacted.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Personal Property Robbery Prevention Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate crisis regarding robbery of personal property in the District of Columbia.

(b) In the first 5 months of the current calendar year, 1,482 robberies were reported in the District of Columbia; 743 of these robberies were robberies of mobile telephones.

(c) Metropolitan Police Department ("MPD") investigations have revealed that most stolen personal electronics are not bought and sold by licensed secondhand dealers, but rather by stores illegally purchasing and reselling used goods, which may or may not be stolen.

(d) This legislation would provide MPD with the tools necessary to combat robberies, by providing strict penalties to businesses that engage in the buying and selling of stolen items.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Personal Property Robbery Prevention Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-248

IN THE COUNCIL DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to amend the District of Columbia Election Code of 1955 and the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011 to reflect all elected offices in relevant sections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Election Code Conforming Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to amend the District of Columbia Election Code of 1955 and the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011 to reflect all elected offices in advance of the 2014 primary.

(b) The laws must be updated to reflect the number of signatures necessary for nominating petitions; recount procedures for all elected offices; candidacy limitations; limitations on honoraria and royalties; and fundraising limits for all candidates in advance of the 2014 primary.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Election Code Conforming Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to amend the Business Improvement Districts Act of 1996 to update the maximum allowable BID tax due to the Capitol Hill Business Improvement District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Capitol Hill Business Improvement District Emergency Declaration Resolution of 2013".

Sec. 2. There exists an immediate need to amend the Business Improvement Districts Act of 1996 to update the maximum allowable BID tax due to the Capitol Hill Business Improvement District and to ensure the amendment takes effect before the next date upon which the BID tax is due for remittance.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Capitol Hill Business Improvement District Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to amend the School Transit Subsidy Act of 1978 to clarify the fare charged, if any, to a student traveling to and from school.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "School Transit Subsidy Emergency Declaration Resolution of 2013".

Sec. 2. (a) As part of the Fiscal Year 2014 Budget Support Act of 2013 ("BSA"), the Council voted to make Metrobus travel free to students traveling to and from school; however, students will still be required to pay to ride on the Metrorail system on school days.

(b) Unfortunately, the language included in the BSA would actually raise the cost of Metrorail travel by students by 40%.

(c) This emergency legislation, which was drafted by the District Department of Transportation, would correct this error and maintain the current policy of selling monthly Metrorail passes to students for $30.

(d) This emergency legislation is necessary to ensure that the cost of traveling to and from school by Metrorail for students is not increased by 40% when the new school year begins in August 2013.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the School Transit Subsidy Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to amend the District of Columbia Home Rule Act to authorize the Council to establish the rate of pay for the Chief Financial Officer; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to set a new rate of pay.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Financial Officer Compensation Emergency Declaration Resolution of 2013".

Sec. 2. (a) The District of Columbia Home Rule Act, D.C. Official Code § 1-204.24b(b)(5), provides that that the Chief Financial Officer ("CFO") is to be compensated at "an annual rate equal to the rate of basic pay payable for level I of the Executive Schedule". That compensation currently caps the salary of the CFO at $179,096.

(b) The District of Columbia Department of the Human Resources conducted a review of compensation rates for chief financial officers in other jurisdictions, and, based on that review, determined that the current salary cap for the CFO falls short of the compensation received by like positions in other cities.

(c) Likewise, the search committee appointed by Mayor Gray to identify a replacement for retiring CFO Natwar Gandhi has noted difficulty in recruiting suitable candidates for the position of CFO because the compensation is not comparable to similar positions elsewhere.

(d) In order to provide for a more competitive compensation package for the CFO, the Council sought to clarify that the provision in the Home Rule Act regarding pay was intended to provide a floor, not a ceiling, on CFO compensation. *See* section 211 of the Fiscal Year 2014 Budget Request Act of 2013, passed on 1st and final reading on May 26, 2013 (Enrolled version of Bill 20-198). The proposed amendment, modifying the Home Rule Act and so requiring Congressional approval, would insert the phrase "at least" in the provision setting the CFO salary.

(e) In moving this emergency measure, the Council makes its intent clear to potential candidates for the CFO position that it intends to provide a more competitive compensation

package for the CFO. As the change requires Congressional enactment, the emergency measure includes a provision that would require the Secretary to the Council to transmit the approved emergency bill to Congress.

(f) The emergency and temporary bills both allow for a total compensation for the CFO of up to $250,000. This provides greater latitude for the CFO search committee in recruiting candidates for the position. The permanent bill, introduced simultaneously with the emergency measure, will set a firm salary by District statute as is appropriate for the position.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Chief Financial Officer Compensation Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to symbolically designate the public street in the 1700 block of New Hampshire Avenue, N.W., in Ward 2, as Delta Sigma Theta Way.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Delta Sigma Theta Way Designation Emergency Declaration Resolution of 2013".

Sec. 2. (a) The Council enacted the Delta Sigma Theta Way Designation Act of 2013 (Bill 20-241), following mark-up by the Committee of the Whole.

(b) Delta Sigma Theta Sorority, Inc., will be celebrating its centennial as well as its 51st National Convention in the District of Columbia from July 11, 2013, through 17, 2013.

(c) The Advisory Neighborhood Commission ("ANC") 2B, the ANC within which the 1700 block of New Hampshire Avenue, N.W. is located, supports the symbolic designation.

(d) Council approval of emergency legislation will allow for the immediate unveiling of the Delta Sigma Theta Way symbolic street sign in the 1700 block of New Hampshire Avenue, N.W.

Sec. 3 The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Delta Sigma Theta Way Designation Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-253

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve Change Orders No. 001 through No. 006 to Contract No. GM-10-DPR-0308B-FM for design-build services for Raymond Recreation Center between the District of Columbia government and AF/F&L, INC-SIGAL, LLC, and to authorize payment to AF/F&L, INC-SIGAL, LLC, in the aggregate amount of $3,049,148 for the goods and services to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Orders No. 001 through No. 006 to Contract No. GM-10-DPR-0308B-FM Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2.(a) There exists an immediate need to approve Change Orders No. 001 through No. 006 to Contract No. GM-10-DPR-0308B-FM for design-build services and additional project scope at Raymond Recreation Center in the aggregate amount of $3,049,148 and to authorize payment for the goods and services to be received under these change orders.

(b) The Council of the District of Columbia Council previously approved Contract No. GM-10-DPR-0308B-FM (CA 19-0320). Thereafter, the aggregate value of Change Orders No. 001 through No. 005 was under $1 million; thus, these change orders did not require Council approval.

(c) Change Order No. 006 will cause the aggregate value of change orders issued, after Council approval of the Contract, to exceed $1 million; thus Council approval is required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Change Orders No. 001 through No. 006 in the aggregate amount of $3,049,148 is necessary to authorize AF/F&L-Sigal to proceed with the construction of a new playground and athletic field at the Raymond Recreation Center, and changes to improve accessibility at Raymond Recreation Center.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders No. 001 through No. 006 to Contract No. GM-10-DPR-0308B-FM Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve an extension of time to dispose of District-owned real property located at 310 7th Street, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Extension of Time to Dispose of Hine Junior High School Emergency Declaration Resolution of 2013".

Sec. 2. (a) On September 15, 2009, the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") awarded Stanton-Eastbanc LLC ("Developer") exclusive rights to negotiate the redevelopment of District-owned real property located at 310 7th Street, S.E. ("Hine School" or "Property").

(b) The Council approved the Mayor's authority to dispose of the Property pursuant to the Hine Junior High School Disposition Approval Resolution of 2010, effective July 13, 2010 (Res. 18-555; 57 DCR 7628).

(c) In accordance with the Land Disposition and Development Agreement ("LDDA") dated October 27, 2010, the District's obligation to convey the Property to the Developer is subject to the Developer meeting closing requirements, including: (1) obtaining necessary approvals from the Historic Preservation Review Board ("HPRB") and the Zoning Commission; (2) obtaining permits for demolition, sheeting, and shoring for the project; and (3) securing financing necessary to fully perform development and construction obligations set forth in the construction and use covenant.

(d) In accordance with the LDDA, the Developer submitted to HPRB its application for approval in February 2010. In September 2011, the Developer made a timely submission to the Zoning Commission for approval of its Planned Unit Development ("PUD") application. In addition, the Developer has applied for all permits necessary for demolition, sheeting, and shoring. However, in relation to the project schedule, the HPRB process required nearly 60 additional days, the PUD process required nearly 90 more days, and once the PUD was approved, it was published almost 30 days after the end of the 45-day time frame required for publishing, causing additional unforeseen delays.

(e) In March 2013, residents filed a motion to reconsider the PUD approval for the project with the Zoning Commission. The Zoning Commission denied the motion on the grounds that the residents did not have party status. Following the Zoning Commission's denial

of the motion to reconsider, the residents filed an appeal with the D.C. Court of Appeals (the "Appeals Court") of the PUD approval for the project. As of May 28, 2013, the Zoning Commission had not yet provided to the Court of Appeals a certified copy of the PUD order to allow the project to have an expedited hearing in front of the Appeals Court.

(f) Due to the extraordinary delays experienced throughout the entitlement process and beyond the Developer's control, the Developer will not have secured all necessary permits, approvals, or project financing before the expiration of the existing disposition authority on July 13, 2013.

(g) There is an immediate need to approve the extension of the Mayor's authority to dispose of the Property to allow the District to preserve the projected hiring of District workers – the project will generate nearly 2,000 construction and project-related jobs – and all of the associated economic and social benefits to these individuals and the District resulting from their employment. An extension of the Mayor's disposition authority will also allow the District to further its affordable and workforce housing goals and provide necessary senior housing at the site, by creating at least 46 affordable housing units, 17 of which shall be reserved for seniors.

(h) The proposed legislation will extend the Mayor's authority to dispose the Property until July 13, 2014 and will enable the District and the Developer to meet the remaining closing requirements for the District to transfer the Property to the Developer for redevelopment.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extension of Time to Dispose of Hine Junior High School Emergency Approval Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve certain contracts, and task orders and modifications issued under the contracts, and to authorize payment for the services received and to be received under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Omnibus Work Readiness and Job Placement Services Human Care Agreements Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) On March 1, 2012, the Office of Contracting and Procurement ("OCP") awarded Human Care Agreement No. DCPO-2011-H-7203 to Career TEAM, LLC ("Career"), to provide job placement services on behalf of the Department of Human Services ("DHS"). By Modification No. 1, OCP exercised option year one through February 28, 2014.

(b) The District issued a number of task orders during the base and option years. During the base year, the District issued Task Order No. T0107 on March 2, 2012, in the amount of $537,265; Task Order T01071-A on June 11, 2012, in the amount of $335,009, later reduced to $105,553; and Task Order T01072 on October 2, 2012, in the amount of $1,192,241. During option year one, the District issued Task Order No. T1101 on May 29, 2013, in the amount of $2,901,077.The total amount of the task orders and modifications for the base year and option year one is $4,736,136.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, Career cannot be paid for services provided in excess of $1 million for the period from March 1, 2012, through February 28, 2014.

Sec. 3. (a) On April 24, 2012, OCP awarded Human Care Agreement No. DCPO-2011-H-7803 to Arbor E & T, LLC ("Arbor"), to provide job placement services on behalf of DHS. By Modification No. 1, OCP exercised option year one through April 23, 2014.

(b) The District issued a number of task orders during the base and option years. During the base year, the District issued Task Order No. T0005 on April 24, 2012, in the amount of $846,530, later reduced to $285,934; and Task Order T00051 on October 1, 2012, in the amount of $1,113,298. During option year one, the District issued Task Order No. T1101 in the amount of $1,893,526. The total amount of the task orders and modification for the base year and option year one is $3,292,758.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, Arbor cannot be paid for services provided in excess of $1 million for the period from April 24, 2012, through April 23, 2014.

Sec. 4. (a) On March 1, 2012, OCP awarded Human Care Agreement No. DCPO-2011-H-7201 to America Works of Washington DC ("America Works") to provide job placement services on behalf of DHS. By Modification No. 1, OCP exercised option year one through February 28, 2014.

(b) During option year one, the District issued Task Order No. T1101 on April 4, 2013, in the amount of $660,684 and Task Order 1101-M01 on May 24, 2013, in the amount of $1,321,367. The total amount of the task orders and modifications for option year one is $1,982,051.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, America Works cannot be paid for services provided in excess of $1 million for the period from March 1, 2012, through February 28, 2014.

Sec. 5. (a) On February 12, 2012, OCP awarded Human Care Agreement No. DCPO-2011-H-7802 to Maximus Human Services, Inc. ("Maximus"), to provide job placement services on behalf of DHS. By Modification Nos. 1 and 2, OCP exercised option year one through February 11, 2014.

(b) During option year one, the District issued Task Order No. T1101 on May 6, 2013, in the amount of $1,890,526.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, Maximus cannot be paid for services provided in excess of $1 million for the period from February 12, 2013, through February 11, 2014.

Sec. 6. (a) On March 1, 2012, the Office of Contracting and Procurement ("OCP") awarded Human Care Agreement No. DCPO-2011-H-7202 to Maximus to provide work readiness and job placement services on behalf of DHS. By Modification No. 1, OCP exercised option year one through February 28, 2014.

(b) The District issued a number of task order during the base and option years. During the base year, the District issued Task Order No. T0106 on March 1, 2012, in the amount of $537,265; Task Order T01061-A on July 11, 2012, in the amount of $251,256; and Task Order T01062 on October 1, 2012, in the amount of $1,350,923. During option year one, the District issued Task Order No. T1101 on June 19, 2013, in the amount of $2,901,077.The total amount of the task orders and modifications for the base year and option year one is $5,040,521.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, Maximus cannot be paid for services provided in excess of $1 million for the period from March 1, 2012, through February 28, 2014.

ENROLLED ORIGINAL

Sec. 7. (a) On January 27, 2012, the OCP awarded Human Care Agreement No. DCPO-2011-H-7805 to KRA Corporation ("KRA") to provide job placement services on behalf of DHS. By Modification No. 1, OCP exercised option year one through January 26, 2014.

(b) During option year one, the District issued Task Order No. T1101 on February 26, 2013, in the amount of $631,175, and Task Order No. T1101-M01 on May 24, 2013, in the amount of $1,262,351. The total amount of the task orders for option year one is $1,893,526.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, KRA cannot be paid for services provided in excess of $1 million for the period from January 27, 2013, through January 26, 2014.

Sec. 8. (a) On January 27, 2012, OCP awarded Human Care Agreement No. DCPO-2011-H-7207 to KRA to provide work readiness and job placement services on behalf of DHS. By Modification No. 1, OCP exercised option year one through January 26, 2014.

(b) During option year one, the District issued Task Order No. T1101 on February 27, 2013, in the amount of $967,026 and Task Order T1101-M01 on May 24, 2013, in the amount of $1,692,295. The total amount of the task orders for option year one is $2,659,321.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, KRA cannot be paid for services provided in excess of $1 million for the period from January 27, 2013, through January 26, 2014.

Sec. 9. The Council of the District of Columbia determines that the circumstances enumerated in sections 2 through 9 constitute emergency circumstances making it necessary that the Omnibus Work Readiness and Job Placement Services Human Care Agreements Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 10. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve certain contracts, and purchase orders under the contracts, and to authorize payment for the services received and to be received under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Omnibus Therapeutic Family Homes, Extended Family Homes, Residential Treatment, and Case Management Services Human Care Agreements Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) On July 1, 2008, the Office of Contracting and Procurement ("OCP") awarded Human Care Agreement No. DCJZ-2008-H-0004 to National Center on Institutions and Alternatives ("NCIA") to provide residential treatment services, educational services, and specialized residential treatment services on behalf of the Department of Youth and Rehabilitation Services ("DYRS").

(b) The District issued a number of task orders during Option Year Four. On August 17, 2012, the District issued Task Order No. 11 for $135,068.88 for the period through September 30, 2012, and on December 17, 2012, the District issued Task Order No. 12 for $554,222.85 for the period through June 30, 2013. On September 12, 2012, the District issued Purchase Order No. PO429848-V2, which included a task order line item for $261,328.92. On May 9, 2013, the District issued Task Order No. 13 for the remaining period in Option Year Four through June 30, 2013, in the amount of $341,097.36. Accordingly, the total amount the District has expended under Task Orders Nos. 11, 12, and 13, and the task order line item contained in PO429848-V2 is $1,219,718.01.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, NCIA cannot be paid for services provided in excess of $1 million for the period from August 17, 2012, through June 30, 2013.

Sec. 3. (a) On June 27, 2011, OCP awarded Human Care Agreement No. DCJZ-2010-H-0015 to Metropolitan Educational Solutions, LLC ("Metropolitan") to provide therapeutic family homes on behalf of DYRS.

(b) The District issued a number of task orders for Option Year One. On July 18, 2012, the District issued Task Order No. 03 for $175,737.60 for the period through September 30, 2012. On October 4, 2012, the District issued Task Order No. 04 for $666,338.40 (reduced to

$552,254.60) for the period through March 31, 2013. The District issued Task Order No. 05 for the remaining period in Option Year One through June 26, 2013, in the amount of $375,566.30. Accordingly, the total amount the District has expended under Task Orders Nos. 03, 04, and 05 is $1,103,558.50.

(c) For Option Year Two, the District proposes to issue the following task orders: Task Order No. 06, for the period June 27, 2013, through September 30, 2013, in the amount of $178,329.60; Task Order No. 07 for the period June 27, 2013, through September 30, 2013, in the amount of $356,659.20; and Task Order No. 08 for the period through June 26, 2014, in the amount of $821,059.20. The total amount of the task orders for Option Years One and Two is $2,459,606.50.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Metropolitan cannot be paid for services provided in excess of $1 million for the period from July 18, 2012, through June 26, 2014.

Sec. 4. (a) On May 24, 2011, OCP awarded Human Care Agreement No. DCJZ-2010-H-0016 to Universal Healthcare Management Services ("Universal") to provide therapeutic family homes on behalf of DYRS.

(b) During Option Year One, the District issued Task Order No. 04 for $487,347.30 ($92,716.34 was de-obligated) for the period May 24, 2012, through September 30, 2012, and Task Order No. 05 for $484,393.68 for the period October 1, 2012, through January 31, 2013. A total of $879,024.64 was expended under Task Orders Nos. 04 and 05. On May 9, 2013, the District issued Task Order No. 06 for the remaining period in Option Year One through May 23, 2013, in the amount of $348,357.58. Accordingly, the total amount the District has expended under Task Orders Nos. 04, 05, and 06 is $1,320,098.56.

(c) During Option Year Two, the District issued Task Order No. 07 for $537,513.60 for the period May 24, 2013, through September 30, 2013. The District now proposes to issue Task Order No. 08 for the remaining period in Option Year Two through May 23, 2014, in the amount of $971,659.20. Accordingly, the total amount expended under Task Order No. 07 plus the amount that the District proposes to expend under Task Order No. 08 is $1,509,172.80.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Universal cannot be paid for services provided in excess of $1 million for the period from May 24, 2012, through May 23, 2014.

Sec. 5. (a) On March 18, 2011, OCP awarded Human Care Agreement No. DCJZ-2011-H-0002 to Umbrella Therapeutic Services, Inc. ("Umbrella"), to provide therapeutic family homes on behalf of DYRS.

(b) During Option Year Two, on May 30, 2013, the District issued Task Order No. 04 for the period March 18, 2013, through September 30, 2013 in the amount of $703,810.08. By proposed Task Order No. 05, the District proposes to issue a task order for the period through March 17, 2014, in the amount of $600,203.52. Accordingly, for Option Year Two, the total amount of the task orders will be $1,304,013.60.

ENROLLED ORIGINAL

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, Umbrella cannot be paid for services provided in excess of $1 million for the period from March 18, 2013, through March 17, 2014.

Sec. 6. (a) On April 6, 2011, OCP awarded Human Care Agreement No. DCJZ-2011-H-0003 to Extended House, Inc. ("Extended"), to provide therapeutic family homes on behalf of DYRS.

(b) During Option Year One, the District issued Task Order No. 03 for $339,840 for the period April 6, 2012, through September 30, 2012; Purchase Order No. 416118 for $170,880 for the period through September 30, 2012; Task Order No. 04 for $579,840 for the period through February 28, 2013; and Task Order No. 05 for the remaining period in Option Year One through April 5, 2013, in the amount of $33,280.00. Accordingly, the total amount the District has expended under Task Orders Nos. 03, 04, and 05 and Purchase Order No. 416118is $1,123,840.00.

(c) During Option Year Two, the District issued Task Order No. 06 for $704,880 for the period April 6, 2013, through September 30, 2013. The District now proposes to issue Task Order No. 07 for the remaining period in Option Year Two through April 5, 2014, in the amount of $740,520. Accordingly, the total amount expended under Task Order No. 06 plus the amount that the District proposes to spend under Task Order No. 07 is $1,445,400.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Extended cannot be paid for services provided in excess of $1 million for the period from April 6, 2012, through April 5, 2014.

Sec. 7. (a) On June 22, 2011, OCP awarded Human Care Agreement No. DCJZ-2011-H-0010 to Sasha Bruce Youthwork, Inc. ("Sasha Bruce"), to provide family reunification home services on behalf of DYRS.

(b) During Option Year One the District issued Task Order No. 02 for $185,772 for the period through September 30, 2012; Task Order No. 03 for $185,772 for the period through September 30, 2012; Task Order No. 04 for $499,726.68; and Task Order No. 05 for $481,769.36 for the remainder of Option Year One. A total of $1,353,040.04 was expended under Task Orders Nos. 02, 03, 04, and 05.

(c) During Option Year Two the District issued Task Order No. 06 for $249,939.36 for the period through September 30, 2013. By proposed Task Order No. 07, the District proposes to issue a task order for $1,132,301.04 for the period through June 21, 2014. The total of the task orders for Options Years One and Two is $2,735,280.44.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Sasha Bruce cannot be paid for services provided in excess of $1 million for the period from June 22, 2012, through June 21, 2014.

Sec. 8. (a) On May 23, 2011, OCP awarded Human Care Agreement No. DCJZ-2011-H-0015 to PCC Stride, Inc. ("PCC Stride"), to provide extended family homes on behalf of DYRS.

(b) During Option Year One, on June 14, 2012, the District issued Task Order No. 04 for $514,437 for the period through September 30, 2012. On February 20, 2013, the District issued Task Order No. 05 for $523,215 for the period through February 28, 2013. On May 9, 2013, the District issued Task Order No. 06 for the remaining period in Option Year One through May 22, 2013, in the amount of $194,040. Accordingly, the total amount the District has expended under Task Orders Nos. 04, 05, and 06 is $1,231,692 for the period May 23, 2012, through May 22, 2013.

(c) During Option Year Two, on June 5, 2013, the District issued Task Order No. 07 for $370,776.96 for the period May 23, 2013, through September 30, 2013. The District now proposes to issue Task Order No. 08 for the remaining period in Option Year Two through May 22, 2014, in the amount of $662,552.64. Accordingly, the total amount expended under Task Order No. 07 plus the amount the District proposes to expend under Task Order No. 08 is $1,033,329.60.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, PCC Stride cannot be paid for services provided in excess of $1 million for the period from May 23, 2012, through May 22, 2014.

Sec. 9. (a) On April 21, 2011, OCP awarded Human Care Agreement No. DCJZ-2011-H-0031 to Boys Town of Washington, D.C., Inc. ("Boys Town"), to provide therapeutic family homes on behalf of DYRS.

(b) During Option Year One, the District issued Task Order No. 03 for $402,936; Task Order No. 04 for $174,894; Task Order No. 05 for $341,136; and Task Order No. 06 for $397,448, in the total amount of $1,316,414 for Option Year One.

(c) During Option Year Two, the District issued Task Order No. 07 for $570,174. The District proposes to issue Task Order No. 08 for $704,596 for the remainder of Option Year Two, for a total amount of $1,274,770 for Option Year Two. The total amount for Option Years One and Two is $2,591,184.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Boys Town cannot be paid for services provided in excess of $1 million for the period from April 21, 2012, through April 20, 2014.

Sec. 10. (a) On June 1, 2012, OCP awarded Human Care Agreement No. DCJZ-2012-H-0020 to Center City Community Corporation ("Center City") to provide family reunification home services on behalf of DYRS.

(b) During the Base Year, the District issued Task Order No. 01 for $222,528; Task Order No. 02 for $663,936; Task Order No. 03 for $225,760; and Task Order No. 04 for $222,528, in the total amount of $1,334,752 for the Base Year.

(c) During Option Year One, the District issued Task Order No. 05 for $461,160. The District proposes to issue Task Order No. 06 for $918,540 for the remainder of the fiscal year. OCP intends to issue Task Order No. 07for the period October 1, 2013, through May 31, 2014, in the amount of $461,160. The total amount for Option Year One is $1,840,860.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Center City cannot be paid for services provided in excess of $1 million for the period from June 1, 2012, through April 30, 2014.

Sec. 11. (a) On May 1, 2011, OCP awarded Human Care Agreement No. DCJZ-2011-H-0002-01 to Progressive Life Center, Inc., ("Progressive"), to provide supervised independent living services on behalf of DYRS.

(b) Option Year One did not exceed $1 million. During Option Year Two, on June 7, 2013, OCP issued Task Order No. 03 in the amount of $423,730.44 for the period from May 1, 2013, through September 30, 2013. OCP intends to issue Task Order No. 04 in the amount of $587,129.76 for the period from October 1, 2013, through April 30, 2014. The total amount of Option Year Two is $1,010,860.20.

(c) Approval is necessary to allow the continuation of these vital services. Without this approval, Progressive cannot be paid for services provided in excess of $1 million for the period from April 30, 2013, through May 1, 2014.

Sec. 12. The Council of the District of Columbia determines that the circumstances enumerated in sections 2 through 11 constitute emergency circumstances making it necessary that the Omnibus Therapeutic Family Homes, Extended Family Homes, Residential Treatment, and Case Management Services Human Care Agreements Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading

Sec. 13. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve the base year and Option Year One of Contract No. GAGA-2011-C-0137 with the Wireless Generation, Inc., to support the continuation of test development and delivery and administration of assessments aligned to the Common Core State Standards, scoring and reporting services for paced interim assessments in English language arts (up to 5 each in grades 2 through 10) and mathematics (up to 5 each in grades 2 through 8), and to authorize payment for the services received and to be received under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAGA-2011-C-0137 Base Year and Option Year One Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve the base year and Option Year One of Contract GAGA-2011-C-0137for the support of test development, delivery, administration, and scoring and reporting of interim assessments in the District of Columbia Public Schools ("DCPS") and to authorize payment for the services received and to be received under the contract.

(b) DCPS exercised a partial option for option year one from July 26, 2012, through September 30, 2012 in the amount of $401,584.50, a partial option from October 1, 2012, through November 30, 2012, in the amount of $240,508, a partial option from December 1, 2012, through January 31, 2013, in the amount of $100,000, a partial option from February 1, 2013, through March 31, 2013, in the amount of $100,000, a partial option from April 1, 2013, through May 31, 2013, in the amount of $100,000, and partial option from June 1, 2013, through July 25, 2013, in the amount of $264,874.90 as a necessary government function and in the best interest of DCPS to avoid a disruption of services.

(c) Council approval is necessary to allow the support of test development, delivery, administration, and scoring and reporting of interim assessments to continue and to allow payment for option year one for services from July 26, 2012, through July 25, 2013 in the amount of $1,206,967.40.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GAGA-2011-C-0137 Base Year and Option Year One Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-258

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve Modification Nos. 1 through 3A to Contract No. DCPL-2009-C-0015C with Hess Construction Company to provide general construction services at the Francis Gregory Neighborhood Library and authorize payment for services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract DCPL-2009-C-0015C Modification Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 1 through 3A to Contract DCPL-2009-C-0015C with Hess Construction Company to provide general construction services and to authorize payment for the construction services received and to be received under the contract.

(b) On July 22, 2010, the Council approved Contract DCPL-2009-C-0015C with Hess Construction Company to provide general construction services for the contract period of January 17, 2011, to January 16, 2012, in the not to exceed amount of $12,933,685.

(c) On July 12, 2012, by Modification No. 1; on October 3, 2012 by Modification No. 2; and Modification No. 3, dated March 1, 2013, the public library's procurement office increased the contract ceiling for the contract period of January 17, 2011, to December 31, 2013, by $1,070,463.97, from $12,933,685.00 to a new contract amount of $14,004,148.97.

(d) The public library now seeks Council approval of the total contract ceiling of the not to exceed amount, for the period from January 16, 2012, to December 31, 2013, to a total increased contract amount of $14,004,148.97.

(e) Council approval is necessary to allow the payment for these vital services. Without this approval, Hess Construction Company cannot be paid for services provided in excess of $1 million over the previously approved amount for the period from January 16, 2012, to December 31, 2013.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract DCPL-2009-C-0015C Modification Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve the payment of $6,431,331.27 to definitized Task Order No. DCKA-2013-T-0006 with Alta Bicycle Share, Inc., and to authorize payment for services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Task Order No. DCKA-2013-T-0006 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve definitized Task Order No. DCKA-2013-T-0006 to provide Bikeshare services to the District Department of Transportation ("DDOT") and to authorize payment for services received and to be received under this contract.

(b) On December 21, 2012, DDOT's Office of Contracting and Procurement ("OCP") awarded a letter contract to Alta Bicycle Share, Inc. for $768,536.24 for equipment, maintenance operation, and services for the District's Bikeshare program. Six modifications have been issued to the letter contract, extending it from February 21, 2013 to July 22, 2013, in the total amount of $2,929,884.86, including the amount of $286,950.00 for 5 additional bike stations throughout the District.

(c) By proposed definitized task order, OCP seeks approval of the modifications to the letter contract and prospective approval of an increase in funding for the task order by an additional $3,438,446.41. The definitized task order, including all modifications to the letter contract, increases the total amount of the task order to $6,431,331.27.

(d) Council approval is necessary because this definitized task order increases the contract to more than $1 million during a 12-month period. Council approval is necessary to allow the continuation of these vital services and to allow Alta to be paid for the full amount of the services needed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Task Order No. DCKA-2013-T-0006 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve Modification Nos. 2-9 to Contract No. DCKA-2011-R-0180 with Xerox State and Local Solutions, Inc. ("Xerox"), and to authorize payment for services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 2-9 to Contract No. DCKA-2011-R-0180 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 2-9 to Contract No. DCKA-2011-R-0180 for parking meter management services to the District Department of Transportation ("DDOT") and to authorize payment for services received and to be received under this contract.

(b) On January 13, 2012, DDOT's Office of Contracting and Procurement awarded a 6-month sole source emergency contract, DCKA-2011-R-0180 ("Contract"), to Xerox for parking meter management services. The District seeks Council approval of Modification Nos. 2-9 to the Contract, which increased the funding to $5,890,500.00 and extended the contract to June 30, 2013. DDOT has attempted to provide a replacement contract for a base year with 4, one-year options, but this contract has been stayed by a protest filed before the District's Contract Appeals Board ("CAB") since September 24, 2012. This protest is still pending before the CAB.

(c) Council approval is necessary because this modification increases the contract by more than $1 million during a 12-month period. Council approval is necessary to allow the continuation of these vital services and to allow Xerox to continue performance under the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 2-9 to Contract No. DCKA-2011-R-0180 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve an amendment to the collective bargaining agreement between the Washington Teachers' Union and the District of Columbia Public Schools for employees in the bargaining unit represented by the Washington Teachers' Union who are employed at the District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Teachers' Union Voluntary Employee Beneficiary Association Fund Approval Emergency Declaration Resolution of 2013".

Sec. 2. (a) As a result of an agreement by the Washington Teachers Union and the District of Columbia Public Schools ("DCPS") to modify the collective bargaining agreement between the Washington Teachers Union and the District of Columbia Public Schools, DCPS is required to contribute $1.7 million dollars annually (through fiscal year 2018) from its budget to the Washington Teachers' Union Voluntary Employee Beneficiary Association ("WTU VEBA") to be utilized in accordance with the governing documents of the WTU VEBA.

(b) In order to make the fund available to employees in fiscal year 2013, as required by the agreement, the Mayor recommends that the agreement between the Washington Teachers' Union and DCPS be ratified on an emergency basis.

(c) Failure to satisfy the obligations of the Memorandum of Agreement ("MOA") and the collective bargaining agreement in accordance with the express terms of the MOA and the collective bargaining agreement may result in undermining the confidence of union members in the District of Columbia government and its leadership.

(d) Failure to act in an expedited manner may jeopardize the future.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Washington Teachers' Union Voluntary Employee Beneficiary Association Fund Emergency Approval Resolution of 2013 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To approve, on an emergency basis, a Memorandum of Agreement which modifies the 2007-2012 Collective Bargaining Agreement between the District of Columbia Public Schools and the Washington Teachers' Union, Local 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Teachers' Union Voluntary Employee Beneficiary Association Fund Emergency Approval Resolution of 2013".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code 1-617.17(j)), the Council approves the Washington Teachers' Union Voluntary Employee Beneficiary Association Fund, which was transmitted to the Council by the Mayor on June 6, 2013.

(b) This resolution applies to bargaining unit employees represented by the Washington Teachers" Union, Local 6 ("WTU") and employed by the District of Columbia Public Schools ("DCPS").

(c) The Memorandum of Agreement, which amends the collective bargaining agreement between WTU and DCPS by funding the Washington Teachers' Union Voluntary Employee Beneficiary Association Fund, provides as follows:

Section 1: Overview

1.1 The District of Columbia Public Schools (DCPS) and the Washington Teachers Union, Local #6 (WTU) hereby enter into this Memorandum of Agreement (MOA), modifying, and adding to, certain terms of the 2007-2012 Collective Bargaining Agreement (CBA) between them.

1.2 This MOA addresses only the terms of Section 4.5.5.3.2 of the parties' 2007-2012 CBA, which shall be modified as follows:

4.5.5.3.2 – Option 2: Supplemental Unemployment Benefits

4.5.5.3.2.1 – Starting in FY 2013 for WTU members excessed in the spring of 2012, and for each of the following five successive school years thereafter including FY 2018, excessed permanent status Teachers with twenty (20) or more years of service shall have the option of receiving Supplemental

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Unemployment Benefits (Option 2 Supplemental Unemployment Benefits) in accordance with the governing documents of a Voluntary Beneficiary Association established, operated and administered by the WTU (WTU VEBA) in accordance with Section 501(c)(9) of the Internal Revenue Code.

4.5.5.3.2.2 An excessed permanent status Teacher who opts for Option 2 Supplemental Unemployment Benefits shall not be eligible for re-employment with DCPS.

4.5.5.3.2.3 This option shall only be available to permanent status Teachers whose most recent evaluations was "Effective" or higher.

Section 2: DCPS Commitments

2.1 DCPS agrees to contribute $1.7 million dollars annually (through FY 18) from its budget to the Washington Teachers' Union Voluntary Employees' Beneficiary Association (WTU VEBA) to be utilized in accordance with the governing documents of the WTU VEBA.

2.2 DCPS agrees to permit the WTU to notify and select the bargaining unit members who shall receive the Option 2 Supplemental Unemployment Benefits from the WTU VEBA.

Section 3: WTU Commitments

3.1 The WTU agrees to affirm that DCPS is in full compliance with its obligations pertaining to funding Option 2.

3.2 The WTU agrees to relinquish any claim to Option 2 funding for Teachers excessed prior to Spring of 2012.

Section 4: Limiting Scope

This memorandum is limited in its application to the conditions described herein and does not otherwise alter, amend or modify the rights, obligations, or practices of the parties described in the 2007-2012 collective bargaining agreement.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Washington Teachers' Union and to the Mayor.

Sec. 4. Fiscal impact statement.

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The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to authorize salary increases under the terms of the negotiated compensation collective bargaining agreement for employees in Compensation Unit 33.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia and Compensation Unit 33 Approval Emergency Declaration Resolution of 2013."

Sec.2. (a) The District of Columbia negotiated a Compensation Agreement for District of Columbia employees in Compensation Unit 33 that covers certain compensation increases over a period of 3 years. The Mayor is proposing, as agreed with the Union, that the compensation increase is made effective beginning the 1st day of the 1st full pay period beginning on or after October 1, 2011, which constitutes a change to the A-35 pay schedule and a resulting minimum increase of 1.5% in each bargaining unit member's gross salary.

(b) To comply with section 1717(f)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(f)(1)), which provides that negotiations be completed prior to submission of a budget for the years covered by the agreement, this agreement must be acted on by the Council immediately.

(c) To effectuate the terms of the compensation agreement in fiscal year 2013, the Mayor recommends that the Compensation Agreement between the District of Columbia and Compensation Unit 33 Emergency Approval Resolution of 2013 be approved on an emergency basis.

(d) Failure to effectuate the express terms of the negotiated agreement may result in undermining the confidence of the union members in the District of Columbia government and its leadership.

(e) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia and the success of collaborative efforts, as agreed to under the terms of the negotiated agreement.

ENROLLED ORIGINAL

Sec.3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Compensation Agreement between the District of Columbia and Compensation Unit 33 Emergency Approval Resolution of 2013 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To approve, on an emergency basis, the negotiated compensation collective bargaining agreement submitted by the Mayor for employees in Compensation Unit 33.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia and Compensation Unit 33 Emergency Approval Resolution of 2013".

Sec.2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the attached compensation agreement, which applies to bargaining unit employees included in Compensation Unit 33 and employed by the Office of the Attorney General, and the related salary schedules, which were transmitted to the Council by the Mayor on June 6, 2013.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to Compensation Unit 33 and to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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PREAMBLE

This Compensation Agreement (Agreement) is entered into between the District of Columbia Office of the Attorney General and the American Federation of Government Employees, Local 1403, (herein after jointly referred to as "the parties") the sole and exclusive collective bargaining representative of unit employees comprising Compensation Unit 33, as certified by the Public Employee Relations Board (PERB).

The Agreement was reached after negotiations during which the parties were able to negotiate on any and all negotiable compensation issues, and contains the full agreement of the parties as to all such compensation issues. The Agreement shall not be reconsidered during its life nor shall either party make any changes in compensation for the duration of the Agreement unless by mutual consent of the parties, as specifically provided in the Agreement or as required by law.

ARTICLE 1 -- RECOGNITION

AFGE Local 1403 is recognized as the sole and exclusive collective bargaining representative for the following bargaining unit:

> All attorneys employed by the Corporation Counsel [Office of the Attorney General], excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

PERB Case No. 01-RC-03; Certification No. 121.

ARTICLE 2 -- WAGES

COMPENSATION AND BENEFIT

Section A -- FY 2011

The A-35 salary schedule for all bargaining unit employees will not increase for fiscal year 2011.

Section B – FY 12

The A-35 salary schedule for all bargaining unit employees will be increased by 1.5% effective the first day of the first full pay period commencing on or after October 1, 2011. The wage increase shall apply to all bargaining unit employees on OAG's payroll as of February 26, 2013.

Section B – FY 13

The A-35 salary schedule for all bargaining unit employees will be increased by 1.5% effective the first day of the first full pay period commencing on or after October 1, 2012. The wage increase shall apply to all bargaining unit employees on OAG's payroll as of April 5, 2013

Section D -- Pay for Holidays

Employees who are required to work on holidays shall receive not less than 4 hours of compensatory time or shall be paid for not less than four hours at a rate equal to their hourly earnings which ever they choose, or for the hours actually worked, whichever is greater. This section shall be invalidated by any law to the contrary.

Section E -- Pay for Work Performed in Higher Graded Position

Employees detailed or assigned to perform the duties of a higher graded position for more than one-hundred and twenty (120) consecutive days in any calendar year shall receive the pay of the higher graded position. The applicable rate of pay will be determined by application of D.C. government procedures concerning grade and step placement for temporary promotions, and will be effective the first pay period beginning after the qualifying period has passed. An employee on detail to a lower graded position shall maintain the pay for his/her original position. Advance notice will be given to the Union of any detail exceeding one pay period.

ARTICLE 3 -- BENEFITS COMMITTEE

Section A – General

The Parties herein agree to establish a Benefits Committee, with equal representation from Labor and Management.

Section B – Purpose

The purpose of the Benefits Committee shall be to address the benefits of employees in the Local 1403 bargaining unit within the Office of The Attorney General. The representatives of the Benefits Committee shall abide by the rules established for the Joint Committee.

Section C -- Responsibilities

The members of the Benefits Committee shall be authorized to consider all matters that concern the benefits of bargaining unit employees in the Office of The Attorney General that are subject to mandatory bargaining between the Parties.

ARTICLE 4 -- BENEFITS ADDENDUM

Except as otherwise provided in this Agreement, the Parties hereby incorporate the following specific benefits provided under the Compensation Agreement between the District of Columbia Government and Compensations Units 1 and 2, FY 2007 – FY 2010: (1) Life Insurance, Health Insurance, Optical and Dental, Leave, Pre-Tax benefits, Retirement, Civil Services Retirement System, Defined Contribution, Deferred Compensation, as the applicable benefits for bargaining unit members covered by this Agreement. If not specified in this Agreement, the Fiscal Years 2007 -2010 Compensation Units 1 and 2 benefits provisions do not apply to the AFGE, 1403 bargaining unit.

Section A -- Life Insurance

1. Life insurance is provided to covered employees in accordance with §1-622.01, *et seq.* of the District of Columbia Official Code (2001 Edition) and Chapter 87 of Title 5 of the United States Code.

(a) District of Columbia Official Code §1-622.03 (2001 Edition) requires that benefits shall be provided as set forth in §1-622.07 to all employees of the District first employed after September 30, 1987, except those specifically excluded by law or by rule.

(b) District of Columbia Official Code §1-622.01 (2001 Edition) requires that benefits shall be provided as set forth in Chapter 87 of Title 5 of the United States Code for all employees of the District government first employed before October 1, 1987, except those specifically excluded by law or rule and regulation.

2. The current life insurance benefits for employees hired on or after October 1, 1987 are: The District of Columbia provides life insurance in an amount equal to the employee's annual salary rounded to the next thousand, plus an additional $2,000. Employees are required to pay two-thirds (2/3) of the total cost of the monthly premium. The District Government shall pay one-third (1/3) of the total cost of the premium. Employees may choose to purchase additional life insurance coverage through the District Government. These additions to the basic coverage are set-forth in the schedule below:

Option A – Standard. Provides $10,000 additional coverage. Cost determined by age.

Option B – Additional. Provides coverage up to five times the employee's annual salary. Cost determined by age and employee's salary.

Option C – Family. Provides $10,000 coverage for the eligible spouse and $10,000 for each eligible child; $25,000 coverage for eligible spouse and $10,000 for each eligible child; or

$50,000 coverage for eligible spouse and $10,000 for each eligible child. Cost determined by age.

Employees must contact the respective personnel office to enroll or make changes in their life insurance coverage.

Section B -- Health Insurance

1. Pursuant to D.C. Official Code §1-621.02 (2001 Edition), all employees covered by this agreement and hired after September 30, 1987, shall be entitled to enroll in group health insurance coverage provided by the District of Columbia.

(a) Health insurance coverage shall provide a level of benefits comparable to the plan(s) provided on the effective date of this agreement. District employees are required to execute an enrollment form in order to participate in this program.

(b) The District may elect to provide additional health care providers for employees employed after September 30, 1987, provided that such addition of providers does not reduce the current level of benefits provided to employees. Should the District Government decide to expand the list of eligible providers, the OAG shall notify the Union of proposed additions.

2. Pursuant to D.C. Official Code §1-621.01 (2001 Edition), all District employees covered by this Agreement and hired before October 1, 1987, shall be eligible to participate in group health insurance coverage provided through the Federal Employees Health Benefits Program (FEHB) as provided in Chapter 89 of Title 5 of the United States Code. This program is administered by the United States Office of Personnel Management.

3. The plan descriptions shall provide the terms of coverage and administration of the respective plans. Employees and Union representatives are entitled to receive a copy of the summary plan description upon request. Additionally, employees and Union representatives are entitled to review copies of the actual plan description upon advanced request. The plan is available on the District Department of Human Resources' website.

Section C – Optical and Dental

1. The District shall provide Optical and Dental Plan coverage at a level of benefits comparable to the plan(s) provided on the effective date of this Agreement. Benefit levels shall not be reduced during the term of this agreement except. by mutual agreement of the District, the Union and the insurance carrier(s). District employees are required to execute an enrollment form in order to participate in the Optical and Dental program.

2. The District may elect to provide additional Optical and/or Dental providers, provided that such addition of providers does not reduce the current level of benefits provided to employees. Should the District Government decide to expand the list of eligible providers, the District shall give the Union notice of the proposed additions.

Section D – Short Term Disability Insurance Program

Employees covered by this Agreement shall be eligible to enroll, at their own expense, in the District's Short Term Disability Insurance Program, which provides for partial income replacement when employees are required to be absent from duty due to a non-work-related qualifying medical condition. Employees may use income replacement benefits under the program in conjunction with annual or sick leave benefits provided for in this Agreement.

Section E – Annual Leave

1. In accordance with D.C. Official Code §1-612.03 (2001 Edition), full-time employees covered by the terms of this agreement are entitled to:

(a) one-half (1/2) day (4 hours) for each full biweekly pay period for an employee with less than three (3) years of service (accruing a total of thirteen (13) annual leave days per annum);

(b) three-fourths (3/4) day (6 hours) for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the year is one and one-fourth days (10 hours), for an employee with more than three (3) but less than fifteen (15) years of service (accruing a total of twenty (20) annual leave days per annum); and,

(c) one (1) day (8 hours) for each full biweekly pay period for an employee with fifteen (15) or more years of service (accruing a total of twenty-six (26) annual leave days per annum).

2. Part-Time employees who work at least 40 hours per pay period earn annual leave at one-half the rate of full-time employees.

3. Employees shall be eligible to use annual leave in accordance with the District of Columbia Laws.

Section F – Sick Leave

1. In accordance with District of Columbia Code §1-612.03 (2001 Edition), a full-time employee covered by the terms of this agreement may accumulate up to thirteen (13) sick days in a calendar year.

2. Part-time employees for whom there has been established in advance a regular tour of duty of a definite day or hour of any day during each administrative workweek of the biweekly pay period shall earn sick leave at the rate of one (1) hour for each twenty (20) hours of duty. Credit may not exceed four (4) hours of sick leave for 80 hours of duty in any pay period. There is no credit of leave for fractional parts of a biweekly pay period either at the beginning or end of an employee's period of service.

Section G – Other Forms Of Leave

1. **Military Leave**: An employee is entitled to leave, without loss of pay, leave, or credit for time of service as reserve members of the armed forces or as members of the National Guard to the extent provided in D.C. Official Code §1-612.03(m)(2001 Edition).

2. **Court Leave**: An employee is entitled to leave, without loss of pay, leave, or service credit during a period of absence in which he or she is required to report for jury duty or to appear as a witness on behalf of the District of Columbia Government, or the Federal or a State or Local Government to the extent provided in D.C. Official Code §1-612.03(1) (2001 Edition).

3. **Funeral Leave**:

a. An employee is entitled to two (2) days of leave without loss of pay, leave, or service credit to make arrangements for or to attend the funeral or memorial service for an immediate relative. In addition, the Employer shall grant an employee's request for annual or compensatory time up to three (3) days upon the death of an immediate relative. Approval of additional time shall be at the Employer's discretion. However, requests for leave shall be granted unless the Agency's ability to accomplish its work would be seriously impaired. For purposes of this section "immediate relative" means the following relatives of the employee: spouse (including a person identified by an employee as his/her "domestic partner" as defined in D.C. Official Code §36-1401(3) (2001 Ed.)) and parents thereof, children (including adopted and foster children and children of whom the employee is legal guardians and spouses thereof, parents, grandparents, grandchildren, brothers, sisters, and spouses thereof) and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. For the purposes of certification of leave, employees shall provide a copy of the obituary or death notice, a note from clergy or funeral professional or a death certificate within 10 business days of the Employer's request.

b. An employee is entitled to not more than three (3) days of leave, without loss of pay, leave, or service credit to make arrangements for or to attend the funeral or memorial service for a family member who died as a result of a wound, disease or injury incurred while serving as a member of the armed forces in a combat zone to the extent provided in D.C. Official Code §1-612.03(n) (2001 Edition).

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4. Administrative Closing – An employee who has previously scheduled leave for a day (or portion of a day) on which the District or the Office of the Attorney General, closes by order of the Mayor or the Attorney General, shall not be charged leave for that day, or portion of the day that the District agency is closed.

5. Back-to- School Leave – Subject to the discretion of an individual's manager as described in this section, any employee who serves as the primary caregiver of a child enrolled in school, including pre-school, elementary school, middle or junior high school, or high school, may take 2 hours of excused leave (that is without charge to the employee's leave balance) to assist his or her child in preparing for and traveling to the first day of school during the academic year. An employee's individual manager shall make every effort to grant requests for excused absences on the first day; however, the granting of all such request may not be feasible if it results in disruption of public services provided by the administration. Accordingly, when an employee cannot be granted an excused absence on her or her child's first school day, he or she shall be given an excused absence of 2 hours during the first week of school or as soon thereafter as practicable, in order to assist his or her child in preparing for and attending school.

Section H -- Pre-Tax Benefits

Employee contributions to benefits programs established pursuant to §1-612.19 (1999 replacement volume) (D.C. Official Code §1-611.19 (2001 ed.), including the District of Columbia Employees Health Benefits Program, may be made on a pre-tax basis in accordance with the requirements of the Internal Revenue Code and, to the extent permitted by the Internal Revenue Code, such pre-tax contributions shall not effect a reduction of the amount of any other retirement, pension, or other benefits provided by law. To the extent permitted by the Internal Revenue Code, any amount of contributions made on a pre-tax basis shall be included in the employee's contributions to existing life insurance, retirement system, and for any other District government program keyed to the employee's scheduled rate of pay, but shall not be included for the purpose of computing Federal or District income tax withholdings, including F.I.C.A., on behalf of any such employee.

Section I – Retirement

1. CIVIL SERVICE RETIREMENT SYSTEM (CSRS): As prescribed by 5 U.S.C. 8401 and related chapters, employees first hired by the District of Columbia Government before October 1, 1987 are subject to the provisions of the CSRS, which is administered by the U.S. Office of Personnel Management. Under Optional Retirement you may choose to retire when you reach:

(a) Age 55 and 30 years of service;

(b) Age 60 and 20 years of service;

(c) Age 62 and 5 years of service.

Under Voluntary Early Retirement, which must be authorized by the U.S. Office of Personnel Management, an employee may choose to retire when he/she reaches:

(a) Age 50 and 20 years of service;

(b) Any age and 25 years of service.

The pension of an employee who chooses Voluntary Early Retirement will be reduced by 2% for each year under age 55.

2. DEFINED CONTRIBUTION PENSION PLAN: All eligible employees hired by the District on or after October 1, 1987, are enrolled into the defined contribution pension plan. As prescribed by §1-626.09(c) of the D.C. Official Code (2001 Edition) after the completion of one year of service, the District shall contribute 5% of their base salary to an employee's Defined Contribution Pension Plan account. The District government funds this plan. There is no employee contribution to the Defined Contribution Pension Plan. After two years of plan participation, an employee is entitled to 20% of the account. After three years of plan participation, an employee is entitled to 40% of the account. After 4 years of plan participation, an employee is entitled to 60% of the account. An employee is fully vested after five years of plan participation and is entitled to 100% of the account.

3. DEFERRED COMPENSATION PROGRAM: As prescribed by Section 1-626.05 and related Chapters of the D.C. Official Code (2001 Edition), all District Government employees covered by this agreement, shall be eligible to participate in the District's Deferred Compensation Program. The Deferred Compensation Program is a savings system through pre-tax deductions and allows employees to accumulate funds for long-term goals, including retirement. The portion of salary contributed reduces the amount of taxable income in each paycheck. The Internal Revenue Service determines the annual maximum deferral amount. Under the program, employees can choose from various fixed or variable investment options.

Section J – Holidays

1. As prescribed by D.C. Official Code §1-612.02 (2001 Edition) the following non-negotiable legal public holidays are provided to all employees covered by this agreement and are listed here for informational purposes only:

(a) New Year's Day, January 1st of each year;
(b) Dr. Martin Luther King, Jr.'s Birthday, the 3rd Monday in January of each year;
(c) Washington's Birthday, the 3rd Monday in February of each year;
(d) D.C. Emancipation Day, April 16th of each year;
(e) Memorial Day, the last Monday in May of each year;
(f) Independence Day, July 4th of each year;

(g) Labor Day, the 1st Monday in September of each year;
(h) Columbus Day, the 2nd Monday in October of each year;
(i) Veterans Day, November 11th of each year;
(j) Thanksgiving Day, the 4th Thursday in November of each year; and
(k) Christmas Day, December 25th of each year.

2. Any other legal public holiday observed by the District will also be granted to employees covered by this Agreement. When an employee, having a regularly scheduled tour of duty is relieved or prevented from working on a day District agencies are closed by order of the Mayor, he or she is entitled to the same pay for that day as for a day on which an ordinary day's work is performed.

ARTICLE 5 - COMPENSATORY TIME

A lawyer who is required to work one or more hours outside his or her normal work hours may request an equal amount of compensatory time from his or her supervisor. If the request is granted, the time will be recorded on the employee's records and may be used, in the same manner that annual leave is used. Compensatory time may only be approved for working at scheduled or special events outside an employee's regular work hours, travel time outside normal work hours, and extraordinary assignments. Compensatory time will not be approved to allow an employee to complete regular assignments. Regular assignments are preparation for trials, drafting motions and responses to motions, including but not limited to, Motions for Temporary Restraining Orders, Motions for Preliminary Injunctions, and any other daily tasks performed by attorneys. Compensatory time will not be provided if additional work beyond the regular work day has resulted from the employee's inefficient use of time during the regular work day. Compensatory time credit should be requested by an employee before the work is performed whenever possible. The decision to grant an employee compensatory time is at the discretion of union. Employees may not carry more than 24 hours of compensatory time for more than 2 successive pay periods. In no event will an employee be entitled to pay in lieu of compensatory time.

ARTICLE 6 -- PARKING SPACES & REIMBURSEMENT

Section A -- Parking Spaces

Three (3) parking spaces shall be set aside from among those allocated to the Office of The Attorney General in the underground parking garage at 441 4th St., NW, Washington, D.C. for use by bargaining unit members as determined by the Union. The parking spaces shall be funded by the Union. The parking rate payable by the Union will not exceed the rate applicable to the parking spaces allocated to

the Office of The Attorney General. Upon request the Union shall notify the Employer which employees are authorized to use said parking spaces.

Section B – Parking Reimbursement

Employees required to use their personal vehicles for official business shall be reimbursed for non-commuter parking expenses, which are incurred in the performance of his/her official duties, to the extent permitted under and consistent with Title I, Chapter 8, Section 818.3, D.C. Municipal Regulations. For the purpose of this Section, non-commuter parking expenses are defined as parking expenses incurred by an employee to park his/her personal vehicle at the employee's worksite on a day when the employee plans to use a personal vehicle with the approval of his or her supervisor to conduct official business on behalf of the District of Columbia government.

The Employer will make good faith effort to incorporate a process in the payroll system to provide employees with the option to have commuting and parking expenses withheld, on a pre-tax basis, up to the maximum amount permitted by law.

ARTICLE 7 -- PREMIUM PAY FOR SATURDAY COURT COVERAGE

Any qualified FLSA-exempt employee who is assigned to provide Saturday court coverage shall be compensated for each hour of work performed on Saturday at his/her straight-time rate. The Employer may select employees for Saturday coverage from a pool of qualified employees.

ARTICLE 8 - WAITING PERIODS FOR ADVANCEMENT WITHIN STEPS

The within-a-grade waiting periods on the A-35 salary scale for step advancement for bargaining unit employees with a prearranged regularly scheduled tour of duty are as follows:

1. Steps 2, 3, 4 and 5: fifty-two (52) calendar weeks of creditable service;

2. Steps 6, 7, 8, 9 and 10: one hundred and four (104) calendar weeks of creditable service.

ARTICLE 9 – DURATION

This Agreement shall remain in full force and effect from the first full pay period on or after October 1, 2011 through September 30, 2013.

ENROLLED ORIGINAL

A RESOLUTION

20-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to authorize salary increases and other negotiated benefits under the terms of the negotiated compensation collective bargaining agreement for District of Columbia Department of Mental Health employees represented by the District of Columbia Nurses Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Collective Bargaining Agreement between the District of Columbia Department of Mental Health and District of Columbia Nurses Association Approval Emergency Declaration Resolution of 2013".

Sec. 2. (a) The District of Columbia Department of Mental Health negotiated a Compensation Agreement with the District of Columbia Nurses Association that requires certain wage increases and other compensation and benefits over a period of 2 years. The Mayor proposes, as agreed with the union, that the first such compensation increase is made effective October 1, 2012, which constitutes a change to the pay schedule and a resulting minimum increase of 2% in each bargaining unit member's gross salary. In order to comply with section 1717(f)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(f)(1)), which provides that negotiations shall be completed prior to submission of a budget for the years covered by the agreement, this agreement must be acted on by Council immediately.

(b) In order to effectuate the terms of the Compensation Agreement in fiscal year 2013, the Mayor recommends that the Compensation Agreement between the District of Columbia Department of Mental Health and the District of Columbia Nurses Association Emergency Approval Resolution of 2013 be approved on an emergency basis.

(c) Failure to effectuate the express terms of the negotiated agreement may result in undermining the confidence of union members in the District of Columbia Government and its leadership.

(d) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia and the success of collaborative efforts, as agreed to under the terms of the negotiated agreement.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Compensation Agreement between the District of Columbia Department of Mental Health and the District of Columbia Nurses Association Emergency Approval Resolution of 2013 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To approve, on an emergency basis, the negotiated compensation collective bargaining agreement submitted by the Mayor for District of Columbia Department of Mental Health nurses who are represented by the District of Columbia Nurses Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia Department of Mental Health and the District of Columbia Nurses Association Emergency Approval Resolution of 2013".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the attached compensation agreement between the District of Columbia Nurses Association and the District of Columbia Department of Mental Health, which was transmitted to the Council by the Mayor on June 24, 2013.

(b) This resolution applies to bargaining unit nurses represented by the District of Columbia Nurses Association and employed by the District of Columbia Department of Mental Health.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Nurses Association and to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve Contract No. DCHBX-2013-C-0001 to design, implement, and operate the District of Columbia Exchange Contact Center, with a robust capability to provide consumers with over-the-phone and web-based services for Medicaid and private health insurance, and small business health insurance eligibility, enrollment, and related assistance using the new District of Columbia Access System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHBX-2013-C-0001 Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCHBX-2013-C-0001 to design, implement, and operate the District of Columbia Exchange Contact Center.

(b) Approval is necessary to allow execution of the contract for these vital services. Without this approval, the Contact Center will not be ready to service District residents who have questions about health benefits.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHBX-2013-C-0001 Emergency Approval Resolution of 2013 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To approve, on an emergency basis, Contract No. DCHBX-2013-C-0001 to design, implement and operate the District of Columbia Exchange Contact Center, with a robust capability to provide consumers with over-the-phone and web-based services for Medicaid and private health insurance, and small business health insurance eligibility, enrollment, and related assistance using the new District of Columbia Access System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHBX-2013-C-0001 Emergency Approval Resolution of 2013".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Council approves Contract No. DCHBX-2013-C-0001 to design, implement, and operate the District of Columbia Exchange Contact Center, with a robust capability to provide consumers with over-the-phone and web-based services for Medicaid and private health insurance, and small business health insurance eligibility, enrollment, and related assistance using the new District of Columbia Access System and authorizes payment in the amount of $24,455,581 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This resolution shall take effect immediately.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 30, 2013
Petition Date: October 15, 2013
Hearing Date: October 28, 2013
Protest Date: December 11, 2013

License No.: ABRA-092701
Licensee: Baba's Cooking School, LLC
Trade Name: Baba's Cooking School
License Class: Retailer's Class "C" Tavern
Address: 3607 Georgia Ave., NW
Contact: Katy Chang 202-656-7506

WARD 1 ANC 1A SMD 1A08

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30pm on December 11, 2013.
.

NATURE OF OPERATION
Tavern style restaurant incubator serving eclectics, innovative cuisine, including dumplings and street food. Request a summer garden with 20 seats and entertainment endorsement with live music and ensembles. Seating capacity 60 and total occupancy load of 69.

HOURS OF OPERATION
Sunday through Thursday 9 am – 2 am and Friday & Saturday 9 am – 3 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION
Sunday 10 am – 2 am, Monday through Thursday 9 am – 2 am Friday & Saturday 9 am – 3 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR OUTSIDE SUMMER GARDEN
Sunday through Thursday 10 am -2 am and Friday & Saturday 10 am – 3 am

HOURS OF ENTERTAUNMENT
Sunday through Thursday 6 pm – 2 am and Friday & Saturday 6 pm – 3 am

CORRECTION

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/23/2013

Notice is hereby given that:

License Number: ABRA-089622 **License Class/Type: C Restaurant**

Applicant: Mendelsohn Hospitality Group, LLC

Trade Name: Bearnaise

ANC: 6B

Has applied for the renewal of an alcoholic beverages license at the premises:

313 - 315 Pennsylvania AVE SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

10/7/2013

HEARING WILL BE HELD ON

10/21/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am -12 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

Days	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe
Sunday:	9 am - 10 pm	9 am - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 10 pm	11 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION**

Posting Date:	**August 23, 2013**
Petition Date:	**October 7, 2013**
Roll Call Hearing Date:	**October 21, 2013**
Protest Hearing Date:	**December 11, 2013**
License No.:	**ABRA-92990**
Licensee:	**Darien DC, LLC**
Trade Name:	**TO BE DETERMINED**
License Class:	**Retailer's Class "C" Tavern**
Address:	**1309 5th Street, NE****
Contact:	**Paul L Pascal: 202-544-2500**

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on 12/11/2013 at 1:30 pm.

NATURE OF OPERATION

A chef driven, farm to table, full service restaurant serving local, fresh and seasonal inspired food. Total Occupancy Load 199, number of Seats 120, Summer Garden seating-joint use in common area. Including Entertainment Endorsement, Live and Recorded music and jazz.

HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

HOURS OF ENTERTAINMENT ENDORSEMENT

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

SUMMER GARDEN HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

SUMMER GARDEN HOURS OF ALCOHOLIC BEVERAGE SLES/SERVICE/ CONSUMPTION

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, NOVEMBER 5, 2013
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD THREE

18650 ANC-3G **Application of Jonathan and Colston Carr**, for a special exception for an addition to a one-family detached dwelling under section 223, not meeting the nonconforming structure (subsection 2001.3) requirements in the R-1-B District at premises 3400 Morrison Street, N.W. (Square 1995, Lot 10).

WARD THREE

18649 ANC-3G **Application of Rosalyn G. Millman** pursuant to 11 DCMR § 3104.1, for a special exception to allow an accessory apartment in an existing one-family semi-detached dwelling under subsection 202.10, in the R-2 District at premises 5144 Nebraska Avenue, N.W. (Square 1989, Lot 142).

WARD TWO

18652 ANC-2E **Application of Stephie Funk**, pursuant to 11 DCMR § 3103.2, for variances from lot occupancy (section 403), rear yard (section 404) and nonconforming structure (subsection 2001.3) requirements to allow an addition to an existing one-family row dwelling in the R-5-B District at premise 2516 Mill Road, N.W. (Square 1287, Lot 824).

WARD TWO

18648 ANC-2F **Application of LHO Washington Hotel Four LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the prohibition of expanding the gross floor area of a hotel by increasing the function or meeting space with the construction of an addition to a hotel existing on or before May 16, 1980, under subsection 350.4(d), in the R-5-E District at premises 1430 Rhode Island Avenue, N.W. (Square 211, Lot 858).

WARD SIX

18651
ANC-6C

Application of Peter J. Fitzgerald, pursuant to 11 DCMR § 3103.2, for variances from lot area (section 401), lot occupancy (section 403), rear yard (section 404), off-street parking (subsection 2101.1) and alley width (subsection 2507.2) requirements for a subdivision allowing an existing apartment building and construction of a new one-family dwelling on an alley lot in the CAP/R-4 District at premises 319 A Street, N.E. and rear of 319 and 321 A Street, N.E. (Square 786, Lot 827, and Square 786, part of Lot 22 and Lot 827).

WARD TWO

18653
ANC-2E

Application of Foundation Sweet Success, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under subsection 931.2, to allow restaurant, retail bakery and other related office uses in the entire building in the W-1 District at premises 3206 Grace Street, N.W. (Square 1188, Lot 121).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form**. This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

BZA PUBLIC HEARING NOTICE
NOVEMBER 5, 2013
PAGE NO. 3

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION ---------- BOARD OF ZONING ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, December 2, 2013, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 07-13D (TR SW 2, LLC – PUD Modification @ 65 I Street, S.W., Square 643-S, Lot 801)

THIS CASE IS OF INTEREST TO ANC 6D

On May 31, 2013, the Office of Zoning received an application from TR SW 2, LLC ("Applicant") on behalf of the Trustees of the Corcoran Gallery of Art, the owner of Lot 801 in Square 643-S, requesting a modification to an approved planned unit development ("PUD"). The Office of Planning provided its report on July 19, 2013, and the case was set down for hearing on July 29, 2013. The Applicant provided its prehearing statement on July 31, 2013.

The property consists of approximately 115,724 square feet of land area. Lot 801 is currently improved with the former Randall Junior High School, an historic landmark. The original 1906 Randall School building and its two flanking wings dating from 1927 will be retained, rehabilitated and incorporated into the new development. The new development will provide a museum of contemporary art, approximately 550 residential units, retail and service uses, and one level of underground parking. Twenty percent of the gross floor area devoted to residential space will be reserved for households earning no more than 80% of area median income ("AMI"). The proposed project will contain approximately 499,843 square feet of gross floor area, which equates to a density of 4.32 FAR, and be constructed to a maximum height of 110 feet. The museum and related uses will comprise approximately 40,000 square feet of gross floor area, or 0.35 FAR of the total project, with another 5,000 square feet of art-related space in the cellar area. Approximately 16,000 square feet of gross floor area will be devoted to retail and service uses, or 0.13 FAR of the total project. The remaining 443,843 square feet of gross floor area, or approximately 3.83 FAR, will be devoted to residential uses. The museum and arts-related uses will occupy the renovated Randall School buildings, as well as a new wing behind the main, central portion of the historic landmark. The residential portion of the development will be located in the remaining portions of the new building. The below grade parking garage will provide spaces for approximately 200 vehicles.

The previously approved PUD on the site, which included a map amendment to the C-3-C Zone District, also allowed a density of 4.32 FAR, or approximate 499,843 square feet of gross floor area. Approximately 76,043 square feet of gross floor area would be devoted to the Corcoran College of Art and Design and the remaining square footage devoted to residential uses

(approximately 440-490 units), including 20 percent set aside for affordable units. The building was to be constructed to a height of 100 feet.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the hearing, a Form 140 – Party Status Application**. This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. **Any documents filed in this case must be submitted through the Interactive Zoning Information System (IZIS) found on the Office of Zoning website.**

To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for the hearing.

If an affected Advisory Neighborhood Commission ("ANC") intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).

Time limits.

For each segment of the hearing conducted on the dates listed above, the following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1. Applicant and parties in support	60 minutes collectively
2. Parties in opposition	60 minutes collectively
3. Organizations	5 minutes each
4. Individuals	3 minutes each

Pursuant to section 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education ("Superintendent"), pursuant to the authority set forth in the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215, D.C. Official Code § 7-2031 *et seq*. (2008 Repl.)), Mayor's Order 2009-130, dated July 16, 2009, Sections 2(a), 5a, and 6 of the Day Care Policy Act of 1979, effective September 19, 1979, as amended (D.C. Law 3-16; D.C. Official Code §§ 4-401, 404.01, and 4-405 (2008 Repl. & 2012 Supp.)), and Mayor's Order 2009-3, dated January 15, 2009, hereby gives notice of the adoption of amendments to Title 29 (Public Welfare), Chapter 3 (Child Development Facilities), Section 332 (Center Director Qualifications), Section 334 (Teacher Qualifications), and Section 343 (Group Size and Adult/Child Ratios) of the District of Columbia Municipal Regulations (DCMR), governing the licensure and operating standards for child development facilities, with particular focus on Montessori professionals and facilities, effective on the date of publication of this notice in the *D.C. Register*.

This final rulemaking is limited to amendments establishing qualifications for Montessori center directors and teachers, and adding amendments to the adult-to-child ratios and group size requirements in Montessori facilities, based on the provisions proposed in a broader proposed rulemaking amending Title 29, Chapter 3, published on July 30, 2010, at 57 DCR 6729 (see, 57 DCR pages 6768, 6771, and 6780).[1] The Montessori-specific rules are being adopted as final without any further changes. Final action to adopt these rules was taken on August 21, 2013. The Office of the State Superintendent of Education ("OSSE") is currently in the process of preparing a notice of proposed rulemaking to update the remaining child development facilities rules.

Subsection 332.1 of Section 332 (Center Director Qualifications) of Chapter 3 (Child Development Facilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations is amended by adding a new paragraph (g) to read as follows:

1. Subsection 332.1 is amended to read as follows:

a. Paragraph (e) is amended by striking the word "or" at the end.

b. Paragraph (f) is amended by striking the period at the end and inserting the phrase "; or" in its place.

c. A new paragraph (g) is added to read as follows:

(g) A Montessori school director, shall have at least forty-eight (48) hours successful course completion from a regionally accredited or OSSE approved college or university; a Montessori certificate issued by a program accredited by any of the following: the Montessori Accreditation

[1] There is also one additional prior proposed rulemaking containing Montessori-related amendments published on January 22, 2010, at 57 DCR 998. This proposal was slightly revised and reproposed in the July 30, 2010, notice of proposed rulemaking. Comments received for both proposals have been taken into consideration.

Commission for Teacher Education, National Center for Montessori Education, or the Association Montessori Internationale; and at least three (3) years supervised experience working with children in a licensed District of Columbia child development center or its equivalent in another jurisdiction.

2. Subsection 334.1 is amended to read as follows:

Subsection 334.1 of Section 334 (Teacher Qualifications) of Chapter 3 (Child Development Facilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations is amended by adding a new paragraph (f) to read as follows:

a. Paragraph (d) is amended by striking the word "or" at the end.

b. Paragraph (e) is amended by striking the period at the end and inserting the phrase "; or" in its place.

c. A new paragraph (f) is added to read as follows:

(f) Montessori school teacher, at least forty-eight (48) credit hours of successful completion of course work from a regionally accredited or OSSE approved college or university; a Montessori certificate issued by a program accredited by any of the following: the Montessori Accreditation Commission for Teacher Education, National Center for Montessori Education, or the Association Montessori Internationale; and at least two (2) years supervised experience working with children in a licensed District of Columbia child development center or its equivalent in another jurisdiction.

Section 343 (Group Size and Adult/Child Ratios) is amended by adding new subsections 343.9, 343.10, and 343.11) to read as follows:

343.9 A licensed Montessori child development center that is duly accredited by American Montessori Society (AMS) and the Association Montessori Internationale (AMI) or otherwise approved by the State Superintendent of Education for the District of Columbia may exceed the adult to child ratio or group size requirement by no more than fifty percent (50%) of the ratios established in this chapter.

343.10 When children of varying ages anywhere from ages two (2) years or older are grouped together in conformance with Montessori accreditation standards, the average age of all of the children in the age group of two (2) through five (5) years shall be used to determine the group's maximum size and appropriate adult-to- child ratio.

343.11 A program may be granted an exemption to the adult-to-child ratio if the program submits a written request to OSSE. This request shall include at minimum the following information:

(a) A detailed description of the program model including evidence and history that demonstrate the effectiveness of the model;

(b) An explanation as to why an exception to the adult-to-child ratio is integral to the delivery of the program model; and

(c) An explanation and supporting evidence that the proposed adult to child ratio shall not jeopardize the basic health and safety of participating children.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(b)(1)(D), (G), 14, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(D), (G), 50-313 and 50-320(a) (2009 Repl.; 2012 Supp.)) ("Act"); and Section 12 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)), hereby adopts amendments to Chapters 4 (Taxicab Payment Services), 5 (Taxicab Companies, Associations and Fleets), 6 (Taxicab Parts and Equipment), 8 (Operation of Taxicabs), and 9 (Insurance Requirements) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments are promulgated pursuant to the Commission's duty to establish standards and requirements relating to equipment and equipment design, D.C. Official Code § 50-307(b)(1)(G), and the Office of Taxicab's authority to enforce Commission rules, D.C. Official Code § 50-312, and are intended to implement the directive of Section 20g(a)(3) of the Act (added by Section 2(s) of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-184; 60 DCR 7590)). Pursuant to this statutory authority, the Commission hereby establishes the uniform color scheme for taxicabs in the District, to include both independent and company-owned vehicles.

An initial Notice of Proposed Rulemaking was published in the *D.C. Register* on May 10, 2013, at 60 DCR 6691. The Commission held a public hearing on the uniform taxicab color/design on May 29, 2013, and received valuable comments from the public. A Second Notice of Proposed Rulemaking was approved by the Commission on June 25, 2013 and published in the *D.C. Register* on July 12, 2013 at 60 DCR 10107. No further comments were received during the comment period, which ended on August 10, 2013. The Commission voted to adopt these rules as final on August 19, 2013. These final rules will be effective upon publication of this notice in the D.C. Register.

Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Chapter 4, TAXICAB PAYMENT SERVICES, is amended as follows:

Subsection 499, DEFINITIONS, is amended as follows:

The definitions of "Association", "Company", "Fleet", and "Independently Operated Taxicab" are amended to read as follows:

Association – a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, name, logo, or insignia.

Company – a person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs utilizing the same identifying name, logo, or insignia, as approved by the Office.

Fleet – a group of twenty (20) or more taxicabs utilizing the same identifying name, logo, or insignia and having unified control by ownership or by association.

Independently Operated Taxicab – a taxicab operated by an individual owner that is not part of a fleet, company, or association and that does not operate under the name, logo, or insignia of any fleet, company, or association.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, is amended as follows:

Section 501, INITIAL AND RENEWAL CERTIFICATES AND LICENSES; FILING REQUIREMENTS, is amended as follows:

Subsection 501.4(d) and (e) are amended to read as follows:

(d) The trade name and any design, insignia, logo, term, symbol, lettering, or other exterior object, pursuant to § 503 of this chapter; and

(e) The specially-equipped taxicab vehicle information, where applicable, required to be submitted by § 604 of this title.

Subsection 501.5 is amended to read as follows:

501.5 The Office shall verify all the information provided in response to §§ 501.3 and 501.4 of this section and provide a preliminary approval of the name, logo, or insignia before each application is presented to the Office for approval.

Subsection 501.6(f) is amended to read as follows:

(f) Three (3) three inch by five inch (3″ x 5″) pictures of the Office-approved name, logo, and insignia information displayed on the front, right side, and rear of the taxicab; and

Section 503, TAXICAB COLORINGS AND MARKINGS, is amended to read as follows:

503 TAXICAB COLORINGS AND MARKINGS

503.1 Uniform color scheme. Effective October 1, 2013, each vehicle in the District intended for use as a taxicab shall comply with the uniform color scheme in § 503.3 if;

(a) It is entering service as a new vehicle; or

(b) For any reason it is repainted in whole or in part, or is required to be repainted in whole or in part by any provision of this title or by any other District of Columbia law or regulation; or

(c) It is a replacement vehicle, including a vehicle entering service according to the gradual removal schedule of § 609 of this title.

503.2 A taxicab that fails to comply with this section shall not be operated. Each taxicab operated in violation of this section shall subject the owner and operator to the civil penalties set forth in this chapter, including impoundment of the vehicle.

503.3 The uniform color scheme for District taxicabs is established as provided in this subsection. Each vehicle shall:

(a) Be painted red in color to match the D.C. Circulator: 3M Controltac Graphic Film color Geranium 180C-63;

(b) Bear a vehicle model specific stripe decal on both sides that: aligns with the bottom of the taxicab tail light at the rear of the vehicle, is made of 3M Controltac Plus Film (or equivalent), and matches Pantone Warm Gray 2 in color;

(c) Bear decal letters of the name of the taxicab company, association, or fleet name, or the name of the owner for an independently operated taxicab, and a customer service telephone number on both front side doors (driver and passenger). The decal letters shall be the color black, in Calibri font, using capital letters that are two and fifteen sixteenths inches (2-15/16″) in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);

(d) Bear decal letters of the taxicab company, association, or fleet name and fleet vehicle number, if applicable, or the name of the owner and independent taxicab number, if applicable, which shall be on the rear of the body so as to be clearly visible from the rear, on either side of and in alignment with the center of the vehicle manufacturer placed logo. The decal letters shall be the color black, in Calibri font, using capital letters that are one and one half (1-1/2) inches in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);

(e) Display a DCTC Certification Decal, of a size and shape determined by the Office, which shall be affixed in the lower left hand corner of the rear passenger window; and

(f) If the owner has received express written approval from the Office, an insignia, logo, term, or symbol may be placed on the vehicle, consistent with the requirements of § 503.7, as follows —

(1) If the owner is a taxicab company, or the vehicle is associated with a taxicab association or fleet, the insignia or logo of such company, association, or fleet may be centered on both rear passenger doors, which shall be no more than seventeen inches (17″) in width and shall be two inches (2″) from the closest gray edge/field; and

(2) Based on specifications set forth in one or more Office orders, where the vehicle is an alternative fuel vehicle, a term or symbol commonly used in the motor vehicle or taxicab industry to mark such vehicle may be placed on the vehicle.

503.4 Additional information about the specifications for the uniform color scheme shall be maintained on the Commission's website.

503.5 It shall be the responsibility of each taxicab company, association, or fleet to ensure that any taxicab bearing its name, insignia, or logo is on the insurance list filed with the Office for that company, association, or fleet.

503.6 The operation of a taxicab bearing a name, insignia, or logo in violation of this section shall be presumptive evidence that the operator and the owner are in violation of § 816 (fraud).

503.7 Review process for proposed display of insignia, logo, term, or symbol.

(a) An owner interested in displaying an insignia, logo, term, or symbol on its vehicle pursuant to § 503.3(f) shall submit an application under oath, in a form acceptable to the Office, accompanied by the appropriate fee, and —

(1) Either —

(A) If the application seeks approval of a taxicab company, association, or fleet insignia or logo, pursuant to § 503.3(f)(1): an electronic rendering of the design accurately depicting the insignia or logo and its proposed location(s) on the vehicle; or

(B) If the application is for a term or symbol for an alternative fuel vehicle, pursuant to § 503.3(f)(2), then a website URL

for a trade or industry association or vehicle manufacturer website where the term or symbol may be found and reflects that the term or symbol is commonly used in the motor vehicle or taxicab industry to mark such vehicle, and an electronic rendering accurately depicting the term or symbol and its proposed location(s) on the vehicle; and

(2) Such additional information and documentation that the Office may require to evaluate the request.

(b) The Office shall deny an application where the proposed insignia, logo, term or symbol would be offensive, in poor taste, confuse or mislead consumers, undermine the uniform color scheme, or violate any provision of this title or other applicable law.

(c) The Office shall render its decision to grant or deny an application in writing within thirty (30) days, which, if denied, may be appealed to the Chairman, whose decision shall be a final, appealable order of the Office.

(d) If the Office grants its approval, the owner shall complete placement of the insignia, logo, term, or symbol on all of its vehicles within sixty (60) days of the issuance of the approval.

503.8 Prohibitions.

(a) No paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, or lettering shall be placed on any taxicab unless it complies with this section or the owner has obtained the express written approval of the Office.

(b) There shall not be placed on or in any taxicab, paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, lettering or other exterior object which has, tends to have, or may have the effect of confusing, misleading, or deceiving the public.

Section 504, COLOR SCHEME APPROVAL, is repealed.

Section 505, INDEPENDENT TAXICABS, is amended as follows:

Subsections 505.1 and 505.2 are amended to read as follows:

505.1 The Office shall not issue independent taxicab numbers.

505.2 Existing independent taxicab numbers shall only be displayed on taxicabs:

(a) In a manner consistent with § 503.3(d); and

(b) By the independent owner in possession of the independent taxicab number after October 1, 2013.

Section 506, TAXICAB REMOVAL FROM SERVICE, is amended to read as follows:

506 TAXICAB REMOVAL FROM SERVICE

506.1 Immediately upon withdrawing a vehicle from use as a taxicab, the owner shall remove any design, insignia, logo, term, symbol, lettering, or other exterior object or trade, association, company or owner's name, and vehicle number and remove the dome light and H-tag.

506.2 Upon removal of a vehicle from service the owner shall notify the association, company, or fleet and immediately surrender the H-tag to DMV.

Section 516, COOPERATION WITH THE COMMISSION, is repealed.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:

Section 602, TAXIMETERS, is amended as follows:

Subsection 602.1(d) is amended to read as follows:

(d) Whenever the Office issues an Office Order requiring taxicab owners to gather or report information, each taxicab company, association or fleet shall be responsible for the gathering or reporting of such information from each taxicab operator associated with such company, association or fleet. The company, association, or fleet shall be a conduit of that information to the Commission without liability for the transmission of such information to the Commission.

Section 609, AGE OF TAXICAB, is amended as follows:

Subsection 609.6 is amended to read as follows:

609.6 Effective immediately, §§ 609.2 and 609.3 of this section are suspended and shall not be enforced by the Commission until December 1, 2013, at which time they shall resume their effect and shall be enforced as if this suspension had not occurred.

Chapter 8, OPERATION OF TAXICABS, is amended as follows:

Section 825, TABLE OF CIVIL FINES AND PENALTIES, is amended as follows:

Subsection 825.2 is amended to amend the wording of the infraction for "Insignia" to read as follows:

825.2	INFRACTION	FINE ($)/PENALTY
	Insignia	
	Owner failure to have proper name, number, logo, or insignia on vehicle	$50

Chapter 9, INSURANCE REQUIREMENTS, is amended as follows:

Section 901, NOTICE OF CANCELLATION, is amended as follows:

Subsection 901.6 is amended to read as follows:

901.6 Sinking fund coverage shall also cease when a member, authorized by the Chairperson of the District of Columbia Taxicab Commission to do so, has changed the name, logo, insignia and identity lettering on any vehicle or vehicles for operation in another association or independently, and has filed with the Office a certificate of insurance or bond, or evidence of sinking fund coverage, if any, by the association to which his or her vehicle has, or vehicles have been, transferred.

Section 906, ACCIDENTS, is amended as follows:

Subsection 906.4 is amended to read as follows:

906.4 Each operator of a public vehicle for hire shall give immediate notice to the owner, company, partnership, or association under whose name, logo or insignia the vehicle is being operated, of each accident accompanied by loss of human life or personal injury, arising directly or indirectly from or connected with the maintenance or operation of the vehicle.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

FINAL NOTICE OF RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(b)(1)(C), (D), (E), (F), (G), (I), (J), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(C), (D), (E), (F), (G), (I), (J) (2009 Repl.), 50-313 (2012 Supp.), 50-319 (2009 Repl.), and 50-320 (2012 Supp.)); D.C. Official Code § 47-2829(b), (d), (e), (e-1), and (i) (2012 Supp.); Section 12 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6052 of the Fiscal Year 2013 Budget Support Act of 2012 ("District of Columbia Commission Fund Amendment Act of 2012"), effective September 20, 2012 (D.C. Law 19-168, D.C. Official Code § 50-320(a)) (2013 Supp.)), hereby adopts amendments to Chapter 12 (Licensing of Limousine Operators, Vehicles and Organizations), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

Proposed rules amending Chapter 12 (Licensing of Limousine Operators, Vehicles and Organizations) of Title 31 DCMR were originally approved by the Commission for publication on February 13, 2013, and published in the *D.C. Register* on March 15, 2013, at 60 DCR 3748. The Commission held a public hearing on the proposed rules on March 29, 2013, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period, which expired on April 13, 2013. A second proposed rulemaking was approved by the Commission on May 1, 2013, and was published in the *D.C. Register* on May 10, 2013 at 60 DCR 6697. A third proposed rulemaking was approved by the Commission on June 25, 2013, and was published in the *D.C. Register* on July 12, 2013 at 60 DCR 10114. The Commission voted to adopt these rules as final on August 19, 2013 and they will become effective upon publication in the *D.C. Register*.

Two changes were made to the rulemaking following the end of the last comment period, which ended on August 10, 2013. An extension of the effective date of certain specific operating requirements applicable only to sedan service was added to reflect the November 1, 2013 effective date in Chapter 14 (Operation of Sedans). The definition of sedan will be effective as of September 1, 2013, and no new sedan-class vehicle may operate after that date unless it meets the definition of sedan contained in Subsection 1299. The extension of the deadline for certain requirements to November 1, 2013, is not substantial, as it was requested by stakeholders, actually lessens the burden of complying with the administrative requirements and clarifies the intent and purpose of the rule. One further change was made to the definition of sedan; the change is a clarifying change as it expands the definition, not restricting any substantial rights of impacted stakeholders. The final rules amend Chapter 12 to establish requirements for luxury class services, which are comprised of limousine service and sedan service.

Chapter 12, LIMOUSINE OPERATORS AND VEHICLES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

The title of Chapter 12 is amended to read as follows:

CHAPTER 12 LUXURY SERVICES – OWNERS, OPERATORS, AND VEHICLES

Section 1200, APPLICATION AND SCOPE, is amended as follows:

Subsections 1200.3 and 1200.4 are added to read as follows:

1200.3 This chapter establishes licensing and operating requirements for luxury class service, comprised of sedan service and limousine service. Additional and more specific operating requirements applicable only to sedan service, beginning on November 1, 2013, are contained in Chapter 14 of this title.

1200.4 In the event of a conflict between a provision of this chapter, and another provision of this title or other applicable law, the more restrictive provision shall control.

Section 1201, GENERAL REQUIREMENTS, is amended to read as follows:

1201 GENERAL REQUIREMENTS

1201.1 Operators may be licensed by the Office of Taxicabs (Office) pursuant to § 1209 to provide limousine service, sedan service, or both, and luxury class service (LCS) vehicles may be licensed by the Office pursuant to § 1204 for use as limousines, as sedans, or both. All LCS vehicles may be used as limousines, but only LCS vehicles meeting the definition of "sedan" in § 1299.1 may be operated as sedans.

1201.2 The Office may issue Office orders approving certain vehicles as meeting the definition of "sedan" under § 1299.1.

1201.3 Operator requirements. An individual shall be authorized to provide luxury class services if he or she:

(a) Has a valid and current driver's license from the Department of Motor Vehicles (DMV);

(b) Has a valid and current District of Columbia Taxicab Commission (DCTC) operator's license authorizing the person to provide luxury class service under § 1209; and

(c) Is in compliance with Chapter 9 (Insurance Requirements) of this title.

1201.4 Vehicle requirements. A vehicle shall be authorized to provide luxury class services if it:

(a) Has been approved and licensed by the Office pursuant to § 1204 for use as a sedan, a limousine, or both;

(b) Is registered and displays valid and current livery tags (also called "L-tags") from DMV;

(c) Has a valid and current inspection from DMV pursuant to § 1215 and applicable DMV regulations, including inspection for current compliance with the definition of a sedan under § 1299.1, where applicable;

(d) Is operated in compliance with § 1201.5; and

(e) Is in compliance with Chapter 9 (Insurance Requirements) of this title.

1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the following requirements are met:

(a) The operator is in compliance with § 1201.3;

(b) The vehicle is in compliance with § 1201.4;

(c) The owner is in compliance with § 1202.1;

(d) The operator is maintaining at the Office current contact information, including his or her full legal name, residence address, cellular telephone number, and, if associated with an LCS organization, contact information for such organization or for the owner for which he or she drives, and informs the Office of any change in the foregoing information within five (5) business days through U.S. Mail with delivery confirmation, by hand delivery, or in such other manner as the Office may establish in an Office order;

(e) The operator is maintaining in the vehicle a manifest that:

(1) Is either:

(A) In writing, compiled by the operator not later than the end of each shift using documents stored safely and securely in the vehicle; or

(B) Electronic, compiled automatically and in real time throughout each shift;

(2) Is in a reasonable, legible, and reliable format that safely and

securely maintains the information;

(3) Reflects all trips made by the vehicle during the current shift;

(4) Includes the date, the time of pick up, the address or location of the pickup, the final destination, and the time of discharge;

(5) Does not include terms such as "as directed" in lieu of any information required by this paragraph; and

(6) Is kept in the vehicle readily available for immediate inspection by a District enforcement official (including a public vehicle enforcement inspector (hack inspector)).

(f) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;

(g) Beginning November 1, 2013, where sedan service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 (Operation of Sedans) of this title;

(h) The trip is not booked in response to a street hail solicited or accepted by the operator or by any other person acting on the operator's behalf; and

(i) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.

1201.6 The penalty for a violation of § 1201.4(i) by an operator providing LCS service shall be a civil fine of five hundred dollars ($500), or any other penalty or combination of penalties authorized by § 1218.

1201.7 Notwithstanding any other provision of this title, an LCS vehicle, for which valid and current livery tags have been issued by both DMV and by the motor vehicle licensing agency of another jurisdiction, may operate in the District during such times when:

(a) It displays valid and current tags from such other jurisdiction;

(b) It displays on its windshield a valid and current vehicle registration sticker from DMV; and

(c) The luxury tags issued by DMV are maintained in the vehicle available for inspection upon demand by a District enforcement official and such vehicle is otherwise in full compliance with this chapter.

The title of Section 1202 is amended to read as follows:

LICENSING OF VEHICLE OWNERS

Section 1202, LICENSING OF VEHICLE OWNERS, is amended as follows:

Subsection 1202.1 is amended to read as follows:

1202.1 No LCS organization, or owner of an independently operated LCS vehicle, shall operate in the District without first paying the applicable fee and obtaining a certificate of authority to operate. Applicable fees are as follows:

(a) LCS organizations: four hundred seventy five dollars ($475) (annual operating authority of three hundred seventy five dollars ($375) and a business license fee of one hundred dollars ($100)), and;

(b) Owners of independently operated vehicles: two hundred fifty dollars ($250) (annual operating authority of one hundred fifty dollars ($150) and a business license fee of one hundred dollars ($100)).

The lead-in text to Subsection 1202.2 is amended to read as follows:

1202.2 Each LCS organization shall file with the Office, in addition to other information and data required by law, the following:

Paragraph 1202.2(d) is amended to read as follows:

(d) The name and residence address of the lessee and owner of each LCS vehicle operated by the organization;

Paragraph 1202.2(f) is amended to read as follows:

(f) The ownership, seating capacity, make, year, weight, and vehicle identification number of all vehicles;

Paragraphs 1202.2(l) and 1202.2(m) are amended to read as follows:

(l) A description of service(s) to be rendered, including time(s) of operation; and

(m) A schedule of rates and charges consistent with the information required by § 1202.10.

Subsection 1202.4 is amended to read as follows:

1202.4 Each base owner and LCS organization shall comply with all record keeping procedures established by the Commission. The operational information required to be maintained by § 1202.2 shall be safeguarded and maintained at the office of

the organization for a period of five (5) years.

Subsection 1202.9 is amended to read as follows:

1202.9 Any LCS organization that fails to timely file information as required in § 1202.2 shall be subject to a civil fine of two-hundred fifty dollars ($250).

A new Subsection 1202.10 is added as follows:

1202.10 Each vehicle owner that fails to timely renew its license under this section shall be subject to a civil fine of five-hundred dollars ($500).

A new Subsection 1202.11 is added as follows:

1202.11 Each LCS organization shall, at all times, post its current rates and charges for its limousine service(s) on its website. Limousine rates and charges shall be established on a daily basis and shall not be changed until the following day, provided however that rates and charges may be changed at any time if reasonably based on a declaration of emergency affecting the entire District of Columbia as issued by the Mayor of the District of Columbia. No fare may be charged by an LCS organization based on a rate or charge that is not posted or maintained with the Office as provided in this subsection at the time of the booking. This subsection shall not be construed to allow an LCS Organization to alter or amend a pre-existing contract for service.

Section 1203, REQUIREMENT OF BASE OWNER, is amended as follows:

Subsection 1203.1 is amended to read as follows:

1203.1 Each limousine or sedan base owner may maintain an office in the District with an operable telephone number listed in the name of the organization.

The title of Section 1204 is amended to read as follows:

LICENSING OF LCS VEHICLES

Section 1204, LICENSING OF LCS VEHICLES, is amended as follows:

Subsections 1204.1 through 1204.7 are amended to read as follows:

1204.1 An owner or lessee of a vehicle proposed to be operated as an LCS vehicle ("applicant"), in the District shall first obtain a license for such vehicle from the Office prior to applying for L-Tags at DMV.

1204.2 Each applicant shall file an application for each vehicle license using a form approved by the Office, accompanied by the applicable fee. Each application

shall set forth the applicant's lawful name, business address(es), business and mobile telephone numbers, tax identification number, and an indication of whether the applicant intends to operate the vehicle as a limousine, as a sedan, or as both.

1204.3 Each applicant shall present evidence that the vehicle has been inspected for safety by DMV.

1204.4 The Office shall inspect the vehicle to determine whether it meets the definitions of "sedan", "limousine", or both, as set forth in § 1299.1, consistent with the applicant's stated intentions for the use of vehicle.

1204.5 Upon receipt of an application and evidence satisfactory to the Office that all requirements have been met, including the DMV inspection required by § 1204.3, the Office shall issue a license to the owner. Otherwise, the Office shall not issue a license to the owner.

1204.6 The fee for each license to operate a vehicle for luxury class service shall be one-hundred dollars ($100) for each vehicle.

1204.7 Each vehicle license shall be in the form prescribed by the Office and shall contain any information the Office considers appropriate.

The title of Section 1205 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS

Section 1205, LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS, is amended as follows:

Subsection 1205.1 is amended to read as follows:

1205.1 Each applicant for a license to operate an LCS vehicle ("applicant") shall be at least eighteen (18) years of age.

Subsection 1205.6 is amended to read as follows:

1205.6 No operator's license shall be issued by the Office to any person who is required by this chapter to take and pass an examination unless that person has successfully passed an examination that shall include testing of the applicant's ability to read, write, and speak the English language.

Subsections 1205.12 and 1205.13 are amended to read as follows:

1205.12 Notwithstanding the provisions of § 1205.11, if the parole or the probation arose out of a conviction other than those listed in § 1205.13, the parolee's or

probationer's application may be considered for approval if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of a limousine or sedan operator's license.

1205.13 An applicant shall not be considered of good moral character if the applicant has been convicted of or has served any part of a sentence for the following crimes, or an attempt to commit any of the following crimes, within the three (3) year period immediately preceding the filing of the application:

(a) Murder, manslaughter, mayhem, malicious disfiguring of another, arson, kidnapping, burglary, housebreaking, robbery, theft, fraud, or unlawful possession of a firearm;

(b) Assault with the intent to commit any offense punishable by imprisonment in the penitentiary;

(c) A sexual offense proscribed by D.C. Official Code § 22-1901 (incest), §§ 22-3101 to 22-3103 (sexual performances using minors), §§ 22-2701 to 22-2722 (prostitution and pandering), §§ 22-3002 to 22-3020 (sexual abuse) or, an act committed outside the District that, if committed in the District, would constitute an offense under the foregoing statutes;

(d) A violation of the D.C. Uniformed Controlled Substances Act of 1981 or the Drug Paraphernalia Act of 1982, (D.C. Official Code §§ 48-901.01, *et seq.* and §§ 48-1101 *et seq.*) or, an act committed outside the District that, if committed in the District, would constitute an offense under the foregoing statutes;

(e) Any criminal offense committed against a passenger; or

(f) Any criminal offense committed against any person that involves the use of a public vehicle-for-hire in a wanton, reckless, depraved, or malicious manner.

The title of Section 1206 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS

Section 1206, LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS, is amended as follows:

Section 1206.1 is amended to read as follows:

1206.1 Each application for an operator's license shall use a form provided by the Office, shall indicate the applicant's choice of whether such applicant proposes to be

licensed to provide limousine service, sedan service, or both, and shall be accompanied by the applicable fee.

Section 1206.3 is amended to read as follows:

1206.3 Each application shall be accompanied by two (2) new full face and one (1) profile head and shoulders color photographs, measuring one and three quarter inches by one and seven-eighths inches ($1\ ^{3}/_{4}$ in. x $1\ ^{7}/_{8}$ in.) in size.

Section 1206.7 is amended to read as follows:

1206.7 If the applicant is a member of the Armed Forces at the time the application is filed, the application shall be accompanied by written permission of the appropriate commanding officer permitting the applicant to receive an operator's license.

The title of Section 1207 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – HEALTH REQUIREMENTS

Section 1207, LICENSING OF LCS VEHICLE OPERATORS – HEALTH REQUIREMENTS, is amended to read as follows:

1207.1 Each application for a new or renewal operator's license shall be accompanied by a certificate from a licensed physician who resides in the Washington Metropolitan Area.

1207.2 The certificate shall be on a form provided by the Office executed under penalty of perjury.

1207.3 The certificate shall be executed no earlier than thirty (30) days before the date on which the application is filed.

1207.4 The certificate shall not be considered sufficient to support an application unless it contains all of the following:

(a) A statement that the applicant is not afflicted with any disease or infirmity, such as a contagious disease, epilepsy, vertigo, fainting spells, blackouts, attacks of dizziness, or another medical condition that, in the discretion of the Office, may render the applicant unsafe or unsatisfactory as a vehicle operator;

(b) A statement that the applicant has central visual acuity of at least twenty/forty (20/40) in one (1) eye, either unassisted or assisted by glasses or contact lenses, and hearing of at least ten/twenty (10/20) in one (1) ear; and

(c) Such additional information or documentation relating to the applicant's past or present medical history as the Office deems appropriate.

The title of Section 1208 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – INVESTIGATION, EXAMINATION, AND EDUCATION REQUIREMENTS

Section 1208, LICENSING OF LCS VEHICLE OPERATORS – INVESTIGATION, EXAMINATION, AND EDUCATION REQUIREMENTS, is amended as follows:

1208.1 Upon receipt of an application for a license to operate, the Office shall investigate each applicant to verify the identity and determine the competency, fitness, and eligibility of the applicant for a license.

1208.2 Each applicant shall attend and complete such courses of training and education as the Office requires, and shall successfully pass such tests as the Office requires as conditions for licensing.

The title of Section 1209 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES

Section 1209, LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES, is amended as follows:

Subsections 1209.2 and 1209.4 of are amended to read as follows:

1209.2 Each operator's license shall have marked upon its face a statement indicating that it is valid only for the luxury class of service(s) for which it is issued, and such additional terms and conditions as the Office may deem necessary (such as statements that the document is nontransferable and may not be duplicated).

1209.4 Each person to whom an operator's license has been issued shall, during the term of the license, reside within the Washington Metropolitan Area, and shall, no later than five (5) days following the termination of the residence within the Washington Metropolitan Area, surrender the license to the Office.

Section 1210, DENIAL OF LICENSE AND REAPPLICATION, is amended as follows:

Subsection 1210.1 is amended to read as follows:

1210.1 An applicant who has been denied a license to operate under this chapter for reasons other than for failure to complete successfully an examination may file a new application for a license after the expiration of not less than six (6) months

after the denial.

Section 1211, LOSS, THEFT OR DESTRUCTION OF LICENSE, is amended as follows:

Subsection 1211.1 is amended to read as follows:

1211.1 In case of the loss, theft, or destruction of any operator or vehicle license issued pursuant to this chapter, the licensee shall immediately notify the Office of the loss, theft, or destruction.

The title of Section 1212 is amended to read as follows:

ENFORCEMENT OF THIS CHAPTER

Section 1212, ENFORCEMENT OF THIS CHAPTER, is amended to read as follows:

1212.1 The enforcement of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

The title of Section 1213 is amended to read as follows:

WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING SEDAN SERVICE

Section 1213, WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING SEDAN SERVICE, is amended to read as follows:

1213.1 Each LCS organization with twenty (20) or more sedan class vehicles in its fleet that does not have wheelchair-accessible vehicles in its fleet shall provide contact information for LCS organizations that do have such vehicles, when requested by a customer.

1213.2 Each LCS organization with twenty (20) or more vehicles licensed under this Chapter to be operated as sedans on or after the effective date of this rulemaking, shall dedicate a portion of such vehicles as follows:

(a) At least six percent (6%) of such vehicles shall be wheelchair-accessible by December 31, 2014;

(b) At least twelve percent (12%) of such vehicles shall be wheelchair-accessible by December 31, 2016; and

(c) At least twenty percent (20%) of such vehicles shall be wheelchair-accessible by December 31, 2018.

The title of Section 1214 is amended to read as follows:

RENEWAL OF OPERATOR LICENSE

Section 1214, RENEWAL OF OPERATOR LICENSE, is amended as follows:

Subsection 1214.1 is amended to read as follows:

1214.1 A licensed operator may seek to renew the license by applying at the Office beginning forty-five (45) days prior to the expiration of the license.

Subsection 1214.3 is amended to read as follows:

1214.3 If an individual fails to submit an application to renew the license to operate for ninety (90) days following the expiration date of the license, he or she shall be required to apply for a new license to operate pursuant to the provisions of this chapter.

The title of Section 1215 is amended to read as follows:

VEHICLE SAFETY AND COMPLIANCE

Section 1215, VEHICLE SAFETY AND COMPLIANCE, is amended to read as follows:

1215.1 Each luxury class vehicle shall be inspected annually by DMV to determine whether it is in compliance with:

(a) All applicable DMV motor vehicle regulations and other applicable laws;

(b) All applicable provisions of this title, including those related to the vehicle's interior and exterior, body, cleanliness, repairs, mechanical parts, and the vehicle license issued by the Office under § 1204.5.

1215.2 A District enforcement official may inspect and test a vehicle's lights, brakes, steering assembly, tires, horn, component of a system used to calculate fares, process payments or print receipts, or any other device or equipment installed in the vehicle or authorized or required by a provision of this title or Title 18 of the DCMR, at any time when such vehicle is on the public streets or on public space.

1215.3 A District enforcement official may order the removal from a public street or public space any luxury class vehicle that appears to be unsafe or improperly equipped and may order the owner or operator to promptly take the vehicle to a District motor vehicle inspection station, for the purpose of re-inspection, without regard to whether or not the vehicle displays a valid and current DMV inspection sticker.

1215.4 No person may operate, move, or permit the operation or use of any vehicle that is mechanically unsafe, improperly equipped, or otherwise unfit to be operated. Such vehicles shall be impounded.

1215.5 The Office may from time-to-time institute vehicle equipment inspection checkpoints to randomly inspect vehicles for the protection of passengers and the general public. Such vehicle equipment inspection checkpoints shall be operated in accordance with this title and all other applicable laws.

Section 1217, ADVERTISING, is amended as follows:

Subsection 1217.1 is amended to read as follows:

1217.1 No advertising or advertising device shall be placed on or in any LCS vehicle except with the written approval of the Office.

Section 1218, PENALTIES, is amended to read as follows:

1218 PENALTIES

1218.1 Each violation of this chapter by an operator shall subject the violator to:

(a) Except where otherwise provided in this chapter, a civil fine not to exceed two hundred fifty dollars ($250), provided, however, that the applicable fine for a violation of this chapter shall be doubled for the second offense within any twenty four (24) month period and tripled for the third and any subsequent offense within such period;

(b) The suspension, revocation, or non-renewal of the violator's DCTC operator's license issued under this chapter;

(c) Impoundment of a vehicle found to be operating in violation of this chapter; or

(d) A combination of the sanctions listed in Paragraphs (a)-(c) of this subsection.

1218.2 Each violation of this chapter by an LCS organization shall subject the violator to:

(a) A civil fine not to exceed five hundred dollars ($500); provided, however, that the applicable fine for a violation of this chapter shall be doubled for the second offense within any twenty four (24) month period and tripled for the third and any subsequent offense within such period;

(b) The suspension, revocation, or non-renewal of the LCS organization's operating authority issued under this chapter;

(c) Impoundment of each vehicle owned by the organization found to be operating in violation of this chapter; or

(d) A combination of the sanctions listed in Paragraphs (a)-(c) of this subsection.

The title of Section 1219 is amended to read as follows:

RECIPROCITY WITH SURROUNDING JURISDICTIONS

Section 1219 RECIPROCITY WITH SURROUNDING JURISDICTIONS

1219.1 The reciprocity provisions of § 828 of this title shall apply to all luxury class service.

A new Section 1220 is added to read as follows:

1220 PROHIBITIONS

1220.1 No person shall participate in providing LCS services in the District unless such person is in compliance with all applicable provisions of this chapter, all other applicable provisions of this title, and other applicable laws.

1220.2 No operator shall provide limousine service except as provided in this chapter.

1220.3 Beginning November 1, 2013, no operator shall provide sedan service except as provided in this chapter and in Chapter 14 (Operation of Sedans) of this title.

1220.4 Beginning November 1, 2013, no LCS organization or base owner shall knowingly permit the use of its LCS vehicle in violation of this chapter or Chapter 14 of this title.

Section 1299, DEFINITIONS, is amended to read as follows:

1299.1 When used in this chapter, the following words and phrases shall have the meaning ascribed.

Associates – is a voluntary relationship of employment, contract, ownership, or other legal affiliation. An association not in writing shall be ineffective for purposes of this title.

Contract reservation – an advance booking for limousine service that includes the start time and the hourly rate.

Customer – a person that requests public vehicle-for-hire service on behalf of any person.

DCTC public vehicle-for-hire license – a vehicle license issued pursuant to D.C. Official Code § 47-2829(h) (2012 Supp.).

District enforcement official – a public vehicle enforcement inspector (hack inspector) or other authorized official, employee, or general counsel of the Office, or a law enforcement official authorized to enforce a provision of this title.

DMV – D.C. Department of Motor Vehicles.

EPA – U.S. Environmental Protection Agency.

DCTC identification card (face card) – the licensing document for an operator's license issued under D.C. Official Code § 47-2829(i) (2012 Supp.).

Impoundment – impoundment that occurs pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993, (D.C. Law 9-199, D.C. Official Code § 50-331 (2012 Supp.)).

Independently Operated Vehicle – an LCS vehicle not associated with an LCS organization.

Limousine – any LCS vehicle.

LCS organization – an owner of two (2) or more LCS vehicles.

Licensing document - a physical or electronic document issued to a person as evidence that such person has been issued a license under this title.

Livery tags – vehicle tags issued by a motor vehicle licensing agency for a public vehicle-for-hire used to provide luxury class services, including the "L" tags issued by DMV.

Luxury class service or LCS service – limousine and sedan service.

Luxury class vehicle or LCS vehicle – a public vehicle-for-hire that:

(a) Is a "Luxury Sedan", an "Upscale Sedan", or a "Sport Utility Vehicle" ("SUV"), as defined by the EPA (available at: http://www.fueleconomy.gov/feg/powerSearch.jsp), or the Chrysler 300, provided, however, that if it is an SUV, it has a passenger volume of at least one hundred twenty (120) cubic feet;

(b) Does not have a manufacturer's rated seating capacity of ten (10) or more persons, and;

(c) Is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis.

Operator – an individual who operates an LCS vehicle.

Owner – a person, corporation, partnership, or association, including an LCS organization or independent owner, that holds the legal title to an LCS vehicle, the registration of which is required in the District of Columbia. If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee, or mortgagor shall be considered the owner.

Sedan – a public vehicle-for-hire that:

(a) Meets the requirements for a luxury class vehicle;

(b) Is not stretched;

(c) Is any "dark" color other than 15-1150 TCX, 15-1150 TPX, 16-035 TCX, or 16-035 TPX, or any "black" color, as defined by Pantone LLC (available at: http://www.pantone.com/pages/pantone/colorfinder.aspx); and

(d) Has a passenger volume of at least ninety five (95) cubic feet, according to the EPA (available at: http://www.fueleconomy.gov/feg/powerSearch.jsp).

Washington Metropolitan Area – has the same meaning ascribed in § 499.1.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(b)(1)(C), (D), (E), (F), (G), (I), (J), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(C), (D), (E), (F), (G), (I), (J) (2009 Repl.), 50-313 (2012 Supp.), 50-319 (2009 Repl.), and 50-320 (2012 Supp.)); D.C. Official Code § 47-2829(b), (d), (e), (e-1), and (i) (2012 Supp.); Section 12 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6052 of the Fiscal Year 2013 Budget Support Act of 2012 ("District of Columbia Commission Fund Amendment Act of 2012"), effective September 20, 2012 (D.C. Law 19-168, D.C. Official Code § 50-320(a)) (2013 Supp.)), hereby gives notice of its to adopt as final rules to establish a new Chapter 14 (Operation of Sedans) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

Proposed rules creating a new Chapter 14 Operation of Sedans) of Title 31 DCMR were originally approved by the Commission for publication on February 13, 2013, and published in the *D.C. Register* on March 15, 2013, at 60 DCR 3761. The Commission held a public hearing on the proposed rules on March 29, 2013, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period, which expired on April 13, 2013. A second proposed rulemaking was approved by the Commission on May 1, 2013, and was published in the *D.C. Register* on May 10, 2013 at 60 DCR 6713. A third proposed rulemaking was approved by the Commission on June 25, 2013, and was published in the *D.C. Register* on July 12, 2013 at 60 DCR 10130. The Commission voted to adopt these rules as final on August 19, 2013 and they will become effective upon publication in the *D.C. Register*.

The Commission has considered submitted comments and has included an extension of the effective date of specific operating requirements applicable to sedan service set forth in this chapter until November 1, 2013. As a result, those applicable provisions of Chapter 14 shall not be effective until November 1, 2013, with the exception, as reflected in § 1401.1, that although the operating requirements for sedans are extended until November 1, the definition of sedan is effective as of September 1, 2013, and no new sedan-class vehicle may operate after that date unless it meets the definition of sedan contained in Subsection 1299 of Chapter 12. The extension of the deadline for certain requirements to November 1, 2013, is not substantial, as it was requested by stakeholders and actually lessens the burden of complying with the administrative requirements. The rulemaking establishes a new Chapter 14 to institute substantive rules governing the operation of public vehicle-for-hire operators and vehicles licensed pursuant to Chapter 12 (Luxury Services – Owners, Operators and Vehicles) of this title, to provide sedan service in the District of Columbia.

The Commission intends to add Chapter 14, OPERATION OF SEDANS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR to read as follows:

CHAPTER 14 OPERATION OF SEDANS

1400 APPLICATION AND SCOPE

1400.1 This chapter establishes substantive rules governing the operation of sedan service in the District, including rules to ensure the safety of passengers and operators, to protect consumers, and to collect a sedan passenger surcharge.

1400.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301, *et seq*.).

1400.3 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

1401 GENERAL PROVISIONS

1401.1 Effective November 1, 2013 (except as otherwise provided in Paragraph (e) of this subsection), each sedan class trip in the District shall meet the following requirements:

(a) It shall be booked through a digital dispatch;

(b) It shall be paid for by a digital payment;

(c) The digital dispatch and digital payment shall be processed through a digital payment system that meets the requirements of § 1404 and is included in a digital dispatch service (DDS)'s current certificate of operating authority issued under Chapter 16 of this title;

(d) The DDS shall be in compliance with this chapter and Chapters 4 and 16; and

(e) The vehicle, owner and operator shall be in compliance with this chapter and Chapter 12; provided, effective September 1, 2013, no vehicle shall provide a sedan class trip in the District unless the vehicle meets the definition of "sedan" set forth in § 1299.1.

1401.2 Any person that violates the requirements of § 1401.1 or other provision of this chapter will be subject to civil penalties, including impoundment of the vehicle.

1401.3 No person shall provide digital dispatch or digital payment for sedans in the District unless such person is a digital dispatch service with a current certificate of operating authority under Chapter 16 that includes a digital payment system for sedans under this chapter.

1401.4 Each DDS interested in marketing a digital payment system to sedan owners and operators shall apply for and obtain an initial, renewed, or amended certificate of operating authority under Chapter 16 that includes approval of such digital payment system. Each DDS with such operating authority shall comply with the provisions of this chapter and Chapter 16 of this title.

1401.5 Each operator, vehicle, and luxury class service (LCS) organization or independent operator that participates in providing sedan service shall at all times comply with the provisions of this chapter, Chapter 12 (Luxury Services – Owners, Operators, and Vehicles) of this title, and other applicable laws, including reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service (including those in § 828 to the same extent as taxicabs).

1401.6 All costs associated with a digital payment system, including those associated with development (which may arise while seeking approval of a digital payment system under Chapter 16), compliance with any provision of this title or other applicable law, compliance with an Office of Taxicabs (Office) order, service and support, upgrade, installation, operation, repair, and maintenance, shall be the responsibility of the DDS, but may be allocated by written agreement among the DDS and the owners and operators with which it associates.

1401.7 Nothing in this chapter shall be construed to solicit or create a contractual relationship between the District and any person.

1402 SEDAN CLASS RATES AND CHARGES

1402.1 Passenger rates and charges for sedan class service shall:

(a) Be based on time and distance rates as set by the DDS except for a set fare for a route approved by the Office order for a well-traveled route, including a trip to an airport or to an event;

(b) Be disclosed to the passenger in a statement of the DDS' fare calculation method;

(c) Be used to calculate an estimated fare that shall be offered to the passenger prior to the acceptance of service, which shall state whether demand pricing applies, and, if so, the effect of such pricing on the estimate;

(d) Be consistent with the DDS statement of its fare calculation method posted on its website pursuant to Chapter 16;

(e) Not exceed the estimated fare by more than twenty percent (20%) or twenty five dollars ($25), whichever is less, unless the excess is due to delays or stopovers en route at the direction of the passenger, or other factors beyond the operator's control, such as traffic, accidents, or construction; and

(f) Not include a gratuity that does not meet the definition of a "gratuity".

1403 PASSENGER SURCHARGE AND INVENTORY REQUIREMENTS FOR SEDAN CLASS SERVICE

1403.1 Each DDS that dispatches sedans shall ensure that the sedan passenger surcharge is collected from the passenger and paid to the District for each trip, and shall:

(a) Remit a payment to the District as directed by the Office at the end of each seven (7) day period reflecting the sum of all sedan passenger surcharges owed to the Office for trips made during such period, based on the trip data provided during such period, and sending contemporaneously via email a report to the Office certifying its payment and providing a basis for the amount thereof; and

(b) Cooperate with the Office in the event of a discrepancy between a payment and the trip data from the digital payment system, provided however, that if the DDS and Office are unable to agree on a resolution of a dispute within thirty (30) days, the Office may, in its discretion, make a claim against the security bond to satisfy the amount of the discrepancy.

1403.2 The bond paid to the Office at the time of application under § 1604.3 for an initial, renewed, or amended certificate of operating authority under Chapter 16 that includes approval of such digital payment system shall be returned to the DDS within thirty (30) days following an event that causes the digital payment system to no longer be approved; provided, however, that the bond shall not be returned while there remains a discrepancy in the amount owed for sedan passenger surcharges, or during such time that the bond is required to be maintained with the Office pursuant to Chapter 4 of this title in connection with the operation of a payment service provider for taxicabs.

1403.3 Each DDS that dispatches sedans shall maintain with the Office an accurate and current inventory of the vehicles and operators associated with the DDS to use its digital payment system, including:

(a) For each vehicle:

(1) The name of and contact information for the owner (LCS organization or independent owner/operator);

(2) The vehicle's vehicle identification number (VIN), make, model, and year of manufacture;

(3) A certification that the vehicle is in compliance with Chapter 9 (Insurance Requirements) of this title;

(4) An indication of whether the vehicle is wheelchair accessible;

(5) An indication of whether the vehicle is in active use; and

(b) For each operator:

(1) His or her name and contact information;

(2) His or her District of Columbia Taxicab Commission (DCTC) operator license number;

(3) An indication of whether he or she is actively using the digital payment system (DPS); and

(4) If the operator is associated with an LCS organization, its name and contact information.

1403.4 Each DDS shall file its initial inventory at the time it applies for an initial, amended, or renewed certificate of operating authority under § 1604.2(f).

1404 DIGITAL PAYMENT SYSTEMS – REQUIREMENTS

1404.1 Each digital payment system (DPS) approved by the Office as part of a DDS' initial, renewed, or amended certificate of operating authority under Chapter 16 shall meet the requirements of this section.

1404.2 Equipment requirements. Each DPS unit shall consist of any reasonable combination of digital technologies that:

(a) Allows the owner and operator to provide service in compliance with this chapter and Chapter 12 of this title, and allows the DDS to comply with §§ 1403.3 and 1404; and

(b) Provides the passenger with a written or electronic receipt, before the passenger exits the vehicle, containing:

(1) The date and time of the trip;

(2) The distance of the trip;

(3) The vehicle's tag number,

(4) The name and customer service telephone number of the DDS;

(5) Information sufficient to allow the passenger to reference the passenger's DDS account or payment card used to pay the fare;

(6) The total fare and a breakdown of the fare including all rates and charges, and any gratuity; and

(7) The following statement: "Sedan service in Washington, DC is regulated by the DC Taxicab Commission, 2041 Martin Luther King Jr., Ave., SE, Suite 204, Washington, DC 20020, www.dctaxi.dc.gov, dctc3@dc.gov, 1-855-484-4966, TTY 711".

1404.3 Service and support requirements. The DDS, using data from each DPS unit, shall:

(a) Transmit to the TCIS every twenty-four (24) hours via a single data feed consistent in structure across all digital payment systems, the following data:

(1) The date;

(2) The operator identification number and vehicle tag number in an anonymous format established by the Office that allows the DDS to maintain a record of the identity of the operator and the vehicle;

(3) The time at the beginning of each tour of duty;

(4) The distance of each trip;

(5) The time of pickup and drop-off of each trip;

(6) The geospatially-recorded place of pickup of each trip which may be generalized to census tract level; and the geospatially-recorded place drop-off of each trip which may be generalized to census tract level;

(7) A unique trip number assigned by the DDS to each trip;

(8) The total fare and a breakdown of the fare including all rates and charges and any gratuity;

(9) The time at the end of the tour of duty;

(b) Provide the Office with the information necessary to insure that the DDS pays and the Office receives the sedan passenger surcharge for each sedan trip;

(c) Process each payment for each sedan trip, which shall not exceed the fare allowed by this chapter; and

(d) Ensure the timely transmission of an electronic receipt.

1405 PROHIBITIONS

1405.1 No LCS owner or operator shall provide sedan service in the District except as required by this chapter, Chapter 12 of this title, and other applicable laws.

1405.2 No DDS shall provide dispatch or payment services for sedan class service in the District except as required by this chapter, Chapter 16 of this title, and other applicable laws.

1405.3 No person shall provide sedan service in the District unless the fare, including all rates and charges, comply with § 1402 and all other applicable provisions of this chapter.

1405.4 No person providing sedan service in the District shall charge a gratuity, regardless of how such amount is styled, that does not comply with § 1402.1(f).

1405.5 No person shall participate in providing sedan service in the District unless the passenger surcharge is collected from the passenger and received by the District as required by § 1403.

1405.6 No person shall provide sedan service if the vehicle or the operator is not on the DDS vehicle inventory at the time the digital dispatch was initiated by the passenger.

1405.7 No owner or operator may alter or tamper with a component of a DPS unit or make any change in the vehicle that prevents the DPS unit from operating as required by this chapter.

1405.8 No operator may provide service using a DPS unit that has been tampered with, broken, or altered. The operation of a sedan with a tampered, broken, or altered

DPS shall give rise to a rebuttable presumption that the operator knew of the tampering, breaking, or alteration.

1405.9 Sedan class service shall not be booked except through a digital dispatch transmitted to the operator by a DDS using a digital payment system with current operating authority to operate such system.

1405.10 No DDS shall allow its associated operators to access a passenger's payment information after the payment has been processed.

1405.11 Each operator shall pick up a passenger at the time and location provided in the digital dispatch.

1405.12 No operator shall provide sedan service using a vehicle that does not comply with all applicable provisions of Chapter 12.

1406 PENALTIES

1406.1 Each violation of this chapter by an LCS organization, independent operator, or vehicle operator, shall subject the violator to:

(a) Except where otherwise provided in § 1406.3, a civil fine of two-hundred fifty ($250) dollars, which shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter;

(b) Suspension, revocation, or non-renewal of the operator's license issued pursuant to Chapter 12 of this title;

(c) Impoundment of each vehicle found to be operating in violation of this chapter, including operating as a sedan without an office-approved DPS or with a DPS unit the approval of which has been suspended, revoked, or not renewed;

(d) Confiscation of any DPS equipment used in violation of this chapter; or

(e) A combination of the sanctions enumerated in this subsection.

1406.2 Each violation of this chapter by a DDS or its authorized representative shall subject the DDS to:

(a) Except where otherwise provided in § 1406.3, a civil fine of five hundred ($500) dollars, which shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter;

(b) Suspension, revocation, or non-renewal of the approval of the DPS associated with the DDS;

(c) Suspension, revocation, or non-renewal of the certificate of registration of the DDS issued by the Office under Chapter 16 of this title;

(d) Confiscation of any DPS equipment used in violation of this chapter; or

(e) A combination of the sanctions enumerated in this subsection.

1406.3 The following civil fines are established for violations of §§ 1405.4, 1405.8, and 1405.11, in addition to any other civil penalty or combination of penalties authorized by §§ 1406.1 and 1406.2.

(a) For a violation of § 1405.4 for charging or processing a payment that includes an unlawful gratuity:

(1) If the violator is an operator: a civil fine equal to ten (10) times the amount of the unlawful gratuity, or three hundred dollars ($300), whichever is more; and

(2) If the violator is a DDS: a civil fine equal to twenty (20) times the amount of the unlawful gratuity, or five hundred dollars ($500), whichever is more;

(b) For a violation of § 1405.9 by an operator who accepts or solicits a street hail: a civil fine of three hundred dollars ($300);

(c) For a violation of § 1405.12 for failing to pick up a passenger at the time and location provided in the digital dispatch:

(1) If the violator is an operator: a civil fine of five hundred dollars ($500); and

(2) If the violator is a DDS: a civil fine of one thousand dollars ($1,000).

1407 ENFORCEMENT OF THIS CHAPTER

1407.1 The enforcement of any provision of this chapter shall be governed by the procedures set forth in Chapter 7 (Complaints Against Taxicab Owners of Operators) of this title.

1499 DEFINITIONS

1499.1 The terms “independent operator”, “LCS organization”, “limousine,” “luxury class services”, “operator”, “owner”, and “sedan,” shall have the meanings ascribed to them in Chapter 12 of this title.

1499.2 The terms “DDS,” “digital dispatch,” “digital dispatch service,” “digital payment,” and “dispatch” shall have the meanings ascribed to them in Chapter 16 of this title.

1499.3 The terms “cashless payment”, “gratuity”, “payment service provider”, “PSP” and “TCIS” shall have the meanings ascribed to them in Chapter 4 of this title.

1499.4 The following words and phrases shall have the meanings ascribed:

“Associated” - a voluntary relationship of employment, contract, ownership, or other legal affiliation. For purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.

“District enforcement official” - a public vehicle enforcement inspector (hack inspector) or other authorized official, employee, or general counsel of the Office, or any law enforcement official authorized to enforce a provision of this title.

“Sedan passenger surcharge” - a twenty-five cent ($.25) passenger surcharge for each sedan class trip.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING

District of Columbia Water Quality Standards

The Director of the District Department of the Environment (DDOE), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq*. (2008 Repl. & 2012 Supp.)), Sections 5 and 21 of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.04 and 8-103.20 (2008 Repl.)), and Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of proposed rulemaking action to amend Chapter 11 (Water Quality Standards) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Summary of the proposed changes:

DDOE is conducting its Triennial Review of the District of Columbia's Water Quality Standards as required by Section 303(c) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1313 (c)) and the District's Water Pollution Control Act of 1984. It is DDOE's goal to continue to update and make available the latest scientific findings in the ambient water quality criteria that are used to restore and protect the quality of District waters.

DDOE is revising the aquatic life numeric criteria for Acrolein from 10.0 µg/L to 3.0 µg/L, a more stringent criteria (§ 1104.8, Table 3). This change was based on the Environmental Protection Agency (EPA) toxicity data and other information on the effects of Acrolein that were obtained from EPA's internal and external peer review, including scientific input from the public. The revised criteria will protect most aquatic species from adverse effects due to Acrolein exposure. Acrolein is used as biocide and herbicide to control algae, aquatic weeds and mollusks in recirculating process water systems. Acrolein can enter the aquatic environment by its use as an aquatic herbicide, from industrial discharge, and from the chlorination of organic compounds in drinking water and wastewater treatment. Monitoring studies conducted after field application show that Acrolein can be transported up to 61 miles from the point of application. See *Ambient Aquatic Life Water Quality Criteria for Acrolein*, (CAS Registry Number 107-02-8), (EPA 822-F-09-004), August 2009.

This rulemaking also establishes the aquatic life numeric water quality criteria for Carbaryl pesticide (§ 1104.8, Table 3). The major uses of Carbaryl include insect control on lawns, home gardens, fruit orchards, forage and field crops, ornamentals, forests, turf, shade trees, poultry and pets. Carbaryl is toxic and potentially harmful to aquatic life and can enter water bodies via runoffs. Carbaryl is the second most frequently found insecticide in water with detections in approximately 50 percent of urban streams. See *Aquatic Life Ambient Water Quality Criteria for Carbaryl* (CAS Registry Number 63-25-2), (EPA-820-R-12-007), April 2012.

All other provisions, tables and definitions in the chapter remain unchanged.

Title 21, Water and Sanitation, of the District of Columbia Municipal Regulations, Chapter 11,

Water Quality Standards, Section 1104.8 is amended as follows:

1104.8 Unless otherwise stated, the numeric criteria that shall be met to attain and maintain designated uses are as follows in Tables 1 through 3:

TABLE 1 – NUMERIC CRITERIA

Constituent	Criteria for Classes		
	A	B	C
Bacteriological (MPN/100 mL)			
E. coli[1]			
Geometric Mean (Maximum 30 day	126		
geometric mean for 5 samples)			
Single Sample Value	410		
Physical			
Dissolved Oxygen (mg/L) Instantaneous minimum (Year-round) [2]			5.0
February 1 through May 31 [3,5]			
7-day mean			6.0
Instantaneous minimum			5.0
June 1 through January 31 [3,5]			
30-day mean			5.5
7-day mean			4.0
Instantaneous minimum [4]			3.2
Temperature (^{o}C)			
Maximum			32.2
Maximum change above ambient			2.8
pH			
Greater than	6.0	6.0	6.0
And less than	8.5	8.5	8.5
Turbidity increase above ambient (NTU)	20	20	20
Secchi Depth [3,5] (m)(seasonal segment average)			
April 1 through October 31			0.8
Total dissolved gases (maximum % saturation)			110
Hydrogen Sulfide (maximum μg/L)			2.0
Oil & grease (mg/L)			10.0
Biological			
Chlorophyll *a* [3,5] (μg/L)(seasonal segment average)			
July 1 through September 30			25

Notes:

[1] The geometric mean criterion shall be used for assessing water quality trends and for permitting. The single sample value criterion shall be used for assessing water quality trends only.

[2] This criterion applies to nontidal waters.

[3] Attainment of the dissolved oxygen, water clarity and chlorophyll *a* water quality criteria that apply to tidal influenced Class C waters will be determined following the guidelines documented in the 2003 United States Environmental Protection Agency publication: Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll *a* for the Chesapeake Bay and its Tidal Tributaries, EPA-903-R-03-002, April 2003, Region III Chesapeake Bay Program Office, Annapolis, Maryland; 2004 Addendum, EPA-903-R-04-005, October 2004; 2007 Addendum, EPA 903-R-07-003 CBP/TRS 285/07, July 2007; 2007 Chlorophyll Criterion Addendum, EPA 903-R-07-005 CBP/TRS 288-07, November 2007; 2008 Addendum, EPA 903-R-08-001 CBP/TRS 290-08, June 2008; and 2010 Criterion Addendum EPA 903-R-10-002 CBP/TRS-301-10, April 2010.

[4] At temperatures greater than 29°C, in tidally influenced waters, an instantaneous minimum dissolved oxygen concentration of 4.3 mg/L shall apply.

[5] Shall apply to tidally influenced waters only.

TABLE 2 – NUMERIC CRITERIA

Constituent[1]	**Criteria for Classes**		
	C		**D**[2]
Trace metals and inorganics in μg/L, except where stated otherwise (see Notes below)	**CCC 4-Day Avg**	**CMC 1-Hour Avg**	**30-Day Avg**
Ammonia, total mg N/L	See Note 7	See Note 8	
Antimony, dissolved			640
Arsenic[3], dissolved	150	340	0.14c
Cadmium[4,5], dissolved	[I]^{CF}	[I.A]^{CF}	
Chlorine, total residual	11	19	
Chromium[4], hexavalent, dissolved	11 ^{CF}	16 ^{CF}	
Chromium[4,5], trivalent, dissolved	[II]^{CF}	[II.A]^{CF}	
Copper[4,5], dissolved	[III]^{CF}	[III.A]^{CF}	
Cyanide, free	5.2	22	140
Iron, dissolved	1000		
Lead[4,5], dissolved	[IV]^{CF}	[IV.A]^{CF}	
Mercury[4], total recoverable	0.77	1.4	0.15
Methylmercury (mg/kg, fish tissue residue)			0.3
Nickel[4,5], dissolved	[V]^{CF}	[V.A]^{CF}	4600
Selenium, total recoverable	5	20	4200
Silver[4,5], dissolved		[VI]^{CF}	65000
Thallium, dissolved			0.47
Zinc[4,5], dissolved	[VII]^{CF}	[VII]^{CF}	26000

Notes:

[1] For constituents without numerical criteria, standards have not been developed at this time. However, the National Pollutant Discharge Elimination System (NPDES) permitting authority shall address constituents without numerical standards in NPDES permit actions by using the narrative criteria for toxics contained in these water quality standards.

[2] The Class D Human Health Criteria for metals will be based on Total Recoverable metals.

[3] The letter "c" after the Class D Human Health Criteria numeric value means that the criteria is based on carcinogenicity of 10^{-6} risk level.

[4] The superscript "CF" means that the criterion derived from the formula under Note 5 is multiplied by the conversion factor in Table 2A as specified in Subsection 1105.10:

TABLE 2A. CONVERSION FACTORS

Constituent	CCC	CMC
Cadmium	1.101672-[(ln hardness)(0.041838)]	1.136672-[(ln hardness)(0.041838)]
Chromium III	0.860	0.316
Chromium VI	0.962	0.982
Copper	0.960	0.960
Lead	1.46203-[(ln hardness)(0.145712)]	1.46203-[(ln hardness)(0.145712)]
Mercury	0.85	0.85
Nickel	0.997	0.998
Silver	--	0.85
Zinc	0.986	0.978

[5] The formulas for calculating the criterion for the hardness dependent constituents indicated above are as follows:

[I] The numerical CCC criterion for cadmium in μg/L shall be given by:

$$e^{(0.7409[\ln(\text{hardness})]-4.719)}$$

[I.A] The numerical CMC criterion for cadmium in μg/L shall be given by:

$$e^{(1.0166[\ln(\text{hardness})]-3.924)}$$

[II] The numerical CCC criterion for trivalent chromium in μg/L shall be given by:

$$e^{(0.8190[\ln(\text{hardness})]+0.6848)}$$

[II.A] The numerical CMC criterion for trivalent chromium in µg/L shall be given by:

$e^{(0.8190[\ln(\text{hardness})]+3.7256)}$

[III] The numerical CCC criterion for copper in μg/L shall be given by:
$e^{(0.8545[\ln(\text{hardness})]-1.702)}$

[III.A] The numerical CMC criterion for copper in μg/L shall be given by:
$e^{(0.9422[\ln(\text{hardness})]-1.700)}$

[IV] The numerical CCC criterion for lead in μg/L shall be given by:
$e^{(1.2730[\ln(\text{hardness})]-4.705)}$

[IV.A] The numerical CMC criterion for lead in μg/L shall be given by:
$e^{(1.2730[\ln(\text{hardness})]-1.460)}$

[V] The numerical CCC criterion for nickel in μg/L shall be given by:
$e^{(0.8460[\ln(\text{hardness})]+0.0584)}$

[V.A] The numerical CMC criterion for nickel in μg/L shall be given by:
$e^{(0.8460[\ln(\text{hardness})]+2.255)}$

[VI] The numerical CMC criterion for silver in μg/L shall be given by:
$e^{(1.7200[\ln(\text{hardness})]-6.590)}$

[VII] The numerical CCC criterion for zinc in μg/L shall be given by:
$e^{(0.8473[\ln(\text{hardness})]+0.884)}$

[VII.A] The numerical CMC criterion for zinc in μg/L shall be given by:
$e^{(0.8473[\ln(\text{hardness})]+0.884)}$

[6] Hardness in the equations (I) through (VII.A) in Note 5 above shall be measured as mg/L of Calcium Carbonate ($CaCO_3$). The minimum hardness allowed for use in those equations shall not be less than 25 mg/L, as $CaCO_3$, even if the actual ambient hardness is less than 25 mg/L as $CaCO_3$. The maximum hardness value allowed for use in those equations shall not exceed 400 mg/L, as $CaCO_3$, even if the actual ambient water hardness is greater than 400 mg/L as $CaCO_3$.

[7] Criterion Continuous Concentration (CCC) for Total Ammonia:

(a) The CCC criterion for ammonia (in mg N/L) (i) shall be the thirty (30)-day average concentration for total ammonia computed for a design flow specified in subsection 1105.5; and (ii) shall account for the influence of the pH and temperature as shown in Table 2B and Table 2C. The highest four (4)-day average within the thirty (30)-day period shall not exceed 2.5 times the CCC.

(b) The CCC criterion in **Table 2B** for the period March 1st through June 30th was calculated using the following formula, which shall be used to calculate unlisted values: $CCC = [(0.0577/(1+10^{7.688-pH})) + (2.487/(1+ 10^{pH-7.688}))] X$

MIN(2.85, 1.45 X $10^{0.028 \text{ X } (25-T)}$)], where MIN indicates the lesser of the two values (2.85, 1.45 X $10^{0.028 \text{ X } (25-T)}$) separated by a comma.

(c) The CCC criterion in **Table 2C** for the period July 1st through February 28/29th, was calculated using the following formula, which shall be used to calculate unlisted values: CCC = [(0.0577/(1+$10^{7.688-pH}$)) + (2.487/(1+ $10^{pH-7.688}$))] X [1.45 X $10^{0.028 \text{ X } (25-MAX(T,7))}$], where MAX indicates the greater of the two values (T,7) separated by a comma.

TABLE 2B. TOTAL AMMONIA
(in milligrams of Nitrogen per liter)
CCC CRITERION FOR VARIOUS pH AND TEMPERATURES
FOR MARCH 1ST THROUGH JUNE 30TH

	Temperature (°C)									
pH	**0**	**14**	**16**	**18**	**20**	**22**	**24**	**26**	**28**	**30**
6.50	6. 67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.60	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.70	6.44	6.44	5.86	5.15	4.52	3.98	3.42	3.00	2.64	2.32
6.80	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.90	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.00	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.10	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.20	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.30	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.40	4.73	4.73	4.30	3.97	3.49	3.06	2.69	2.37	2.08	1.83
7.50	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.60	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.70	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.80	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.90	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.00	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.10	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.20	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.30	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.40	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.50	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.60	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.70	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.80	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.208
8.90	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.00	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

TABLE 2C. TOTAL AMMONIA

(milligrams of Nitrogen per liter)
CCC CRITERION FOR VARIOUS pH AND TEMPERATURES FOR JULY 1ST THROUGH FEBRUARY 28TH/29TH

	Temperature (°C)									
pH	**0-7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15***	**16***
6.50	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06
6.60	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36	5.97
6.70	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25	5.86
6.80	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10	5.72
6.90	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56
7.00	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73	5.37
7.10	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49	5.15
7.20	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22	4.90
7.30	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92	4.61
7.40	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59	4.30
7.50	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23	3.97
7.60	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85	3.61
7.70	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47	3.25
7.80	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
7.90	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71	2.54
8.00	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36	2.21
8.10	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03	1.91
8.20	2.91	2.73	2.56	2.4	2.25	2.11	1.98	1.85	1.74	1.63
8.30	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39
8.40	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17
8.50	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06	0.990
8.60	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.892	0.836
8.70	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.754	0.707
8.80	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684	0.641	0.601
8.90	0.917	0.860	0.806	0.756	0.709	0.664	0.623	0.584	0.548	0.513
9.00	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.471	0.442

*At 15°C and above, the criterion for July 1st through February 28th/29th is the same as the criterion for March 1st through June 30th.

[8] Criterion Maximum Concentration (CMC) for Total Ammonia:

(a) The CMC criterion for total ammonia (in mg N/L) (i) shall be the one (1)-hour average concentration for total ammonia, computed for a design flow specified in Subsection 1105.5; and (ii) shall account for the influence of the pH as shown in Table 2D.

(b) The CMC criterion was calculated using the following formula, which shall

be used to calculate unlisted values: CMC = $[(0.411/(1+10^{7.204-pH})] + [58.4/(1+ 10^{pH-7.204})]$.

TABLE 2D. TOTAL AMMONIA
(in milligrams of Nitrogen per liter)
CMC CRITERION FOR VARIOUS pH

pH	CMC	pH	CMC	pH	CMC	pH	CMC
6.50	48.8	7.20	29.5	7.90	10.1	8.60	2.65
6.60	46.8	7.30	26.2	8.00	8.40	8.70	2.20
6.70	44.6	7.40	23.0	8.10	6.95	8.80	1.84
6.80	42.0	7.50	19.9	8.20	5.72	8.90	1.56
6.90	39.1	7.60	17.0	8.30	4.71	9.00	1.32
7.00	36.1	7.70	14.4	8.40	3.88		
7.10	32.8	7.80	12.1	8.50	3.20		

TABLE 3 – ORGANIC COMPOUNDS

Constituent[1] Organics (μg/L)	CAS Number	Criteria for Classes C CCC 4-Day Avg	C CMC 1-Hour Avg	D[2] 30-Day Avg
Acrolein	107028	~~10.0~~ 3.0	3.0	9.0
Acrylonitrile	107131	700.0		0.25,c
Aldrin	309002	0.4	3.0	0.000050,c
Benzene	71432	1000		51.0,c
Carbon Tetrachloride	56235	1000		1.6,c
Chlordane	57749	0.0043	2.4	0.00081,c
Chlorinated benzenes (except Di)		25.0		
Chlorobenzene	108907			1600
1,2-Dichlorobenzene	95501	200		1300
1,3-Dichlorobenzene	541731	200		960
1,4-Dichlorobenzene	106467	200		190
Hexachlorobenzene	118741			0.00029,c
Pentachlorobenzene	608935			1.5
1,2,4,5-Tertrachlorobenzene	95943			1.1
1,2,4-Trichlorobenzene	120821			70
Chlorinated ethanes		50		
1,2-Dichloroethane	107062			37.0,c
Hexachloroethane	67721			3.3,c
1,1,2,2-Tetrachloroethane	79345			4.0,c

TABLE 3 – ORGANIC COMPOUNDS

Constituent[1] Organics (μg/L)	CAS Number	Criteria for Classes		
		C		D[2]
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
1,1,2-Trichloroethane	79005			16.0,c
Chlorinated naphthalene				
2-Chloronaphthalene	91587	200		1600
Chlorinated phenols				
2-Chlorophenol	95578	100		150
2,4-Dichlorophenol	120832	200		290.0
Pentachlorophenol[3]	87865	[I]	[I.A]	3.0,c
2,4,5-Trichlorophenol	95954			3600
2,4,6-Trichlorophenol	88062			2.4,c
Chloroalkyl ethers		1000		
Bis(2-Chloroethyl)Ether	111444			0.53,c
Bis(2-Chloroisopropyl)Ether	108601			65,000
Bis(Chloromethyl)Ether	542881			0.00029
3,3-Dichlorobenzidine	91941	10		0.028,c
Dichloroethylenes		1000		
1,1-Dichloroethylene	75354			7,100,c
1,2-Trans-Dichloroethylene	156605			10,000
1,2-Dichloropropane	78875	2000		15,c
Dichloropropenes		400		
1,3-Dichloropropene	542756			21
Dieldrin	60571	0.056	0.24	0.000054,c
2,4-Dimethylphenol	105679	200		850
2,4-Dinitrotoluene	121142	33		3.4,c
Dioxin (2,3,7,8-TCDD)	1746016			0.0000000051,c (5.1 E-8)
1,2-Diphenylhydrazine	122667	30		0.20,c
Endosulfan		0.056	0.22	89
Alpha-Endosulfan	959988	0.056	0.22	89
Beta-Endosulfan	33213659	0.056	0.22	89
Endosulfan sulfate	1031078			89
Endrin	72208	0.036	0.086	0.060
Endrin aldehyde	7421934			0.30
Ethylbenzene	100414	40		2,100
Halomethanes		1000		
Bromoform	75252			140,c
Chloroform	67663	3000		470.0,c
Chlorodibromomethane	124481			13.0,c

TABLE 3 – ORGANIC COMPOUNDS

Constituent[1] Organics (μg/L)	CAS Number	Criteria for Classes		
		C		D[2]
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Dichlorobromomethane	75274			17.0,c
Methyl Bromide	74839			1,500
Methylene chloride	75092			590,c
Heptachlor	76448	0.0038	0.52	0.000079,c
Heptachlor epoxide	1024573	0.0038	0.52	0.000039,c
Hexachlorobutadiene	87683	10		18.0,c
Hexachlorocyclohexane				
alpha-BHC	319846			0.0049,c
beta-BHC	319857			0.017,c
gamma-BHC (Lindane)	58899	0.08	0.95	1.8,c
Hexachlorocyclopentadiene	77474	0.5		1,100
Isophorone	78591	1000		960,c
Manganese	7439965			100
Methoxychlor	72435	0.03		
Mirex	2385855	0.001		
Naphthalene	91203	600		
Nitrobenzene	98953	1000		690
Nitrophenols		20		
2-Methyl-4,6- Dinitrophenol	534521			280
2,4-Dinitrophenol	51285			5,300
Dinitrophenols	25550587			5,300
Nitrosamines		600		1.24
N-Nitrosodibutylamine	924163			0.22
N-Nitrosodiethylamine	55185			1.24
N-Nitrosodimethylamine	62759			3.0,c
N-Nitrosodi-n-Propylamine	621647			0.51,c
N-Nitrosodiphenylamine	86306			6.0,c
N-Nitrosopyrrolidine	930552			34,c
Nonylphenol	84852153	6.6	28	
Carbamates				
Carbaryl (Sevin)	63252	2.1	2.1	
Organochlorides				
4,4’-DDD	72548	0.001	1.1	0.00031,c
4,4’-DDE	72559	0.001	1.1	0.00022,c
4,4’-DDT	50293	0.001	1.1	0.00022,c
Organophosphates				

TABLE 3 – ORGANIC COMPOUNDS

Constituent[1] Organics (μg/L)	CAS Number	Criteria for Classes		
		C		D[2]
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Guthion	86500	0.01		
Malathion	121755	0.1		
Parathion	56382	0.013	0.065	
Phenol	108952			860,000
Phthalate esters		100		
Bis(2-Ethylhexyl) Phthalate	117817			2.2,c
Butylbenzyl Phthalate	85687			1,900
Diethyl Phthalate	84662			44,000
Dimethyl Phthalate	131113			1,100,000
Di-n-Butyl Phthalate	84742			4,500
Polychlorinated biphenyls[4]		0.014		0.000064,c
Polynuclear aromatic hydrocarbons				
Acenaphthene	83329	50		990
Acenaphthylene	208968			
Anthracene	120127			40,000
Benzidine	92875	250		0.00020,c
Benzo(a)Anthracene	56553			0.018,c
Benzo(a)Pyrene	50328			0.018,c
Benzo(b)Fluoranthene	205992			0.018,c
Benzo(k)Fluoranthene	207089			0.018,c
Chrysene	218019			0.018,c
Dibenzo(a,h) Anthracene	53703			0.018,c
Fluoranthene	206440	400		140.0
Fluorene	86737			5,300
Indeno(1,2,3-cd) Pyrene	193395			0.018,c
Pyrene	129000			4,000
Tetrachloroethylene	127184	800		3.3,c
Toluene	108883	600		15000
Toxaphene	8001352	0.0002	0.73	0.00028,c
Tributyltin (TBT)	--	0.072	0.46	
Trichloroethylene	79016	1000		30.0,c
Vinyl chloride	75014			2.4,c

Notes:

[1] For constituents without numerical criteria, standards have not been developed at this time. However, permit writers shall address these constituents in NPDES permit actions using the

narrative criteria for toxics contained in these water quality standards.

[2] The letter "c" after the Class D Human Health Criteria numeric value means that the criterion is based on carcinogenicity of 10^{-6} risk level.

[3] The formulas for calculating the concentrations of substances indicated above are as follows:

[I] The numerical CCC criterion for pentachlorophenol in μg/L shall be given by:

$$e^{(1.005(pH) - 5.134)}$$

[I.A] The numerical CMC criterion for pentachlorophenol in μg/L shall be given by:

$$e^{(1.005(pH) - 4.869)}$$

[4] The polychlorinated biphenyls (PCB) criterion applies to total PCBs (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses.)

All persons desiring to comment on the proposed amendments to the District of Columbia water quality standards should file comments in writing not later than (30) days after the publication of this notice in the *D.C. Register*. All comments will be treated as public documents and will be made available for public viewing on the Department's website at: *www.ddoe.dc.gov*. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. All comments should be labeled "Review of Water Quality Standards" and filed with District Department of the Environment, Water Quality Division, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Collin R. Burrell, or by e-mail to *DDOE.WQSTR2013@dc.gov* . Copies of the proposed rules may be obtained upon request through the above address. The public may also present its views on the proposed amendments to the water quality standards at a public hearing. Notice of such public hearing will be published in the *D.C. Register.*

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904 (2009 Repl.)), Section 6 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03 (2009 Repl.)), and Section 107 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law. 2-104; D.C. Official Code § 50-2301.07 (2009 Repl.)), hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 26 (Civil Fines for Moving and Non-Moving Infractions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules correct and update citations to the regulations which are the basis of the fines, delete references to violations which have been repealed, and correct typographical errors.

Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, is amended as follows:

Section 2600, CIVIL FINES FOR MOTOR VEHICLE MOVING INFRACTIONS, is amended as follows:

Subsection 2600.1 is amended as follows:

The following is repealed:

"Minibikes"

The following infraction and fine are repealed:

"Motorized bicycles operating in excess of 20 miles per hour [§ 9901] $100"

The following infraction and fine are added after the category "Motor-driven cycle (see also violations for other vehicles)" and its associated infractions and fines:

"Motorized bicycles operating in excess of 20 miles per hour [§ 9901] $100"

Under the category of "Speedometer", the following infraction and the associated fine are repealed:

"Minibike violation [§ 735] $15"

The infraction labeled "One-way street violation" is amended to read as follows (the amendment modifies the regulatory citation; there is no amendment to the title of the infraction or the amount of the fine):

"One-way street violation [§ 2201.4]"

Section 2601, PARKING AND OTHER NON-MOVING INFRACTIONS, is amended as follows:

Subsection 2601.1 is amended as follows:

The table header row is amended to read as follows:

INFRACTION (Regulatory/Statutory Citation) FINE

The following infractions are amended to read as follows (the amendments modify or add the statutory or regulatory citation; there are no amendments to the titles of the infractions, unless otherwise noted, or to the amounts of the fines):

"Abandoned vehicle on public space or private property
[DC Official Code § 50-2421.03]"

"Abandoned vehicle with solid waste or rat harborage
[DC Official Code § 50-2421.03]"

"Bridge, tunnel, freeway, viaduct or other elevated
structure or ramps, on or under [§ 2405.1(d)]"[1]

"Curb, failing to turn wheels to [§ 2418.2]"

"Dangerous vehicle on public space or private property
[DC Official Code § 50-2421.03]"

"Dangerous vehicle with solid waste or rat harborage
[DC Official Code § 50-2421.03]"

"Driveway or alley, within 5 feet [§ 2405.2(a)]"

"Emergency no parking [§ 2407.23]"

"Fire lane, in [§ 2405.2(i)]"

"No standing [§§ 2400.6, 2405.1, 2405.2]"

[1] This amendment also corrects a typographical error by replacing the word "tinder" with "under".

"No standing rush hour [§§ 2400.6; 4020]"

"No stopping [§§ 2000.4; 2405.1]"

"Official parking permit space, in [§ 2406.1]"

"Private Property, vehicle on without consent of property owner [DC Official Code § 50-2421.03]"

Under the category "Meter", the following infraction is amended to read as follows (the amendment modifies the regulatory citation; there is no amendment to the title of the infraction or to the amount of the fine):

"Failure to deposit payment [§ 2404.6, § 2424.12]"

Under the category, "Residential Parking Permit", the following infractions are amended to read as follows (the amendments modify or add the statutory or regulatory citation; there are no amendments to the titles of the infractions or to the amounts of the fines):

"Fail to properly display current sticker [§ 2411.13, § 2424.12]"

"Fail to remove expired sticker [§ 2411.13, § 2424.12]"

The infraction labeled "Entrance, obstructing: coal chute, garage, parking lot, service door or gate" and the associated regulatory citation are amended to read as follows:

"Entrance, obstructing: garage, parking lot, service door or gate [§ 2405.3(f)]"

The infraction labeled "Reserved residential space of persons with disabilities unauthorized use of" and the associated regulatory citation are amended to read as follows:

"Individual with disabilities, reserved residential space of; unauthorized use of [§ 2715.3]"

The infraction labeled "No parking zone, in" and the associated regulatory citation are amended to read as follows:

"No parking [§§ 2400.6, 2400.7, 2405.1, 2405.2, 2405.3]"

The infraction labeled "Reserved or restricted space or zone at embassy or chancery in [§ 2406.5]" and the associated regulatory citation are amended to read as follows:

"Embassy or chancery, reserved or restricted space or zone; unauthorized vehicle in [§ 2406.5]

The following infractions and their associated fines are repealed:

"Bridle path, on (park area) [36 CFR § 50.33c]	$20.00"
"Lawn, on (park area) [36 CFR § 50.33b]	$20.00"
"Sidewalk, on [§ 2405.1(h)]	$100.00"[2]
"Undesignated space (park area) [36 CFR § 50.33a(1)]	$20.00"
"Unlighted area (park area) [36 CFR § 50.33a(3)]	$20.00"
"Vehicle, less than 3 feet from another [§ 2405.2(j)]	$20.00"

The following infractions and their associated fines are relocated within the chart as follows:

The infraction labeled "Private Property, vehicle on without consent of property Owner [DC Official Code § 50-2421.03]", as amended above, and its associated fine are relocated within the chart to appear after the infraction labeled "Parallel, fail to park (except where permitted) [§ 2400.1]", and its associated fine.

The infraction labeled "Embassy or chancery, reserved or restricted space or zone; unauthorized vehicle in [§ 2406.5]", as amended above, and its associated fine are relocated within the chart to appear before the infraction labeled "Emergency no parking [§ 2407.9]", and its associated fine.

Subsection 2601.2 is amended as follows:

The following infractions are amended to read as follows (the amendments modify or add the statutory or regulatory citation; there are no amendments to the titles of the infractions or the amounts of the fines):

"Emergency (hand) brake failure to set when parked
[§§ 2418.1; 720.3]"

"Glass or debris, failure to remove from street [§§ 2418.4;
2418.5; 2418.6]"

"Handicapped (disabled) parking privileges unauthorized use of
[§ 2406.9]"

"Ignition failure to lock and remove key when parked [§ 2418.1]"

[2] There are currently two rows in the infractions chart that are labeled as "Sidewalk on". This amendment repeals only the second, duplicate row.

"Motor running unattended [§ 2418.1]"

"Reciprocity sticker, failure to display [§ 429.2]"

Under the category of "Tags", the following infraction is amended to read as follows (the amendment modifies the regulatory citation; there is no amendment to the title of the infraction or the amount of the fine):

"No rear [§ 422.1- 422.3]"

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024 or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2006 Repl. & 2012 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2008 Repl.)), hereby gives notice of the adoption, on an emergency basis, of a new Section 1936, entitled "Wellness Services", of Chapter 19 (Home and Community-Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Register (DCMR). These emergency and proposed rules establish standards governing reimbursement of wellness services provided to participants in the Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Wellness services are designed to promote and maintain good health and assist in increasing the person's independence, participation, emotional well-being, and productivity in their home, work, and community. Wellness services consist of five types of services. Fitness training, massage therapy, and sexuality education were previously included under Section 1918 entitled, "Professional Services" and are now included under wellness services. In addition, wellness services include nutrition evaluation /consultation and bereavement counseling as two new and distinct types of services under the approved ID/DD Waiver. These rules will: (1) establish requirements for the delivery of two new services (bereavement counseling, and nutrition evaluation/consultation) as part of wellness services; (2) establish and update requirements for the delivery of fitness training, massage therapy and sexuality education; (3) require providers to follow specific service delivery requirements to promote more efficient service utilization management practices; and (4) provide updated definitions for terms and phrases used in this chapter.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of Wellness Services. The ID/DD Waiver serves some of the District's most vulnerable residents. Many of these residents suffer from chronic diseases and mental problems including obesity, diabetes, depression, and other mental illnesses. The welfare of these residents depends on the availability of services including nutrition evaluation/consultation and bereavement counseling as a means to address, and prevent these persistent health problems. Therefore, in order to ensure that the residents' health, safety, and welfare are not threatened by the lapse in access to nutritional evaluation/counseling and bereavement counseling under the waiver, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on July 17, 2013, and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until November 13, 2013, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

A new Section 1936 (Wellness Services) is added to read as follows:

1936 WELLNESS SERVICES

1936.1 The purpose of this section is to establish standards governing Medicaid eligibility for wellness services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of wellness services.

1936.2 Wellness services are designed to promote and maintain good health. These services shall assist in increasing the person's independence, participation, emotional well-being, and productivity in their home, work, and community.

1936.3 The wellness services eligible for reimbursement are:

(a) Bereavement Counseling;

(b) Fitness Training;

(c) Massage Therapy;

(d) Nutrition Evaluation/Consultation; and

(e) Sexuality Education.

1936.4 To qualify for bereavement counseling and sexuality education, the services shall be:

(a) Recommended by a Support Team; and

(b) Identified as a need in the person's Individual Support Plan (ISP) and Plan of Care.

1936.5 To qualify for fitness training and massage therapy, the services shall be:

(a) Ordered by a physician; and

(b) Identified as a need in the individual's Individual Support Plan (ISP) and Plan of Care.

1936.6 To qualify for nutritional evaluation/consultation services, each person shall have a history of the following medical conditions:

(a) A history of being significantly above or below body weight;

(b) A history of gastrointestinal disorders;

(c) A diagnosis of diabetes;

(d) A swallowing disorder; or

(e) A medical condition that can be a threat to health if nutrition is poorly managed.

1936.7 In addition to the requirements set forth in Section 1936.6, nutritional evaluation/consultative services shall be:

(a) Ordered by a physician;

(b) Identified as a need in the individual's ISP and Plan of Care; and

(c) Recommended by a Support Team.

1936.8 The specific wellness service delivered shall be consistent with the scope of the license or certification held by the professional. Service intensity, frequency, and duration shall be determined by the person’s individual needs and documented in the person’s ISP and Plan of Care

1936.9 Each professional providing wellness services shall:

(a) Conduct an intake assessment within the first two (2) hours of delivering the service with long term and short term goals;

(b) Develop and implement a person-centered plan consistent with the person’s choices, goals, and prioritized needs. The plan shall include treatment strategies including direct therapy, caregiver training, monitoring requirements and instructions, and specific outcomes;

(c) Deliver the completed plan to the person, family, guardian or other caregiver, and the Department on Disability Services (DDS) Service Coordinator prior to the Support Team meeting;

(d) Participate in the ISP and Support Team meetings to provide consultative services and recommendations specific to the wellness professional's area of expertise;

(e) Provide necessary information to the person, family, guardian or caregivers and assist in planning and implementing the approved ISP and Plan of Care;

(f) Record progress notes on each visit and quarterly reports; and

(g) Conduct periodic examinations and modify treatments for the individual receiving services to ensure that the wellness professional's recommendations are incorporated into the ISP, as necessary.

1936.10 Each professional providing Nutrition Evaluation/Consultation services shall comply with the following additional requirements:

(a) Conduct a comprehensive nutritional assessment;

(b) Conduct a partial nutritional evaluation to include an anthropometric assessment;

(c) Perform a biochemical or clinical dietary appraisal;

(d) Analyze food-drug interaction potential, including allergies;

(e) Perform a health and safety environmental review of food preparation and storage areas;

(f) Assess the need for a therapeutic diet that includes an altered/textured diet due to oral-motor problems;

(g) Conduct a needs assessment for adaptive eating equipment and dysphagia management; and

(h) Conduct a nutrition evaluation and provide consulting services on a variety of subjects to promote improved health and increase the person's ability to manage their own diet in an effective manner. The consulting services shall include menu development, shopping, food preparation, food storage, and food preparation procedures consistent with physician's orders.

1936.11 Each professional providing wellness services shall be employed by a Home and Community-Based Services Waiver provider agency or by professional service provider who is in private practice as an independent clinician as described in Section 1904.2 of Title 29 DCMR.

1936.12 Each provider shall comply with the requirements set forth under Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR.

1936.13 Each Direct Support Professional (DSP) providing wellness services shall comply with requirements set forth under Section 1906 (Requirements for Individuals Providing Direct Services) of Chapter 19 of Title 29 DCMR.

1936.14 Professionals delivering wellness services shall meet the following licensure and certification requirements:

(a) Bereavement Counseling services shall be performed by a professional counselor licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2012 Supp.)) and certified by the American Academy of Grief Counseling as a grief counselor;

(b) Fitness Trainers shall be certified by the American Fitness Professionals and Associates association;

(c) Dietetic and nutrition counselors shall be licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2012 Supp.)); and

(d) Massage Therapists shall be licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2012 Supp.)) and certified by the National Verification Board for Therapeutic Massage and Bodywork.

1936.15 Sexuality Education shall be delivered by:

(a) A Sexuality Education Specialist who is certified to practice sexuality education by the American Association of Sexuality Educators, Counselors and Therapists Credentialing Board; or

(b) Any of the following professionals with specialized training in Sexuality Education:

(1) Psychologist;

(2) Psychiatrist;

(3) Licensed Clinical Social Worker; or

(4) Licensed Professional Counselor.

1936.16 Each professional, without regard to their employer of record, shall be selected by the person receiving services or his or her authorized representative, and shall be answerable to the person receiving services. Any provider substituting for a selected professional for more than a two (2) week period or four (4) visits due to emergency or availability events shall request a case conference with the DDS Service Coordinator to evaluate the continuation of services.

1936.17 Services shall be authorized in accordance with the following requirements:

(a) DDS shall provide a written service authorization before the commencement of services;

(b) The provider shall conduct an intake assessment and develop a person-centered plan within the first two (2) hours of service delivery. The plan shall include training goals and techniques that will assist the caregivers;

(c) The service name and provider entity delivering services shall be identified in the ISP and Plan of Care;

(d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and

(e) Services shall not conflict with the service limitations described under Section 1936.17 and 1936.18.

1936.18 Each Provider shall comply with the requirements described under Section 1908 (Reporting Requirement), Section 1909 (Records and Confidentiality of Information) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.

1936.19 Wellness services shall be limited to one-hundred (100) hours per calendar year per service. Additional hours, not to exceed fifty (50) hours, may be prior authorized if the person reaches their limitation before the expiration of the ISP and Plan of Care year and the person's health and safety are at risk. Requests for additional hours may be approved when accompanied by a physician's order or if the request passes a clinical review by staff designated by DDS.

1936.20 The person may utilize one (1) or more Wellness services in the same day, but not at the same time.

1936.21 The reimbursement rate for Wellness services shall be:

(a) Sixty dollars ($60.00) per hour for Massage Therapy;

(b) Seventy-five dollars ($75.00) per hour for Sexuality Education;

(c) Seventy-five dollars ($75.00) per hour for Fitness Training;

(d) Fifty-five dollars ($55.00) per hour for Nutrition Counseling; and

(e) Sixty dollars ($60.00) per hour for Bereavement Counseling.

1936.22 The billable unit of service for wellness services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

Section 1999 (DEFINITIONS) is amended by adding the following:

Anthropometric assessment- A clinical approach utilizing noninvasive methods to assess the size or body composition of an individual.

Bereavement counseling- A form of psychotherapy that aims to help a person cope with grief and mourning following a major life change or the death of a loved one.

Fitness training- Instruction using exercise and weight training to promote a person's overall health and physical well-being to maintain a healthy weight range.

Massage therapy- The therapeutic practice of manipulating the muscles and limbs to ease tension, reduce pain, enhance function, aid in the healing process, and promote relaxation and well-being.

Nutrition evaluation/consultation- The evaluation and assessment of a person's nutritional status based on their symptoms, health goals, and diet to maximize the person's overall health.

Sexuality education- A comprehensive training about various aspects of sexuality, including information about family planning; reproduction; body image; sexual orientation; sexual pleasure and decision making; communication; sexually transmitted infections; safe sexual practices; birth control methods; and how to reduce the likelihood of sexual victimization.

Comments on the proposed rule shall be submitted, in writing, to Linda Elam, Ph.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 North Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone on (202) 442-9115, via email at DHCFpubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-153
August 23, 2013

SUBJECT: Appointment – Acting Director, Department of Behavioral Health

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 2(a)(2) of the Confirmation Act of 1978, effective March 3, 1979, DC Law 2-142, D.C. Official Code § 1-523.01(a)(2) (2012 Supp.), it is hereby **ORDERED** that:

1. **STEPHEN T. BARON** is appointed Acting Director of the Department of Behavioral Health and shall serve in that capacity at the pleasure of the Mayor.

2. **EFFECTIVE DATE:** This Order shall become effective October 1, 2013.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-154
August 26, 2013

SUBJECT: Appointments and Amendment – District of Columbia Developmental Disabilities Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Supp.), and in accordance with Mayor's Order 2009-225, dated December 22, 2009, it is hereby **ORDERED** that:

1. **CATHY ANDERSON** is appointed to the District of Columbia Developmental Disabilities Fatality Review Committee ("Committee"), as the designee representative for the Department on Disability Services, Developmental Disabilities Administration, and she shall serve only while employed in her official position and shall serve at the pleasure of the Mayor.

2. **ELLEN M. WELLS** is appointed, to the Committee, as the designee representative for the Department of Human Services, and shall serve only while employed in her official position and shall serve at the pleasure of the Mayor.

3. **SHARON MEBANE** is appointed, to the Committee, as the designee representative for the Department of Health, Health Regulation and Licensing Administration, and shall serve only while employed in her official position and shall serve at the pleasure of the Mayor.

4. **CYNTHIA C. MCGEE** is appointed, to the Committee, as an alternate designee representative for the Department of Health, and shall serve only while employed in her official position and shall serve at the pleasure of the Mayor.

5. **ROBERT VOWELS** is appointed, to the Committee, as the designee representative for the Department of Health Care Finance, and shall serve only while employed in his official position and shall serve at the pleasure of the Mayor.

6. **NEHA PATEL** is appointed, to the Committee, as the designee representative for the Office of the Attorney General, and shall serve only while employed in her official position and shall serve at the pleasure of the Mayor.

7. **SYLVIA PAULING** is appointed, to the Committee, as the designee representative for the Child and Family Services Agency, and shall serve only while employed in her official position and shall serve at the pleasure of the Mayor.

8. **AMENDMENTS**: Section V. B. of Mayor's Order 2009-225, dated December 22, 2009, is amended by adding, at the end:

"3. Such additional members representing District government agencies or public members from the community as the Mayor may deem necessary and appropriate."

9. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-155
August 26, 2013

SUBJECT: Appointment – Acting Director, Department of Small and Local Business Development

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), pursuant to section 2312 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005, D.C. Law 16-33, D.C. Official Code § 2-218.12 (2011 Repl.), and in accordance with section 2(a)(2) of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01(a)(2) (2012 Supp.), it is hereby **ORDERED** that:

1. **ROBERT SUMMERS** is appointed Acting Director of the Department of Small and Local Business Development, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2013-069, dated April 3, 2013.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to August 21, 2013.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

CEDAR TREE ACADEMY

REQUEST FOR PROPOSALS

Early Childhood Playground

Cedar Tree Academy Public Charter School invites proposals for Early Childhood Playground contracts for 2013-2014. Bid specifications may be obtained on our website at www.cedartree-dc.org. Any questions regarding this bid must be submitted in writing to rlewis@cedartree-dc.org before the RFP deadline. Bids must be submitted to the address below.

Dr. Robinette Lewis
Director of Parent Involvement
Cedar Tree Academy Public Charter School
701 Howard Road, SE
Washington, DC 20020

Cedar Tree Academy will receive bids until Wednesday, September 11, 2013 and no later than 2:00 p.m.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BUSINESS REGULATORY REFORM TASK FORCE

NOTICE OF PUBLIC FORUM AND SOLICITATION OF COMMENTS

The Business Regulatory Reform Task Force (Task Force) is soliciting comments from the public regarding simplifying and streamlining the regulatory requirements for doing business in the District of Columbia.

The Task Force will be holding an open public forum on Tuesday, September 10, 2013 from 6:30 p.m. to 8:30 p.m. The public forum will be held at 1100 Fourth Street, SW, Washington, D.C., Conference Room E-200.

The Task Force is interested in receiving thoughts and recommendations on the following general topic areas:

- For either construction permitting or business licensing, are there areas with significant overlap and/or inconsistency between agencies involved in the review and approval process?

- Are there specific District statutes or regulations that are obsolete, inconsistent or duplicative relevant to the business licensing or construction permitting processes?

- Would fee reduction or financial incentives make the District more competitive and attractive to businesses?

- What technological changes or developments would be beneficial to customers seeking to obtain or renew business licenses or construction permits?

All submitted comments will be reviewed by the Task Force and will provide critical insight into District business owners' experiences navigating the regulatory regime.

In addition to the public forum, comments may also be submitted in writing by email to BizRegReform@dc.gov or by mail to DCRA, Office of the Director, Attn: Business Regulatory Reform Task Force, 1100 Fourth Street, SW, Washington, D.C. 20024. Comments will be accepted until 5 p.m. on Friday, September 13, 2013. All written comments will be posted on the Task Force website: http://dcbizreform.dc.gov/

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

Notice of Funding Availability

Fiscal Year 2014

Mathematics and Science Partnerships Grant Program

Request for Application Release Date: Monday, September 2, 2013

Application Submission Deadline: Monday, September 27, 2013

The District of Columbia Office of the State Superintendent of Education (OSSE) announces funding availability through the Mathematics and Science Partnerships Grant Program authorized through provisions of Title II, Part B of the No Child Left Behind Act of 2001. The purpose of this funding is to increase the academic achievement of students in mathematics and science by enhancing the content knowledge and teaching skills of classroom teachers. Partnerships between high-need Local Educational Agencies (LEAs) and the science, technology, engineering, and mathematics (STEM) faculty in institutions of higher education are at the core of these improvement efforts. Other partners may include public schools, private schools, business, and non-profit or for-profit organizations involved in mathematics and science education.

Eligibility: Funds will be awarded to partnerships between a District of Columbia high-need Local Educational Agency (LEA) or consortium of LEAs and science, technology, engineering and mathematics (STEM) departments within institutions of higher education (IHE). The institution of higher education must: (1) be certified by the United States Department of Education and (2) provide services in the District of Columbia at the applicant's university or college, DC public, charter, or private school or other suitable facility approved by OSSE. The LEA will ideally be the fiduciary agent.

Funding Available: Seven Hundred Five Thousand, Nine Hundred and Sixty-Four Dollars ($705,964.00)

To receive more information or for a copy of the Request for Applications (RFA), please contact:

Sheryl Hamilton
Office of the State Superintendent of Education
810 First Street, NE, 5th Floor
Washington, D.C. 20002
Telephone: (202) 741-6404
Email: Sheryl.hamilton@dc.gov

The RFA and applications will also be available on the OSSE website at www.osse.dc.gov.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCIES

The District of Columbia Board of Elections hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 5A04, 7F07 and 8E03

Petition Circulation Period: **Tuesday, September 3, 2013 thru Monday, September 23, 2013**
Petition Challenge Period: **Thursday**, **September 26, 2013 thru Wednesday, Oct. 2, 2013**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6717) to the Department of Homeland Security, to construct and operate an indoor firing range at the 1200 Pennsylvania Avenue NE. The contact person for the facility is Stephen Zettlemoyer, Environmental Protection Specialist, at (202) 690-9442.

The applicant was unable to quantify the criteria pollutants emissions from the indoor firing range facility but specified that the filters used in the process are more than 99.97% efficient. It is expected that emissions will be extremely low, considering the type of operation and the control equipment that will be in use.

The proposed emission limits are as follows:

a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the "Operational Limitations" of the permit.

b. The emission of fugitive dust from the indoor firing range facility is prohibited. [20 DCMR 605.2]

c. The discharge of particulate matter into the atmosphere from any process shall not exceed three hundreds (0.03) grains per dry standard cubic foot of the exhaust. [20 DCMR 603.1]

d. Visible emissions shall not be emitted into the outdoor atmosphere from the firing range. [20 DCMR 201 and 20 DCMR 606.1]

e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air

quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 30, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

FRIENDSHIP PUBLIC CHARTER SCHOOL

INVITATION FOR BID

Friendship Public Charter School (FPCS) is soliciting bids from agencies to provide Catering services during school year 2013-2014 in accordance with requirements and specifications detailed in the RFP. For full Request for Proposal, send an email to ProcurementInquiry@friendshipschools.org.

HOSPITALITY HIGH SCHOOL

REQUESTS FOR PROPOSALS

Curriculum and Program Enhancement

Contractors are invited to submit proposals to provide professional services of standards based tutoring designed to improve standardized proficiency rates. The contractor should provide a complete array of tutoring services. The RFP with bidding requirements and supporting documentation can be obtained from: our website www.washingtonhospitality.org or call our technology coordinator at 202-737-4150 x 1408. Deadline for receiving bids is 9/18/13 at 2:30 pm.

All bids not addressing all areas as outlined in the RFPs will not be considered.

OFFICE OF PLANNING
HISTORIC PRESERVATION OFFICE

Repair and Restoration Grants for Houses in Select Historic Districts Available from the Office of Planning, Historic Preservation Office

The District of Columbia Office of Planning, Historic Preservation Office is now accepting Part I applications for the Historic Homeowner Grant Program. The grants are available to low- and moderate-income households living in specific historic districts. Grants may be up to $25,000, except in the Anacostia Historic District where the maximum is $35,000.

The application deadline for Part I applications is October 1, 2013. Part I applicants who qualify for the program will receive a Part II application.

The grant program is competitive and seeks projects that will have the biggest neighborhood improvement. Grants can be awarded for exterior repairs and major structural work. The grant program is available only to owner-occupied houses in the following historic districts: Anacostia, Blagden Alley/Naylor Court, Capitol Hill, Fourteenth Street, LeDroit Park, Mount Pleasant, Mount Vernon Square, Mount Vernon Triangle, Shaw, Strivers' Section, U Street, and Takoma Park.

A Part I application can be requested by telephone (202-442-7600), downloaded from http://planning.dc.gov/historic+preservation/preservation+services/for+residents/grants, or by mail to:

District of Columbia Office of Planning
Historic Homeowner Grant Program
1100 4th Street SW, Suite E650
Washington, DC 20024

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

Healthy Food Retail Program Grant

The Department of Small and Local Business Development (DSLBD) is soliciting applications from qualified organizations to manage its **Healthy Food Retail Program** (the "Program"). Through this grant, DSLBD will fund the expanded access of healthy foods within small food retailers in eligible areas of the District. A grant of $257,000 will be awarded to one organization to establish and operate a commercial distribution system which provides fresh produce and healthy foods to small food retail stores. The organization will also provide business assistance services to these businesses to maximize the profits on fresh produce and healthy foods. The authorizing legislation for the grant funds is the "Food, Environmental, and Economic Development in the District of Columbia Act of 2010."

Eligible applicants include organizations that are incorporated in the District of Columbia and joint ventures, partnerships, and limited liability arrangements between for-profit entities and for-profit organizations. At least one of the partners must have experience in food distribution, business entrepreneurship, and cooperative healthy food enterprise. Through the application process, applicants must demonstrate their organizational and programmatic capacity to: a) establish a commercial distribution channel for fresh produce and healthy foods serving 30 small food retail stores throughout the District of Columbia; and, b) to provide business assistance which improves the ability of small food retailers to profitably provide fresh and healthy food. Additional applicant and project eligibility requirements and evaluation criteria are detailed in the Request for Application (RFA). Grant performance period will be established in the Request for Application (RFA). The grant recipient will be selected through a competitive application process and announced November 2013.

The **Request for Application** (RFA), which comprises the application form and program guidelines, will be available by **Friday, September 6, 2013** at **www.dslbd.dc.gov** after 12:00 p.m.

Instructions and guidance regarding application preparation can be found in the RFA. DSLBD will host an **Information Session** on Wednesday, September 18, 2013 at 3:00 pm at the agency's offices (441 4th Street, NW, Washington, DC 20001; photo ID required to enter building). This session will be your **final** opportunity to get answers to questions.

For more information and to obtain the Request for Application, contact Cristina Amoruso at the DC Department of Small and Local Business Development (202) 727-3900.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, September 11, 2013 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public must register to speak. The time limit for registered speakers is five (5) minutes. A speaker should also submit two (2) copies of any prepared statement to the Assistant Secretary to the Commission. Registration to speak closes at 3:30 pm the day prior to the meeting. Contact the Assistant Secretary to the Commission, Ms. Mixon, on 202-645-6018, selection 4. Registration consists of your name; your phone number or email contact; and your subject matter.

DRAFT AGENDA

I. Call to Order

II. Commission Communication

III. Commission Action Items

IV. Government Communications and Presentations

V. General Counsel's Report

VI. Staff Reports

VII. Public Comment Period

VIII. Adjournment

THE NEXT STEP PUBLIC CHARTER SCHOOL, INC.

REQUEST FOR PROPOSALS (RFP)

Facility Refinancing Consultant

The Next Step Public Charter School, Inc. invites all interested and qualified parties to submit bids for refinancing services for its 31,300 square foot school facility located at 3047 15th Street NW, Washington, DC. All proposals submitted in response to this RFP are due no later than 5 p.m. on Friday, September 6, 2013. The RFP with bidding requirements can be obtained by contacting:

Julie Meyer
Executive Director
The Next Step Public Charter School
Julie@nextsteppcs.org
[no phone calls, please]

WASHINGTON YU YING PCS

REQUEST FOR PROPOSALS

Special Education Service Providers

Washington Yu Ying PCS is seeking competitive bids for Special Education Services, including but not limited to Occupational Therapy, Physical Therapy and Speech Therapy and Special Education evaluations. Special Education Service Providers will be required to attend IEP meetings and assist in writing IEPs. These services are to be offered at Washington Yu Ying PCS during school hours to students who require specialized services. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to RFP@washingtonyuying.org. Proposals must be received no later than the close of business on Monday, September 16th, 2013.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18474 of Wagtime LLC, pursuant to 11 DCMR § 3104.2, for a special exception under § 735 for animal boarding, a special exception under § 736 for pet grooming, and a special exception under § 739 for an animal shelter in the C-2-A District at premises 1232 9th Street, N.W. (Square 368, Lot 911).[1]

HEARING DATE: March 5, 2013
DECISION DATE: April 23, 2013

DECISION AND ORDER

This self-certified application was submitted on September 7, 2012 by Wagtime LLC ("Applicant") on behalf of Lesron LLC, the owner of the property that is the subject of the application. The application originally requested special exceptions under §§ 735, 736, and 739 of the Zoning Regulations to allow "pet grooming, animal boarding/daycare, and animal shelter uses" in the C-2-A District at 1232 9th Street, N.W. (Square 368, Lot 911). Subsequently, the Applicant sought to amend the application to request variance relief, pursuant to 11 DCMR § 3103.2, from the requirements of §§ 735.3, 735.6, and 739.6 to allow use of an outdoor deck to provide recreational space for dogs at the subject property. Following a public hearing, the Board voted to approve the application, subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated September 12, 2012, the Office of Zoning provided notice of the application to the Office of Planning ("OP"); the District Department of Transportation; the Councilmember for Ward 2; Advisory Neighborhood Commission ("ANC") 2F, the ANC in which the subject property is located; and Single Member District/ANC 2F06. Pursuant to 11 DCMR § 3112.14, on October 18, 2012 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 2F, and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on October 19, 2012 (59 DCR 12129).[2]

Party Status. The Applicant and ANC 2F were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application submitted by Nayereh

[1] This caption reflects the relief initially requested and ultimately approved by the Board in this application. While the application was pending, the Applicant requested variance relief, pursuant to 11 DCMR § 3103.2, from the requirements of §§ 735.3, 735.6, and 739.6 concerning the "keeping" of animals in exterior facilities. As discussed in this order, the Board found that the variance relief was not needed in this case.

[2] The hearing was originally scheduled for December 18, 2012 but was postponed, at the Applicant's request, until March 5, 2013.

Sahrapour, who owns the property abutting the subject property at 1230 9th Street, N.W. and was represented by her husband George Behestian.

Applicant's Case. The Applicant provided evidence and testimony describing the proposed uses, and asserted that the application satisfied all requirements for approval of the requested zoning relief. The Applicant also asserted that no animals would be "kept" in any outdoor space within the meaning proscribed by the Zoning Regulations; rather, the Applicant plans to use an outdoor deck on the second floor of the building incidental to the main use of the inside of the building. The Applicant indicated its agreement with conditions proposed by the ANC with respect to the limited use of the deck during specified times and by a limited number of dogs at any one time, subject to the supervision of the Applicant's employees.

OP Report. By memorandum dated December 11, 2012, the Office of Planning recommended approval of the requested special exceptions. (Exhibit 30.) By supplemental report dated February 26, 2013, OP reiterated its support for the application, and recommended six conditions of approval. The conditions provided for a five-year term of approval for the requested zoning relief, limits on the use of the outdoor deck, and the establishment of a liaison committee "to address neighborhood concerns regarding the operation of the site." (Exhibit 46.)

DDOT Report. By memorandum dated October 18, 2012, the District Department of Transportation indicated no objection to the application. According to DDOT, approval of the requested zoning relief might lead to more vehicular, transit, pedestrian, and bicycle trips but the additional trips were not expected to create adverse impacts on the travel conditions of the District's transportation network. (Exhibit 24.)

ANC Report. By letter dated December 12, 2012, ANC 2F indicated that, at a regular monthly public meeting, held December 5, 2012 with a quorum present, the ANC voted unanimously to adopt a resolution in support of the application. According to ANC 2F, "the Applicant meets the standards for the requested special exception approvals," citing the C-2-A zoning classification of the subject property, the nature of the Applicant's building and attributes of its current operations, including disposal of animal waste, and the absence of exterior facilities used for animal boarding. The ANC noted the objection to the application raised by the owner of a neighboring property, but also indicated that "ANC 2F heard significant support for the special exceptions from community members residing in the immediate area and Logan Circle more broadly, both in person and in writing." (Exhibit 31.)

By letter dated February 14, 2013, ANC 2F indicated that, at a regular monthly public meeting, held February 6, 2013 with a quorum present, the ANC voted unanimously (8-0) to adopt a resolution in support of the application, which had been revised to include a request for variance relief so as to permit use of the outdoor deck at the subject property. The ANC's support was made subject to six conditions identical to those recommended by the Office of Planning.
Persons in support. The Board received letters in support of the application, which generally stated that the Applicant's current business did not adversely impact properties in its immediate

vicinity, and did not create noise, odor, or other objectionable conditions but contributed to the vitality of the area. The Board also heard testimony in support of the application from a person who formerly lived in close proximity to the subject property and testified that the Applicant's current operations had not created any objectionable conditions, including with respect to odors and noise.

Party in opposition. The party in opposition asserted that the Applicant had not satisfied the requirements for the special exceptions, in part because approval of the requested zoning relief would cause adverse environmental, economic, and social impacts on neighboring properties as a result of the odor, noise, and sanitary concerns associated with the Applicant's proposed use, especially with respect to the use of the outdoor deck. The party in opposition also contended that the Applicant's proposed uses of the subject property required additional zoning relief not requested by the Applicant, including variances related to off-street parking and floor area ratio.

FINDINGS OF FACT

The Subject Property

1. The subject property is located at 1232 9th Street, N.W., a lot midblock on the west side of 9th Street between M and N Streets (Square 368, Lot 911).

2. The subject property is a generally rectangular parcel 20 feet wide along its 9th Street frontage and 138.75 feet deep. A portion at the rear of the parcel, 49.5 feet deep, is 15.69 feet wide. The narrow portion abuts a public alley, 30 feet wide, along the rear lot line. The subject property has an area of approximately 2,475 square feet.

3. The subject property is improved with a three-story building that is attached to abutting buildings on both sides. The first floor of the building extends approximately 133 feet toward the rear lot line, and contains approximately 2,092 square feet of space. The second floor extends approximately 66 feet (with a court provided on the south side of the building), and contains approximately 1,000 square feet. Third floor extends approximately 33 feet toward the rear lot line, and provides approximately 602 square feet of space, while the cellar has a length of approximately 66 feet and contains 1,110 square feet. Separate entrances from 9th Street serve the first and second floors, the third floor, and the cellar.

4. The Applicant leases the building from the owner, and on May 9, 2005 was issued a certificate of occupancy authorizing use of the first floor as a pet store. The third floor of the building contains a residential unit with a kitchen and bathroom; the apartment was formerly leased but is currently vacant. The Applicant indicated that the third floor is used by its employees; for example, as a place to take showers and eat lunch.

5. The Applicant's business was established in 2001 and began operations at the subject property in 2005.[3]

6. The subject property is zoned C-2-A, which allows a maximum floor area ratio ("FAR") of 2.5, provided that no more than 1.5 FAR may be devoted to non-residential uses. (11 DCMR § 771.2.)

7. Consistent with the limit on non-residential FAR, the Applicant may devote up to 3,712.5 square feet (1.5 FAR) of the building to non-residential uses. The first and second floors of the building contain a total of approximately 3,092 square feet of space, within the 1.5 FAR limit on nonresidential use of the subject property.

8. Properties in the vicinity of the subject property are also zoned C-2-A. The closest Residence districts to the subject property are R-4 zones that are located approximately 82 feet to the north, fronting on N Street; approximately 170 feet to the south, fronting on M Street; and more than 200 feet to the west. The subject property does not abut an existing residence.

9. The Applicant's masonry building is capable of being soundproofed.

10. The subject property does not contain any external yards. However, in 2009 the Applicant constructed an outdoor deck located over the roof of the first floor at the rear of the building and accessible from the second floor.

11. The building to the north of the subject property is currently used as an art gallery. The building to the south is vacant; the building was acquired by the party in opposition in 2006 for use as a restaurant once the necessary renovations were completed. A restaurant is located across the rear alley to the west of the subject property, while the convention center is located to the east across 9th Street. The surrounding area contains a mixture of residential, commercial, office, and government uses.

The Applicant's Project

12. The Applicant seeks to expand operations at the subject property by operating animal boarding, pet grooming, and animal shelter uses in the cellar and on the first and second floors of the building in addition to continuing the existing retail use on the first floor. As proposed, the first floor will continue to house the retail space in the front of the building and the animal shelter use in the center portion of the building; the animal grooming use

[3] The Applicant also plans to operate an animal boarding and animal shelter use at 900 M Street, S.E., for which the Board granted zoning relief, subject to conditions, in Application No. 18346 (order issued May 15, 2012).

will be located in the cellar; and the remainder of the first floor and the entire second floor will be devoted to the animal boarding use.

13. The animal boarding, pet grooming, and animal shelter uses will take place primarily inside the Applicant's building, with windows and doors kept closed. The Applicant will utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping in connection with the animal shelter use. The Applicant will also use industry-standard flooring sealants to help eliminate bacteria and minimize odors by preventing animal waste from penetrating into the concrete floor.

14. The Applicant will place all animal waste in closed waste disposal containers and will utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. For its current operations, the Applicant has animal waste collected three times per week by a qualified waste disposal company. Animal wastes are collected in biodegradable bags and placed into a trash chute, which is made of wood and lined with metal and is affixed to the building. The chute conveys the bags to an enclosed container that prevents odors from escaping until the contents are collected for disposal.

15. Odors at the subject property will be controlled by means of an air filtration system, such as HEPA filtration, or an equivalent effective odor control system. The Applicant will wash all indoor floors with a water/chemical mixture that breaks down urine odor, with the liquid mixture captured by a drainage system. An air filtration system is used on air conditioner units in the building to control odors, and the units and vents are cleaned and maintained professionally.

16. The Applicant proposes to use the outdoor space on the second-floor deck on a limited basis primarily in conjunction with the animal boarding use. The deck contains no cages or other facilities for the long-term keeping of animals. Dogs will be permitted to go out on the deck subject to conditions on its use, which were proposed by the ANC and by OP, and agreed to by the Applicant. The conditions will limit the number of dogs on the outdoor deck at any one time as well as the length of time any dog is permitted to remain on the outdoor deck, and require supervision of the dogs by the Applicant's employees while using the outdoor deck.

Harmony with Zoning

17. The subject property is zoned C-2-A, a Community Business Center zone district. The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. Located in low and medium density residential areas with access to main highways or rapid transit stops, and including office employment centers, shopping centers, and

medium-bulk mixed use centers, the C-2-A District permits development to medium proportions. (11 DCMR §§ 720.2 – 720.4.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief to allow use of property for animal boarding pursuant to § 735, pet grooming pursuant to § 736, and an animal shelter pursuant to § 739 in the C-2-A Zone District at 1232 9th Street, N.W. (Square 398, Lot 911). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. *See* 11 DCMR § 3104.1.

Pursuant to § 735, an animal boarding use may be permitted as a special exception if approved by the Board subject to certain requirements, including that the animal boarding use must not abut a Residence zone (§ 735.2). The use must take place entirely within an enclosed and soundproof building in such a way so as to produce no noise or odor objectionable to nearby properties, with windows and doors kept closed and no animals permitted in an external yard on the premises (§ 735.3). The operator of the animal boarding use must place all animal waste in closed waste disposal containers and utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly, and must control odors by means of an effective air filtration system, such as high efficiency particulate air ("HEPA") filtration or the equivalent (§ 735.4). External yards and other exterior facilities for the keeping of animals are not permitted (§ 735.6).

Based on the findings of fact, the Board concludes that the requested special exception for animal boarding, subject to the conditions of approval adopted in this order to mitigate any potential adverse impacts, satisfies the requirements of §§ 735 and 3104.1. The animal boarding use will occur in a masonry building that can be made soundproof, where windows and doors will be kept closed, and which lacks an external yard on the premises. The building is located in a Commercial zone and does not abut a Residence zone. The Applicant will utilize primarily a portion of the first floor and the second floor of the building for the animal boarding use. With respect to the indoor space, the Applicant will utilize sound-absorbing materials as well as an odor control system, and will dispose of animal waste appropriately, consistent with the requirements of the Zoning Regulations.

The Applicant proposes to permit dogs to use the outdoor deck on the second floor of the building, subject to limits on the number of dogs at a time and duration of outdoor activity so as to prevent any objectionable conditions associated with its use. While the Applicant sought to amend the application to seek variance relief from § 735.6, as discussed more fully below, the

Board concludes that a variance is not needed under the circumstances because the Applicant's proposed use of the outdoor deck would not constitute the "keeping" of animals. The Applicant will use the deck to provide limited outdoor exercise for small groups of dogs, and does not propose to install cages or other facilities for the keeping of animals overnight or for other extended periods. The Board concurs with the Applicant that the limited use of the outdoor deck will be incidental to the animal boarding use.

Pursuant to § 736, a pet grooming establishment may be permitted as a special exception if approved by the Board subject to certain requirements, which are similar to the requirements for an animal boarding use set forth in § 735. A pet grooming establishment cannot abut an existing residential use or a Residence district (§ 736.4), and must be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste (§ 736.2). Animal waste must be placed in closed waste disposal containers and collected by a qualified company at least weekly, while odors must be controlled by an air filtration system or other effective odor control system (§ 736.3). The sale of pet supplies is permitted as an accessory use (§ 736.5), but external yards or other external facilities for the keeping of animals are not permitted (§ 736.5).

Based on the findings of fact and for the reasons discussed above, the Board concludes that the requested special exception for a pet grooming establishment, subject to the conditions of approval adopted in this order to mitigate any potential adverse impacts, satisfies the requirements of §§ 736 and 3104.1. The pet grooming establishment use will occur primarily in the building's cellar, while the Applicant plans to continue the existing retail use on the first floor. The subject property is located in a Commercial zone and does not abut a Residence zone or an existing residential use. Neighboring buildings, including those immediately abutting the subject property, are currently used for commercial purposes or are vacant.

Pursuant to § 739, an animal shelter may be permitted as a special exception if approved by the Board subject to certain requirements, which are similar to the requirements for an animal boarding use set forth in § 735 and the requirements for a pet grooming establishment contained in § 736. An animal shelter cannot abut an existing residential use or a Residence district (§ 739.5), and must be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste (§ 739.2). An animal shelter must utilize industry standard sound-absorbing materials (§ 739.3) as well as appropriate means to dispose of animal waste and to control odor (§ 739.4). External yards or other external facilities for the keeping of animals are not permitted unless the entire yard is located at least 200 feet from an existing residential use or Residence district (§ 739.6).

Based on the findings of fact and for the reasons discussed above, the Board concludes that the requested special exception for an animal shelter, subject to the conditions of approval adopted in this order to mitigate any potential adverse impacts, satisfies the requirements of §§ 739 and 3104.1. The animal shelter use will be located within the building at the subject property, utilizing portions of the cellar and first and second floors. Measures to be implemented by the

Applicant to avoid adverse impacts related to animal noise, odor, or waste potentially associated with the animal boarding and pet grooming operations will apply equally to the planned animal shelter use.

Accordingly, the Board concludes that approval of the requested special exceptions, subject to the conditions adopted in this order, will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Board also concludes that the requested special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The subject property is located in a Commercial zone that is intended in part to provide facilities for shopping and business needs outside of the central core, with development to medium proportions. The Board received letters in support of the application that demonstrated a desire for the services to be provided by the Applicant at the subject property. In addition, ANC 2F noted "significant support for the special exceptions from community members residing in the immediate area and Logan Circle more broadly."

With regard to the requested variance relief, the Board notes that the Applicant proposes to use the outdoor deck, located at the second-floor level on the roof over a portion of the first floor, to provide an exercise space for dogs in conjunction with the uses conducted at the subject property. The Applicant has agreed to conditions recommended by the Office of Planning and by ANC 2F,[4] including conditions that will limit the use of the outdoor deck to a maximum of five dogs at a time, prohibit animals on the deck between 6:00 p.m. and 9:00 a.m., and require the presence of an employee to supervise the animals using the outdoor deck.[5]

The Zoning Regulations do not define "keeping." Various definitions are provided by *Webster's Unabridged Dictionary*,[6] including "the act of one that keeps," as custody, guard, or maintenance; a reserving or preserving for future use; and the means by which something is kept. The Board concludes that "keeping" refers to an act of some long-term duration, and does not encompass the sort of temporary, periodic use of the outdoor deck planned by the Applicant.[7]

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[4] See Exhibit 43 at page 7.

[5] The Board declines to adopt the conditions proposed by OP and ANC 2F verbatim, but includes in this order conditions that are based on those recommendations and are appropriate to mitigate any adverse impacts potentially arising from the approved special exception uses.

[6] Pursuant to § 199.2(g), words not defined in § 199 of the Zoning Regulations "shall have the meanings given in *Webster's Unabridged Dictionary*."

[7] This conclusion is consistent with the use of "keep" or "keeping" in other titles of the District of Columbia Municipal Regulations. For example, with respect to pet ownership and service animals in public housing, residents "may keep an animal" subject to certain requirements (14 DCMR §§ 6211, 7409), and Animal Control regulations establish requirements for any "person owning, keeping, or having custody of a dog" (24 DCMR §§ 900, 901). Outside of chapter 7, use of the word "keeping" in the Zoning Regulations also suggests a long-term act: the "Agricultural" use category of the Saint Elizabeth's East Campus district is described as the "on-site cultivation, or maintenance of plants, or the breeding or keeping of animals and livestock intended for personal use or eventual sale or lease off-site, including but not limited to: farm, truck garden, beekeeping, greenhouse, dairy, horticultural nursery, or community garden." 11 DCMR § 3303.1(a).

The limited use of the outdoor deck proposed by the Applicant as an exercise space incidental to the animal boarding, pet grooming, and animal shelter uses does not constitute the "keeping" of animals that is proscribed by the Zoning Regulations, and therefore variance relief from §§ 735.3, 736.5, and 739.6 is not needed in this case.

The party in opposition contends that the Applicant requires additional zoning relief to operate the planned uses at the subject property, especially relating to off-street parking requirements and to the maximum permitted non-residential floor area ratio. The Applicant disagrees. In deliberating on this self-certified application, the Board addresses only those areas of relief requested by the Applicant and makes no findings with respect to additional zoning relief, if any, that would be required by the Applicant's proposed operations at the subject property.[8]

The Board is required to give "great weight" to the recommendation of the Office of Planning. D.C. Official Code § 6-623.04 (2001). In this case, as discussed above, the Board concurs with OP's recommendation that the application should be approved, subject to conditions.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)). In this case, ANC 2F voted to support the application subject to the same conditions recommended by OP. The ANC did not raise any specific issues or concerns about the proposed zoning relief but concluded that the Applicant met the standard for the requested special exceptions and noted "significant support" for the application from persons living in the neighborhood in the vicinity of the subject property.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions to allow use of property for animal boarding pursuant to § 735, pet grooming pursuant to § 736, and an animal shelter pursuant to § 739 in the C-2-A Zone District at 1232 9th Street, N.W. (Square 398, Lot 911), noting that the **request for variances** from §§ 735.3, 735.6, and 739.6, concerning the "keeping" of animals in exterior facilities, is **dismissed** as unnecessary in this case. Accordingly, it is **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The application is approved for a term of three years beginning on the date upon which this order becomes final.

[8] *See* Application No. 18250 (order issued May 10, 2012) (opposition party's argument that more zoning relief was required than was requested was found irrelevant to the relief requested by the applicant); Application No. 16974 (July 29, 2004) ("Assuming that the opposition is correct … the most that can be said is that the applicant will need variance relief. That fact alone does not require the Board to deny a special exception. … Our inquiry is limited to the narrow question of whether the Applicant met its burden under the general and specific special exception criteria"). *Accord* Application No. 17537 (July 27, 2007) ("The question of whether an applicant should be requesting variance relief is not germane to the question of whether a special exception should be granted").

2. No animal shall be permitted on the outdoor deck between the hours of 6:00 p.m. and 9:00 a.m.

3. No more than five animals shall be permitted on the outdoor deck at any one time, and no dog shall be allowed on the deck for a period greater than 30 minutes per day.

4. An employee of the Applicant shall remain on the outdoor deck at all times when an animal is present.

5. Within 60 days of the effective date of this Order, the Applicant shall put in place a process and procedure to show that the Applicant is working cooperatively with the ANC, the neighbors, and surrounding businesses in order to stay abreast of any negative impacts resulting from the Applicant's use of the subject property.

VOTE: **4-0-1** (Nicole C. Sorg, S. Kathryn Allen, Lloyd J. Jordan, and Michael G. Turnbull (by absentee vote) to Approve the application for special exceptions and Dismiss the application for variance relief; Jeffrey L. Hinkle not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 21, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6. PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.