



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-157, Fiscal Year 2014 Budget Support Act of 2013
- DC Council schedules a public hearing on the Voter Registration Access and Modernization Amendment Act of 2013
- DC Council schedules a public oversight roundtable on the Performance Outcomes of the Department of Human Services' TANF Employment Program Providers
- Department of Health proposes guidelines for regulating body art establishments
- Board of Ethics and Government Accountability releases an advisory opinion on the "Constituent Services by Elected District of Columbia Government Officials"
- Department of Small and Local Business Development announces funding availability for the DC Commercial Clean Team Program

DISTRICT OF COLUMBIA REGISTER

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AN ACT
D.C. ACT 20-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
AUGUST 28, 2013

To enact and amend provisions of the law necessary to support the fiscal year 2014 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2014 Budget Support Act of 2013".

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TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. BONUS AND SPECIAL PAY

Sec. 1001. Short title.

This subtitle may be cited as the "Bonus and Special Pay Limitation Act of 2013".

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Sec. 1002. Bonus and special pay limitations.

(a) For fiscal year 2014, no funds may be used to support the categories of special awards pay or bonus pay; provided, that funds may be used to pay:

- (1) Retirement awards;
- (2) Hiring bonuses for difficult-to-fill positions;
- (3) Additional income allowances for difficult-to-fill positions;
- (4) Agency awards or bonuses funded by private grants or donations;
- (5) Safe driving awards;
- (6) Gainsharing incentives in the Department of Public Works;
- (6) Suggestion or invention awards; or
- (7) Any other award or bonus required by an existing contract or collective bargaining agreement that was entered into before the effective date of this subtitle.

(b) No special awards pay or bonus pay may be paid to a subordinate agency head or an assistant or deputy agency head unless required by an existing contract that was entered into before the effective date of this subtitle.

(c) Notwithstanding any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply in fiscal year 2014 to employees of the District of Columbia Public Schools who are based at a local school or who provide direct services to individual students.

SUBTITLE B. INNOVATION FUND ESTABLISHMENT

Sec. 1011. Short title.

This subtitle may be cited as the "Innovation Fund Establishment Act of 2013".

Sec. 1012. Definitions.

For the purposes of this subtitle, the term:

- (1) "Fund" means the Innovation Fund established in section 1013.
- (2) "Grant-managing entity" means the Community Foundation for the National

Capital Region pursuant to section 1016.

Sec. 1013. Innovation Fund.

(a) There is established a Innovation Fund ("Fund") to provide subgrants to nonprofit organizations in education, job training, health, services for seniors, arts, public safety, and the environment.

(b) The Mayor shall make a grant to a single grant-managing entity of which at least 94% shall be used to make subgrants for the purpose of promoting a growing economy, educational improvement, increasing sustainability, and improving the quality of life for all residents. The remaining 6% shall be utilized for administrative expenses and evaluation of the Fund.

(c) The Fund is designed to provide subgrants to nonprofits in education, job training, health, services for seniors, arts, public safety, and the environment. The funds shall be available

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for conveyance to a grant-managing entity for the purposes identified in subsection (b) of this section.

- (d) Subgrants shall be awarded, subject to the availability of funding, as follows:
- (1) All subgrants shall be awarded on a competitive basis;
 - (2) The subgrants shall not exceed \$100,000 per year;
 - (3) Capacity-building subgrants are one-time and can be carried over for a maximum of 3 years;
 - (4) Program-development subgrants are limited to a maximum of 3 years and contingent on first-year grant outcomes;
 - (5) The subgrant funds shall be used exclusively to serve District of Columbia residents;
 - (6) Independent review panels shall be used as part of the subgrant selection process; and
 - (7) All subgrants shall be subject to District transparency requirements, such as Freedom of Information Act requests.

(e) The Fund shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

Sec. 1014. Required information before approval.

(a) To be eligible to receive a subgrant from the grant-managing entity pursuant to section 1013, a subgrantee shall submit the following required documentation to the grant-managing entity as well as any additional information required by the grant-managing entity:

(1) Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

(2)(A) The organization's most recent financial audit, not more than 2 years old; or

(B) A recent financial statement, not more than one year old, prepared by a certified accountant that shows that the organization is in good financial standing and which delineates its:

- (i) Existing assets and liabilities;
- (ii) Pending lawsuits, if any; and
- (iii) Pending and final judgments, if any;

(3) Internal Revenue Service Form 990 covering the organization's most recently completed fiscal year;

(4) A notarized statement from the subgrantee certifying that:

(A) The organization is current on District and federal taxes;

(B) The grant-managing entity is authorized to verify the organization's tax status with the Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the grant-managing entity;

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(C) The grant-managing entity shall have access to the subgrantee's financial, administrative, and operational records, including specific consent for the grant-managing entity to access its books, accounts, records, findings, and documents related to the subgrant; and

(D) The subgrantee is registered with the Department of Consumer and Regulatory Affairs; and

(5) A comprehensive program statement that includes a detailed:

(A) Scope of work; and

(B) Budget that describes how the subgrant funds shall be spent.

Sec. 1015. Reporting requirements.

Beginning January 2, 2015, the grant-managing entity shall submit an annual report to the Mayor and the Council of all District funds allocated, which includes:

- (1) Detailed subgrantee data;
- (2) Performance measures and performance outcomes under each subgrant;
- (3) The specific services provided under each subgrant;
- (4) The entity providing the services, if one other than the subgrantee;
- (5) The time period of delivery of the services;
- (6) The type of service provided;
- (7) The actual amount paid for the services; and
- (8) The amount of other expenditures under the subgrant, if any.

Sec. 1016. Authorization for grant-managing entity.

For fiscal years 2014, 2015, and 2016, the Community Foundation for the National Capital Region ("Community Foundation") is designated as the grant-managing entity. The Community Foundation shall be required to enter into a Memorandum of Understanding ("MOU") with the District of Columbia government. The MOU shall set forth certain administrative requirements for the Community Foundation to abide by when it obtains District funds and awards subgrants involving District funds, and will clarify and reaffirm the Community Foundation's responsibility and obligation with respect to District funds, including the monitoring of the use of District funds.

Sec. 1017. Limitation on duplicative projects.

(a) The grant-managing entity shall take steps to avoid awarding subgrants to a nonprofit that has been awarded or is being awarded funds from the DC Children and Youth Investment Trust Corporation ("Trust") for the same or similar program purposes for which it is applying for funding from the Fund.

(b) Within 30 days after the effective date of the MOU, the grant-managing entity shall provide to the Mayor, or his or her designee, and the Council, a plan that sets forth procedures for avoiding the award of duplicative funds from the Trust and the Fund.

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SUBTITLE C. DEPARTMENT OF GENERAL SERVICES PROTECTIVE SERVICES DIVISION

Sec. 1021. Short title.

This subtitle may be cited as the "Department of General Services Protective Services Division Amendment Act of 2013".

Sec. 1022. Section 1023(6) of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.02(6)), is amended to read as follows:

"(6) Protective Services Division, which shall coordinate, manage, and provide security services for District government facilities through the use of special police officers and security officers, as defined in § 47-2839.01, civilian employees, or contractors."

SUBTITLE D. CAPTIVE INSURANCE

Sec. 1031. Short title.

This subtitle may be cited as the "Captive Insurance Amendment Act of 2013".

Sec. 1032. The District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.81) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "District of Columbia Medical Liability Captive Insurance Agency" and inserting the phrase "Captive Insurance Agency" in its place.

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

"(2A) "Act of terrorism" shall have the same meaning as provided in section 102(1) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3152(1))."

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

"(4A) "District real property asset" means improved real property owned by the District and includes all structures of a permanent character erected on or affixed to the property."

(4) Paragraph (5) is amended by striking the phrase "Medical Liability Captive" both places it appears and inserting the phrase "Captive" in its place.

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

"(8A) "Medical malpractice" means professional negligence by act or omission by a health care provider in which the treatment provided falls below the accepted standard of practice in the medical community and causes injury or death to the patient, with most cases involving medical error."

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

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"(9A) "Property insurance" means an insurance policy that protects against most risks to property such as earthquakes, floods, acts of terrorism, fires, boiler or machinery failures, business interruptions, pollution, fidelity, builders risk, debris removal, and weather damage."

(b) Section 3 (D.C. Official Code § 1-307.82) is amended to read as follows:

"Sec. 3. Establishment of the Captive Insurance Agency.

"(a) There is established, as a subordinate agency, the Captive Insurance Agency.

"(b) The purpose of the Agency is to:

"(1) Provide medical malpractice liability insurance policies for health centers, including coverage for the staff, contractors, and volunteer service providers for the services provided at the health centers; and

"(2) Provide property insurance for District real property assets.

"(c) The liability of the Agency for medical malpractice liability and property insurance policies shall be limited to the funds in the Captive Trust Fund."

(c) Section 4(a) (D.C. Official Code § 1-307.83(a)) is amended follows:

(1) Paragraph (1) is amended to read as follows:

"(1) By delegation from the Mayor, to exercise procurement authority as is necessary or proper to carry out the provisions and purposes of this act, including contract oversight and contracting with:

"(A) Other insurance companies, captives, risk pools, re-insurers, and other similar entities;

"(B) Similar captives of other states, municipalities, or counties for the joint performance of common administrative functions; and

"(C) Persons or other entities for the performance of organizational, management, or administrative functions;"

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

"(4A) Obtain and issue policies of property insurance, in accordance with the requirements of the plan of operation under section 8;"

(d) Section 6 (D.C. Official Code § 1-307.85) is amended as follows:

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

"(b) The Advisory Council shall consist of 7 members appointed by the Risk Officer. One member shall represent the District of Columbia Primary Care Association, 2 members shall represent District health centers, 2 members shall have expertise in general property insurance and re-insurance, and 2 members shall have general insurance expertise, whether medical malpractice or general property insurance."

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

(A) Paragraph (2) is amended by striking the word "and" at the end.

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

"(2A) Assess the needs and interests of the District with respect to obtaining property insurance through the Agency; and"

(e) Section 7(b) (D.C. Official Code § 1-307.86(b)) is amended by striking the phrase "March 2" and inserting the phrase "December 15" in its place.

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(f) Section 8(b) (D.C. Official Code § 1-307.87(b)) is amended by adding a new paragraph (4A) to read as follows:

"(4A) Establish procedures for the offering of property insurance for District real property assets;"

(g) Section 11 (D.C. Official Code § 1-307.90) is amended to read as follows:

"Sec. 11. Coverage.

"(a) The Agency shall offer:

"(1) Health centers medical malpractice insurance that is consistent with coverage offered in the market; and

"(2) Property insurance for the benefit of the District for District real property assets consistent with coverage offered in the market.

"(b) The insurance policies and coverage offered pursuant to this act shall be established by the Risk Officer with the advice of the Advisory Council and subject to the approval of the Commissioner.

"(c) Any policy offered by the Agency shall state that the liability of the Agency shall be limited to the funds in the Captive Trust Fund."

(h) Section 12(a) (D.C. Official Code § 1-307.91(a)) is amended by striking the phrase "Medical Liability Captive" and inserting the word "Captive" in its place.

(i) A new section 16a is added to read as follows:

"Sec. 16a. Short title.

"This act may be cited as the "Captive Insurance Agency Establishment Act of 2008".

SUBTITLE E. TECHNOLOGY SERVICES SUPPORT

Sec. 1041. Short title.

This subtitle may be cited as the "Technology Services Support Amendment Act of 2013".

Sec. 1042. The Technology Services Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1431 *et seq.*), is amended as follows:

(a) Section 1002 (D.C. Official Code § 1-1431) is amended by repealing paragraphs (1), (2), (5), and (6).

(b) Section 1004 (D.C. Official Code § 1-1433) is amended to read as follows:

"Sec. 1004. Technology Infrastructure Services Support Fund.

"(a) There is established as a special fund the Technology Infrastructure Services Support Fund ("Fund"), which shall be administered by the Chief Technology Officer in accordance with subsection (c) of this section.

"(b) The Fund shall consist of the revenue from payments by independent District government agencies and federal agencies for services provided by the Office of the Chief Technology Officer in accordance with subsection (c) of this section.

"(c) The Fund shall be used solely to defray operational costs of programs of the Office of the Chief Technology Officer, other than the DC-Net program, that the Chief Technology

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Officer shall designate based on the use of such programs to provide services to independent agencies of the District and agencies of the federal government.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

SUBTITLE F. EASTERN MARKET JURISDICTION CLARIFICATION

Sec. 1051. Short title.

This subtitle may be cited as the "Eastern Market Jurisdiction Clarification Amendment Act of 2013".

Sec. 1052. The Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-228; D.C. Official Code § 37-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 37-101) is amended as follows:

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

"(12) "Eastern Market Special Use Area" means:

"(A) Eastern Market Square, including the North Hall Plaza;

"(B) The Capitol Hill Natatorium Plaza;

"(C) The playground and parking lot of Hine Junior High School, as of the effective date of the Eastern Market Jurisdiction Clarification Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), until commencement of construction with respect to new development on the Hine Junior High School site;

"(D) 7th Street, S.E., between North Carolina Avenue, S.E., and Pennsylvania Avenue, S.E., including the area between the curb and near edge of the sidewalk on both the east and west sides of the street and excluding the area between the property line and far edge of the sidewalk on both sides of the street;

"(E) The new C Street, S.E., to be constructed between 7th and 8th Streets, S.E., including the area between the curb and near edge of the sidewalk on both the north and south sides of the street and excluding the area between the property line and the far edge of the sidewalk on both sides of the street; and

"(F) Other privately owned or controlled lands or buildings that are directly adjacent to the area defined in subparagraphs (A), (B), (C), and (D) of this paragraph, each being subject to a lease or management agreement between the market manager and such owner or controlling entity, and for durations and under conditions defined in the lease or management agreements."

(2) Paragraph (21) is amended to read as follows:

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"(21) "Market manager" means a person or persons, having experience relevant to operating an historic urban fresh food or farmers' market, employed to provide unified and coordinated management for the Eastern Market Special Use Area."

SUBTITLE G. COMMUNITY AFFAIRS GRANT-MAKING AUTHORITY

Sec. 1061. Short title.

This subtitle may be cited as the "Community Affairs Grant-Making Authority Authorization Amendment Act of 2013".

Sec. 1062. Section 303(10) of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1313(10)), is amended by striking the word "act" and inserting the phrase "act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)" in its place.

Sec. 1063. Section 304(c)(9) of the Office on Asian and Pacific Islander Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1373(c)(9)), is amended by striking the word "act" and inserting the phrase "act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)" in its place.

Sec. 1064. Section 3 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1392), is amended as follows:

(a) Paragraph (8) is amended by striking the word "and" at the end.

(b) Paragraph (9) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (10) is added to read as follows:

"(10) Issue grants to organizations that provide services to African residents of the District in furtherance of the mission of the Office or the purposes of this act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

SUBTITLE H. DISTRICT OF COLUMBIA GOVERNMENT COMPREHENSIVE MERIT PERSONNEL

Sec. 1071. Short title.

This subtitle may be cited as the "District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2013".

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Sec. 1072. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 909(a) (D.C. Official Code § 1-609.03(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “, no more than 2 of whom may be appointed or detailed to a single agency, other than the Executive Office of the Mayor or the Office of the City Administrator”.

(2) Paragraph (9) is amended by striking the number “6” and inserting the number “10” in its place.

(b) Section 1052 (D.C. Official Code § 1-610.52) is amended by added a new subsection (b-1) to read as follows:

"(b-1) Notwithstanding subsections (a) and (b) of this section, the compensation of the Chief Medical Examiner ("CME") shall not exceed \$253,000 unless approved by an act of the Council. The level of compensation as provided in this subsection shall be the total annual salary amount that the CME may receive. The CME may not receive longevity pay, bonus pay, including performance bonus pay, retention pay, per annum percentage increases for cost-of-living purposes or due to any collective bargaining activity within the agency, or any equivalent financial incentives or salary enhancements."

SUBTITLE I. DISTRICT OF COLUMBIA UNIFORM LAW COMMISSION

Sec. 1081. Short title.

This subtitle may be cited as the "District of Columbia Uniform Law Commission Amendment Act of 2013".

Sec. 1082. Section 4(b) of the District of Columbia Uniform Law Commission Act of 2010, effective March 12, 2011 (D.C. Law 18-313; D.C. Official Code § 3-1433(b)), is amended by adding a new paragraph (3) to read as follows:

"(3) The District may expend funds necessary to cover the costs of commissioners' attendance at the annual meeting as required under paragraph (1) of this subsection, the annual dues for the NCCUSL, and any other expenses as required."

SUBTITLE J. GRANT ADMINISTRATION

Sec. 1091. Short title.

This subtitle may be cited as the "Grant Administration Act of 2013".

Sec. 1092. Definitions.

For the purposes of this subtitle, the term:

(1) "Grant program" means the management or administration by a grantor of grant-making or grant-issuing authority as covered by this subtitle.

(2) "Grantee" means the person that receives funds under a grant program.

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(3) "Grantor" means a District agency, board, commission, instrumentality, or program designated by law as the grant-managing entity for a grant program.

Sec. 1093. Applicability of requirements on grants.

Notwithstanding any other provision of law, and except where the law establishing authority for the grant exempts or modifies the requirements of this subtitle by specific reference, any grant-making or grant-issuing authority established under the Fiscal Year 2014 Budget Support Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), shall be administered pursuant to the requirements of this subtitle.

Sec. 1094. Requirements for award of grants.

(a) Any grant of \$50,000 or more that is made pursuant to an authority described in section 1093 shall be awarded on a competitive basis and solely for the purpose or purposes identified in the statute establishing the grant-making or grant-issuing authority.

(b) Before providing notice of the availability of grant funds as required by subsection (c) of this section, a grantor shall establish criteria or standards for the selection of a grantee or grantees under the grant program, and shall set priorities among those criteria or standards.

(c) A grantor shall publish notice in the District of Columbia Register for a minimum of 14 days in advance of making or issuing a grant of the following:

(1) A detailed description of the availability of grant funds, including the amount, the number of likely grant awards to be made, and any limitations or requirements on the use of such grant funds;

(2) Eligibility requirements for receiving funds under the grant program, including the requirements in section 1095;

(3) Selection criteria for the awarding of funds under the grant program;

(4) A description of the application process under the grant program, including the date after which applications will no longer be received; and

(5) The date that final determination of grant awards will be made.

Sec. 1095. Requirements for administration of grant programs.

A grantor administering a grant program covered by this subtitle shall:

(1) Within 30 days from the closing date of the grant application process, provide notification to all applicants of the acceptance or rejection of their applications for the grant funds; and

(2)(A) Maintain records of any written communications as well as a description of any other communications, including telephonic or face-to-face communications, between the grantor and any District government official or staff regarding:

(i) The development of the selection criteria or eligibility requirements;

(ii) Selection by the grantor of a grantee; or

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(iii) Issues with a grantee's compliance with grant-program requirements.

(B) Records required under this paragraph shall be provided, upon request, within a reasonable time, to the Mayor, or his or her designee, or to a member of the Council.

Sec. 1096. Eligibility requirements for receiving grants.

In addition to any other eligibility requirements provided under the enabling statute of the grant program, to be eligible to receive funds under a grant program covered by this subtitle, an individual or entity must be current on all taxes and liabilities owed to the District, or have a plan to resolve such taxes and liabilities that is satisfactory to the grantor.

Sec. 1097. Reporting requirements.

Beginning in 2014, a grantor managing a grant program covered by this subtitle shall submit a report to the Mayor and the Council by November 1 of each year containing the following information:

- (1) All funds allocated pursuant to a grant program in the previous fiscal year;
- (2) The type of services and a timeline for delivery of services for the grant; and
- (3) Performance measures and performance outcomes for each grant issued

during the previous fiscal year.

SUBTITLE K. DISCRETIONARY FUNDS RENAMING

Sec. 1101. Short title.

This subtitle may be cited as the "Discretionary Fund Renaming Amendment Act of 2013".

Sec. 1102. Section 26 of An Act To authorize certain programs and activities of the government of the District of Columbia, and for other purposes, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10), is amended by adding a new subsection (c) to read as follows:

"(c) This section may be cited as the "Discretionary Funds Act of 1973".".

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT LIMITED GRANT-MAKING AUTHORITY

Sec. 2001. Short title.

This subtitle may be cited as the "Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act of 2013".

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Sec. 2002. The Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; codified in scattered cites in the D.C. Official Code), is amended as follows:

(a) Section 2032 (D.C. Official Code § 1-328.04) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase "project;" and inserting the phrase "project; and" in its place.

(B) Paragraph (3) is repealed.

(2) A new subsection (b-1) is added to read as follows:

"(b-1)(1) The Deputy Mayor may make grants for fiscal year 2014 as follows:

"(A) An amount of \$100,000 for sector consultants;

"(B) An amount of \$350,000 for local business promotion;

"(C) An amount of \$75,000 for regional economic development; and

"(D) An amount of \$50,000 for increasing access to financial services and products to unbanked and under-banked residents.

"(2) Grants made pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

(b) Section 2033 (D.C. Official Code § 1-325.211) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Deputy Mayor for Planning and Economic Development" and inserting the phrase "Commission on Arts and Humanities" in its place.

(2) Subsection (b)(1) is amended as follows:

(A) Subparagraph (A) is amended by striking the word "and".

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

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

"(C) An annual appropriation of \$107,000."

(3) A new subsection (d) is added to read as follows:

"(d) The Commission on Arts and Humanities is authorized to make grants for the purposes described in this section. Grants made under this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

Sec. 2003. Section 5 of the Commission on Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-204), is amended as follows:

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

"(3A) Make grants to neighborhood or civic associations for the purpose of providing funds for parades, festivals, and any other celebrations sponsored by a neighborhood or civic association in accordance with section 2033(c) and (d) of the Deputy Mayor for Planning

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and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-325.211(c) and (d))."

(b) Paragraph (5)(C) is amended by striking the phrase "in the Fund" and inserting the phrase "in the Fund or in the Neighborhood Parade and Festival Fund, established by section 2033 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-325.211), if the donation, gift, or grant is designated to be used for a parade, festival, or any other celebration sponsored by a neighborhood or civic association" in its place.

SUBTITLE B. WORKFORCE INVESTMENT COUNCIL AND WORKFORCE INTERMEDIARY GRANT-MAKING AUTHORITY

Sec. 2011. Short title.

This subtitle may be cited as the "Workforce Investment Council and Workforce Intermediary Grant -Making Authority Amendment Act of 2013".

Sec. 2012. Section 4 of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603), is amended by adding new subsections (c) and (d) to read as follows:

"(c) The Council shall have grant-making authority for the purpose of providing competitive grants under the authority granted to the Council by this act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

"(d) The Council shall have grant-making authority for the purpose of providing competitive grants based on the recommendations of the Workforce Intermediary Task Force, made pursuant to the Workforce Intermediary Task Force Establishment Temporary Act of 2011, effective December 2, 2011 (D.C. Law 19-55; 58 DCR 8962), and approved by the Council in the Workforce Intermediary Task Force Recommendations Emergency Approval Resolution of 2012, effective June 5, 2012 (Res. 19-454; 59 DCR 7454); provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

SUBTITLE C. UNEMPLOYMENT COMPENSATION ANTI-FRAUD FEDERAL CONFORMITY

Sec. 2021. Short title.

This subtitle may be cited as the "Unemployment Compensation Anti-Fraud Federal Conformity Amendment Act of 2013".

Sec. 2022. Section 19(e) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 956; D.C. Official Code § 51-119(e)), is amended by adding a new paragraph (3) to read as follows:

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"(3) Beginning on October 1, 2013, at the time the Director determines an erroneous payment was made to an individual due to fraud committed by such individual, the Director shall assess a penalty on the individual in an amount of 15% of the amount of the erroneous payment. Penalties paid pursuant to this paragraph shall be deposited in the District Unemployment Fund, established by section 2. The penalty assessed by this paragraph shall not be deducted from any future benefits payable to claimant under this act."

SUBTITLE D. UNEMPLOYMENT COMPENSATION PENALTY REDUCTION

Sec. 2031. Short title.

This subtitle may be cited as the "Unemployment Compensation Penalty Reduction Amendment Act of 2013".

Sec. 2032. Section 4(c)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 948; D.C. Official Code § 51-104(c)(2)), is amended by striking the number "25" and inserting the number "10" in its place.

**SUBTITLE E. UNEMPLOYMENT COMPENSATION BENEFITS CHANGES
FEDERAL CONFORMITY**

Sec. 2041. Short title.

This subtitle may be cited as the "Unemployment Compensation Benefit Charges Federal Conformity Amendment Act of 2013".

Sec. 2042. Section 3(c)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-103(c)(2)), is amended by adding a new subparagraph (F) to read as follows:

"(F) Commencing with overpayments of benefits established after September 30, 2013, no employer shall be relieved of benefit charges for payments made from the District Unemployment Fund if the charges resulted from benefit payments made because the employer or the employer's agent was at fault for failing to respond timely or adequately to the request of the Director for information relating to the claim for benefits and the employer or agent has established a pattern of failing to respond timely or adequately to such requests unless the Director finds such failure was for good cause."

**SUBTITLE F. WORKERS' COMPENSATION AVERAGE WEEKLY WAGE
CALCULATION ALIGNMENT**

Sec. 2051. Short title.

This subtitle may be cited as the "Workers' Compensation Average Weekly Wage Calculation Alignment Amendment Act of 2013".

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Sec. 2052. Section 6(d) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D. C. Official Code § 32-1505(d)), is amended to read as follows:

"(d) For the purposes of this section, the average weekly wage of insured employees in the District shall be determined by the Mayor as follows:

"(1) For the calendar year 2013, the average weekly wage rate is set at \$1,416.00.

"(2) For years commencing after January 1, 2013, on or before November 1st of each preceding year, the total wages reported on contribution reports for employees, excluding employees of the District government and the United States government, to the Department of Employment Services for the year ending on the preceding June 30th shall be divided by the average number of such employees (determined by dividing the sum of total employees reported in each quarter for the preceding year, excluding employees of the District government and the United States government, by 4). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the year beginning the following January 1".

SUBTITLE G. WAGE THEFT PREVENTION

Sec. 2061. Short title.

This subtitle may be cited as the "Wage Theft Prevention Amendment Act of 2013".

Sec. 2062. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*), is amended as follows:

(a) Section 1(3) (D.C. Official Code § 32-1301(3)) is amended to read as follows:

"(3) "Wages" means all monetary compensation after lawful deductions, owed by an employer, whether the amount owed is determined on a time, task, piece, commission, or other basis of calculation. The term "wages" includes a:

"(A) Bonus;

"(B) Commission;

"(C) Fringe benefits paid in cash;

"(D) Overtime premium; and

"(E) Other remuneration promised or owed:

"(i) Pursuant to a contract for employment, whether written or oral;

"(ii) Pursuant to a contract between an employer and another

person or entity; or

"(iii) Pursuant to District or federal law."

(b) Section 3(4) (D.C. Official Code § 32-1303(4)) is amended by striking the phrase "equal to the unpaid wages" and inserting the phrase "equal to treble the unpaid wages" in its place.

(c) Section 5 (D.C. Official Code § 32-1305) is amended as follows:

(1) The existing language is designated as subsection (a).

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

"(b) In enforcing the provisions of this act, the remuneration promised by an employer to an employee shall be presumed to be at least the amount required by federal law, including federal law requiring the payment of prevailing wages, or by District law."

(d) Section 6(a) (D.C. Official Code § 32-1306(a)) is amended as follows:

(1) Strike the phrase "for penalties" and insert the phrase "for the payment of wages, liquidated damages, and penalties" in its place.

(2) A new sentence is added to the end to read as follows: "The Mayor shall inform any employee affected by a prosecution brought under this section of the proceedings of the prosecution and shall consult with the employee concerning appropriate restitution and damages."

Sec. 2063. Section 13(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1012(f)), is amended by striking the phrase "wages owed" and inserting the phrase "wages and liquidated damages owed" in its place.

Sec. 2064. Section 108 of the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.08), is amended as follows:

(a) Strike the phrase "wages required" and insert the phrase "wages, enforcement of non-payment, and penalties and remedies for non-payment required" in its place.

(b) A new sentence is added to the end to read as follows: "Failure to pay wages in conformance with this act shall constitute unpaid wages and shall subject the violator to all procedures, liquidated damages and penalties, and any other remedies or relief applicable under An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*)".

SUBTITLE H. HOUSING PRODUCTION TRUST FUND REVENUE DEDICATION

Sec. 2071. Short title.

This subtitle may be cited as the "Housing Production Trust Fund Revenue Dedication Amendment Act of 2013".

Sec. 2072. Section 2072 of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is repealed.

SUBTITLE I. SENIOR HOUSING MODERNIZATION GRANT FUND

Sec. 2081. Short title.

This subtitle may be cited as the "Senior Housing Modernization Grant Fund Amendment Act of 2013".

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Sec. 2082. The Senior Housing Modernization Grant Fund Act of 2010, effective August 12, 2010 (D.C. Law 18-218; D.C. Official Code § 1-325.161 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 1-325.161(1)) is amended to read as follows:

"(1) "Director" means the Director of the Department of Housing and Community Development."

(b) Section 3(b) (D.C. Official Code § 1-325.162(b)) is amended as follows:

(1) Strike the phrase "Deputy Mayor" and insert the word "Director" in its place.

(2) Strike the phrase "\$5,000" and insert the phrase "\$20,000" in its place.

(3) Add the following sentence at the end: "Administration of grants from the Fund shall be exempt from the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

(c) Section 4 (D.C. Official Code 1-325.163) is amended as follows:

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

"(a) An applicant is eligible for a grant if the applicant is a qualified senior citizen; provided, that the Director shall give priority consideration to lower-income applicants."

(2) Strike the phrase "Deputy Mayor" wherever it appears and insert the word "Director" in its place.

(d) Section 5 (D.C. Official Code § 1-325.164) is amended by striking the phrase "provisions of this act" and inserting the phrase "provisions of this act within 60 days of the effective date of the Senior Housing Modernization Grant Fund Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)" in its place.

SUBTITLE J. LOCAL RENT SUPPLEMENT SUSTAINMENT

Sec. 2091. Short title.

This subtitle may be cited as the "Local Rent Supplement Sustainment Amendment Act of 2013".

Sec. 2092. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8c to read as follows:

"Sec. 8c. Placement of first priority homeless families.

"The Mayor and the District of Columbia Housing Authority shall fill vacant Rent Supplement Program tenant-based vouchers, established by section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), with homeless families referred by the Department of Human Services and determined to have first priority to shelter pursuant to 29 DCMR § 2508.01(a)(1). The referrals shall be made in accordance with the special eligibility criteria set forth in 29 DCMR § 2556 through 29 DCMR § 2558."

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**SUBTITLE K. WALTER REED ARMY MEDICAL CENTER COMMUNITY
ADVISORY COMMITTEE**

Sec. 2101. Short title.

This subtitle may be cited as the "Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013".

Sec. 2102. The Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012, effective October 16, 2012 (D.C. Law 19-175; D.C. Official Code § 10-1901 *et seq.*), is amended by adding a new section 6a to read as follows:

"Sec. 6a. Establishment of advisory committee.

"(a) There is established a Walter Reed Army Medical Center Site Reuse Advisory Committee ("Committee").

"(b)(1) The Committee shall consist of the following 9 members:

"(A) The Master Developer or the Master Developer's designee;

"(B) The Deputy Mayor for Planning and Economic Development or the Deputy Mayor's designee;

"(C) The Chairman of the Council or the Chairman's designee;

"(D) The Councilmember from Ward 4 or the Councilmember's designee;

"(E) Three community members, appointed by the Mayor, one member each from the Brightwood, Shepherd Park, and Takoma communities;

"(F) One member of ANC4A chosen by ANC4A; and

"(G) One member of ANC4B chosen by ANC4B.

"(2) Members of the Committee appointed pursuant to paragraph (1)(E) of this subsection shall have expertise in economic development, public safety, law, transportation, affirmative action, or local community issues.

"(3) Each member of the Committee, except the Master Developer or the Master Developer's designee, shall be a District resident.

"(4) The Chairperson of the Committee shall be designated by the Mayor.

"(5) Members shall serve without compensation.

"(6) Members shall serve until replaced by their appointing authority.

"(7) The member appointed pursuant to paragraph (1)(A) of this subsection shall not be a voting member.

"(c) The Committee shall advise the LRA and Master Developer with respect to the following:

"(1) The needs of the community, including providing retail uses that are accessible to the community that serve the needs of both the community and visitors to the Walter Reed Army Medical Center Site, and adequate security in and around the Walter Reed Army Medical Center Site;

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"(2) Parking issues, including parking for persons using or employed at the Walter Reed Army Medical Center Site and the prevention of parking in the surrounding neighborhoods by non-residents of those neighborhoods;

"(3) Transportation issues, including:

"(A) Proposals for directing traffic to and from the Walter Reed Army Medical Center Site away from the surrounding residential streets;

"(B) Providing a method of truck staging to minimize any adverse impact on the surrounding neighborhoods;

"(C) Restricting the parking of trucks, trailers, and buses at the Walter Reed Medical Center Site or other areas outside of the area surrounding the Walter Reed Medical Center Site; and

"(D) Providing adequate pull-off areas for taxicabs, buses, and shuttles;

"(4) Economic-development opportunities that may be created for surrounding neighborhoods as a result of the reuse of the Walter Reed Army Medical Center Site;

"(5) The development of environmental guidelines, including the mitigation of adverse noise and air-quality impacts;

"(6) Any request for proposal or contract modification for economic-development projects, streetscape or pedestrian movement projects, and transportation or parking projects; and

"(7) Other issues directly related to the operation or redevelopment or reuse of the Walter Reed Army Medical Center Site that are likely to have an impact on the community.

"(d) A quorum of the Committee shall meet at least 6 times per year.

"(e) For the purposes of this section, the term "Master Developer" means the real-estate-development team selected by the Walter Reed LRA to implement the Walter Reed Reuse Plan.

"(f) The committee shall be subject to the provisions of the Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)

"(g) This section shall sunset as of December 31, 2023."

SUBTITLE L. FOSTER YOUTH TRANSIT SUBSIDY

Sec. 2111. Short title.

This subtitle may be cited as the "Foster Youth Transit Subsidy Amendment Act of 2013".

Sec. 2112. Section 2 of the School Transit Subsidy Act of 1978, effective March 3, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended by adding a new subsection (f) to read as follows:

"(f)(1) Youth in the District's foster care system shall be eligible for a foster-youth transit-subsidy program ("Program") as established by the Mayor until they reach 21 years of age.

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"(2) The Program shall allow qualified foster youth to travel on Metrobus, Metrorail, and public transportation services offered by the District at subsidized or reduced fares.

"(3) The subsidized or reduced foster-youth fare set forth in this subsection shall be valid only for the transportation of foster youth for educational or employment purposes."

SUBTITLE M. HOUSING PRODUCTION TRUST FUND SECURITIZATION

Sec. 2121. Short title.

This subtitle may be cited as the "Housing Production Trust Fund Securitization Amendment Act of 2013".

Sec. 2122. The Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), is amended as follows:

(a) Section 3(b-2) (D.C. Official Code § 42-2802(b-2)) is amended by adding a new paragraph (3) to read as follows:

“(3) This subsection shall not apply to the new issuance of bonds after May 1, 2013.”.

(b) Section 203 (D.C. Official Code § 42-2812.03) is amended by adding a new subsection (e) to read as follows:

"(e) After May 1, 2013, the Housing Production Trust Fund established pursuant to section 3 may not be used to support the new issuance of bonds under subsection (a) of this section."

SUBTITLE N. AFRICAN-AMERICAN CIVIL WAR MEMORIAL FREEDOM FOUNDATION INC. MUSEUM DEVELOPMENT

Sec. 2131. Short title.

This subtitle may be cited as the "African-American Civil War Memorial Freedom Foundation Inc., Museum Development Act of 2013".

Sec. 2132. Grimke School covenant.

(a) Notwithstanding any rule, regulation, or other law to the contrary, the District may not convey, exchange, lease, sell, transfer, or otherwise dispose to any person of the real property located at 1925 Vermont Avenue, N.W., known for tax and assessment purposes as Lot 0827, Square 0361 ("the Grimke School"), unless the District places a covenant that provides for the exclusive use, renovation, and expansion of a space of not less than 10,000 square feet for the establishment and operation of the African-American Civil War Memorial Museum and Visitor's Center.

(b) The covenant required under this section shall:

(1) Be binding upon the person and the person's heirs, successors, and assigns, and upon occupiers or users of the Grimke School;

(2) Run with the land both as to benefit and as to burden; and

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(3) Run with the land in perpetuity.

Sec. 2133. Restriction on disposal.

The Mayor may not transmit, pursuant to section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), or otherwise, any disposition of the Grimke School that does not include a provision that ensures that exclusive use, renovation, and expansion of a space not less than 10,000 square feet for the establishment and operation of an African American Civil War Memorial Museum and Visitor's Center.

Sec. 2134. Applicability.

This subtitle shall apply upon the effective date of of the Fiscal Year 2014 Budget Support Emergency Act of 2013, passed on emergency basis on June 26, 2013 (Enrolled version of Bill 20-337).

SUBTITLE O. NOMA PARKS GRANT AUTHORIZATION

Sec. 2141. Short title.

This subtitle may be cited as the "NoMa Parks Grant Authorization Act of 2013".

Sec. 2142. Grant for NoMa public parks authorized.

(a) The Director of the Department of General Services ("DGS") may issue grants to the NoMa BID, the NoMa Parks Foundation, or a related Friends of NoMa Parks organization for the purpose of acquiring land and building public parks and public spaces that are to be owned by the District, or for which the District has received a suitable and permanent easement, covenant, or ground lease, in accordance with the NoMa Public Realm Design Plan from the funds made available to DGS.

(b) Notwithstanding the provisions of D.C. Official Code §47-368.06, grants may be issued pursuant to this section through use of an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency lacking grant-making authority.

(c) This subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

**SUBTITLE P. UNIVERSITY OF THE DISTRICT OF COLUMBIA
COMMUNITY COLLEGE WORKFORCE DEVELOPMENT PROGRAM**

Sec. 2151. Short title.

This subtitle may be cited as the "University of the District of Columbia Community College Workforce Development Act of 2013".

Sec. 2152. Notwithstanding any other provision of law, any funds not subject to federal requirements that are transferred from the Department of Employment Services ("Department")

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to the Workforce Development Program at the University of the District of Columbia Community College ("Community College") for workforce-development purposes shall be used by the Community College without regard to any reporting requirements or other oversight requirements by the Department. The Community College shall adopt or use policies and procedures currently in place to ensure appropriate reporting, tracking of funds, and controls.

TITLE III. PUBLIC SAFETY AND JUSTICE**SUBTITLE A. DEPARTMENT OF CORRECTIONS CENTRAL CELLBLOCK MANAGEMENT**

Sec. 3001. Short title.

This subtitle may be cited as the "Department of Corrections Central Cellblock Management Amendment Act of 2013".

Sec. 3002. Section 2 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended by adding a new subsection (a-1) to read as follows:

"(a-1)(1) The Department of Corrections shall have charge of the management and operation of the Central Cellblock, located at 300 Indiana Avenue, N.W., Washington, D.C., and shall be responsible for the safekeeping, care, and protection of all persons detained at the Central Cellblock, by the Metropolitan Police Department, before their initial court appearance.

"(2) Nothing in this subsection shall be construed as:

"(A) Removing any authority from the Metropolitan Police Department to determine where to hold in custody any person arrested and awaiting an initial court appearance;

"(B) Granting any arrest powers to any employee of the Department of Corrections performing any duty at the Central Cellblock; or

"(C) Limiting any powers or authority of the Metropolitan Police Department or the Department of Corrections."

Sec. 3003. Transfers.

All property, records, unexpended balances of appropriations, allocations, and other funds required for the management and operation of the Central Cellblock at 300 Indiana Avenue, N.W., Washington, D.C. are hereby transferred from the Metropolitan Police Department to the Department of Corrections.

SUBTITLE B. SECURITY LICENSE STREAMLINING

Sec. 3011. Short title.

This subtitle may be cited the "Security Licensing Streamlining Act of 2013".

Sec. 3012. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

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(a) Section 47-2839 is amended by adding a new subsection (g) to read as follows:

"(g) All license fees collected pursuant to this section shall be deposited into the Occupations and Professions Licensing Special Account established pursuant to § 47-2853.11."

(b) Section 47-2839.01 is amended by adding a new subsection (f) to read as follows:

"(f) All license fees collected pursuant to this section shall be deposited into the Occupations and Professions Licensing Special Account established pursuant to § 47-2853.11."

(c) Section 47-2853.11 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "identified in this subchapter" and inserting the phrase "identified in §§ 47-2839 and 47-2839.01, and this subchapter" in its place.

(2) Subsection (c) is amended by striking the phrase "this subchapter" wherever it appears and inserting the phrase "§§ 47-2839 and 47-2839.01, and this subchapter" in its place.

(3) Subsection (d) is amended by striking the phrase "this subchapter" and inserting the phrase "§§ 47-2839 and 47-2839.01, and this subchapter" in its place.

SUBTITLE C. AUTOMATED TRAFFIC ENFORCEMENT ENHANCEMENT

Sec. 3021. Short title.

This subtitle may be cited as the "Automated Traffic Enforcement Enhancement Amendment Act of 2013".

Sec. 3022. Section 604c(2) of the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 34-1803.03(2)), is amended to read as follows:

"(2) From fines paid due to automated photo enforcement in any one fiscal year:

"(A) Aggregate revenues in excess of \$105,791,000 in fiscal year 2013;

"(B) Aggregate revenues in excess of \$141,348,000 in fiscal year 2014;

"(C) Aggregate revenues in excess of \$155,812,000 in fiscal year 2015;

"(D) Aggregate revenues in excess of \$148,020,000 in fiscal year 2016;

and

"(E) Aggregate revenues in excess of \$140,618,000 in fiscal year 2017 and in each fiscal year thereafter."

SUBTITLE D. DOMESTIC VIOLENCE HOTLINE ESTABLISHMENT

Sec. 3031. Short title.

This subtitle may be cited as the "Domestic Violence Hotline Establishment Act of 2013".

Sec. 3032. Definitions.

For the purposes of this subtitle, the term:

(1) "Domestic violence" means a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner,

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dating partner, or family member. The term "domestic violence" includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

(2) "Domestic violence counselor" shall have the same meaning as provided in D.C. Official Code § 14-310(a)(2).

(3) "Domestic violence program" shall have the same meaning as provided in D.C. Official Code § 14-310(a)(3).

(4) "Hotline" means the Domestic Violence Hotline program established by section 3033.

(5) "Office" means the Office of Victim Services, established by Mayor's Order 2004-119, issued July 19, 2004 (51 DCR 7997).

Sec. 3033. Domestic Violence Hotline.

(a) The Office shall establish the Domestic Violence Hotline to provide assistance for victims and potential victims of domestic violence beginning October 1, 2014.

(b)(1) The Hotline shall:

(A) Be operated by a domestic violence program funded and supported by the Office;

(B) Provide a direct toll-free number that accepts calls and text messages;

(C) Be directly available to callers, without an intermediary agency;

(D) Be available on a 24-hour basis;

(E) Provide live assistance by domestic violence counselors; and

(F) Offer anonymity and confidentiality to enable a victim or a friend or family member of a victim to seek support without giving his or her legal name.

(2) The requirements of paragraph (1)(F) of this subsection shall not be construed to limit or supersede any mandatory reporting requirements under District law.

(c) The Office shall develop and implement an outreach campaign to educate District residents about the Hotline.

Sec. 3034. Task force.

(a) Beginning October 1, 2013, the Office shall establish a task force to:

(1) Assess staff and technology needs of the Hotline; and

(2) Develop mechanisms for administration of the Hotline; and

(3) Develop standards that coincide with the standards used by the existing domestic violence first responder line.

(b) The task force shall include representatives from the D.C. Coalition Against Domestic Violence, governmental victim services programs, and domestic violence programs.

(c) By January 30, 2014, the task force shall transmit to the Office and to the Office of the Secretary to the Council a report that includes the assessments and developments completed pursuant to subsection (a) of this section.

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SUBTITLE E. JUVENILE WORKING GROUP ESTABLISHMENT

Sec. 3041. Short title.

This subtitle may be cited as the "Alternatives to Juvenile Arrest and Secured Detention Working Group Establishment Act of 2013".

Sec. 3042. Alternatives to Juvenile Arrest and Secured Detention Working Group establishment.

(a) There is established an Alternatives to Juvenile Arrest and Secured Detention Working Group ("Working Group").

(b) The Working Group shall be convened by the following:

- (1) The Attorney General for the District of Columbia; and
- (2) The City Administrator.

(c) The Working Group shall include the following members or their designees:

- (1) The Chief of Police;
- (2) The Director of the Child and Family Services Agency;
- (3) The Director of the Department of Behavioral Health;
- (4) The Chancellor of the District of Columbia Public Schools;
- (5) The Director of the Department of Youth Rehabilitation Services;
- (6) The Executive Director of the District of Columbia Public Charter School

Board;

- (7) The Chief of the District of Columbia Public Schools Patrol Services Division;
- (8) The Executive Director of the Criminal Justice Coordinating Council;
- (9) The Chairperson of the Council Committee on the Judiciary and Public Safety;
- (10) The Chairperson of the Council Committee on Human Services; and
- (11) Representatives from public agencies, community-based, nonprofit

organizations, and educational institutions that represent court-involved youth in delinquency matters in the District or conduct research on local juvenile justice issues.

(d) The Working Group shall invite the Chief Judge of the Family Court of the Superior Court of the District of Columbia or his designee to participate.

Sec. 3043. Responsibilities of Working Group.

(a) The Working Group shall:

(1) Review data regarding juvenile arrests in the District from at least January 2011 to present as the basis for its review, analysis, and recommendations. The juvenile arrest data review should also include a review of the number and type of arrests made that arise from school-based or school-related incidents;

(2) Review data regarding the Youth Services Center population from at least January 2011 to present as the basis for its review, analysis, and recommendations;

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(3) Develop and propose a differential response policy, program, and budget for juvenile arrests with the goal of diverting more youth from arrest, prosecution, overnight detention, or pre-trial detention; and

(4) Review policies guiding the detention of probation violators and assessment of youth posing a public-safety risk or risk to himself or herself.

(b) In developing and proposing the differential response policy, program, and budget required by subsection (a)(2) of this section, the Working Group shall consider the policies and practices of the Annie E. Casey Foundation's Juvenile Detention Alternative Initiatives and other innovative programs, such as the Florida Juvenile Civil Citation program, that are consistent with positive public safety and youth development outcomes.

Sec. 3044. Report.

No later than February 28, 2014, the Working Group shall submit a report to the Mayor and the Council that includes recommendations for diversion and detention-policy changes, practices, and proposed budget.

Sec. 3045. Sunset.

This subtitle shall sunset 30 days after the submission of the report required by section 3044.

SUBTITLE F. FIRE AND EMERGENCY MEDICAL SERVICES OVERTIME LIMITATION

Sec. 3051. Short title.

This subtitle may be cited as the "Fire and Emergency Medical Services Overtime Limitation Amendment Act of 2013".

Sec. 3052. Section 1103(f) 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 § 1-611.03(f)), is amended as follows:

(a) Paragraph (2)(B) is amended as follows:

(1) Strike the phrase "2011, 2012, and 2013" and insert the phrase "2011, 2012, 2013, and 2014" in its place.

(2) Strike the phrase "Battalion Fire Chief and above in the Firefighting Division" and insert the phrase "Deputy Fire Chief and above in the Firefighting Division" in its place.

(b) Paragraph (4)(A) is amended by striking the phrase "2011, 2012, and 2013" and inserting the phrase "2011, 2012, 2013, and 2014" in its place.

Sec. 3053. Section 2 of An Act To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes, approved June 19, 1948 (62 Stat. 498; D.C. Official Code § 5-405), is amended as follows:

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(a) Subsection (f) is amended by striking the phrase "2011, 2012, and 2013" and inserting the phrase "2011, 2012, 2013, and 2014" in its place.

(b) Subsection (g) is amended by striking the phrase "2011, 2012, and 2013" and inserting the phrase "2011, 2012, 2013, and 2014" in its place.

Sec. 3054. Section 202(c) of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-441(c)), is amended by striking the phrase "2012, and 2013" and inserting the phrase "2012, 2013, and 2014" in its place.

SUBTITLE G. RETURNING CITIZENS CLARIFICATION

Sec. 3061. Short title.

This subtitle may be cited as the "Returning Citizens Renaming Amendment Act of 2013".

Sec. 3062. The Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 24-1301) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Commission on Re-entry and Ex-Offender Affairs" and inserting the phrase "Commission on Re-Entry and Returning Citizen Affairs" in its place.

(2) Paragraphs (2) and (4) are amended by striking the phrase "Office on Ex-Offender Affairs" and inserting the phrase "Office on Returning Citizen Affairs" in its place.

(3) Paragraph (3) is repealed.

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

"(5) 'Returning citizens' means persons who are residents of the District who were previously incarcerated."

(b) Section 3 (D.C. Official Code § 24-1302) is amended as follows:

(1) The heading and subsection (a) are amended by striking the phrase "Office on Ex-Offender Affairs" and inserting the phrase "Office on Returning Citizen Affairs" in its place.

(2) Strike the phrase "ex-offenders" wherever it appears and insert the phrase "returning citizens" in its place.

(c) Section 4 (D.C. Official Code § 24-1303) is amended as follows:

(1) The heading is amended by striking the phrase "Commission on Re-Entry and Ex-Offender Affairs" and inserting the phrase "Commission on Re-Entry and Returning Citizen Affairs" in its place.

(2) Subsection (a) is amended by striking the phrase "Commission on Re-entry and Ex-Offender Affairs" and inserting the phrase "Commission on Re-Entry and Returning Citizen Affairs" in its place.

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(3) Strike the phrase "ex-offenders" wherever it appears and insert the phrase "returning citizens" in its place.

(4) Subsection (b)(8) is amended by striking the phrase "and returning citizens".

SUBTITLE H. CRIMINAL JUSTICE COORDINATING COUNCIL CRIMINAL JUSTICE AGENCY

Sec. 3071. Short title.

This subtitle may be cited as the "Criminal Justice Coordinating Council Criminal Justice Designation Amendment Act of 2013".

Sec. 3072. Section 1505 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2011, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended by adding a new subsection (c) to read as follows:

"(c) The CJCC is designated as a criminal justice agency for purposes of transmitting electronically to local, state, and federal agencies criminal-justice-related information, as required by CJCC to perform the duties specified under this section and in accordance with the terms and conditions regarding data sharing approved by the agency that is the source of the information for transmission."

TITLE IV. PUBLIC EDUCATION

SUBTITLE A. FUNDING FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Amendment Act of 2013".

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$9,124 per student for fiscal year 2013" and inserting the phrase "\$9,306 per student for fiscal year 2014" in its place.

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following chart in its place:

Grade Level	Weighting	Per Pupil Allocation in FY 2014
Pre-School	1.34	\$12,470
Pre-Kindergarten	1.30	\$12,098
Kindergarten	1.30	\$12,098
Grades 1-3	1.00	\$9,306

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Grades 4-5	1.00	\$9,306
Grades 6-8	1.03	\$9,585
Grades 9-12	1.16	\$10,795
Alternative program	1.17	\$10,888
Special education school	1.17	\$10,888
Adult	0.75	\$6,980

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

"(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"General Education Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil FY 2014
"LEP/NEP	Limited and non-English proficient students	0.45	\$4,188
"Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,582

"Special Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil FY 2014
"Level 1: Special Education	Eight hours or less per week of specialized services	0.58	\$5,397
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	0.81	\$7,538
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.58	\$14,703
"Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.10	\$28,849
"Special Education Capacity Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.40	\$3,722
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$15,820

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"Residential Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil FY 2014
"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,480
"Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,656
"Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$27,369
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$27,211
"LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,328

"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

"Level/ Program	Definition	Weighting	Per Pupil FY 2014
"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs.	0.064	\$596
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,150
"Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,653
"Special	Additional funding to support the summer	0.497	\$4,625".

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Education Level 4 ESY	school/program need for students who require extended school year (ESY) services in their IEPs		
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SUBTITLE B. PUBLIC CHARTER SCHOOL PAYMENT IMPROVEMENT

Sec. 4021. Short title.

This subtitle may be cited as the "Public Charter Schools Payment Improvement Amendment Act of 2013".

Sec. 4022. Section 107b of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2906.02), is amended as follows:

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

(1) Strike the phrase "4 equal".

(2) Strike the phrase "October 15" and insert the phrase "October 25" in its place.

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

(1) The introductory text is amended by striking the phrase "Each payment shall be one-fourth of each public charter school's entitlement, determined" and inserting the phrase "Payments shall be determined" in its place.

(2) Paragraph (1) is amended by striking the period and inserting the phrase "and shall be 30% of the school's entitlement." in its place.

(3) Paragraph (2) is amended as follows:

(A) Strike the phrase "and January 15 payments" and insert the word "payment" in its place.

(B) Strike the phrase "October 5" and insert the phrase "October 5 and shall be equal to 55% of the school's entitlement less amounts paid in July" in its place.

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

"(3) The basis of the January 15 payment shall be the unaudited October enrollment numbers for that school contained in reports submitted by the eligible chartering authorities on October 5 and shall be equal to 80% of the school's entitlement less amounts paid in July and October."

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

"(4) The basis of the April 15 payment shall be the audited October enrollment numbers and shall be equal to 100% of the school's entitlement less amounts paid in July, October, and January; provided, that these amounts shall be adjusted in accordance with the provisions of subsection (c) of this section."

(c) Subsection (c) is amended by striking the phrase "October 15" and inserting the phrase "October 25" in its place.

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

(1) The existing text is designated as paragraph (1).

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(2) The newly designated paragraph (1) is amended by striking the phrase "such students" and inserting the phrase "such students, as set forth in subsection (g) of this section" in its place.

(3) New paragraphs (2) and (3) are added to read as follows:

"(2)(A) Payments for summer school shall be made by the Chief Financial Officer on April 15 on the basis of a funding schedule from the District of Columbia Public Charter School Board listing each charter school offering a summer school program in accordance with the requirements of section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §38-1804.01(b)(3)(B)).

"(B) The Office of the State Superintendent of Education shall certify enrollment projections based upon information contained in the state education longitudinal data system that form the basis of the funding schedule. The payment amount shall be equal to 75% of the total summer school entitlement for each charter school.

"(C) Not later than August 25 of each year, the Office of the State Superintendent of Education shall certify the final actual summer school enrollment for each charter school. The final payment for summer school will be issued to each charter school not later than September 30 of each year and shall be equal to the remainder of the school's entitlement.

"(3) Payments for the Special Education Extended School Year add-on shall be made in full to each charter school by the Chief Financial Officer following certification of the actual enrollment for each school by the Office of the State Superintendent of Education."

SUBTITLE C. STATE ATHLETIC ACTIVITIES, PROGRAMS, AND OFFICE FUND

Sec. 4031. Short title.

This subtitle may be cited as the "State Athletic Activities, Programs, and Office Fund Act of 2013".

Sec. 4032. Advertisements and sponsorships.

(a) Notwithstanding any other provision of law, the Mayor, through the Office of the State Superintendent of Education ("OSSE"), may enter into written agreements for advertisements and sponsorships for the State Athletic Office's ("SAO") athletic activities and programs, including those organized or directed by the SAO of OSSE or the District of Columbia State Athletic Association ("DCSAA") to supplement local funding of the DCSAA.

(b) The State Superintendent of Education may delegate, by written order, the authority to contract for advertisements or sponsorships to officials within OSSE, including to the State Athletic Officer.

(c) An agreement pursuant to this section shall not require the District to expend funds.

(d) Only advertisements shall be agreed to in exchange for corporate goods, services, or currency.

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(e) There shall be no limit to the value of goods, services, or currency that may be received from a foreign organization registered or not outside of the District of Columbia or from an individual domiciled outside of the District of Columbia.

(f) There shall be a \$1,000 limit on the value of goods, services, and currency that may be received during one school year from a domestic organization registered or not within the District of Columbia or from an individual domiciled in the District of Columbia.

(g) Sponsorships and advertisements shall be memorialized by written agreement of the parties.

(h) The Chief Financial Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant to this section to the credit of OSSE in the State Athletics Activities, Programs, and Office Fund established in section 4033 in the same manner as that used for donations under section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (117 Stat. 123; D.C. Official Code § 1-329.01).

Sec. 4033. State Athletic Activities, Programs, and Office Fund.

(a) There is established as a special fund the State Athletic Activities, Programs, and Office Fund ("Fund"), which shall be used solely as provided in subsection (b) of this section, and which shall be administered by the State Superintendent of Education. The State Superintendent of Education may designate or assign the authority to administer the Fund to an entity within the Office of the State Superintendent of Education, including the SAO.

(b)(1) The Fund shall be used to enhance the development of state interscholastic athletic programs and competitions and to supplement the operations budget of the DCSAA. The Statewide Director of Athletics shall prioritize resources from the Fund to ensure well-designed and effective interscholastic athletic programs and competitions.

(2) The Fund may be used for the financial support of state athletic programs and competitions that are well-designed and effective and comply with National Federation of State High School Associations standards and District laws and regulations, including for:

- (A) Championship events;
- (B) Equipment;
- (C) Memorabilia;
- (D) Training;
- (E) Security;
- (F) Awards; and
- (G) Related operations.

(c) The Fund shall consist of the revenue from the following sources:

(1) Annual appropriations;

(2) Any proceeds resulting from athletic programs and activities organized or directed by the SAO or DCSAA, or both, including:

- (A) Sponsorships or advertisements;
- (B) Ticket or merchandise sales;
- (C) Fundraising activities;

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(D) Competitions; or

(E) Other athletic programs and activities; and

(3) Interest earned on funds deposited into the Fund.

(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

Sec. 4034. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 30-day period, the proposed rules shall be deemed approved.

Sec. 4035. Applicability.

This subtitle shall apply as of April 1, 2013.

SUBTITLE D. UNIVERSITY OF DISTRICT OF COLUMBIA ACCREDITATION

Sec. 4041. Short title.

This subtitle may be cited as the "University of the District of Columbia Accreditation Amendment Act of 2013".

Sec. 4042. Section 4042 of the University of the District of Columbia Community College Autonomy Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 38-1271.01, note), is amended by adding a new subsection (c) to read as follows:

"(c) By December 1, 2013, the University of the District of Columbia shall submit to the Council a timeline, using existing resources, for the separate accreditation of the University of the District of Columbia Community College. This timeline shall address the following areas:

"(1) Transition of financial and administrative independence in the areas of student affairs and academic affairs of the University of the District of Columbia Community College from the University of the District of Columbia;

"(2) Ability of the University of the District of Columbia Community College to obtain self-sufficiency in the areas of admissions and financial aid;

"(3) A separate personnel classification of University of the District of Columbia Community College employees;

"(4) Ability for the University of the District of Columbia Community College to initiate and sustain its own academic programs;

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"(5) A policy for the University of the District of Columbia Community College Chief Executive Officer to regularly report to the University of the District of Columbia's Board of Trustees regarding the University of the District of Columbia Community College's affairs;

"(6) A fully operational University of the District of Columbia Community College foundation;

"(7) A financial plan for the University of the District of Columbia Community College that addresses funding, resource planning, and allocation responsibilities;

"(8) Approval of degree-granting authority from the Office of the State Superintendent for Education; and

"(9) Other evidence that the University of the District of Columbia Community College is effectively fulfilling its mission and serving students in a manner consistent with Middle States Commission on Higher Education's 10 requirements of affiliations and 14 accreditation standards."

Sec. 4043. In fiscal year 2014, of the funds allocated to Non-Departmental, an amount up to \$1 million shall be transferred to the University of the District of Columbia ("UDC") if, by January 1, 2014, UDC raises an amount of \$1 million from private donations for the purpose of meeting accreditation standards. The amount transferred under this section shall be matched dollar-for-dollar from the amount raised.

SUBTITLE E. LIBRARY COLLECTIONS ACCOUNT

Sec. 4051. Short title.

This subtitle may be cited as the "Library Collections Account Amendment Act of 2013".

Sec. 4052. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended as follows:

(a) Section 7 (D.C. Official Code § 39-107) is amended by striking the phrase "into the Books and Other Library Materials Account, established by section 14" and inserting the phrase "into the Library Collections Account, established by section 14" in its place.

(b) Section 14 (D.C. Official Code § 39-114) is amended by striking the phrase "Books and Other Library Materials Account" both times it appears and inserting the phrase "Library Collections Account" in its place.

SUBTITLE F. STATE BOARD PERSONNEL

Sec. 4061. Short title.

This subtitle may be cited as the "State Board Personnel Amendment Act of 2013".

Sec. 4062. Section 903(a)(10) 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 § 1-609.03(a)(10)), is amended to read as follows:

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"(10) The State Board of Education may appoint staff to serve an administrative role for the elected members of the Board; provided, that funding is available and that at least 3 full-time equivalent employees are appointed to the Office of Ombudsman for Public Education."

SUBTITLE G. ATTENDANCE ZONE BOUNDARIES

Sec. 4071. Short title.

This subtitle may be cited as the "Attendance Zone Boundaries Act of 2013".

Sec. 4072. Attendance zone boundaries; establishment, modification, alteration.

Except as required due to a school closure or a consolidation of schools, upon the effective date of this subtitle, notwithstanding any other law or regulation, no approved establishment, modification, or alteration of any attendance zone boundary shall be implemented, or in any manner initiated, until the 2015-2016 school year or with less notice than a full school year to the parent or guardian of each affected student, whichever is greater; provided, that nothing in this subtitle shall prohibit the Chancellor from proposing or implementing changes to school feeder patterns that would result in additional options in next-level schools for a feeder school.

SUBTITLE H. PUBLIC EDUCATION MASTER FACILITIES PLAN

APPROVAL

Sec. 4081. Short title.

This subtitle may be cited as the "Public Education Master Facilities Plan Approval Act of 2013".

Sec. 4082. Pursuant to section 1104 of the School Based Budgeting and Accountability Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D. C. Official Code § 38-2803), the Council approves the 2013 Master Facilities Plan for public education facilities submitted by the Mayor on March 28, 2013.

SUBTITLE I. DEPUTY MAYOR FOR EDUCATION LIMITED GRANT-MAKING AUTHORITY

Sec. 4091. Short title.

This subtitle may be cited as the "Deputy Mayor for Education Limited Grant-Making Authority Act of 2013".

Sec. 4092. Deputy Mayor for Education grant-making authority.

For fiscal year 2014, the Deputy Mayor for Education shall have grant-making authority solely for the purpose of providing a capital grant of \$6 million for facility construction of a language-immersion public charter school serving middle and high school-aged students in the District; provided, that the grant issued under this section shall be administered pursuant to the

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requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

SUBTITLE J. EDUCATION FUNDING FORMULA EQUITY

Sec. 4101. Short title.

This subtitle may be cited as the "Education Funding Formula Equity Amendment Act of 2013".

Sec. 4102. Section 115 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 38-2913), is amended by striking the phrase "fiscal year 2014" and inserting the phrase "fiscal year 2015" in its place.

SUBTITLE K. SOUTH CAPITOL STREET MEMORIAL

Sec. 4111. Short title.

This subtitle may be cited as the "South Capitol Street Memorial Amendment Act of 2013".

Sec. 4112. Section 601 of the South Capitol Street Memorial Act of 2012, effective June 7, 2012 (D.C. Law 19-141; 59 DCR 3083), is amended to read as follows:

"Sec. 601. Applicability.

"Sections 302(b)(1)(A) and (C) and 304(b)(1)(D) shall apply to public charter schools upon the inclusion of their fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register."

SUBTITLE L. SCHOOL MODERNIZATION LIBRARY FUNDING

Sec. 4121. Short title.

This subtitle may be cited as the "School Modernization Library Initial Circulation Funding Act of 2013".

Sec. 4122. For any completed school modernization, unexpended capital funds shall first be used to purchase the initial circulation in that school's library before being reprogrammed for any other purpose.

TITLE V. HEALTH AND HUMAN SERVICES**SUBTITLE A. DC HEALTHCARE ALLIANCE PRESERVATION**

Sec. 5001. Short title.

This subtitle may be cited as the "DC HealthCare Alliance Preservation Amendment Act of 2013".

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Sec. 5002. Section 7(c)(2) of the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1405(c)(2)), is amended to read as follows:

"(2) A contract between the District and a health maintenance organization or a managed care organization that provides health-care services to persons enrolled in the DC HealthCare Alliance shall include coverage for all services, including hospital-based services, being provided to DC HealthCare Alliance enrollees as of January 1, 2013; provided, that the Department of Health Care Finance shall have the authority to exclude coverage for those hospital-based emergency services that are eligible for Medicaid reimbursement under section 401(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 21, 1996 (110 Stat. 502; 8 U.S.C. § 1611(b)(1)(A)), section 1903(v)(3) of the Social Security Amendments Act of 1965, approved July 30, 1965 (79 Stat. 286; 42 U.S.C. § 1396b(v)(3)), and 42 C.F.R. § 440.255(c)."

**SUBTITLE B. DEPARTMENT OF HEALTH CARE FINANCE
ESTABLISHMENT**

Sec. 5011. Short title.

This subtitle may be cited as the "Department of Health Care Finance Establishment Amendment Act of 2013".

Sec. 5012. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended by adding a new section 6a to read as follows:

"Sec. 6a. Assessment Fund.

"(a) There is established as a special fund the Assessment Fund ("Fund"), which shall be administered by the Department of Health Care Finance in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from the following sources:

"(1) User fees; and

"(2) Enrollment fees.

"(c) The Fund shall be used for the following purposes:

"(1) Administration and maintenance of the Department's provider operations;

"(2) Enrollment activities; and

"(3) Health information exchange activities.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

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**SUBTITLE C. STEVIE SELLOWS INTERMEDIATE CARE FACILITY
QUALITY IMPROVEMENT**

Sec. 5021. Short title.

This subtitle may be cited as the "Stevie Sellows Intermediate Care Facility Quality Improvement Act of 2013".

Sec. 5022. Chapter 12D of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1270 is amended as follows:

(1) Designate paragraph (1) as paragraph (1B).

(2) New paragraphs (1) and (1A) are added to read as follows:

"(1) "Administrative costs" means the costs of DHCF to administer, manage, and monitor the Intermediate Care Facility for People with Intellectual Disabilities reimbursement program and the Stevie Sellows quality improvement funding support, including personnel costs.

"(1A) "DHCF" means the Department of Health Care Finance."

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

"(2A) "ICF/IID" means Intermediate Care Facility for People with Intellectual Disabilities."

(4) Paragraph (4) is amended by striking the phrase "the Department of Health" and inserting the acronym "DHCF" in its place.

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

"(5A) "Rebasing year" means the third year after the effective date of the State Plan Amendment governing the reimbursement of ICF/IID and every subsequent third year."

(b) Section 47-1271 is amended as follows:

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

"(b) The Fund shall be used to:

"(1) Fund quality of care improvements for those facilities that meet the requirements of the District's State Plan for Medical Assistance and the accompanying rules governing the reimbursement of ICF/IID.

"(2) Cover administrative costs of the DHCF in administering the ICF/IID reimbursement program and the Stevie Sellows quality improvement funding support, which costs shall not be more than 10% of the Fund's total revenues; and

"(3) Cover administrative costs of DHCF in auditing the ICF/IID in a rebasing year or as necessary to ensure the integrity of the ICF/IID reimbursement methodology, which costs shall not be more than 15% of the Fund's total revenues."

(2) Subsection (c) is amended by striking the phrase "ICD/IDD" and inserting the phrase "ICF/IID" in its place.

(c) Section 47-1273 is amended to read as follows:

"§ 47-1273. Assessments on ICF/IID.

"(a) Except as provided in § 47-1278(d), each ICF/IID in the District of Columbia shall pay an assessment of 5.5% of the gross revenues per annum.

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"(b) Each ICF/IID shall pay the assessment required by subsection (a) of this section in quarterly installments.

"(c) The Mayor shall provide notice of the amount of the assessment for the quarter to each ICF/IID no later than 30 days after the end of each quarter.

"(d) The assessment required by subsection (a) of this section shall be determined by the Medicaid claims information from the DHCF Medicaid Management Information System.

"(e) If the total amount of the assessments to be collected for a fiscal year is inadequate to cover disbursements required under § 47-1271(b), the Mayor may raise the assessment to the maximum allowed under federal law."

(d) Section 47-1274(b) is repealed.

SUBTITLE D. DEVELOPMENTAL DISABILITIES SERVICE MANAGEMENT REFORM

Sec. 5031. Short title.

This subtitle may be cited as the "Developmental Disabilities Service Management Reform Amendment Act of 2013".

Sec. 5032. The Department on Developmental Disabilities Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended by adding a new section 105a to read as follows:

"Sec. 105a. Ticket to Work Employment Network Fund.

"There is established as a special fund the Ticket to Work Employment Network Fund ("Fund"), which shall be administered by DDS in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from payments from the Social Security Administration as an Employment Network for the Ticket to Work and Self-Sufficiency Program, establish pursuant to the Ticket to Work and Work Incentives Improvement Act of 1999, approved December 17, 1999 (113 Stat. 1863; 42 U.S.C. § 1320b-19).

"(c) The Fund shall be used for the Ticket to Work and Self-Sufficiency Program; provided, that to the extent that payments received from the Social Security Administration represent administrative or other fee payments, those amounts shall be available to DDS to defray the costs and expenses associated with administering the program or for any other purpose as determined by the Director.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

SUBTITLE E. MEDICAL ASSISTANCE PROGRAM

Sec. 5041. Short title.

This subtitle may be cited as the "Medical Assistance Program Amendment Act of 2013".

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Sec. 5042. Section 1(a) of 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. 744; D.C. Official Code § 1-307.02 (a)), is amended as follows:

(a) A new paragraph (7) is added to read as follows:

"(7) Review and approval by the Council of the Fiscal Year 2014 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

"(A) Establish a supplemental payment to rectify historic underpayments to District Medicaid hospitals for outpatient and emergency room services;

"(B) Implement Title II of the Patient Protection and Affordable Care Act, approved March 23, 2010 (Pub. L. No. 111-148; 124 Stat. 119), to:

"(i) Provide for new Modified Adjusted Gross Income eligibility methodologies;

"(ii) Streamline the application process;

"(iii) Align Medicaid eligibility determinations, renewals, and appeals with eligibility determinations and appeals of cost sharing and advanced premium tax credits for the Health Benefit Exchange;

"(iv) Secure enhanced federal medical assistance percentages for newly eligible Medicaid beneficiaries and preventive services, including tobacco cessation;

"(v) Provide coverage for former foster care children through age 25;

"(vi) Implement presumptive eligibility by hospitals;

"(vii) Extend the District's current Section 1115 demonstration for childless adults ages 21 through 64 years with incomes between 133% and up to 200% of the federal poverty level to provide stop-gap coverage for these beneficiaries until the District establishes the basic health plan; and

"(viii) Create health homes for chronically ill District residents;

"(C) Implement needed reforms to Medicaid-funded, long-term care services and supports, including:

"(i) The establishment of a single-point-of-entry system and a standardized, conflict-free assessment tool and process;

"(ii) Clarification of eligibility requirements for institutional long-term care services; and

"(iii) The creation of new programming, including adult day health services pursuant to Title XIX of the Social Security Act to ensure that District residents may be served in the most integrated setting appropriate to their needs; and

"(D) Implement an annual inflation rate adjustment for nursing facilities."

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SUBTITLE F. DEPARTMENT OF HUMAN SERVICES' CONFORMING AMENDMENTS

Sec. 5051. Short title.

This subtitle may be cited as the "Department of Human Services Conforming Amendments Act of 2013".

Sec. 5052. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 101(5A)(b) (D.C. Official Code § 4-201.01(5A)(B)) is amended by striking the phrase "18 years of age, a full-time student in a secondary school or in the equivalent level of vocational or technical training, and who is expected to graduate from such school or training by the person's 19th birthday" and inserting the phrase "less than 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training)" in its place.

(b) Section 515 (D.C. Official Code § 4-205.15) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase "or age 18 and expected to complete high school before reaching age 19" and inserting the phrase "or under 19 years of age and are full-time students in a secondary school (or in the equivalent level of vocational or technical training)" in its place.

(2) Subsection (b) is amended by striking the phrase "the Mayor shall determine the meaning of the term "full-time student", shall determine which vocational or technical training courses are equivalent to the level of secondary school, and shall determine which factors will be considered in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19" and inserting the phrase "the Mayor shall determine the meaning of the term "full-time student" and shall determine which vocational or technical training courses are equivalent to the level of secondary school" in its place.

SUBTITLE G. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION

Sec. 5061. Short title.

This subtitle may be cited as the "Department of Health Functions Clarification Amendment Act of 2013".

Sec. 5062. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding new subsections (c) and (d) to read as follows:

"(c) For fiscal year 2014, the Director of the Department of Health shall have the authority to issue grants to:

"(1) Qualified community organizations for the purpose of providing the following services:

"(A) Ambulatory health services for an amount not to exceed \$3,236,980;

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"(B) Poison control hotline and prevention education services for an amount not to exceed \$350,000; and

"(C) Operations and primary care services for school-based health clinics for an amount not to exceed \$2,250,000; and

"(2) Organizations for the purpose of providing the following programs and services:

"(A) A teen pregnancy prevention program for an amount not to exceed \$400,000;

"(B) Programs designed to promote healthy development in girls attending public and chartered schools in grades 9 through 12 located in areas of the city possessing the highest rates of teen pregnancy and highest enrollment in state-funded health programs in the District of Columbia, not to exceed \$400,000;

"(C) Farmers market incentive programs, not to exceed \$200,000;

"(D) Food-pantry services, not to exceed \$52,000;

"(E) Wildlife rehabilitation services, not to exceed \$250,000;

"(F) Mother-to-child (vertical) HIV transmission programs and services, not to exceed \$50,000; and

"(G) Nonprofit organizations dedicated to preventing any of the following chronic diseases, not to exceed \$850,000:

"(i) Asthma;

"(ii) Cancer;

"(iii) Diabetes;

"(iv) Hypertension;

"(v) Kidney disease; and

"(vi) Obesity.

"(d)(1) All grants issued pursuant to subsection (c) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

"(2) The Department of Health shall submit a quarterly report to the Secretary to the Council on all grants issued pursuant to the authority granted in subsection (c) of this section."

SUBTITLE H. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT

Sec. 5071. Short title.

This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Act of 2013".

Sec. 5072. Definitions.

For the purposes of this subtitle, the term:

(1) "Department" means the Department of Health Care Finance.

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(2) "Gross patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported as the sum of Worksheet G-2; Column 1; Lines 1, 2, 2.01, 15, 17 and 18 and Worksheet G-2; Column 2; Lines 17, 18, 18.5 and 18.51 of the Medicare Cost Report (2552-96), excluding long-term care inpatient ancillary revenues.

(3) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government.

(4) "Hospital system" means any group of hospitals licensed separately but operated, owned, or maintained by a common entity.

(5) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of 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. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health Care Finance.

Sec. 5073. Hospital Provider Fee Fund.

(a) Effective May 1, 2013, there is established as a special fund the Hospital Provider Fee Fund ("Fund"), which shall be administered by the Department and used in accordance with subsection (c) of this section.

(b) The Fund shall consist of revenue from the following sources:

- (1) All moneys collected or received by the Department from the hospital provider fee imposed by this subtitle;
- (2) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to moneys deposited in the Fund;
- (3) Interest and penalties collected under this subtitle; and
- (4) Interest earned by the Fund.

(c) Notwithstanding any other provision of law, the Fund may only be used for the following purposes:

- (1) For making Medicaid outpatient hospital access payments to hospitals as required under section 5076;
- (2) For payment of administrative expenses incurred by the Department or its agent in performing the activities authorized by this subtitle at an amount not to exceed the prorated amount of \$150,000 annually; and
- (3) For making refunds to hospital providers pursuant to section 5075.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

(e) The Fund shall not be used to replace any moneys appropriated to the Medicaid program.

Sec. 5074. Hospital provider fee.

(a) Subject to section 5075, the District may charge a fee at a uniform rate on the gross patient revenue of each hospital beginning May 1, 2013. The District may charge the fee retroactively to May 1, 2013, upon the effective date of this subtitle. The uniform rate shall be applied to each hospital's gross patient revenue as derived from each hospital's filed Medicare cost report ending between July 1, 2009, and June 30, 2010. The hospital provider fee is applied at a uniform rate necessary to generate the following:

(1) An amount equal to the non-federal share of the total available spending room under the Medicaid upper payment limit for private hospitals applicable to District fiscal years ("DFY") 2013 and 2014 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

(2) An amount equal to the lesser of the non-federal share of the total available spending room under the Medicaid upper payment limit for District operated hospitals applicable to DFY 2013 and 2014 consistent with the federal approval of the authorizing Medicaid State Plan amendment or United Medical Center's Medicaid disproportionate share hospital limit as adjusted by the District in accordance with the federally approved Medicaid State Plan; plus

(3) An amount equal to the Department's administrative expenses as described in section 5073(c)(2).

(b) A psychiatric hospital provider that is an agency or a unit of the District government is exempt from the fee imposed under this subtitle, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital provider that is an agency or a unit of the District government shall pay the fee imposed by this subtitle.

Sec. 5075. Applicability of fees.

(a) The fee imposed by section 5074 shall not be due and payable until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in section 5076.

(b) The fee imposed by section 5074 shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospital providers in proportion to the amounts paid by them, if:

(1) The Department makes changes in its rules that reduce the hospital inpatient or outpatient Medicaid payment rates, including adjustment payment rates, in effect on October 1, 2012; or

(2) The payments to hospitals required under section 5076 are modified in any way other than to secure federal approval of such payments as described in section 5076 or are not eligible for federal matching funds under Title XIX of the Social Security Act.

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(c) The fee imposed by section 5074 shall not take effect or shall cease to be imposed if the fee is determined to be an impermissible tax under Title XIX of the Social Security Act.

(d) Should the fee imposed by section 5074 not take effect or cease to be imposed, moneys in the Fund derived from the imposed fee shall be disbursed in accordance with section 5076 to the extent federal matching is available. If federal matching is not available due to a determination by the Centers for Medicare and Medicaid Services that the provider fee is impermissible, any remaining moneys shall be refunded to hospital providers in proportion to the amounts paid by them.

Sec. 5076. Medicaid outpatient hospital access payments.

(a) For visits and services beginning May 1, 2013, quarterly Medicaid outpatient hospital access payments shall be made to each private hospital. Each payment will be equal to the hospital's DFY 2011 outpatient Medicaid payments divided by the total private hospital DFY 2011 outpatient Medicaid payments multiplied by one quarter of the total outpatient private hospital access payment pool minus \$250,000. The total outpatient private hospital access payment pool is equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for DFY 2013 and 2014, respectively.

(b) The remaining \$250,000 shall be distributed as an adjustment to the quarterly access payments for all private children's hospitals with less than 150 beds and distributed based on the hospital's DFY 2011 outpatient Medicaid payments relative to the total qualifying hospitals' DFY 2011 outpatient Medicaid payments.

(c) Any private hospital that is also a Disproportionate Share Hospital ("DSH") will receive no more than the available room under their District-adjusted, hospital-specific DSH limit. Any Medicaid outpatient hospital access payments that would otherwise exceed a private disproportionate share hospital's adjusted DSH limit shall be distributed to the remaining private hospitals consistent with each private hospital's relative share of DFY 2011 Medicaid payments.

(d) For visits and services beginning May 1, 2013, outpatient hospital access payments shall be made to the United Medical Center. Each payment will be equal to one quarter of the total outpatient public hospital access payment pool. The total outpatient public hospital access payment pool is equal to the lesser of the total available spending room under the District-operated hospital outpatient Medicaid upper payment limit for DFY 2013 and 2014, respectively, and the United Medical Center District-adjusted Medicaid DSH limit.

(e) The quarterly Medicaid outpatient hospital access payments shall be made within 15 business days of the end of each DFY quarter for the Medicaid visits and services rendered during that quarter.

(f) No payments shall be made under this section until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in this subtitle.

(g) The Medicaid payment methodologies authorized under this subtitle shall not be altered in any way unless such alteration is necessary to gain federal approval from the Centers for Medicare and Medicaid Services.

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Sec. 5077. Quarterly notice and collection.

(a) The fee imposed under section 5074 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5074 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until:

(1) The District issues the written notice that the payment methodologies to hospitals required under section 5076 have been approved by the federal Centers for Medicare and Medicaid Services;

(2) The District issues written notice to each hospital informing the hospital of its fee rate, gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis; and

(3) The initial written notice from the District shall include all fee amounts owed beginning with the period May 1, 2013, to ensure all applicable fee obligations have been identified.

(c) When a hospital fails to pay the full amount of its fee by the date required, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance. The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(d) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5078. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the provider shall pay the fee for each hospital separately.

(b) Notwithstanding any other provision in this subtitle, in the case of a person who ceases to conduct, operate, or maintain a hospital for which the person is subject to the fee under this subtitle as a hospital provider, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5074 by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate, or maintain a hospital, the person shall pay the fee for the year as so adjusted (to the extent not previously paid).

(c) Notwithstanding any other provision in this subtitle, a provider who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed under section 5074 and subsection (a) of this section in installments on the due dates stated in the notice and on the regular installment due dates for the DFY occurring after the due dates of the initial notice.

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Sec. 5079. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code §2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.

Sec. 5080. Applicability date; sunset.

(a) This subtitle shall apply as of May 1, 2013.

(b) This subtitle shall sunset as of September 30, 2014.

SUBTITLE I. DEPARTMENT OF PARKS AND RECREATION O-TYPE

Sec. 5101. Short title.

This subtitle may be cited as the "Department of Parks and Recreation O-Type Amendment Act of 2013".

Sec. 5102. Section 4(c)(2) of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303(c)(2)), is amended to read as follows:

"(2) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time."

SUBTITLE J. DEPARTMENT OF BEHAVIORAL HEALTH ESTABLISHMENT

Sec. 5111. Short title.

This subtitle may be cited as the "Department of Behavioral Health Establishment Act of 2013".

Sec. 5112. Definitions.

For the purposes of this subtitle, the term:

- (1) "Behavioral health" means a person's overall social, emotional, and psychological well-being and development.
- (2) "Behavioral health services" means stand-alone and co-occurring, integrated treatment services for substance abuse and mental health disorders that are designed to promote a person's behavioral health.
- (3) "Comprehensive Psychiatric Emergency Program" or "CPEP" means a 24-hour/7-days a week program providing emergency psychiatric evaluation and stabilization.
- (4) "Department" means the Department of Behavioral Health.
- (5) "Director" means the Director of the Department of Behavioral Health.
- (6) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.
- (7) "Recovery support services" means substance abuse treatment, care coordination, and community-based support that promote recovery.
- (8) "Substance abuse" means a pattern of pathological use of a drug or alcohol that causes impairment in social or occupational functioning or produces physiological

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dependency evidenced by physical tolerance or physical symptoms when the drug or alcohol is not used.

Sec. 5113. Establishment of the Department of Behavioral Health.

(a) There is established as a separate, cabinet-level Department, subordinate to the Mayor, the Department of Behavioral Health.

(b) The Department shall be the successor-in-interest to the Department of Mental Health, established by the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), and the Department of Health Addiction Prevention and Recovery Administration, established in the Department of Health by the Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3).

Sec. 5114. Appointment of Director.

The Department shall be headed by a Director, who shall:

(1) Be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a));

(2) Be qualified by experience and training to carry out the purposes of the Department as set forth in section 5116; and

(3) Serve at the pleasure of the Mayor.

Sec. 5115. Duties of Director.

In addition to other duties as may be lawfully imposed, the Director shall:

(1) Supervise and direct the Department;

(2) Organize the Department for its efficient operation, including creating offices within the Department, as necessary; and

(3) Exercise any other powers necessary and appropriate to implement the provisions of this subtitle.

Sec. 5116. Purpose of the Department.

The Department shall:

(1) Ensure the provision of high-quality behavioral health services by establishing District-wide behavioral health standards and policies;

(2) Foster and promote behavioral health education and disease prevention;

(3) Provide high-quality prevention, treatment, and recovery support services related to mental health disorders, addictions, and the abuse of alcohol, tobacco, and other drugs in the District;

(4) Develop and maintain an efficient and cost-effective behavioral health care financing system; and

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(5) Implement, monitor, and evaluate the District's strategic behavioral health plan.

Sec. 5117. Powers and duties of the Department.

Notwithstanding any other provision of law, the Department shall:

(1) Plan, develop, coordinate, and monitor comprehensive and integrated behavioral health systems of care for adults and for children, youth, and their families in the District, so as to maximize utilization of behavioral health services and behavioral health supports;

(2) Assure that services for priority populations identified in the Department's annual plan are funded within the Department's appropriations or authorizations by Congress and are available;

(3) Serve as the state mental health authority and arrange for all authorized, publicly funded behavioral health services and behavioral health supports for the residents of the District, whether operated directly by, or through contract with, the Department; provided, that the Department of Youth Rehabilitation Services ("DYRS") shall be responsible for the delivery of behavioral health services to youth in custody in DYRS secure facilities;

(4) Serve as the single state agency for substance abuse services and promulgate rules, regulations, and certification standards for high-quality prevention, treatment, and recovery support services related to addictions and the abuse of alcohol, tobacco, and other drugs in the District of Columbia;

(5) Maximize and leverage local, federal, and other available funding to support behavioral health prevention, treatment, and recovery support services;

(6) Directly operate a hospital to provide inpatient mental health services, and maintain the hospital's certification by the Department of Health and the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services;

(7) Make grants, pay subsidies, purchase services, and provide reimbursement for behavioral health services and behavioral health supports; provided, that any grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199);

(8) Arrange for, or directly provide, a Comprehensive Psychiatric Emergency Program for all persons identified to the Department who meet criteria for admission for such services;

(9) Arrange for a 24-hour, District-wide telephone communication service to provide intervention services for adults, children, and youth in need of behavioral health services and behavioral health supports, including observation, evaluation, emergency treatment, and, when necessary, referral for behavioral health services and behavioral health supports;

(10) Be the exclusive agency to regulate all behavioral health services and behavioral health supports, including outpatient behavioral health services and all substance abuse and detoxification services;

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(11) Facilitate the delivery of acute inpatient behavioral health services and behavioral health supports through community or public hospitals in the District, including coordinating comprehensive behavioral health services and behavioral health supports for children, youth, and their families;

(12) Upon request or on its own initiative, investigate, or ask another agency to investigate, any complaint alleging abuse or neglect of any consumer of behavioral health services, and, if the investigation by the Department or an investigation by any other agency or entity substantiates the charge of abuse or neglect, take appropriate action to correct the situation, including notification of other appropriate authorities; and

(13) Exercise all other powers, duties, functions, and responsibilities previously assigned to the Department of Mental Health pursuant to the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), and to the Department of Health Addiction Prevention and Recovery Administration pursuant to Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3).

Sec. 5118. Transfer of authority, functions, property, and personnel.

The following powers, duties, functions, and responsibilities are hereby transferred to the Department of Behavioral Health, effective October 1, 2013:

(1) All real and personal property, Career and Excepted Service, Management Supervisory Service, trainee positions, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Mental Health and the Department of Health Addiction Prevention and Recovery Administration, or relating to the powers, duties, functions, operations, and administration set forth in section 5117;

(2) All of the functions assigned and authorities granted and delegated to the Director of the Department of Mental Health, and the Department of Mental Health, as set forth in the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*); and

(3) All of the functions assigned and authorities granted and delegated to the Department of Health Addiction Prevention and Recovery as set forth in section IV(A)(3) of Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3).

Sec. 5119. Continuation of rules and regulations.

All rulemaking and regulations for the administration of the District's public mental health system and the addiction, recovery, and prevention system, issued under appropriate authority, shall continue in full force and effect until otherwise superseded.

Sec. 5120. Construction and abolishment.

(a) To the extent any provision of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code

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§ 7-1131.01 *et seq.*), is inconsistent with a provision of this subtitle, the provision of this subtitle shall govern and shall be deemed to supersede the inconsistent provision.

(b) The Department of Health Addiction Prevention and Recovery Administration as set forth in section IV(A)(3) of Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3), is abolished.

SUBTITLE K. PUBLIC ASSISTANCE

Sec. 5121. Short title.

This subtitle may be cited as the "District of Columbia Public Assistance Amendment Act of 2013".

Sec. 5122. Section 5173 of the Temporary Assistance for Needy Families Time Limit Amendment Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is repealed as of October 1, 2013.

SUBTITLE L. DEPARTMENT OF HUMAN SERVICES MEMORANDUM OF UNDERSTANDING AUTHORITY FOR SUBSTANCE ABUSE TREATMENT

Sec. 5131. Short title.

This subtitle may be cited as the "Department of Human Services Memorandum of Understanding Authority for Substance Abuse Treatment Act of 2013".

Sec. 5132. For fiscal year 2014, the Department of Human Services ("DHS") shall enter into a Memorandum of Understanding of up to \$2.5 million with the Department of Behavioral Health ("DBH") for a substance abuse treatment program for Temporary Assistance for Needy Families ("TANF") clients. DHS shall work with DBH, other agencies, and community-based experts as necessary to establish an integrated system of care for TANF beneficiaries living with barriers, including mental health disorders, alcohol and substance abuse, and HIV/AIDS. DHS shall present the integrated system of care plan to the Council's Committee on Human Services no later than December 1, 2013.

SUBTITLE M. PUBLIC ASSISTANCE HUMAN IMPACT

Sec. 5141. Short title.

This subtitle may be cited as the "Public Assistance Human Impact Amendment Act of 2013".

Sec. 5142. Section 511c of the District of Columbia Public Assistance Act of 1982, effective April 8, 2011 (D.C. Law 4-101; D.C. Official Code § 4-205.11c), is amended as follows:

(a) The introductory text is amended by striking the phrase "Within 60 days of January 19, 2011" and inserting the phrase "Within 120 days of October 1, 2013" in its place.

(b) Paragraph (3) is amended as follows:

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(1) The lead-in language is amended by striking the number "35" and inserting the number "100" in its place.

(2) Subparagraph (D) is amended by striking the phrase "Court Social Services or Department of Youth Rehabilitation Services" and inserting the phrase "Child and Family Services Agency, Department of Human Services, Court Social Services, or Department of Youth Rehabilitation Services" in its place.

SUBTITLE N. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TIME LIMIT

Sec. 5151. Short title.

This subtitle may be cited as the "Temporary Assistance for Needy Families Time Limit Amendment Act of 2013".

Sec. 5152. Section 5163 of the Temporary Assistance for Needy Families Time Limit Amendment Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is repealed as of October 1, 2013.

Sec. 5153. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 205(d) (D.C. Official Code § 4-202.05(d)) is amended to read as follows:

"(d) Within 30 days of the effective date of the Temporary Assistance for Needy Families Time Limit Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199) ("Time Limit Act"), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the Time Limit Act."

(b) Section 511b (D.C. Official Code § 4-205.11b) is amended as follows:

(1) Subsection (c) is repealed.

(2) Subsection (d) is repealed.

(3) Subsection (f) is repealed.

(c) Section 572a(a) (D.C. Official Code § 4-205.72a(a)) is amended as follows:

(1) The lead-in language is amended by striking the number "2012" and inserting the number "2013" in its place.

(2) Paragraph (3)(D) is amended by striking the phrase "old; or" and inserting the phrase "old;" in its place.

(3) Paragraph (4) is repealed.

(4) New paragraphs (5) and (6) are added to read as follows:

"(5) Is a parent or caretaker who is 60 years of age or older; or

"(6) Is the head of an assistance unit who is meeting the full requirements of his or her Individual Responsibility Plan and can show that he or she is enrolled in an accredited postsecondary education program or a Department of Employment Services approved job training program in which he or she is working towards the attainment of a degree,

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certificate, or official credential.”.

(d) Section 519a (D.C. Official Code § 4-205.19a) is amended as follows:

(1) Subsection (c) is repealed.

(2) Subsection (d) is amended by striking the phrase “and TANF hardship extensions”.

(3) A new subsection (e) is added to read as follows:

“(e) Other than victims of domestic violence, pursuant to section 572a(a)(2)(A), no TANF recipients eligible for POWER pursuant to section 572a may receive case management services beyond the services currently being received on the effective date of the Time Limit Act, unless the Department of Human Services deems such services as necessary and funding is available.”.

SUBTITLE O. INTERIM DISABILITY ASSISTANCE

Sec. 5161. Short title.

This subtitle may be cited as the "Interim Disability Assistance Amendment Act of 2013".

Sec. 5162. Section 407(d) of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13-252; D.C. Official Code § 4-204.07(d)), is amended as follows:

(a) Paragraph (2)(A) is amended to read as follows:

“(A) Applies to the Social Security Administration for SSI benefits and maintains or pursues an active SSI application, motion for reconsideration, or request for hearing before an Administrative Law Judge, subject to the limitations of paragraph (3) of this subsection;”.

(b) Paragraph (3) is amended as follows:

(1) Subparagraph (B) is amended to read as follows:

“(B) An otherwise qualified individual’s period of eligibility for IDA benefits shall end either at the end of the month in which the Social Security Administration begins payment of SSI benefits, or at the end of the month in which an Administrative Law Judge issues a decision denying the IDA recipient’s SSI application following a hearing pursuant to 20 C.F.R. § 416.1429.”.

(2) Subparagraph (C) is repealed.

(3) Subparagraph (D) is amended as follows:

(A) Strike the phrase “and an appeal is filed timely”.

(B) Strike the phrase “IDA recipient” and insert the word “individual” in its place.

Sec. 5163. This subtitle shall not be construed as affecting the eligibility of an otherwise qualified individual who has a Social Security application pending at the time of the effective date of this subtitle.

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SUBTITLE P. HOMELESS PREVENTION AND RAPID RE-HOUSING PILOT INITIATIVE

Sec. 5171. Short title.

This subtitle may be cited as the "Homelessness Prevention and Rapid Re-Housing Pilot Initiatives Act of 2013".

Sec. 5172. (a)(1) For fiscal year 2014, the Department of Human Services ("Department") shall implement an Emergency Rental Assistance Program ("ERAP") pilot initiative for the purpose of providing emergency rental assistance to non-elderly, non-disabled adults without minor children in their care who would otherwise qualify for emergency rental assistance under Chapter 75 of Title 29 of the District of Columbia Municipal Regulations.

(2) No later than October 1, 2013, the Department shall submit to the Council a plan for the ERAP pilot initiative. The plan shall include the following information:

- (A) An estimated number of clients that will be served by the initiative;
- (B) A timeline for implementation of the initiative;
- (C) Metrics or criteria for measuring the initiative's outcomes; and
- (D) Any other information the Department believes would assist in

analyzing the initiative's impact.

(b)(1) For fiscal year 2014, the Department shall implement a Rapid Re-Housing ("RRH") pilot initiative for the purpose of providing assistance to rapidly re-house adults without minor children in their care who would otherwise qualify for rapid re-housing assistance under Chapter 78 of Title 29 of the District of Columbia Municipal Regulations.

(2) No later than October 1, 2013, the Department shall submit to the Council a plan for the RRH pilot initiative. The plan shall include the following information:

- (A) An estimated number of clients that will be served by the initiative;
- (B) A timeline for implementation of the initiative;
- (C) Metrics or criteria for measuring the initiative's outcomes; and
- (D) Any other information the Department believes would assist the

Council in analyzing the initiative's impact.

SUBTITLE Q. HOMELESS SERVICES REFORM

Sec. 5181. Short title.

This subtitle may be cited as the "Homeless Services Reform Amendment Act of 2013".

Sec. 5182. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

(1) Paragraph 18(A) is amended by striking the word "immediately" and inserting the phrase "immediately, including any individual or family who is fleeing, or is attempting to

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flee, domestic violence and who has no other residence and lacks the resources or support networks to obtain safe housing” in its place.

(2) A new paragraph (31A) is added to read as follows:

“(31A) “Rapid Re-Housing” means a program that provides a homeless individual or family with financial assistance to obtain permanent housing, by providing some or all of a security deposit, first month’s rent, short-term rental subsidy, and supportive services to help the recipient become self-sufficient.”.

(3) Paragraph (41) is amended as follows:

(A) The lead-in language is amended by striking the word "accommodation" and inserting the phrase “accommodation, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 2 years or a longer period approved by the provider” in its place.

(B) Subparagraph (B) is amended by striking the phrase “up to 2 years or as long as necessary” and inserting the phrase “less than or equal to 2 years or a longer period approved by the provider” in its place.

(b) Section 4(b) (D.C. Official Code § 4-752.01(b)), is amended by adding a new paragraph (1A) to read as follows:

“(1A) The Director to End Homelessness, who shall assist the City Administrator in leading and coordinating the Interagency Council;”.

(c) Section 7 (D.C. Official Code § 4-753.01) is amended by adding a new subsection (f) to read as follows:

“(f)(1) The Mayor may require clients to establish and contribute to a savings or escrow account, or other similar savings arrangement. The savings or escrow arrangement shall be customized to each client so as not to jeopardize another benefit program and to allow for reasonable and necessary expenses.

“(2) A client shall not be terminated for failing to contribute to a savings or escrow account or similar savings arrangement; provided, that other sanctions may be imposed as provided by rule.

“(3) Pursuant to section 31, the Mayor shall issue rules on the establishment of any mandatory savings or escrow accounts, or other similar savings arrangements, authorized by this section. The rules shall provide exceptions to the requirement for mandatory savings or escrow accounts, or other similar savings arrangements.”.

(d) Section 11 (D.C. Official Code § 4-754.13) is amended as follows:

(1) Paragraph 10 is amended by striking the word “and”.

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

“(11) Establish and contribute to a savings or escrow account, or other similar savings arrangement, if required by rules established by the Mayor pursuant to section 7(f) and included in the provider’s Program Rules approved pursuant to section 18(b); and”.

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

“(12) Follow all Program Rules established by a provider pursuant to section 18.”.

(e) Section 18 (D.C. Official Code § 4-754.32) is amended as follows:

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(1) Paragraph (7) is amended by striking the word “and”.

(2) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(9) A description of a client’s responsibilities to establish and contribute to a savings and escrow account, or other similar savings arrangement, if required by rules established by the Mayor pursuant to section 7(f).”.

(f) Section 19 (D.C. Official Code § 4-754.33) is amended as follows:

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

“(c) All providers shall give written and oral notice to clients of their transfer to another provider or of their suspension, termination, or discontinuation from services at least 15 days before the effective date of the transfer or the suspension, termination, or discontinuation of services except:

“(1) When the sanction results from the client’s imminent threat to the health or safety of someone on the premises of the provider in accordance with section 24; or

“(2) When the sanction is a suspension of supportive services for a period shorter than 10 days.”.

(2) Subsection (d)(4) is amended to read as follows:

“(4) A clear and complete statement of the client’s right to appeal the sanction or denial through fair hearing proceedings pursuant to section 26 and administrative review proceedings pursuant to section 27, or the client’s right to reconsideration pursuant to rules established by the Mayor in accordance with section 31, including the appropriate deadlines for instituting the appeal or reconsideration; and”.

(g) Section 22 (D.C. Official Code § 4-754.36) is amended to read as follows:

“Sec. 22. Termination.

“(a) A provider may terminate its delivery of services to a client only when:

“(1) The provider documents that it has considered suspending the client in accordance with section 21 or has made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with section 20;

“(2) The client:

“(A) Possesses a weapon on the provider’s premises;

“(B) Possesses or sells illegal drugs on the provider’s premises;

“(C) Assaults or batters any person on the provider’s premises;

“(D) Endangers the client’s own safety or the safety of others on the provider’s premises;

“(E) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the provider’s premises;

“(F) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the client’s needs after having been offered 2 appropriate permanent or supportive housing opportunities; or

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“(G) Knowingly engages in repeated violations of a provider’s Program Rules; and

“(3) In the case of a termination pursuant to paragraph (2)(F) or (G) of this subsection, the provider has made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.

“(b) For the purposes of subsection (a)(2)(F) of this section, Rapid Re-Housing shall be considered an offer of supportive housing and an offer of 2 different units through a Rapid Re-Housing program shall be considered 2 offers of supportive housing. In determining whether an offer of permanent or supportive housing is appropriate, the results of a research- or evidence-based assessment tool used as part of the decision to make such an offer shall be given great weight.”.

(h) A new section 22a is added to read as follows:

"Sec. 22a. Discontinuation of supportive housing services.

“(a) A provider may discontinue supportive housing services for a client only when the client has:

“(1) Relocated to another program or facility for more than 180 days;

“(2) Abandoned his or her unit for more than 60 days and good-faith efforts to locate the client have failed, or the client has been located but has indicated by words or actions that he or she does not intend to return to and reside in the unit; or

“(3) The client has not requested a reasonable accommodation to continue the supportive housing services for disability-related reasons, or has requested a reasonable accommodation and it was denied; and

“(4) No household members who have been approved as part of the household unit for purposes of the program remain in the supportive housing placement.

“(b) Providers of supportive housing shall give oral and written notice, in accordance with section 19(d), to clients of their discontinuation from services only after the required time period in subsection (a) of this section has lapsed, except where there is credible evidence that the client who has relocated to another program or facility is expected to be absent for more than 180 days . The notice shall be given at least 30 days before the effective date of the discontinuation of services. If it is not possible to provide written notice at the time of the action because the client’s whereabouts are unknown, a written notice shall be delivered to the client’s last known address or, upon request, within 90 days of the discontinuation of services.

“(c) A client whose supportive housing services are discontinued pursuant to this section shall have the right to be re-housed upon return; provided, that the client continues to meet the eligibility criteria for the program and the services are available. If the services are not available from the original supportive housing provider, the client shall receive the first available opening at the original supportive housing provider’s program, unless an opening elsewhere is available and the client consents to the alternate provider. To the extent possible, a provider who is notified of a client’s impending return shall make a reasonable effort to work with the client to arrange supportive housing services that will be available upon the client’s return.”.

(i) A new section 31a is added to read as follows:

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"Sec. 31a. Director to End Homelessness.

"(a) The Mayor shall appoint a Director to End Homelessness ("Director"), pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)). The Director shall report to the Mayor, and shall be highly qualified and experienced. The Mayor is encouraged to consult with the Interagency Council of Homelessness on the specific qualifications and job description for this position.

"(b) The Director shall:

"(1) Coordinate efforts across agencies to end homelessness in the District;

"(2) Provide a single point of accountability for efforts to end homelessness in the District;

"(3) Help lead and coordinate the Interagency Council on Homelessness;

"(4) Work with community stakeholders and the Interagency Council to create, coordinate, and implement a plan to end homelessness in the District;

"(5) Create and monitor performance measures that track the District's progress on the plan to end homelessness; and

"(6) Report to the Mayor and to the Council by September 30 of each year, beginning in 2014, on the status of ending homelessness in the District."

SUBTITLE R. END HOMELESSNESS FUND

Sec. 5191. Short title.

This subtitle may be cited as the "End Homelessness Fund Act of 2013".

Sec. 5192. End Homelessness Fund.

(a) There is established as a special fund the End Homelessness Fund ("Fund"), which shall be administered by the Department of Human Services in accordance with subsection (c) of this section.

(b) The Fund shall consist of 50% of the revenue from the automated traffic enforcement program, to the extent that the revenue is offset by revenue from a tax imposed by Chapter 39A of Title 47 of the District of Columbia Official Code on sales made via the Internet, and the interest earned on that revenue, but not to exceed \$50 million in a fiscal year.

(c) The Fund shall be used to end homelessness in the District, as set forth in a plan and legislation prepared by the Director to End Homelessness and the Interagency Council on Homelessness and transmitted to the Council for enactment. No moneys may be used from the Fund to supplant existing funding for programs already in existence.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

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SUBTITLE S. ASTHMA MANAGEMENT CENTER

Sec. 5201. Short title.

This subtitle may be cited as the "Pediatric Asthma Management Act of 2013".

Sec. 5202. Pediatric asthma management center.

Of the capital funds allocated in fiscal year 2014 for project HTO-UMCOI within the Department of Health Care Finance, up to \$2 million may be used to fund the renovation of existing space on the campus of United Medical Center in support of a pediatric asthma management center.

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

SUBTITLE A. SAFETY-BASED TRAFFIC ENFORCEMENT FINE REDUCTION

Sec. 6001. Short title.

This subtitle may be cited as the "Safety-Based Traffic Enforcement Fine Reduction Amendment Act of 2013".

Sec. 6002. Section 105 of the Safety-Based Traffic Enforcement Amendment Act of 2012, returned unsigned by the Mayor on February 11, 2013 (D.C. Act 19-674; 60 DCR 2753), is repealed.

Sec. 6003. Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) The existing text under the subheading "Intersection" is amended by striking the phrase "Failure to clear (including crosswalks) [§ 2201.11] \$100" and inserting the phrase "Failure to clear (including crosswalks) [§ 2201.11] \$50" in its place.

(b) The subheading "Right turn on red" and existing text is amended to read as follows:
"Right turn on red

"Failure to come to a complete stop before turning [§ 2103.7] \$50

"Failure to yield right-of-way to vehicle or pedestrian [§ 2103.7] \$50

"Violation of "No Turn on Red" sign [§ 4013] \$50".

(c) The existing text under the subheading "Right-of-way" is amended by striking the phrase "Failure to stop and give right-of-way to pedestrian in roadway [§ 2208] \$250" and inserting the phrase "Failure to stop and give right-of-way to pedestrian in roadway [§ 2208] \$75" in its place.

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(d) The existing text under the subheading "Speeding" is amended to read as follows:

"Up to 10 mph in excess of limit [§ 2200]	\$50
"11 to 15 mph in excess of limit [§ 2200]	\$100
"16 to 20 mph in excess of limit [§ 2200]	\$150
"21 to 25 mph in excess of limit [§ 2200]	\$200
"Over 25 mph in excess of limit [§ 2200]	\$300
"Minimum; driving too slowly [§ 2200.10]	\$50
"Unreasonable [§ 2200.3]	\$100".

SUBTITLE B. DEPARTMENT OF MOTOR VEHICLES IMMOBILIZATION

Sec. 6011. Short title.

This subtitle may be cited as the "DMV Immobilization Amendment Act of 2013".

Sec. 6012. Section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), is amended by adding a new paragraph (5) to read as follows:

"(5) Before the removal of an immobilization mechanism on a motor vehicle or the release of a motor vehicle from impoundment, the owner shall pay all outstanding fees, charges, civil fines, or penalties incurred pursuant to this section and sections 7 and 8 of this act, section 15(b)(2)(A) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(b)(2)(A)), sections 1 and 6 of An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code §§ 50-1101 and 1106), sections 2 and 3 of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code §§ 50-1501.02 and 1501.03), sections 105 and 304a of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2301.05 and 50-2303.04a), and section 9(a) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)), against the owner or any motor vehicle in which the owner has an ownership interest or had an ownership interest when a notice of infraction was issued."

Sec. 6013. Section 9(a)(4) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)(4)), is amended to read as follows:

"(4) Making a payment in accordance with section 6(k)(5) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)(5));"

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SUBTITLE C. STORMWATER IN LIEU FEE SPECIAL FUND

Sec. 6021. Short title.

This subtitle may be cited as the "Stormwater In-Lieu Fee Special Purpose Revenue Fund Amendment Act of 2013".

Sec. 6022. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended by adding a new section 10b to read as follows:

"Sec. 10b. Stormwater In-Lieu Fee Payment Fund.

"(a) There is established as a special fund the Stormwater In-Lieu Fee Payment Fund ("In-Lieu Fee Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

"(b) The In-Lieu Fee Fund shall consist of revenue from payments to the In-Lieu Fee Fund to achieve stormwater retention obligations of regulated properties, as required by the Municipal Separate Storm Sewer System permit issued to the District by the Environmental Protection Agency.

"(c) The In-Lieu Fee Fund shall be used for the installation, operation, and maintenance of stormwater retention facilities.

"(d)(1) The money deposited into the In-Lieu Fee Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the In-Lieu Fee Fund shall be continually available without regard to fiscal year limitation.

"(e) The District Department of the Environment shall publish on its website at least annually a report which includes a description of how revenues are spent from the In-Lieu Fee Fund and Anacostia River Clean Up and Protection Fund, established by the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.01 *et seq.*).

"(f) The report on the In-Lieu Fee Fund required by subsection (e) of this section shall include:

"(1) The total amount of in-lieu fees collected to date;

"(2) The total amount of funds spent to date;

"(3) For each sub-drainage area or watershed, the aggregate off-site retention volume per year purchased with in-lieu fees, based on the location of regulated projects paying in-lieu fees; and

"(4) For each of the stormwater retention facilities installed using In-Lieu Fee Fund dollars, the type of best management practices used by the facility, the gallons per year of stormwater volume achieved by the facility, the sub-drainage or watershed location of the facility, and a summary of the capital and maintenance costs of the project."

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SUBTITLE D. DISTRICT DEPARTMENT OF TRANSPORTATION PARKING METER REVENUE

Sec. 6031. Short title.

This subtitle may be cited as the "District Department of Transportation Parking Meter Revenue Amendment Act of 2013".

Sec. 6032. Section 2a of the Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531.01), is amended as follows:

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

"(2) Fees collected for the parking of vehicles where meters or devices are installed shall be deposited into the Fund in accordance with section 3(h)(2) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)(B))."

(b) Subsection (b) is amended by striking the phrase "for projects within the zone from which revenues were raised".

Sec. 6033. Section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)), is amended as follows:

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

"(1) For fiscal year 2014, and each year thereafter, 100% of the amount collected from the parking of vehicles where meters or devices are installed shall be used in accordance with this section to fund the general operations of the Washington Metropolitan Area Transit Authority, with the exception of the portions required to be transferred to the District Department of Transportation Parking Meter Pay-by-phone Transaction Fee Fund and the DC Circulator Fund, in accordance with section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14)."

(b) Paragraph (2) is amended to read as follows:

"(2)(A) For fiscal year 2013, \$35,264,948 shall be dedicated to paying a portion of the District's annual operating subsidies to the Washington Metropolitan Area Transit Authority.

"(B) Other fees collected for the parking of vehicles where meters or devices are installed in excess of the portions required to be transferred to the District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund and the Parking Meter Fund shall be divided evenly between the Sustainable Transportation Fund established by section 9g of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.15); and the Performance Parking Fund established by section 2a of the Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531.01)."

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(c) Paragraph (3) is repealed.

Sec. 6034. Section 9g(b) of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.15(b)), is amended by striking the phrase "section 3(h)(3)" and inserting the phrase "section 3(h)(2)" in its place.

Sec. 6035. Right-of-way revenues.

Notwithstanding any other provision of law, for fiscal year 2014, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as local funds \$921,000 of fiscal year 2014 right-of-way revenues.

Sec. 6036. Applicability.

Section 6033(b) shall apply as of the effective date of the Fiscal Year 2014 Budget Support Emergency Act of 2013, passed on an emergency basis on June 26, 2013 (Enrolled version of Bill 20-337).

**SUBTITLE E. ACCESSIBLE PUBLIC VEHICLES-FOR-HIRE FUNDING
AMENDMENT**

Sec. 6041. Short title.

This subtitle may be cited as the "Accessible Public Vehicles-for-Hire Amendment Act of 2013".

Sec. 6042. Section 20a(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-320(b)), is amended as follows:

(a) Paragraph (2) is amended to read as follows:

"(2) For fiscal years 2014 and 2015:

"(A) The first \$4,700,000 of funds deposited into the Fund each year shall be used to support the operations of the Commission pursuant to paragraph (1)(A) of this subsection;

"(B) \$750,000 of the remaining funds deposited into the Fund each year shall be used to increase the number of wheelchair accessible public vehicles-for-hire pursuant to paragraph (1)(B) of this subsection; and

"(C) Any remaining funds in the Fund may be used for any of the purposes described in paragraph (1) of this subsection."

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

"(3) Nothing in this subsection shall affect any requirements imposed upon the Commission by Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*)."

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SUBTITLE F. BICYCLE ADVISORY COUNCIL CHAIR

Sec. 6051. Short title.

This subtitle may be cited as the "Bicycle Advisory Council Amendment Act of 2013".

Sec. 6052. Section 5(b)(2)(B) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1604(b)(2)(B)), is amended to read as follows:

"(B) A chairperson shall be elected from among the 13 community representatives and shall serve for a term of 2 years."

SUBTITLE G. PRIORITY SIDEWALK ASSURANCE

Sec. 6061. Short title.

This subtitle may be cited as the "Priority Sidewalk Assurance Amendment Act of 2013".

Sec. 6062. Section 2(a) of the Priority Sidewalk Assurance Act of 2010, effective September 24, 2010 (D.C. Law 18-227; D.C. Official Code § 9-425.01(a)), is amended by striking the phrase "road reconstruction or curb and gutter replacement" and inserting the phrase "road reconstruction, installation of a curb and gutter, or curb and gutter replacement" in its place.

SUBTITLE H. PESTICIDE REGISTRATION FUND PRESERVATION

Sec. 6071. Short title.

This subtitle may be cited as the "Pesticide Registration Fund Preservation Amendment Act of 2013".

Sec. 6072. The Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-191; D.C. Official Code § 8-431 *et seq.*), is amended by adding a new section 9a to read as follows:

"Sec. 9a. Pesticide Registration Fund.

"(a) There is established as a special fund the Pesticide Registration Fund ("Fund"), which shall be administered by the Department in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from fees collected pursuant to section 9 and other pesticide license and registration fees.

"(c) The Fund shall be used for the administration of the Department's pesticide programs.

"(d) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time."

Sec. 6073. Section 9084 of the Fiscal Year 2012 Transfer of Special Purpose Funds Act of 2011, effective September 14, 2011 (D.C. Law 19-21; 58 DCR 6362), is repealed.

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SUBTITLE I. PUBLIC SPACE CLEANING GRANTS

Sec. 6081. Short title.

This subtitle may be cited as the "Public Space Cleaning Grant Act of 2013".

Sec. 6082. (a) Of the funds appropriated in fiscal years 2014 and 2015 to the Department of Small and Local Business Development for Clean Teams, \$800,000 may be awarded for grants over a 2-year period to include \$400,000 in fiscal year 2014 and \$400,000 in fiscal year 2015 for clean-team services to, at minimum, the following areas:

- (1) Connecticut Avenue, N.W., between Calvert Street and Cathedral Avenue; between Macomb Street and Porter Street; and between Tilden Street and Albemarle Street;
- (2) 12th Street, N.E., from Jackson Street, N.E., to Randolph Street, N.E.; and
- (3) Minnesota Avenue, N.E., from Grant Street, N.E., to East Capitol Street.

(b) An eligible grantee must have experience in:

- (1) Providing clean-team services;
- (2) Providing job-training services to its employees;
- (3) Hiring District residents; and
- (4) Providing social support services to its Clean Team employees.

(c) Grants awarded under this subtitle shall administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

SUBTITLE J. TRANSPORTATION FINE AND FEE ADJUSTMENT

Sec. 6091. Short title.

This subtitle may be cited as the "Transportation Fee and Fine Adjustment Amendment Act of 2013".

Sec. 6092. Section 2601.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2601.1) is amended by inserting an infraction in between the "Stop sign" and "Tags" infractions to read as follows:

"Street cleaning route, parked on during prohibited period (§ 2423) \$45.00".

SUBTITLE K. SAFETY JUSTIFICATION FOR TRAFFIC CONTROL OFFICERS PLACEMENT

Sec. 6101. Short title.

This subtitle may be cited as the "Allocation of Traffic Control Officers Act of 2013".

Sec. 6102. Safety justification.

The District Department of Transportation ("DDOT") shall:

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(1) Justify the placement of Traffic Control Officers ("TCOs") at intersections based on safety, except when needed to manage special events or construction sites or when safety concerns for TCOs exist; and

(2) Prioritize placement of TCOs at the 10 most dangerous intersections during peak hazardous times.

Sec. 6103. Public notification of safety justification and dangerous intersections.

On or before February 1, 2014, DDOT shall publish on its website:

(1) A standard safety justification for the placement of TCOs; and

(2) A list of the 10 most dangerous intersections that will have TCOs during the most hazardous times of day, and the corresponding justification for these placements.

SUBTITLE L. DISTRICT DEPARTMENT OF TRANSPORTATION DC CIRCULATOR

Sec. 6111. Short title.

This subtitle may be cited as the "District Department of Transportation DC Circulator Amendment Act of 2013".

Sec. 6112. Section 11c(a) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.33(a)), is amended as follows:

(1) Strike the phrase "lapsing special purpose revenue fund" and insert the phrase "nonlapsing special fund" in its place.

(2) Strike the phrase "or their agents," and insert the phrase "or their agents, parking meter revenue from the National Park Service for meters on the Mall," in its place.

SUBTITLE M. DISTRICT DEPARTMENT OF TRANSPORTATION JURISDICTION

Sec. 6121. Short title.

This subtitle may be cited as the "District Department of Transportation Jurisdiction Amendment Act of 2013".

Sec. 6122. Section 3 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02), is amended by adding a new subsection (g) to read as follows:

"(g)(1) The Director may enter into agreements with jurisdictions in the Washington metropolitan area ("regional jurisdictions") to plan, fund, design, construct, and otherwise carry out transportation projects.

"(2) DDOT may receive funds from and disperse funds to regional jurisdictions for the purposes of planning, funding, designing, constructing, and otherwise carrying out the transportation projects.

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"(3) DDOT may take other appropriate actions to plan, fund, design, construct, and otherwise carry out the transportation projects, including performing work, including construction work, in regional jurisdictions."

Sec. 6123. Applicability.

This subtitle shall apply as of June 15, 2013.

SUBTITLE N. REPRESENTATION TAGS

Sec. 6131. Short title.

This subtitle may be cited as the "Representation Tags Amendment Act of 2013".

Sec. 6132. Section 423 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 423) is amended by adding a new subsection 423.3a to read as follows:

"423.3a. Members of the Council may choose to be issued a standard motor vehicle identification tag or a tag designating the member's ward of representation or at-large status. If the member opts for a standard tag, the member shall also be issued a placard to be placed on the dashboard of a vehicle indicating that the vehicle is being used by the member for official business."

Sec. 6133. Section 6(c)(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(c)(2)), is amended to read as follows:

"(2) The vehicle is displaying a Congressional or Council registration tag or parking placard issued for the current session or by the District."

TITLE VII. FINANCE AND REVENUE**SUBTITLE A. SUBJECT TO APPROPRIATIONS REPEALERS**

Sec. 7001. Short title.

This subtitle may be cited as the "Subject to Appropriations Repealers Amendment Act of 2013".

Sec. 7002. Section 3 of the Land Acquisition for Housing Development Opportunities Program Act of 2010, effective December 3, 2010 (D.C. Law 18-260; 57 DCR 9632), is repealed.

Sec. 7003. Section 5 of the UNCF Tax Abatement and Relocation to the District Assistance Act of 2010, effective August 6, 2010 (D.C. Law 18-211; 57 DCR 4949), is repealed.

Sec. 7004. Section 3 of the Carver 2000 Low-Income and Senior Housing Project Amendment Act of 2012, effective July 13, 2012 (D.C. Law 19-151; 59 DCR 5134), is repealed.

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Sec. 7005. Section 4 of the Elizabeth Ministry, Inc. Affordable Housing Initiative Real Property Tax Relief Act of 2012, effective April 20, 2013 (D.C. Law 19-253; 60 DCR 982), is repealed.

Sec. 7006. Section 3 of the King Towers Residential Housing Real Property Tax Exemption Clarification Act of 2012, effective July 13, 2012 (D.C. Law 19-153; 59 DCR 5138), is repealed.

Sec. 7007. Section 7 of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-184; 59 DCR 9431), is repealed.

Sec. 7008. The 8th Street Plaza Condominium Association, Inc. Clarification Act of 2012, effective October 22, 2012 (D.C. Law 19-178; 59 DCR 9416), is amended as follows:

(a) Section 2(b)(2) is amended to read as follows:

“(2) The exemptions granted by paragraph (1) of this subsection shall expire on October 1, 2014.”

(b) Section 3 is repealed.

Sec. 7009. Section 3 of the Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-255; 60 DCR 987), is repealed.

Sec. 7010. Section 3 of the Israel Senior Residences Tax Exemption Act of 2012, effective April 27, 2013 (D.C. Law 19-285; 60 DCR 2316), is repealed.

Sec. 7011. Section 3 of the Families Together Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-228; 57 DCR 6926), is repealed.

Sec. 7012. Section 701 of the Adoption Reform Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-230; 57 DCR 6951), is repealed.

Sec. 7013. Section 5 of the District of Columbia Flood Assistance Fund Act of 2012, effective April 27, 2013 (D.C. Law 19-293; 60 DCR 2613), is repealed.

Sec. 7014. Section 47-1086 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

“(c) This section shall apply as of March 1, 2011.”

Sec. 7015. Section 1203 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-362.03), is repealed.

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Sec. 7016. Section 5 of the State Board of Education Personnel Authority Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-284; 60 DCR 2312), is repealed.

Sec. 7017. Section 5 of the Public Vehicle-for-Hire Innovation Amendment Act of 2012, effective April 23, 2013 (D.C. Law 19-270; 60 DCR 1717), is repealed.

Sec. 7018. (a) Section 3 of the Howard Town Center Real Property Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-257; 60 DCR 992), is repealed.

(b) Section 47-4656(b) of the District of Columbia Official Code is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) Commence with the tax year in which the final certificate of occupancy is issued to the last property developed on the site, but in no case before October 1, 2015."

(2) Paragraph (2) is amended to read as follows:

"(2) Be in the amount of \$800,000 per year, not to exceed \$8 million in the aggregate over 10 years."

Sec. 7019. Section 4 of the Workplace Fraud Amendment Act of 2012, effective April 28, 2013 (D.C. Law 19-300; 60 DCR 2679), is repealed.

Sec. 7020. Section 3 of the Schedule H Property Tax Relief Act of 2012, effective April 27, 2013 (D.C. Law 19-283; 60 DCR 2307), is amended to read as follows:

"Sec. 3. Applicability.

"This act shall apply as of January 1, 2014."

**SUBTITLE B. TAX INCREMENT REVENUE BONDS DC USA PROJECT
EXTENSION**

Sec. 7021. Short title.

This subtitle may be cited as the "Tax Increment Revenue Bonds DC USA Project Extension Act of 2013".

Sec. 7022. Definitions.

For the purposes of this subtitle, the term:

(1) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code and the tax imposed by D.C. Official Code § 47-1005.01, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.81), pledged to the payment of general obligation indebtedness of the District.

(2) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof

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required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(3) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated by the DC-USA Project TIF Area minus the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the respective base year, as certified by the Chief Financial Officer.

(4) "Bonds" means the \$46.9 million National Capital Revitalization Variable Rate Revenue Bonds (DC USA Parking Garage Project) Series 2006.

(5) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(6) "DC USA Project TIF Area" means the following parcels and lots and squares: Square 2674, Lot 0866; Square 2674, Lot 0720; Square 2674, Lot 0863; Square 2674, Lot 0832; Square 2674, Lot 0812; Square 2674, Lot 0869; Square 2674, Lot 0719; Square 2674, Lot 0872; Square 2674, Lot 0870; Square 2674, Lot 0871.

Sec. 7023. Allocation of Available Tax Increment.

There is allocated to the repayment of the Bonds 100% of the Available Tax Increment until such time as the Bonds are paid in full. The Available Real Property Tax Revenues shall be calculated based upon the assessed value of the real property comprising the DC-USA Project TIF Area as of January 1, 2004, for the base year of tax year 2005 as certified by the Chief Financial Officer. The Available Sales Tax Revenues shall be calculated based upon the sales tax revenue for base year 2003 as certified by the Chief Financial Officer.

SUBTITLE C. DELINQUENT DEBT RECOVERY

Sec. 7031. Short title.

This subtitle may be cited as the "Delinquent Debt Recovery Amendment Act of 2013".

Sec. 7032. The Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.01 *et seq.*), is amended as follows:

(a) Section 1043 (D.C. Official Code § 1-350.02) is amended as follows:

(1) Subsection (a) is amended by striking the word "Notwithstanding" and inserting the phrase "Except as provided in subsections (a-1) and (a-2) of this section, notwithstanding" in its place.

(2) New subsections (a-1) and (a-2) are added to read as follows:

"(a-1) The University of the District of Columbia shall transfer and refer unpaid student tuition, student fees, and student loans to the Central Collection Unit within one year after the end of the semester in which the student tuition, student fees, and student loans were incurred.

"(a-2) Beginning in fiscal year 2014 and for each fiscal year thereafter, funds collected and recovered by the Central Collection Unit arising out of delinquent debts transferred and referred to the Central Collection Unit by the Not-For-Profit Hospital Corporation for collection,

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net of costs and fees, shall be deposited into the Not-For-Profit Hospital Corporation Fund by the Central Collection Unit within 60 days following the then current fiscal year."

(b) A new section 1043a is added to read as follows:

"Sec. 1043a. Collection on behalf of the University of the District of Columbia.

"Funds collected and recovered by the Central Collection Unit, beginning in fiscal year 2014 and continuing in the following fiscal years, arising out of delinquent debts transferred and referred to the Central Collection Unit by the University of the District of Columbia for collection, net of cost and fees, shall be deposited into the University of the District of Columbia Debt Collection Fund established pursuant to section 7033 of the Delinquent Debt Recovery Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), by the Central Collection Unit within 60 days following the then current fiscal year."

(c) Section 1045 (D.C. Official Code § 1-350.04) is amended by striking the phrase "all delinquent debts collected by the Central Collection Unit" and inserting the phrase "all delinquent debts collected by the Central Collection Unit, except those amounts collected by the Central Collection Unit described in section 1043(a-1) and (a-2)" in its place.

Sec. 7033. University of the District of Columbia Debt Collection Fund.

(a) There is established as a special fund the University of the District of Columbia Debt Collection Fund ("Fund"), which shall be administered by the University of the District of Columbia in accordance with subsection (c) of this section.

(b) The fund shall consist of the revenue from the collection of unpaid student tuition, student fees, and student loans by the Central Collection Unit in accordance with the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.01 *et seq.*).

(c) The Fund shall be used for expenses associated with the operations of the University of the District of Columbia.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

SUBTITLE D. BANK FEES SPECIAL FUND

Sec. 7041. Short title.

This subtitle may be cited as the "Bank Fees Special Fund Act of 2013".

Sec. 7042. Bank Fees Special Fund.

(a) There is established as a special fund the Bank Fees Special Fund ("Fund"), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) Beginning October 1, 2013, the following sources shall be deposited into the Fund:

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(1) All interest earned on public funds under the custody of the Chief Financial Officer in a general fund account that is not otherwise restricted; and

(2) Such amounts from the unassigned General Fund of the District of Columbia balance as may be required to pay bank fees and charges, as they come due, in excess of the interest earned on public funds as described in paragraph (1) of this subsection.

(c) The Fund shall be used to pay bank fees and charges.

SUBTITLE E. AFFORDABLE HOUSING REAL PROPERTY TAX RELIEF

Sec. 7051. Short title.

This subtitle may be cited as the "Affordable Housing Real Property Tax Relief Act of 2013".

Sec. 7052. Section 47-1002(20)(A)(ii) of the District of Columbia Official Code is amended by striking the semicolon at the end and inserting the phrase "or payments made under any renewal of a contract originally made under the new construction, substantial rehabilitation, or moderate rehabilitation under section 8 that entitled the property to the exemption and for which an exemption was granted;" in its place.

Sec. 7053. Applicability.

This subtitle shall apply with respect to renewal contracts entered into before, on, or after the effective date of this subtitle.

SUBTITLE F. BEULAH BAPTIST CHURCH REAL PROPERTY EQUITABLE TAX RELIEF

Sec. 7061. Short title.

This subtitle may be cited as the "Beulah Baptist Church Real Property Equitable Tax Relief Act of 2013".

Sec. 7062. Section 47-4654(d) of the District of Columbia Official Code is amended by striking the phrase "September 30, 2010" and inserting the phrase "September 30, 2020, and any real property taxes, interest, penalties, fees, or other related charges assessed, as of the effective date of the Beulah Baptist Church Real Property Equitable Tax Relief Temporary Act of 2013, effective April 27, 2013 (D.C. Law 19-27; 60 DCR 2629), against this real property with respect to this period are forgiven and any payment already made shall be refunded" in its place.

SUBTITLE G. GALA HISPANIC THEATRE REAL PROPERTY TAX ABATEMENT

Sec. 7071. Short title.

This subtitle may be cited as the "GALA Hispanic Theatre Real Property Tax Abatement Act of 2013".

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Sec. 7072. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4660. GALA Hispanic Theatre; Lot 79, Square 2837."

(b) A new section 47-4660 is added to read as follows:

"§ 47-4660. GALA Hispanic Theatre; Lot 79, Square 2837.

"(a) Real property taxes assessed against Lot 79, Square 2837 in excess of the amount of taxes levied for tax year 2005 shall be abated to the extent that the excess is allocable to the portion of the property leased to the Grupo de Artistas Latinoamericanos, G.A.L.A., Inc., also known as the GALA Hispanic Theatre ("GALA"), under the terms of its lease, so long as such portion is leased to GALA and is used for the purpose of producing and staging live theatre performances; provided, that the benefit of this abatement shall be passed on to GALA in the form of reduced rent equal to the amount of the abatement.

"(b) Both GALA and its landlord shall provide to the Office of Tax and Revenue ("OTR"), at the time and in the manner directed by OTR, the information as OTR may consider necessary to determine the amount of the abatement allowable for a taxable year and to verify eligibility for the abatement.

"(c) The abatement provided under this section shall apply beginning with tax year 2011. If the property becomes ineligible for the abatement, the abatement shall end at the beginning of the month following the month that the property becomes ineligible."

SUBTITLE H. OUT-OF-STATE MUNICIPAL BOND TAX REPEAL

Sec. 7081. Short title.

This subtitle may be cited as the "Out-of-State Municipal Bond Tax Repeal Act of 2013".

Sec. 7082. Section 47-1803.02(a)(1)(B) of the District of Columbia Official Code is amended to read as follows:

"(B) Individuals, estates, and trusts shall not, and shall not have been required to, include interest on the obligations of the District of Columbia, a state, a territory of the United States, or any political subdivision thereof, in the computation of District gross income."

SUBTITLE I. [RESERVED]

SUBTITLE J. COMBINED REPORTING CLARIFICATION

Sec. 7101. Short title.

This subtitle may be cited as the "Combined Reporting Clarification Act of 2013".

Sec. 7102. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

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(a) The table of contents is amended by striking the designation "§ 47-1810.06. Designation of surety" and inserting the designation "§ 47-1810.06. Designation of agent" in its place.

(b) Section 47-1801.04 is amended to read as follows:

"§ 47-1801.04. General definitions.

"For the purposes of this chapter, unless otherwise required by the context, the term:

"(1) "Affiliated group" means an affiliated group as defined in section 1504 of the Internal Revenue Code of 1986; provided, that the affiliated group shall not include any corporation that does not have gross income derived from sources within the District.

"(2) "Aggregated effective tax rate" means the sum of the effective rates of tax imposed by the District of Columbia, states, or possessions of the United States, and foreign nations that have entered into comprehensive tax treaties with the United States government, where a related member receiving a payment of interest expense or intangible expense is subject to tax and where the measure of the tax imposed included the payment.

"(3) "Apportioned net operating loss" means the net operating loss generated in the year of the loss multiplied by the District of Columbia's apportionment formula for the loss year.

"(4) "Blind" means a taxpayer whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

"(5) "Business income" means all income that is apportionable under the Constitution of the United States.

"(6)(A) "Capital asset" means property defined or treated as a capital asset under the Internal Revenue Code of 1986.

"(B) For the purpose of computing, for any taxable year, the tax imposed under this chapter with respect to sales or other dispositions of property referred to in subparagraph (A) of this paragraph, the provisions of the Internal Revenue Code of 1986 relating to the treatment of gains and losses (other than the alternative tax imposed by section 1201 of the Internal Revenue Code of 1986) shall apply.

"(7) "Combined group" means the group of all persons whose income and apportionment factors are required to be taken into account pursuant to § 47-1805.02a(a) and (b) and the pertinent regulations in determining the taxpayer's share of the net business income or loss apportionable to the District.

"(8) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

"(9) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to an employee for personal services.

"(10) "Corporation" means:

"(A) Any corporation as defined by the laws of the District or organization of any kind treated as a corporation for tax purposes under the laws of the District, wherever

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located, which, were it doing business in the District, would be subject to the tax imposed by this chapter;

"(B) A joint-stock company, trust, association and S corporation as defined in section 1361(a) of the Internal Revenue Code of 1986, or other organization that is taxable as a corporation under federal income tax law.

"(11)(A) "Cost-of-living adjustment" means an amount, for any calendar year, equal to the dollar amount set forth in paragraph (44)(A) and (B) of this section or § 47-1806.02(f)(1)(A) and (i) multiplied by the percentage that the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year beginning January 1, 2007.

"(B) For the purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.

"(12) "Deficiency" with respect to any tax imposed by this chapter means:

"(A) The amount or amounts by which the tax imposed by this chapter, as determined by the Chief Financial Officer, exceeds the amount shown as the tax by the taxpayer upon his return; or

"(B) The amount assessed as a tax by the Chief Financial Officer if no return is filed by the taxpayer.

"(13) "Dependent" means a dependent as defined in section 152 of the Internal Revenue Code of 1986.

"(14) "Dividend" means any distribution made by a corporation or financial institution (domestic or foreign) to its stockholders or members, out of its earnings, profits, or surplus, other than paid-in surplus, whenever earned by the corporation or financial institution and whether made in cash or in any other property (other than stock of the same class in the corporation or financial institution, if the recipient of the stock dividend has neither received nor exercised an option to receive the dividend in cash or in property other than stock instead of stock) and whether distributed before, during, upon, or after liquidation or dissolution of the corporation or financial institution; except, that in the case of any such distribution, any part of which for purposes of the income tax imposed under the Internal Revenue Code of 1986 is deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for purposes of the tax imposed by this chapter; provided, that in the case of any dividend that is distributed other than in cash or stock in the same class in the corporation or financial institution and not exempted from tax under this chapter, the basis of tax to the recipient shall be the market value of the property at the time of the distribution; provided further, that a dividend shall not include any dividend paid by a mutual life insurance company to its shareholders.

"(15) "Doing business" means any activity of a partnership, corporation, or financial institution that enjoys the benefits and protection of the government and laws of the District.

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"(16) "Domestic partners" means persons who have registered their relationship with the District pursuant to § 32-702).

"(17) "Employee" means an individual having a place of abode or residing or domiciled within the District at the time the tax is required to be withheld in respect to the individual's employment by another, and to every other individual who maintains a place of abode within the District for an aggregate of 183 days or more during the taxable year, whether domiciled in the District or not, including an officer of a corporation, but excluding any elective officer of the government of the United States or any officer or employee in the legislative branch of the government of the United States whose compensation is paid by the Secretary of the Senate or Clerk of the House of Representatives, any officer of the executive branch of the government of the United States whose appointment was made by the President of the United States, subject to confirmation by the Senate of the United States, and whose tenure of office is at the pleasure of the President of the United States, or any Justice of the Supreme Court of the United States, unless the officer, employee, or justice is domiciled within the District of Columbia at any time during the taxable year.

"(18) "Employer" means an employer as defined in section 3401(d) of the Internal Revenue Code of 1986.

"(19) "Fiduciary" means a guardian, trustee, executor, committee, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any person.

"(20) "Financial institution" means any bank or trust company incorporated or required to be incorporated and doing business under the laws of the United States, the District of Columbia, or any state, a substantial part of the business of which consists of receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those permitted to national banks under authority of the Comptroller of the Currency and which is subject by law to supervision and examination by the District or by any state, territorial, or federal authority having supervision over the financial institution, including:

"(A) Any savings and loan associations; and

"(B) Any company, a substantial part of the business of which consists of receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those permitted to national banks under authority of the Comptroller of the Currency, which is organized or created under the laws of a foreign country and which maintains an office or branch in the District.

"(21) "Fiscal year" means an accounting period of 12 months ending on any day other than the last day of December and on the basis of which the taxpayer is required to report for federal income tax purposes.

"(22) "Head of household" shall have the same meaning as defined in section 2(b) of the Internal Revenue Code of 1986.

"(23) "Individual" means all natural persons (other than fiduciaries), whether married, domestic partners, or unmarried.

"(24) "Intangible expense" means:

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"(A) An expense, loss, or cost for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property, to the extent the expense, loss, or cost is allowed as a deduction or cost in determining taxable income for the taxable year under the Internal Revenue Code of 1986;

"(B) A loss related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

"(C) A royalty, patent, technical, or copyright and licensing fee; or

"(D) Any other similar expense or cost.

"(25) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, and similar types of intangible assets.

"(26) "Interest expense" means an amount directly or indirectly allowed as a deduction under section 163 of the Internal Revenue Code of 1986 for purposes of determining taxable income under the Internal Revenue Code of 1986.

"(27) "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, approved April 6, 1954 (68A Stat. 3; 26 U.S.C. § 1 *et seq.*), as amended through May 24, 1985.

"(28) "Internal Revenue Code of 1986" means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*); which provisions shall apply on the same dates that they are effective for federal tax purposes.

"(29) "International banking facility" or "IBF" shall have the same meaning as provided in section 204.8(a)(1) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(1)).

"(30) "International banking facility extension of credit" or "IBF loan" shall have the same meaning as provided in section 204.8(a)(3) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(3)).

"(31) "International banking facility time deposit" or "IBF time deposit" shall have the same meaning as provided in section 204.8(a)(2) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(2)).

"(32) "Net operating loss" shall have the same meaning as provided in section 172(c) of the Internal Revenue Code of 1986, subject to limitations and modifications provided in this section.

"(33) "Net operating loss deduction" means the aggregate of the apportioned net operating loss carryovers to the taxable year.

"(34) "Nonbusiness income" means all income other than business income.

"(35) "Nonresident" means every individual other than a resident.

"(36) "Ownership" in determining the ownership of stock, assets, or net profits of any person, means the constructive ownership of section 318(a) of the Internal Revenue Code of 1986 as modified by section 856(d)(5) of the Internal Revenue Code of 1986.

"(37) "Partnership" means a general or limited partnership or organization of any kind that is treated as a partnership for tax purposes under the laws of the District of Columbia.

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"(38) "Payroll period" means a payroll period as defined in section 3401(b) of the Internal Revenue Code of 1986.

"(39) "Person" means any individual, firm, partnership, general partner of a partnership, limited liability company, registered limited liability partnership, foreign limited liability partnership, association, corporation (whether or not the corporation is, or would be if doing business in the District, subject to this chapter), unincorporated business, company, syndicate, estate, trust, business trust, trustee, trustee in bankruptcy, receiver, executor, administrator, assignee, fiduciary, or organization of any kind. For purposes of combined reporting, The term "person" shall not include a Qualified High Technology Company as defined in § 47-1817.01(5)(A).

"(40) "Related entity" means a person that under the attribution rules of section 318 of the Internal Revenue Code of 1986 is:

"(A) A stockholder who is an individual, or a member of the stockholder's family as enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;

"(B) A stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; or

"(C) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986 ("party related to the corporation"), if the corporation or party related to the corporation owns, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

"(41) "Related member" means:

"(A) A person that, with respect to the taxpayer is, at any time during the year, a related entity;

"(B) A component member as defined in section 1563(b) of the Internal Revenue Code of 1986;

"(C) A controlled group of which the taxpayer is also a component; or

"(D) A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.

"(42) "Resident" means an individual domiciled in the District at any time during the taxable year, and every other individual who maintains a place of abode within the District for an aggregate of 183 days or more during the taxable year, whether or not the individual is domiciled in the District, excluding any elective officer of the government of the United States or any employee on the staff of an elected official in the legislative branch of the government of the United States if the employee is a bona fide resident of the state of residence of the elected

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officer, or any officer of the executive branch of the government whose appointment was made by the President of the United States and subject to confirmation by the Senate of the United States and whose tenure of office is at the pleasure of the President of the United States, or any Justice of the Supreme Court of the United States, unless the officer, employee, or justice is domiciled within the District at any time during the taxable year. In determining whether an individual is a resident, an individual's absence from the District for temporary or transitory purposes shall not be regarded as changing his domicile or place of abode.

"(43) "Sales" means all gross receipts of the taxpayer that are business income, as that term is defined in this section.

"(44) "Standard deduction" means:

"(A) The amount of \$4,000, increased annually, beginning January 1, 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), in the case of a return filed by a single individual, by a head of household, by a surviving spouse, or jointly by husband and wife (or domestic partner);

"(B) The amount of \$2,000; provided that, for tax years beginning after December 31, 2012, the amount shall be one-half of the amount determined in subparagraph (A) of this paragraph, in the case of a married person filing separately; or

"(C) In the case of an individual who is a resident, as defined in paragraph (42) of this section, for less than a full 12-month taxable year, the amounts specified in subparagraphs (A) and (B) of this paragraph prorated by the number of months that the individual was a resident.

"(45) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory, or possession of the United States and any foreign country or political subdivision thereof.

"(46) "Subpart F income" shall have the same meaning as provided in section 952 of the Internal Revenue Code of 1986.

"(47) "Surviving spouse" shall have the same meaning as provided in section 2(a) of the Internal Revenue Code of 1986; except, that in applying section 2(a) of the Internal Revenue Code of 1986, the term spouse shall be deemed to include a domestic partner.

"(48) "Tax" or "tax liability" includes the liability for all amounts owing by a taxpayer to the District under this chapter.

"(49)(A) "Tax haven" means a jurisdiction that:

"(i) For a particular tax year in question has no, or nominal, effective tax on the relevant income and has laws or practices that prevent effective exchange of information for tax purposes with other governments regarding taxpayers benefitting from the tax regime;

"(ii) Lacks transparency, which, for the purposes of this definition, means that the details of legislative, legal, or administrative provisions are not open to public scrutiny and apparent or are not consistently applied among similarly situated taxpayers;

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"(iii) Facilitates the establishment of foreign-owned entities without the need for a local substantive presence or prohibits these entities from having any commercial impact on the local economy;

"(iv) Explicitly or implicitly excludes the jurisdiction's resident taxpayers from taking advantage of the tax regime's benefits or prohibits enterprises that benefit from the regime from operating in the jurisdiction's domestic market; or

"(v) Has created a tax regime that is favorable for tax avoidance, based upon an overall assessment of relevant factors, including whether the jurisdiction has a significant untaxed offshore financial or other services sector relative to its overall economy.

"(B) For the purposes of this paragraph, the term "tax regime" means a set or system of rules, laws, regulations, or practices by which taxes are imposed on any person, corporation, or entity, or on any income, property, incident, indicia, or activity pursuant to governmental authority.

"(50) "Taxable income" means as required by the context set forth in § 47-1807.01(2) or § 47-1808.02(1).

"(51) "Taxable year" means the calendar year or the fiscal year, whichever is the basis upon which the net income of the taxpayer is computed under this section; if no fiscal year has been established by the taxpayer, it means the calendar year. The term "taxable year" includes, in the case of a return made for a fractional part of a calendar or fiscal year under the provisions of this section or under regulations prescribed by the Chief Financial Officer, the period for which the return is made; provided, that no taxpayer shall change from a calendar year to a fiscal year or from a fiscal year to a calendar year within any taxable year without the written authorization of the Chief Financial Officer.

"(52) "Taxpayer" means any person subject to the tax imposed by this chapter.

"(53) "Trade or business" means the engaging in or carrying on of any trade, business, profession, vocation, or calling, or commercial activity in the District of Columbia, including activities in the District that benefit a related entity of the taxpayer, the performance of functions of a public office, and the leasing of real or personal property in the District of Columbia by any person whether or not the property is leased directly by the person or through an agent, officer, or a representative, and whether or not the person, agent, officer, or representative performs any services in connection with the property.

"(54) "United States" means the United States of America and includes all of the states of the United States, the District of Columbia, and United States' territories and possessions.

"(55) "Unitary business" means a single economic enterprise that is made up either of separate parts of a single business entity or of a commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts.

"(56) "Wages" means wages as defined in section 3401(a) of the Internal Revenue Code of 1986.

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"(57) "Water's-edge combined group" is comprised of all entities includible in the combined report, as determined pursuant to § 47-1810.07.

"(58) "Worldwide combined report" means the combination of the income and activities of all members of a unitary group irrespective of the country in which the corporations are incorporated or conduct business activity."

(c) Section 47-1805.02a is amended to read as follows:

"§ 47-1805.02a. Combined reporting required.

"(a) For tax years beginning after December 31, 2010, a taxpayer engaged in a unitary business with one or more other persons that are part of a water's-edge combined group reporting pursuant to § 47-1810.07 shall file a combined report, which includes the income, determined under § 47-1810.04 and § 47-1810.05 and the allocation and apportionment factors determined under § 47-1810.02 and the pertinent regulations of all such persons that are members of the unitary business, and other information as required by the Chief Financial Officer. If a worldwide combined reporting election has been made, the taxpayer shall file a combined report that includes such income and factors of all the persons that are members of the unitary business, and any other information as required by the Chief Financial Officer.

"(b) The Chief Financial Officer may require, by regulation, a combined report to include the income and associated apportionment factors of any persons that are not included pursuant to subsection (a) of this section but that are members of a unitary business to reflect proper apportionment of income of the entire unitary business.

"(c) If the Chief Financial Officer determines that the reported income or loss of a taxpayer engaged in a unitary business with any person not included represents an avoidance or evasion of tax by the taxpayer, the Chief Financial Officer may require, on a case-by-case basis, that all or any part of the income and associated apportionment factors be included in the taxpayer's combined report.

"(d) With respect to inclusion of associated apportionment factors pursuant to this section, the Chief Financial Officer may require the exclusion of any one or more of the factors, the inclusion of one or more additional factors, that will fairly represent the taxpayer's business activity in the District, or the employment of any other method to effectuate a proper reflection of the total amount of income subject to apportionment and an equitable allocation and apportionment of the taxpayer's income.

"(e) The Chief Financial Officer shall adopt regulations as necessary to implement combined reporting and to ensure that the tax liability or net income of any taxpayer whose income derived from or is attributable to sources within the District that is required to be determined by a combined report pursuant to § 47-1810.02 or § 47-1810.07 and of each entity included in the combined report, both during and after the period of inclusion in the combined report, is properly reported, determined, computed, assessed, collected, or adjusted.

"(f) The Chief Financial Officer shall adopt regulations as necessary prescribing the form and manner of all returns and reports required under this section, including the time, place, and extension of such returns and reports.

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"(g) Any taxpayer election made under § 47-1805.02(5)(C) and the pertinent regulations to file a consolidated return is revoked for tax years beginning after December 31, 2010."

(d) Sections 47-1810.04, 47-1810.05, 47-1810.06, 47-1810.07, and 47-1810.08 are amended to read as follows:

"§ 47-1810.04. Determination of taxable income or loss using combined report; components of income subject to tax in the District, application of tax credits and post-apportionment deductions; determination of taxpayer's share of the business income of a combine group apportionable to the District.

"(a) The use of a combined report does not disregard the separate identities of the taxpayer members of the combined group. Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to the District, which shall include, in addition to other types of income, the taxpayer member's apportioned share of business income of the combined group, where business income of the combined group is calculated as a summation of the individual net business incomes of all members of the combined group. A member's net business income is determined by removing all but business income, expense, and loss from that member's total income, as provided in this section and § 47-1810.05.

"(b)(1) Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to the District, which shall include its:

"(A) Share of any business income apportionable to the District of each of the combined groups of which it is a member, as determined under subsection (c) of this section;

"(B) Share of any business income apportionable to the District of a distinct business activity conducted within and without the District wholly by the taxpayer member, as determined under the provisions for apportionment of business income set forth in this chapter;

"(C) Income from a business conducted wholly by the taxpayer member entirely within the District;

"(D) Income sourced to the District from the sale or exchange of capital or assets, and from involuntary conversions, as determined under § 47-1810.05(b)(8);

"(E) Nonbusiness income or loss allocable to the District as determined under the provisions for allocation of nonbusiness income set forth in this chapter;

"(F) Income or loss allocated or apportioned in an earlier year required to be taken into account as District source income during the income year, other than a net operating loss; and

"(G) Net operating loss carryover.

"(2) If the taxable income computed pursuant to this section and § 47-1810.05 results in a loss for a taxpayer member of the combined group, that taxpayer member has a District net operating loss, subject to the net operating loss limitations and carryover provisions of this chapter. The District net operating loss shall be applied as a deduction in the subsequent year only if that taxpayer has District source positive net income, whether or not the taxpayer is a member of a combined reporting group in the subsequent year.

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"(3) Except where otherwise provided, no tax credit or post-apportionment deduction earned by one member of the group, but not fully used by or allowed to that member, may be used, in whole or in part, by another member of the group or applied, in whole or in part, against the total income of the combined group. A post-apportionment deduction carried over into a subsequent year as to the member that incurred it, and available as a deduction to that member in a subsequent year, will be considered in the computation of the income of that member in the subsequent year regardless of the composition of that income as apportioned, allocated, or wholly within the District.

"(c) The taxpayer's share of the business income apportionable to the District of each combined group of which it is a member shall be the product of the:

"(1) Business income of the combined group, determined under § 47-1810.05; and

"(2) Taxpayer member's apportionment percentage, determined in accordance with this chapter, including in the property, payroll, and sales factor numerators of the taxpayer's property, payroll, and sales, respectively, associated with the combined group's unitary business in the District and including in the denominator the property, payroll, and sales of all members of the combined group, including the taxpayer, which property, payroll, and sales are associated with the combined group's unitary business wherever located.

"§ 47-1810.05. Determination of the business income of the combined group.

"(a) The business income of a combined group is determined as follows:

"(1) From the total income of the combined group as determined under paragraph (2) of this subsection and subsection (b) of this section, subtract any income and add any expense or loss, other than the business income, expense, or loss of the combined group.

"(2) Except as otherwise provided, the total income of the combined group is the sum of the income of each member of the combined group determined under federal income tax laws, as adjusted for District purposes, as if the member were not consolidated for federal purposes.

"(3) In the case of any person entitled to the distributive share of a trade or business net income, the Chief Financial Officer shall adopt regulations as necessary to determine the methodology of including the distributive share but provide an exclusion for the portion of the distributive share that is reported by and taxed against any person under the provisions of this chapter to prevent double taxation or double deduction.

"(b) The income of each member of the combined group shall be determined as follows:

"(1) For any member incorporated in the United States, or included in a consolidated federal corporate income tax return, the income to be included in the total income of the combined group shall be the taxable income for the corporation after making appropriate adjustments under this chapter.

"(2) For any member not included in paragraph (1) of this subsection, the income to be included in the total income of the combined group shall be determined as follows:

"(A) A profit and loss statement shall be prepared for each foreign branch or corporation in the currency in which the books of account of the branch or corporation are regularly maintained.

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"(B) Adjustments shall be made to the profit and loss statement to conform it to the accounting principles generally accepted in the United States for the preparation of such statements, except as modified by regulation.

"(C) Adjustments shall be made to the profit and loss statement to conform it to the tax accounting standards required by this chapter.

"(D) Except as otherwise provided by regulation, the profit and loss statement of each member of the combined group, and the apportionment factors related thereto, whether United States or foreign, shall be translated into the currency in which the parent company maintains its books and records.

"(E) Income apportioned to the District shall be expressed in United States dollars.

"(3)(A) In lieu of the procedures set forth in paragraph (2) of this subsection, and subject to the determination of the Chief Financial Officer that it reasonably approximates income as determined under this chapter, any member not subject to paragraph (1) of this subsection may determine its income on the basis of the consolidated profit and loss statement that includes the member and that is prepared for filing with the Securities and Exchange Commission by related corporations.

"(B) If the member is not required to file with the Securities and Exchange Commission, the Chief Financial Officer may allow the use of the consolidated profit and loss statement prepared for reporting to shareholders and subject to review by an independent auditor.

"(C) If the statements described in subparagraphs (A) or (B) of this paragraph do not reasonably approximate income as determined under this chapter, the Chief Financial Officer may accept those statements with appropriate adjustments to approximate that income.

"(4)(A) All dividends paid by one to another of the members of the combined group shall, to the extent those dividends are paid out of the earnings and profits of the unitary business included in the combined report, in the current or an earlier year, be eliminated from the income of the recipient.

"(B) Except as otherwise provided, this paragraph shall not apply to dividends received from members of the unitary business that are not a part of the combined group. Except when specifically required by the Chief Financial Officer to be included, all dividends paid by an insurance company directly or indirectly to a corporation that is part of a unitary business with the insurance company shall be deducted or eliminated from the income of the recipient of the dividend.

"(5)(A) Except as otherwise provided by regulation, business income from an inter-company transaction between members of the same combined group shall be deferred in a manner similar to 26 CFR § 1.1502-13.

"(B) Upon the occurrence of any of the following events, deferred business income resulting from an inter-company transaction between members of a combined group shall be restored to the income of the seller and shall be apportioned as business income earned immediately before the event:

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"(i) The object of a deferred inter-company transaction is:

"(I) Resold by the buyer to an entity that is not a member of the combined group;

"(II) Resold by the buyer to an entity that is a member of the combined group for use outside the unitary business in which the buyer and seller are engaged; or

"(III) Converted by the buyer to a use outside the unitary business in which the buyer and seller are engaged; or

"(ii) The buyer and seller are no longer members of the same combined group, regardless of whether the members remain unitary.

"(6)(A) A charitable expense incurred by a member of a combined group shall, to the extent allowable as a deduction pursuant to section 170 of the Internal Revenue Code of 1986, be subtracted first from the business income of the combined group, subject to the income limitations of that section applied to the entire business income of the group, and any remaining amount shall then be treated as a nonbusiness expense allocable to the member that incurred the expense, subject to the income limitations of that section applied to the nonbusiness income of that specific member.

"(B) Any charitable deduction disallowed under subparagraph (A) of this paragraph, but allowed as a carryover deduction in a subsequent year, shall be treated as originally incurred in the subsequent year by the same member, and the rules set forth in this section shall apply in the subsequent year in determining the allowable deduction in that year.

"(7) Gain or loss from the sale or exchange of capital assets, property described by section 1231(a)(3) of the Internal Revenue Code of 1986, and property subject to an involuntary conversion shall be removed from the total separate net income of each member of a combined group and shall be apportioned and allocated as follows:

"(A) For each class of gain or loss (short-term capital, long-term capital, section 1231 of the Internal Revenue Code of 1986, and involuntary conversions) all members' business gain and loss for the class shall be combined without netting between classes and each class of net business gain or loss separately apportioned to each member using the member's apportionment percentage determined under § 47-1810.04.

"(B) Each taxpayer member shall then net its apportioned business gain or loss for all classes, including any such apportioned business gain and loss from other combined groups, against the taxpayer member's nonbusiness gain and loss for all classes allocated to the District, using the rules of sections 1222 and 1231 of the Internal Revenue Code of 1986, without regard to any of the taxpayer member's gains or losses from the sale or exchange of capital assets, section 1231 of the Internal Revenue Code of 1986 property, and involuntary conversions that are nonbusiness items allocated to another state.

"(C) Any resulting District source income or loss, if the loss is not subject to the limitations of section 1211 of the Internal Revenue Code of 1986, of a taxpayer member produced by the application of the preceding subparagraphs shall then be applied to all other District source income or loss of that member.

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"(D) Any resulting District source loss of a member that is subject to the limitations of section 1211 of the Internal Revenue Code of 1986 shall be carried over by that member and shall be treated as District source short-term capital loss incurred by that member for the year for which the carryover applies.

"(8) Any expense of one member of the unitary group that is directly or indirectly attributable to the nonbusiness or exempt income of another member of the unitary group shall be allocated to that other member as a corresponding nonbusiness or exempt expense, as appropriate.

"§ 47-1810.06. Designation of agent.

"As a filing convenience, and without changing the respective liability of group members, members of a combined reporting group shall designate one taxpayer member of the combined group to file a single return, in the form and manner prescribed by the Chief Financial Officer, in lieu of filing their own respective returns; provided, that the taxpayer designated to file the single return consents to act as surety with respect to the tax liability of all other taxpayers properly included in the combined report and agrees to act as agent on behalf of those taxpayers for tax matters relating to the combined report. If for any reason the agent is unwilling or unable to perform its responsibilities, tax liability may be assessed against the taxpayer members.

"§ 47-1810.07. Water's-edge reporting; initiation and withdrawal election.

"(a)(1) Absent an election under subsection (b) of this section to report based upon a worldwide unitary combined reporting basis, taxpayer members of a unitary group shall determine each of their apportioned shares of the net business income or loss of the combined group on a water's-edge unitary combined reporting basis.

"(2) In determining tax under this chapter on a water's-edge unitary combined reporting basis, taxpayer members shall take into account all or a portion of the income and apportionment factors of only the following members otherwise included in the combined group pursuant to § 47-1805.02a:

"(A) The entire income and apportionment factors of any member incorporated in the United States or formed under the laws of any state, the District, or any territory or possession of the United States;

"(B) The entire income and apportionment factors of any member, regardless of the place incorporated or formed, if the average of its property, payroll, and sales factors within the United States is 20% or more;

"(C) The entire income and apportionment factors of any member that is a domestic international sales corporation, as described in sections 991 through 994 of the Internal Revenue Code of 1986, inclusive, a foreign sales corporation, as described in sections 921 through 927 of the Internal Revenue Code of 1986, inclusive, or any member that is an export trade corporation, as described in sections 970 through 971 of the Internal Revenue Code of 1986, inclusive;

"(D) Any member not described in subparagraphs (A), (B), or (C) of this paragraph shall include its business income that is effectively connected, or treated as effectively

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connected under the provisions of the Internal Revenue Code of 1986 with the conduct of a trade or business within the United States and, for that reason, subject to federal income tax;

"(E) Any member that is a resident of a country that does not have a comprehensive income tax treaty with the United States and earns more than 20% of its income, directly or indirectly, from intangible property or service-related activities that are deductible against the business income of other members of the water's-edge group, to the extent of that income and the apportionment factors related thereto; and

"(F)(i) The entire income and apportionment factors of any member that is doing business in a tax haven defined as being engaged in activity sufficient for that tax haven jurisdiction to impose a tax under United States constitutional standards.

"(ii) If the member's business activity within a tax haven is entirely outside the scope of the laws, provisions, and practices that cause the jurisdiction to meet the criteria of a tax haven, as that term is defined in § 47-1801.04(49), the activity of the member shall be treated as not having been conducted in a tax haven.

"(b) An election to report District tax based on worldwide unitary combined reporting is effective only if made on a timely filed original return for a tax year by every member of the unitary business subject to tax under this chapter.

"(c) At the discretion of the Chief Financial Officer:

"(1) A worldwide unitary combined reporting election may be disregarded, in part or in whole, and the income and apportionment factors of any member of the taxpayer's unitary group may be included in or excluded from the combined report without regard to the provisions of this section, if any member of the unitary group fails to comply with any provision of this chapter; and

"(2) Worldwide unitary combined reporting may be mandated, in part or in whole, and the income and apportionment factors of any member of the taxpayer's unitary group may be included in or excluded from the combined report without regard to the provisions of this section, if any member of the unitary group fails to comply with any provision of this chapter, or if a person otherwise not included in the water's-edge combined group was availed of with a substantial objective of avoiding District income tax.

"(d)(1) A worldwide unitary combined reporting election is binding for and applicable to the tax year it is made and all tax years thereafter for a period of 10 years. It may be withdrawn or reinstated after withdrawal, before the expiration of the 10-year period, only upon written request for reasonable cause based on extraordinary hardship due to unforeseen changes in District tax statutes, law, or policy, and only with the written authorization of the Chief Financial Officer.

"(2) An election shall constitute consent to the reasonable production of documents and taking of depositions in accordance with District law.

"(3) If the Chief Financial Officer grants a withdrawal of election pursuant to paragraph (1) of this subsection, the Chief Financial Officer shall impose reasonable conditions necessary to prevent the evasion of tax or to clearly reflect income for the election period before or after the withdrawal.

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"(4) Upon the expiration of the 10-year period, a taxpayer may withdraw from the worldwide unitary combined reporting election. Withdrawal must be made in writing within one year of the expiration of the election and is binding for a period of 10 years, subject to the same conditions as applied to the original election.

"(e) The Chief Financial Officer shall develop rules governing the impact, if any, on the scope or application of a worldwide unitary combined reporting election, including termination or deemed election, resulting from a change in the composition of the unitary group, the combined group, the taxpayer members, and any other similar change.

"§ 47-1810.08. Accounting rules; future deductions.

"(a) If the enactment of combined reporting requirements for unitary businesses results in an increase to a combined group's net deferred tax liability, the combined group shall be entitled to a deduction to the extent determined under subsection (b) of this section. Only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with generally accepted accounting principles, as of September 14, 2011, shall be eligible for this deduction. To the extent the deduction would produce a net operating loss in any tax year, the unused deduction may be carried forward to each succeeding tax year by the combined group.

"(b) For the 7-year period beginning with the 5th year of the combined filing, a combined group shall be entitled to a deduction equal to 1/7th of the net increase in the taxable temporary differences that caused the increase in the net deferred tax liability, as computed at the time of enactment in accordance with generally accepted accounting principles, that would result from the imposition of the combined reporting requirements but for the deduction provided under this section. The amount of the deduction shall in no case exceed the amount necessary to offset any increase in net deferred tax liability, as computed in accordance with generally accepted accounting principles, that would result from the imposition of all of the provisions of combined reporting but for the deduction provided under this section.

"(c) For the purposes of this section, the term "net deferred tax liability" shall mean the net increase, if any, in deferred tax liabilities minus the net increase, if any, in deferred tax assets of the combined group, as computed in accordance with generally accepted accounting principles."

Sec. 7103. Applicability.

This subtitle shall apply for taxable years beginning after December 31, 2010.

**SUBTITLE K. FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST
TAX RELIEF**

Sec. 7111. Short title.

This subtitle may be cited as the "First Congregational United Church of Christ Tax Relief Amendment Act 2013".

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Sec. 7112. Section 7013 of the Fiscal Year 2011 Budget Support Act of 2010, effective September 24, 2010 (D.C. Law 18-223; 57 DCR 6242), is amended to read as follows:

Sec. 7113. Equitable real property tax relief.

"Of the deed transfer taxes imposed on the transfer by First Congregational United Church of Christ of Lots 834, 835, 837, 7003, 7006, 7007, 7008, 7009, 7010, 7011, 7014, 7015, Square 375, and any other lots created from Lots 823 and 831, Square 375, and all real property taxes, interest, penalties, fees, and other related charges assessed against First Congregational United Church of Christ on real property located on Lots 823 and 831 (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future), Square 375, \$951,000 shall be forgiven by the District and refunded to First Congregational United Church of Christ."

SUBTITLE L. TREGARON CONSERVANCY TAX EXEMPTION AND RELIEF

Sec. 7121. Short title.

This subtitle may be cited as the "Tregaron Conservancy Tax Exemption and Relief Act of 2013".

Sec. 7122. (a) The Council orders the forgiveness for the period beginning March 1, 2007, through the end of the month that this subtitle becomes effective of:

(1) All real property taxes, interest, penalties, fees, and other related charges assessed against the real property described as Lots 842, 849, and 857, Square 2084;

(2) Eighty-eight percent of the real property taxes, interest, penalties, fees, and other related charges assessed against the real property described as Lot 843, Square 2084; and

(3) All transfer and recordation taxes, interest, and penalties (but excluding recordation fees) imposed with respect to the conveyance of any of the properties described in this section to the Tregaron Conservancy, a District of Columbia nonprofit corporation.

(b) The Council further orders that, notwithstanding any law or rule of law limiting the time for claiming a refund of such taxes, any payments made for the period beginning March 1, 2007, through the end of the month that this subtitle becomes effective shall be refunded to the person who made the payment.

Sec. 7123. Applicability.

This subtitle shall apply upon a reprogramming of \$222,490 to the Office of the Chief Financial Officer in fiscal year 2013.

SUBTITLE M. ADAMS MORGAN HOTEL REAL PROPERTY TAX ABATEMENT JOBS REQUIREMENT CLARIFICATION

Sec. 7131. Short title.

This subtitle may be cited as the "Adams Morgan Hotel Real Property Tax Abatement Jobs Requirements Clarification Act of 2013".

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Sec. 7132. Section 47-4652 of the District of Columbia Official Code is amended by striking the number "765" and inserting the number "342" in its place.

**SUBTITLE N. TAX REVISION COMMISSION EXTENSION AND
PROCUREMENT STREAMLINING**

Sec. 7141. Short title.

This subtitle may be cited as the "Tax Revision Commission Extension and Procurement Streamlining Amendment Act of 2013".

Sec. 7142. Section 47-462(d) of the District of Columbia Official Code is amended by striking the phrase "9 months after the Commission's appointment" and inserting the phrase "December 31, 2013" in its place.

Sec. 7143. 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.*), is amended as follows:

(a) Section 201(b) (D.C. Official Code § 2-352.01(b)) is amended by adding a new paragraph (1A) to read as follows:

"(1A) The Tax Revision Commission, pursuant to section 407;"

(b) Section 407 (D.C. Official Code § 2-354.07) is amended as follows:

(1) A new subsection (a-1) is added to read as follows:

"(a-1) The Tax Revision Commission may establish a streamlined noncompetitive process for entering into contracts for goods and services not exceeding \$40,000."

(2) Subsection (b) is amended by striking the phrase "this section" and inserting the phrase "this section or the \$40,000 limitation of subsection (a-1) of this section" in its place.

SUBTITLE O. TAX CLARIFICATIONS

Sec. 7151. Short title.

This subtitle may be cited as the "Tax Clarification Amendment Act of 2013".

Sec. 7152. (a) Section 302(32) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(32)), is amended to read as follows:

"(32)(A) A deed to property to which there is a valid certification by the Mayor that both the property and transferee are eligible for exemption from real property taxation pursuant to § 47-1005.02; provided, that, unless waived by regulation, a copy of the certification shall accompany the deed at the time it is submitted for recordation.

"(B) For the purposes of this paragraph, the term "deed to property" includes a deed of trust encumbering the property."

(b) This section shall apply as of September 20, 2012.

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Sec. 7153. (a) Section 47-902 of the District of Columbia Official Code is amended by adding a new paragraph (25) to read as follows:

"(25) Transfers of property to which there is a valid certification by the Mayor that both the property and transferor are eligible for exemption from property taxation pursuant to § 47-1005.02; provided, that, unless waived by regulation, a copy of the certification shall accompany the deed at the time it is submitted for recordation."

(b) This section shall apply as of September 20, 2012.

Sec. 7154. (a) Section 47-1005.02(a)(1) of the District of Columbia Official Code is amended to read as follows:

"(a)(1) Property eligible for the low-income housing tax credit provided by section 42 of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), ("affordable housing") that is owned by an organization that is not organized or operated for private gain, or that is owned by an entity controlled, directly or indirectly, by such an organization, shall be exempt from the tax imposed by Chapter 8 of this title and from a payment in lieu of tax imposed under § 47-1002(20) during the time that the real property is being developed for or being used as affordable housing and is subject to restrictive covenants governing income during the federal low-income housing tax credit compliance period, including any extended use period."

(b) This section shall apply as of September 20, 2012.

Sec. 7155. Section 47-2202(3A) of the District of Columbia Official Code is amended by striking the phrase "The rate of the tax shall be 9%" and inserting the phrase "Effective October 1, 2011, the rate of the tax shall be 10%" in its place.

Sec. 7156. Section 47-3802(b) of the District of Columbia Official Code is amended by striking the phrase "a qualified supermarket, qualified restaurant, or retail store" and inserting the phrase "a qualified restaurant or retail store" in its place.

Sec. 7157. Chapter 47 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4704. Applicability."

(b) Section 47-4702 is amended to read as follows:

"§ 47-4702. Annual certification of continuing eligibility for exemptions and abatements from real property tax.

"(a) To the extent allowable by law, on or before April 1 of each year, beginning in 2012, and every year thereafter, any nonprofit organization or business entity owning property receiving a real property tax exemption or abatement pursuant to Chapter 10 (other than property exempt under § 47-1002(1), (2), (3), or (21)) or Chapter 46 of this title, regardless of when the

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exemption or abatement was received, shall be required to file an annual report, under oath, with the Office of the Chief Financial Officer providing:

"(1) The lot and square, parcel, or reservation number of the real property and certifying that the real property has been used during the preceding real property tax year for the purpose for which the exemption or abatement was granted; and

"(2) A description of the community benefits provided pursuant to the provisions of the act granting the tax exemption or abatement, or an update on the progress of the community benefits identified in the act granting the tax exemption or abatement.

"(b) Failure to certify that the property was still eligible for the exemption or abatement based on the use of the property as required by subsection (a)(1) of this section shall result in a termination of the exemption or abatement as of the beginning of the tax year in which the report is required to be filed. If the report is not filed timely, the Office of the Chief Financial Officer shall assess a penalty of \$250. This section shall not apply to a property owner that is required to file an annual report pursuant to § 47-1007.

"(c) Upon written application by the property owner filed on or before April 1 of any year, the Office of the Chief Financial Officer may grant a reasonable extension of time for filing the report required under subsection (a) of this section. For reasonable cause, the Office of the Chief Financial Officer may abate the penalty provided under subsection (b) of this section as well as the tax, penalty, and interest resulting from the failure to file the report timely."

(c) A new section 47-4704 is added to read as follows:

"§ 47-4704. Applicability.

"This chapter shall apply as of October 1, 2011."

Sec. 7158. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2884.03 is amended by adding a new subsection (f) to read as follows:

"(f) No license shall be issued to any person unless:

"(1) At least 30 days before the issuance of a license, all affected Advisory Neighborhood Commissions have been provided notice that a pawnbroker license application has been submitted to the Mayor; provided, that this paragraph shall not apply to applications for a renewal of a pawnbroker license; and

"(2) The opinions of all affected Advisory Neighborhood Commissions have been accorded great weight during deliberations to approve or deny the license application."

(b) Section 47-2884.05 (b) is amended by striking the phrase "immediately give written notice thereof to the Mayor. Upon receipt of such notice the Mayor shall attach to the license a statement of the change of location and the date thereof, which shall be authority for the operation of such business under such license at the new location" and inserting the phrase "file an application for a new license in accordance with the provisions of § 47-2884.03" in its place.

(c) Section 47-2884.09 is amended as follows:

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

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"(a) Beginning January 1, 2011, the maximum rate of interest which a pawnbroker may contract for, and receive, including fees, shall not exceed 5% per month, or fraction of the month, for the first 6 months of a loan, and 3% per month, or fraction of the month, thereafter; provided, that a pawnbroker may contract for, and receive, a minimum charge of \$2 per month, or fraction of the month, in lieu of interest."

(2) New subsections (c) and (d) are added to read as follows:

"(c) Once during each calendar year, a borrower shall have the right to rescind any pawn loan by the end of the same business day of the transaction. A \$2 fee may be assessed by the licensee to offset the administrative cost of the rescission.

"(d) The Mayor shall investigate from time to time, but no more frequently than once every 3 years, the economic conditions and other factors relating to and affecting the business of making pawnbroker loans under this part and shall ascertain and report to the Council all pertinent facts necessary to determine what maximum rate of interest should be permitted."

(d) Section 47-2884.11(d) is amended by striking the phrase "on forms to be prescribed by the Mayor of the District of Columbia" and inserting the phrase "on forms or via electronic means in a format prescribed by the Mayor" in its place.

(e) The text of section 47-2884.17 is amended to read as follows:

"The Mayor, pursuant to Chapter 2 of Title 5, may issue rules to implement the provisions of this part."

Sec. 7159. Section 106(a) of the Fiscal Year 2013 Budget Support Technical Clarification Temporary Amendment Act of 2012, effective March 13, 2013 (D.C. Law 19-226; 59 DCR 13553), is repealed.

SUBTITLE P. TAX ABATEMENT FINANCIAL ANALYSIS REQUIREMENTS

Sec. 7161. Short title.

This subtitle may be cited as the "Tax Abatement Financial Analysis Requirements Act of 2013".

Sec. 7162. Chapter 47 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-4701 is amended to read as follows:

"§ 47-4701. TAFE requirements.

"(a) A bill introduced in the Council that grants an exemption or abatement of a tax imposed by this title or by § 42-1103, unless the exemption or abatement is one of general applicability, shall not receive a Council hearing until a completed tax abatement financial analysis ("TAFE") has been provided to the Council and made available to the public.

"(b)(1) The TAFE shall include:

"(A) The terms of the exemption or abatement;

"(B) The estimated annual value of the exemption or abatement;

"(C) The purpose for which the grantee seeks the exemption or abatement;

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"(D) A summary of the proposed community benefits to be provided by the grantee of the exemption or abatement, including, if applicable, the number of jobs that may be created, delineated in accordance with paragraph (2)(A)(iv), (v) and (vi) of this subsection;

"(E) If, in the opinion of the Chief Financial Officer, it is unlikely that the grantee's stated purpose could be accomplished without the proposed exemption or abatement:

"(i) An estimate of the amount of exemption or abatement necessary to accomplish the purpose;

"(ii) Efforts by the grantee to obtain alternate financing; and

"(iii) Any factors that limit the ability of the grantee to obtain adequate financing; and

"(F) A financial analysis prepared by the Office of the Chief Financial Officer, which shall consist of:

"(i) For existing buildings, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement;

"(ii) For new developments, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and of the financing proposal submitted by the recipient and an advisory opinion stating whether or not it is likely that the project could be financed without the proposed exemption or abatement;

"(iii) For exemptions or abatements related to a specific individual or entity, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement; and

"(iv) For exemptions or abatements related to a category or group of property owners or taxpayers, a review and analysis of the public policy goal intended to be addressed, if applicable, by the exemption or abatement, including whether the exemption or abatement is appropriately targeted and likely to achieve the intended goal.

"(2)(A) In addition to the requirements described in paragraph (1) of this subsection, for a bill that grants an exemption or abatement to a housing development, the TAFAs shall include in the summary of the proposed community benefits:

"(i) The number of affordable housing units to be developed;

"(ii) For what level of Area Median Income, as defined by § 47-858.01(1)(A)(i), the units will be affordable;

"(iii) The assessed financial value of the subsidy, which shall be measured as the difference between the market rate of a comparable unit within the same neighborhood and the rate that is being charged as affordable housing;

"(iv) The number of jobs that will be created, delineated by status as to whether a job is:

"(I) Permanent;

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"(II) Temporary;
"(III) Full-time; or
"(IV) Part-time;

"(v) The estimated wages and benefits for each job created;
"(vi) Any commitment made to hiring District residents; and
"(vii) A description of any other public policy goal that the

exemption or abatement is meant to address, including expected results.

"(B) The summary shall state which community benefits are already required by law, such as inclusionary zoning, the community amenities that have already been negotiated as part of a planned-unit-development approval, and the requirements or incentives already included in law or regulation, such as environmental standards."

(b) Section 47-4703 is amended by striking the citation "§ 47-4701(b)(4)" and inserting the citation "§ 47-4701(b)(1)(F)" in its place.

SUBTITLE Q. CLARIFICATION OF PERSONAL PROPERTY TAX REVENUE REPORTING

Sec. 7171. Short title.

This subtitle may be cited as the "Clarification of Personal Property Tax Revenue Reporting Act of 2013".

Sec. 7172. Section 47-501 of the District of Columbia Official Code is amended by adding the following sentence at the end:

"Beginning September 30, 2011, personal property tax shall be reported in the fiscal year in which it is collected."

SUBTITLE R. INCOME TAX WITHHOLDING STATEMENTS ELECTRONIC SUBMISSION

Sec. 7181. Short title.

This subtitle may be cited as the "Income Tax Withholding Statements Electronic Submission Act of 2013".

Sec. 7182. Section 47-1812.08 of the District of Columbia Official Code is amended as follows:

(a) Subsection (g)(1)(B) is amended by striking the last sentence.

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

"(n)(1) Beginning for statements due after December 31, 2011, each employer or payor required under this section to withhold income tax for an employee or a person who receives a payment subject to withholding ("payee") shall prepare a statement for each employee or payee that shows for the previous calendar year any information that the Chief Financial Officer requires by regulation or guidance.

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"(2)(A) An employer or payor required to submit the statements pursuant to paragraph (1) of this subsection shall submit one copy of the statement for each employee or payee to the Chief Financial Officer by January 31 of each year.

"(B) Except as provided by subparagraph (C) of this paragraph, if the number of statements that an employer or payor is required to submit is 25 or more, the employer or payor shall submit the statements in an electronic format, as prescribed by the Chief Financial Officer.

"(C) The Chief Financial Officer may waive the requirement that an employer or payor submit statements in electronic format if the Chief Financial Officer determines that the requirement will result in undue hardship to the employer or payor."

SUBTITLE S. CLEAN HANDS

Sec. 7191. Short title.

This subtitle may be cited as the "Clean Hands Act of 2013".

Sec. 7192. Section 47-2862(a) of the District of Columbia Official Code is amended as follows:

- (a) Paragraph (6) is amended by striking the word "or".
- (b) Paragraph (7) is amended by striking the period and inserting the phrase "; or" in its place.
- (c) A new paragraph (8) is added to read as follows:
"(8) Has failed to file required District tax returns."

SUBTITLE T. [RESERVED]**SUBTITLE U. DESTINATION DC CLARIFICATION**

Sec. 7211. Short title.

This subtitle may be cited as the "Destination DC Technical Clarification Amendment Act of 2013".

Sec. 7212. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

- (a) Section 205(f) (D.C. Official Code § 10-1202.05(f)) is repealed.
- (b) Section 208a(h) (D.C. Official Code § 10-1202.08a(h)) is amended by striking the phrase "transfer \$3 million from" and inserting the phrase "transfer \$3 million, as adjusted for inflation beginning in fiscal year 2015, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, from" in its place.
- (c) Section 218(b)(10) (D.C. Official Code § 10-1202.18(b)(10)) is amended by striking the phrase "ANC2C" and inserting the phrase "ANC 6E" in its place.

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SUBTITLE V. TIBETAN COMMUNITY REAL PROPERTY TAX EXEMPTION AND RELIEF

Sec. 7221. Short title.

This subtitle may be cited as the "Tibetan Community Real Property Tax Exemption and Relief Act of 2013".

Sec. 7222. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4661. Tibetan community property; Lot 30, Square 139."

(b) A new section 47-4661 is added to read as follows:

"§ 47-4661. Tibetan community property; Lot 30, Square 139.

"The real property described as Lot 30, Square 139 shall be exempt from real property taxation so long as the real property is owned and used by the International Campaign for Tibet, an organization approved under section 501(c)(3) of the Internal Revenue Code, and used solely to further its tax-exempt purposes, including continuing to offer programs that are open and free to the general public, such as lectures, films, art exhibits, a library of Tibetan materials, and meeting space for the Tibetan and Buddhist communities of the District."

SUBTITLE W. CONTINGENCY CASH RESERVE NOTIFICATION

Sec. 7231. Short title.

This subtitle may be cited as the "Contingency Cash Reserve Notification Act of 2013".

Sec. 7232. Within 3 business days after an allocation from or use of the contingency cash reserve fund established by section 450A of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), the Chief Financial Officer shall transmit to the Budget Director of the Council a report of the:

- (1) Amount of the allocation or use; and
- (2) Purpose of the allocation or use.

SUBTITLE X. DEDICATED FUNDING FOR THE COMMISSION ON ARTS AND HUMANITIES COMMISSION

Sec. 7241. Short title.

This subtitle may be cited as the "Dedicated Funding for the Commission on Arts and Humanities Amendment Act of 2013".

Sec. 7242. Section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01), is amended as follows:

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

"(a-1) There shall be deposited into the Fund:

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- "(1) Dedicated taxes as provided by subsection (a-2) of this section;
- "(2) Interest earned on money deposited into the Fund.
- "(3) Private donations, gifts, and grants; and
- "(4) Proceeds of the sale or loan of works of arts, prints, and promotional items."

(b) A new subsection (a-2) is added to read as follows:

"(a-2)(1)(A) Notwithstanding § 47-392.02, from fiscal year 2014 through fiscal year 2017, of the amount of revenue by which taxes imposed by § 47-2002 ("sales-tax revenue") reported in the fiscal year's Comprehensive Annual Financial Report ("CAFR") exceed the annual sales-tax revenue estimate from February 22, 2013, quarterly revenue estimate provided by the Chief Financial Officer ("February 2013 revenue estimate"), up to \$22 million of the sales-tax revenue shall be deposited into the Fund for use in the following fiscal year.

"(B) The amount to be deposited in the Fund under this paragraph shall be adjusted for inflation, as measured by the percentage increase, if any, from fiscal year 2014 in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

"(C) The amount to be deposited in the Fund under this paragraph shall not exceed the difference between the total amount of revenue reported in the fiscal year's CAFR above the February 2013 revenue estimate.

"(2) Notwithstanding § 47-392.02, beginning in fiscal year 2018 and for each fiscal year thereafter, except as provided by paragraph (4) of this subsection, 1/23rd of the sales-tax revenue reported in the prior fiscal year Comprehensive Annual Financial Report shall be deposited in the Fund.

"(3) Any revenue deposited in the Fund pursuant to paragraph (2) of this subsection shall, dollar-for-dollar, be used to offset other local funds available to the Commission.

"(4) For each fiscal year, any unexpended funds in the Fund attributable to dedicated taxes from the previous fiscal year shall be deducted from the amount to be deposited in that fiscal year."

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

"(f) Beginning in fiscal year 2018, the Commission shall be funded entirely from moneys deposited into the Fund."

Sec. 7243. Section 47-2002 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

"(c) Of the revenue received pursuant to this section, a portion shall be allocated to the Arts and Humanities Enterprise Fund in accordance with section 6a(a-2) of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01(a-2))."

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SUBTITLE Y. BRYANT MEWS HOMEOWNER'S ASSOCIATION EQUITABLE REAL PROPERTY TAX RELIEF

Sec. 7251. Short title.

This subtitle may be cited as the "Bryant Mews Homeowner's Association Equitable Real Property Tax Relief Act of 2013".

Sec. 7252. The Council orders that all real property taxes, interest, penalties fees, and other related charges assessed against Lots 0858 and 0859 in Square 4112, currently owned by the Bryant Mews Homeowners Association, for tax years 1989 through 2007, inclusive, shall be forgiven. The Council further orders that all tax sales of Lots 0858 and 0859 in Square 4112 conducted under Chapter 13A of Title 47 of the District of Columbia Official Code shall be cancelled pursuant to D.C. Official Code § 47-1366.

SUBTITLE Z. BASILICA OF THE NATIONAL SHRINE OF THE IMMACULATE CONCEPTION REAL PROPERTY TAX EXEMPTION

Sec. 7261. Short title.

This subtitle may be cited as the "Basilica of the National Shrine of the Immaculate Conception Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013".

Sec. 7262. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1091. Basilica of the National Shrine of the Immaculate Conception Property; Lot 6, Square 3663."

(b) A new section 47-1091 is added to read as follows:

"§ 47-1091. Basilica of the National Shrine of the Immaculate Conception Property; Lot 6, Square 3663.

"(a) The Basilica of the National Shrine of the Immaculate Conception Property, Lot 6, Square 3663, located in the northeast quadrant of the District of Columbia and comprising approximately 5 acres of land, generally bounded by the Basilica's parking lot, Harewood Road, and the Catholic University of America, together with the improvements thereon and owned by the Basilica of the National Shrine of the Immaculate Conception ("Property") shall be exempt from all taxation so long as it is owned and planned for use by, or actually used by, the Basilica of the National Shrine of the Immaculate Conception for its purposes and activities and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009.

"(b) If the owner applies for and is granted a real property tax exemption under § 47-1002, the exemption provided under subsection (a) of this section shall terminate on the day before the effective date of the exemption granted under § 47-1002.

"(c) Real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period of July 1, 2012, through the end of the month following the

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effective date of this subtitle, as well as transfer and recordation taxes, interest, and penalties incurred as a result of the conveyance of Lot 6 in Square 3663 to the Basilica of the National Shrine of the Immaculate Conception Property, shall be forgiven, and any payments made for the period or on account of the conveyance shall be refunded."

**SUBTITLE AA. JUBILEE HOUSING RESIDENTIAL RENTAL PROJECT
PROPERTY TAX EXEMPTION**

Sec. 7271. Short title.

This subtitle may be cited as the "Jubilee Housing Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013".

Sec. 7272. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1089. Jubilee Housing Limited Partnership Residential Rental Project; Lots 62, 63, and 809, Square 2576, and Lot 818, Square 2566."

(b) A new section 47-1089 is added to read as follows:

"§47-1089. Jubilee Housing Limited Partnership Residential Rental Project; Lots 62, 63, and 809, Square 2576, and Lot 818, Square 2566.

"Beginning October 1, 2013, the real properties described as Lots 62, 63, and 809, Square 2576, and Lot 818, Square 2566, owned by Jubilee Housing, Inc., or by Jubilee Housing Limited Partnership, shall be exempt from real property taxation so long as the real properties continue to be owned by Jubilee Housing, Inc., or Jubilee Housing Limited Partnership, and continue to be under applicable use restrictions during a federal low-income housing tax credit compliance period, and not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009."

Sec. 7273. Applicability.

This subtitle shall apply as of October 1, 2012.

SUBTITLE BB. MARRIAGE EQUALITY ESTATE TAX CLARIFICATION

Sec. 7281. Short title.

This subtitle may be cited as the "Marriage Equality Estate Tax Clarification Act of 2013".

Sec. 7282. The Chief Financial Officer is directed to make the clarifying changes to all estate tax forms, filing instructions, and regulations necessary to make it clear that all married couples are eligible for estate tax deductions and exclusions, including the spousal exclusion of bequests, whether direct or through trusts, to a surviving spouse, regardless of whether such marriage is recognized under federal law.

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SUBTITLE CC. MOTOR VEHICLE FUEL TAX

Sec. 7291. Short title.

This subtitle may be cited as the "Motor Vehicle Fuel Tax Act of 2013".

Sec. 7292. Section 47-2301(a) of the District of Columbia Official Code is amended to read as follows:

"(a)(1) The District shall levy and collect a tax on motor vehicle fuels equal to 8.0% of the average wholesale price of a gallon of regular unleaded gasoline for the applicable base period, excluding federal and state taxes, sold or otherwise disposed of by an importer or by a user, or used for commercial purposes. In no case shall the average wholesale price computed for purposes of this section be less than \$2.94.

"(2) The average wholesale price shall be calculated for adjustment of the motor vehicle fuel tax effective April 1 and October 1 of each year. When computing the average wholesale price of a gallon of motor vehicle fuel, the District shall use the monthly Central Atlantic (PADD 1B) Regular Gasoline Wholesale/Resale Price by Refiners data compiled by the US Energy Information Administration, or equivalent wholesale price data. Monthly price data for the period from July 1 through December 31, rounded to the nearest one half-cent, shall be used to determine the tax for the immediately following period beginning April 1. Monthly price data for the period from January 1 through June 30, rounded to the nearest one half-cent, shall be used to determine the tax for the immediately following period beginning October 1.

"(3) In no case shall an average wholesale price computed for purposes of this section vary by more than 10% from the average wholesale price for the prior period."

SUBTITLE DD. TITLE-HOLDING ENTITY REAL PROPERTY TAX EXEMPTION

Sec. 7301. Short title.

This subtitle may be cited as the "Title-Holding Entity Real Property Tax Exemption Act of 2013".

Sec. 7302. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1002 is amended as follows:

(1) Paragraph (29) is amended by striking the word "and" at the end.

(2) Paragraph (30) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (31) is added to read as follows:

"(31)(A) Property owned by a title-holding entity that is not organized or operated for private gain, as to which all of the ownership, membership, or beneficial interest is vested in one or more organizations, each of which is entitled to an exemption under paragraphs (6) through (20) of this section, and that is used by one or more organizations, each of which is

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entitled to an exemption under paragraphs (6) through (20) of this section, for the activities and purposes entitling each such organization to the exemption.

"(B) A title-holding entity shall notify the Office of Tax and Revenue within 30 days of any change in any of its owners, members, or beneficial interest holders.

"(C) For the purposes of this paragraph, the term "title-holding entity" means an entity whose activities are limited to holding record title to a property, providing the property (with or without consideration) for the use of the one or more organizations, each of which is entitled to an exemption under paragraphs (6) through (20) of this section, for the activities and purposes entitling each such organization to the exemption, encumbering the property with indebtedness, and repaying indebtedness secured by the property."

(b) Section 47-1005.01(a) is amended by striking the phrase "through (20)" and inserting the phrase "through (20) and § 47-1002(31)" in its place.

Sec. 7303. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1090. Washington Latin Public Charter School property; Lot 0800, Square 3327."

(b) A new section 47-1090 is added to read as follows:

"§ 47-1090. Washington Latin Public Charter School property; Lot 0800, Square 3327.

"(a) The real property located at 5210 2nd Street, N.W., and described as Lot 0800, Square 3327, shall be exempt from real property taxation and possessory interest taxation so long as the real property continues to be owned or occupied under a ground lease by Washington Latin Public Charter School or Latin Rudolph QALICB, LLC.

"(b) Any transfer, assignment, or other disposition of all or any portion of the real property described in subsection (a) of this section, including as assignment of leasehold interest in the real property or a sublease of the real property between Washington Latin Public Charter School and Latin Rudolph QALICB, LLC, or a deed of trust with respect to the real property granted by Washington Public Charter School or Latin Rudolph QALICB, LLC, to a third party lender, shall be exempt from the tax imposed under § 42-1103 and § 47-903.

"(c) The exemptions set forth in this section shall apply:

"(1) To successor corporations or entities organized or incorporated by Washington Latin Public Charter School for the purposes of receiving New Market Tax Credits administered by the U.S. Treasury Department; and

"(2) As of April 12, 2013."

SUBTITLE EE. INTERNET SALES TAX, HOMELESSNESS PREVENTION, AND WMATA MOMENTUM FUND ESTABLISHMENT

Sec. 7311. Short title.

This subtitle may be cited as the "Internet Sales Tax, Homelessness Prevention, and WMATA Momentum Fund Establishment Act of 2013".

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Sec. 7312. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation

"39A. Internet Tax." after the chapter designation "39. Toll Telecommunication Service Tax."

(b) A new Chapter 39A is added to read as follows:

"Chapter 39A. Internet Tax

"Sec.

"47-3931. Definitions.

"47-3932. Imposition of tax.

"47-3933. Scope.

"47-3934. Deposit into General Fund of the District of Columbia.

"§ 47-3931. Definitions.

"For the purposes of this chapter, the term:

"(1) "Exempted vendor" means a remote-vendor that in accordance with local law has a specified level of cumulative gross receipts from Internet sales to purchasers in the District that exempt it from the requirement to collect remote sales taxes pursuant to this chapter.

"(2) "Person" means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or any other legal entity.

"(3) "Remote-vendor" means a seller, whether or not it has a physical presence or other nexus within the District of Columbia selling, via the Internet, property or rendering a service to a purchaser in the District.

"(4) "Remote sales taxes" means District sales and use taxes when applied to a property or service sold by a vendor via the Internet to a purchaser in the District.

"(5) "Vendor" means a person or retailer, including a remote-vendor, selling property or rendering a service to a purchaser in the District of Columbia, the receipts from which a sales and use tax may be imposed pursuant to District law or this chapter.

"§ 47-3932. Imposition of tax.

"(a)(1) Within 120 days of the effective date of this chapter, the District government shall require every remote-vendor not qualifying as an exempted vendor to collect and remit to the District remote sales taxes on sales made via the Internet to a purchaser in the District of Columbia; provided, that the District government has established pursuant to local law:

"(A) A registry, with privacy and confidentiality controls so that it cannot be used for any purpose other than the administration of remote sales taxes, where each remote-vendor, not qualifying as an exempted vendor, shall be required to register;

"(B) Appropriate protections for consumer privacy;

"(C) A means for a remote-vendor to determine the current District sales and use tax rate and taxability;

"(D) A formula and procedure that permits a remote-vendor to deduct reasonable compensation for expenses incurred in the administration, collection, and remittance

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of remote sales taxes, other than remote sales taxes paid by the remote-vendor for goods or services purchased for its own consumption;

"(E) The date that the collection of remote sales taxes shall commence;

"(F) A small-vendor exemption, including a process for an exempted vendor to apply for a certificate of exemption;

"(G) Subject to § 47-3933, the products and types of products that shall be exempt from the remote sales taxes;

"(H) Rules:

"(i) For accounting for bad debts and rounding;

"(ii) That address refunds and credits for remote sales taxes

relating to:

"(I) Customer returns;

"(II) Restocking fees;

"(III) Discounts; and

"(IV) Coupons;

"(iii) For allocating shipping and handling and discounts that apply

to multiple items;

"(iv) Regarding notice and procedural requirements for registry enrollment by remote-vendors; and

"(v) That the Mayor determines are necessary or appropriate to further the purposes of this chapter; and

"(I) A plan to substantially reduce the administrative burdens associated with sales and use taxes, including remote sales taxes.

"(2) The compensation authorized by paragraph (1)(D) of this subsection may be claimed by a third-party service provider that the remote-vendor has contracted with to perform the responsibilities related to the administration, collection, and remittance of remote sales taxes.

"(b) Every remote-vendor that does not qualify as an exempted vendor shall register with the District pursuant to subsection (a)(1)(A) of this section, in accordance with local law or rules issued pursuant to this chapter or other local law.

"§ 47-3933. Scope.

"(a) Nothing in this chapter shall require the District to exempt or to impose a tax on any product or to adopt any particular type of tax, or to impose the same rate of tax as any other taxing jurisdiction that collects remote sales taxes.

"(b) Nothing in this chapter permits or prohibits the District from:

"(1) Licensing or regulating a person;

"(2) Requiring a person to qualify to transact remote selling;

"(3) Subjecting a person to District taxes not related to the sale of goods or services; or

"(4) Exercising authority over matters of interstate commerce.

"§ 47-3934. Deposit into General Fund of the District of Columbia.

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"The proceeds of the taxes imposed under this chapter, and any money collected from fees or fines charged pursuant to this chapter, if any, shall be deposited in the General Fund of the District of Columbia established under § 47-131 and shall, dollar-for-dollar, be used to offset revenue collected from the automated traffic enforcement program."

Sec. 7313. Funding for homelessness prevention.

Fifty percent of the revenue from the automated traffic enforcement program, to the extent that the revenue is offset by revenue from a tax imposed by Chapter 39A of Title 47 of the District of Columbia Official Code on sales made via the Internet, and the interest earned on that revenue, but not to exceed \$50 million in a fiscal year, shall be dedicated to the End Homelessness Fund established in section 5192 of the Fiscal Year 2014 Budget Support Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

Sec. 7314. WMATA Momentum Fund.

(a) There is established as a special fund the WMATA Momentum Fund ("Fund), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) The Fund shall consist of 50% of the revenue from the automated traffic enforcement program to the extent that the revenue is offset by revenue from a tax imposed by Chapter 39A of Title 47 of the District of Columbia Official Code on sales made via the Internet and the interest earned on that revenue, and to the extent that the revenue exceeds \$100 million in a fiscal year, 100% of the revenue in excess of \$100 million shall be deposited in the Fund.

(c) Upon execution of an inter-jurisdiction funding agreement for implementation of the Washington Metropolitan Area Transit Authority Momentum Strategic Plan, any monies in the Fund shall be made available to finance the District's share of the implementation costs.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

Sec. 7315. Applicability.

This subtitle shall apply as of the effective date of the Marketplace Fairness Act of 2013, passed by the Senate on May 6, 2013 (S. 743).

SUBTITLE FF. AGE-IN-PLACE AND EQUITABLE SENIOR-CITIZEN REAL PROPERTY AND RELIEF PAYMENT PLAN

Sec. 7321. Short title.

This subtitle may be cited as the "Age-in-Place and Equitable Senior-Citizen Real Property and Relief Payment Plan Amendment Act of 2013".

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Sec. 7322. Section 3 of the Age-in-Place and Equitable Senior Citizen Real Property Act of 2012, effective July 13, 2012 (D.C. Law 19-165; 59 DCR 6188), is repealed.

Sec. 7323. Section 47-863 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a)(1A)(A) is amended by striking the figure "\$125,000" wherever it appears and inserting the phrase "\$125,000; adjusted for inflation beginning on January 1, 2015, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, Washington-Baltimore Area, published by the Bureau of Labor Statistics of the Department of Labor" in its place.

(b) Subsection (g)(3) is amended by striking the phrase "late payment of real property tax" and inserting the phrase "late payment of real property tax; provided, that the Chief Financial Officer may establish a payment plan to collect the delinquent taxes" in its place.

SUBTITLE GG. SMOKING CESSATION DEDICATED FUNDING ACT

Sec. 7331. Short title.

This subtitle may be cited as the "Smoking Cessation Dedicated Funding Act of 2013".

Sec. 7332. Section 47-2402 of the District of Columbia Official Code is amended by adding a new subsection (1) to read as follows:

"(1)(1) There is established as a special fund the Smoking Cessation Fund ("Fund"), which shall be administered by the Department of Behavioral Health in accordance with paragraph (3) of this subsection.

"(2) There shall be deposited into the Fund:

"(A) Dedicated taxes as provided by paragraph (4) of this subsection; and

"(B) Interest earned on money deposited into the Fund.

"(3) The Fund shall be used for smoking-cessation efforts.

"(4)(A) Notwithstanding § 47-392.02, from fiscal year 2014 through fiscal year 2017, the amount of revenue by which taxes imposed by § 47-2402 ("cigarette-tax revenue") reported in the fiscal year's Comprehensive Annual Financial Report exceed the annual cigarette-tax revenue estimate from February 22, 2013, quarterly revenue estimate provided by the Chief Financial Officer ("estimated revenue"), the excess of cigarette-tax revenue shall be deposited into the Fund for use in the following fiscal year; provided, that no more than 10% of the estimated revenue shall be deposited into the Fund.

"(B) Beginning with fiscal year 2018, 10% of the cigarette-tax revenue shall be deposited into the Fund.

"(5)(A) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(B) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

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SUBTITLE HH. MULTISTATE TAX COMPACT ENACTMENT AND CLARIFICATION

Sec. 7341. Short title.

This subtitle may be cited as the “Multistate Tax Compact Enactment and Clarification Act of 2013”.

Sec. 7342. Chapter 4 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-441 is repealed.

(b) Section 47-441 is re-enacted and reads as follows:

“The Multistate Tax Compact is adopted and entered into with all jurisdictions legally joining therein, in the form substantially set forth as follows:

“Article I. Purposes.

“The purposes of this compact are to:

“1. Facilitate proper determination of state and local tax liability of multistate taxpayers, including equitable apportionment of tax bases and settlement of apportionment disputes.

“2. Promote uniformity or compatibility in significant components of tax systems.

“3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.

“4. Avoid duplicative taxation.

“Article II. Definitions.

“1. “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“2. “Subdivision” means any governmental unit or special district of a state.

“3. “Taxpayer” means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one state.

“4. “Income tax” means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.

“5. “Capital stock tax” means a tax measured in any way by the capital of a corporation considered in its entirety.

“6. “Gross receipts tax” means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax an income tax.

“7. “Sales tax” means a tax imposed with respect to the transfer for a consideration of ownership, possession, or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by state or local law to be separately stated from the sales price, by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed

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exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

“8. “Use tax” means a nonrecurring tax, other than a sales tax, which (a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession, or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property and (b) is complementary to a sales tax.

“9. “Tax” means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of Articles III, IV, and V of this compact shall apply only to the taxes specifically designated therein and the provisions of Article IX of this compact shall apply only in respect to determinations pursuant to Article IV.

“Article III. Elements of Income Tax Laws.

“Repealed.

“Article IV. Division of Income.

“Repealed.

“Article V. Elements of Sales and Use Tax Laws.
Tax Credit.

“1. Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another state and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the state, and any unused portion of the credit shall then be applied against the amount of any use tax due a subdivision.

“Exemption Certificates.

“Vendors May Rely.

“2. Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate state or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

“Article VI. The Commission.

“Organization and Management.

“1. (a) The Multistate Tax Commission is hereby established. It shall be composed of one “member” from each party state who shall be the head of the state agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency, the state shall provide by law for the selection of the Commission member from the heads of the relevant agencies. State law may provide that a member of the Commission be represented by an alternate but only if there is on file with the Commission written notification of the designation and identity of the alternate. The Attorney General of each party state or his designee, or other counsel if the laws of the party state specifically provide, shall be entitled to attend the meetings of the Commission, but shall not vote. Such Attorneys General, designees, or other counsel shall receive all notices of meetings required under paragraph 1(e) of this article.

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“(b) Each party state shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the Commission member from that state.

“(c) Each member shall be entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

“(d) The Commission shall adopt an official seal to be used as it may provide.

“(e) The Commission shall hold an annual meeting and such other regular meetings as its bylaws may provide and such special meetings as its Executive Committee may determine. The Commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular, and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

“(f) The Commission shall elect annually, from among its members, a Chairman, a Vice Chairman and a Treasurer. The Commission shall appoint an Executive Director who shall serve at its pleasure, and it shall fix his duties and compensation. The Executive Director shall be Secretary of the Commission. The Commission shall make provisions for the bonding of such of its officers and employees as it may deem appropriate.

“(g) Irrespective of the civil service, personnel, or other merit system laws of any party state, the Executive Director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix their duties and compensation. The Commission bylaws shall provide for personnel policies and programs.

“(h) The Commission may borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental entity.

“(i) The Commission may accept for any of its purposes and functions, any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any governmental entity and may utilize and dispose of the same.

“(j) The Commission may establish one or more offices for the transacting of its business.

“(k) The Commission shall adopt bylaws for the conduct of its business. The Commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party states.

“(l) The Commission annually shall make to the Governor and legislature of each party state a report covering its activities for the preceding year. Any donation or grant accepted by the Commission or services borrowed shall be reported in the annual report of the Commission, and shall include the nature, amount, and conditions, if any, of the donation, gift, grant, or services borrowed and the identity of the donor or lender. The Commission may make additional reports as it may deem desirable.

“Committees.

“2. (a) To assist in the conduct of its business when the full Commission is not meeting, the Commission shall have an Executive Committee of seven members, including the Chairman, Vice Chairman, Treasurer, and four other members elected annually by the Commission. The Executive Committee, subject to the provisions of this compact and consistent with the policies of the Commission, shall function as provided in the bylaws of the Commission.

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“(b) The Commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the Commission, including problems of special interest to any party state and problems dealing with particular types of taxes.

“(c) The Commission may establish such additional committees as its bylaws may provide.

“Powers.

“3. In addition to powers conferred elsewhere in this compact, the Commission shall have power to:

“(a) Study state and local tax systems and particular types of state and local taxes.

“(b) Develop and recommend proposals for an increase in uniformity or compatibility of state and local tax laws with a view toward encouraging the simplification and improvement of state and local tax law and administration.

“(c) Compile and publish information as in its judgment would assist the party states in implementation of the compact and taxpayers in complying with state and local tax laws.

“(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

“Finance.

“4. (a) The Commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

“(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: one-tenth in equal shares; and the remainder in proportion to the amount of revenue collected by each party state and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the Commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

“(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under paragraph 1(i) of this article; provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under paragraph 1(i), the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

“(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the

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Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

“(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

“(f) Nothing contained in this article shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

“Article VII. Uniform Regulations and Forms.

“1. Whenever any two or more party states, or subdivisions of party states, have uniform or similar provisions of law relating to an income tax, capital stock tax, gross receipts tax, sales or use tax, the Commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The Commission may also act with respect to the provisions of Article IV of this compact.

“2. Prior to the adoption of any regulation, the Commission shall:

“(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party states and subdivisions thereof and to all taxpayers and other persons who have made timely request of the Commission for advance notice of its regulation-making proceedings.

“(b) Afford all affected party states and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the Commission.

“3. The Commission shall submit any regulations adopted by it to the appropriate officials of all party states and subdivisions to which they might apply. Each such state and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

“Article VIII. Interstate Audits.

“1. This article shall be in force only in those party states that specifically provide therefor by statute.

“2. Any party state or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records, or other documents, may request the Commission to perform the audit on its behalf. In responding to the request, the Commission shall have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant property or stock of merchandise. The Commission may enter into agreements with party states or their subdivisions for assistance in performance of the audit. The Commission shall make charges, to be paid by the state or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

“3. The Commission may require the attendance of any person within the state where it is conducting an audit or part thereof at a time and place fixed by it within such state for the purpose of giving testimony with respect to any account, book, paper, documents, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place

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fixed by the Commission within the state of which he is a resident; provided, that such state has adopted this article.

“4. The Commission may apply through the Mayor of the District of Columbia, to any court in the District of Columbia having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this article, if the party or subject matter on account of which the Commission seeks an order is within the jurisdiction of the courts of the District of Columbia. The Commission may apply for such order to the courts of the state or subdivision thereof, other than the District of Columbia, on behalf of which the audit is being made, or in which the party or subject matter being sought is situated, to the extent that the Commission is authorized to do so by the laws of such other state. Failure of any person to obey any such order shall be punishable as contempt of the issuing court.

“5. The Commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the purpose or that, in the terms requested, the audit is impracticable of satisfactory performance. If the Commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party states or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the Commission.

“6. Information obtained by an audit pursuant to this article shall be confidential and available only for tax purposes to party states, their subdivisions, or the United States. Availability of information shall be in accordance with the laws of the states or subdivisions on whose account the Commission performs the audit, and only through the appropriate agencies or officers of such states or subdivisions. Nothing in this article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

“7. Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party states or any of their subdivisions are not superseded or invalidated by this article.

“8. In no event shall the Commission make any charge against a taxpayer for an audit.

“9. As used in this article, “tax”, in addition to the meaning ascribed to it in Article II, means any tax or license fee imposed in whole or in part for revenue purposes.

“Article IX. Entry into Force and Withdrawal.

“1. This compact shall enter into force when enacted by any seven states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The Commission shall arrange for notification of all party states whenever there is a new enactment of the compact.

“2. Any party state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

“Article X. Effect on Other Laws and Jurisdiction.

“Nothing in this compact shall be construed to:

“(a) Affect the power of any state or subdivision thereof to fix rates of taxation.

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“(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax; provided that the definition of “tax” in Article VIII 9. may apply for the purposes of that article and the Commission's powers of study and recommendation pursuant to Article VI 3. may apply.

“(c) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation, or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

“(d) Supersede or limit the jurisdiction of any court of the United States.

“Article XI. Construction and Severability.

“This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby if this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.”.

(c) Section 47-443 is amended by striking the phrase “for which there are no corresponding provisions in the Uniform Division of Income provisions contained in Article IV of the Multistate Compact in § 47-441.”.

(d) Section 47-445 is amended by striking the word “Mayor” and inserting the phrase “Chief Financial Officer” in its place.

Sec. 7343. Applicability.

This subtitle shall apply for tax years beginning after December 31, 2012

SUBTITLE II. PROCESSING SALES TAX CLARIFICATION

Sec. 7361. Short title.

This subtitle may be cited as the “Sales Tax on Restaurant Utilities Clarification Act of 2013”.

Sec. 7362. Section 47-2005(11A) of the District of Columbia Official Code is amended to read as follows:

“(11A)(A) Sales of natural or artificial gas, oil, electricity, solid fuel, or steam, directly used in a restaurant.

“(B) For the purposes of this paragraph, the term “restaurant” means a retail establishment that is licensed by the District of Columbia, a separately metered or sub-metered facility, and in the principal business of preparing and serving food to the public. The term “restaurant” shall include a pizzeria, delicatessen, ice cream parlor, cafeteria, take-out

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counter, and caterer, and banquet and food-processing areas in hotels. The term "restaurant" does not include beverage counters, including coffee shops and juice bars."

Sec. 7363. Applicability.

This subtitle shall apply as of August 1, 2013.

TITLE VIII. CAPITAL BUDGET

SUBTITLE A. WATERFRONT PARK BOND

Sec. 8001. Short title.

This subtitle may be cited as the "Waterfront Park Bond Amendment Act of 2013".

Sec. 8002. Section 2(1)(A) of the DOT PILOT Revision Emergency Approval Resolution of 2010, effective February 2, 2010 (Res. 18-389; 57 DCR 1534), is amended as follows:

(a) Sub-subparagraph (viii) is amended by striking the word "and".

(b) Sub-subparagraph (ix) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new sub-subparagraph (x) is added to read as follows:

"(x) Waterfront Park."

SUBTITLE B. CAPITAL CAPACITY EXPANSION

Sec. 8011. Short title.

This subtitle may be cited as the "Capital Capacity Expansion Act of 2013".

Sec. 8012. Section 47-2763 of the District of Columbia Official Code is amended to read as follows:

"§ 47-2763. Enforcement.

"Any feepayer who fails to file a return or pay the ballpark fee due, as required by § 47-2762, shall be subject to all collection, enforcement, and administrative provisions applicable to unpaid taxes or fees, as provided in Chapter 18, Chapter 41, Chapter 42 (except §§ 47-4211(b)(1)(B), 47-4214, and 47-4215), Chapter 43, and Chapter 44 of this title."

SUBTITLE C. PAY-AS-YOU-GO CAPITAL ACCOUNT AND STREETCAR FUNDING DEDICATION

Sec. 8021. Short title.

This subtitle may be cited as the "Pay-as-you-go Capital Account and Streetcar Funding Dedication Act of 2013".

Sec. 8022. Section 47-392.02(f) of the District of Columbia Official Code is amended as follows:

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(a) Paragraph (5)(A) is amended by striking the phrase "All funds" and inserting the phrase "Beginning in the fiscal year following the completion of the capital construction of the Streetcar Project, all funds" in its place.

(b) A new paragraph (6) is added to read as follows:

"(6) All funds in the Pay-as-you-go Capital Account shall be budgeted for the Streetcar Project until the construction of the streetcar system is complete."

**SUBTITLE D. GREAT STREETS NEIGHBORHOOD RETAIL PRIORITY
AREA**

Sec. 8031. Short title.

This subtitle may be cited as the "Great Streets Neighborhood Retail Priority Area Amendment Act of 2013".

Sec. 8032. The Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 2-1217.72) is amended by adding a new subsection (c) to read as follows:

"(c) The maximum principal amount of bonds that may be issued with respect to the Downtown Retail Priority Area is limited to the amount of bonds issued before March 1, 2013."

(b) Section 4 (D.C. Official Code § 2-1217.73) is amended by adding new subsections (f), (g), (h), (i), and (j) to read as follows:

"(f) There is established the Rhode Island Avenue, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Fourth Street, N.E., and Franklin Street, N.E.; thence east on Franklin Street NE to 15th Street, N.E.; thence north on 15th Street, N.E., to Girard Street, N.E.; thence east on Girard Street, N.E., to 17th Street, N.E.; thence north on 17th Street, N.E., to Brentwood Road, N.E.; thence northeast on Brentwood Road N.E., to 18th Street, N.E.; thence north on 18th Street, N.E., to Irving Street, N.E.; thence east on Irving Street, N.E., to Rhode Island Avenue, N.E.; thence north along the western boundary of the property at the northeast corner of 20th Street, N.E., and Rhode Island Avenue, N.E., to its northwest corner; thence northeast along the rear boundaries of all properties with frontage along the north side of Rhode Island Avenue, N.E., to the northeast corner of the property at the northwest corner of Rhode Island Avenue, N.E., and Eastern Avenue, N.E.; thence southeast along the eastern boundary of property at the corner of Rhode Island Avenue, N.E., and Eastern Avenue, N.E., to its southeast corner; thence continuing southeast to the southeast corner of the property at the southwest corner of Rhode Island Avenue, N.E., and Eastern Avenue, N.E.; thence southwest along the rear boundaries of all properties with frontage along the south side of Rhode Island Avenue, N.E., to Montana Avenue, N.E.; thence southeast along Montana Avenue, N.E., to Downing Street, N.E.; thence southwest along Downing Street, N.E., to Bryant Street, N.E.; thence west along Bryant Street, N.E., to 13th Street, N.E.; thence southeast along 13th Street, N.E., to its end at W Street, N.E.; thence west along a line extending W Street, N.E., west to the continuation of W Street, N.E., and continuing

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west along W Street, N.E., to Brentwood Road, N.E.; thence southwest along Brentwood Road, N.E., to its end at T Street, N.E.; thence southwest to the intersection of a line extending Fourth Street, N.E., south and a line extending R Street, N.E., east; thence north along line extending Fourth Street, N.E., to Fourth Street, N.E., and continuing north along Fourth Street, N.E., to the point of beginning.

"(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E., to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence west on Benning Road N.E., to H Street, N.E.; thence west on H Street, N.E., to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.

"(h) There is established the North Capitol Street Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of New York Avenue, N.W., and First Street, N.W.; thence north along First Street, N.W., to Florida Avenue, N.W.; thence northwest along Florida Avenue, N.W., to Second Street, N.W.; thence north along Second Street, N.W., to Rhode Island Avenue, N.W.; thence northeast along Rhode Island Avenue, N.W., to First Street, N.W.; thence north along First Street, N.W., to Michigan Avenue, N.W.; thence in a westerly direction along Michigan Avenue, N.W., to Park Place, N.W.; thence north along Park Place, N.W., to Irving Street, N.W.; thence northeast along Irving Street, N.W., to Kenyon Street, N.W.; thence west along Kenyon Street, N.W., to Park Place, N.W.; thence north along Park Place, N.W., to Rock Creek Church Road, N.W.; thence northeast along Rock Creek Church Road, N.W., to Harewood Road, N.W.; thence southeast along Harewood Road, N.W., to North Capitol Street; thence south along North Capitol Street to Irving Street, N.E.; thence east along Irving Street, N.E., to Michigan Avenue, N.E.; thence southwest along Michigan Avenue N.E., to North Capitol Street; thence south along North Capitol Street to Rhode Island Avenue, N.E.; thence northeast along Rhode Island Avenue, N.E., to Lincoln Road, N.E.; thence south along Lincoln Road, N.E., to R Street, N.E.; thence east along R Street, N.E., and continuing east along a line extending R Street, N.E., to the east to its intersection with the WMATA railroad tracks; thence southwest along the WMATA railroad tracks to New York Avenue, N.E.; thence southwest along New York Avenue, N.E., to New York Avenue, N.W., and continuing southwest along New York Avenue, N.W., to the point of beginning.

"(i) There is established the Connecticut Avenue Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Connecticut Avenue, N.W., and Macomb Street, N.W., thence north on Connecticut Avenue, N.W., to its intersection with Albemarle Street, N.W., including both the east and west sides of Connecticut Avenue N.W.", to the point of beginning.

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“(j) There is established the Nannie Helen Burroughs Avenue Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of the center line of Nannie Helen Burroughs Avenue, N.E., and Minnesota Avenue, N.E.; thence northeast along Minnesota Avenue, N.E., to Sheriff Road, N.E.; thence east along Sheriff Road, N.E., to 44th Street, N.E.; thence south along 44th Street, N.E., to Jay Street, N.E.; thence east along Jay Street, N.E., to 46th Street, N.E.; thence south along 46th Street, N.E., to Hayes Street, N.E.; thence east along Hayes Street, N.E., to 54th Place, N.E.; thence northeast along 54th Place, N.E., to 55th Street, N.E.; thence northeast along 55th Street, N.E., to Jay Street, N.E.; thence southeast along Jay Street, N.E., to Nannie Helen Burroughs Avenue, N.E.; thence east along Nannie Helen Burroughs Avenue, N.E., to Eastern Avenue, N.E.; thence southeast along Eastern Avenue, N.E., to Foote Street, N.E.; thence west along Foote Street, N.E., to 55th Street, N.E.; thence south along 55th Street, N.E., to Eads Street, N.E.; thence west along Eads Street, N.E., to the Marvin Gaye Park Trail, and continuing east along the Marvin Gaye Park Trail, to the point of the beginning.”

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

“Sec. 4b. Retail Priority Area corridor revitalization programs.

“(a) Notwithstanding any tax increment financing that may be available, all funds allocated for Great Streets within the budgets of the Deputy Mayor for Planning and Economic Development and the District Department of Transportation shall be used to support the following corridor revitalization programs in designated Retail Priority Areas:

"(1) Small business retention and attraction programs;

"(2) Neighborhood branding and marketing;

"(3) Blighted and vacant property mitigation;

"(4) Redevelopment of private property through financial incentives, technical assistance, temporary urbanism initiatives, and property acquisition and disposition, among other mechanisms identified by the Mayor;

"(5) Streetscape and roadway infrastructure improvements to enhance walkability, pedestrian safety, lighting, and transportation; and

"(6) Beautification and greening of the public realm, including public art, landscaping, storm water retention, and litter control.

"(b)(1) With respect to the small business retention and attraction program referenced in subsection (a)(1) of this section, the Mayor shall publish, no later than 30 days after October 1, 2013, and no less than annually after that date, a notice of funding availability to make grants or loans in certain Retail Priority Areas selected by the Mayor. All awards issued with Great Streets funds shall be made on a competitive basis, and the Mayor shall publish online the application criteria and evaluation rubric for Great Streets grants and loans.

"(2) Eligible retailers and service providers shall include:

"(A) Retail businesses engaged in the sale of home furnishings, apparel, books, art, groceries, and general merchandise goods to specialized customers;

"(B) Businesses providing goods or services geared toward the enrichment of children, families, and adults; and

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"(C) Sit-down restaurants, bakeries, coffee shops, and other specialty food retailers.

"(3) To be eligible for small business retention and attraction grants or loans referenced in subsection (a)(1) of this section, a project shall:

"(A) Be within a designated Retail Priority Area;

"(B) Maintain site control of the property either through fee simple ownership of the site or through an executed contract or lease with the property owner;

"(C) Execute a First Source Agreement with the Department of Employment Services; and

"(D) Adhere to all design, construction, and rehabilitation requirements defined by the Mayor, or his or her designee."

Sec. 8033. The Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended as follows:

(a) Section 2(4) is amended to read as follows:

"(4) Georgia Avenue Priority Area, consisting of the parcels, squares, and lots within the area bounded by a line beginning at the intersection of the center line of Kenyon Street, N.W., and Sherman Avenue, N.W.; continuing north along the center line of Sherman Avenue, N.W., to the center line of New Hampshire Avenue, N.W.; continuing northeast along the center line of New Hampshire Avenue, N.W., to the center line of Rock Creek Church Road, N.W.; continuing north along the center line of Rock Creek Church Road, N.W., to the center line of Spring Road, N.W.; continuing northwest along the center line of Spring Road, N.W., to the center line of Kansas Avenue, N.W.; continuing northeast along the center line of Kansas Avenue, N.W., to the western line of Georgia Avenue; continuing north along the western line of Georgia Avenue, N.W., to the center line of Eastern Avenue, N.W.; continuing south along the eastern line of Georgia Avenue, N.W., to the northern line of Kennedy Street, N.W.; continuing east along the northern line of Kennedy Street, N.W. to the center line of Kansas Avenue, N.W.; continuing southwest along the center line of Kansas Avenue, N.W., to the center line of Varnum Street, N.W.; continuing east along the center line of Varnum Street, N.W., to the center line of 7th Street, N.W.; continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; continuing further south along the center line of Warder Street, N.W., to the center line of Kenyon Street, N.W.; and continuing west along the center line of Kenyon Street, N.W., to Georgia Avenue, N.W.; continuing south along Georgia Avenue, N.W., to Barry Place, N.W.; continuing west along Barry Place, N.W., to Sherman Avenue N.W.; and continuing north along the center line of Sherman Avenue, N.W., to the beginning point;"

(b) Section 3 is amended by adding a new subsection (d) to read as follows:

"(d) The maximum principal amount of bonds that may be issued is limited to the amount of bonds issued before March 1, 2013."

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SUBTITLE E .WATERFRONT PARK AT THE YARDS

Sec. 8041. Short title.

This subtitle may be cited as the "Waterfront Park at the Yards Amendment Act of 2013".

Sec. 8042. The Waterfront Park at the Yards Act of 2009, effective March 3, 2010 (D.C. Law 18-105; D.C. Official Code 10-1801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 10-1801) is amended by adding a new paragraph (2A) to read as follows:

"(2A)(A) "Cost-of-living adjustment" means an amount, for any calendar year, equal to the maximum dollar amount set forth in section 5(a)(1) multiplied by the difference between the CPI for the preceding calendar year and the CPI for the calendar year beginning January 1, 2011, divided by the CPI for the calendar year beginning January 1, 2011.

"(B) For the purposes of this paragraph, the CPI for any calendar year is the average of the CPI for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year."

(b) Section 4(a) (D.C. Official Code § 10-1803(a)) is amended to read as follows:

"(a) There is established as a special fund the Waterfront Park Maintenance Fund ("Fund"), which shall be used solely to pay the expenses of maintaining, operating, and improving the Waterfront Park and the expenses of events held in the Waterfront Park. The Chief Financial Officer shall deposit into the Fund the sales tax revenues attributable to the Waterfront Park Retail Area and revenue from the Waterfront Park Special Assessment. All monies in the Fund shall be paid by the Chief Financial Officer to the Capital Riverfront Business Improvement District pursuant to the terms set forth in the Maintenance Agreement. The payments from the Fund shall be an authorized expenditure by the District."

(c) Section 5 (D.C. Official Code § 10-1804) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the figure "\$380,000" and inserting the phrase "\$380,000--or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area--if less than \$380,000" in its place.

(B) Paragraph (2) is amended by striking the phrase "by the increase in the CPI during the period from July 1, 2012, to the beginning of that 12-month period" and inserting the phrase "annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)--or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area--if less" in its place.

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

"(b) All sales and use tax revenue and revenue from the Waterfront Park Special Assessment received by the Chief Financial Officer by the 20th day of a month shall be deposited into the Fund by the Chief Financial Officer by the last business day of the following month."

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(d) Section 6(b)(3) (D.C. Official Code § 10-1805(b)(3)) is amended to read as follows:

"(3) The District is authorized to transfer the income transferred to the District pursuant to paragraph (2) of this subsection to the Capitol Riverfront Business Improvement District, performing services under the Maintenance Agreement."

Sec. 8043. Section 47-895.23 of the District of Columbia Official Code is amended as follows:

(a) A new subsection (a-1) is added to read as follows:

"(a-1) The Deputy Mayor for Planning and Economic Development shall timely notify the Chief Financial Officer of every property that is subject to the levy of the special assessment; which notice shall include:

"(1) The applicable square and lot;

"(2) The date the property became subject to the special assessment;

"(3) Any days of proration;

"(4) The gross square foot area of the property; and

"(5) The corresponding amount of the special assessment."

(b) Subsection (h) is amended by striking the phrase "year of the contribution period" and inserting the phrase "tax year before such notice" in its place.

(c) Subsection (i) is amended to read as follows:

"(i) Special assessments shall accrue based on the tax year and shall be billed in arrears semi-annually in the same manner, under the same conditions and with the same due dates, and subject to the same interest and penalty provisions for the non-payment thereof as provided in § 47-811 for the billing of real property tax."

(d) Subsection (k) is amended by striking the phrase "this title" and inserting the phrase "this title, nor shall a lien be required to be filed therefore for sale in subsequent tax sales" in its place.

Sec. 8044. Applicability.

This subtitle shall apply as of March 3, 2010.

SUBTITLE F. CAPITAL PROJECT RESCISSION.

Sec. 8051. Short title.

This subtitle may be cited as the "Capital Project Rescission Act of 2013".

Sec. 8052. (a) The Chief Financial Officer shall rescind \$750,000 of PAYGO allotment and budget authority from capital project PL110C "MPD Building Renovations/Construction" under the Metropolitan Police Department, in fiscal year 2013.

(b) The Chief Financial Officer shall recognize the rescinded amount identified in subsection (a) of this section as fiscal year 2014 local funds revenue.

Sec. 8053. The Chief Financial Officer shall rescind \$386,108.02 of fiscal year 2013 0300 (GO/IT Bond) allotment and budget authority from capital project AW707C "Boathouse Row"

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and allocate \$386,108.02 in fiscal year 2013 0300 (GO/IT Bond) allotment and budget authority to capital project EB008C "New Communities".

TITLE IX. COUNCIL REPORTING REQUIREMENTS

Sec. 9011. Short title.

This title may be cited as the "Council Reporting Requirements Act of 2013".

Sec. 9012. For the purposes of this title, unless otherwise provided, reports made to the Council shall be made to the Secretary to the Council.

PUBLIC EDUCATION

Sec. 9013. District of Columbia Public Schools reporting requirements.

(a) By October 1, 2013, the District of Columbia Public Schools ("DCPS") shall submit to the Council:

(1) A report on:

(A) Recommendations for improving transparency of the DCPS budget, including an implementation plan for establishing a single budgeting system for the agency; and

(B) Its work with the Department of General Services to analyze DCPS energy usage and develop a mechanism that allows the agency to re-invest its savings from consolidations and fixed costs into its operational needs;

(2) In collaboration with the Office of the State Superintendent of Education, a strategic plan to increase access to, participation in, and the funding of an intramural and interscholastic athletics program in the District of Columbia Public Schools by the 2014-2015 school year, which shall include, at a minimum:

(A) A list of all intramural, junior varsity, and varsity sports currently offered by DCPS along with the number of students that participate in each sport;

(B) A spending plan for the school year 2013-2014 for all DCPS intramural, junior varsity, and varsity sports; and

(C) An implementation plan, including a spending plan and timeline, for the expansion of intramural, junior varsity, and varsity sports within DCPS;

(3) A strategic plan to improve parental engagement efforts for the 2013-2014 school year, including:

(A) A plan for regular communication with parents regarding DCPS programs, services, initiatives, and student performance; and

(B) A plan for use of the established parent resource centers to help in engaging parents; and

(4) A plan, based upon consultation and collaboration with the Office of Planning and the Department of General Services, for the construction of regulation-size athletic fields at Stuart-Hobson Middle School, which shall include, at a minimum:

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(A) Alternative approaches on how to address the parking needs for the school, including identifying available parking at other locations, such as Logan Annex or other appropriate sites; and

(B) A spending plan that does not exceed the current capital allocation for Stuart-Hobson, as set forth in the Capital Improvement Program.

(b) By October 1, 2013, DCPS shall make publically available on its website, the final budgets for each school, along with a list of actual staff positions filled for the 2013-2014 school year.

Sec. 9014. District of Columbia Public Library requirements.

By October 1, 2013, the District of Columbia Public Library shall report on the planning for the renovation of the Martin Luther King Jr. Central Library. The report shall include, at a minimum:

- (1) A detailed update on design plans;
- (2) A description of the project's financing, including all public-private partnerships and the use of financing other than District capital funds;
- (3) A detailed timeline on the steps that will be taken leading up to the start of construction in fiscal year 2017 and through completion in fiscal year 2018; and
- (4) A description of the project's community and stakeholder engagement plan with an explanation of how the project will reflect the needs and perspectives of District residents.

Sec. 9015. Office of the State Superintendent of Education reporting requirements.

(a) By October 1, 2013, the Office of the State Superintendent of Education ("OSSE") shall submit to the Council a report on:

(1) Efforts to implement state-level standards addressing special education transportation services, and OSSE's efforts to ensure alignment of services with student needs and reduce unnecessary and duplicative costs, which shall include, at a minimum:

(A) A schedule and plan for training all District local education agencies ("LEAs") and relevant individualized education program ("IEP") team participants on the new standards;

(B) An update on OSSE's work to determine fidelity to the established standards, including criteria for eligibility; and

(C) Recommendations on how the District could enhance transportation services and reduce costs, including on contracting with outside vendors to provide transportation at a reduced cost for students attending non-public schools outside of the District, shared routes, and staggered school start times;

(2) The status of implementing the Partnership for Assessment of Readiness of College and Careers ("PARCC") assessment in public schools, which shall include, at a minimum:

(A) The barriers to implementation;

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- (B) Program and technological enhancements needed to administer the new assessment; and
- (C) Changes in test security protocols to accommodate the PARCC assessment;
- (3) The development of a uniform school report card for all public schools in the District, which shall include, at a minimum:
- (A) A recommended system of uniform quality measurement that can be used to compare schools across public school sectors;
- (B) A timetable for implementation; and
- (C) A plan to educate and promote the universal report card to parents and students;
- (4) Program enhancements that will increase the frequency of residency fraud detection, which shall include, at a minimum:
- (A) The rationale for the recommendation, including the data and information used to support the decision; and
- (B) If advisable, a comprehensive plan, with a timetable, to implement residency fraud prevention program enhancements;
- (5) The development of the Student Information System ("SIS"), which shall include, at a minimum:
- (A) A detailed description of the SIS;
- (B) A timetable for development and the estimated launch date;
- (C) Feedback on the SIS from public LEAs and the Public Charter School Board;
- (D) A recommendation for a data governance policy; and
- (E) A detailed explanation on how the SIS will interact with existing student information systems; and
- (6) Recommendations to implement a single statewide enrollment methodology for purposes of determining student enrollment and budget projections for DCPS and public charter schools.
- (b) In addition to the reporting requirements listed in subsection (a) of this section, OSSE shall provide to the Council:
- (1) A biannual report issued no later than January 15, 2014, and July 1, 2014, on special education transportation expenditures during fiscal year 2014, along with a projected spending plan for the remainder of the fiscal year;
- (2) A biannual report, which shall be issued no later than January 15, 2014, and July 1, 2014, on non-public tuition expenditures during fiscal year 2014, including the name of each vendor receiving a payment, along with a projected spending plan for the remainder of the fiscal year;
- (3) A biannual report issued no later than January 15, 2014, and July 1, 2014, on all students in non-public placements, which shall include on an aggregate level, at a minimum, the number of students delineated by the:

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- (A) Level of need;
- (B) Reason for the initial referral and the placement determination;
- (C) Duration of time in the placement; and
- (D) LEA that was unable to meet the student's individual level of need;

and

(4) A biannual report issued no later than January 15, 2014, and July 1, 2014, on all non-public students who have returned to an LEA, which shall include on an aggregate level, at a minimum, the number of students returning delineated by the:

- (A) Student's level of need;
- (B) Duration of time in the non-public facility; and
- (C) Name and profile of the receiving LEA.

Sec. 9016. State Board of Education reporting requirements.

By December 1, 2013, the State Board of Education shall submit to the Council an implementation plan for the re-establishment of the Office of the Ombudsman, which shall detail how and ensure that the Office of the Ombudsman will be fully operational by January 1, 2014.

Sec. 9017. Office of the Deputy Mayor for Education reporting requirements.

(a) By October 1, 2013, the Office of the Deputy Mayor for Education shall submit to the Council a report on:

- (1) Efforts to re-engage disconnected youth, including on the development, funding, and staffing needed during fiscal year 2014 for the planned Re-Engagement Center;
- (2) The distribution and utilization of transit subsidies, including a fiscal year 2014 spending plan;
- (3) The continued implementation of the South Capitol Street Memorial Act of 2012, effective June 7, 2012 (D.C. Law 9-211; 59 DCR 3083), including a fiscal year 2014 spending plan;
- (4) The fiscal year 2014 implementation of the Attendance Accountability Amendment Act of 2013, signed by the Mayor on June 24, 2013 (D.C. Act 20-0094; 60 DCR 9839); and
- (5) The implementation of the capital grant of \$6 million for construction of a language immersion public charter school serving students of middle-school age and high-school age, which shall include, at a minimum:
 - (A) The name of the grantee and a detailed description of the capital project to be supported by the grant;
 - (B) The timeline for completion of the capital project; (C) An analysis of the need of capital funding for charter schools with recommendations on expanding such capital grant funding for charter schools; and
 - (D) The supplemental services and funding provided to DCPS outside of the uniform per student funding formula, including:
 - (i) The amount of funds for each service and expenditure; and

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(ii) The criteria by which these services and related resources are allocated and a specific plan for how the District intends to allocate these resources to all public schools to achieve equity and equal access to resources pursuant to section 115 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 38-2913).

(b) By January 1, 2014, the Office of the Deputy Mayor for Education shall submit to the Council a recommendation on expanding compulsory attendance requirements to students attending Pre-K 3 and Pre-K.

ECONOMIC DEVELOPMENT AND REGULATION

Sec. 9018. New Communities Initiative reporting.

Section 203 of the Housing Production Trust Fund Act of 1988, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-2812.03), is amended by adding a new subsection (e) to read as follows:

"(e) On an annual basis, the Office of the Deputy Mayor for Planning and Economic Development and the District of Columbia Housing Authority shall submit a written report to the Chairperson of the Council's Committee on Economic Development, which shall address the following:

"(1) An overall summary of the progress of the New Communities Initiative, including:

- "(A) Overall spending to date;
- "(B) Projected future costs;
- "(C) Completion status;
- "(D) Total number of units built and income mix by Area Median Income;

and

"(E) Estimated completion date.

"(2) A report on each New Communities Initiative site building, including:

- "(A) Spending on the site to date;
- "(B) Projected future costs;
- "(C) Financing sources;
- "(D) Updates on plans for new buildings, if any;
- "(E) Income mix by Area Median Income;
- "(F) Number of units in each building;
- "(G) Completion status of each building; and
- "(H) Estimated completion date of construction.

"(3) A report on each existing New Communities Initiative site, including:

- "(A) Plans;
- "(B) Completion status;
- "(C) Spending on building to date;
- "(D) Projected future costs;
- "(E) Financing sources;

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- "(F) Estimated date of construction completion;
 - "(G) Number of residents that have been relocated;
 - "(H) Number of residents that have returned to site;
 - "(I) Number of units on original site; and
 - "(J) Income mix by Area Median Income.
- "(4) A report on amenities, including:
- "(A) Plans for amenities;
 - "(B) Spending on amenities to date;
 - "(C) Projected future costs; and
 - "(D) Financing sources.
- "(5) A report on human capital, including:
- "(A) Number of residents served;
 - "(B) Services offered;
 - "(C) Spending on human capital to date; and
 - "(D) Projected future costs."

Sec. 9019. District of Columbia Water and Sewer Authority report.

(a) With respect to the proposed relocation and development of the District-owned property at 125 O Street, S.E., Washington, D.C. 20003 ("DC WASA Site"), the Mayor shall, by December 31, 2013, submit to the Council a report to include progress related to the following activities:

- (1) Identification of a relocation site;
- (2) Outreach to communities adjacent to a proposed relocation site;
- (3) Environmental remediation of the DC WASA Site and the relocation site;
- (4) Estimated costs for environmental remediation;
- (5) Entitlements, permits, and approvals necessary to prepare the DC WASA Site and the relocation site; and
- (6) Surplus designation and land disposition agreements;

(b) The report required by subsection (a) of this section shall also include a narrative description of the need for additional funding, if any, during fiscal year 2014.

HEALTH AND HUMAN SERVICES

Sec. 9020. Report on financing options for United Medical Center.

By October 1, 2013, the Mayor shall prepare a report for public review, in consultation with the Office of the Chief Financial Officer and Huron Healthcare, that analyzes public and private financing options that will generate a minimum of an additional \$60 million for the construction of a new hospital on the grounds of United Medical Center. All financing packages shall be in addition to the \$20 million of existing, proposed District capital funds for planning and site development for the new hospital.

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Sec. 9021. Department of Behavioral Health reporting requirements.

By October 1, 2013, the Department of Behavioral Health ("DBH") shall submit to the Council:

- (1) A report on:
 - (A) The efforts made to ensure that children receive behavioral health screenings from pediatricians at well-child and other pediatric visits;
 - (B) The percentage of children receiving such screens;
 - (C) The screening tools currently being utilized; and
 - (D) How pediatricians are reimbursed for these screens; and
- (2) If screening rates are not satisfactory, a plan for how to increase them during the remainder of fiscal year 2014.

Sec. 9022. Department of Health Care Finance reporting requirements.

(a) By October 1, 2013, the Department of Health Care Finance ("DHCF") shall submit to the Council a report on:

- (1) Strategies for auditing the DC HealthCare Alliance ("Alliance") recertification process with the Department of Human Services ("DHS"), and updated projected enrollment for fiscal year 2014;
- (2) Potential solutions to the long delays in the Alliance eligibility process that discourage eligible beneficiaries from recertifying and enrolling;
- (3) The status of the new Day Health program, including all of the following:
 - (i) Status of the State Plan Amendment approval;
 - (ii) The number of and name of providers that have been certified to receive reimbursement under the new Day Health program;
 - (iii) The number and name of providers or beneficiaries transitioned to or offering services under another provider type and no longer participating in the Day Health program; and
 - (iv) Explanation of the DHCF's reimbursement methodology;
- (4) The feasibility of a Medicaid Buy-In program for people with disabilities;
- (5) The feasibility of reimbursing nursing home providers for mental health services;
- (6) The feasibility of increasing reimbursement rates for home health aides;
- (7) The distribution of cost settlements in fiscal year 2013 and the status of transitioning hospitals from cost-based reporting to prospective reporting;
- (8) An accounting of the Nursing Home Quality of Care Fund, to date, and any plans for future expenditures in fiscal year 2014;
- (9) The status of the Elderly and Persons with Disabilities ("EPD") Waiver waitlist, including all of the following:
 - (i) The number of people currently enrolled in the EPD waiver;
 - (ii) The number of people currently on the waitlist;
 - (iii) The number of people who were offered a slot in fiscal year 2013;

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(iv) The number of people who lost the benefit because they did not timely recertify; and

(v) A strategy to address the loss of benefits for institutionalized persons; and

(10) The details of how the \$20 million of existing, proposed District capital funds for planning and site development for the Not-For-Profit Hospital Corporation will be spent before the release of those funds.

(b) Starting on October 1, 2013, and ending on September 31, 2014, DHCF shall submit to the Council a quarterly report:

(1) Assessing the performance of the Long Term Care Contractor, including data on its reduction of fraud and abuse of the Personal Care Aid ("PCA") benefit;

(2) Reflecting PCA benefit utilization and enrollment; and

(3) Assessing the performance of each Managed Care Organization ("MCO"), which shall include, at a minimum, the following information:

(A) A listing of the provider network for each MCO identifying each provider by name;

(B) The stratification of MCO membership, to date, that shall reflect the number of members initially auto-assigned to each MCO by July 1, 2013, and the number of newly eligible beneficiaries auto-assigned to each MCO that quarter, along with the total number of members enrolled in each MCO;

(C) An assessment of each MCO's compliance with each contractual network adequacy requirement and performance objective, including a description of any threatened or assessed corrective action plans or penalties; and

(D) Early and Periodic Screening, Diagnostic, and Treatment ("EPSDT") data for each MCO, including the following:

(i) Number of EPSDT providers in each MCO network;

(ii) Number of screens and percentage of children screened per quarter;

(iii) Number of mental health screens and percentage of children receiving mental health screens per quarter; and

(iv) Plans to address unsatisfactory screening rates in the next quarter.

Sec. 9023. Department of Health reporting requirements.

By October 1, 2013, the Department of Health shall submit to the Council:

(1) A report, providing an update on the Medical Marijuana Program, including:

(A) The number of people enrolled and the wards in which they live;

(B) A breakdown of the enrollees illnesses;

(C) The adequacy of the number of cultivation centers and dispensaries;

(D) Whether the number of cultivation centers or the ceiling of plants allowed to be grown is adequate or needs to be lifted;

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- (E) Whether the number of dispensaries needs to be increased;
- (F) Whether clients of the program have encountered problems with law enforcement officers;
- (G) Whether any adverse impacts or problems have arisen in neighborhoods where the cultivation centers or dispensaries are located; and
- (H) Whether any adjustment in the budget is required for the program;
- (2) A report on the Housing Opportunities for People with AIDS ("HOPWA") program, including:
 - (A) The number of people enrolled and the wards in which they live;
 - (B) The length of time each individual has lived in HOPWA housing;
 - (C) The number of residents who are employed and their salaries;
 - (D) The number of residents who are viral suppressed; and
 - (E) A detailed explanation and description of the recertification process;
- (3) A report on the Senior HIV/AIDS Program, including:
 - (A) The total number of peer educators trained;
 - (B) The number of presentations that have occurred since the program's inception;
 - (C) The locations of presentations identified, by ward;
 - (D) The number of attendees at each training;
 - (E) A review of presentation evaluations;
 - (F) The number of the corps of trainers;
 - (G) Whether any trainers have been replaced and reasons, if any, for replacement;
 - (H) The amount of stipends, if any, provided to trainers;
 - (I) The number of people currently being trained to be peer educators; and
 - (J) An itinerary of upcoming trainings;
- (4) A report on the HIV/AIDS education requirement for physician or nurse licensure recertification, including:
 - (A) A detailed plan of the commencement of the program; and
 - (B) Whether physicians, nurses, physician assistants, and nurse assistants are required to attend trainings in person or via the Internet; and
- (5) A report on the hiring of new food inspectors, including:
 - (A) The foreign-language speaking proficiency of each new inspector;
 - (B) Copies of the position announcements;
 - (C) A list of the languages spoken by each new hire; and
 - (D) Whether the Health Professionals Loan Repayment Program will pay for current or new staff to learn foreign languages.

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Sec. 9024. Not-For-Profit Hospital Corporation reporting requirements.

By October 1, 2013, the Not-For-Profit Hospital Corporation ("NFPHC") shall submit to the Council a bi-monthly report on the progress made by Huron Healthcare at the NFPHC, including:

- (1) Milestones completed;
- (2) A progress report on scheduled work and the expected completion date of such work;
- (3) Unexpected issues that have arose and plans to address those issues;
- (4) An update on issues that were scheduled to be completed before the due date of the next report, but were not, and the plan to complete them; and
- (5) Answers to any documented questions sent over by the Council to the NFPHC Board of Directors.

Sec. 9025. Deputy Mayor for Health and Human Services reporting requirements.

By October 1, 2013, the Office of the Deputy Mayor for Health and Human Services ("DMHHS") shall submit to the Council a report providing a detailed plan on the expenditure of the \$1 million of truancy prevention funds, including:

- (1) The agencies or organizations ("provider") identified to provide the services;
- (2) The criteria used to select the provider;
- (3) The specific services to be provided by the provider;
- (4) The benchmarks to be achieved for services;
- (5) The timelines for completion of these services;
- (6) The evaluation plans to be employed for each provider to measure the effectiveness of their work;
- (7) The corrective action plans, should the work not meet satisfactory standards;
- (8) The geographic location of each provider by ward;
- (9) The demographic served by the respective provider; and
- (10) The submission of quarterly reports thereafter on the Truancy Prevention program.

Sec. 9026. Cost per DYRS-involved youth.

(a) The Department of Youth Rehabilitation Services ("DYRS") shall conduct an analysis of the per-youth cost for DYRS-involved youth during the 2012 calendar year.

(b) DYRS shall identify 20 random DYRS-involved youth to analyze, as follows:

- (1) Eight youth shall have Structure for Decision Making ("SDM") scores of High to Medium High.
- (2) Seven youth shall have SDM scores of Medium.
- (3) Five youth shall have SDM scores of Low.

(c) For each of the youth identified in subsection (b) of this section, DYRS shall analyze the costs of serving the youth in calendar year 2012, including the following:

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- (1) Number of days in secure placement during the year and cost per day of secure placement;
 - (2) Number of days in non-secure placement during the year and cost per day of non-secure placement;
 - (3) Number of days linked to D.C. YouthLink service providers and the cost per service;
 - (4) Services received through other District agencies or contracts with other District agencies and the cost per service;
 - (5) Number of days in abscondence and cost per day related to abscondence; and
 - (6) Number of days in custody in adult facilities in the District or another jurisdiction and cost per day related to adult custody.
- (d) The analysis shall include an individual narrative report of services provided to each identified youth during the 2012 calendar year, identifying each youth by a unique identifier, SDM score, month and year of commitment, month and year of expected end of commitment, and annualized costs for the youth.
- (e) DYRS shall submit the analysis to the Council's Committee on Human Services no later than December 1, 2013.

TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

Sec. 9027. DC Circulator expansion planning reporting.

On or before January 31, 2014, the District Department of Transportation and DC Surface Transit, Inc. shall transmit a report to the Secretary to the Council on expanding the DC Circulator. The report shall include:

- (1) A route and plan to begin operating a new DC Circulator line along the National Mall in fiscal year 2015;
- (2) A set of routes and plans to extend the following existing DC Circulator routes in fiscal year 2015:
 - (A) Rosslyn / Georgetown / Dupont line to Adams Morgan, U Street, and Shaw;
 - (B) Union Station / Georgetown line to the National Cathedral; and
 - (C) Union Station / Navy Yard line to the Southwest Waterfront;
- (3) A set of routes and plans to extend the Skyland route to Camp Simms and other extensions in Wards 4, 5, 7, and 8;
- (4) An analysis of other ways to fund DC Circulator extension;
- (5) If fares are to be increased, the appropriate effective date for doing so;
- (6) Recommendations for improving DC Circulator operations, including improving route efficiency, passenger satisfaction, and the speed of fare collection; and
- (7) A plan for marketing the Circulator expansion and any fare changes.

ENROLLED ORIGINAL**Sec. 9028. Waste and recycling reporting.**

(a) On or before December 31, 2013, the Department of Public Works ("DPW") and the Department of General Services shall transmit a report to the Secretary to the Council on recycling by District government agencies. The report shall include:

(1) A list of each District agency, including independent agencies and instrumentalities, an indication of whether the agency complies with section 8 of the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code § 8-1007) ("Act"), by separating and recycling each item required by the Act at its offices and facilities; and

(2) For agencies that are not recycling the items required by the Act, a detailed plan and timeline for complying with the Act and recycling each required item at their sites.

(b) On or before September 30, 2014, DPW shall transmit a report to the Secretary to the Council regarding the District residences from which it collects waste and recycling twice weekly. The report shall include:

(1) A list of neighborhoods currently receiving twice weekly collections;

(2) The annual cost of providing twice weekly collections to an average residence;

(3) The annual cost of providing once weekly collections to an average residence;

(4) An analysis of whether the size of streets, alleys, yards, and containers, and other relevant factors, could allow some residences currently receiving twice weekly collections to receive once weekly collections; and

(5) The potential cost savings that would result if residences identified in paragraph (4) of this subsection currently receiving twice weekly collections were to receive collection once a week.

Sec. 9029. Speed camera safety nexus reporting.

(a) By February 1, 2014, the District Department of Transportation ("DDOT") and the Metropolitan Police Department ("MPD") shall transmit a joint report to the Secretary to the Council on speed cameras located in the District or proposed to be located in the District. The report shall include:

(1) A list of each speed camera in the District;

(2) An analysis of the speed camera's nexus with safety; and

(3) If no nexus with safety can be identified, a justification by MPD regarding the speed camera's location.

(b) By February 1, 2014, DDOT shall publish all justifications contained in the joint report pursuant to subsection (a)(3) of this section on its website.

TITLE X. REVISED REVENUE ESTIMATE ADJUSTMENT ALLOCATION**Sec. 10001. Short title.**

This subtitle may be cited as the "Revised Revenue Estimate Adjustment Allocation Act of 2013".

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Sec. 10002. Pursuant to the Fiscal Year 2014 Budget Request Act of 2013, passed on final reading on May 22, 2013 (Enrolled version of Bill 20-198), and notwithstanding any other provision of law, local revenues certified in the June 2013 revenue estimate that exceed the annual revenue estimate incorporated in the approved budget and financial plan for fiscal year 2014 shall be allocated as follows:

(1) Office of the State Superintendent of Education - \$11,000,000 to increase early childhood program infant and toddler slots by 200 and to increase the quality of existing infant and toddler slots by increasing the child care subsidy rate by 10%;

(2) Office on Aging - \$2,000,000 to increase subsidies and transfers for Senior Service Network grantees;

(3) Department of Behavioral Health - \$1,985,000 to expand the school-based mental health program;

(4) District Department of Transportation - \$3,107,000 to increase from 50% to 100% the Metrobus subsidy for students;

(5) District Department of Transportation - \$797,000 to expand the Metrobus and Metrorail subsidy for students to include 18- to 21-year-olds still attending high school;

(6) Office of the State Superintendent of Education - \$4,000,000 to be deposited in the Schools Technology Fund, established pursuant to section 10005 of the Fiscal Year 2014 Budget Support Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), for District of Columbia Public Schools and District of Columbia Public Charter Schools, to be distributed to the local education agencies on a per-pupil basis based on the Fall 2012 audited enrollment;

(7) Pay-As-You-Go Capital funds - \$2,800,000 to fund the upgrade of the DCStars system at District of Columbia Public Schools;

(8) Commission on Arts and Humanities - \$4,500,000 to increase grants for the arts;

(9) Office of the State Superintendent for Education - \$4,000,000 to expand adult literacy and career and technology education programs;

(10) Non-departmental - \$1,000,000 to provide matching funds for University of District of Columbia accreditation activities;

(11) Office of Motion Pictures and Television Development - \$4,000,000 to be deposited in the Film DC Economic Incentive Fund established pursuant to section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501);

(12) Pay-As-You-Go Capital funds - \$1,560,532 to fund a new field and fence at Dwight Mosley/Taft Recreation Center;

(13) Pay-As-You-Go Capital funds - \$1,000,000 to improve the Shaed Elementary School field;

(14) District of Columbia Housing Authority - \$3,000,000 to enhance the Local Rent Supplement Program; provided, that of this amount, 50% shall be used for tenant-based assistance, and 50% shall be used for project- or sponsor-based assistance;

ENROLLED ORIGINAL

(15) District Department of Transportation - \$421,000 for agency operations that would otherwise have been funded by a fare increase for the DC Circulator;

(16) Pay-As-You-Go Capital funds - \$4,300,000 for the renovation of the University of the District of Columbia's Bertie Backus facility;

(17) District Department of Transportation - \$480,000 to fund the automated traffic enforcement safety nexus requirements set forth in section 9029.

Sec. 10003. Student transit amendments.

Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended as follows:

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

"(a)(1) On regular school days for regular route transportation during peak and off-peak hours on the Metrobus Transit System within the District, no student shall be charged a bus fare.

"(2) The fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrorail Transit System within the District shall be 1/2 of the base boarding peak rail fare charged to passengers other than students and senior citizens for Metrorail travel within the District.

"(3) In a case where the reduced student fare as determined in paragraph (2) of this subsection results in an amount that is not a multiple of \$.05, the fare shall be rounded downward to the nearest amount that is a multiple of \$.05.

"(4) Transfers for students between rail and bus shall be made in the same manner as are transfers of other passengers, but without any additional charge for the transfer."

(b) Subsection (c) is amended to read as follows:

"(c) Reduced fares for students under this section on the Metrobus and Metrorail Transit Systems shall be available only to persons who are under 22 years of age and are:

"(1)(A) Residents of the District; and

"(B) Currently enrolled in a regular course of instruction at an elementary or secondary public, parochial, or private school located in the District; or

"(2) Youth in the District's foster care system until they reach 21 years of age."

Sec. 10004. DC Circulator fares.

Section 11d of the District Department of Transportation Establishment Act of 2002, effective March 6, 2007 (D.C. Law 16-225; D.C. Official Code § 50-921.34), is amended by adding a new subsection (c) to read as follows:

"(c) Beginning August 26, 2013, the Department shall not charge a DC Circulator fare to students on regular school days."

Sec. 10005. Schools Technology Fund.

(a) There is established as a special fund the Schools Technology Fund ("Fund"), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

ENROLLED ORIGINAL

(b) The Fund shall consist of appropriated amounts.

(c)(1) The Fund shall be used to improve technology at District of Columbia Public Schools and District of Columbia Public Charter Schools.

(2) For fiscal year 2014, the Office of the State Superintendent of Education shall distribute the amounts in the fund to local education agencies ("LEAs") on a per-pupil basis, based on the Fall 2012 audited enrollment.

(3) In fiscal year 2015 and each fiscal year thereafter, the Office of the State Superintendent of Education shall distribute any amounts in the fund to LEAs on a per-pupil basis, based on the audited enrollment for the preceding school year.

Sec. 10006. Sales tax relief.

Section 47-2002(a) of the District of Columbia Official Code is amended by striking the phrase "The rate of such tax shall be 6%" and inserting the phrase "Beginning on October 1, 2013, the rate of such tax shall be 5.75%" in its place.

Sec. 10007. Reservation of local fund revenues.

Of the fiscal year 2014 local funds revenues certified by the Chief Financial Officer in the June 2013 revenue estimate, \$18 million shall be reserved within the General Fund of the District of Columbia for the purpose of offsetting potential tax expenditures or revenue reductions pursuant to legislation that may be recommended by the Tax Revision Commission.

TITLE XI. APPLICABILITY, FISCAL IMPACT, AND EFFECTIVE DATE

Sec. 11001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2013.

Sec. 11002. 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. 11003. Effective date.

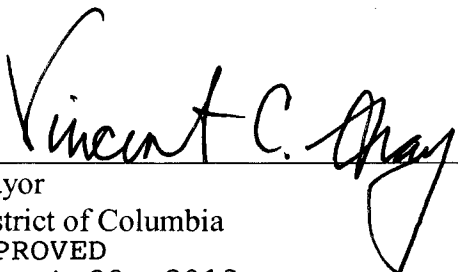
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973

ENROLLED ORIGINAL

(87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 28, 2013

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

B20-0169 THE “EMPLOYEE SUGGESTION ACT OF 2013”

AND

B20-0251 THE “GOVERNMENT MANAGERS ACCOUNTABILITY AMENDMENT ACT OF 2013”

**October 3, 2013, 11:00 AM
Room 123 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On October 3, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0169 The “Employee Suggestion Act of 2013” and B20-0251 the “Government Managers Accountability Amendment Act of 2013”. This public hearing will be held in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on these measures. The following is an outline of the stated purpose of each bill scheduled to be considered at this hearing:

- The stated purpose of the “Employee Suggestion Act of 2013” is to establish an Employee Suggestion Evaluation Commission to review District employee suggestions and grant cash awards to District employees who propose solutions that contribute to government economy or efficiency, and to create the Employee Suggestion Merit Award Fund.
- The stated purpose of the “Government Managers Accountability Amendment Act of 2013” is to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to revise the definition for management employee to clarify that any individual whose functions include the responsibility for program or project management with or without supervision of staff are considered management employees.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Monday October, 1 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 18, 2013.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

B20-0264 THE "VOTER REGISTRATION ACCESS AND MODERNIZATION AMENDMENT ACT OF 2013"

AND

B20-0412 THE "UNIVERSAL CODE OF CONDUCT AND BEGA AMENDMENT ACT OF 2013"

**October 7, 2013, 11:00 AM
Room 412 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On October 7, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0264 The "Voter Registration Access and Modernization Amendment of 2013" and B20-0412 the "Universal Code of Conduct and BEGA Amendment Act of 2013". This public hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on these measures. The following is an outline of the stated purpose of each bill scheduled to be considered at this hearing:

- The stated purpose of the "Voter Registration Access and Modernization Amendment of 2013" is to amend the District of Columbia Election Code of 1955 to authorize the Board of Elections to provide and operate an online voter registration system and allow an individual to apply to become a registered voter and update voter registration information through an online voter registration system.
- The stated purpose of the "Universal Code of Conduct and BEGA Amendment Act 2013" To amend the Board of Ethics and Government Accountability Establishment and 15 Comprehensive Ethics Reform Amendment Act of 2011 to subject certain conduct to the 16 Code of Conduct enforceable by the Board of Ethics and Government Accountability; to 17 clarify that the Code of Conduct applies to the entire District government and its 18 instrumentalities, while excluding the courts; to require the Board to develop a universal 19 Code of

Conduct for review and approval by the Council; to allow the Director access to 20 government records without a subpoena; to require District employees and public officials 21 to cooperate with official functions of the Board, subject to penalties for knowing or 22 willful false statements; to allow the Director 30 days from the initiation of a formal 23 investigation to present evidence to the Board; to allow the Director to pursue a civil fine 24 and refer matters for criminal prosecution; to clarify that any failure to obey the order of 25 the court enforcing a penalty imposed by the Board may be treated by the court as 26 contempt; and to create an affirmative obligation for employees and public officials to 27 report conduct that violates the Code of Conduct.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday October, 3 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 23, 2013.

Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS

ANNOUNCES A PUBLIC HEARING ON

B20-346 THE “PUBLIC SERVICE COMMISSION AND PEOPLE’S COUNSEL TERMS OF SERVICE HARMONIZATION AMENDMENT ACT OF 2013”

AND

B20-418 THE “RENEWABLE ENERGY STANDARD PORTFOLIO AMENDMENT ACT OF 2013”

October, 16 2013, 11:00 AM
Room 500 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004

On October 16, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-346 the “Public Service Commission and People’s Counsel Terms of Service Harmonization Amendment Act of 2013” and B20-418 the “Renewable Energy Standard Portfolio Amendment Act of 2013.” This public hearing will be held in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on these measures. The following is an outline of the stated purpose of each bill scheduled to be considered at this hearing:

- The stated purpose of the B20-346 The “Public Service Commission and People’s Counsel Terms of Service Harmonization Amendment Act of 2013” is to amend an Act making appropriations to provide for the expenses of the government of the 11 District of Columbia for fiscal year ending June 30, 1914, and for other purposes, to change the calculation of the terms for Public Service Commissioners and to amend An Act to provide for a People’s Counsel for the Public Service Commission of the District of Columbia, and for other purposes, to extend the term of the People’s Counsel from 3 years to 4 years.
- The stated purpose of B20-418 the “Renewable Energy Standard Portfolio Amendment Act of 2013” is to amend the Renewable Energy Portfolio Standard Act of 2004 to eliminate the use of black liquor, and the use of biomass from old and inefficient facilities, as eligible renewable sources for Tier 1 credits.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Monday October 14, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 29, 2013.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
COMMITTEE ON FINANCE AND REVENUE
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCE A PUBLIC HEARING ON

B20-387 THE "ELECTRIC COMPANY INFRASTRUCTURE IMPROVEMENT FINANCING ACT OF 2013"

**October, 21 2013, 11:00 AM
Room 412 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On October 21, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations will convene a public hearing on B20-387 the "Electric Company Infrastructure Improvement Financing Act of 2013." This public hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on this measure. The stated purpose of the B20-387 the "Electric Company Infrastructure Improvement Financing Act of 2013" is to authorize and provide for the issuance of revenue bonds under Section 490 of the District of Columbia Home Rule Act; the authorization of the District of Columbia Public Service Commission ("Commission") to issue financing orders, upon application, that provide for: (i) financing of the costs of constructing underground conduits, ducts, manholes, vaults and ancillary facilities for electric distribution in the District of Columbia ("District"), and associated roadway restoration; (ii) creating a property right in favor of the District in the future revenue stream raised through the imposition of a charge on the electric company's District customers; (iii) authorizing the District to hold this property right and to pledge the same as security for its repayment obligations to bond purchasers; and (iv) authorizing the District, to provide funding from the bond proceeds to the District Department of Transportation ("DDOT") to finance construction of underground conduits, duct banks, manholes, vaults and ancillary facilities for electric distribution in the District, together with associated roadway restoration; the authorization of the Commission to issue orders, upon application, that provide for the: (i) selection and construction of underground electric distribution and ancillary facilities in the District; (ii) imposition and annual true-up of a special funding surcharge mechanism under which the electric company is to be permitted to recover from certain of its customers in the District the capital costs and

associated depreciation and other expense relating to relocating and otherwise installing electric distribution line and equipment and ancillary facilities into underground conduits, duct banks, manholes and vaults constructed by DOOT or the electric company; and (iii) imposition by the Commission and annual true-up of a special financing surcharge applicable to certain of the electric company's customers in the District to fund the repayment of bonds issued by the District to finance the construction by the DDOT of underground conduits, vaults, manholes and ancillary facilities to be used in the distribution of electricity in the District.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director for the Committee on Government Operations at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday October 17, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on November 5, 2013.

Council of the District of Columbia
Committee on Human Services
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
COUNCILMEMBER JIM GRAHAM, CHAIRPERSON**

ANNOUNCES A PUBLIC HEARING ON

BILL 20-414, "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES COST-OF-LIVING ADJUSTMENT AMENDMENT ACT OF 2013"

**THURSDAY, OCTOBER 3, 2013 –
11:00 A.M.**

**COUNCIL CHAMBER, ROOM 500
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Jim Graham, Chair of the Committee on Human Services, announces a Public Hearing on Bill 20-414, "Temporary Assistance for Needy Families Cost-of-Living Adjustment Amendment Act of 2013." The hearing will be held on Thursday, October 3, 2013 at 11:00 a.m. in the Council Chamber, Room 500, of the John A. Wilson Building.

Bill 20-414 would amend the District of Columbia Public Assistance Act of 1982 to reestablish the automatic cost-of-living adjustments to the Temporary Assistance for Needy Families payments.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191 by Wednesday, October 2, 2013. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their written testimony to the hearing. Individuals will be permitted 3 minutes for oral presentation -- individuals representing organizations or groups will be permitted 5 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Human Services, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, no later than 6:00 p.m., Monday, October 14, 2013, when the official record will close.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public Oversight Roundtable**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite G-6 Washington, DC 20004

**Councilmember Vincent B. Orange, Sr., Chair
Committee on Business, Consumer, and Regulatory Affairs
Announces a Public Oversight Roundtable**

on

**A Review of the Office of Motion Picture and Television Development's Plans
For Incentivizing Film and Television Production for Fiscal Year 2014**

**WEDNESDAY, OCTOBER 2, 2013, 10 A.M.
JOHN A. WILSON BUILDING, ROOM 500
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable by the Committee on Business, Consumer, and Regulatory Affairs to review the Office of Motion Picture and Television Development's (OMPTD's) fiscal year 2014 plans for incentivizing film and television production in the District of Columbia.

The public oversight roundtable is scheduled for Wednesday, October 2, 2013, at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. The purpose of the public oversight roundtable is to receive an update from the OMPTD on studies commissioned in FY 2013 to examine the feasibility of providing a workable competitive film incentive program and of the economic benefits of establishing state-of-the-art soundstage in the District of Columbia. The Committee is also interested in learning how the agency will manage the Film DC Economic Incentive Fund, which was provided with \$4 million under the FY 2014 Budget Support Act, and increase revenues for the District's treasury, and the recent decision of the Metropolitan Police Department to deny permits for a recent shooting of the Netflix production of "House of Cards," in which the MPD would be portrayed providing a fictional presidential motorcade.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell, Administrative Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at fcaldwell@dccouncil.us or Gene Fisher, Committee Director, at gfisher@dccouncil.us and furnish their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business Wednesday, September 25, 2013. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of government agencies, corporate industry, and industry organizations will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public oversight roundtable, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, October 16, 2013. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Council of the District of Columbia
Committee on Human Services
PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
COUNCILMEMBER JIM GRAHAM, CHAIRPERSON**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**THE DISTRICT OF COLUMBIA'S COMMUNITY SERVICES BLOCK GRANT
PROGRAM**

**THURSDAY, SEPTEMBER 26, 2013 -- 2:00 P.M.
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
ROOM 120
WASHINGTON, D.C. 20004**

Councilmember Jim Graham, Chairperson of the Committee on Human Services, announces a Public Oversight Roundtable on the "District of Columbia's Community Services Block Grant Program." The roundtable will be held on Thursday, September 26, 2013, at 2:00 p.m., in Room 120 of the John A. Wilson Building.

The Community Services Block Grant Program provides funds to alleviate the causes and conditions of poverty in the District of Columbia. In accordance with the federal Community Services Block Grant Act (42 USC 9901 *et seq*), the Committee convenes this roundtable to receive public comment on the District's plan for Community Services Block Grant activities. The Committee will hear from the Department of Human Services, as well as the United Planning Organization in its capacity as a community action agency.

Those who wish to testify or have questions regarding the roundtable should contact Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their testimony to the roundtable. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Human Services, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, no later than 6:00 p.m., Monday, October 7, 2013, when the official record will close.

Council of the District of Columbia

Committee on Human Services

PUBLIC OVERSIGHT ROUNDTABLE

1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
COUNCILMEMBER JIM GRAHAM, CHAIRPERSON**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**PERFORMANCE OUTCOMES OF THE DEPARTMENT OF HUMAN SERVICES'
TANF EMPLOYMENT PROGRAM PROVIDERS**

**MONDAY, SEPTEMBER 16, 2013 -- 11:00 A.M.
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
ROOM 500
WASHINGTON, D.C. 20004**

Councilmember Jim Graham, Chairperson of the Committee on Human Services, announces a public oversight roundtable on the "Performance Outcomes of the Department of Human Services' TANF Employment Program Providers". The roundtable will be held on Monday, September 16, 2013, at 11:00 a.m., in Room 500 of the John A. Wilson Building.

The mission of the Department of Human Services' (DHS) TANF Employment Program (TEP) is to assist TANF recipients in enhancing their education and skill levels in preparing for, finding, and retaining unsubsidized employment in order to ultimately earn family sustaining incomes and no longer require public assistance. TEP relies on contracted employment providers to provide work readiness, job placement, and retention services to TANF recipients who are not exempt from work requirements. The purpose of this roundtable is to give DHS the opportunity to present the outcomes of the TEP providers in key performance areas.

Those who wish to testify or have questions regarding the roundtable should contact Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their testimony to the roundtable. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Human Services, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, no later than 6:00 p.m., Monday, September 23, 2013, when the official record will close.

*****Correction**

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 1:30 pm on December 11, 2013.

NATURE OF OPERATION

Tavern style restaurant 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 7 am – 2 am and Friday & Saturday 7 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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/6/2013
PETITION DATE: 10/21/2013
HEARING DATE: 11/4/2013

License Number: ABRA-071202
License Class/Type: C Nightclub
ANC: 1A

Applicant: The Wonderland Ballroom, LLC
Trade Name: The Wonderland Ballroom
Premise Address: 1101 KENYON ST NW

Endorsements: Sidewalk Cafe, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Summer Garden Operation	Hours of Entertainment
SUN:	10 am - 2 am	10 am - 2 am			-
MON:	10 am - 2 am	10 am - 2 am			-
TUE:	10 am - 2 am	10 am - 2 am	Refer - ABRA		-
WED:	10 am - 2 am	10 am - 2 am			-
THU:	10 am - 2 am	10 am - 2 am			-
FRI:	10 am - 3 am	10 am - 3 am			-
SAT:	10 am - 3 am	10 am - 3 am			-

License Number: ABRA-000704
License Class/Type: C Nightclub
ANC: 2B

Applicant: Fabwill Inc
Trade Name: Royal Palace
Premise Address: 1805 CONNECTICUT AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	3 pm - 2 am	3 pm - 2 am	-
MON:	11:30 am - 2 am	11:30 am - 2 am	-
TUE:	11:30 am - 2 am	11:30 am - 2 am	-
WED:	11:30 am - 2 am	11:30 am - 2 am	-
THU:	11:30 am - 2 am	11:30 am - 2 am	-
FRI:	11:30 am - 3 am	11:30 am - 3 am	-
SAT:	3 pm - 3 am	3 pm - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/6/2013
PETITION DATE: 10/21/2013
HEARING DATE: 11/4/2013

License Number: ABRA-075240
License Class/Type: C Tavern
ANC: 1B

Applicant: Rocdo LLC
Trade Name: Nellie's Restaurant & Sports Bar
Premise Address: 900 U ST NW

Endorsements: Cover Charge, Dancing, Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Summer Garden Operation	Hours of Sales Summer Garden	Hours of Entertainment
SUN:	8 am - 2 am	10 am - 2 am	8 am - 2 am	10 am - 2 am	6 pm - 2 am
MON:	8 am - 2 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	6 pm - 2 am
TUE:	8 am - 2 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	6 pm - 2 am
WED:	8 am - 2 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	6 pm - 2 am
THU:	8 am - 2 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	6 pm - 2 am
FRI:	8 am - 3 am	8 am - 3 am	8 am - 3 am	8 am - 3 am	6 pm - 3 am
SAT:	8 am - 3 am	8 am - 3 am	8 am - 3 am	8 am - 3 am	6 pm - 3 am

License Number: ABRA-090830
License Class/Type: C Tavern
ANC: 2B

Applicant: TOP SHELF GROUP LLC
Trade Name: GRYPHON (THE)
Premise Address: 1337 CONNECTICUT AVE NW

Endorsements: Dancing, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10 am - 3 am	10 am - 2 am	6 pm - 2 am
MON:	10 am - 3 am	10 am - 2 am	6 pm - 2 am
TUE:	10 am - 3 am	10 am - 2 am	6pm - 2 am
WED:	10 am - 3 am	10 am - 2 am	6 pm - 2 am
THU:	10 am - 3 am	10 am - 2 am	6 pm - 2 am
FRI:	10 am - 4 am	10 am - 3 am	6 pm - 3 am
SAT:	10 am - 4 am	10 am - 3 am	6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/6/2013
PETITION DATE: 10/21/2013
HEARING DATE: 11/4/2013

License Number: ABRA-086789
License Class/Type: C Tavern
ANC: 2B

Applicant: Capitol City Brewing Company LLC
Trade Name: Penthouse Pool & Lounge
Premise Address: 1612 U ST NW

Endorsements: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Summer Garden Operation	Hours of Sales Summer Garden	Hours of Entertainment
SUN:	10 am - 12 am	10 am -12 am	10 am - 12 am	10 am - 12 am	-
MON:	8 am - 12 am	8 am - 12 am	8 am - 12 am	8 am - 12 am	-
TUE:	8 am - 12 am	8 am - 12 am	8 am - 12 am	8 am - 12 am	-
WED:	8 am - 12 am	8 am - 12 am	8 am - 12 am	8 am - 12 am	-
THU:	8 am - 12 am	8 am - 12 am	8 am - 12 am	8 am - 12 am	-
FRI:	8 am - 1 am	8 am - 1 am	8 am - 1 am	8 am - 1 am	-
SAT:	8 am - 1 am	8 am - 1 am	8 am - 1 am	8 am - 1 am	-

License Number: ABRA-076076
License Class/Type: C Tavern
ANC: 4C

Applicant: Red Derby, LLC
Trade Name: Red Derby
Premise Address: 3718 14TH ST NW

Endorsements: Sidewalk Cafe, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Summer Garden Operation	Hours of Entertainment
SUN:	11 am - 2 am	11 am -2 am	11 am - 12 am	11 am - 2 am	-
MON:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 2 am	-
TUE:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 2 am	-
WED:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 2 am	-
THU:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 2 am	-
FRI:	11 am - 3 am	11 am - 3 am	11 am - 12 am	11 am - 3 am	-
SAT:	11 am - 3 am	11 am - 3 am	11 am - 12 am	11 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/6/2013
PETITION DATE: 10/21/2013
HEARING DATE: 11/4/2013

License Number: ABRA-070773
License Class/Type: C Tavern
ANC: 4C

Applicant: La Libertad Restaurant Inc.
Trade Name: La Libertad Restaurant
Premise Address: 4622 14TH ST NW

Endorsements: Dancing, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
MON:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
TUE:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
WED:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
THU:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
FRI:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
SAT:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

License Number: ABRA-083930
License Class/Type: C Tavern
ANC: 6A

Applicant: Queen Vic, LLC
Trade Name: The Queen Vic
Premise Address: 1206 H ST NE

Endorsements: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Summer Garden Operation	Hours of Sales Summer Garden	Hours of Entertainment
SUN:	8 am - 5 am	11 am - 2 am	10 am - 3 am	11 am - 2 am	-
MON:	8 am - 5 am	11 am - 2 am	10 am - 3 am	11 am - 2 am	-
TUE:	8 am - 5 am	11 am - 2 am	10 am - 3 am	11 am - 2 am	-
WED:	8 am - 5 am	11 am - 2 am	10 am - 3 am	11 am - 2 am	-
THU:	8 am - 5 am	11 am - 2 am	10 am - 3 am	11 am - 2 am	-
FRI:	8 am - 5 am	11 am - 3 am	10 am - 4 am	11 am - 3 am	-
SAT:	8 am - 5 am	11 am - 3 am	10 am - 4 am	11 am - 3 am	-

RE-ADVERTISEMENT

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 6, 2013
 Petition Date: October 21, 2013
 Hearing Date: November 4, 2013
 Protest Hearing Date: December 11, 2013

License No.: ABRA-092684
 Licensee: 301 Romeo, LLC
 Trade Name: Romeo & Juliet
 License Class: Retailer’s Class “C” Restaurant
 Address: 301 Massachusetts Avenue NE
 Contact: Andrew J. Kline, 202-686-7600

WARD 6 ANC 6C SMD 6C02

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 Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W, 4th Floor, 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 for 1:30pm on December 11, 2013.

NATURE OF OPERATION

New restaurant serving American food. No entertainment. Seating for 90 patrons, Total occupancy load is 90. Sidewalk Café with seating for 170 patrons.

HOURS OF OPERATION FOR INSIDE PREMISES AND SIDEWALK CAFE

Sunday through Thursday 7am-2am; Friday and Saturday 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SIDEWALK CAFÉ

Sunday through Thursday 8am-2am; Friday and Saturday 8am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 6, 2013
Petition Date: October 21, 2013
Hearing Date: November 4, 2013
Protest Date: December 11, 2013

License No.: ABRA-092948
Licensee: Upshur Restaurant, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 828 Upshur St. NW
Contact: Paul W. Ruppert 202-783-3933

WARD 4

ANC 4C

SMD 4C07

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 1:30 pm on December 11, 2013

NATURE OF OPERATION

Restaurant serving a chef - driven menu of Japanese-French inspired food and cocktails. No entertainment and no nude dancing. Seating capacity and total occupancy load of 25.

HOURS OF OPERATION

Sunday through Thursday 8 am - 2 am and Friday & Saturday 8 am - 3 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday 10 am - 2 am, Monday through Thursday 8 am - 2 am and Friday & Saturday 8 am - 3 am

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 13-06: The Round House
1001 Irving Street NE
Square 3876, Lot 9

Case No. 13-19: The Metropolitan Apartments
200-210 Rhode Island Avenue NE
Square 3560, Lots 810 and 811

The hearing will take place at **9:00 a.m. on Thursday, October 24, 2013**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**MAYOR'S AGENT
FOR THE HISTORIC LANDMARK AND HISTORIC DISTRICT PROTECTION ACT**

NOTICE OF PUBLIC HEARINGS

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearings will be held at the Office of Planning, 1100 4th Street, SW, Suite E650.

- 1) Hearing Date: **Monday, October 21, 2013, at 1:30 p.m.**
 Case Number: H.P.A. 13-373
 Address: 3101 M Street, NW
 Type of Work: Alteration/addition – replacement of windows

Affected Historic Property: Georgetown Historic District
Affected ANC: 2E

The Applicant's claim is that the alteration is consistent with the purposes of the Act and that the failure to issue the permit will result in unreasonable economic hardship to the owner.

The hearing will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapter 4), which are on file with the D.C. Historic Preservation Office and posted on the Office website under "Regulations." The office is located at the Office of Planning, 1100 4th Street, SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at (202) 442-8800.

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF FINAL RULEMAKING**

The District of Columbia Retirement Board (the Board), pursuant to the authority set forth in Section 121(i) of the District of Columbia Retirement Reform Act of 1979, effective November 17, 1979, (Pub. L. 96-122, 93 Stat. 866; D.C. Official Code § 1-711(e) (2011 Repl.)) (the Reform Act), hereby gives notice of the adoption of final rulemaking to amend the District of Columbia Retirement Board Rules under Chapter 15 (District of Columbia Retirement Board) of Title 7 (Employee Benefits) of the District of Columbia Municipal Regulations. The purpose of the final rule is to revise the Board's standards for establishing a quorum when vacancies occur.

The Board stated its intent to publish the proposed rule as final in the Notice of Proposed Rulemaking published in the *D.C. Register* on August 2, 2013 (60 DCR 11286). No comments were received and no substantive changes were made to the proposed rulemaking. This rule was adopted by the Board on July 18, 2013 and will become effective upon publication of this notice in the *D.C. Register*.

Section 1511, QUORUM, of Chapter 15, DISTRICT OF COLUMBIA RETIREMENT BOARD, of Title 7, EMPLOYEE BENEFITS, of the District of Columbia Municipal Regulations is amended as follows:

Subsection 1511.1 is amended to read as follows:

1511.1 The applicable statutory requirements shall determine the number of members constituting a quorum for the transaction of Board business. A majority of members actually serving on the Board constitute a quorum when there are vacancies. Board business cannot be transacted until a quorum is present. For this purpose, "present" means (a) physically attending the meeting or (b) participating in the meeting via teleconference, via videoconference, or via other electronic means as the Board determines.

DEPARTMENT OF HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Section 5(a) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-504(a) (2012 Supp.)) (hereinafter “the Act”), and in accordance with Mayor’s Order 98-137, dated August 20, 1998, hereby gives notice of the intent to adopt a proposed rulemaking to add a new Chapter 102, entitled “Ambulatory Surgical Facilities”, to Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

These proposed rules create licensure, construction and operating standards for ambulatory surgical facilities in the District of Columbia, and address such areas as patient care, qualifications of staff and recordkeeping. They were published as proposed in the *D.C. Register* on November 23, 2012, comments were received and, based on those comments, some revisions were made. The proposed rulemaking is now being published for comment a second time.

The Director also gives notice of intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*, and upon completion of the forty-five (45) day Council review period if the Council does not act earlier to adopt a resolution approving the rules.

Subtitle B, Public Health and Medicine, of Title 22, Health, of the District of Columbia Municipal Regulations is amended by adding a new Chapter 102, Ambulatory Surgical Facilities, to read as follows:

CHAPTER 102 AMBULATORY SURGICAL FACILITIES**10200 GENERAL PROVISIONS**

10200.1 This chapter applies to all freestanding ambulatory surgical facilities (“ASF”), but shall exclude freestanding maternity centers and freestanding kidney dialysis centers.

10200.2 In the absence of requirements in this chapter or in other applicable regulations, the management and operation of each ASF shall be in accordance with Joint Commission standards and good medical and public health practices, and with the following standards regarding:

- (a) Pharmaceutical services, Title 42 of the Code of Federal Regulations (hereinafter "CFR") § 416.48;
- (b) Laboratory and radiological services, 42 CFR § 416.49;
- (c) Infection control, 42 CFR § 416.51;

- (d) Surgical services, 42 CFR § 416.42;
 - (e) Anesthesia services, 42 CFR § 416.42(a); and
 - (f) Emergency services, 42 CFR § 416.44(c)-(d).
- 10200.3 If an ambulatory surgical facility delivers services through a contract with a business that is licensed by another jurisdiction, the ASF shall be responsible for delivery of services in compliance with the laws of the District of Columbia.
- 10200.4 Each ASF shall be licensed and shall comply with the requirements set forth in this Chapter and with those requirements set forth in Chapter 31 of Title 22-B of the District of Columbia Municipal Regulations (“DCMR”), which contains provisions on inspections, licensing and enforcement actions pertaining to ASFs and other facilities authorized under the Act.
- 10200.5 In addition to standards specified in this chapter, an ASF shall comply with:
- (a) Section 9 of the Act (D.C. Official Code § 44-508) with regard to clinical privileges;
 - (b) Applicable federal standards if the ASF is a participant in the Medicare or Medicaid program; and
 - (c) Any District of Columbia law that is applicable to the operation of an ASF in the District of Columbia.
- 10200.6 A license is nontransferable.
- 10200.7 The following facilities are not required to obtain a license under this chapter: an office of a licensed physician, dentist or podiatrist at which outpatient surgery is not the primary medical service provided; a licensed nursing home; or a licensed hospital.
- 10200.8 Each ASF shall apply for District of Columbia licensure no later than one hundred and eighty (180) days after the effective date of this chapter.
- 10200.9 The ASF’s license shall be posted in a conspicuous place in the ASF within the public’s view.
- 10200.10 Each facility shall meet the minimum requirements for insurance as appropriate for the number and types of beds in the facility and the number and types of services available as determined by the Director.
- 10200.11 Surgical procedures allowed in licensed ASFs are listed in § 10208 of this chapter.

10201 ADDITIONAL LICENSING PROCEDURES FOR AMBULATORY SURGICAL FACILITIES

10201.1 Any ASF and any applicant to operate an ASF shall:

- (a) Be designated by a distinctive name, which shall not be changed without notifying the Director and receiving approval in writing. Duplication of an existing facility's name is prohibited;
- (b) Be in compliance with all local and federal laws, including the District's Fire and Life Safety Code;
- (c) Submit a written description of the ASF's quality assurance program that meets the requirements of this chapter;
- (d) Provide the following:
 - (i) The governing body's bylaws, rules and regulations, or other written organizational plan;
 - (ii) The name of the medical director and his or her District of Columbia license number, and license expiration date;
 - (iii) The number of physicians, dentists, podiatrists and advance practice nurses on staff;
 - (iv) Staffing plans for medical, nursing, allied health and behavioral health services;
 - (v) The name of the nursing director, his or her District of Columbia license number, and license expiration date;
 - (vi) The number of surgical suites and recovery rooms; and
 - (vii) Written fire and emergency plans and procedures.
- (e) In cases of an ASF applying for first licensure after purchase, and previously licensed under other ownership, the licensure application shall include:
 - (i) A signed agreement with the Director to correct any deficiencies listed in the most recent licensure inspection report;
 - (ii) A copy of the closing documents, which must include an effective date and the signatures of the buyer and seller; and

- (iii) Evidence of payment of, or arrangement to pay, any money owed to the District by the ASF.

10201.2 There shall be disclosure of ASF ownership as follows:

- (a) If owned by an individual, partnership or trust, the names and ownership percentages of such individuals, partners or trustees must be provided, except that, in the case of a limited partnership, such information shall be provided only for those owning 10% or more of the partnership interest and the general partner.
- (b) If owned by a for-profit corporation, the names of all stockholders with more than ten percent (10%) interest shall be disclosed.
- (c) If owned by a not-for-profit corporation, the names of the members and directors of the corporation shall be disclosed.

10201.3 Any changes in or additions to any information in the ownership control document shall be reported to the Director thirty (30) days prior to the change in ownership.

10202 SEPARATE LICENSE

10202.1 A separate license shall be required for ASFs maintained on separate premises although operated under the same management. A separate license is not required for separate buildings on the same grounds or within the same complex of buildings.

10202.2 A hospital that has a separate ASF that is located outside the grounds of the licensed hospital is required to have a separate license for that facility.

10203 INSPECTIONS AND ACCREDITATION

10203.1 The Department shall conduct inspections, surveys and investigations in accordance with the Act and with Chapter 31 of Title 22-B of the District of Columbia Municipal Regulations (22-B DCMR Chapter 31).

10203.2 An ambulatory surgical facility may request exemption from inspection or surveys, after having been licensed for at least one year, by submitting to the Department documentation of accreditation by, and the most recent survey from, an approved accrediting body.

10203.3 An ambulatory surgical facility that opts to be accredited in lieu of routine license inspection and is certified for federal participation shall comply with 42 CFR 416.26(a)(2) and 42 CFR 416.40, which require that federal participants meet licensure requirements in order to maintain certification.

10203.4 An ambulatory surgical facility that completes the requirements of Subsection 10203.2 will not be subject to inspections or licensure surveys by the Department except under the following circumstances:

- (a) The ambulatory surgical facility has applied for and has been denied accreditation or has received a provisional accreditation report from the accrediting organization on its most recent survey;
- (b) The ambulatory surgical facility has received full accreditation but has not authorized the release of the accrediting body's report to the Department, or the Department has received the accrediting organization's report timely; or
- (c) The Department determines, after receiving a complaint or incident report, that because of the nature or number of allegations of noncompliance, a survey by the Department is required.

10203.5 Accreditation does not limit the Department's investigation of complaints.

10203.6 Licensees must comply with statutory provisions on inspections and accreditation as set out in the Act at D.C. Official Code § 44-505.

10204 LICENSE ISSUANCE AND FEE

10204.1 No person may establish or operate an ASF without obtaining a license from the Director.

10204.2 Each application for a license or license renewal shall be accompanied by a license fee of seven hundred dollars (\$700).

10204.3 Every license shall state the name and address of the ASF, the number of surgical suites and recovery rooms of the ASF, the period of licensure of the ASF, and the services the ASF provides.

10204.4 Each license shall be returned to the Director immediately upon change of ownership or voluntary cessation of services or when the license is suspended or revoked.

10204.5 Each license shall be renewed annually in accordance with 22 DCMR §§ 3102 and 3104.

10204.6 An ASF shall submit an application for licensure renewal and the application fee to the Director no later than ninety (90) days before the expiration date of the current license.

10205 ADMINISTRATION AND OPERATION

10205.1 The ASF must have a governing body that sets policy and assumes full legal responsibility for the operation of the ASF.

10205.2 The responsibilities of the governing body shall include the following:

- (a) Determining the mission, goals, and objectives of the ASF;
- (b) Ensuring that facilities and personnel are adequate and appropriate to carry out the mission;
- (c) Establishing an organizational structure and specifying functional relationships among the various components of the ASF;
- (d) Adopting written bylaws and written policies for the orderly operation, development and management of the ASF;
- (e) Ensuring that the quality of care is evaluated and that problems are identified and addressed;
- (f) Reviewing all legal and ethical matters concerning the ASF and its staff and, when necessary, responding appropriately;
- (g) Maintaining effective communication throughout the ASF;
- (h) Establishing a system of financial management and accountability that includes an audit appropriate to the ASF;
- (i) Developing, implementing, and enforcing written policies on the rights of patients;
- (j) Approving all major contracts or arrangements affecting the medical care provided, including, but not limited to, those concerning:
 - (i) The employment of health care practitioners;
 - (ii) Effective procedures and agreements with a local hospital for transfer of patients if necessary in an emergency or for care beyond the capability of the ASF;
 - (iii) The use of external laboratories;
 - (iv) An effective procedure for obtaining emergency laboratory, radiology, and pharmaceutical services if laboratory, X-ray, and pharmacy services are not provided on site; and

- (v) The provision of education to students and postgraduate trainees if the ASF participates in such programs;
- (k) Formulating long-range plans in accordance with the mission, goals, and objectives of the ASF;
- (l) Assuring that all marketing and advertising concerning the ASF are truthful and do not imply that it provides care or services which it does not or cannot provide;
- (m) Developing a system of risk management appropriate to the ASF including, but not limited to:
 - (i) Periodic review of all litigation involving the ASF, its staff, and health care practitioners regarding activities in the ASF;
 - (ii) Periodic review of all incidents reported by staff and patients;
 - (ii) Review of all deaths, trauma, or adverse reactions occurring on the premises;
 - (iv) Evaluation of patient complaints;
- (n) Providing for the initial appointment, reappointment, assignment or the curtailment of privileges and practice for physicians and non-physicians; and
- (o) Developing policies and procedures on reporting unusual incidents to the licensing agency which included events that result in death, wrong-site surgery, accidents, injury drug error, abuse or neglect.

10205.3 An ASF shall have a formal organizational plan with written by-laws, rules and regulations or their equivalent that clearly set forth the organization of the ASF, and the duties, responsibilities, accountability and relationships of professional staff and other personnel.

10205.4 The by-laws, rules and regulations, or their equivalent, shall include at least the following information about the ASF:

- (a) A statement of its purpose, mission and goals;
- (b) A description of the functions and duties of its governing body;
- (c) A statement of authority and responsibility delegated to its administrator and medical staff; and

- (d) Provision of guidelines for relationships among its governing body, administrator, and medical staff.
- 10205.5 An ASF governing body shall meet at least annually and keep minutes or records as necessary for the orderly conduct of the ASF.
- 10205.6 If an ASF's governing body elects, appoints or employs officers to carry out any of its directives, the authority, responsibility and functions of all such positions shall be clearly defined and maintained in writing.
- 10205.7 The responsibility for the daily administration and management of the ASF shall be vested in an administrator, who shall be appointed by the governing body, and whose qualifications, authority and duties shall be defined in a written statement adopted by the governing body. The administrator's duties shall include:
- (a) Implementing the facility's policies and coordinating the provision of services;
 - (b) Organizing and coordinating administrative functions;
 - (c) Establishing procedures for the accountability of personnel involved in patient care;
 - (d) Training staff on the facility's policies and procedures, and on applicable local and federal law;
 - (e) Participating in the development of organizational and fiscal planning for the ASF;
 - (f) Participating in the development, negotiation and implementation of agreements or contracts to which the ASF is a party;
 - (g) Ensuring that all personnel receive orientation and have sufficient experience to perform the duties of the job for which they were hired; and
 - (h) Ensuring that all personnel are licensed or certified as appropriate under District law.
- 10205.8 The administrator, in consultation with other professional staff as necessary, including but not limited to the medical and nursing directors, shall develop and implement policies and procedures governing the operation of the facility.
- 10205.9 The administrator shall ensure that policies and procedures are reviewed by staff at least annually and revised as necessary. The governing body shall approve all policies and procedures and any revisions thereto.

- 10205.10 The ASF is required to develop and implement policies regarding the following:
- (a) Policies that establish the type, scope and delivery of services provided by the ASF either directly or through contractual arrangements;
 - (b) Policies regarding the granting of clinical privileges to physicians, podiatrists, physician assistants and advanced practice nurses in accordance with section 8 of the Act (D.C. Official Code § 44-507);
 - (c) Personnel policies delineating functional responsibility, authority and job descriptions, requirements for appropriate licensure, and the specific responsibilities and privileges of employment;
 - (d) Required methods of communication to be used among personnel to provide for the orderly flow of information;
 - (e) The types of anesthesia that may be used;
 - (f) Admissions and discharge policies, including criteria for evaluating the patient before admission and at discharge, and providing aftercare plans;
 - (g) The protocols for providing surgical and medical care in emergencies;
 - (h) The preoperative testing and postoperative recovery and care;
 - (i) The proper handling of pharmaceuticals;
 - (j) The appropriate transfer and referral of patients who require emergency services or services not provided by the facility;
 - (k) The required written informed consent of the patient prior to any medical procedure;
 - (l) The maintenance, disposal and transport of medical waste and pharmaceuticals;
 - (m) The maintenance of equipment to ensure proper safety and operation;
 - (n) The regulation of the use, removal, handling and storage of any radioactive material;
 - (o) The precautions against electrical, mechanical and radiation hazards;
 - (p) The safe storage and use of anesthetics and medical gases;

(q) Patient rights; and

(r) Infection control.

10205.11 The administrator shall ensure that the written policies and procedures are available at all times for staff inspection and use, and that appropriate personnel implement all policies and procedures as adopted.

10205.12 All written policies and procedures shall be made available to the Director upon request.

10206 PERSONNEL

10206.1 The administrator shall ensure that all personnel:

(a) Have sufficient documented experience to demonstrate competency to perform assigned duties, and

(b) Are licensed and certified by all appropriate licensing boards to practice in the District, if required by law;

(c) Comply with criminal background check requirements (D.C. Official Code § 44-551), and all applicable federal and local employment laws;

(d) Have malpractice insurance, if applicable;

(e) Practice in accordance with applicable state and federal law and conform to the standards and ethics of their profession;

10206.2 Each employee, prior to employment and once every two (2) years thereafter, shall provide a physician's certification that a health inventory has been performed, and that the employee's health status would allow him or her to perform the required duties. The health inventory shall show either that the employee is free from any active communicable disease (including but not limited to tuberculosis), or that he or she is receiving follow-up care and active treatment that would prevent the communication of the disease.

10206.3 Each physician shall have a health examination performed by another physician or other qualified health care professional at the time of appointment and once every two (2) years thereafter;

10206.4 Preventative measures as well as testing and frequency of testing for tuberculosis shall be in accordance with standards and guidelines developed by the Centers for Disease Control and Prevention.

- 10206.5 A report, signed by an examining physician or other qualified health professional, shall be made of each examination.
- 10206.6 In lieu of a pre-employment intradermal tuberculin test, which shall be required to test for tuberculosis, the examining physician may accept a written report of the test or x-ray made by a qualified person within twelve (12) months prior to the date of the reexamination.
- 10206.7 Each person who is involved in direct patient care and who has been absent from duty because of an illness required to be reported to the Director in accordance with requirements related to communicable diseases shall, prior to returning to duty, obtain certification from a physician or other qualified health professional, as provided for in the ASF's policies, that he or she may return to duty without apparent danger of transmitting the cause of the illness to any patient.
- 10206.8 A copy of each health certification that is required in this chapter shall be kept on file in each employee's personnel record and made available for examination by the Director.
- 10206.9 Immunization against communicable disease shall be required of all employees and all other persons who routinely come in contact with patients or patient areas. Immunizations shall be in accordance with current standards and guidelines developed by the Centers for Disease Control and Prevention.
- 10206.10 The administrator shall ensure that the ASF has a sufficient number of qualified staff to ensure the safe operation of the ASF in accordance with nationally accepted standards of practice.
- 10206.11 The administrator shall ensure that the ASF has on file job descriptions for all personnel.
- 10206.12 The administrator shall ensure that each employee sign an employment agreement, an offer letter or job description, and maintain copies of each signed document on file. The administrator shall also ensure that a current copy of any required license, or a printout from a professional licensing website, is maintained in each file.
- 10206.13 The ASF shall notify the Director in writing within thirty (30) days of any personnel changes in the medical director, nursing director or administrator positions.
- 10206.14 The administrator shall ensure that all personnel are provided with orientation and training to familiarize them with the ASF's policies, procedures and facilities.

- 10206.15 Credentials including education and experience, certifications, licenses, and registrations shall be reviewed and verified for every person providing medical services.
- 10206.16 Clinical privileges for each such person shall be clearly defined in writing, and a written copy of the clinical privileges for each person shall be kept in each person's personnel file.
- 10206.17 The ASF shall have a formal written credentialing process for physicians, dentists and podiatrists. As part of the credentialing process, the administrator, in consultation with the medical director, shall collect, review and document the following information:
- (a) The physician's, dentist's and podiatrist's education, professional experience, board certifications and post-graduate training;
 - (b) Any licenses or registrations to practice a health occupation;
 - (c) Any suspensions or revocations of any health occupation license;
 - (d) The name of any hospital where any dentist, podiatrist and physician on staff was employed, the number of years worked there, any privileges held and any disciplinary actions taken or voluntary surrenders;
 - (e) The name of all professional liability insurance carriers for the past five years and documentation regarding the current carrier; current limits on coverage; current types of coverage; and any restrictions on coverage;
 - (f) Any claims made against the dentist, podiatrist or physician in the last five years, and the status of that claim;
 - (g) Reasonable efforts taken by the ASF to identify any physical or mental condition that currently impairs the physician's, dentist's or podiatrist's ability to exercise privileges; and
 - (h) Any data on the dentist, podiatrist or physician in the National Practitioners Databank.
- 10206.18 The administrator shall establish a procedure for the reappointment of any physician, podiatrist or dentist at least biannually, and shall consider the factors in Sections 10205.7 and 10205.9 upon reappointment.
- 10206.19 The performance of any person on staff who provides medical services shall be evaluated at least annually, with regard to the following:

- (a) The medical service provider's involvement in any complaints against the ASF;
- (b) Malpractice claims filed against the medical service provider;
- (c) Adherence to policies, bylaws and procedures; and
- (d) Any assessments made through the quality assurance program.

10206.20 Whenever a licensed health-care professional is terminated as a result of a job-related incident, the ASF shall refer a report of the incident to the appropriate professional health-care board which shall review the report in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 24, 1986, (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*).

10207 MEDICAL SERVICES GENERALLY

10207.1 All medical services performed in the ASF shall be limited to those procedures that are approved by the governing body upon the recommendation of qualified medical personnel. Surgical procedures to be performed in the ASF shall be reviewed periodically as part of the peer review portion of the ASF's quality assurance program.

10207.2 Medical services shall be supervised by a medical director, who shall be responsible for the quality of medical services, the overall medical care provided by the ASF, and for providing advice and consultation with facility staff on all medical issues relating to the services provided by the facility.

10207.3 The medical director shall be a physician licensed to practice surgery in the District.

10207.4 The medical director shall:

- (a) Develop written protocols for the management of surgical patients and emergency situations; staffing and supervision of surgery;
- (b) Have all such protocols approved by the governing body;
- (c) Make such protocols available on site at all times for reference;
- (d) Review the protocols at least annually and revise them as necessary; and
- (e) Obtain approval of revisions by the governing body.

10207.5 At least one physician shall be present at the ASF whenever medical services are provided until all patients have been discharged.

10207.6 Licensed nurses and other personnel assisting in the provision of medical services shall be appropriately trained and supervised and shall be available in sufficient numbers for the medical care provided.

10207.7 No medication or treatment shall be given except on the signed order of a person lawfully authorized to order treatment or medication. Emergency telephone and other verbal orders shall be signed within a reasonable time not to exceed forty-eight (48) hours by the person giving the order or, when such person is not available, cosigned by another physician or other person authorized to give the order.

10207.8 Only physicians and registered nurses shall administer blood and blood products.

10208 SURGICAL SERVICES

10208.1 Each ASF shall provide adequate supervision of all services offered and provided at the facility.

10208.2 Protocols for the implementation of surgical services shall include but not be limited to: personnel, preoperative testing and examinations, surgical procedures, post-anesthesia care and evaluation, discharge planning, emergency care, informed consent, and safety.

10208.3 Surgical procedures shall be performed by a physician, podiatrist or dentist licensed to perform such procedures in the District who has been granted privileges to perform such procedures after review of the practitioner's documented education, training, experience and competence.

10208.4 An appropriate physical history, physical examination, and pertinent preoperative diagnostic studies, including a pre-anesthesia evaluation, shall be incorporated into the patient's medical record prior to surgery.

10208.5 Sufficient time shall be allowed between any examination, testing or studies and any procedure to permit the reporting and review of the exam, testing or studies by the responsible physicians. Where medical evaluation, examination, and referrals are made from a private physician's office, or another hospital, clinic or medical service, pertinent records therefrom shall be obtained and incorporated into the patient's medical record at the time the patient is admitted to the ASF.

10208.6 In an ASF that provides abortion services, documentation of verification of pregnancy and the length of the gestation period shall be the responsibility of the physician performing the abortion procedure.

10208.7 If any of the assessments required in Section 10207.4 are performed before the day of surgery, a qualified health practitioner shall on the day of surgery reassess

and document any change in the patient's clinical status that could have an effect on the surgical procedure to be performed and the anesthesia to be used.

- 10208.8 The necessity or appropriateness of any proposed surgery, as well as the availability of any alternate treatment, shall be discussed with the patient prior to scheduling the patient for surgery.
- 10208.9 A description of the findings and techniques of an operation shall be accurately and thoroughly written up immediately and placed in the patient's medical record or dictated immediately after the procedure by the practitioner who performed the procedure. If the description was dictated, an accurate written summary shall be immediately available to the health care practitioners providing care and become part of the patient's medical record.
- 10208.10 A safe environment for treating surgical patients, including adequate safeguards to protect the patient from cross-infection, shall be provided by the provision of adequate space, equipment and personnel.
- 10208.11 Each patient shall be evaluated for post-operative complications under the direct supervision of a physician.
- 10208.12 Written protocols shall be established for instructing patients in self-care after surgery.

10209 ALLOWABLE SURGICAL PROCEDURES

- 10209.1 In accordance with Section 5(h) of the Act, this section lists outpatient surgical procedures which, if not performed in a hospital or, when appropriate, a maternity center, may be performed only in a facility licensed as an ambulatory surgical facility.
- 10209.2 Allowable outpatient surgical procedures shall be in accordance with this section and may include procedures wherein the tissue is cut, burned, vaporized, frozen, sutured, probed or manipulated by closed reductions for major dislocations or fractures, or otherwise altered by mechanical, thermal, light-based, electromagnetic, or chemical means.
- 10209.3 Allowable outpatient surgical procedures in the District are those procedures listed as "Final ASC Covered Surgical Procedures" by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).
- 10209.4 The list of allowable outpatient surgical procedures is extensive and is updated quarterly at the end of the months of January, April, July and October.

- 10209.5 The list of allowable outpatient surgical procedures appears on the website of CMS and can be accessed as follows;
- (a) Go to:
http://www.cms.gov/apps/ama/license.asp?file=/ascpayment/downloads/Jan_2012_ASC_addenda_extenders.zip
 - (b) Click “Accept” at bottom of page;
 - (c) “File Download” appears. Click “Open”; and
 - (i) Allowable outpatient surgical procedures are listed in the first column, entitled “Addendum AA”.
- 10209.6 Instructions for access to the website are also published on the D.C. Department of Health (DOH) website by following the link to “Health Regulation and Licensing Administration”, then “Health Care Facilities”.
- 10209.7 Any change in format of the website or instruction for accessing the website shall be published on the DOH website by following the link to “Health Regulation and Licensing Administration”, and then “Health Care Facilities”.

10210 NURSING SERVICES

- 10210.1 Each ASF shall retain a sufficient number of nurses qualified to provide the nursing services necessary for the type of care the ASF provides in keeping with generally accepted nursing standards of practice.
- 10210.2 The number and type of nursing personnel, including registered nurses, licensed practical nurses, and supplementary staff, shall be based upon the needs of the patients and types of services performed, and shall be documented in writing in the ASF’s policies and procedures.
- 10210.3 Nursing services shall be under the direction of a nursing director, who shall be a registered nurse licensed in the District and who shall be responsible for the quality of nursing services.
- 10210.4 At least one registered nurse with current certification in basic life support shall be on duty at all times when the ASF is in use and whenever a patient is on the premises.
- 10210.5 There shall be a written plan of administrative authority for all nursing services addressing responsibilities and a written delineation of functions, qualifications, and patient care responsibilities for all categories of nursing personnel.

10210.6 A registered nurse shall assign nursing care of patients to other personnel in accordance with patient needs and the qualifications of available nursing staff.

10210.7 Recovery room nurses shall have specialized training in resuscitation techniques and other emergency procedures consistent with policies and procedures of the ASF for designated special units.

10211 ANESTHESIA SERVICES

10211.1 Anesthesia services provided by the ASF shall be limited to those that are approved by the ASF governing body.

10211.2 Anesthesia services shall be provided under the direction of a physician, who is approved by the governing body, licensed in the District of Columbia, and responsible for the supervision of all persons administering anesthesia, the review of all anesthesia complications, and the development and implementation of policies and procedures related to anesthesia care in consultation with medical staff.

10211.3 The supervisory physician shall, in conjunction with medical staff, develop written guidelines for the anesthesia service provided by the ASF, which shall be approved, implemented and enforced by the governing body which must take into account the applicable standards and guidelines of the American Society of Anesthesiologists, the American Association of Nurse Anesthetists, and the licensing rules and standards applicable to those categories of licensed professionals qualified to administer anesthesia.

10211.4 The following practitioners may administer anesthesia in accordance with their education and training:

- (a) An anesthesiologist;
- (b) A physician, dentist, podiatrist or an oral surgeon who is qualified under District law and has education, training and experience in the type of anesthesia being administered; and
- (c) A certified registered nurse anesthetist practicing in accordance with rules and regulations promulgated by the D.C. Board of Nursing, 17 DCMR Chapter 57.

10211.5 Medications for conscious sedation may be administered by a registered nurse in accordance with the requirements set out by the Board of Nursing.

10211.6 If anything other than an un-supplemented local anesthetic is needed to accomplish a surgical procedure, the practitioner providing anesthesia shall conduct a pre-anesthesia evaluation and document in the patient's clinical record.

the anesthetic risk to the patient, but if the assessment was performed prior to the day of surgery, a qualified health professional shall on the day of surgery reassess and document any changes in the patient's clinical status that could have an effect on the surgical procedure to be performed and the anesthesia to be used.

- 10211.7 The person administering the anesthesia shall ensure that the patient's condition is documented during the procedure, at recovery, and at discharge, and such documentation shall be incorporated into the patient's clinical record.
- 10211.8 Patients who have received anesthesia shall be evaluated for proper recovery by the operating surgeon or the person who administered the anesthesia prior to discharge.
- 10211.9 Before discharge from the ASF, each patient shall be evaluated by a physician or anesthetist for proper anesthesia recovery.
- 10211.10 Patients shall be discharged in the company of a responsible adult, except when the attending physician otherwise exempts a patient from this requirement. The exemption shall be documented in writing and shall be part of the patient's clinical record and discharge planning.
- 10211.11 Emergency equipment and supplies appropriate for the type of anesthesia services provided shall be properly maintained and made easily accessible to staff at all times.
- 10211.12 Functioning equipment and supplies which are required for each ASF shall include:
- (a) Suctioning equipment, including a source of suction and suction catheters in appropriate sizes for the population being served;
 - (b) A source of compressed gases;
 - (c) Basic airway management equipment, including oral and nasal airways, face masks and self-inflating breathing bag valve sets;
 - (d) Blood pressure monitoring equipment; and
 - (e) Emergency medications specified by the medical staff and appropriate to the type of surgical procedures and anesthesia services provided by the ASF.
- 10211.13 In addition to the equipment and supplies required above, each ASF that provides moderate sedation/analgesia, deep sedation/analgesia, regional analgesia and/or general anesthesia shall provide the following:

- (a) Intravenous equipment, including catheters, tubing, fluids, dressing supplies, and appropriately sized needles and syringes;
- (b) Advanced airway management equipment, including laryngoscopes and an assortment of blades, endotracheal tubes and stylets in appropriate sizes for the population being served;
- (c) A mechanism for monitoring blood oxygenation, such as pulse oximetry;
- (d) Electrocardiographic monitoring equipment;
- (e) A cardiovertor-defibrillator; and
- (f) Pharmacologic antagonists as specified by the medical staff and appropriate to the type of anesthesia services provided.

10211.14 There shall be written procedures on site, approved by the physician identified in Section 10210.2, for the safe storage and use of inhalation anesthetics and medical gases.

10212 PHARMACEUTICAL SERVICES

10212.1 The ASF shall provide drugs and biologics in a safe and effective manner in accordance with professional practices and in compliance with all District and federal laws and regulations. The ASF shall be licensed as required by the Pharmaceutical Control Division of the Health Regulation and Licensing Administration, and shall comply with all applicable pharmaceutical services regulations.

10212.2 The medical director or his or her licensed designee shall be responsible for the provision of pharmaceutical services in compliance with applicable District of Columbia and federal regulations.

10212.3 Pharmaceutical services may be made available by the ASF through a contractual agreement that requires services be provided in accordance with the same ethical and professional practices and legal requirements that would be required if the ASF were providing the service.

10212.4 Each ASF shall obtain a criminal record check in accordance with 22 DCMR Chapter 47 for any compensated employee not licensed by the Board of Pharmacy whose job it is to provide access to controlled substances within the ASF.

10212.5 Drugs shall only be provided under the direction of an authorized prescriber.

10212.6 Staff shall prepare and administer drugs in accordance with ASF policies and procedures and acceptable standards of practice.

- 10212.7 Adverse reactions to drugs shall be reported immediately to the patient's health care practitioner and documented in the patient's medical record.
- 10212.8 Any oral drug order from a practitioner shall be immediately reduced to writing and signed by the authorized practitioner prescriber within forty-eight (48) hours and shall provide the following:
- (a) The full name of the prescriber;
 - (b) The date and time of the order;
 - (c) The full name and strength of the drug, directions for use; and
 - (d) The name of the practitioner who received the verbal order.
- 10212.9 Each ASF providing pharmaceutical services shall comply with the following requirements:
- (a) Drugs shall be obtained from suppliers licensed or registered as required by federal and District law;
 - (b) A current and complete list of all medications in inventory shall be maintained by the ASF
 - (c) All areas where drugs are stored shall be dry, well lighted, well ventilated, maintained at a temperature safe for the storage of drugs as specified by the United States Pharmacopoeia/National Formulary (USP/NF) or the United States Food and Drug Administration (USFDA) and maintained in a clean and orderly condition;
 - (d) Drug storage areas shall be maintained at temperatures which will ensure the integrity of the drugs prior to their use as stipulated by the United States Pharmacopoeia /National Formulary (USP/NF) and/or the manufacturer's or distributor's labeling unless otherwise indicated by the Pharmaceutical Control Division;
 - (e) Each ASF shall provide refrigeration facilities exclusively for the storage of drugs requiring cold storage with a thermometer controlling the interior temperature to keep it maintained between thirty-six degrees Fahrenheit (36°F) and forty-six degrees Fahrenheit (46°F);
 - (f) The drug storage area shall be separately enclosed and secured, or shall be located within a decentralized automated medication system (as defined at 22B DCMR § 1999) in such a manner as to prevent diversion and unauthorized access;

- (g) Access to the drug storage area shall be limited to persons who require entry for the purpose of discharging a job-related duty and to persons legally entitled to engage in inspection, enforcement or other regulatory duty;
- (h) Medications shall not be kept or displayed in an area that is accessible to the public;
- (i) Each ASF shall maintain current drug information reference sources consistent with the scope of practice at the location of the ASF;
- (j) Each ASF shall define procedures for proper management of drug recalls which may include, where appropriate, contacting patients to whom the recalled drug product(s) has been dispensed;
- (k) Each ASF shall ensure that discontinued and outdated drugs, and containers with worn, illegible or missing labels, are maintained separately from current drug stock;
- (l) Each ASF shall develop and implement policies and procedures for disposal of drugs that is in compliance with District and Federal laws;
- (m) Medications designated as high alert medications as defined by standard setting bodies, such as Joint Commission and the Institute for Safe Medication Practices, shall be stored, handled and administered with precautions and safeguards consistent with the standards of practice associated with these medications;
- (n) Medications in multi-use vials shall base beyond-use dating on the stability information available from the manufacturer or other published studies using the same pharmaceutical contents. In the absence of stability information, the beyond-use date can be determined as follows:
 - i. For non-aqueous liquids and solids made using commercially manufactured products, the beyond-use date shall be no greater than 25% of the time remaining on the commercial product or a maximum of six months, whichever is less;
 - ii. For aqueous solutions made from solids obtained from commercially manufactured drug products, the beyond-use date is fourteen (14) days when stored at a cold temperature; and

- iii. For all other formulations, the beyond-use date is not later than the intended duration of therapy or thirty (30) days, whichever is earlier.

10212.10 ASFs providing pharmaceutical services shall comply with the following with respect to controlled substances:

- (a) Controlled substances shall be ordered by the DEA registrant or licensed person noted on a delegation of authority;
- (b) Only designated, licensed health care persons who are authorized by written facility policy to handle controlled substances shall have access to controlled substances;
- (c) Schedule II controlled substances shall be ordered using a DEA 222 form or electronic equivalent;
- (d) Upon receipt of Schedule II Controlled Substances, the DEA 222 form must be properly executed to reflect the date and quantity of the substance and it must be initialed by the receiver;
- (e) Invoices for controlled substances shall be filed separately from other invoices, shall be readily retrievable and maintained for five (5) years;
- (f) A separate double locked cabinet, a permanently affixed compartment box or drawer within a locked cabinet, or a decentralized automated medication system (as defined at 22B DCMR § 1999) shall be used for the storage of each substance that is controlled by the D.C. Uniform Controlled Substance Act, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901 *et seq.*), and for other drugs subject to abuse;
- (g) A perpetual inventory of all controlled substances shall be completed daily and must be signed by a person authorized to handle the controlled substances. The perpetual inventory must be documented in a separately maintained log book or similar recordkeeping instrument;
- (h) Any discrepancies in inventory must be reconciled immediately;
- (i) A complete inventory of controlled substances must be taken at a minimum of every (2) two years. This inventory shall be identified as the biennial inventory, shall be signed and dated by the authorized handler, and shall indicate the time when the inventory was taken;
- (j) All thefts, losses and unusual occurrences must be reported to the Pharmaceutical Control Division within forty-eight (48) hours of discovery;

- (k) A DEA Theft/Loss Report (Form 106) must be completed in the event of theft or loss of a controlled substance and a copy of the Form 106 must be filed with the DEA and the Pharmaceutical Control Division;
- (l) Controlled substances records must be maintained for five (5) years, with the most recent two (2) years maintained on the premises and the last three (3) years kept off-site and retrievable within three (3) business days; and
- (m) Controlled substance disposal shall be handled in accordance with District and Federal Pharmaceutical Waste Disposal laws and regulations.

10212.11 An ASF shall maintain a complete and accurate record of all drugs received, administered or otherwise disposed of, for a period of five (5) years, where the most recent two (2) years of records shall be maintained on site and the remaining three (3) years of records may be maintained off site as long as the records can be retrieved within three (3) business days of a request.

10212.12 An ASF shall develop, maintain and implement procedures set forth in a policy and procedure manual for pharmaceutical services that will be reviewed annually.

10212.13 The medical director or designee shall inspect any areas where medications are stored and maintained quarterly and make appropriate written records and notations of those inspections as part of a Quality Assurance Program.

10213 RADIOLOGY AND X-RAY SERVICES

10213.1 Radiology and x-ray services shall be provided and made available when appropriate to meet the needs of the patients to adequately support the ASF's clinical capabilities.

10213.2 Radiological and x-ray services may be obtained by the ASF through a contractual agreement as long as the parties to the contract are bound by the same ethical and professional practices and legal requirements that would be required of the ASF if it were providing the service.

10213.3 A radiologist shall authenticate all examination reports, except reports of specific procedures that may be authenticated by physicians who have been granted privileges by the governing body or its designee to authenticate such reports and all reports shall be made a part of the patient's medical record.

10213.4 Radiology and x-ray services shall be provided only upon the written order of a physician, dentist, advanced practice nurse or other authorized healthcare practitioner (such orders must be accompanied by a concise statement of the reason for the service).

10213.5 The ASF shall limit the use of any radioactive sources to physicians who have been granted privileges for such use on the basis of their training, experience and current competence.

10213.6 Radiographic equipment shall be licensed in accordance with applicable federal and local requirements.

10213.7 The ASF shall develop and implement safety programs, requirements for education, credentialing and training of personnel, and a requirement that all personnel working with radiographic equipment be adequately trained in the safety and use of all equipment.

10214 PATHOLOGY AND CLINICAL LABORATORY SERVICE

10214.1 Laboratory facilities shall be approved under the Clinical Laboratory Improvement Act of 1988 (CLIA), as amended, effective March 16, 1989 (D.C. Law 7-182; D.C. Official Code § 44-201, *et seq.*), and any other federal or local laws as applicable.

10214.2 Pathology and clinical laboratory services shall be provided as follows:

- (a) By limiting laboratory procedures to those that are appropriate to the needs of the patients;
- (b) By performing tests in a timely manner;
- (c) By distributing routine and non-critical test results within twenty-four (24) hours after completion of a test and maintaining a copy of the results in the laboratory; and
- (d) By performing and documenting appropriate quality assurance procedures, including but not limited to, instrument maintenance and quality control testing, and validating test results through use of standardized control specimens or laboratories.

10214.3 Preoperative laboratory procedures shall be provided as follows:

- (a) At the discretion of the Medical Director or the governing body in accordance with preoperative laboratory order by the medical staff;
- (b) Any discretion exercised shall be consistent with standard medical practice; and
- (c) Upon the order of a physician, podiatrist, dentist, or advanced practice registered nurse and written on the patient's chart.

- 10214.4 Clinical or laboratory services shall be provided either directly by the ASF or through a contract arrangement with a reference laboratory.
- 10214.5 The contractual agreement with the reference laboratory shall provide for routine and stat work including pathology, clinical, and blood bank services, if blood is authorized by the ASF, and shall be available for review.
- 10214.6 The patient may be instructed to go directly to the reference laboratory, or the specimen may be collected on the ambulatory surgical center's premises and then the patient may be referred to the Medicare-approved reference laboratory.
- 10214.7 For laboratory tests not performed on the premises the following shall be maintained and shall be readily available for inspection during the retention period:
- (a) Procedures and policies governing the approved reference laboratory specimen requirements; identification, collection, labeling, storage, and transportation of the specimen, and preventive maintenance of equipment used in processing and storage of specimen; and
 - (b) A log book or electronic documentation which shall include patient name and identification number, doctor's name, date the specimen was drawn and sent to the Medicare-approved reference laboratory, laboratory tests ordered, date the final report came back from the reference laboratory, and condition of the specimen.
- 10214.8 The final report on laboratory tests shall be in the patient's chart, with copies kept in the ASF's laboratory.
- 10214.9 For laboratory tests performed on the premises, the following shall be maintained:
- (a) Procedures governing identification, collection, labeling, and storage of specimens;
 - (b) A log book, which shall include patient name and identification number, practitioner's name, date the specimen was drawn, tests ordered, and results;
 - (c) Procedures for each test performed by the laboratory, including source of reagents, standards, and calibration procedures, and information concerning the basis for the tested normal ranges;
 - (d) Procedures and documentation of performed maintenance on equipment used to process laboratory work;
 - (e) Dated reports of all examinations performed and made a part of the patient's medical record; and

(f) Proficiency testing as appropriate for the type of testing performed.

10214.10 Quality control of the laboratory, contract services of a reference laboratory and the complete analytic process for each test performed shall be monitored through the quality assurance committee.

10214.11 The ASF may allow laboratory work to be performed and brought in from other CLIA-certified laboratories or practitioners' offices, and reports from such laboratories or practitioners shall be included in the patient's charts before surgery.

10214.12 The medical staff shall develop, and the governing body shall approve, written criteria describing the length of time tests may be performed prior to surgery.

10214.13 Laboratory work shall be performed in a reference laboratory or in the patient's healthcare practitioner's office as specified in written ASF policy.

10214.14 If the ASF performs surgery which incorporates the removal of a tissue specimen or the freezing of a tissue specimen, the specimen shall be submitted to a reference laboratory.

10214.15 Pathology tissue reports and positive cytology reports shall have the authorized signature of the pathologist interpreting the report.

10215 MEDICAL WASTE AND HANDLING OF TISSUE

10215.1 Each ASF shall dispose of medical waste in accordance with Section 3 of the Illegal Dumping Enforcement Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-902).

10215.2 Each ASF shall maintain and store tissue and waste in accordance with Section 10204.9(l) of this chapter.

10216 DISCHARGES

10216.1 Each ASF shall have a program to provide discharge planning to patients.

10216.2 Discharge planning shall include the following:

(a) A system for timely evaluation of any discharge planning needs of patients;

(b) Identification of staff responsible for the program;

- (c) Development of a discharge plan, including medication review, with the patient or representative when a need is identified;
- (d) Provision of documentation regarding follow-up care, medication review with the patient or representative, and whether the patient must be discharged with an escort;
- (e) Contact information in the event of an emergency or complications; and
- (f) Maintenance of a complete and accurate list of community-based services, resources and facilities to which patients can be referred.

10217 PATIENT RIGHTS

- 10217.1 The ASF shall have written protocols for ensuring patient rights.
- 10217.2 Patients shall be treated with respect, consideration and dignity.
- 10217.3 Patients shall be provided with adequate privacy.
- 10217.4 Patient records shall be treated confidentially and shall be released only with consent of the patient or designee or as permitted by law.
- 10217.5 Patients shall be provided known, appropriate information concerning their diagnosis, treatment and prognosis. When it is medically inadvisable to provide such information to the patient, the information shall be provided to an authorized representative.
- 10217.6 Patients have the right to participate in decisions involving their health care, except when such participation is contraindicated for medical reasons.
- 10217.7 Patients shall have the right to refuse to participate in experimental research.
- 10217.8 Information shall be available to patients and staff concerning:
 - (a) Patient rights;
 - (b) Patient's conduct and responsibilities;
 - (c) Services provided at the ASF;
 - (d) Provisions for after-hours and emergency care;
 - (e) Fees for services;

- (f) Payment policies;
- (g) Patients' right to refuse to participate in experimental research; and
- (h) Grievance procedures.

10217.9 Each Patient shall be given a written copy of his or her rights and responsibilities prior to or upon admission to the ASF.

10217.10 Patients shall be entitled to copies of their records upon request within ten (10) business days of the request.

10217.11 The ASF may charge a reasonable fee for the copying of records.

10218 PATIENT SAFETY GOALS

10218.1 Each ASF shall have a Patient Safety Program that shall ensure that the ASF complies with the National Patient Safety Goals published by the American Association for Accreditation of Ambulatory Surgical Facilities, the Accreditation Association for Ambulatory Health Care, the Joint Commission on Accreditation of Healthcare Organizations or another accrediting body for ambulatory surgical facilities which is approved by the Director.

10218.2 The ASF must develop, adopt and implement an effective, on-going Patient Safety Program.

10218.3 A description of the Patient Safety Program must be in writing, approved by the governing body and made available for review by the Director.

10218.4 A description of the Patient Safety Program must include the following components:

- (a) The definition of medical errors, and adverse and reportable events;
- (b) The process for internal reporting of medical errors and adverse and reportable events;
- (c) A list of events and occurrences which staff are required to report internally;
- (d) Time frames for internal reporting of errors and events;
- (e) Consequences for failing to report events;
- (f) Mechanisms for preservation and collection of data;

- (g) The process for conducting and completing an investigation to determine the cause of the event;
- (h) The requirement for development of an action plan within forty-five (45) days of the event or error, designed to reduce the risk of events or errors in the future;
- (i) The process for communication of action plans; and
- (j) The process for feedback to staff of root cause analyses and action plans.

10218.5 The ASF must make the root cause analysis and action plan available to the Director for review.

10218.6 The ASF must provide patient education and training to staff.

10218.7 Training must be provided on all components of the Patient Safety Program.

10218.8 The ASF must designate one or more individuals to be responsible for the management of the Patient Safety Program.

10219 QUALITY ASSURANCE PROGRAM

10219.1 The administrator shall ensure that the facility develops and maintains a quality assurance program.

10219.2 A quality assurance program shall include the following:

- (a) Identification and selection of appropriate staff and concomitant responsibilities for the program;
- (b) Ongoing review of clinical responsibilities and authority;
- (c) Peer review and supervision of all professional and technical activities;
- (d) Monitoring and evaluation of the Patient Safety Program;
- (e) Maintenance of medical records; and
- (f) Quality controls for all diagnostic and other technical services provided.

10219.3 The professional and administrative staff shall understand and support the quality assurance program.

- 10219.4 Quality assurance activities shall be conducted by a Quality Assurance Committee, which is composed of members of the specific clinical disciplines within the ASF. The committee shall meet not less than quarterly.
- 10219.5 The ASF shall have a peer review process that shall include a mechanism to evaluate the clinical performance of each health care practitioner on a continuous basis, but not less than annually; and a written annual evaluation of each health care practitioner.
- 10219.6 The administrator shall ensure that the ASF develop a quality control procedure to monitor the safety and performance of all biomedical equipment consistent with Food and Drug Administration recommendations and the equipment manufacturer's recommendations.
- 10219.7 A written description of the ASF's quality assurance program shall be submitted with the initial application for licensure.
- 10219.8 The facility shall submit any changes to its quality assurance program at the time of renewal.

10220 EMERGENCY CARE

- 10220.1 Each employee shall be trained in emergency procedures, disaster plans and fire evacuation plans and credentialed in cardiopulmonary resuscitation.
- 10220.2 Each ASF shall maintain the ability to provide emergency services as necessary.
- 10220.3 An ASF shall have, at a minimum, the following equipment available in the operating rooms:
- (a) An emergency call system;
 - (b) Oxygen;
 - (c) Mechanical ventilator assistance, including airways;
 - (d) Manual breathing bags and ventilator;
 - (e) Cardiac defibrillator;
 - (f) Cardiac monitoring equipment;
 - (g) Tracheostomy set;
 - (h) Laryngoscopes and endotracheal tubes;

- (i) Suction equipment; and
 - (j) Any other equipment and supplies specified by the medical director.
- 10220.4 Each ASF shall execute a written agreement with an ambulance service which ensures emergency transportation to a licensed general hospital.
- 10220.5 Each ASF shall execute a written agreement with a general hospital, no further than fifteen (15) minutes away, to ensure that any patient of the ASF shall receive needed emergency treatment.
- 10220.6 The written agreement shall be with a hospital capable of providing full surgical, anesthesia, clinical laboratory, and diagnostic radiology service on fifteen (15) minutes' notice and with a physician in the hospital available for emergency service at all times.
- 10220.7 Each ASF shall have written plans and procedures for emergency transfers, including a mechanism for notifying a hospital of a pending emergency transfer and a procedure for transferring any medical records.

10221 MEDICAL RECORDS

- 10221.1 The ASF shall maintain a complete, comprehensive and accurate medical record for each patient, and develop and maintain a system for the collection, processing, maintenance, storage, retrieval and distribution of patient medical records.
- 10221.2 The record or chart shall contain sufficient information to identify the patient, the diagnosis, any need for medical or surgical service.
- 10221.3 The record shall, as applicable, include the following:
- (a) Patient identification;
 - (b) Admitting information, including patient history and results of physical examinations;
 - (c) Signed consents;
 - (d) Confirmation of pregnancy, if applicable;
 - (e) Preoperative diagnostic studies (if any);
 - (f) Allergies;
 - (g) Physician orders;

- (h) Laboratory tests and results;
 - (i) Anesthesia records;
 - (j) Operative records;
 - (k) Medications and treatments;
 - (l) Recovery room notes;
 - (m) Physician and nurse progress notes;
 - (n) Condition at the time of discharge;
 - (o) Patient instructions;
 - (p) Names of referral physicians or agencies;
 - (q) Discharge instructions; and
 - (r) Emergency contact numbers provided to patients.
- 10221.4 All relevant patient information shall be incorporated into the chart in a timely manner.
- 10221.5 Medical advice given to a patient by telephone shall be entered into a patient's record and signed by the person giving the advice.
- 10221.6 The content and format of medical records shall be uniform, except as otherwise required by law.
- 10221.7 All clinical information relevant to a patient shall be made available to all practitioners involved in the care of that patient.
- 10221.8 Entries shall be legible to clinical personnel and shall be accurate and completed promptly.
- 10221.9 When necessary for patient care, summaries or photocopies of the records of a patient who was treated elsewhere shall be obtained.
- 10221.10 All final tissue and abnormal cytology reports shall be signed by a pathologist.
- 10221.11 The ASF shall send a copy of the medical record with the patient upon referral to another health care provider or upon transfer to a hospital.

- 10221.12 Provisions shall be made for the safe storage of medical records or accurate and legible productions thereof.
- 10221.13 Storage of medical records shall be in compliance with the Health Insurance Portability and Accountability Act (“HIPPA”) (42 U.S.C. § 1320d *et seq.*)
- 10221.14 All medical records shall be kept for a minimum of five (5) years.
- 10221.15 Records of minor patients shall be kept for five (5) years after the patient reaches the age of eighteen (18).

10222 PHYSICAL ENVIRONMENT

- 10222.1 The ASF shall meet all applicable guidelines of the Building Officials and Code Administrators, and all federal and local laws, ordinances and regulations for construction.
- 10222.2 The ASF shall meet all safety requirements of the National Fire Protection Association (NFPA) 101 “Life Safety Code 2000.”
- 10222.3 Each operating room shall be designed and equipped so that the types of services provided can be performed in a manner that protects the lives and assures the physical safety of all persons in the area.
- 10222.4 Treatment rooms, including operating rooms, shall have a minimum clear floor area sufficient to permit removal of a patient by stretcher.
- 10222.5 A safe environment for treating patients, including adequate safeguards to protect each patient from cross-infection, shall be assured through the provision of adequate space, equipment and personnel.
- 10222.6 Provisions shall be made for the isolation or immediate transfer of persons with communicable diseases.
- 10222.7 All persons entering the operating room shall be properly attired.
- 10222.8 Acceptable aseptic techniques shall be used by all persons in the surgical area.
- 10222.9 Only authorized personnel shall be allowed in the surgical area.
- 10222.10 The ASF shall maintain suitable equipment for high-speed and routine sterilization that ensures that operating room materials are sterile.
- 10222.11 Performance records for all sterilizers shall be maintained for six (6) months.

- 10222.12 Operating rooms shall be appropriately cleaned before, during and after each operation.
- 10222.13 Illumination at the examination tables and in the surgical areas shall provide at least one hundred (100) foot candles of light.
- 10222.14 Emergency power adequate for the types of surgery performed shall be available in the operative and post-operative areas in accordance with NFPA 99, NFPA 101 and NFPA 110.
- 10222.15 All parts of the ASF and its premises shall be kept clean and neat and free of litter and rubbish.
- 10222.16 Hazardous cleaning solutions, compounds and substances shall be labeled, stored in a safe place, and kept in an enclosed section separate from other materials.
- 10222.17 Adequate space shall be provided for accumulated waste.
- 10222.18 Waste, including all contaminated sharps, dressings or similar infectious waste, shall be disposed of in a manner compliant with the Occupational Safety and Health Administration and Centers for Disease Control guidelines.
- 10222.19 Each ASF shall make provisions for the cleaning of all linens.
- 10222.20 There shall be separate areas for the storage and handling of clean and soiled linens.
- 10222.21 All soiled linens shall be placed in closed containers prior to transportation.
- 10222.22 Adequate provisions shall be maintained for the processing, sterilizing, storing and dispensing of clean and sterile supplies and equipment.
- 10222.23 Written procedures shall be established for the appropriate disposal of pathological and other potentially infectious waste and supplies.
- 10222.24 The ASF shall comply with all guidelines for infection control promulgated by the Association for Professionals in Infection Control and Epidemiology, Inc.
- 10222.25 The ASF shall ensure that all medical equipment operates in accordance with the manufacturer's standards, and shall perform preventative maintenance in accordance with the manufacturer's recommendations and generally accepted standards.
- 10222.26 All equipment shall be periodically tested as appropriate to ensure proper functioning.

10222.27 Maintenance records for equipment shall be maintained by the ASF for at least three (3) years.

10223 DIETARY SERVICE

10223.1 If the program calls for dietary service, serving of snacks or other food, adequate space, equipment, and supplies shall be provided.

10223.2 Applicable local laws pertaining to the receipt, storage, refrigeration, preparation, and serving of food shall be followed.

10223.3 Any food service offered or provided to patients of the ASF shall be in accordance with the District of Columbia laws and regulations on food, Title 25 of the DCMR, Subtitles A and B.

10224 CONSTRUCTION

10224.1 All ASFs shall be designed, constructed, and maintained in a manner that is safe, clean, and functional for the type of care and treatment to be provided.

10224.2 New construction and renovations shall comply with the following codes and guidelines to provide a safe and accessible environment that is conducive to the care and treatment to be provided:

- (a) Building Officials and Code Administrators (BOCA);
- (b) National Fire Protection Association, Life Safety Code;
- (c) National Fire Protection Association 99, Health Care Facilities;
- (d) American Institute for Architects (AIA) Guidelines for Design and Construction of Hospitals and Health Care Facilities;
- (e) National Electrical Code; and
- (f) Uniform Federal Accessibility Standards.

10225 INCIDENT REPORTS

10225.1 Each facility shall maintain and keep for three (3) years from the date of occurrence, a summary and analysis of each unusual incident that occurs within the facility, on the premises, and concerning a patient, visitor or employee of the facility.

10225.2 A summary and analysis of each incident shall be completed immediately and reviewed within forty-eight (48) hours of the incident by the Medical Director or the Director of Nursing.

- 10225.3 The incident report shall include the following:
- (a) The date, time and a description of the incident;
 - (b) The name of all witnesses;
 - (c) A statement of the victim;
 - (d) A statement indicating whether there is a pattern of occurrence; and
 - (e) A description of the corrective action taken.
- 10225.4 Summaries and analyses of incidents shall be reviewed at least monthly by the administrator or designee in order to identify and correct health and safety hazards and patterns of occurrence.
- 10225.5 Each incident shall be documented in the patient's records and reported to the Director within two (2) business days of occurrence, except that an incidents or accident that results in harm to a patient shall be reported within twenty-four (24) business hours of occurrence.
- 10226 GRIEVANCE PROCEDURES**
- 10226.1 Each ASF shall develop written procedures that assure prompt and complete investigations of all grievances that are filed against any ASF staff.
- 10226.2 Grievance procedures shall be made available to the Director upon request.
- 10226.3 Each ASF's procedures shall include, at a minimum, a requirement that a senior staff person investigate grievances; the establishment of a reporting procedure so that the senior staff person receives the grievance within twenty-four (24) hours; and a written process for investigation.
- 10226.4 Each ASF shall maintain a grievance file that includes the original report of the complaint; the investigation process and any findings of the investigation; the outcome of the investigation; and any actions taken.
- 10226.5 The grievance file shall be available for inspection by the Director.
- 10226.6 If the Director receives a grievance regarding patient care or safety, the Director may inspect the ASF at any time.
- 10226.7 If the Director receives a grievance regarding the performance of a health care practitioner or standards of practice, the Director shall refer the grievance to the board that licenses or certifies the practitioner.

10226.8 The Director shall conduct investigations of complaints in accordance with 22 DCMR Chapter 31.

10227 EVACUATION PLAN

10227.1 Each ASF shall develop a written evacuation plan to assure reasonable precautions are taken to protect patients, employees and visitors from fire and other disasters.

10227.2 The evacuation plan shall provide a program to familiarize personnel with evacuation procedures.

10227.3 The evacuation plan shall be available to the Director upon request.

10299 DEFINITIONS

Administrator - A person who is a physician or a registered nurse, and has a baccalaureate or postgraduate degree in administration or a health-related field, or has at least three (3) years of administrative experience in a health care setting.

Advanced Practice Nurse - An individual licensed by the D.C. Board of Nursing and authorized to practice as an advanced practice nurse in the District of Columbia.

ASF (Ambulatory Surgical Facility) - A facility, other than a hospital or maternity center, including an office-based facility, whose primary practice is outpatient surgical and related procedures on patients for whom a planned stay would not exceed twenty-four (24) hours following an admission.

Certified registered nurse anesthetist (CRNA) - A registered nurse who has current certification from the Council on Certification of Nurse Anesthetists and who is currently authorized to practice as an advanced practice registered nurse by the District of Columbia Board of Nursing.

Dentist - A person who is currently licensed under the laws of the District of Columbia to practice dentistry.

Director - The Director of the Department of Health and his or her designee.

Direct supervision - Supervision in which the supervisor is immediately available on the premises and within vocal communication either directly or by a communication device.

Freestanding - Independent and not part of or affiliated with an existing hospital, maternity center or other health care facility licensed in accordance with Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48, D.C. Official Code § 44-501, *et seq.*)

Governing body - The entity that is designated full responsibility for determining, implementing, and monitoring policies governing the operation of the ASF's.

Healthcare practitioner - Anyone who provides medical services at the ASF and is authorized to do so by the District of Columbia Health Occupations Revisions Act, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §3-1201, *et seq.*)

Licensed practical nurse - A person who is currently licensed by the D.C. Board of Nursing as a licensed vocational nurse.

Medical services - The diagnoses or treatment of any patient for a medical condition. Medical services shall include but not be limited to surgical services.

Reference laboratory - A Medicare-enrolled laboratory that receives a specimen from another, referring laboratory for testing and that actually performs the test.

Registered nurse (RN) - A person who is currently licensed by the D.C. Board of Nursing as a registered nurse.

Outpatient - Any patient who remains in an ASF less than twenty-four (24) hours after admission.

Physician - An individual licensed by the D.C. Medical Board and authorized to practice medicine in the District of Columbia.

Podiatrist - An individual licensed by the D.C. Medical Board and authorized to practice podiatry in the District of Columbia.

Physician's Assistant - An individual licensed by the D.C. Medical Board and authorized to practice as a physician's assistant in the District of Columbia.

Surgery - In accordance with the American College of Surgeons: (1) the structural altering of the human body by the incision or destruction of tissues; (2) the diagnostic or therapeutic treatment of conditions or disease processes by any instruments causing localized alteration or transposition

of live human tissue which include lasers, ultrasound, ionizing radiation, scalpels, probes, and needles; or (3) the injection of diagnostic or therapeutic substances into body cavities, internal organs, joints, sensory organs, and the central nervous system.

Unusual incident - An unexpected occurrence or accident resulting in death, life-threatening or serious injury, or the risk thereof, to a patient, visitor or employee of the facility. An unusual incident includes, but is not limited to, an incident resulting in the abuse of a patient, wrong-site, accidents, injuries, drug errors, abuse, and neglect.

Comments on this proposed rulemaking should be submitted, in writing, to Feseha Woldu, Ph.D., Senior Deputy Director, Health Regulation and Licensing Administration, Department of Health, at 899 North Capitol Street, N.E., 2nd Floor, Washington, DC 20002, within 30 days of the date of publication of this notice in the *D.C. Register*. Additional copies of this rulemaking are available at the above address.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 2 of the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-0193; D.C. Official Code §§ 7-731(a)(10) and 47-2809.01 *et seq.*) (2013 Supp.)); and Mayor's Order 2007-63(#2), dated March 8, 2007, hereby gives notice of the intent to adopt new body art regulations in Title 25, Subtitle G of the District of Columbia Municipal Regulations (DCMR), that will allow the District of Columbia to protect public health and safety in body art procedures.

The Director also gives notice of the intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The proposed rules shall not become effective until a Notice of Final Rulemaking is published in the *D.C. Register*.

Subtitle G of Title 25 of the DCMR is added to read as follows:

SUBTITLE G Body Art Establishment Regulations

- 100 Title — Body Art Establishment Regulations**
- 101 Intent — Safety**
- 102 Compliance with Federal and District Laws**

- 200 Licensees Responsibilities — Qualifications, and Training***
- 201 Licensees Responsibilities — District-Issued Identification Card Requirements**
- 202 Pre-Operating Procedures — Age Restrictions, Signs and Postings***
- 203 Pre-Operating Procedures — Consent Forms, Health Risk Statements, Content, and Postings***
- 204 Pre-Operating Procedures — Waiting Period, Tattoos & Body-Piercings***
- 205 Pre-Operating Procedures — Customer's Questionnaire, Confidential Medical Information ***
- 206 Pre-Operating Procedures — Informed Consent, Jewelry Selection, and Equipment Setup***
- 207 Post-Operating Procedures — Aftercare Instructions for Tattoos and Body-Piercings, Content***

- 300 Preventing Contamination — Sterile Water, Inks, Dyes & Pigments, and Pre-Sterilized, Single-Use Disposable Items**
- 301 Preventing Contamination — Pre-Sterilized, Single-Use Disposable Sharps**
- 302 Preventing Contamination from Body Artists— Work Areas, Construction and Design, and Restrictions**
- 303 Preventing Contamination from Customers**
- 304 Preventing Contamination — Reusable Instruments and Equipment, Design, Location, and Maintenance Log**
- 305 Preventing Contamination — Marking Instruments and Stencils**
- 306 Preventing Contamination — Pre-Sterilized, Single-Use Jewelry**
- 307 Preventing Contamination — Bio-Hazardous and Infectious Waste, Handling & Disposal***
- 308 Preventing Contamination — Infection Prevention and Exposure Control Plan**
- 309 Preventing Contamination — Reusable Instrument & Sterilization Procedures***
- 310 Maintenance Records — Sterilizers and Commercial Biological Indicator Monitoring System***

- 311 Maintenance Records — Autoclaves*
- 312 Records of Acquisitions — Disposables, Single-Use, Pre-Sterilized Instruments, and Record Retention*
- 313 Recordkeeping Requirements — Confidential, Personnel Files*
- 314 Recordkeeping Requirements — Confidential Customer Files, and Required Disclosures*
- 315 Recordkeeping Requirements — Retention
- 316 Recordkeeping Requirements — Reports of Infection or Allergic Reactions

- 400 Physical Structure — Building Materials and Workmanship
- 401 Physical Structure — Floor and Wall Junctures, Covered, and Enclosed or Sealed
- 402 Physical Structure — Floors, Walls, Ceilings, and Utility Lines
- 403 Operating Systems and Design — Plumbing System, Design, Water Capacity, Quantity, and Availability*
- 404 Operating Systems and Design — Handwashing Sinks, Water Temperature, and Flow
- 405 Operating Systems and Design — Toilets and Urinals, Number, Capacity, Convenience and Accessibility, Enclosures, and Prohibition
- 406 Operating Systems and Design — Electrical, Lighting*
- 407 Operating Systems and Design — Electrical, Smoke Alarms
- 408 Operating Systems and Design — Heating and Ventilation Systems

- 500 Facility Maintenance — Toilets and Urinals, Maintenance
- 501 Facility Maintenance — Handwashing Sinks, Cleanser Availability, Hand Drying Provision, and Handwashing Signage
- 502 Facility Maintenance — Handwashing Sinks, Disposable Towels, and Waste Receptacles
- 503 Facility Maintenance — Floor Covering, Restrictions, Installation, and Cleanability
- 504 Facility Maintenance — Floors, Public Areas
- 505 Facility Maintenance — Cleanability, Sanitization and Maintenance of Plumbing Fixtures
- 506 Facility Maintenance — Refuse, Removal Frequency
- 507 Facility Maintenance — Unnecessary Items, Litter, and Controlling and Removing Pests*
- 508 Facility Maintenance — Professional Service Contracts
- 509 Facility Maintenance — Prohibiting Animals*

- 600 License and Registration Requirements*
- 601 Application Procedure — Period and Form of Submission, Processing
- 602 Application Procedure — Contents of the Application Packet
- 603 Denial of License Application — Notice
- 604 Issuance of License — New, Converted or Remodeled, Existing Operations, and Change of Ownership or Location
- 605 Issuance of License — Required Plan Reviews and Approvals
- 606 Issuance of License — Inspections - Preoperational, Conversions, and Renovations*
- 607 Issuance of License — Notice of Opening, Discontinuance of Operation, and Postings*
- 608 Issuance of License — Not Transferable
- 609 Issuance of License — Duplicates
- 610 Conditions of License Retention — Responsibilities of the Licensee

- 700 Access & Inspection Frequency — Department Right of Entry, Denial - Misdemeanor*
- 701 Report of Findings — Documenting Information and Observations
- 702 Report of Findings — Specifying Time Frame for Corrections
- 703 Report of Findings — Issuing Report and Obtaining Acknowledgement of Receipt
- 704 Report of Findings — Refusal to Sign Acknowledgment
- 705 Report of Findings — Public Information, Records Retention

- 706 **Imminent Health Hazard – Ceasing Operations and Emergency Reporting to the Department of Health***
- 707 **Imminent Health Hazard – Resumption of Operations**
- 708 **Prohibited Conduct – Advertisements and Activities**
- 709 **Critical Violations – Time Frame for Correction ***
- 710 **Critical Violation – Verification and Documentation of Correction**
- 711 **NonCritical Violations – Time Frame for Correction**
- 712 **Request for Reinspection**

- 800 **Administrative – Conditions Warranting Remedies**
- 801 **Administrative – Examining, Sampling, and Testing of Equipment, Water, Inks, Dyes, Pigments, Reusable instruments, Disposable Items, Jewelry, Sharps, Marking Instruments and Stencils, and Furnishings**
- 802 **Administrative – Condemnation Order, Justifying Conditions and Removal of Equipment, Water, Inks, Dyes, Pigments, Reusable Instruments, Disposable items, Jewelry, Sharps, Marking Instruments and Stencils, and Furnishings**
- 803 **Administrative – Condemnation Order, Contents**
- 804 **Administrative – Condemnation Order, Official Tagging or Marking Equipment, Water, Inks, Dyes, Pigments, Reusable instruments, Disposable Items, Jewelry, Sharps, Marking Instruments and Stencil, and Furnishings**
- 805 **Administrative – Condemnation Order, Equipment, Water, Inks, Dyes, Pigments, Reusable instruments, Disposable Items, Jewelry, Sharps, Marking Instruments and Stencils, and Furnishings Restrictions**
- 806 **Administrative – Condemnation Order, Removing the Official Tag or Marking**
- 807 **Administrative – Condemnation Order, Warning or Hearing Not Required**
- 808 **Administrative – Summary Suspension of License, Conditions Warranting Action**
- 809 **Administrative – Contents of Summary Suspension Notice**
- 810 **Administrative – Summary Suspension, Warning or Hearing Not Required**
- 811 **Administrative – Summary Suspension, Time Frame for Reinspection**
- 812 **Administrative – Summary Suspension, Term of Suspension, Reinstatement**
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CHAPTER 1 TITLE, INTENT, SCOPE**100 TITLE — Body Art Establishment Regulations**

100.1 These provisions shall be known as the Body Art Establishment Regulations hereinafter referred to as “these regulations.”

101 INTENT — SAFETY

101.1 The purpose of these regulations is to protect the public’s health by keeping the District’s body art industry safe and sanitary.

101.2 These regulations:

- (a) Establish minimum standards for the design, construction, operation, and maintenance of body art establishments;
- (b) Establish minimum operational standards for sterilization, sanitation, cleaning and safety of the establishment, equipment, supplies, and work surface areas;
- (c) Set standards for maintenance and replacement of equipment and supplies;
- (d) Set standards for hygienic operations for personnel including vaccinations;
- (e) Establish recordkeeping and reporting requirements;
- (f) Establish prohibited conduct within body art establishments;
- (g) Establish licensing and registration requirement, and associated fee schedules;
- (h) Provide for enforcement through inspections, suspension and revocation of licenses and registrations, including the examination, embargo, or condemnation of unsanitary or unsafe jewelry, biohazard sharps containers, disposable and non-disposable equipment, single-use products, wipes, gloves, towels, ointments, inks, dyes, needles, and disinfectants;
- (i) Establish fines and penalties; and
- (j) Establish definitions for this subtitle.

101.3 In accordance with the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-193; D.C. Official Code § 47-2853.76a. (2013 Supp.)), these regulations do not apply to:

- (a) A licensed physician or surgeon performing body art services for medical reasons;
- (b) A licensed funeral director performing body-piercing or tattooing services as required by that profession;
- (c) Laser tattoo removal procedures licensed by the District of Columbia Board of Medicine; or
- (d) Skin treatment procedures such as chemical peels or microdermabrasion licensed by the District of Columbia Board of Medicine.

101.4 Certain provisions of these regulations are identified as critical. Critical provisions are those provisions where noncompliance may result in injuries, spread of communicable diseases, or environmental health hazards. A critical item is denoted with an asterisk (*).

101.5 Certain provisions of these regulations are identified as noncritical. Noncritical provisions are those provisions where noncompliance is less likely to spread communicable diseases or create environmental health hazards. A section that is denoted in these regulations without an asterisk (*) after the head note is a noncritical item. However, a critical item may have a provision within it that is designated as a noncritical item with a superscripted letter “N” following the provision.

102 COMPLIANCE WITH FEDERAL AND DISTRICT LAWS

102.1 Body art establishments shall meet the following requirements:

- (a) 29 C.F.R.– Part 1910 (Occupational Safety and Health Standard, Subpart Z – Toxic and Hazardous Substances);
- (b) 29 CFR § 1910.1030(d) – Bloodborne Pathogen Standard;
- (c) The Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-0193; D.C. Official Code § 47-2809.01 (2013 Supp.));
- (d) The Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-0193; D.C. Official Code § 47-2853.76c, 47-2853.76d, and 47-2853.76e (2013 Supp.));
- (e) The Board of Barber and Cosmetology as specified in Chapter 37 of Title 17 of the District of Columbia Municipal Regulations, as amended; and

- (f) The District of Columbia's Construction Codes Title 12 Supplements of 2008, adopted December 26, 2008 (55 DCR 13094), which consist of the following International Code Council (ICC):
 - (1) International Building Code (2006 edition);
 - (2) International Mechanical Code (2006 edition);
 - (3) International Plumbing Code (2006 edition);
 - (4) International Fire Code (2006 edition);
 - (5) International Existing Building Code (2006 edition); and
 - (6) The National Fire Protection Association (NFPA 70) National Electrical Code (2005 edition).

102.2

In enforcing the provisions of these regulations, the Department shall regulate certain aspects of a body art establishment's physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings in use before the effective date of these regulations based on the following considerations:

- (a) Whether the establishment's physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings used in a body art establishment, are in good repair or capable of being maintained in a hygienic condition in compliance with these regulations;
- (b) The existence of a documented agreement with the licensee that the physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings used in a body art establishment will be replaced by an agreed upon date; or
- (c) Where adequate standards do not exist in these regulations to address industry changes and these regulations do not provide sufficient guidance for consideration of innovations in design, construction and operation of new body art establishments, the Department will impose new standards necessary to protect the health and safety of body art customers.

CHAPTER 2 SUPERVISION AND TRAINING, & PRE- AND POST-OPERATING PROCEDURES**200 LICENSEES RESPONSIBILITIES – QUALIFICATIONS, AND TRAINING***

- 200.1 Licensees shall ensure that prior to working in their establishments, body artists are licensed in accordance with:
- (a) The Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-0193; D.C. Official Code §§ 47-2853.76b, 76c, 47-2853.7, 47-2853.6d, and 47-2853.76e (2013 Supp.)); and
 - (b) The Board of Barber and Cosmetology as specified in Chapter 37 of Title 17 of the District of Columbia Municipal Regulations, as amended.
- 200.2 Licensees shall ensure operators are on duty and on the premises during all hours of operations at each body art establishment.
- 200.3 Licensees shall ensure body artists are on the premises during all hours of operations at each body art establishments.
- 200.4 Licensees shall ensure body artists prior to working in a body art establishment provide proof of the following:
- (a) Proof that the body artist is eighteen (18) years of age or older. Proof of age shall be satisfied with a valid driver's license, school issued identification, or other government issued identification containing the date of birth and a photograph of the individual;
 - (b) Evidence of current hepatitis B vaccination, including applicable boosters, unless the body artist can demonstrate hepatitis B immunity or compliance with current federal OSHA hepatitis B vaccination declination requirements; and
 - (c) Training in Biohazard issues and handling in accordance with Occupational Safety and Health Administration standards in accordance with 29 CFR – Part 1910 – Occupational Safety and Health Standard, Subpart Z – Toxic and Hazardous Substances, including universal precautions in accordance with 29 CFR § 1910.1030(d) – Bloodborne pathogens.
- 200.5 Licensees shall ensure that only single-use disposable sharps, pigments, gloves, and cleansing products shall be used in connection with body art procedures in body art establishments in accordance with these regulations.

201 LICENSEES RESPONSIBILITIES – DISTRICT-ISSUED IDENTIFICATION CARD REQUIREMENTS

201.1 All licensees or operators of tattoo, body art, and body-piercing establishments shall obtain a District-Issued Body Art Establishment Operator Identification Card, issued by the Department, which shall be renewed every two (2) years.

202 PRE-OPERATING PROCEDURES – AGE RESTRICTIONS, SIGNS & POSTINGS*

202.1 The licensee shall ensure its customers are eighteen (18) years of age in order to be offered or to receive a tattoo, body art, or body-piercing procedure in accordance with the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-193; D.C. Official Code § 47-2853.76e(b) (2013 Supp.)).

202.2 The licensee shall ensure that before piercing a minor’s ears with an ear piercing gun, the minor shall be accompanied by a parent or legal guardian, as specified in section 202.3(b) and the parent or legal guardian shall have submitted a signed “Parental/Legal Guardian Authorization Form” to the establishment, as specified in Section 206.1(b)(3)(v).

202.3 A licensee shall conspicuously post an “Age Restriction Sign” at or near the reception area with the following text:

<p>(a) INDIVIDUALS LESS THAN 18 YEARS OF AGE ARE <u>PROHIBITED FROM OBTAINING ANY BODY ART PROCEDURE, EXCEPT EAR PIERCING PROCEDURES USING A MECHANIZED, PRE-STERILIZED SINGLE-USE STUD AND CLASP EAR PIERCING GUN;</u></p> <p>(b) EAR PIERCING IDENTIFIED IN SECTION “(a)” IS AUTHORIZED ONLY WITH THE WRITTEN CONSENT OF A PARENT OR LEGAL GUARDIAN SUBMITTED TO THE ESTABLISHMENT AND IF THE MINOR IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN AT THE TIME OF THE EAR PIERCING;</p> <p>(c) INDIVIDUALS LESS THAN 18 YEARS OF AGE ARE <u>PROHIBITED ON THE PREMISES.</u></p>

203 PRE-OPERATING PROCEDURES – CONSENT FORMS, HEALTH RISK STATEMENTS, CONTENT, AND POSTINGS*

203.1 Operators shall remind each customer to consult their physician regarding any medical condition which could be exacerbated by body art procedures.

203.2 The licensee shall conspicuously post a disclosure sign in the reception area that is legible, clearly visible, not obstructed by any item for viewing by customers. The disclosure sign shall read as follows:

<p>DISCLOSURES</p> <p>HEALTH RISKS ASSOCIATED WITH RECEIVING A BODY ART PROCEDURE – No. 1</p>
<p>The United States Food and Drug Administration have not approved any pigment color additive for injectable use as tattoo ink.</p> <p>There may be a risk of carcinogenic decomposition associated with certain pigments when the pigments are subsequently exposed to concentrated ultra-violet light or laser irradiation.</p> <p>If you believe that you have been injured at this establishment, contact:</p> <p style="text-align: center;"> The District of Columbia Department of Health Health Regulation and Licensing Administration Radiation Protection Division 899 North Capitol Street, N.E., 2nd Floor, Washington, D.C. 20002-4210 Telephone: (202) 724-8800 </p>

203.3 In addition to Section 203.2, the licensee shall conspicuously post “Health Risks Associated with Receiving a Body Art Procedure Nos. 2, and 3” as specified in Section 203.4, in the reception area as specified in Section 607.4. The sign shall be legible, clearly visible, and not obstructed by any item for viewing by customers.

203.4 The lettering on the warning signs in this section and Section 203.2 shall be at least five millimeters (5 mm) high for the phrase “Health Risks Associated with Receiving a Body Art Procedure Nos. 1, 2, and 3.” All capital letters shall be at least five millimeters (5 mm) high and all lower case letters shall be at least three millimeters (3 mm) high. The sign shall read as follows:

HEALTH RISKS ASSOCIATED WITH RECEIVING A BODY ART PROCEDURE – No. 2

The following medical history may increase health risks associated with receiving a body art procedure:

- Diabetes
- Hemophilia (bleeding)
- Skin disease, skin lesions, or skin sensitivities to soaps or disinfectants
- Allergies or adverse reactions to pigments, dyes, or other sensitivities
- Epilepsy, seizures, fainting or narcolepsy
- Use of medications such as anticoagulants, which thin the blood or interfere with blood clotting
- Any other conditions such as hepatitis or HIV

HEALTH RISKS ASSOCIATED WITH RECEIVING A BODY ART PROCEDURE – No. 3

Tattoos breach the skin, which means that skin infections and other complications are possible. Specific risks include:

Allergic reactions. Tattoo dyes – especially red dye – can cause allergic skin reactions, resulting in an itchy rash at the tattoo site. This may occur even years after you get the tattoo.

Skin infections. Tattoos can lead to local bacterial infections, characterized by redness, swelling, pain, lesions consisting of red papules or diffuse macular rash developing at the tattoo site. Possible skin infections can include:

- nontuberculous Mycobacteria (NTM) – linked to contaminated tattoo inks
- *M. chelonae* – one of several disease-causing NTM species, can cause lung disease, joint infection, eye problems and other organ infections

(These infections can be difficult to diagnose and can require treatment lasting 6 months or more.)

Other skin problems. Sometimes bumps called granulomas form around tattoo ink – especially red ink. Tattooing can also lead to raised areas caused by an overgrowth of scar tissue (keloids).

Bloodborne diseases. If the equipment used to create your tattoo is contaminated with infected blood, you can contract various bloodborne diseases, including hepatitis B, hepatitis C, tetanus and HIV – the virus that causes AIDS.

MRI complications. Rarely, tattoos or permanent makeup may cause swelling or burning in the affected areas during magnetic resonance imaging (MRI) exams. In some cases – such as when a person with permanent eyeliner has an MRI of the eye – tattoo pigments may interfere with the quality of the image.

If you believe that you have been injured at this establishment, contact:

**The District of Columbia Department of Health
Health Regulation and Licensing Administration
Radiation Protection Division**

<p>899 North Capitol Street, N.E., 2nd Floor, Washington, D.C. 20002-4210 Telephone: (202) 724-8800</p>
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204 PRE-OPERATING PROCEDURES – WAITING PERIOD, TATTOOS & BODY-PIERCINGS*

204.1 The licensee or operator of a body art establishment shall ensure that no tattoo artist applies any tattoo to a customer until after twenty-four (24) hours have passed since the customer first requested the tattoo.

204.2 The licensee or operator of a body art establishment shall ensure that no body-piercer shall body-pierce a customer until after twenty-four (24) hours have passed since the customer first requested the body-piercing.

204.3 The licensee or operator shall ensure that no body artist or body art establishment shall bind or attempt to bind a customer to committing to obtaining a tattoo or body-piercing, or bind or attempt to bind a customer into paying for a tattoo or body-piercing upon signing the Twenty-four (24) Hour Waiting Period Acknowledgment Form.

205 PRE-OPERATING PROCEDURES – CUSTOMER’S QUESTIONNAIRE, CONFIDENTIAL MEDICAL INFORMATION*

205.1 During each visit, customers shall receive, complete, and sign a questionnaire that disclose conditions which could impact the customer’s suitability for receiving a body art procedure or proper healing of a body art procedure, including but not limited to whether the customer:

- (a) Is pregnant;
- (b) Is diabetic;
- (c) Is taking anticoagulants or other medications that thin the blood and/or interfere with blood clotting;
- (d) Has a history of herpes infection at the proposed procedure site;

- (e) Has a history of Hemophilia or other bleeding disorder, or cardiac valve disease;
- (f) Has a skin diseases or skin lesions;
- (g) Has allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps or metals;
- (h) Has allergies or adverse reactions to antibiotics;
- (i) Has a history of medication use or is currently using medication, including being prescribed antibiotics prior to dental or surgical procedures; or
- (j) Has any other risk factors for bloodborne pathogen exposure.

205.2 All customers' responses to the "Questionnaire" are confidential and body art establishments shall:

- (a) Protect customers' privacy, including medical and personally identifiable information; and
- (b) Not sell, share, or transfer customer information in accordance with federal and District laws and regulations.

206 PRE-OPERATING PROCEDURES – INFORMED CONSENT, JEWELRY SELECTION, AND EQUIPMENT SETUP*

206.1 Before beginning a body art procedure, a body artist shall comply with the following:

- (a) Complete all business transactions;
- (b) Obtain signed copies of the following documents, which are provided to the customer:
 - (1) "Informed Consent" Form indicating that he or she received both written and verbal information regarding the risks, outcome and aftercare instructions from the tattoo artist, body artist, or body-piercer; or
 - (2) "Informed Consent" Form indicating it was read to the customer who may be illiterate or visually impaired and the customer understands the risks, outcome and aftercare instructions read to him or her by the tattoo artist, body artist, or body-piercer; and
 - (3) The "Informed Consent" Form shall include but is not limited to:

- (i) The customer's name, address, current telephone number, and signature;
- (ii) Date and description of the body art procedure;
- (iii) A description of what the customer should expect following the procedure, including suggested care and any medical complications that may occur as a result of the procedure;
- (iv) A statement regarding the permanent nature of body art;
- (v) Parental/Legal Guardian Authorization Form, required only for piercing of minors ears in the presence of the parent/guardian, as specified in Section 202.3;
- (vi) Receipt of the documents titled "Health Risks Associated with Receiving a Body Art Procedure Nos. 1, 2, and 3" as specified in Sections 203.2 and 203.4;
- (vii) A statement that he or she does not have a condition that could prevent him or her from receiving body art procedure as specified in Section 205; and
- (viii) Receipt of a document titled "Aftercare Instructions", as specified in Section 207.

206.2 Before beginning a body art procedure, the customer and body artist shall select the appropriate size and quality of jewelry for body-piercing together. Appropriate jewelry shall be made of:

- (a) ASTM F138, ISO 5832-1, and AISI 316L or AISI 316LM implant grade, stainless steel;
- (b) Solid 14k through 18k yellow or white gold;
- (c) Niobium;
- (d) ASTM F 136 6A4V titanium;
- (e) Platinum; or
- (f) Other materials found to be equally biocompatible.

206.3 All jewelry shall be free of nicks, scratches, or irregular surfaces and is properly sterilized prior to use.

206.4 In addition to the requirements identified in Sections 202, 203, 204, 205, and 206, a body artist shall set up all equipment and supplies, including but not limited to sterile water, inks, dyes, and pigments, and shall open all packages containing sterile instruments, pre-sterilized, single-use jewelry, and pre-sterilized, single-use disposable items in front of the customer.

207 POST-OPERATING PROCEDURES — AFTERCARE INSTRUCTIONS FOR TATTOOS AND BODY-PIERCINGS, CONTENT *

207.1 The licensee shall ensure after each body art procedure, the body artist provides the customer with Aftercare Instructions, which include the following information:

- (a) The name of the body artist who performed the procedure; and
- (b) The name, address, and telephone of the establishment where the procedure was performed.

207.2 Written “Aftercare Instructions” for tattoo procedures shall provide:

- (a) Information on the care of the procedure site;
- (b) Restrictions on physical activities such as bathing, recreational water activities, gardening, or contact with animals; and duration of the restrictions;
- (c) The need to properly cleanse the tattooed area;
- (d) Application of antibiotic ointment or cream;
- (e) The use of sterile bandages(s) or other sterile dressings(s) when necessary; and
- (f) The instructions for the customer to consult a health care practitioner at the first sign of infection or an allergic reaction, and to report any diagnosed infection, allergic reaction, or adverse reaction resulting from the application of the tattoo to the body artist and to the Department at (202) 724-8800.

207.3 Written “Aftercare Instructions” for body-piercing procedures shall state:

- (a) The need to properly cleanse the pierced area by using antibacterial or antimicrobial soap for the external skin or an antiseptic or salt water mouthwash for the oral cavity;
- (b) The need to minimize exposure to filth for at least six (6) weeks;

- (c) Use of sterile bandages(s) or other sterile dressings(s) when necessary;
- (d) The name of the body artist, and the name, address, and telephone of the establishment where the procedure was performed; and
- (e) The instructions for the customer to consult a health care practitioner at the first sign of infection or an allergic reaction, and to report any diagnosed infection, allergic reaction, or adverse reaction resulting from the body-piercing to the body artist and to the Department at (202) 724-8800.

CHAPTER 3 OPERATING PROCEDURES TO PREVENT CROSS-CONTAMINATION, AND RECORDKEEPING REQUIREMENTS

300 PREVENTING CONTAMINATION – STERILE WATER, INKS, DYES & PIGMENTS, AND PRE-STERILIZED, SINGLE-USE DISPOSABLE ITEMS

- 300.1 All body artists shall use only sterile water to mix and dilute inks, dyes, or pigments and shall not use tap water or distilled water.
- 300.2 All tattoo artists shall use inks, dyes, and pigments that are specifically manufactured for performing body art procedures in accordance with manufacturer's instructions.
- 300.3 All tattoo artists shall transfer the quantity of dye to be used in the body art procedure from the dye bottle and place it into a single-use paper or plastic cup or cap immediately before a tattoo is applied.
- 300.4 Single-use cups or caps and their contents shall be discarded immediately upon completion of a tattoo.
- 300.5 Single-use, disposable items, including but not limited to cups, cotton swabs, corks, rubber bands, and toothpicks shall be maintained in clean condition and dispensed in a manner to prevent contamination to unused pre-sterilized, single-use disposable items.
- 300.6 Single-use plastic covers shall be used to cover spray bottles or other reusable accessories for multiple customers that are handled by the tattoo artist or body-piercer.
- 300.7 Only single-use inks, pigment or dye shall be placed into a clean, single-use receptacle, which is discarded immediately upon completion of the tattoo procedure.

300.8 Inks, pigments, soaps, and other products in multiple-use containers shall be dispensed in a manner that prevents contamination of the storage container and the remaining unused portion through the use of a single-use receptacle.

300.9 If a tray is used for inks or pigments, it shall be decontaminated after use on each customer.

301 PREVENTING CONTAMINATION — PRE-STERILIZED, SINGLE- USE DISPOSABLE SHARPS

301.1 All body artists shall use only pre-sterilized, single-use disposables sharps, including but not limited to needles, razors or razor heads on an individual during a single piercing or tattooing, and immediately dispose of the pre-sterilized, single-use disposables sharps into a medical-grade sharps container.

301.2 All body artists shall use solid core needles, and equipment that is specifically manufactured for performing body art procedures in accordance with manufacturer's instructions.

302 PREVENTING CROSS-CONTAMINATION FROM BODY ARTISTS — WORK AREAS, CONSTRUCTION AND DESIGN, AND RESTRICTIONS

302.1 A body artist encountering a biohazard or other health hazards shall report it immediately to the operator.

302.2 All body artists shall use only single-use jewelry on an individual and the single-use jewelry shall not be reused on another customer.

302.3 All body artists shall wear single-use aprons and single-use gloves which shall be disposed of after completing a procedure on a customer.

302.4 All body artists shall use pre-sterilized, single-use disposable equipment. For equipment that is not disposable, such as surgical steel forceps, and sterilizers are required, as specified in Section 304.14 and 304.15.

302.5 All body artists shall:

- (a) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty;
- (b) Wash their hands, wrists and arms to the elbow thoroughly using hot or tempered water with a liquid germicidal soap before and after tattooing or body-piercing and as often as necessary to remove contaminants;
- (c) Dry hands thoroughly with single use disposable towel;

- (d) Don new medical-grade latex, vinyl or hypoallergenic single-use disposable gloves on both hands when touching, decontaminating, or handling a surface, object, instrument, or jewelry that is soiled or that is potentially soiled with human blood; and
- (e) Don new medical-grade latex, vinyl or hypoallergenic single-use disposable gloves while assembling tattooing and body-piercing instruments and during tattooing and body-piercing procedures, as specified in Chapter 3.

302.6 When a body art session is interrupted, or immediately after gloves are torn or perforated, a tattoo artist and body-piercer shall:

- (a) Remove and discard the gloves;
- (b) Wash and dry their hands as specified in Sections 302.5(b) and (c); and
- (c) Don a new pair of gloves, as specified in Section 302.5(d).

302.7 In addition to the procedures identified in Sections 302.1 through 302.6 all body artists shall use the following universal precautions for all body art procedures:

- (a) Don new gloves for routine disinfecting procedures;
- (b) Move in such a manner as to avoid re-contamination of work surfaces;
- (c) Discard and remove disposable items from work areas after completing a body art procedure on each customer;
- (d) Disinfect work surface areas and all equipment that may have been contaminated during the piercing procedure;
- (e) Dispose of single-use lap cloths after use on each customer;
- (f) Remove and discard gloves and wash hands;
- (g) Discard materials in appropriate red biohazard waste bags after use on each customer;
- (h) Disinfect all reusable equipment made of non-porous material after each use. Non-spray wipes for surfaces and liquids for soaking jewelry are preferred over spray disinfectants which may disperse pathogens into the air;
- (i) Apply iodine, bacitracin and other antiseptics with single-use applicators. Applicators that have touched a customer shall not be used to retrieve antiseptics, iodine, etc. from any containers;

- (j) Clean contaminated instruments (such as forceps or pliers) of bacitracin or other antibiotic solutions, blood and other particles with an appropriate soap or disinfectant cleaner and hot water, followed by an ultrasonic cleaner and steam autoclave; and
 - (k) Use sterilization equipment, as specified in Sections 304.14 through 304.16, and 311.
- 302.8 Work areas in a body art establishment shall be constructed and maintained to ensure customer privacy and shall not be used as a walk-thru to gain access to other rooms or exists.
- 302.9 All work areas shall be constructed and equipped with floors, chairs, and table tops that are non-porous, smooth and easily cleanable and maintained in a clean and sanitary manner.
- 302.10 Carpet is not permitted as a floor covering in a work area where tattooing or body piercing is conducted.
- 302.11 All work areas shall contain a medical-grade sharps container that is conveniently located near the workstations.
- 302.12 Each body art establishment shall have separate work areas with workstations that are in individual rooms that are used for tattoo or body-piercing procedures only and for no other purpose.
- 302.13 The licensee shall ensure each work area for tattoo or body-piercing procedure provides a body artist with a minimum of forty-five square feet (45 sq. ft.) of floor space.
- 302.14 Each body art establishment shall have a separate cleaning area for decontamination and sterilization procedures, in which the placement of a sterilizer is at least thirty-six (36) inches away from the placement of the required ultrasonic cleaning unit and any sink.
- 302.15 All solid surfaces and objects in the procedure area and the decontamination and sterilization area that have come in contact with the customer or the materials used in performing the tattoo or body-piercing, including but not limited to chairs, armrests, tables, countertops, and trays, shall be immediately decontaminated after each use and then disinfected by application of a disinfectant, used according to manufacturer's instructions.
- 302.16 The surfaces and objects in the procedure area shall be disinfected again if an activity occurred in the area after the area was disinfected.

303 PREVENTING CROSS-CONTAMINATION FROM CUSTOMERS

303.1 In addition to the procedures identified in Chapter 2, body artists shall ensure that any skin or mucosa surface to receive a body art procedure is free of a rash or any visible infection and shall comply with the following procedures in preparing the customer's skin:

- (a) Clean the area of the customer's skin subject to the body art with an approved germicidal soap according to the label directions. In the case of:
 - (1) Oral piercings, the body artist shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided; or
 - (2) Lip, labret, or cheek piercing, the body artist shall follow the procedures identified in this section for skin and oral piercings.
- (b) Use single-use disposable razors if shaving is required. The razor or razor's head shall be immediately placed in a medical-grade sharps container after use;
- (c) Wash the skin and surrounding area with soap and water, following shaving, and immediately discard the washing pad after use;
- (d) Use single-use products only to stop the bleeding or to absorb blood, and discard immediately after use in appropriate red biohazard waste bags, and disposed of in accordance with Section 307.2; and
- (e) Use sterile gauze or other sterile applicator to dispense and apply petroleum jelly, soaps, and other products in the application of stencils on the area to receive a body art procedure to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded immediately in the appropriate red biohazard waste bags as specified in Section 307.2.

303.2 If a body artist has reason to suspect that a customer may have a communicable disease, skin diseases or other conditions posing public health concerns, the body artist shall:

- (a) Deny the customer service and recommend the customer be examined by a licensed health care provider; or
- (b) Cease a body art procedure that is in-process and recommend the customer be examined by a licensed health care provider.

304 PREVENTING CONTAMINATION — REUSABLE INSTRUMENTS AND EQUIPMENT, DESIGN, LOCATION, AND MAINTENANCE LOG

- 304.1 Reusable instruments that are used during body art procedures which may contact blood or other bodily fluids, or which come in direct contact with skin which is not intact, shall be sterilized after each use or disposed of after each use.
- 304.2 Reusable instruments that are used during tattooing and body-piercing procedures which do not come in contact with broken skin but which may come in contact with mucous membranes and oral tissue shall be sterilized after each use.
- 304.3 Reusable instruments or reusable items that do not come in contact with non-intact skin or mucosal surfaces shall be washed with a solution of soap and sterile water, using a brush that is small enough to clean the interior surfaces, and decontaminated after each procedure.
- 304.4 If it is not feasible to sterilize the reusable instruments because it will be damaged during the body art procedure, the reusable instruments, including but not limited to calipers and gauge wheels shall be treated with a germicidal solution prior to use.
- 304.5 Reusable instruments that come in contact only with intact skin or mucosal surfaces shall either be single-use or washed in sterile water, disinfected, packaged, and sterilized after each procedure.
- 304.6 Sterilize instrument packs shall be evaluated before use, and if the integrity of the pack is compromised in any way, including but not limited to being torn, punctured, wet, or having evidence of potential moisture contamination, the instrument pack shall be discarded or reprocessed before use.
- 304.7 Contaminated, reusable instruments shall be placed in a labeled covered container which shall contain a disinfectant solution such as 2.0% alkaline glutaraldehyde or similar disinfectant until it can be cleaned and sterilized.
- 304.8 All containers holding contaminated reusable instruments and container lids shall be emptied of contaminated solution and cleaned and sanitized daily or more often if needed.
- 304.9 Any part of a tattooing machine that may be touched by the tattoo artist during the procedure shall be covered with a disposable plastic sheath that is discarded upon completion of the procedure, and the tattoo machine shall be decontaminated upon completion of the procedure.
- 304.10 A machine used to insert pigments shall be designed with removable parts between the tip and motor housing, and shall be designed in a manner that will prevent backflow into enclosed parts of the motor housing.

- 304.11 A hand tool used to insert pigment shall be disposed of in a sharps medical-grade container, with the sharps intact, unless the needle can be mechanically ejected from the hand tool.
- 304.12 A body art establishment shall:
- (a) Sterilize clean instruments and seal in peel-packs that contain either a sterilizer indicator or internal temperature indicator. The outside of the pack shall be labeled with the name of the instrument, the date sterilized, and the initials of the person operating the sterilizing equipment;
 - (b) Sterilize clean instruments and pack and place them in clean, dry, labeled container, or store in a labeled cabinet that is protected from dust and moisture;
 - (c) Sterilize instruments and store them in the intact peel-packs or in the sterilization equipment cartridge until time of use; and
 - (e) Sterilize instrument packs that should be evaluated at the time of storage and before use. If the integrity of the pack is compromised, including but not limited to cases where the pack is torn, punctured, wet, or displaying any evidence of moisture contamination, the pack shall be discarded or reprocessed before use.
- 304.13 For all reusable instruments that may come in contact with a customer or jewelry, a body art establishment shall use sterilization equipment approved for medical sterilization purposes by the U.S. Food and Drug Administration Equipment as specified in Section 311.
- 304.14 All reusable instruments shall be bagged, dated and sealed before sterilizing.
- 304.15 Reusable instruments shall be sterilized at a temperature of two hundred seventy-five degrees Fahrenheit (275° F) (one hundred thirty-five degrees Celsius (135° C)) under a pressure of 20 PSI for thirty (30) minutes.
- 304.16 After sterilizing equipment, the equipment shall be stored in a non-porous, dark, dry, cool place, such as a medical credenza.
- 304.17 Each body art establishment shall be equipped with a working sterilizer and with appropriate cleansing equipment, such as a working ultrasonic cleaner.
- 304.18 At least one covered, foot operated solid waste receptacle, lined with disposable bags shall be provided in each:
- (a) Work area;

- (b) At each handwash sink; and
- (c) In each toilet room.

305 PREVENTING CONTAMINATION — MARKING INSTRUMENTS AND STENCILS*

- 305.1 Marking instruments shall be single-use or sanitized by design, such as alcohol based ink pens, and shall be used only on intact skin that has been treated with a germicidal soap.
- 305.2 Marking instruments that come in contact with mucous membranes or broken skin shall be single-use.
- 305.3 All stencils and applicators shall be single-use.
- 305.4 Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied using an aseptic technique and in a manner that prevents contamination of the original container and its content.
- 305.5 A product applied to the skin prior to tattooing or application of permanent cosmetics, including but not limited to stencils and marking and transfer agents, and pens, shall be single-use and discarded into red biohazard bags at the end of the procedure unless the product can be disinfected for reuse.
- 305.6 If measuring the body-piercing site is necessary, clean calipers shall be used and the skin marked using clean toothpicks and ink.

306 PREVENTING CONTAMINATION — PRE-STERILIZED, SINGLE-USE JEWELRY*

- 306.1 Jewelry contaminated with only airborne pathogens, not previously worn or contaminated, shall be disinfected with a non-hazardous, hard-surface disinfectant approved by EPA;
- 306.2 Jewelry placed in newly pierced skin shall be sterilized prior to piercing as specified in Section 304.13 or shall be purchased pre-sterilized as specified in Sections 309 310, and 312.
- 306.3 Sterile jewelry packs shall be evaluated before use and, if the integrity of a pack is compromised, including but not limited to being torn, wet, or punctured, the pack shall be discarded or reprocessed before use.

307 PREVENTING CONTAMINATION — BIOHAZARD AND INFECTIOUS WASTE, HANDLING & DISPOSAL*

- 307.1 All sharps shall be disposed of in medical-grade sharps containers and disposed of by professional environmental infectious waste disposal companies licensed in the District of Columbia, in accordance with Section 508.3.
- 307.2 All other supplies or materials that are contaminated with blood or other body fluids that are generated during a body art process, including but not limited to cotton balls, cotton tip applicators, corks, toothpicks, tissues, paper towels, gloves, single-use plastic covering, and pigment containers shall be discarded in red biohazard bags and disposed of by a professional environmental infectious waste disposal company licensed in the District of Columbia, in accordance with Section 508.3.
- 307.3 Solid waste that is not contaminated shall be placed in easily cleanable, sealed containers and disposed of in accordance with Section 506.
- 307.4 All solid waste containers shall be kept closed when not in use, and shall comply with Section 506.

308 PREVENTING CONTAMINATION — INFECTION PREVENTION AND EXPOSURE CONTROL PLAN

- 308.1 The licensee shall ensure that each body art establishment develops, maintains and follows a written Infection Prevention and Exposure Control Plan provided by the licensee or the body artists that identifies the following;
- (a) Policies and procedures for staff training on universal precautions for exposure to bloodborne pathogens from blood and other potentially infectious materials;
 - (b) Policies and procedures for decontaminating and disinfecting environmental surfaces;
 - (c) Policies and procedures for decontaminating, packaging, sterilizing, and storing reusable instruments;
 - (d) Policies and procedures for protecting clean instruments and sterile instrument packs from exposure to dust and moisture during storage;
 - (e) Policies and procedures for setting up and tearing down workstations for all body art procedures performed at the body art establishment;
 - (f) Policies and procedures to prevent the contamination of instruments or the procedure site during a body art procedure;

- (g) Policies and procedures for safe handling and disposal of sharps and bio-hazardous waste; and
- (h) Recommendations by the Centers for Disease Control and Prevention to control the spread of infectious disease and treat all human blood and bodily fluids as infectious through universal precautions.

308.2 The licensee shall ensure routine on-site training on the establishment's Infection Prevention and Exposure Control Plan, and shall require additional training when a body artist:

- (a) Is exposed to an occupational hazard;
- (b) Performs a new procedure or there is a change in a procedure; and
- (c) The establishment purchases new equipment.

309 PREVENTING CONTAMINATION — REUSABLE INSTRUMENTS & STERILIZATION PROCEDURES*

309.1 Reusable instruments shall be cleaned by gloved personnel prior to sterilization using the following methods:

- (a) Mechanically, pre-clean the items by using a clean cotton ball or swab moistened with a solution of low-residue detergent and cool water, with care taken to ensure the removal of any pigment or body substances not visible to the eye, thoroughly rinse with warm water and then drain, and clean by soaking in a protein dissolving detergent-enzyme cleaner used according to the manufacturer's instructions; or
- (b) Clean the items in an ultrasonic cleaning unit used according to the manufacturer's instructions. A copy of the manufacturers recommended procedures for operation of the ultrasonic cleaning unit shall be available for inspection by an authorized agent of the Department; and
- (c) Rinse and dry the items prior to packaging for sterilization.

310 MAINTENANCE RECORDS — STERILIZERS AND COMMERCIAL BIOLOGICAL INDICATOR MONITORING SYSTEM, AND RETENTION*

310.1 All body art establishments shall load, operate, decontaminate, and maintain sterilizers according to manufacturer's instructions, and only equipment manufactured for the sterilization of medical instruments shall be used.

310.2 Sterilization equipment shall use a commercial biological indicator monitoring systems that are tested after:

(a) Initial installation; and

(b) Major repair.

310.3 A commercial biological indicator monitoring system shall be used at least weekly, but preferably every day that a sterilizer is in use to ensure a sterilizer's effectiveness.

310.4 The expiration date of a commercial biological indicator monitoring system shall be checked prior to each use.

310.2 A daily written log of each sterilization cycle shall be maintained on the premises for three (3) years for inspection by the Department and shall include the following information:

(a) The date of the load;

(b) A list of the contents of the load;

(c) The exposure time and temperature;

(d) The results of the Class 5 Integrating Biological Indicator; and

(e) For cycles where the results of the biological indicator monitoring test are positive, how the items were cleaned, and proof of a negative test before reuse.

311 MAINTENANCE RECORDS — STERILIZERS*

311.1 The Department shall require calibration of all sterilization equipment by an independent laboratory that will calibrate the equipment biannual or more frequently if recommended by the manufacturer and records of the calibrations shall be maintained on the premises for inspection by the Department.

311.2 Sterilizers shall be spore tested in accordance with manufacturer's recommendations by trained staffers and records of the spore tests shall be maintained on the premises for three (3) years after the date of the results for inspection by the Department.

312 RECORDS OF ACQUISITIONS — DISPOSABLES, SINGLE-USE, PRE-STERILIZED INSTRUMENTS, AND RECORD RETENTION*

312.1 A body art establishment that does not provide access to a decontamination and sterilization area that is in compliance with these regulations, or that does not have sterilization equipment as specified in Section 310 shall:

- (a) Use only disposable, single-use, pre-sterilized instruments and supplies as specified in Section 200.5;
- (b) Purchase disposable, single-use, pre-sterilized medical-grade instruments, including but not limited to sharps and medical-grade items, including but not limited to latex, vinyl or hypoallergenic gloves, and cleansing products, from medical suppliers licensed or registered in the District of Columbia; and
- (c) Maintain for ninety (90) days:
 - (i) A record of the purchase and use of all disposable, single-use, pre-sterilized medical-grade instruments and supplies;
 - (ii) A log of all body art procedures, including the names of the tattoo artist or body-piercer and the customer; and
 - (iii) The date of the body art procedure.

313 RECORDKEEPING REQUIREMENTS – CONFIDENTIAL, PERSONNEL FILES*

- 313.1 The licensee shall maintain a procedural manual at the body art establishment which shall be available at all times to operators and the Department during each inspection.
- 313.2 Each body art establishment's policy and procedures manual shall maintain the following information regarding body artist, as specified in Section 200.4:
- (a) Full legal name;
 - (b) Home address and telephone number(s);
 - (c) Professional licenses and training certifications, if applicable; and
 - (d) Proof that he or she is eighteen (18) years of age or older with a driver's license or other government issued identification containing the date of birth and a photograph of the individual, or school issued identifications; and
 - (e) Proof of compliance with pre-employment requirement of current hepatitis B vaccination, including applicable boosters, unless the body artist:
 - (1) Demonstrates hepatitis B immunity; or

- (2) Compliance with current federal OSHA hepatitis B vaccination declination requirements.

314 RECORDKEEPING REQUIREMENTS — CONFIDENTIAL CUSTOMER FILES, AND REQUIRED DISCLOSURES*

314.1 Each body art establishment shall maintain signed and completed forms in each customer's file:

- (a) Parental/Legal Guardian Authorization Forms, as specified in Section 202.2.
- (b) Twenty-four (24) Hour Waiting Period Acknowledgment Form, as specified in Section 204;
- (c) Customer's Questionnaire, as specified in Section 205;
- (d) Informed Consent Form, as specified in Section 206.1(b)(1);
- (e) Statements signed by the body art establishment staff for customers who are illiterate or visually impaired and unable to sign their names in accordance with Section 206.1(b)(2), if applicable; and

314.2 Each body art establishment offering tattoo procedures shall keep on the premises documentation of the following information, and shall disclose and provide this information to customers upon request:

- (a) The actual pigments used in the body art establishment;
- (b) The names, addresses, and telephone numbers of the suppliers and manufacturers of pigments used in the body art establishment for the past three (3) years; and
- (c) Identification of any recalled pigments used in the establishment for the past three (3) years and the supplier and manufacturer of each pigment.

314.3 A list of emergency contact numbers shall be easily accessible to all personnel and shall include, but is not limited to:

- (1) The nearest hospital;
- (2) The nearest fire department; and
- (3) Emergency 911 service.

314.4 All files identified in this section that are maintained electronically shall be frequently backed up and accessible from multiple locations, if applicable.

314.5 An electronic record shall be retrievable as a printed copy.

315 RECORDKEEPING REQUIREMENTS – RETENTION

315.1 The licensee shall maintain all records at the establishment for at least three (3) years or longer if required by any other applicable District law or regulation. The records shall be readily available for review by the Department upon request.

315.2 Excepted as provided in Section 315.1, all confidential information identified in Section 314.1 shall be shredded three (3) years after a customer has received a body art procedure.

316 RECORDKEEPING REQUIREMENTS – REPORTS OF INFECTION OR ALLERGIC REACTIONS

316.1 The licensee shall maintain a document called a “Report of Infection or Allergic Reactions” that details infections and allergic reactions reported to the body artist or the body art establishment by a customer.

316.2 The licensee shall submit to the Department a written report of any infections or allergic reactions resulting from a body art procedure within five (5) business days of its occurrence or knowledge thereof.

316.3 The report shall include the following information:

- (a) Name, address, and telephone number of the affected customer;
- (b) Name, location, telephone number and license number of the establishment where the body art procedure was performed;
- (c) The complete legal name of the body artist;
- (d) The date the body art procedure was performed;
- (e) The specific color or colors of the tattoo or type of jewelry used for the body-piercing, and when available, the manufacturer’s catalogue or identification number of each color or type of jewelry used;
- (f) The location of the infection and the location on the body where the body art was applied;
- (g) The name and address of the health care practitioner, if any; and
- (h) Any other information considered relevant to the situation.

- 316.4 The Department shall use these reports in their efforts to identify the source of the adverse reactions and to take action to prevent its recurrence.
- 316.5 The licensee shall maintain all reports pertaining to infections and allergic reactions at the establishment for review until the Department authorizes their disposal.

CHAPTER 4 PHYSICAL STRUCTURE, OPERATING SYSTEMS AND DESIGN

400 PHYSICAL STRUCTURE – BUILDING MATERIALS AND WORKMANSHIP

- 400.1 The licensee of a newly constructed, remodeled or renovated body art establishment shall ensure that the design, construction, building materials, and workmanship complies with the District's Construction Codes of 2008, as specified in Section 102.1(f) of this chapter.
- 400.2 The licensee of an existing body art establishment shall maintain in good condition the physical integrity of its establishment by repairing or replacing structural or design defects, operating systems, or fixtures in use before the effective date of these regulations in accordance with the District's Construction Codes of 2008, as specified in Section 102.1(f) of this chapter.
- 400.3 At least thirty (30) days before beginning construction or remodeling of a body art establishment, the licensee shall submit construction plans with all schedules, including but not limited to floor plans, elevations, and electrical schematics, to the Department for review and approval, as specified in Section 605.

401 PHYSICAL STRUCTURE – FLOOR AND WALL JUNCTURES, COVERED, AND ENCLOSED OR SEALED

- 401.1 Floor and wall junctures shall be covered and closed to no larger than one millimeter (1 mm.) or one thirty-second of an inch (1/32 in.).
- 401.2 Covering of floor and wall junctures shall be sealed.

402 PHYSICAL STRUCTURE – FLOORS, WALLS, CEILINGS, AND UTILITY LINES

- 402.1 All procedure areas and instrument cleaning areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent and easily cleanable material. Outer openings shall provide protection against contamination from dust and other contaminants.
- 402.2 All floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, except that antislip floor coverings or applications may be used for safety reasons.

- 402.3 All facilities shall have a waiting area that is separate from the body art procedure area, and from the instrument cleaning, sterilization, and storage areas.
- 402.4 The floors in the restrooms and locker rooms that are next to showers or toilets, or any other wet areas, shall be constructed of smooth, durable, nonabsorbent, and easily cleanable material.
- 402.5 Every concrete, tile, ceramic, or vinyl floor installed in bathrooms, restrooms, locker rooms, and toilet rooms, which are next to showers or toilets, shall be covered at the junctures between the floor and the walls.
- 402.6 All material used to cover the junctures shall be fitted snugly to the floor and the walls so that they are water tight and there are no openings large enough to permit the entrance of vermin.
- 402.7 The material used in constructing the walls and ceilings must be joined along their edges so as to leave no open spaces or cracks.
- 402.8 Utility service lines and pipes shall not be unnecessarily exposed.
- 402.9 Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
- 402.10 Exposed horizontal utility service lines and pipes shall not be installed on the floor.

403 OPERATING SYSTEMS AND DESIGN — PLUMBING SYSTEM, DESIGN, WATER CAPACITY, QUANTITY, AND AVAILABILITY*

- 403.1 Each body art establishment's plumbing system shall be designed, constructed, installed, and maintained according to the International Plumbing Code (2006 edition), Subtitle F (Plumbing Code Supplement) of Title 12 of the District of Columbia Municipal Regulations and shall be of sufficient size to:
- (a) Meet the water demands of the body art establishment.
 - (b) Meet the hot water demands throughout the body art establishment.
 - (c) Properly convey sewage and liquid disposable waste from the premises;
 - (d) Avoid creating any unsanitary condition or constituting a source of contamination to potable water, or tattoo or body-piercing equipment, instruments; and
 - (e) Provide sufficient floor drainage to prevent excessive pooling of water or other disposable waste in all areas where floors are subject to flooding-type

cleaning or where normal operations release or discharge water or other liquid waste on the floor.

403.2 Each plumbing fixture such as a handwashing facility, toilet, or urinal shall be easily cleanable.^N

403.3 Each body art establishment shall be equipped with at least one janitorial sink.

403.4 Each body art establishment shall be equipped with effective plumbing and sewage facilities and adequate accommodations.

404 OPERATING SYSTEMS AND DESIGN — HANDWASHING SINKS, WATER TEMPERATURE, AND FLOW

404.1 All handwashing sinks, including those in toilet rooms, shall be equipped to provide water at a temperature of at least one hundred degrees Fahrenheit (100 °F) (thirty-eight degrees Celsius (38 °C)) through a mixing valve, a combination faucet, or tempered water and a single faucet.

404.2 A steam mixing valve shall not be used at a handwashing sink.

404.3 A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.

404.4 Any automatic handwashing facility shall be installed in accordance with the manufacturer's instructions.

405 OPERATING SYSTEMS AND DESIGN — TOILETS AND URINALS, NUMBER, CAPACITY, CONVENIENCE AND ACCESSIBILITY, ENCLOSURES, AND PROHIBITION*

405.1 Toilet facilities shall be provided in accordance with the International Plumbing Code (2006 edition), Subtitle F (Plumbing Code Supplement) of Title 12 of the District of Columbia Municipal Regulations and maintained as specified in Section 500.

405.2 The licensee shall, at a minimum:

- (a) Maintain the toilet facilities in a sanitary condition that is clean and free of solid waste and litter;
- (b) Keep the facilities in good repair at all times; and
- (c) Provide self-closing doors.

- 405.3 All single-stall toilet rooms shall display gender-neutral signs on the door that read “Restroom,” or have a universally recognized picture/symbol indicating that persons of any gender may use each restroom, in accordance with the D.C. Human Rights Act of 1977, as amended, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c) (2007 Repl.)).
- 405.4 Body art establishments employing:
- (a) Five (5) or fewer employees may provide a single toilet facility with a gender-neutral sign on the door in accordance with the D.C. Human Rights Act of 1977, as amended, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c) (2007 Repl.)); or
 - (b) More than five (5) employees shall have multiple toilet facilities that are either:
 - (1) Single-stall toilet rooms with a gender-neutral sign on each door as specified in section 3101.2 in accordance with the D.C. Human Rights Act of 1977, as amended, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c) (2007 Repl.)); or
 - (2) Multiple-stall toilet rooms with gender-specific signs on the doors that read “Men” and “Women” or contain gender-specific, universally recognized pictorials of “Men” and “Women”.
- 405.5 When locker rooms are provided, there shall be both a male and female locker room available, unless the establishment is specifically designated for one (1) gender or the other.
- 405.6 If a body art establishment serves only one (1) gender, a restroom shall be made available for employees of the opposite gender.
- 405.7 A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door, except that this requirement does not apply to a toilet room that is located outside a body art establishment.
- 405.8 Toilet room doors shall be kept closed except during cleaning and maintenance operations.
- 405.9 Each body art establishment shall maintain toilet facilities for employees, which shall consist of a toilet room or toilet rooms with proper and sufficient water closets and lavatories. Toilet facilities shall be conveniently located and readily accessible to all personnel and customers.
- 405.10 Toilet facilities shall be deemed conveniently located and accessible to employees during all hours of operation if they are:

- (a) Located within the same building as the business they serve; and
- (b) Accessible during working hours without going outside the building.

405.11 At no time shall consumers or employees of one (1) gender enter the bathroom, restroom, or locker room of the other gender, except for routine clean-up after all of the consumers are gone or there is a maintenance emergency.

406 OPERATING SYSTEMS AND DESIGN – ELECTRICAL, LIGHTING*

406.1 All rooms of a body art establishment shall have at least one (1) electrical source of light. Lighting luminaries and fixtures may be of incandescent, fluorescent, high density discharge, or light emitting diode (LED) types.

406.2 At least fifty (50) foot-candles of artificial light shall be provided in each procedure area that is positioned at the height of the workstation, and shall be provided in all decontamination and sterilization areas.

406.3 At least twenty (20) foot-candles of light shall be provided in each restroom, locker room, toilet room, or other areas when fully illuminated for cleaning.

406.4 An average illumination value of ten (10) foot-candles of light, but never less than seven and a half (7.5) foot-candles of light, shall be provided in other areas within a body art establishment, including offices, lobbies, retail shops, and waiting areas.

406.5 The above illumination levels shall be attainable at all times while the body art establishment is occupied.

407 OPERATING SYSTEMS AND DESIGN – ELECTRICAL, SMOKE ALARMS

407.1 Each distinct area of a body art establishment separated by a doorway, whether or not a door is currently present, shall be equipped with at least one (1) working smoke alarm which is installed, maintained, and tested according to the International Fire Code (2008 edition), (D.C. Fire Code Supplement) of Title 12 of the District of Columbia Municipal Regulations.

407.2 The smoke alarm shall be free of foreign matter such as tape or paint which could impair its proper function.

408 OPERATING SYSTEMS AND DESIGN — HEATING AND VENTILATION SYSTEMS

- 408.1 All restrooms, locker rooms, and toilet rooms shall be adequately ventilated so that excessive moisture is removed from the room. Acceptable ventilation includes mechanical exhaust ventilation, a recirculating vent, or screened windows.
- 408.2 Each system for heating, cooling, or ventilation shall be properly maintained and operational at all times when the rooms are occupied.
- 408.3 All restrooms, locker rooms, and toilet rooms shall be capable of being maintained at a temperature between sixty-eight degrees Fahrenheit (68 °F) (twenty degrees Celsius (20 °C)) and eighty degrees Fahrenheit (80 °F) (twenty-seven degrees Celsius (27 °C)) while being used by customers.

CHAPTER 5 FACILITY MAINTENANCE**500 FACILITY MAINTENANCE — TOILETS AND URINALS, MAINTENANCE***

- 500.1 Each body art establishment's plumbing system shall be:
- (a) Repaired according to the International Plumbing Code (2006 edition), subtitle F (Plumbing Code Supplement) of Title 12 of the District of Columbia Municipal Regulations; and
 - (b) Maintained in good repair.
- 500.2 The licensee shall provide a supply of toilet tissue at each toilet.
- 500.3 The licensee shall provide a waste receptacle in each toilet room.
- 500.4 The licensee shall provide a covered receptacle for hygienic feminine products in any toilet room used by females.

501 FACILITY MAINTENANCE — HANDWASHING SINKS, CLEANSER AVAILABILITY, HAND DRYING PROVISION, AND HANDWASHING SIGNAGE

- 501.1 An automatic handwashing facility may be substituted for a handwashing sink in a body art establishment that has at least one (1) handwashing sink.
- 501.2 An automatic handwashing facility shall be used in accordance with the manufacturer's instructions.

501.3 Each handwashing sink or group of two (2) adjacent sinks shall be provided with hand cleaning liquid or powder.

501.4 Each handwashing sink or group of adjacent sinks shall be provided with:

- (a) Individual, disposable towels; or
- (b) A heated-air, hand-drying device.

501.5 A sign or poster that notifies employees to wash their hands shall be provided at all handwashing sinks.

502 FACILITY MAINTENANCE — HANDWASHING SINKS, DISPOSABLE TOWELS, AND WASTE RECEPTACLES

502.1 A handwashing sink or group of adjacent sinks that is supplied with disposable towels or suitable drying devices shall be provided with a waste receptacle.

503 FACILITY MAINTENANCE — FLOOR COVERING, RESTRICTIONS, INSTALLATION, CLEANABILITY

503.1 A floor covering such as carpeting or similar material shall not be installed as a floor covering in toilet room areas where handwashing sinks, toilets, or urinals are located; refuse storage rooms; or other areas where the floor is subject to moisture.

503.2 The licensee or manager shall inspect the premises prior to each consumer's use to ensure that the floors are dry.

503.3 Mats and duckboards shall be designed to be removable and easily cleanable.

504 FACILITY MAINTENANCE — FLOORS, PUBLIC AREAS

504.1 The physical facilities shall be maintained in good repair and cleaned as often as necessary to keep them clean.

504.2 Every floor and floor covering, shall be kept clean and in good repair, sanitized, or replaced so that it does not become a hazard to health or safety.

504.3 All public areas of a body art establishment, such as the lobbies and merchandising and retail areas shall be maintained in a clean and sanitary manner, free of litter, rubbish, and nuisances.

505 FACILITY MAINTENANCE — CLEANABILITY, SANITIZATION AND MAINTENANCE OF PLUMBING FIXTURES

- 505.1 Plumbing fixtures such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean and well-maintained.
- 505.2 All body art establishments shall be equipped with toilet facilities, which include a water closet and handwashing sinks, including hot and cold running water, hand cleaning liquid or powder, and a paper towel dispenser or equivalent hand drying equipment.
- 505.3 Each room used for tattoo or body piercing shall contain a sink with hot and cold running water, antibacterial soap and single-use towels in dispensers for the exclusive use of the piercers or tattoo artists for washing their hands and preparing their clients for body piercing or tattooing.
- 505.4 All restrooms shall be kept in sanitary condition and good repair.

506 FACILITY MAINTENANCE — REFUSE, REMOVAL FREQUENCY

- 506.1 An inside storage room or area, outside storage area or enclosure, and receptacles shall be of sufficient capacity to hold the refuse that accumulate.
- 506.2 Refuse, excluding biohazardous waste, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.
- 506.3 Receptacles and waste handling units shall be designed and constructed with tight-fitting lids, doors, or covers.
- 506.4 Receptacles and waste handling units shall be durable, cleanable, insect- and rodent-resistant, leakproof, nonabsorbent, and maintained in good repair.
- 506.5 If used, an outdoor enclosure for refuse shall be constructed of durable and cleanable materials and shall be located so that a public health hazard or nuisance is not created.
- 506.6 An outdoor storage surface for refuse shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.
- 506.7 Storage areas, enclosures, and receptacles for refuse shall be maintained in good repair.
- 506.8 Storage areas and enclosures for refuse shall be kept clean and maintained free of unnecessary items, as specified in Section 507.

- 507 FACILITY MAINTENANCE — UNNECESSARY ITEMS, LITTER, AND CONTROLLING AND REMOVING PESTS**
- 507.1 The grounds surrounding a body art establishment under the control of the licensee shall be kept in a clean and litter-free condition.
- 507.2 The methods for adequate maintenance of grounds include, but are not limited to, the following:
- (a) Properly storing or removing unnecessary equipment that is nonfunctional or no longer used, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the physical facility that may constitute an attractant, breeding place, or harborage for pests;
 - (b) Maintaining roads and parking lots so that they do not constitute an attractant, breeding place, or harborage for pests; and
 - (c) Adequately draining areas that may provide an attractant, breeding place, or harborage for pests.
- 507.3 If a body art establishment's grounds are bordered by grounds not under the operator's control and not maintained in the manner described in Sections 507.1 and 507.2, care shall be exercised by the licensee through inspection, extermination, or other means to exclude pests, dirt, and filth that may become an attractant, breeding place, or harborage for pests.
- 507.4 Methods for maintaining a sanitary operation include providing sufficient space for placement and proper storage of equipment, instruments, and supplies.
- 507.5 The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by:
- (a) Routinely inspecting the premises for evidence of pests;^N
 - (b) Using methods, if pests are found, such as trapping devices or other means of pest control; and
 - (c) Eliminating harborage conditions.^N
- 507.6 Dead or trapped birds, insects, rodents, and other pests shall be removed from a trap or the traps shall be discarded from the premises at a frequency that prevents accumulation, decomposition, or the attraction of other pests.

508 FACILITY MAINTENANCE – PROFESSIONAL SERVICE CONTRACTS

508.1 The licensee shall maintain a copy of the body art establishment’s professional service contract and service schedule, which documents the following information:

- (a) Name and address of its D.C. licensed pest exterminator/contractor;
- (b) Frequency of extermination services provided under the contract; and
- (c) The date on which extermination services were last provided to the establishment.

508.2 The licensee shall maintain a copy of the body art establishment’s professional service contract and service schedule, which documents the following information:

- (a) Name and address of its District-licensed solid waste contractor;
- (b) Frequency of solid waste collection provided under the contract; and
- (c) The date on which collection services were last provided to the establishment.

508.3 The licensee shall maintain a copy of the body art establishment’s contract and service schedule, which documents the following information:

- (a) Name and address of its D.C. licensed environmental Biohazard Waste Disposal Company;
- (b) Frequency of pickup services provided under the contract of biohazard waste, including but not limited to sharps, medical-grade gloves, and disposable, single use cleaning products; and
- (c) The date on which pickup services were last provided to the establishment.

509 FACILITY MAINTENANCE – PROHIBITING ANIMALS*

509.1 Animals shall not be allowed in the body art procedure areas, decontamination or sterilization areas, or storage areas.

509.2 Fish aquariums or service animals may be allowed in waiting rooms and non-procedural areas.

CHAPTER 6 APPLICATION AND LICENSING REQUIREMENTS**600 LICENSE AND REGISTRATION REQUIREMENTS**

- 600.1 No person shall operate a body art establishment or perform body art procedures in a body art establishment in the District without a valid body art establishment license issued by the Mayor.
- 600.2 No licensee shall employ or permit a body artist to perform body art procedures in their body art establishment without a valid body artist license issued by the Mayor.
- 600.3 No person shall operate a body art establishment or perform body art procedures in a body art establishment in the District with an expired or suspended body art establishment license.
- 600.4 No licensee shall employ or permit a body artist to perform body art procedures in their establishment with an expired or suspended body artist license.
- 600.5 No person shall open or operate a body art establishment in the District without a valid Certificate of Occupancy;
- 600.6 No person shall furnish or offer to furnish body art equipment, devices, inks, dyes or pigments, or supplies, in the District without a valid body art service provider registration issued by the Mayor.
- 600.7 No licensee shall use a body art supplier or manufacturer unless such supplier or manufacturer possesses a valid body art supplier or manufacturer registration issued by the Mayor as specified in Section 600.6.
- 600.8 No licensee shall purchase disposable, single-use, pre-sterilized instruments and supplies in the District without a valid medical supplier's license or registration issued by the Mayor as specified in Section 312.1(b).
- 600.9 No person shall manage a body art establishment in the District without obtaining a District-Issued Body Art Establishment Operator Identification Card issued by the Department as specified in Section 201.

601 APPLICATION PROCEDURE — PERIOD AND FORM OF SUBMISSION, PROCESSING

- 601.1 An applicant shall submit an application for a license at least thirty (30) calendar days before the date planned for opening a body art establishment or at least thirty (30) calendar days before the expiration date of the current license for an existing body art establishment.
- 601.2 Licenses shall be valid for a two (2) year period and renewed every two (2) years.

- 601.3 License fees issued in the middle of a licensing period shall be prorated.
- 601.4 An applicant shall submit a written application for a body art establishment license on a form provided by the Department.
- 601.5 A new application shall be filed with the Department within thirty (30) days of any change in ownership or location. A licensee shall also notify the Department at least thirty (30) calendar days before permanently or temporarily discontinuing operations.
- 601.6 The Department shall not process applications for a change in ownership or location where administrative actions are pending against an existing establishment that has not been resolved.

602 APPLICATION PROCEDURE — CONTENTS OF THE APPLICATION PACKET

- 602.1 An application for a license to operate a body art establishment shall include the full name(s) or any other name(s), including alias used by the applicant, and the following information:
- (a) The present address and telephone number of each applicant:
 - (1) If the applicant is an individual, the individual's residential address;
 - (2) If the applicant is a corporation, the names, including aliases and residential addresses of each of the officers and directors of said corporation and each stock holder owning more than ten percent (10%) of the stock of the corporation, and the address of the corporation itself if it is different from the address of the body art establishment; or the address of the partnership itself if different from the address of the body art establishment;
 - (3) If the applicant is a partnership, the names, including aliases and residential addresses of each partner, including limited partners, and the body art establishment.
 - (b) Name and address of registered agent, if applicable;
 - (c) The address and all telephone numbers of the body art establishment;
 - (d) A complete set of construction plans including all schedules (for example, floor plans, elevations, and electrical schematics), if applicable.

- (e) Proof that the owner applicants and operators are at least the age of majority by a Driver’s license, non-Driver’s license, or other Government issued identification that displays the applicant or operator’s date of birth;
- (f) Whether the owner applicants have owned or operated a body art establishment or other business in the District, another city, county or state, and if this business license:
 - (1) Has ever been suspended or revoked; and
 - (2) The reason for the suspension or revocation;
- (g) The results of a Criminal Background Check of each owner applicant and each operator;
- (h) A description of any other business to be operated on the same premises or on adjoining premises owned or operated by the owner applicant(s) or manager(s); and
- (i) The name and home address (non-business address) of each body artist who is employed or will be employed in the body art establishment.

603 DENIAL OF APPLICATION FOR LICENSE — NOTICE

603.1 If an application for a license or a renewal of a license is denied, the Department shall provide the applicant with written notice that includes:

- (a) The specific reasons and legal authority for denial of the license;
- (b) The actions, if any, that the applicant must take to qualify for a new license or to renew a license; and
- (c) Notice of the applicant’s right to a hearing and the process and timeframes for appeal as prescribed in Chapter 9 of these regulations.

604 ISSUANCE OF LICENSE — NEW, CONVERTED OR REMODELED, EXISTING OPERATIONS, AND CHANGE OF OWNERSHIP OR LOCATION

604.1 Each applicant shall submit:

- (a) A properly completed application packet provided by the Department;
- (b) Copies of policies and procedures as specified in Sections 300 through 309;

- (c) Copies of required recordkeeping as specified in Sections 310 through 316 for license renewals;
- (d) Proof of payment of the application and license fees; and
- (e) Proof of the Department's review and approval of required plans and specifications as specified in Section 605, if applicable.

604.2 If the applicant complies with Sections 600, 601, 602, 604, and 605 and the Department determines through its inspection as specified in Section 606 that the operation is in compliance with these regulations, the Department shall approve:

- (a) A new body art establishment;
- (b) An existing body art establishment that has changed ownership or location; or
- (c) An existing body art establishment's license renewal.

605 ISSUANCE OF LICENSE – REQUIRED PLAN REVIEWS AND APPROVALS

605.1 An applicant or licensee shall submit to the Department for review and approval properly prepared plans and specifications before:

- (a) The construction of a body art establishment;
- (b) The conversion of an existing structure for use as a body art establishment; or
- (c) Major renovation, remodeling, or alteration of an existing body art establishment.

605.2 Plans required by this section shall include specifications showing layout, arrangement, and construction materials, and the location, size, and type of fixed equipment and facilities.

605.3 Plans, specifications, an application form, and the applicable fee shall be submitted at least thirty (30) calendar days before beginning construction, remodeling, or conversion of a body art establishment.

605.4 The Department shall approve the completed plans and specifications if they meet the requirements of these regulations, and the Department shall report its findings to the license applicant or licensee within thirty (30) days of the date the completed plans are received.

605.5 Plans and specifications that are not approved as submitted shall be changed to comply or be deleted from the project.

606 ISSUANCE OF LICENSE — INSPECTIONS - PREOPERATIONAL, CONVERSIONS, AND RENOVATIONS*

606.1 The Department shall conduct one (1) or more preoperational inspections to verify and approve that the body art establishment is constructed and equipped in accordance with plans and modifications approved by the Department as specified in Section 605; has established standard operating procedures as specified in Chapter 3; and is in compliance with these regulations.

607 ISSUANCE OF LICENSE – NOTICE OF OPENING, DISCONTINUANCE OF OPERATION, AND POSTINGS

607.1 A body art establishment shall provide notice to the Department of its intent to operate the establishment at least thirty (30) calendar days before beginning operations.

607.2 A body art establishment shall provide notice to the Department of its intent to shut down permanently or temporarily at least thirty (30) calendar days before discontinuing operations.

607.3 If a body art establishment is closed for more than a thirty (30) day period, the body art establishment's license and certificate of occupancy shall be returned to the Department and the owner shall be required to submit a new application for the issuance of a new license prior to reopening.

607.4 A current inspection report, all valid licenses, a Certificate of Occupancy, including the "Age Restriction Signs" required in Section 202.3, the "Health Risks Associated with Receiving a Body Art Procedure Nos. 1, 2 and 3" required in Sections 203.2 and 203.3, and the "Prohibited Conduct" required in Section 708 shall be conspicuously posted in the reception area next to the body art establishment's license.

608 ISSUANCE OF LICENSE – NOT TRANSFERABLE

608.1 A body art establishment license shall not be transferred from one person to another person or from one location to another.

609 ISSUANCE OF LICENSE – DUPLICATES

609.1 A licensee shall submit a request for a duplicate body art establishment license that has been lost, destroyed or mutilated on a form provided by the Department and payment of the required fee.

609.2 Each duplicate license shall have a secured watermark of the word “DUPLICATE” across the face of the license, and shall bear the same number as the license it is replacing.

610 CONDITIONS OF LICENSE RETENTION – RESPONSIBILITIES OF THE LICENSEE

610.1 Upon receipt of a license issued by the Department, the licensee, in order to retain the license, shall comply with Sections 610.2 through 610.9.

610.2 The licensee shall post a current inspection report, and all valid licenses, Certificate of Occupancy, including the “Age Restriction Signs” required in Section 202.3, the “Health Risks Associated with Receiving a Body Art Procedure Nos. 1, 2 and 3” required in Sections 203.2 and 203.4, and the “Prohibited Conduct required in Section 708 in a conspicuous location in the reception area next to the body art establishment’s license.

610.3 The licensee shall comply with the provisions of these regulations and approved plans as specified in Section 605.

610.4 The licensee shall allow representatives of the Department access to its body art establishment as specified in Section 700.

610.5 The licensee shall immediately discontinue operations and notify the Department if an imminent health hazard exists as specified in Section 706.

610.6 The Department may direct the replacement of existing operating systems, or equipment, devices, fixtures, supplies, or furnishings where existing equipment, devices, fixtures, supplies, or furnishings are not safe to operate, are not in good repair or are not capable of being maintained in a hygienic condition in compliance with these regulations as specified in Section 102.2(a).

610.7 The licensee shall replace existing operating systems, or equipment, devices, fixtures, supplies, or furnishings that do not comply with these regulations pursuant to a documented agreement with the Department by an agreed upon date with an operating system, equipment, devices, fixtures, supplies, or furnishings that comply with these regulations as specified in Section 102.2(b).

610.8 The licensee shall maintain all records in accordance with these regulations.

**CHAPTER 7 INSPECTIONS, REPORTS, VIOLATIONS, CORRECTIONS,
AND PROHIBITED CONDUCT AND ACTIVITIES**

700 ACCESS & INSPECTION FREQUENCY — DEPARTMENT RIGHT OF ENTRY, DENIAL - MISDEMEANOR*

700.1 The Department shall determine a body art establishment's compliance with these regulations by conducting on-site:

- (a) Preoperational inspections;
- (b) Unannounced, routine and follow-up inspections; and
- (c) Unannounced, complaint generated inspections;

700.2 After representatives of the Department present official credentials and provide notice of the purpose and intent to conduct an inspection in accordance with these regulations, the applicant or licensee shall allow the Department access to any part, portion, or area of a body art establishment.

700.3 The Department may enter and inspect all aspects of a body art establishment, including but not limited to work areas, locker rooms, bathrooms, employee lounge areas, or other areas of a body art establishment for the following purposes:

- (a) To determine if the body art establishment is in compliance with these regulations;
- (b) To investigate an emergency affecting the public health if the body art establishment is or may be involved in the matter causing the emergency;
- (c) To investigate, examine, and sample or swab equipment, devices, fixtures, supplies, or furnishings; and
- (d) To obtain information and examine and copy all records on the premises including but not limited to instruments, equipment, manufacturers, records and maintenance logs, supplies and suppliers, service contracts, or furnishings used in a body art establishment.

700.4 If a person denies the Department access to any part, portion, or area of a body art establishment, the Department shall inform the individual that:

- (a) The applicant or licensee is required to allow access to the Department, as specified in Section 700;

- (b) Access is a condition of the receipt and retention of a license as specified in Section 610;
- (c) If access is denied, an inspection order allowing access may be obtained as specified in Section 700.6(c); and
- (d) The Department is making a final request for access.

700.5 If the Department presents credentials and provides notice as specified in Section 700.2, explains the authority upon which access is requested, and makes a final request for access as specified in Section 700.4(d), and the applicant or licensee continues to refuse access, the Department shall provide details of the denial of access on the inspection report.

700.6 If the Department is denied access to a body art establishment for an authorized purpose, after complying with Sections 700.2 through 700.5, the Department may:

- (a) Summarily suspend a license to operate a body art establishment in accordance with Section 808;
- (b) Revoke or suspend a license to operate a body art establishment in accordance with Section 813; or
- (c) Request that the Office of the Attorney General for the District of Columbia commence an appropriate civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief from the court including but not limited to administrative search warrants, to enforce these regulations in accordance with the Department of Health Functions Clarification Act of 2001, effective October 3, 2001, as amended, (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2008 Repl. & 2012 Supp.)).

701 **REPORT OF FINDINGS — DOCUMENTING INFORMATION AND OBSERVATIONS**

701.1 The Department shall document on an inspection report form:

- (a) Administrative information about the body art establishment's legal identity, street and mailing addresses, inspection date, and other information such as status of the license and personnel certificates that may be required or other inspectional findings; and
- (b) Specific factual observations of violations of these regulations that require correction by the licensee including:
 - (1) Nonconformance with critical items of these regulations;

- (2) Failure of a licensee to correct cited violations, as specified in Section 709 or 711; or
- (3) Failure of the licensee to ensure that operators are properly trained and have knowledge of their responsibility as specified in Chapters 2 and 3.

702 REPORT OF FINDINGS — SPECIFYING TIME FRAME FOR CORRECTIONS

702.1 The Department shall specify on the inspection report the time frame for correction of violations as specified in Sections 709 and 711.

703 REPORT OF FINDINGS — ISSUING REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT

703.1 At the conclusion of the inspection, the Department shall provide a copy of the completed inspection report and the notice to correct violations to the licensee and request a signed acknowledgment of receipt. The inspection report shall contain a listing of violations by area in the operation and inspection item with corresponding citations to applicable provisions in these regulations and shall be conspicuously posted in the reception area next to the body art establishment’s license.

704 REPORT OF FINDINGS — REFUSAL TO SIGN ACKNOWLEDGMENT

704.1 The Department shall inform a person who declines to sign an acknowledgment of receipt of inspection findings that:

- (a) An acknowledgment of receipt is not an agreement with the finding;
- (b) Refusal to sign an acknowledgment of receipt will not affect the licensee’s obligation to correct the violations noted in the inspection report within the time frames specified; and
- (c) A refusal to sign an acknowledgment of receipt will be noted in the inspection report for the body art establishment.

705 REPORT OF FINDINGS — PUBLIC INFORMATION, RECORDS RETENTION

705.1 The Department shall keep and maintain in-office as an active record a copy of each inspection report, complaint, inspector’s sample reports, license suspension, and other correspondence regarding a body art establishment within the District for a period of one (1) year, and then as an inactive record for a period of two (2)

additional years. Inactive records shall be destroyed in-house at the end of the two (2)-year inactive period.

705.2 In the case of an audit or investigation, the Department shall keep all records until the audit or investigation has been completed.

705.3 The Department shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it as provided in the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501, *et seq.* (2011 Repl. & 2012 Supp.)).

706 IMMEDIATE HEALTH HAZARD — CEASING OPERATIONS AND EMERGENCY REPORTING TO THE DEPARTMENT OF HEALTH*

706.1 The Department shall summarily suspend operations, or a licensee shall immediately discontinue operations and notify the Department, whenever a body art establishment is operating with any of the following conditions:

- (a) Extensive fire damage that affects the body art establishment's ability to comply with these regulations;
- (b) Serious flood damage that affects the body art establishment's ability to comply with these regulations;
- (c) Loss of electrical power to critical systems, including but not limited to lighting, heating, cooling, or ventilation controls for a period of two (2) or more hours;
- (d) Without sterile water in violation of Section 300;
- (e) No water, or insufficient water capacity, or inadequate water pressure to any part of the body art establishment in violation of Section 403.1(a);
- (f) No hot water, or an unplanned water outage, or the water supply is cut off in its entirety for a period of one (1) or more hours in violation of Sections 403.1(b);
- (g) Incorrect hot water temperatures that cannot be corrected during the course of the inspection in violation of Section 404.1;
- (h) A plumbing system supplying potable water that may result in contamination of the potable water;
- (j) A sewage backup or sewage that is not disposed of in an approved and sanitary manner;

- (j) A cross-connection between the potable water and non-potable water distribution systems, including but not limited to landscape irrigation, air conditioning, heating, or fire suppression system;
- (k) A back siphonage event;
- (l) Toilet or handwashing facilities that are not properly installed in violation of Sections 403.1 and 405.1;
- (m) Work surfaces, including but not limited to work stations, solid surfaces and objects in the procedure and decontamination areas within a body art establishment that are stained with blood or bodily fluids, or soiled; or infested with vermin; or are in an otherwise unsanitary condition;
- (n) Gross insanitary occurrence or condition that may endanger public health including but not limited to an infestation of vermin; or
- (o) Without eliminate the presence of insects, rodents, or other pests on the premises in violation of Section 507.

706.2

In addition to the imminent health hazards identified in Section 706.1, the Department shall summarily suspend operations if it determines through an inspection, or examination of records or other means as specified in Section 700.1, the existence of any other condition which endangers the public health, safety, or welfare, including but not limited to:

- (a) Operating a body art establishment or performing a body art procedure without a license in violation of Section 600.1;
- (b) Employing a body artist without a valid body artist license issued by the Mayor in violation of Section 600.2;
- (c) Operating a body art establishment with an expired or suspended license in violation of Section 600.3;
- (d) Employing a body artist who is performing body art procedures with an expired or suspended body artist license in violation of Section 600.4;
- (e) Operating a body art establishment without a valid Certificate of Occupancy in violation of Section 600.5;
- (f) Operating a body art establishment without posting required signage in violation of Section 607.4;
- (g) Operating a body art establishment without a valid District-Issued body art establishment Operator's Identification Card in violation of Section 201;

- (h) Operating a body art establishment without an operator who is on duty and on the premises during all hours of operation in violation of Section 200.2;
- (i) Operating a body art establishment without a body artist who is on duty and on the premises during all hours of operation in violation of Section 200.3;
- (j) Using suppliers and manufacturers of pigments that are not registered in the District in violation of Section 314.3;
- (k) Failing to allow access to DOH representatives during the facility’s hours of operation and other reasonable times as determined by the Department; or hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of Section 700.6(a); or
- (l) Operating in violation of any provision specified in Section 708.

707 IMMEDIATE HEALTH HAZARD – RESUMPTION OF OPERATIONS

- 707.1 If operations are discontinued as specified in Section 706 or otherwise according to applicable D.C. laws and regulations, the licensee shall obtain approval from the Department before resuming operations.
- 707.2 The Department shall determine whether a licensee needs to discontinue operations that are unaffected by the imminent health hazard in a body art establishment as determined by the Department or other District agency.

708 PROHIBITED CONDUCT – ADVERTISEMENTS AND ACTIVITIES

- 708.1 No person shall perform or offer to perform body art procedures, hold him or herself out as a practitioner of, or entitled to, or authorized to, practice body art procedures, assume any title of “body artist”, “tattooist”, “tattoo artist”, “body-piercer”, “body-piercing artist”, or “body modification artist” and the like, use any words or letters, figures, titles, signs, cards, advertisement, or any other symbols or devices indicating or tending to indicate that the person is authorized to perform such services, or use other letters or titles in connection with that person’s name which in any way represents himself or herself as being engaged in the practice of body art, or authorized to do so, unless the person is licensed by and registered with the Mayor to perform body art procedures in the District of Columbia.
- 708.2 No person shall perform any body art procedure on anyone under the age of eighteen (18) years of age, except ear piercing using a mechanized, pre-sterilized, single-use stud and clasp ear piercing gun. Such ear piercing shall not occur unless a parent or legal guardian has provided his or her written consent.

- 708.3 No body artist shall use an ear piercing system on any part of a customer's body other than the lobe of the ear.
- 708.4 No person shall perform body art procedures if the person is unable to exercise reasonable care and safety or is otherwise impaired by reason of illness, while under the influence of alcohol, or while using any controlled substance or narcotic drug as defined in 21 U.S.C. § 802(6) or (17), respectively, or other drug in excess of therapeutic amounts or without valid medical indication, or any combination thereof.
- 708.5 No body artist shall administer anesthetic injections or other medications and prescription drugs to customers receiving body art procedures.
- 708.6 No body artist shall use styptic pens or alum solids to control the flow of blood flow.
- 708.7 No one shall be tattooed or pierced at any location in the establishment other than in a designated work area.
- 708.8 No customer shall be allowed to perform their own tattoo, piercing or insertions anywhere on the premises.
- 708.9 No food, drink, tobacco product, or personal effects shall be allowed in the procedure area.
- 708.10 Body artists shall not eat, drink, or smoke while performing a procedure. If a customer requests to eat, drink, or smoke, the procedure shall be stopped and the procedure site shall be protected from possible contamination while the customer leaves the procedure area to eat, drink, or smoke.
- 708.11 Branding shall not be done with another customer in the procedure area. During the procedure, the body artist and the customer shall wear appropriate protective face filter masks.
- 708.12 No body art procedure shall be performed on animals in a body art establishment.
- 708.13 No body artist shall perform a body art procedure on a customer who admits to, or is obviously under the influence of any substance, legal or illegal, which might impair the customer's judgment.
- 709 CRITICAL VIOLATIONS — TIME FRAME FOR CORRECTION***
- 709.1 A licensee shall, at the time of inspection, correct a critical violation no later than five (5) business days after the inspection.

- 709.2 The Department may consider the nature of the potential hazard involved and the complexity of the corrective action needed and agree to specify a longer timeframe, not to exceed five (5) business days after the inspection, for the licensee to correct a critical violation of these regulations.
- 709.3 Failure to correct violations in accordance with this section may subject a licensee to a condemnation order pursuant to Section 802, summary suspension of a license pursuant to Section 808, revocation or suspension of a license pursuant to Section 813, or administrative remedies pursuant to Sections 1000 and 1001.
- 710 CRITICAL VIOLATION – VERIFICATION AND DOCUMENTATION OF CORRECTION**
- 710.1 After receiving notification that the licensee has corrected a critical violation, the Department shall verify correction of the violation, document the information on an inspection report, and enter the report in the Department's records.
- 711 NONCRITICAL VIOLATIONS – TIME FRAME FOR CORRECTION**
- 711.1 The licensee shall correct noncritical violations no later than fourteen (14) business days after the inspection.
- 711.2 Failure to correct violations in accordance with this section may result in the revocation or suspension of a license pursuant to Section 813, or administrative remedies pursuant to Sections 1000 and 1001.
- 712 REQUEST FOR REINSPECTION**
- 712.1 If a license is summarily suspended pursuant to Section 808 or suspended or revoked pursuant to Section 813 because of violations of these regulations, the licensee shall submit a written request for reinspection and pay the required reinspection fee.
- 712.2 Upon receipt of a request for reinspection, the Department shall conduct the reinspection of a body art establishment within three (3) business days of receipt of the request.
- 712.3 A body art establishment shall not resume operations or remove from public view any signage, license, Certificate of Occupancy, or current inspection result as specified in Section 607.4, or any enforcement order as specified in Section 707.1 until the Department has reinspected the body art establishment and certified that it is in compliance with these regulations.

CHAPTER 8 ADMINISTRATIVE ENFORCEMENT ACTIONS AND ORDERS**800 ADMINISTRATIVE — CONDITIONS WARRANTING REMEDIES**

800.1 The Department may seek an administrative or judicial remedy to achieve compliance with the provisions of these regulations if a licensee, person operating a body art establishment, or employee:

- (a) Fails to have a valid licenses and registrations as specified in Section 600;
- (b) Fails to pay the required fee as specified in Section 604.1(e);
- (c) Violates any term or condition of a license as specified in Section 610;
- (d) Fails to allow the Department access to a body art establishment as specified in Section 700.6;
- (e) Fails to comply with directives of the Department including time frames for corrective actions specified in inspection reports as specified in Sections 709.1 and 711.1;
- (f) Fails to comply with a condemnation order as specified in this chapter;
- (g) Fails to comply with a summary suspension order by the Department as specified in this chapter;
- (h) Fails to comply with an order issued as a result of an administrative hearing;
- (i) Makes any material false statement in the application for licensure;
- (j) Falsifies or alters records required to be kept by these regulations; or
- (k) Seeks to operate with conditions revealed by the application or any report, records, inspection, or other means which would warrant the Department refusal to grant a new license.

800.2 The Department may simultaneously use one or more of the remedies listed in this chapter to address a violation of these regulations.

801 ADMINISTRATIVE — EXAMINING, SAMPLING, AND TESTING OF EQUIPMENT, WATER, INKS, DYES, PIGMENTS, REUSABLE INSTRUMENTS, DISPOSABLE ITEMS, JEWELRY, SHARPS, MARKING INSTRUMENTS AND STENCILS, AND FURNISHINGS

801.1 The Department may examine, collect samples, and test equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking

instruments and stencils, and furnishings without cost and test as necessary to determine compliance with these regulations.

802 ADMINISTRATIVE — CONDEMNATION ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF EQUIPMENT, WATER, INKS, DYES, PIGMENTS, REUSABLE INSTRUMENTS, DISPOSABLE ITEMS, JEWELRY, SHARPS, MARKING INSTRUMENTS AND STENCILS, AND FURNISHINGS

802.1 A duly authorized agent of the Department may condemn and forbid the sale of, or cause to be removed and destroyed, any equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings found in a body art establishment the use of which does not comply with these regulations, or that is being used in violation of these regulations, or that because of dirt, filth, extraneous matter, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

803 ADMINISTRATIVE — CONDEMNATION ORDER, CONTENTS

803.1 The condemnation order shall:

- (a) State that the equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings subject to the order may not be used, sold, moved from the body art establishment, or destroyed without a written release of the order from the Department;
- (b) State the specific reasons for placing the equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings under the condemnation order with reference to the applicable provisions of these regulations and the hazard or adverse effect created by the observed condition;
- (c) Completely identify the equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings subject to the condemnation order by the common name, the label or manufacturer's information, description of the item, the quantity, the Department's tag or identification information, and location;
- (d) State that the licensee has the right to a hearing and may request a hearing by submitting a timely request as specified in Section 904, but that the request does not stay the Department's imposition of the condemnation order;
- (e) State that the Department may order the destruction, replacement or removal of equipment, water, inks, dyes, pigments, reusable instruments, disposable

items, jewelry, sharps, marking instruments and stencils, and furnishings if a timely request for a hearing is not received; and

- (f) Provide the name and address of the Department representative to whom a request for a hearing may be made.

804 ADMINISTRATIVE — CONDEMNATION ORDER, OFFICIAL TAGGING OR MARKING OF EQUIPMENT, WATER, INKS, DYES, PIGMENTS, REUSABLE INSTRUMENTS, DISPOSABLE ITEMS, JEWELRY, SHARPS, MARKING INSTRUMENTS AND STENCILS, AND FURNISHINGS

804.1 The Department shall place a tag, label, or other appropriate marking to indicate the condemnation of equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings that do not meet the requirements of these regulations.

804.2 The tag or other method used to identify the equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings that are the subject of a condemnation order shall include a summary of the provisions specified in Section 803 and shall be signed and dated by the Department.

805 ADMINISTRATIVE — CONDEMNATION ORDER, EQUIPMENT, WATER, INKS, DYES, PIGMENTS, REUSABLE INSTRUMENTS, DISPOSABLE ITEMS, JEWELRY, SHARPS, MARKING INSTRUMENTS AND STENCIL, AND FURNISHINGS RESTRICTIONS

805.1 Equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings that are subject to a condemnation order may not be used, sold, moved, or otherwise destroyed by any person, except as specified in Section 806.2.

806 ADMINISTRATIVE — CONDEMNATION ORDER, REMOVING THE OFFICIAL TAG OR MARKING

806.1 No person shall remove the tag, label, or other appropriate marking except under the direction of the Department as specified in Section 806.2.

806.2 The Department shall issue a notice of release from a condemnation order and shall remove condemnation tags, labels, or other appropriate markings from body art equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings if:

- (a) The condemnation order is vacated; or

- (b) The licensee obtains authorization from the Department to discard equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings in a body art establishment identified in the condemnation order.

807 ADMINISTRATIVE — CONDEMNATION ORDER, WARNING OR HEARING NOT REQUIRED

807.1 The Department may issue a condemnation order to a licensee, or to a person who owns or controls the equipment, water, inks, dyes, pigments, reusable instruments, disposable items, jewelry, sharps, marking instruments and stencils, and furnishings as specified in Section 802, without prior warning, notice of a hearing, or a prior hearing on the condemnation order.

807.2 The licensee shall have the right to request a hearing within fifteen (15) business days of receiving a Department condemnation order. The Department shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. The request for a hearing shall not act as a stay of the condemnation action.

808 ADMINISTRATIVE — SUMMARY SUSPENSION OF LICENSE, CONDITIONS WARRANTING ACTION

808.1 The Department may summarily suspend a license to operate a body art establishment if it is denied access to the body art establishment to conduct an inspection, or determines through an inspection, or examination of operators, employees, records, or other means as specified in the regulations, that an imminent health hazard exists.

809 ADMINISTRATIVE — CONTENTS OF SUMMARY SUSPENSION NOTICE

809.1 A summary suspension notice shall state:

- (a) That the license of a body art establishment is immediately suspended and that all operations shall immediately cease;
- (b) The reasons for summary suspension with reference to the provisions of these regulations that are in violation;
- (c) The name and address of the Department representative to whom a written request for reinspection may be made and who may certify that reasons for the suspension are eliminated; and
- (d) That the licensee may request a hearing by submitting a timely request in accordance with Section 810.2, which request does not stay the Department's imposition of the summary suspension.

810 ADMINISTRATIVE — SUMMARY SUSPENSION, WARNING OR HEARING NOT REQUIRED

810.1 The Department may summarily suspend a license as specified in Section 808 by providing written notice as specified in Section 809 of the summary suspension to the licensee, without prior warning, notice of a hearing, or prior hearing.

810.2 The licensee shall have the right to request a hearing within fifteen (15) business days after receiving the Department's summary suspension notice. The Department shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. The request for a hearing shall not act as a stay of the summary suspension.

811 ADMINISTRATIVE — SUMMARY SUSPENSION, TIME FRAME FOR REINSPECTION

811.1 After receiving a written request from the licensee stating that the conditions cited in the summary suspension order no longer exist, the Department shall conduct a reinspection of the body art establishment for which the license was summarily suspended within three (3) business days of receiving the request.

812 ADMINISTRATIVE — SUMMARY SUSPENSION, TERM OF SUSPENSION, REINSTATEMENT

812.1 A summary suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and the Department has confirmed, through reinspection or other appropriate means that the conditions cited in the notice of suspension have been eliminated.

813 ADMINISTRATIVE — REVOCATION OR SUSPENSION OF LICENSE

813.1 Failure to comply with any of the provisions of these regulations shall be grounds for the revocation or suspension of any license issued to a body art establishment pursuant to the Department of Health Functions Clarification Act of 2001, effective October 3, 2001, as amended, (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2008 Repl. & 2012 Supp.)). The Department may revoke a license of a body art establishment upon a showing of a subsequent violation when there is a history of repeated violations or where a license has been previously suspended.

813.2 Before a license is revoked or suspended, a licensee shall be given an opportunity to answer and to be heard on the violations, as specified in Sections 904.1 and 904.2.

CHAPTER 9 SERVICE OF PROCESS AND HEARING ADMINISTRATION**900 SERVICE OF PROCESS – NOTICE, PROPER METHODS**

900.1 A notice issued in accordance with these regulations shall be deemed properly served if it is served by one (1) of the following methods:

- (a) A Department representative, a law enforcement officer, or a person authorized to serve a civil process, personally services the notice to the licensee, the operator, or the person operating the body art establishment without a license;
- (b) The Department sends the notice to the last known address of the licensee or person operating a body art establishment without a license, in accordance with Section 205 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1802.05 (2012 Supp.)), or by other public means so that a written acknowledgment of receipt may be acquired; or
- (c) For civil infraction penalties, the notice is provided by the Department in accordance 16 DCMR § 3102.

901 SERVICE OF PROCESS – RESTRICTION OR EXCLUSION, CONDEMNATION, OR SUMMARY SUSPENSION ORDERS

901.1 An employee restriction order, exclusion order, condemnation order, or summary suspension order shall be:

- (a) Served as specified in Section 900.1(a); or
- (b) Clearly posted by the Department at a public entrance to the body art establishment and a copy of the notice sent by first class mail to the licensee or manager of a body art establishment, as appropriate.

902 SERVICE OF PROCESS – NOTICE, EFFECTIVENESS

902.1 Service is effective at the time of the notice's receipt as specified in Section 901.1(a), or if service is made as specified in Section 901.1(b) at the time of the notice's posting.

903 SERVICE OF PROCESS – PROOF OF PROPER SERVICE

903.1 Proof of proper service may be made by certificate of service signed by the person making service or by admission of a return receipt, certificate of mailing, or a

written acknowledgment signed by the licensee or person operating a body art establishment without a license or an authorized agent.

904 ADMINISTRATIVE HEARINGS — NOTICE, REQUEST, AND TIME FRAME

904.1 A person who receives a notice of hearing for an administrative remedy as specified in this chapter and elects to respond to the notice shall file a response to the notice within seven (7) calendar days after service.

904.2 In response to an adverse administrative action, a licensee may submit a written request for a hearing to the Department within fifteen (15) calendar days of the receipt of notice of adverse action.

904.3 A hearing request shall not stay a condemnation order as specified in Section 803.1(d), or the imposition of a summary suspension as specified in Section 809.1(d).

905 ADMINISTRATIVE HEARINGS — CONTENTS OF RESPONSE TO HEARING NOTICE, OR HEARING REQUEST

905.1 A response to a hearing notice shall be in writing and contain the following:

- (a) An admission or denial of each allegation of fact;
- (b) A statement as to whether the respondent waives the right to a hearing;
- (c) A statement of defense, mitigation, or explanation concerning any allegation of fact, if any; and
- (d) The name and address of the respondent's legal counsel, if any.

905.2 A request for a hearing shall be in writing and contain the following:

- (a) An admission or denial of each allegation of fact;
- (b) A statement of defense, mitigation, denial, or explanation concerning each allegation of fact; and
- (c) The name and address of the requester's legal counsel, if any.

906 ADMINISTRATIVE HEARINGS — TIMELINESS

906.1 The Department shall afford a hearing within seventy-two (72) hours after receiving a written request for a hearing from:

- (a) A licensee or person who is subject to a condemnation order as specified in Section 802; or
 - (b) A person whose license is summarily suspended as specified in Section 808.
- 906.2 A licensee or person who submits a request for a hearing as specified in Section 906.1 may waive the expedited hearing in a written request to the Department.

CHAPTER 10 ADMINISTRATIVE AND CRIMINAL SANCTIONS, AND JUDICIAL REVIEW

1000 ADMINISTRATIVE SANCTIONS – NOTICE OF INFRACTIONS

- 1000.1 The Department may impose civil infraction fines penalties for violations of any provision of these regulations pursuant to the Department of Consumer & Regulatory Affairs Civil Infractions Act of 1985, (Civil Infraction Act), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801, *et seq.* (2007 Repl. & 2012 Supp.)).

1001 CRIMINAL SANCTIONS – CRIMINAL FINES, IMPRISONMENT

- 1001.1 A body art establishment that is in violation of Sections 200.5, 203.2, 311.1, and 314.3 of these regulations shall be subject to license suspension or revocation as specified in Section 813 and a maximum fine of two thousand, five hundred dollars (\$2,500) in accordance with the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-0193; D.C. Official Code § 47-2809.01(c)(5) (2013 Supp.)).
- 1001.2 Any person who violates Sections 600.1 and 600.2 of these regulations shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed two thousand five hundred dollars (\$2,500), imprisonment for not more than three (3) months, or both in accordance with the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-0193; D.C. Official Code § 47-2809.01(d)(3) (2013 Supp.)).

1002 JUDICIAL REVIEW – APPEALS

- 1002.1 Any person aggrieved by a final order or decision of the Department may seek judicial review in accordance with the Department of Health Functions Clarification Act of 2001, effective October 3, 2001, as amended (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2008 Repl. & 2012 Supp.)).

CHAPTER 99 DEFINITIONS**9900 GENERAL PROVISIONS**

9900.1 The terms and phrases used in this title shall have the meanings set forth in this chapter, unless the text or context of the particular chapter, section, subsection, or paragraph provide otherwise.

9901 DEFINITIONS

9901.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

Aftercare Instructions – written instructions given to a customer, specific to the body art procedure received and caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

Antiseptic solution – a liquid or semi-liquid substance that is approved by the U.S. Food and Drug Administration to reduce the number of microorganisms present on the skin and on mucosal surfaces.

Bloodborne pathogens – a microorganism present in human blood and other bodily fluids that can cause disease. Bloodborne pathogens include the hepatitis B virus, hepatitis C virus, and human immunodeficiency syndrome.

Board – the Department of Consumer and Regulatory Affairs (DCRA) Board of Barber and Cosmetology.

Body art establishment – any structure or venue, whether temporary or permanent, where body art procedures are performed, including training facilities.

Body art or body art procedure – the process of physically modifying the body for cosmetic or other non-medical purposes, including tattooing, body-piercing, and fixing indelible marks or figures on the skin through scarification, branding, tongue bifurcation, and tissue removal.

Body artist – an individual licensed to perform body art procedures in accordance with the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-193; D.C. Official Code § 47-2809.01) (2013 Supp.).

Body piercing – the perforation of any human body part followed by the insertion of an object, such as jewelry, for cosmetic or other nonmedical purposes by using any of the following instruments, methods, or processes: stud and clasp, captive ball, soft tissue, cartilage, surface, surface-to-surface,

microdermal implantation or dermal anchoring, subdermal implantation, and transdermal implantation. The term “body-piercing” does not include nail piercing.

Branding – the process of applying extreme heat with a pen-like instrument or other instrument to create an image or pattern.

Cleaning area – the area in a body art establishment used in the decontamination, sterilization, sanitization or other cleaning of instruments or other equipment used body art procedures.

Cleaning products – any material used to apply cleansing agents to the skin, such as cotton balls, tissue and paper products, paper or plastic cups, towels, gauze, or sanitary coverings.

Communicable disease – a disease that can be transmitted from person to person directly or indirectly, including diseases transmitted via blood or body fluids.

Condemnation order – a written administrative notice: (1) to remove any body art equipment or supplies, or (2) to cease conducting any particular procedures because the equipment or supplies are not being used or the procedures are not being conducted in accordance with the requirements of these regulations.

Contaminated – the presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.

Contaminated waste – any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations, Part 1910.1030, known as “Occupational Exposure to Bloodborne Pathogens”.

Customer – an individual upon whom a body art procedure is performed.

Decontamination – the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where the pathogens are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Decontamination and sterilization area – a room, or specific section of a room, that is set apart and used only to maintain supplies, and to clean, decontaminate and sterilize jewelry and instruments.

Department – the Department of Health.

Disinfectant – an EPA registered hospital grade disinfectant which is effective against *Salmonella choleraesuis*, *Staphylococcus aureus* and *Pseudomonas aeruginosa*; or to reduce or eliminate the presence of disease-causing microorganisms, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV) for use in decontaminating inanimate objects and work surfaces.

Ear piercing – the creation of an opening in an individual’s ear lobe with an ear piercing gun to insert jewelry or other decoration.

Ear piercing gun – a mechanical device that pierces an individual’s ear using a single-use stud and clasp ear piercing system.

Exposure – an event whereby the eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person, or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter

Exposure control plan – a written action plan that specifies precautionary measures taken to manage and minimize potential exposure to bloodborne pathogens in the workplace.

Germicidal soap – an agent designed for use on the skin that kills disease-causing microorganisms, including but not limited to, products containing povidone-iodine, chloroxylenol, triclosan, and chlorhexidine gluconate.

Germicidal solution – an agent that kills disease-causing microorganisms on hard surfaces; a disinfectant or sanitizer registered with the Environmental Protection Agency and/or a 1:100 dilution of 5.25% sodium hypochlorite (household chlorine bleach) and water, made fresh daily, dispensed from a spray bottle, and used to decontaminate inanimate objects and surfaces.

Gloves – protective hand covers that reduce the risk of injury and exposure to bloodborne pathogens; those which are medical-grade latex, vinyl or hypoallergenic single-use disposable gloves and are labeled for surgical or examination purposes, for instrument cleaning shall be heavy-duty, multi-use and waterproof.

Ink cup – a small container for an individual portion of pigment that may be installed in a holder or palette and in which a small amount of pigment of a given color is placed.

Instruments – devices, including but not limited to sharps, including but not limited to needles, needle bars, needle tubes, hemostats, forceps, pliers, and other items that may come in contact with a customer’s body or possible exposure to bodily fluids during the body art procedures.

Medical-grade sharps container – a puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol:



Minor – any person under the age of eighteen (18).

Mucosal surface – the moisture-secreting membrane lining of all body cavities or passages that communicates with the exterior, including but not limited to the nose, mouth, vagina, and urethra.

Multi-type establishment – an operation encompassing both body-piercing and tattooing in the same establishment and under the same management.

Operator or manager – any person who owns, controls, or operates a body art establishment, whether or not the person actually performs body art procedures.

Permanent cosmetics – the application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin, including but not limited to permanent eyeliner, eyebrow, or lip color.

Pre-sterilized instruments – instruments that are commercially sterilized and packaged by the manufacturer and bear a legible sterilization lot number and expiration date.

Procedure area – a room or designated portion of a room that is set apart and only used to perform body art.

Procedure site – an area or location on the human body selected for the placement of body art.

Sanitary – clean and free of agents of infection or disease.

Sanitization – reduction of the population of microorganisms to safe levels, as determined by the Department of Health, by a product registered with the

Environmental Protection Agency (“EPA”) or by chemical germicides that are registered with the EPA as hospital disinfectants.

Sanitized – effective bactericidal treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on instruments, equipment, and animate objects.

Scarification – placing of an indelible mark on the skin by the process of cutting or abrading the skin to bring about permanent scarring.

Sharps – any object, sterile or contaminated, that may penetrate the skin or mucosa, including but not limited to pre-sterilized single needles, scalpel blades and razor blades; but not including disposable safety razors which have not broken the skin.

Single-use – products or items intended for one-time use that are disposed of after use on a customer.

Sterilization – process of destruction of all forms of microbial life, including spores by physical or chemical means.

Sterilizer – an autoclave that is designed and labeled by the manufacturer as a medical instrument sterilizer and is used for the destruction of microorganisms and their spores.

Tattoo – placing of pigment into the skin dermis for cosmetic or other nonmedical purposes, including the process of micropigmentation or cosmetic tattooing.

Tissue removal – placing an indelible mark or figure on the skin through removal of a portion of the dermis.

Tongue bifurcation – cutting of the human tongue from tip to part of the way toward the base, forking at the end into two or more parts.

Valid license or registration – a current license or registration issued by the Mayor that is not suspended, revoked, or expired.

Workstation – the area within a procedure area where body-artists perform body art procedures. The workstation includes but is not limited to the customer’s chair or table, counter, mayo stand, instrument tray, storage drawer, and body artist’s chair.

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Office of the General Counsel, Department of Health, 899 North Capitol Street, N.E., Room 547,

Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address, excluding weekends and holidays. You may also submit your comments to Angli Black at (202) 442-5977 or email Angli.Black@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-156
August 28, 2013

SUBJECT: Appointment – Not-for-Profit Hospital Corporation Board of Directors

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to 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 5115 of the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011, D.C. Law 19-21, D.C. Official Code § 44-951.04 (2012 Supp.), it is hereby **ORDERED** that:

1. **BISHOP CHARLES MATTHEW HUDSON, JR.**, who was nominated by the Mayor on February 24, 2011 and approved by the Council of the District of Columbia pursuant to Resolution 19-0064 on March 15, 2011, is appointed as a member of the Not-for-Profit Hospital Corporation Board of Directors, replacing Stephen Baron, to complete the remainder of an unexpired term to end July 9, 2013.
2. **BISHOP CHARLES MATTHEW HUDSON, JR.** is appointed as Chairperson of the Not-for-Profit Hospital Corporation Board of Directors and shall serve in that capacity at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to March 15, 2011.



VINCENT C. GRAY
MAYOR

ATTEST:



CYNTHIA BROCK-SMITH

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-157
September 3, 2013

SUBJECT: Appointment – District of Columbia Health Benefit Exchange Authority
Executive Board

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 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012, D.C. Law 19-94, D.C. Official Code § 31-3171.05 (2012 Supp.), which established the District of Columbia Health Benefit Exchange Authority Executive Board (hereinafter referred to as “Board”), it is hereby **ORDERED** that:

1. **DR. JOXEL GARCIA**, the Acting Director of the Department of Health, or his designee, is appointed as *ex officio* member of the Board, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-158
September 3, 2013

SUBJECT: Reappointments – District of Columbia Recreational Trails Advisory Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to 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 Mayor's Order 96-84, dated June 20, 1996, it is hereby **ORDERED** that:

- 1. The following individuals are reappointed as members of the District of Columbia Recreational Trails Advisory Committee for a three-year term to end September 10, 2016:

RORY A. AUSTIN
DAVID O. CRANOR
ELIZABETH H. MCGOWAN
LISA D. SWANSON

- 2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-159
September 3, 2013

SUBJECT: Reappointments and Appointments – Advisory Committee to the Office of Gay, Lesbian, Bisexual and Transgender Affairs, and Amendment to Mayor's Order 2006-52

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to 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 3(b) of the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006, effective April 4, 2006, D.C. Law 16-89, D.C. Official Code § 2-1382(b) (2007 Repl.), and in accordance with Mayor's Order 2006-52, dated May 3, 2006, it is hereby **ORDERED** that:

I. APPOINTMENTS AND REAPPOINTMENTS

1. The following persons are reappointed as members of the Advisory Committee to the Office of Gay, Lesbian, Bisexual and Transgender Affairs (hereinafter referred to as the "Committee") for a term to end June 30, 2015:

MATTHEW LEBLANC
ANDREW P. BARNETT
GREGORY A. CENDANA
LESTER JOHNSON
MEGAN WALLACE

2. **LEANDREA GILLIAM** is appointed as a member of the Committee, replacing Kareem Murphy, for a term to end June 30, 2015;
3. **CHRISTOPHER OBERMEYER** is appointed as a member of the Committee, replacing Iden McCollum, for a term to end June 30, 2015;

- 4. **THOMAS SANCHEZ** is appointed as a member of the Committee, replacing Brittany E. Walsh, for a term to end June 30, 2015;
- 5. **MARIANN SIFUENTES** is appointed as a member of the Committee, replacing Ryan C. Wilson, for a term to end June 30, 2015;
- 6. **BENJAMIN TAKAI** is appointed as a member of the Committee, replacing SaVanna KB Wanzer, for a term to end June 30, 2015.

II. AMENDMENT TO MAYOR'S ORDER 2006-52

Part IV(a) of Mayor's Order 2006-52, dated May 3, 2006, is amended to read as follows:

- (a) The Committee shall be composed of no more than twenty-five (25) members appointed by the Mayor.

III. 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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY SEPTEMBER 11, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Change of Hours. Current Approved Hours of Operation, Sales and Consumption and Live Entertainment: Sunday: 11am to 2am. Monday-Friday 3pm to 2am. Saturday 12pm to 3am. Proposed Change for Operation, Sales and Consumption, and Entertainment Monday 3pm to 2am. Settlement Agreement. No pending enforcement matters. No pending investigative matter. No outstanding fines/citations. *The Elroy*, 1423 H Street NE, Retailer CT, Lic#: 91452.

2. Review Updated Information Regarding Full Service Grocery Determination. *Each Peach Market*, 3068 Mount Pleasant Street, NW, Retailer B, Lic#: 92449.

3. Review Request to Extend Safekeeping. *G Spot Tavern*, 5413 Georgia Avenue, NW, Retailer CT, Lic#:085208.

4. Review Request for Safekeeping. *Grill Kabob of Georgetown*, 3299 M Street NW, Retailer CR, Lic#:090419.

5. Review Request for Change of Hours of Operations and Sales. Approved Hours of Operation Sunday 9am to 12am, Monday-Friday 7am to 12am, Saturday 8am to 12am. Approved Hours of Alcoholic Beverage Sales and Consumption Sunday 9am to 12am. Monday-Friday 7am to 12am, Saturday 8am to 12am. Proposed Hours of Operation: Sunday-Saturday 7am to 12am. Proposed Hours of Alcoholic Beverage Sales and Consumption-7am to 12am. Voluntary Agreement. No Conflict with VA. No Pending Fines/Citations. No Violations. *Whole Foods Market*, 2323 Wisconsin Avenue, NW, Grocery B, Lic#:22045.

6. Review Request for Change of Hours of Operation and Sales. Approved Hours of Operation Sunday- Saturday 7am to 10pm, Approved Hours of Alcoholic Beverage Sales and Consumption Sunday-Saturday 9am to 10pm. Proposed Hours of Operation: Sunday-Saturday 7am to 12am. Proposed Hours of Alcoholic Beverage Sales and Consumption-7am to 12am. No Voluntary Agreement. No Pending Fines/Citations. No Violations. *Whole Foods Market*, 2201 I Street, NW, Grocery B, Lic#:86916.

7. Review Request for Change of Hours of Operation and Sales. Approved Hours of Operation: Sunday-Saturday 10am to 10pm. Approved Hours of Alcoholic Beverage Sales and Consumption: Sunday-Saturday 10am to 10pm. Proposed Hours of Operations Sunday-Saturday 7am to 12am. Proposed Hours of Alcoholic Beverage Sales Sunday-Saturday 7am to 12am. No Voluntary Agreement. No Fines/Protests. No Violations. **Rafael Grocery Deli**, 233 Florida Avenue, NW, Grocery B, Lic#:60359.

8. Review Request for Change of Hours of Operations and Sales. Approved Hours of Operation Monday-Saturday 9am to 10pm. Approved Hours of Alcoholic Beverage Sales Monday-Saturday 9am to 10pm. Proposed Hours of Operation Sunday-Saturday 9am to 10pm. No Voluntary Agreement. No Fines/Protests. No Violations. **Weygandt Wines**, 3519 Connecticut Avenue, NW, Retailer A, Lic#:81464.

9. Review Request for Change of Hours of Operations, Sales and Inside Premise Entertainment and Request for Summer Garden Change of Hours of Operation and Sales. Approved Hours of Operation and Alcoholic Beverage Sales and Consumption Sunday-Thursday 5pm to 2am; Friday 4pm to 3am; Saturday 5pm to 3am. Approved Hours of Live Entertainment Sunday-Thursday 8pm to 1:30am; Friday-Saturday 9am to 2am. Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption Sunday-Thursday 11am to 2am; Friday-Saturday 11am to 3am. Proposed Hours of Live Entertainment Sunday-Thursday 8pm to 1:30am; Friday-Saturday 11am to 2am. Approved Hours of Operation, Sales and Alcoholic Beverage Consumption in Summer Garden Sunday-Thursday 5pm to 10pm; Friday 4pm to 11pm; Saturday 5pm to 11pm. Proposed Hours of Operation, Sales and Alcoholic Beverage Consumption in Summer Garden Sunday-Thursday 11am to 10pm; Friday- Saturday 11am to 11pm. No Conflict with Voluntary Agreement. No Pending Fines. No Protests. **Vendetta**, 1210-1212 H Street, NE, Retailer CT Lic#:72734.

10. Review Request for Change of Hours of Operation and Sales for Inside Premise and Sidewalk Café. Approved Hours of Operation, Alcoholic Beverage Sales and Consumption for Inside Premise and Sidewalk Café; Sunday-Saturday 11am to 11pm. Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption for Inside Premise and Sidewalk Café; Sunday-Thursday 11am to 11pm; Friday-Saturday 11am to 12am. No Voluntary Agreement. No Conflict with VA. No Pending Fines. No Protests. **Shake Shack**, 800 F Street, NW, Retailer DR, Lic#: 90756.

11. Review of Request for Temporary Extension of the East Dupont Circle Moratorium Zone dated August 12, 2013 from Dupont Circle Citizens Association.

12. Review of Request for off-site storage of records for Woodward Table. *Woodward Table*, 1426 H Street NW, Retailer CR, Lic#: 90596.

13. Review of Settlement Agreement between ANC 6D and Park Tavern. *Park Tavern*, 202 M Street SE, Retailer CT, Lic#: 089126.

14. Review of Settlement Agreement between ANC 6C and TD Burger, LLC. *TD Burger*, 250 K Street NW, Retailer CT, Lic#: 92242.

15. Review of Admendment to Settlement Agreement between ANC 6B and Congressional Liquors. *Congressional Liquors*, 404 1st Street SE, Retailer A, Lic#: 089418.

16. Review of inquiry from John Xereas regarding the status of the license and request for an investigation of Penn Social. *Penn Social*, 801 E Street NW, Retailer CX, Lic#: 086808.

17. Review of request dated July 20, 2013 and August 5, 2013 from E & J Gallo Winery for approval to provide retailers with product valued at more than \$50 and less than \$500.

18. Review of request dated August 12, 2013 from Capital Eagle, Inc., for approval to provide retailers with products valued at more than \$50 and less than \$500.

19. Review of request dated August 29, 2013 from E & J Gallo Winery for approval to provide retailers with product valued at more than \$50 and less than \$500.

20. Review of Civil Penalty Final Rulemaking.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, SEPTEMBER 11, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On September 11, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#13-CMP-00315 Farmers Fishers Bakers, 3000 K ST NW Retailer C Restaurant, License#: ABRA-074934

2. Case#13-CC-00072 Plum Blossom, 1915 18TH ST NW Retailer C Restaurant, License#: ABRA-076620

3. Case#13-CMP-00318 Grand Central, 2447 18TH ST NW Retailer C Restaurant, License#: ABRA-076693

4. Case#13-251-00084 Red Lounge Hookah, 2013 A 14TH ST NW Retailer C Restaurant, License#: ABRA-076011

5. Case#12-CMP-00688 Midtown, 1219 CONNECTICUT AVE NW Retailer C Nightclub, License#: ABRA-072087

6. Case#13-CC-00067 West End Market, 2424 PENNSYLVANIA AVE NW Retailer A Retail - Liquor Store, License#: ABRA-074663

7. Case#13-CMP-00317 Madam's Organ, 2461 18TH ST NW Retailer C Tavern, License#: ABRA-025273

8. Case#13-CMP-00308 Dops, Inc, 2611 EVARTS ST NE Retailer A Wholesaler, License#: ABRA-060731

9. Case#13-CMP-00340 Cafe Citron, 1343 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-060138

10. Case#13-CC-00066 Fresh Fields Whole Foods Market, 1440 P ST NW Retailer B Retail - Grocery, License#: ABRA-060167

11. Case#13-CMP-00309 Raven Grill, 3125 MT PLEASANT ST NW Retailer C Tavern, License#: ABRA-005864

12. Case#13-CC-00062 Kellys Irish Times, 14 F ST NW Retailer C Tavern, License#: ABRA-000939

13. Case#13-251-00085 BALLETTTO DINING LOUNGE, 1050 17TH ST NW B Retailer C Restaurant, License#: ABRA-014073

14. Case#13-CMP-00320 Policy, 1904 14th ST NW Retailer C Restaurant, License#: ABRA-076804

15. Case#13-CMP-00306 Johnny Rockets, 3131 M ST NW Retailer C Restaurant, License#: ABRA-081606

16. Case#13-CMP-00319 Bistro 18, 2420 18TH ST NW Retailer C Restaurant, License#: ABRA-086876

17. Case#13-CC-00064 MLK MINI MARKET, 3333 MARTIN LUTHER KING JR AVE SE Retailer B Retail - Grocery, License#: ABRA-088833

18. Case#13-CMP-00316 Panas Gourmet Empanadas, 2029 P ST NW Retailer D Restaurant, License#: ABRA-088954

19. Case#13-CC-00065 MIMI's CONVENIENCE, 5435 MacArthur BLVD NW Retailer B
Retail - Grocery, License#: ABRA-089668

20. Case#13-CMP-00341 Romeo & Juliet, 301 MASSACHUSETTS AVE NE Retailer C
Restaurant, License#: ABRA-092684

**ACHIEVEMENT PREP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Achievement Prep is seeking competitive proposals to provide janitorial services for the 2013 - 2014 school year with an option to renew at the elementary campus located at 1500 Mississippi Avenue SE Washington, DC 20032.

All sealed proposals shall be forwarded to the address listed below:

Attn: Renee Evans
Director of Operations
908 Wahler Place SE
Washington, DC 20032
Phone: (202) 562-1214
Fax: (202) 562-1219
revans@apreacademy.org

Sealed proposals shall be received no later than Thursday, September 12, 2013 by 3:00 pm EST.

Sealed proposals shall be submitted according to the specifications enclosed herein. In addition all sealed proposals shall be submitted in a sealed envelope marked as: **AP Janitorial Services Proposal 2013-2014**. Indicate the firm name on the envelope. Included with the hard-copy proposals shall be an electronic copy of the proposal.

Late and/ or faxed proposals will not be accepted.

Achievement Prep reserves the right to reject any and all proposals without limitation. Achievement Prep reserves the right to award a contract as it determines to be in the best interest of Achievement Prep. To acquire a copy of the proposal specification, please contact Renee Evans at the above e-mail address.

CEDAR TREE ACADEMY

REQUEST FOR PROPOSALS

**Early Childhood Special Education Service Providers, Special Education Legal Services,
Nursing Services, After School Enrichment Program**

Cedar Tree Academy Public Charter School invites proposals for Early Childhood Special Education Service Providers, Special Education Legal Services, Nursing Services, and After School Enrichment Program 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 lhenderson@cedartree-dc.org before the RFP deadline. Bids must be submitted to the address below.

Dr. LaTonya Henderson
Executive Director/Principal
Cedar Tree Academy Public Charter School
701 Howard Road, SE
Washington, DC 20020

Cedar Tree Academy will receive bids until Monday, September 16, 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/>

D.C. CORRECTIONS INFORMATION COUNCIL**NOTICE OF PUBLIC MEETING**

The DC Corrections Information Council (CIC), in accordance with the D.C. Official Code §1-207.42 and § 2-575, hereby gives notice that it has scheduled the following meeting **Tuesday September 10, 2013** from **6:30 pm to 8:00 pm**. The Meeting will be held at **One Judiciary Square** located 441 Fourth Street NW, Washington, DC 20001. For additional information, please contact Cara Comani, CIC Program Analyst, at (202)445-7623 or DC.CIC@dc.gov.

The CIC is an independent monitoring body mandated to inspect and monitor conditions of confinement at facilities operated by the Federal Bureau of Prisons (BOP), D.C. Department of Corrections (DOC) and their contract facilities where D.C. residents are incarcerated. Through its mandate the CIC will collect information from many different sources, including site visits, and report its observations and recommendations.

Below is the draft agenda for this meeting. A final agenda will be posted on the CIC's website, available at <https://sites.google.com/a/dc.gov/cic/>.

DRAFT AGENDA

- I. Call to Order (Board Chair)
- II. Roll Call (Board Chair)
- III. CIC Access to Bureau of Prisons Facilities
- IV. FCI Fairton Report
- V. Update on: Video Visitation at DC Jail, FCI Manchester, USP McCreary & Fairview
- VI. Community Outreach Intern
- VII. Questions/Comments
- VIII. Schedule Next CIC Open Meeting and Set Open Meeting Schedule
- IX. Vote to Close Remainder of Meeting, pursuant to DC Code 2-574(c)(1)
- X. Closed Session of Meeting (if approved by majority of CIC Board)
- XI. Adjournment (Board Chair)

CLOSED MEETING

- I. Closed Session of Meeting (if approved by majority of CIC Board)
- II. Adjournment (Board Chair)

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PUBLIC MEETING

Community Schools Advisory Committee

The final meeting of the Community Schools Advisory Committee will take place on September 10th, 2013 at OSSE, 810 1st Street, NE, Room 4002, Washington, DC 20002.

Agenda

4:00-4:30 pm Update on Community Schools Incentive Initiative

- Presentation of Awardees
- Possible event for grantees

4:30-5:45 pm Discussion of Recommendations for Mayor

5:45-6:00 pm Final Thoughts and Adjourn

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 air quality permit #6318-R1 to Potomac Creek Associates, L.L.C. to operate one (1) 400 kW diesel-fired emergency generator set at 490 L'Enfant Plaza East, SW, Suite 3200, Washington, DC 20024. The contact person for the facility is Dan Purcell at (202) 485-3300.

The permit application and supporting documentation, along with the draft permit are all 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 public 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 postmarked after October 7, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

Office of Government Ethics

BEGA – Advisory Opinion

August 29, 2013

Advisory Opinion

Constituent Services by Elected District of Columbia Government Officials

This Advisory Opinion addresses questions received by the Board of Ethics and Government Accountability (“BEGA”) regarding the ethical limits of constituent services performed by District government elected officials.¹

I. Introduction

A. Overview

Providing services to constituents is a legitimate and necessary function of elected office. Whether the action taken on behalf of a constituent comes by requesting information from an agency, arranging an appointment with an agency worker, commenting during a proposed rulemaking process, introducing tax relief legislation, or falling somewhere in between, the official’s assistance fulfills the fundamental responsibility of meeting his or her constituent’s right to petition the government and, at the same time, serves to foster better governance.

Describing the various types of services that elected officials can provide to their constituents is one thing. Defining the ethical limits of providing those services is quite another, much more difficult matter, if only because each instance of constituent service is based on its own facts.

Another difficulty is to summarize in this Overview some relevant conclusions so as to forecast the general direction this Opinion will take. Nevertheless, to provide some bearing, this much appears to be clear: constituent services afford as much, if not more, opportunity for abuse as any other function of public office, perhaps because there are no bright lines for elected officials

¹ For purposes of this Opinion, the term “elected officials” is used to include the Mayor and employees of the Executive Office of the Mayor, as well as all members of the Council and their respective staffs. To that extent, the term is not intended to be synonymous with “public official,” as that term is defined in section 101(47) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1161.01(47) (2012 Supp.). The latter term is broader, encompassing, among others, District government officials and employees who do not generally provide constituent services.

to follow. Clearly, though, there must be limits, and, to the extent possible, those limits should not be so strict as to prevent officials from doing the work they were elected to do.

This Opinion, then, will provide fact-specific scenarios of the more prevalent ways that elected officials provide constituent services. There will be preliminary discussions of the specific District ethics laws and regulations that govern the provision of those services, other relevant District and federal laws, and several general service-related considerations that also apply. In short, the effort will be to offer the scenarios as guidance to elected officials on what is ethically permitted – and what is not – in terms of providing services to their constituents.

What this Opinion will not do is attempt to redefine the District government or the roles of elected officials within it. As discussed below, ethics regulation is a means to better government. Such regulation and this Opinion, then, should not be seen as altering the system of checks and balances that operates when elected officials provide constituent services.

B. Analytical Context

The concept that public office is a public trust has roots stretching back to ancient Rome.² In the founding days of this country, the Framers invoked the concept in drafting the Constitution,³ and it continues to find modern day expression. *See, e.g., Nuesse v. Camp*, 385 F.2d 694, 706 (D.C. Cir. 1967) (“It is a living tenet of our society and not mere rhetoric that a public office is a public trust.”).⁴

The Council was no doubt mindful of the public trust concept when it passed the Ethics Act. The committee report accompanying the legislation noted that “the term ‘ethics’...refers to the regulation of those behaviors which the government may seek to impose upon itself and its employees by rule of law to prevent government corruption and waste, avoid conflicts of interest, and ultimately to *preserve and increase the public trust and with it the legitimacy of the government.*”⁵ In other words, in passing the Ethics Act, the Council clearly considered ethics regulation as a means not only to counter individual government employee misconduct, but, more fundamentally, as a way to uphold the public’s trust in the government itself.

² *See* Marcus Tullius Cicero, *On Moral Obligation* 69 (John Higginbotham trans., University of California Press 1967) (“The guardianship of the state is a kind of trusteeship.”).

³ *See* Sung Hui Kim, *The Last Temptation of Congress: Legislator Insider Trading and the Fiduciary Norm Against Corruption*, 98 Cornell L. Rev. 845, 874 (2013) (“[T]he Federalist Papers repeatedly characterizes public officials, including legislators, as trustees, and the U.S. Constitution refers to ‘public Trust’ and describes public offices as being of ‘Trust.’”).

⁴ *See also Providence Tool Co. v. Norris*, 69 U.S. 45, 55 (1864) (stating that public offices “are trusts, held solely for the public good, and should be conferred from considerations of the ability, integrity, fidelity, and fitness for the position of the appointee”).

⁵ Report of the Committee on Government Operations on Bill 19-511, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, at 3 (Council of the District of Columbia, December 5, 2011) (“Ethics Act Committee Report”) (emphasis added).

The Council's two-fold view of ethics regulation lends itself to the purposes of this Opinion. As one journal author has noted:

The work of the public in any city of more than minor size is carried out by dozens, hundreds, or even thousands of persons. Some are elected, some appointed, some employed. Even if those individuals are all persons of good character, the failure to provide clear guidance as to what standards of conduct must be observed with respect to such issues as conflict of interest, use of city property, acceptance of gifts, and other important matters will invite confusion, varying practices, and the appearance of impropriety – all of which are harmful to good government.⁶

What, then, is “good” government? Any answer to the question here must reflect the respective roles of the Mayor and the Council as they have been established in the District of Columbia Home Rule Act (“Home Rule Act”), adopted December 24, 1973, 87 Stat. 777, Pub. L. 93-198, D.C. Official Code § 1-201.01 *et seq.* (2006 Repl. & 2012 Supp.).

The District's executive authority is vested in the Mayor. *See* section 422 of the Home Rule Act (D.C. Official Code § 1-204.22). In exercising that authority, the Mayor has the power, for example, to administer personnel functions covering the employees in the subordinate agencies, D.C. Official Code § 1-204.22(3), and to supervise and direct the work of those agencies through the agency heads. D.C. Official Code § 1-204.22(4). The Mayor also has the power to prepare and submit an annual budget to the Council. Section 442(a) of the Home Rule Act (D.C. Official Code § 1-204.42(a)).

Legislative authority is vested in the Council. *See* section 404(a) of the Home Rule Act (D.C. Official Code § 1-204.04(a)). Among other things, the Council is responsible for conducting oversight of District agencies, as an offshoot of its power to create and abolish the agencies and to define their powers and duties. D.C. Official Code § 1-204.04(b). The Council also adopts the District's annual budget. Section 446 of the Home Rule Act (D.C. Official Code § 1-204.46). Notwithstanding these responsibilities, the Council has somewhat limited authority over executive branch personnel and functions. It can refuse to confirm or re-confirm mayoral nominees, but it does not have the power to hire or fire executive branch employees, including agency heads. It can defund agencies or programs within them, but it otherwise has no direct control over the day-to-day delivery of services by the agencies.

Recognizing this division of powers helps inform this discussion because the real or implied threat of retaliation or of granting favorable treatment by elected officials often lies at the heart of their providing constituent services. The ethical limits on their providing those services, then, should be measured accordingly. *Cf.* Ronald M. Levin, *Congressional Ethics and Constituent Advocacy in an Age of Mistrust*, 95 Mich. L. Rev. 1, 10 (1996) (“[T]he [ethical] checks and balances implications of congressional intervention in agency proceedings must...be weighed in terms of the competitive relationship between the legislative and executive branches.”); *Id.* at 58

⁶ Vincent R. Johnson, *Ethics in Government at the Local Level*, 36 Seton Hall L. Rev. 715, 727 (2006).

(ethical limits on constituent services “should be evaluated from the standpoint of whether they enhance or impede democratic processes.”) (citing Dennis F. Thompson, *Ethics in Congress: From Individual to Institutional Corruption* 7, 170 (1995)).

To sum up, guidance on the ethical limits of providing constituent services must take into account the structure of the District government, presuppose that the dynamic – and sometimes conflicting – forces at play within that structure can work to the public good, and, accordingly, avoid penalizing legitimate activity by elected officials. Such an approach is in keeping with the Council’s view, noted above, that ethics is regulation of those behaviors which the government may seek to impose upon itself and its employees “by rule of law.”⁷

C. Constituent Services

Another preliminary matter needs to be addressed before proceeding any further: what are constituent services? Broadly speaking, such services can refer to all actions that elected officials take on behalf of their constituents. However, for purposes of this Opinion, the term “constituent services” is used to mean those official actions taken by elected officials when interacting with District government agencies, boards, and commissions on behalf of their constituents and, for members of the Council specifically, when promoting constituent interests directly through legislation.⁸ Further, as discussed in the first section of Part II, immediately below, this definition can be taken to lend meaning to the phrase “usual and customary constituent services,” as contained in Rule VI(c)(2) of the Council’s Code of Official Conduct.

In fairness, one may question the need for this Opinion with respect to the provision of constituent services by the Mayor, the Council Chairman, and the four at-large Councilmembers. Those officials, after all, are elected on a city-wide basis and, to that extent, have no specific constituency. Where, then, does one draw the line between those officials’ “constituent” service and general “public” service?

This Opinion draws the line at the point where public service involves interaction with the agencies. Up to that point, the public services provided by the Mayor, the Council Chairman, and the four at-large Councilmembers are to be governed generally by the Code of Conduct,⁹ as is the case with respect to all elected officials and other employees of the District government. Beyond that point, however, even for the Mayor, who, as the “chief executive officer of the District government,”¹⁰ supervises and directs the agencies through the agency heads,¹¹ agency

⁷ See also Johnson, 38 Seton Hall L. Rev. at 722-23 (stating that a “key assumption animating American debates about ethics in government is that law is a proper tool for ensuring good behavior”).

⁸ It is beyond the scope of this Opinion to offer a general critique of constituent services or of any particular type of such services. For such a discussion, see, for example, Levin, 95 Mich. L. Rev. at 19-31. Further, this Opinion does not address the constituent-service programs or the funds used to finance those programs, as authorized by section 338 of the Ethics Act (D.C. Official Code § 1-1163.38).

⁹ See section 101(7) of the Ethics Act (D.C. Official Code § 1-1161.01(7) (defining “Code of Conduct”).

¹⁰ Home Rule Act section 422 (D.C. Official Code § 1-204.22).

¹¹ See Home Rule Act section 422(4) (D.C. Official Code § 1-204.22(4)).

involvement can potentially entail the same constituent-specific and rule of law considerations as apply to the Councilmembers who represent the several wards. As such, certain specific provisions of the Code of Conduct, as well as certain provisions in other relevant District and federal laws, apply with particular force. The balance of this Opinion, then, will focus on those provisions and their application.

II. Discussion

A. Provisions of the Code of Conduct

The Council expressly wedded itself to public trust principles when it first adopted its own Code of Official Conduct. See Resolution 18-248, the Council Code of Official Conduct Rules Amendment Resolution of 2009, effective September 22, 2009, 56 DCR 7804, the long title of which states that the Council's intent in adopting the Code of Official Conduct was "to ensure the full public confidence that representative government requires and recognize [sic] that public office is a public trust, to commit the Council to the highest standards of ethics, honesty, openness, and integrity, and to consistent adherence to these values."¹²

For purposes of this Opinion, Rule VI(c) of the Council's Code is particularly relevant. The Rule provides as follows:

- (c)(1) PRESTIGE OF OFFICE. An employee may not knowingly use the prestige of office or public position for that employee's private gain or that of another.
- (2) The performance of usual and customary constituent services, without additional compensation, is not prohibited under paragraph (1) of this subsection.

Although the Rule does not define the phrase "usual and customary constituent services," there is nothing in the Rule itself – nor, for that matter, nothing elsewhere in the Council's Code – that reasonably suggests that the phrase is at odds with the definition of "constituent services" as discussed above. Indeed, interacting with executive agencies on behalf of constituents is a "usual and customary" function of elected legislative officials. See Edward L. Rubin, *Bureaucratic Oppression: Its Causes and Cures*, 90 Wash. U. L. Rev. 291, 329 n.153 (2012) ("Casework [as some sources describe the provision of constituent services] can also be regarded as a form of legislative oversight of the administration, thus grouping it with hearings, appropriations and the legislative veto."); see also Paul H. Douglas, *Ethics in Government* 86-87 (1952) ("The truth is that legislation and administration should not be kept in air-tight and separate compartments... There is, then, a sound ethical basis for legislators to represent the interests of constituents and other citizens in their dealings with administrative officials and bodies.").

¹² The Council incorporated a Code of Official Conduct into its Rules of Organization and Procedure for Council Period 19 and, currently, for Council Period 20. See Rule 202(c), Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20 ("Councilmembers and staff shall specifically adhere to the Code of Official Conduct of the Council of the District of Columbia.").

The Council's Code of Official Conduct is, of course, part of the Ethics Act Code of Conduct,¹³ but, from a perspective relevant to constituent services, the public trust concept was reflected in various District statutes and regulations well before the Ethics Act. The Act itself functioned, in part, to include "all applicable ethics laws" within the Code of Conduct. *See* Ethics Act Committee Report at 2. Significant among these laws, is section 1801(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 ("CMPA"), effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-618.01(a) (2012 Supp.),¹⁴ which provides as follows:

(a) Each employee, member of a board or commission, or a public official of the District government must at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking, ordering, or participating in any official action which would adversely affect the confidence of the public in the integrity of the District government.

Certain regulations promulgated pursuant to the CMPA, specifically, those contained in Chapter 18 of Title 6B of the District of Columbia Municipal Regulations,¹⁵ also mirror public trust principles. For example, 6B DCMR § 1803.1(a) provides that:

(a) An employee shall avoid action, whether or not specifically prohibited by this chapter, which might result in or create the appearance of the following:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;
- (3) Impeding government efficiency or economy;
- (4) Losing complete independence or impartiality;
- (5) Making a government decision outside official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of government.¹⁶

¹³ *See* section 101(7)(A) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(A)).

¹⁴ CMPA section 1801(a) is part of the Code of Conduct by virtue of section 101(7)(B) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(B)).

¹⁵ These regulations are part of the Code of Conduct by virtue of section 101(7)(E) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(E)).

¹⁶ *See also* 6B DCMR § 1800.2 ("The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by employees is essential to assure the proper performance of government business and the maintenance of confidence by citizens in their government. The avoidance of misconduct and conflicts of interest on the part of employees is indispensable to the maintenance of these standards.").

Last, but certain, mention here must be made of section 223 of the Ethics Act itself (D.C. Official Code § 1-1162.23). That section, which captures the prestige of office notion reflected in the Council's Rule of Official Conduct VI(c), provides as follows:

No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

In sum, a number of District ethics laws and regulations incorporated into the Code of Conduct are very relevant to the provision of constituent services by elected officials. However, no ethics code operates in a vacuum. There are District laws of general application, as well as applicable federal laws, that bear on the subject and, accordingly, warrant discussion.

B. Other Relevant Non-Code of Conduct Provisions

An elected official's obligations are to all of his or her constituents equally. No local law of general application comes quicker to mind, therefore, than the Human Rights Act of 1977, effective December 13, 1977, D.C. Law 2-38, D.C. Official Code § 2-1401.01 *et seq.* (2007 Repl. & 2012 Supp.).¹⁷ The Act prohibits discrimination in the District for any reason, including political affiliation, other than that of individual merit.¹⁸

Section 1804(a) of the CMPA¹⁹ prohibits nepotism, providing specifically that a "public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which he or she is serving or over which he or she exercises jurisdiction or control, any individual who is a relative²⁰ of the public official." This provision would clearly prevent an elected official from taking a wide range of government employment-related actions on behalf of a constituent who has family connections to the official.

¹⁷ See Johnson, 36 Seton Hall L. Rev. at 742 (arguing that "because a city should observe the highest ethical standards in the performance of official duties, an anti-discrimination provision should [even] be included in a city ethics code").

¹⁸ Cf. Advisory Opinion No. 1, House Comm. on Standards of Official Conduct, 116 Cong. Rec. 1077, 1078 (1970) ("Advisory Opinion No. 1) ("A Member's responsibility...is to all his constituents equally and should be pursued with diligence irrespective of political or other considerations."). Also, see the discussion below about considerations related to campaign contributions.

¹⁹ As added March 12, 2012, D.C. Law 19-115, D.C. Official Code § 1-618.04(a).

²⁰ The term "relative" is defined by CMPA section 1804(d)(2) (D.C. Official Code § 1-618.04(d)(2)).

The District of Columbia Administrative Procedure Act (“APA”), effective October 21, 1968, 82 Stat. 1204, D.C. Official Code § 2–501 *et seq.* (2011 Repl. & 2012 Supp.), supplements all other provisions of law establishing procedures to be observed by the Mayor and agencies of the District government in the application of laws administered by them. The APA will be noted below in connection with *ex parte* communications and the involvement of elected officials on behalf of constituents in formal adjudication and rulemaking proceedings.

Quite a number of federal laws can impact constituent services provided by elected officials, so even a brief discussion of each would unnecessarily extend the length of this Opinion. However, the following list of some of the more relevant statutes (their relevance indicated by explanatory parentheticals) will suffice for present purposes:

- 5 U.S.C. § 3110 (nepotism);
- 18 U.S.C. § 2 (aiding and abetting);
- 18 U.S.C. § 201 (bribes and illegal gratuities);
- 18 U.S.C. § 208 (financial conflicts of interest);
- 18 U.S.C. § 216 (civil & criminal penalties); and
- 18 U.S.C. § 602 (solicitation of political contributions).

C. General Considerations

Each instance of constituent service is unique on its facts. However, there are a number of general service-related considerations, some gleaned from House of Representatives and Senate ethics materials, which elected officials should weigh when faced with any constituent’s request for assistance.

First and foremost is the public interest. As stated in Advisory Opinion No. 1, “[t]he overall public interest...is primary to any individual [constituent service] matter and should be so considered.”²¹ Self-interest, which is prohibited by the conflict of interest laws, is the flip side of this same coin and should, therefore, be factored out by elected officials whenever considering providing any constituent service.²²

Second, elected officials should only present facts that they know to be true. As noted in the *House Ethics Manual*, “[i]n seeking relief, a constituent will naturally state his or her case in the most favorable terms.... Thus, a Member should exercise care before adopting a constituent’s factual assertions.”²³ In communications, then, elected officials would be well advised to attribute factual contentions to their constituents, unless they have personal knowledge of the underlying relevant facts themselves.

²¹ 116 Cong. Rec. at 1078.

²² See Levin, 95 Mich. L. Rev. at 10 (“Ethics regulation is a logical tool for counteracting the temptations stemming from the self-interest aspects of constituent service.”).

²³ House Comm. on Standards of Official Conduct, *House Ethics Manual*, 110th Cong., 2nd Sess., at 307.

Third, a related consideration is the advisability of elected officials documenting their constituents' requests for services and the action taken in response. If there was ever a question or dispute later, an official could protect himself or herself by reference back to a written record. A similar practice could be adopted when it comes to contact between the officials and the agencies.²⁴ In fact, elected officials may well consider making that contact only by email or letter to prevent possible misunderstandings.²⁵

Fourth, elected officials should follow constituent service practices in a consistent manner when dealing with the agencies.²⁶ Those practices should, ideally, be written, and, in any event, staff should be trained to follow them uniformly. As illustrated in a scenario below, an official's failure to act in his or her usual or customary way could, for example, be viewed as an attempt to influence the outcome in a given agency interaction.

Fifth, there should be power parity in agency interactions. The perceived authority that comes with being an elected official is significant, and, in even permissible agency interactions, that perception of authority can affect an agency employee's decision making process. Therefore, elected officials should encourage their staff members to deal with lower level agency personnel, so as to reduce the potential for intimidation, and should reserve to themselves those cases in which to engage upper level employees, such as agency heads or general counsels.

Sixth, favoritism and reprisal should be avoided when engaging in any form of constituent services. The *House Ethics Manual*, in particular, makes this point very clear, stating that "[a] Member should *not* directly or indirectly threaten reprisal or promise favoritism or benefit to any administrative official."²⁷

Last, elected officials should strive to avoid any conduct which, according to the *Senate Ethics Manual*, "may create the appearance that, because of party affiliations, campaign contributions, or prior employment, a [constituent] will receive or is entitled to either special treatment or special access, or be denied access."²⁸ Realistically, such an effort cannot ignore, for example,

²⁴ See Levin, 95 Mich. L. Rev. at 62-67 (discussing arguments for and against congressional contacts with agencies and exploring implementation issues).

²⁵ See *House Ethics Manual* at 307 ("In order to avoid any inference on the part of agency personnel that a Member is asking for action in a particular matter that is inappropriate under agency guidelines, the Member should consider expressly assuring administrators that no effort is being made to exert improper influence. For example, a letter could ask for 'full and fair consideration consistent with applicable law, rules, and regulations.'").

²⁶ See, e.g., Senate Select Comm. on Ethics, *Senate Ethics Manual*, 108th Cong., 1st Sess., at 178 (recommending that, prior to providing a constituent service, a Senator consider "the extent to which the proposed action or pattern of action deviates from normal office practice").

²⁷ *House Ethics Manual* at 306 (emphasis in original).

²⁸ *Senate Ethics Manual* at 178. See also *House Ethics Manual* at 300 ("[C]onsiderations such as political support, party affiliation, or one's status as a campaign contributor should not affect either the decision of a Member to provide assistance or the quality of help that is given to a constituent.")

the realities of financing a political campaign,²⁹ and the *Senate Ethics Manual* does provide guidance for when a constituent is a known contributor. In such a case, an elected official should consider, among other things, “the history of donations by a contributor and the proximity of money and action, *i.e.*, how close in time the [official’s] action would be to his or her knowledge of or receipt of contribution(s)”³⁰ before deciding whether to assist the constituent. The official, in other words, should avoid taking any action that can be seen as a conflict of interest or be used to establish a connection between soliciting or accepting a campaign contribution and providing a constituent service.³¹

III. Illustrative Scenarios

Members of Congress have received ethical guidance on providing constituent services at least since 1970, when the House Committee on Standards of Official Conduct adopted Advisory Opinion No. 1. In 1992, the Senate adopted S. Res. 273, which incorporates, as part of the Code of Official Conduct, Senate Rule 43, governing the provision of constituent services.

Advisory Opinion No. 1 and Senate Rule 43 are substantively similar in listing a number of permissible ways in which congressional members and their staffs may interact with the executive branch on behalf of constituents, and, to that extent, they can serve as the basis for the following scenarios:³²

A. Requesting Information or Status Reports

Example 1: Constituent X is waiting to hear back from the Zoning Commission about a variance. After several unsuccessful attempts to get a status report from the Commission, X explains his situation to Councilmember Y and asks for assistance. The Councilmember directs a staff member to contact the Commission for a status report.

²⁹ See Levin, 95 Mich. L. Rev. at 79-80 (“[E]thics rules...must take account of candidates’ legitimate interest in raising money for reelection campaigns.”).

³⁰ *Senate Ethics Manual* at 178.

³¹ See, e.g., *McCormick v. United States*, 500 U.S. 257 (1991) (holding that a *quid pro quo* is necessary for conviction under Hobbs Act (18 U.S.C. § 1951) when official receives campaign contribution, regardless of whether contribution is legitimate).

³² These examples are meant to demonstrate, in the first instance, “best practices.” Best practices are behaviors that have consistently shown results superior to, or more effective than, those obtained in other ways. They represent an ideal standard. As such, failure to strictly adhere to certain of these recommendations may not in every case rise to the level of a Code of Conduct violation. Nonetheless, it is highly advisable that elected officials follow these practices in order to avoid allegations of ethical misconduct and potential sanctions where best practices standards do, in fact, intersect with minimal ethical standards. In case of doubt about which way to proceed, the best practice would be to seek advice from BEGA. The examples herein are hypothetical. Only with specific, actual facts can BEGA provide “safe-harbor” advice (advice that, if followed, protects the inquirer from sanctions) under the Ethics Act.

This is a permissible constituent service. By having a staff member contact the Commission on a routine matter, the Councilmember avoids creating the impression that Constituent's variance deserves special attention and also avoids appearing to exert any influence over the decision on the variance itself.

Example 2: In the same circumstances as Example 1, Councilmember Y contacts the Commission herself for a status report.

If it is customary for the Councilmember to contact the Commission on routine matters, then her doing so in this example can be presumed to be appropriate conduct. However, if her usual office practice is to have staff members handle routine constituent matters, then her personal contact with the Commission creates at least an appearance of impropriety. By departing from customary office practice, the Councilmember could suggest to the Commission that Constituent's variance is somehow different from other variance requests and, therefore, warrants special attention, or it could even be viewed as an attempt to influence the final outcome. The Councilmember should refrain from making the personal contact.

Example 3: In the same circumstances as Example 1, a staff member updates Councilmember Y after getting a status report, but the Councilmember calls the Commission later in the day to request the same information.

For the reasons stated in Example 2 of why the Councilmember should refrain from making personal contact with the Commission, she should also refrain from making the call.

B. Urging Prompt Consideration of a Matter

Example 1: Constituent A has waited for what she considers to be too long a time to have the liquor license for her restaurant renewed. Alcohol sales are a significant part of her revenue, and any delay in license renewal would pose a significant financial burden. Constituent contacts Councilmember B and asks that he contact the Alcoholic Beverage Control Board. He does so by calling the Board chairperson, explaining Constituent's concern, and demanding a decision on the renewal as soon as possible.

While it is appropriate for the Councilmember to engage another upper level official, his call to the chairperson is not a permissible constituent service. The demand carries with it, at least, an implied threat of reprisal, and, in any event, Constituent's license renewal should not be advanced ahead of other pending renewal requests simply because the Councilmember calls about it. An acceptable response to Constituent's request, rather, would have been to ask the Board, through the chairperson, to give the license renewal due and timely consideration under applicable regulations.³³

³³ Congressional guidance on the permissibility of urging prompt agency action is somewhat more liberal. For example, the *House Ethics Manual* states that "[c]ourts have historically refused to intervene when Members

Example 2: Through staff, Councilmember D becomes aware of a homeless mother with a young child in need of immediate medical care. The overnight forecast is for cold, but not sub-freezing temperatures. The Councilmember nevertheless wants the pair to receive shelter and other assistance as soon as possible and calls the Director of the Department of Human Services, asking for expedited attention to their case.

The Director is able to accommodate the Councilmember's request, preferably by following a policy that the Department has adopted to deal with emergency situations. However, even if such a policy is not in place, the Director can reasonably consider the circumstances here as calling for an expedited response. A workable test for such a situation is suggested by the standard for emergency rulemaking set out in section 6(c) of the APA (D.C. Official Code § 2-505(c)), that is, "the *immediate preservation* of the public peace, health, safety, welfare, or morals." (Emphasis added.) The standard reflects a recognition that the need to address certain urgent conditions can trump the normal rulemaking process, which otherwise requires notice to the public and the opportunity for public comment on any proposed rules prior to final adoption. So too, such emergency circumstances could also apply to the type of Councilmember intervention and agency action described in this example.

C. Arranging Meetings and Interviews

Example 1: Constituent S wishes to voice her concerns about a current DCRA permitting policy. After several unsuccessful attempts to arrange a meeting with a DCRA employee, she relates her concerns to Councilmember T and asks him to try setting up a meeting for her. The Councilmember calls DCRA's General Counsel and arranges a meeting, stating only that Constituent wants to air concerns about the policy.

This is a permissible constituent service. The Councilmember obviates concerns about exerting undue influence by engaging another upper level official and by not relating any concerns he may have about the policy himself.

Example 2: Councilmember sits on the Committee on Workforce and Community Affairs, which has oversight jurisdiction over the Office on Aging. She contacts the Director of the Office to request that he meet with a constituent private entity that wants to discuss "a great idea" for a grant under the Older Americans Act.

attempted to expedite an administrative process rather than urging a particular outcome. In the words of one court, "where the Congressional involvement is directed not at the agency's decision on the merits but at accelerating the disposition and enforcement of the pertinent regulations, it has been held that such legislative conduct does not affect the fairness of the agency's proceedings and does not warrant setting aside its order." *Id.* at 305 (citation omitted).

While it is appropriate that the Councilmember contacts the head of an agency with grant making authority, the facts that she sits on the oversight committee and characterizes the grant as being “a great idea” combine to create at least an appearance of undue influence. The message to the Director, in other words, is that the Councilmember will not be pleased if the grant application is denied and that, as a consequence, there may be some form of reprisal against him or the Office.

Alternatively, the Councilmember should have one of her staff call the Director’s scheduling assistant to set up the meeting and, in doing so, explain only that the constituent wants to discuss a possible grant application. Such an approach would reduce the potential for any pressure the Director may otherwise feel if the Councilmember called directly and would also reduce the chance that the Councilmember’s opinion would unduly influence any action taken on an eventual grant application.

D. Employment Matters

Example 1: Councilmember F calls the hiring official at the Department of Public Works and says that his nephew, who lives in the District, was late in filing his application for the Summer Youth Program. The Councilmember asks that the nephew be given a job for the summer anyway, but makes it clear that he does not want the nephew to be employed for any longer than he would have worked in the Program or to be paid on any different basis than other Program participants.

This is not a permissible constituent service, even though the nephew may otherwise qualify for the Summer Youth Program or may not be treated any differently than actual Program participants. Any considerations of undue influence aside,³⁴ the Councilmember’s request operates as advocating for his nephew’s employment, in violation of section 1804(a) of the CMPA, discussed above,³⁵ and, as such, would cause other late-filing applicants to be treated unfairly.

Example 2: Constituent A, a former staff member, asks Councilmember E to send a letter of recommendation to the Department of the Environment in support of his application for a career service position. The Councilmember sends the letter on her official letterhead, including in it information about Constituent’s duties, abilities, and character.

³⁴ The Councilmember’s actions create at least an appearance of undue influence, and this would be true even if the late-filing youth were a non-relative. *Cf.* Rule VI(d) of the Council’s Rules of Official Conduct (setting out special rules for letters of recommendation).

³⁵ The Councilmember’s request also violates the federal nepotism statute, 5 U.S.C. § 3110, which applies to District government employees.

Assuming the Councilmember has personal knowledge of the subjects covered in her letter, this is a permissible constituent service,³⁶ and the Department's hiring officials may consider the letter in evaluating Constituent's application.

Example 3: Constituent B, a social acquaintance, asks Councilmember E to send a letter of recommendation to XYZ Bank in support of his application for a teller position. The Councilmember sends the letter on her official letterhead.

This is not a permissible constituent service. Unlike Constituent A, in Example 2, Constituent B has not worked with the Councilmember in an official capacity. Using official letterhead for the letter violates Rule X(e)(4) of the Council's Rules of Official Conduct, which prohibits using "official mail for transmission of matter that is purely personal to the sender and is unrelated to the official duties, activities, and business of the member."³⁷

The Councilmember may write the letter for Constituent B, but she must use personal stationery and postage, and should also be cautious to avoid even the appearance of exerting undue influence on the private sector bank.

E. Involvement in Agency Matters³⁸

Example 1: After taking testimony in a contested case, but before making a final decision, an Administrative Law Judge receives a call from Councilmember M, who says that one of the parties in the proceeding is a constituent and that he (the Councilmember) wants the constituent to prevail.

The Councilmember's action is unacceptable. First, his call to the ALJ is an off-the-record *ex parte* communication. While the APA does not contain an express prohibition against *ex parte* communications in contested cases, which are quasi-judicial administrative proceedings, the Court of Appeals has made it clear that such communications are not consistent with APA section 10(c) (D.C. Official Code § 2-509(c)), which provides, in pertinent part, that "[t]he

³⁶ See Rule VI(d) of the Council's Rules of Official Conduct.

³⁷ Elected officials in the executive branch should note the substantively similar section 7(d) of the Official Correspondence Regulations, effective April 7, 1977, D.C. Law 1-118, D.C. Official Code § 2-706(d) (2012 Supp.), which is part of the Code of Conduct by virtue of section 101(7)(C) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(C)). Cf. Memorandum from Robert I. Cusick, Dir., U.S. Office of Government Ethics, to Designated Agency Ethics Officials on "Misuse of Federal Position to Help Another Person Get a Job" (07v11; Aug. 1, 2007).

³⁸ Involvement in agency matters may not be the subject of ethical constraints *per se*. As noted in the *House Ethics Manual*, "certain federal court opinions discourage inordinate pressure on officials charged by law with responsibility for making administrative decisions. While such pressure may not violate any standard of conduct overseen by this Committee, Members should be aware that a *court's* perception that a Member has overstepped may lead it to invalidate the very determination that the Member was seeking." *Id.* at 303 (emphasis in original). Nevertheless, to the extent that agency involvement can so often have constituent service implications, the following examples are offered to provide guidance in this area.

testimony and exhibits, together with all papers and requests filed in the proceeding, and all material facts not appearing in the evidence but with respect to which official notice is taken, shall constitute the exclusive record for order or decision” and that “[n]o sanction shall be imposed or rule or order or decision be issued except upon consideration of such exclusive record.” See, e.g., *Fair Care Found. v. District of Columbia Dep’t of Ins. & Sec. Regulation*, 716 A.2d 987, 996 (D.C. 1998) (“It is basic to the notion of fairness in administrative proceedings that the mind of the decider should not be swayed by evidence which is not communicated to both parties and which they are not given an opportunity to controvert.”) (internal quotations and citation omitted); see also *Gladden v. District of Columbia Bd. of Zoning Adjustment*, 659 A.2d 249, 256-57 (D.C. 1995) (“[E]x parte contacts with BZA members [who are quasi-judicial administrative officials] can result in the absence of an impartial hearing.”).³⁹

Second, the Councilmember’s call, clearly calculated to pressure the ALJ to rule in his constituent’s favor, may well be cause for the ALJ to recuse himself, see *Gladden*, 659 A.2d at 256, or can even prove to be fatal to the whole proceeding. See *D. C. Federation of Civic Ass’ns v. Volpe*, 459 F.2d 1231, 1246-47 (D.C. Cir. 1971) (“With regard to judicial decisionmaking [sic], whether by court or agency, the appearance of bias or pressure may be no less objectionable than the reality.”); *Peter Kiewit Sons’ Co. v. U.S. Army Corps of Engineers*, 714 F.2d 163, 169 (D.C. Cir. 1983) (“Under [the *D. C. Federation*] standard, pressure on the decisionmaker alone, without proof of effect on the outcome, is sufficient to vacate a decision.”).

Example 2: Constituent calls Councilmember to express concerns about the enforcement provisions in regulations contained in a notice of proposed rulemaking that the District Department of the Environment has published in the *D.C. Register* and asks that Councilmember convey those concerns to the Department. Councilmember does so, in a strongly worded letter addressed to the Department official designated in the notice to receive comments.

This is a permissible constituent service. Indeed, as one journal author has noted, the courts have been “distinctly sympathetic toward congressional participation in the administrative process. This support has been particularly evident in the context of agency rulemaking.”⁴⁰

Example 3: Following on the circumstances in Example 2, DDOE later fines Constituent for violating substantively similar

³⁹ Cf. *United States Lines, Inc. v. Federal Maritime Comm’n*, 584 F.2d 519, 541 (D.C. Cir. 1978) (“It is the obligation of the agency, consistent with its duty to afford a hearing and its responsibility to provide a record for judicial review, to guard against [ex parte] contacts.”) (construing federal Administrative Procedure Act)).

⁴⁰ Levin, 95 Mich. L. Rev. at 46 (discussing *Sierra Club v. Costle*, 657 F.2d 298 (D.C. Cir. 1981), where environmental groups complained that Senator Robert Byrd had “strongly” expressed certain concerns to the Environmental Protection Agency during its development of regulations that would profoundly affect the coal mining industry); see also *House Ethics Manual* at 301 (“Agencies often ask for public comment on proposed regulations. Representatives, like other members of the public, may clearly contribute their opinions.”).

regulations promulgated pursuant to a final notice of rulemaking. Councilmember chairs the Committee on Transportation and the Environment, which has oversight jurisdiction over DDOE, and, at an oversight hearing, expresses the same concerns about the Department's enforcement policy and asks some questions about it, but does not mention Constituent's case.

This is a permissible constituent service. By not singling out Constituent's case or threatening some form of reprisal, Councilmember is not exerting undue influence over the administrative process.⁴¹

Example 4: Councilmember calls Agency Director to ask if he can use a particular facility for a weekend community-wide event, when the facility would not otherwise be open for public use. Director refuses the request, citing the overtime expense of having to pay Agency employees to be present and clean the facility after the event. Councilmember, who chairs the committee with oversight jurisdiction over the Agency, writes Director the following week to demand Agency overtime expense data for the past several years.

While Councilmember may have had the same right as any member of the public to request the weekend use of the facility, subject to any applicable restrictions, his demand for Agency overtime data creates an appearance, at least, of reprisal. This is especially true because his letter followed so closely the Director's refusal of his request and not in the usual course of oversight activities.

Example 5: Constituent A is denied a liquor license renewal for her restaurant, even though she has had her license renewed every time in the past. Constituent has no idea why the license was denied this time, so she asks Councilmember P, whom she knows, to request a reconsideration by the Alcoholic Beverage Control Board. The Councilmember contacts the Board's chairperson by email, which he asks to be copied and made part of the record in the renewal matter, and requests a reconsideration under established Board procedures.

This is a permissible constituent service. The Councilmember obviates concerns about exerting undue influence by engaging another upper level official and by looking to the Board to do nothing more than Constituent could have requested by herself. Further, by asking that his email be made part of the record, he avoids *ex parte* communication concerns.

⁴¹ See, e.g., *Monieson v. Commodity Futures Trading Comm'n*, 996 F.2d 852, 865 (7th Cir. 1993) (noting that, by not taking an interest in a particular case "above all others" and by asking the agency only "to respond to some general questions," senator's letter to agency was "legitimate oversight, not overreaching").

Example 6: Constituent LMN Company calls Councilmember and asserts that one of its competitors, a supplier doing business with the District, is violating a local law that regulates both businesses. Councilmember writes Agency's Enforcement Division and requests an investigation. The Division issues a subpoena to the competitor, requesting certain documents. The competitor moves to quash the subpoena in court, contending that the investigation stems from political pressure instigated by LMN Company.

But for the possibility that a District government supplier may be violating the law, there is no other apparent justification for Councilmember's request for an investigation. This example is, on its face, born of the forces at play between two private companies in the marketplace. As such, there is nothing readily in the public interest to justify Councilmember's involvement, and he would be well advised to heed the guidance in the *House Ethics Manual* that "intervening in private matters requires the exercise of particular caution."⁴² One of the first things he should ask himself, therefore, is whether taking action on LMN Company's behalf could reasonably appear to operate in his constituent's economic favor. If so, then Rule VI(c)(1) of the Council's Rules of Official Conduct, which prohibits the knowing use of a Councilmember's prestige of office or public position for the private gain of another, would dictate his not getting involved.

Councilmember should also consider how his involvement would play out in court. In *SEC v. Wheeling-Pittsburgh Steel Corp.*, 648 F.2d 118 (3^d Cir. 1981) (*en banc*), for example, the court refused to enforce a subpoena issued by the SEC in an investigation requested by a senator, but remanded on the question of whether the investigation itself had been prompted by legitimate concerns and not merely by the senator's pressure.⁴³

F. Introducing and Supporting Legislation

Example 1: Constituent X asks the Mayor to introduce, through the Council Chairman, and support legislation that would operate to benefit Constituent's business. The Mayor knows that Constituent made a one-time contribution in support of an earlier reelection campaign.

Given the separation of time between the contribution and the performance of any legislative functions, as well as the lack of any regular contributions by Constituent, the Mayor can act on the request.

⁴² *House Ethics Manual* at 313.

⁴³ See also *U.S. v. American Target Advertising*, 257 F.3d 348 (4th Cir. 2001) (Postal Service subpoena, allegedly issued as the result of pressure by a senator, upheld in the absence of a showing of bad faith by Postal Service); *House Ethics Manual* at 304-305 ("An administrative decision in [the agency investigations] context need not be completely immune from congressional pressure, provided that the agency has an independent basis for its conclusion.") (emphasis added); Levin, 95 Mich. L. Rev. at 51 ("Even where intervention as such is not deemed improper, legislators should be particularly careful in [agency interaction] cases to make sure they have checked out the facts and are not making untoward threats.").

Example 2: Constituent X asks Councilmember Y to introduce and support legislation that would operate to benefit Constituent's business. The Councilmember knows that Constituent has been a regular contributor to his reelection campaigns.

The Councilmember may be able to act on Constituent's request. However, before making a decision to do so, the Councilmember should consider such factors as the amount of money that Constituent has contributed over time, the extent to which taking legislative action requested by an individual constituent would deviate from the Councilmember's normal practice, and the proximity in time between Constituent's last contribution and the performance of any legislative functions. This is a very sensitive area, and the Councilmember may well decide to refuse the request, especially if to do otherwise would raise some conflict of interest⁴⁴ or, worse, the specter of a *quid pro quo* arrangement.

IV. Conclusion

This Opinion does not address all the ways in which elected officials can provide constituent services or the ethical issues that can arise even in those types of services that are covered. Rather, the Opinion is intended to provide general guidance that elected officials can use in gauging the ethical limits of assisting their constituents, especially in agency interactions, or in deciding when not to get involved at all.

To the extent that this Opinion is not exhaustive, elected officials are strongly encouraged to seek advice from BEGA, so that, in any given situation, they can strike the proper balance between their right to provide constituent services and their responsibility to uphold the public trust.

DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

1079-001

⁴⁴ See Levin, 95 Mich. L. Rev. at 73 (“[M]ost legislative ethics regulation is addressed to conflicts of interest between a member’s self-interest and her legislative duties, and the manner in which constituent service can be used to promote one’s reelection prospects would certainly fit that description.”).

DEPARTMENT OF HEALTH**NOTICE OF CERTIFICATION**

The Acting Director of the Department of Health, pursuant to the authority set forth in Reorganization Plan No. 4 of 1996, hereby gives notice of certification of a drug for inclusion in the formulary of the District of Columbia AIDS Drug Assistance Program (ADAP). The HIV/AIDS Drugs Advisory Committee, at a meeting held on July 17, 2013, certified Victrelis (Boceprevir) and Incivek (Telaprevir) for inclusion on the ADAP program formulary. The U.S. Food and Drug Administration approved Victrelis (Boceprevir) on May 13, 2011 and Incivek (Telaprevir) on May 20, 2011.

ADAP is designed to assist low income individuals having Human Immunodeficiency Virus (HIV) or Acquired Immunodeficiency Syndrome (AIDS) and related illnesses to purchase certain physician-prescribed, life-sustaining drugs that have been approved by the U.S. Food and Drug Administration for the treatment of HIV/AIDS and related illnesses. Rules for this Program may be found at 29 DCMR § 2000 *et seq.*

For further information, please contact Lawrence Frison, Deputy Bureau Chief, Care, Housing and Support Services, HIV/AIDS, Hepatitis, STD, and TB Administration at (202) 671-4900.

DISTRICT OF COLUMBIA GOVERNMENT

HOUSING PRODUCTION TRUST FUND ADVISORY BOARD

MEETING NOTICE

The Housing Production Trust Fund (HPTF) Advisory Board announces its next Meeting on **Thursday, September 12, 2013, at 10:00 A.M.**, at the Department of Housing and Community Development, Room 318, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020. See Draft Agenda below.

For additional information, please contact Oke Anyaegbunam via e-mail at Oke.Anyaegbunam@dc.gov or by telephone at 202-442-7200.

DRAFT AGENDA (as of 9.3.13):

Call to Order, David Bowers, Chair

- 1) Approval of Meeting Minutes
- 2) Highlights from Deputy Mayor for Planning and Economic Development
- 3) Update on Trust Fund Status
- 4) General Overview of RFP Application Requests
- 5) Status of Needs Assessment Contract
- 6) Discussion of Recommendations for Trust Fund Use

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

September 10, 2013
815 Florida Avenue, NW
Washington, DC 20001

5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Vote to close meeting to discuss the approval of an Eligibility Resolution for the Square 50 – West End Affordable project and bond transaction.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body’s staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the Square 50 – West End Affordable project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-405(b)(2)).
- III. Re-open meeting.
- IV. Consideration of DCHFA Eligibility Resolution No. 2013-09 for the approval of the Square 50 – West End Affordable project and bond transaction.
- V. Consideration of DCHFA Resolution No. 2013-03(G) for the approval of the renewal of the Agency’s contract with CohnReznick LLP (formerly known as the Reznick Group, P.C.), as the firm to provide various audit services, including but not limited to, conducting the Agency’s Fiscal Year 2013 audit.
- VI. Executive Director’s Report.
 - Parkway Overlook Update
 - Third Quarter Budget Report
 - Fiscal Year 2014 Budget
- VII. Other Business.
- VIII. Adjournment.

DEPARTMENT OF HUMAN RESOURCES

EXCEPTED SERVICE EMPLOYEES AS OF AUGUST 23, 2013

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	10
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Executive Director	09
Excepted Service	Barge	Lolita	Director of Legislative Support	08
Excepted Service	Barnes	Lafayette	Program Analyst	08

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	DeVillier	Mikelle	Special Assistant	08
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Ribeiro	Pedro	Director of Communications	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Deputy Dir. Neighborhood Engage	07
Excepted Service	Bland	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Leistikow	Alexandra	Director of Scheduling	07
Excepted Service	Lowery	Terese	Exec Dir. for Comm on Women	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Thompson	Tiffanie	Budget Analyst	07
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	Fluker	Clarence	Comm. & Initiatives Specialist	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06
Excepted Service	Oding	Alimayu	Visual Information Specialist	06
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Blue	Peter	Program Coordinator	05
Excepted Service	Hernandez Maduro	Frank	Community Relations Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Walker	David	Staff Assistant	05
Excepted Service	Watson	Leonard	Special Assistant	05
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Wright	Brittney	Outreach & Service Specialist	05
Excepted Service	Teferi	Winta	Program Analyst	04
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Johnson	Stephanie	Administrative Support Specialist	03
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Saki-Tay	Inez	Correspondence Mgmt. Spec.	03
Excepted Service	Etheridge	Lashonia	Staff Assistant	02
Excepted Service	Weaver	Zachary	Policy Analyst	02
Excepted Service	Sanders	Lorenzo	Clerical Assistant	01

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lew	Allen	City Administrator	11
Excepted Service	Graves	Warren	Chief of Staff	11
Excepted Service	Campbell	Natasha	Director, LRCB	10
Excepted Service	Robinson	Anthony	Director	10
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	09
Excepted Service	Love	Phyllis	Management & Prog Anal Ofcr	08
Excepted Service	Moss	J	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Sweeney	Brian	Supvy Criminal Investigator	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Block	Elaine	Attorney-Advisor	08

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Muracco	Dominick	Attorney-Advisor	08
Excepted Service	Nguyen	Dangkhoa	Attorney Advisor	08
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Pierno	Robert	Special Assistant	05

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mynett	Beth	Medical Officer	11

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

OFFICE ON LATINO AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sinisterra	Didier	Deputy Director on Latino Affairs	07

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Reich	Stephanie	Chief of Staff	09

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Franklin	Anita	Customer Relations Assistant	02

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09
Excepted Service	Haynes-Franklin	Jessica	Chief of Staff	09

OFFICE OF PLANNING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Levy	David	Special Assistant for Substance	09

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nichols	Richard	Chief of Staff	11
Excepted Service	Miller	Mark	Chief Operating Officer	10
Excepted Service	Trueblood	Andrew	Deputy Chief of Staff	09
Excepted Service	Zipper	David	Director of Business Development	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Tyus	Darnetta	Special Assistant	08
Excepted Service	Cross	Jason	Special Assistant	08
Excepted Service	Bailey	Milton	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Summers	Robert	Interim Director	10

DEPARTMENT OF FORENSIC SCIENCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Maguire	Christopher	Deputy Director	11
Excepted Service	Funk	Christine	General Counsel	10

METROPOLITAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durham	Alfred	Chief of Staff	11
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic	09
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09
Excepted Service	Major	Jacob	Lieutenant	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Lewis	Turna	Labor Management Liaison Specialist	10
Excepted Service	Andre	Karen	Labor Management Liaison Officer	09
Excepted Service	Roque	Sarah	Public Health Analyst	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durso	Emily	Interim State Superintendent of Education	11

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Calderon	Miriam	Special Assistant	10
Excepted Service	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Bleyer	Marc	Policy Analyst	08
Excepted Service	Comey	Jennifer	Special Assistant	08
Excepted Service	Fejeran	Celine	Program Analyst	07

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Program Manager	08
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Kharfen	Michael	Senior Deputy Director	11
Excepted Service	Amy	Brian	Senior Deputy Director	10
Excepted Service	Buckson	Frances	Admin., Addiction Prevention &	10
Excepted Service	Snyder	Shaun	Chief Operating Officer	10
Excepted Service	Woldu	Feseha	Sr Dep Dir. H'lth Reg & License	10
Excepted Service	Chichester	Colette	Chief of Staff	09

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07
Excepted Service	Nagda	Sonia	Special Assistant	07
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Elam	Linda	Deputy Director	11
Excepted Service	Nathan	Ganayswaran	Dep. Dir. for Medicaid Finance	11
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	McCabe	Heather	Special Assistant	10
Excepted Service	Rapp	Melisa	Chief of Staff	09

DEPARTMENT OF YOUTH AND REHABILITATION SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bellard	Alsán	Health Services Medical Officer	11

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nicholson	Ronaldo	Chief Transportation Engineer	11
Excepted Service	Jackson	Carl	Assoc Dir for Prog Transp Svcs	10
Excepted Service	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Carter	Michael	Deputy Director for Operations	10
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Lee	Sandra	Outreach & Service Specialist	05
Excepted Service	Bulger	James	Outreach & Service Specialist	05

CHILD AND FAMILY SERVICES AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF MENTAL HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Canavan	Patrick	Health System Administrator	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McPherson	Chester	Dep Comm for Market Operations	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Palmer	Crystal	Director	10
Excepted Service	Green	Leslie	Senior Communications Manager	08

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Linton	Ron	Chairman DC Taxicab Commission	10
Excepted Service	McInnis	Sharon	Licensing & Enforcement Ofcr.	08
Excepted Service	Waters	Neville	Public Affairs Specialist	08

OFFICE OF TENANT ADVOCATE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05

Mundo Verde Bilingual Public Charter School**Public Service Announcement**

Mundo Verde Bilingual Public Charter School participates in the National School Lunch Program (NSLP) and adheres to the guidelines established by the USDA. In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410 or call, toll free, (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

Also, the District of Columbia Human Rights Act, approved December 13, 1977 (DC Law 2-38; DC Official Code §2-1402.11(2006), as amended) States the following:

Pertinent section of DC Code § 2-1402.11: It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual. To file a complaint alleging discrimination on one of these bases, please contact the District of Columbia's Office of Human Rights at (202) 727-354.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after October 1, 2013.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on September 6, 2013. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
 Recommended for appointment as a DC Notaries Public

Effective: October 1, 2013

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Abernethy	Margaret	Sullivan & Barros, LLP 1990 M Street, NW, Suite 200	20036
Acker	Tanya D.	Self (Dual) 7629 9th Street, NW	20012
Adams	Susan	Self 1650 Harvard Street, NW, Apt. 117	20009
Adams, II	Eugene F.	Headquarters, United States Coast Guard 2703 Martin Luther King, Jr. Avenue, SE	20593
Akinyele	Abayomi	Wells Fargo Bank 1301 Pennsylvania Avenue, NW	20004
Anderson	Phyllis E.	Self 120 - 15th Street, NE	20002
Avery	Bess A.	Capital Reporting Company 1821 Jefferson Place, NW, 3rd Floor	20036
Beach	Doris A.	District of Columbia Child and Family Services Agency 200 I Street, SE	20003
Bejarano	Diana B.	Anybill Financial Services 1801 Pennsylvania Avenue, NW, Suite 700	20006
Beltran	Maria Y.	Bank of America 2001 Pennsylvania Avenue, NW	20006
Blincoe	Michele W.	Supreme Court of the United States One First Street, NE	20543
Bournias	Andrea C.	North American Title Company 5301 Wisconsin Avenue, NW, Suite 100	20015
Brinton	Morgan	Wells Fargo Bank 1300 I Street, NW, 1st Floor	20005

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 Recommended for appointment as a DC Notaries Public

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Brooks	Ana	Honeywell International 101 Constitution Avenue, NW	20001
Brown	Nicole	Bright Horizons Family Solutions 1111 Pennsylvania Avenue, NW	20004
Brown	Ray	District of Columbia Department of Corrections 1901 D Street, SE	20003
Bryan	Kimberly	Colliers International 1625 Eye Street, NW, Suite 700	20006
Bui	Lan	Lowell School 1640 Kalmia Road, NW	20012
Burns	Carolyn	Fort Myer Construction Corporation 2237 33rd Street, NE	20018
Carper	Joanne	Privia Health, LLC 3299 K Street, NW, Suite 200a	20007
Chandran	Esther	DC Affairs, LLC 4200 Cathedral Avenue, NW, Apt. 612A	20016
Chatman	Vanessa	Milestone Therapeutic Services, PLLC 10 G Street, NE, Suite 710	20002
Chick	Christine E.	Self 4012 Ames Street, NE	20019
Cofield-Lynch	Keisha S.	Self 4218 10th Street, NE	20017
Coney	Ingrid F.	Zwerdling, Paul, Kahn & Wolly, PC 1025 Connecticut Avenue, NW, Suite 712	20036
Connolly	Kevin	Neal R. Gross & Company, Inc. 1323 Rhode Island Avenue, NW	20005
Cooper	Jessica	TD Bank 1753 Connecticut Avenue, NW	20009

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 Recommended for appointment as a DC Notaries Public

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Cunningham	Stephanie	Ditto Residential, LLC 2217 14th Street, NW, Suite 300	20009
DelRosario	Liberty C.	Republic National Distributing Company 4235 Sheriff Road, NE	20019
Dewey	Donald H.	McClain-Dewey Real Estate 1906 R Street, NW, Suite 10	20009
Dobson	Brenda E.	Self 3056 Thayer Street, NE	20018
Durkee	Saida Z.	DC Primary Care Association 1411 K Street, NW, Suite 300	20005
Eboda	Oluwatosin	Food & Water Watch 1616 P Street, NW, Suite 300	20036
Eimerman	Megan	RCM of Washington 900 Second Street, NE, Suite 8	20002
Fleshner	Daniel	Skadden, Arps, Slate, Meagher & Flom 1440 New York Avenue, NW	20005
Gallacher	Elizabeth L.	Antonplos & Associates 805 15th Street, NW	20005
Gann	Kelsey	Musolino and Dessel, PLLC 1615 L Street NW, Suite 440	20036
Ghomi	Melika Naghizadeh	TD Bank 4849 Wisconsin Avenue, NW	20016
Goel	Prabodh K.	G3 Holdings LLC 6201 Dix Street, NE	20019
Gorsky	Alex	Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, NW	20005
Gray	Marva A.	Teva Pharmaceuticals 25 Massachusetts Avenue NW, Suite 440	20001

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Harper, Jr.	Stephen	Wells Fargo Bank 1100 Connecticut Avenue, NW	20036
Harwood	Deborah	National Wildlife Refuge Association 5335 Wisconsin Avenue, NW	20015
Hekmat	Omeade	Madison Investments 2300 Wisconsin Avenue, NW, Suite 300A	20007
Helbringer	Clara	Milbank, Tweed, Hadley & McCloy, LLP 1850 K Street, NW, Suite 1100	20006
Hernandez	William	Wells Fargo Bank 3325 14th Street, NW	20010
Hohmann	Michael J.	Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, NW	20005
Hom	D. Melani	National Trust Community Investment Corporation 1785 Massachusetts Avenue, NW 5th Floor	20036
Hospedales	Danielle	Wells Fargo Bank 1700 Pennsylvania Avenue, NW	20006
Kelly	Romae S.	Feldesman Tucker Leifer Fidell, LLP 1129 20th Street, NW, 4th Floor	20036
Khan	Aisha	The Sandi Group 2215 M Street, NW	20037
Khan	Ihesham	The International Business Law Firm 1915 I Street, NW, Suite 500	20006
Kibler-Knight	Carolyn Denise	Chemonics International, Inc 1717 H Street, NW	20002
Lamphier	Lisa C.	KVS Title, LLC 1407 T Street NW, Suite 201	20009

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Lavin	Joseph John	Lavin Puig PLLC 1629 K Street, NW, Suite 300	20006
Lea	Shirley M.	Centronia 1420 Columbia Road, NW	20009
Levy	Ashlie	Matchboxfoodgroup 806 7th Street, NW, Suite 300	20001
Maddrey	Mark F.	Pension Benefit Guaranty Corporation 1200 K Street, NW	20005
Mar	Angie L.	Intelsat Corporation 3400 International Drive, NW	20008
McCrae	Sabrina A.	Lee & McShane, PC 1211 Connecticut Avenue, NW, Suite 425	20036
McFadden-Elliott	Donna	District of Columbia Child and Family Services Agency 200 I Street, SE	20024
McPharlin	Kelly	Zamani & Scott, LLP 2121 K Street, NW, Suite 900	20008
Meade	Jenna	National Public Radio 1111 North Capitol Street, NE	22202
Miller	Adam D.	Alderson Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Montgomery	Yolanda D.	SEIU Benefit Funds 11 Dupont Circle, NW, Suite 900	20036
Neil	DeAnna D.	Federal Reserve Board of Governors 20th & C Streets, NW	20551
Neil	Patricia A.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Oakley	Rosa M.	Department of Youth Rehabilitation Services 1000 Mount Olivet Road, NE	20002

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Oberlin	Cassandra	Bank of America 2201 C Street, NW, Building B833	20520
Parente, Jr.	Peter M.	National Title Corporation 1534 16th Street, NW	20036
Pastore	Liza	Adams Investment Group 1228 31st Street, NW, 2nd Floor	22209
Perry	Denita	Self 2611 Bowen Road, SE, Apt. 204	20020
Peterson	Caetrina	Amtrak National Railroad Passenger Corporation 40 Massachusetts Avenue, NE	20002
Pinchback-Bent	Sandra A.	District of Columbia Department of Parks and Recreation 1250 U Street, NW, 2nd Floor	20009
Price	Geraldine	United Planning Organization 301 Rhode Island Avenue, NW	20001
Proctor	Gregory	K & L Gates 1601 K Street, NW	20006
Proulx	Jill M.	Dickstein Shapiro, LLP 1825 I Street, NW	20006
Przystawik	Alyssa C.	Potts-Dupre, Difede & Hawkins, Chtd. 900 Seventh Street, NW, Suite 1020	20001
Randolph	Lynda	U.S. Attorney's Office 555 4th Street, NW	20001
Reid	Katrina E.	ReedSmith LLP 1301 K Street, NW	20005
Reyes	Nuria	The International Business Law Firm 1915 I Street, NW, Suite 500	20006
Rippe	Mariah	Self 1520 3rd Street, NW	20001

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Riveness	Nathanael	Worldwide Reporting, LLP 529 14th Street, SE	20003
Searles	JoAnne K.	The Anderson Firm 601 Pennsylvania Avenue, Suite 900 South Building	20004
Smith	Martin	Best Messenger, Inc. 1513 P Street, NW, Suite 200	20033
Stroud	Michael J.	Self 1342 G Street, SE	20003
Thomas	Ronda J.	Gore Brothers Reporting & Video Conferencing, Inc. 1025 Connecticut Avenue, NW, Suite 1000	20036
Thompson	Nadia	Wells Fargo Bank 4302 Connecticut Avenue, NW	20008
Tomaro	Diana V.	Deutsche Bank Alex. Brown 801 17th Street, NW, Suite 300	20006
Verbano	Gail L. Inghram	Alderson Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Vessels	A. Mercedes	Self 4421 3rd Street, NW	20011
Vincenciova	Simona	Carmel & Camel, PC 2141 Wisconsin Avenue, NW, Suite M	20007
Walter	Tobias M.	Neal R. Gross & Company, Inc. 1323 Rhode Island Avenue, NW	20005
Waring	Ellen	University of the District of Columbia 801 North Capitol Street, NE	20002
Watkins	Florence	B'Nai B'rith International 2020 K Street, NW, Floor 7	20006

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Wherry	Laura	National Trust Community Investment Corporation 1785 Massachusetts Avenue, NW, 5th Floor	20036
White	Marc D.	Self 606 13th Street, NE	20002
Yancey	Timothy R.	M.A.R. Reporting Group 1629 K Street, NW, Suite 300	20006

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

DC Commercial Clean Team Program:

12th Street, NE; Connecticut Avenue, NW; Georgia Avenue, NW; Kennedy Street, NW; Minnesota Avenue, NE; North Capitol Street; Rhode Island Avenue, NE; and Ward 1

This NOFA has been amended since its original posting on August 9, 2013. Amended items have asterisk (*).

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to manage a **DC Commercial Clean Team Program** (“the Program”) in five service areas—12th Street, NE; Connecticut Avenue, NW; Georgia Avenue, NW; Kennedy Street, NW; Minnesota Avenue, NE; North Capitol Street; Rhode Island Avenue, NE; and Ward 1 (*Bladensburg NE is no longer a competitively-awarded service area).

Through this grant, DSLBD will fund clean teams, which will: 1) Improve commercial district appearance to help increase foot traffic, and consequently, opportunity for customer sales; 2) Reduce litter, graffiti, and posters which contributes to the perception of an unsafe commercial area; 3) Maintain a healthy tree canopy and landscape that contributes to the perception of a safe and attractive shopping area; and, 4) Reduce stormwater pollution generated by DC’s commercial districts.

Eligible applicants are DC-based nonprofit organizations* that are incorporated in the District of Columbia and, have experience with: a) providing clean team services (litter removal, graffiti removal, recycling, weeding, mowing, and reporting public space defects via 311); b) providing job-training services to its employees; c) hiring District residents; and d) providing social support services to its Clean Team employees. Businesses are no longer eligible applicants.*

Below is a list of the service areas and their respective period of performance and grant award amount.

- **12th Street, NE**—The grant performance period for all three areas begins no later than October 30, 2013* and ends September 30, 2014. A grant award of \$100,000* is available for each service area; Interested applicant’s proposals should be for this amount.
- **Connecticut Avenue, NW**—The grant performance period for all three areas begins no later than October 30, 2013* and ends September 30, 2014. A grant award of \$100,000* is available for each service area; Interested applicant’s proposals should be for this amount.
- **Georgia Avenue, NW**—The grant performance period for all three areas begins no later than October 30, 2013* and ends September 30, 2014. A grant award of \$101,617.90* is available for each service area; Interested applicant’s proposals should be for this amount.

- **Kennedy Street, NW**—The grant performance period for all three areas begins no later than October 30, 2013* and ends September 30, 2014. A grant award of \$108,403.36* is available for each service area; Interested applicant's proposals should be for this amount.
- **Minnesota Avenue, NE**—The grant performance period for all three areas begins no later than October 30, 2013* and ends September 30, 2014. A grant award of \$100,000* is available for each service area; Interested applicant's proposals should be for this amount.
- **North Capitol**—The grant performance period begins no later than October 30, 2013* and ends February 28, 2014. A grant award of \$68,000* is available for each service area; Interested applicant's proposals should be for this amount.
- **Rhode Island Avenue, NE**—The grant performance period begins no later than October 30, 2013* and ends June 30, 2014. A grant award of \$75,000* is available for each service area; Interested applicant's proposals should be for this amount.
- **Ward 1** —The grant performance period for all three areas begins no later than October 30, 2013* and ends September 30, 2014. A grant award of \$100,242.43* is available for each service area; Interested applicant's proposals should be for this amount.

DSLBD will select grant recipients through a competitive application process that will assess if the Applicant meets the criteria for eligibility, experience, proposed service delivery plan, budget, and applicant's capacity. Applicants may apply for one or more service areas by submitting a separate application for each service area. DSLBD will award one grant for each of the eight service areas (i.e., a total of eight grants).

The **Request for Application** (RFA) comprises the Program Guidelines (RFA Part 1) and online application form (RFA Part 2). The Program Guidelines will include a detailed description of: clean team services; service area boundaries; applicant eligibility requirements; and selection criteria. The RFA will be available online on or before August 30, 2013. *

- To view and download RFA Part 1, visit www.dslbd.dc.gov (click on the *Retail* tab and then *Current Solicitations and Opportunities*).
- To view and complete RFA Part 2, email an **Expression of Interest** form to DSLBD. To download an Expression of Interest form, visit www.dslbd.dc.gov, click on the *Retail* tab and then *Current Solicitations and Opportunities*.

DSLBD will host a **Pre-Submission Meeting** on Friday, September 6, 2013* at 10AM. Meeting details will be provided to Expression of Interest respondents.

The **deadline to submit applications** online is Friday, September 20, 2013* at 4:00 PM. DSLBD will determine grant award selection by Monday, October 7, 2013.

For more information, contact Camille Nixon at the Department of Small and Local Business Development at (202) 727-3900 or camille.nixon@dc.gov.

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, September 10, 2013 at 5:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call
- II. Approval of Minutes – June 4, 2013
- III. Report of the Chairperson – Dr. Crider
- IV. Report of the President – Dr. Lyons
- V. Committee Reports
 - a. Executive – Dr. Crider
 - i. Resolution: UDC Residential Housing
 - ii. Resolution: Expansion of the Executive Committee Structure
 - b. Committee of the Whole – Dr. Crider
 - c. Academic Affairs – Dr. Curry
 - i. Resolution: UDC School of Engineering and Applied Science Tenure Approval for Professor Paul Cotae
 - ii. Resolution: UDC School of Engineering and Applied Science Tenure Approval for Professor Dr. Byunggu Yu
 - iii. Resolution: UDC David A. Clarke School of Law Tenure Approval for Professor Matthew Fraidin
 - iv. Resolution: Professor Emeritus Appointments for AY 2013-2014 for Dr. Beverly Jacques Anderson, Dr. Victor Katz, Dr. Antonia Nowell, Dr. Marie Racine and Dr. Eugene Shiro
 - d. Budget and Finance – Mr. Felton
 - e. Audit, Administration and Governance – Mr. Shelton
 - i. Resolution: Updating Freedom of Information Act (FOIA) Regulations – Notice of Proposed Rulemaking
 - f. Student Affairs – General Schwartz
 - i. Communications Task Force
 - g. Community College – Mr. Dyke
 - h. Facilities – Mr. Bell
- VI. Unfinished Business
- VII. New Business
- VIII. Adjournment

Expected Meeting Closure

In accordance with Section 405(b) (10) of the Open Meetings Act of 2010, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, September 11, 2013 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | |
|---|------------------------------|
| 1. Call to Order | Chairperson |
| 2. Efficacy and Cost Savings Associated with the Use of "Board Books" | Board Secretary |
| 3. Government Affairs: Update | Government Relations Manager |
| 4. Update on Workforce Development Program | Chief of Staff |
| 5. Update on the Compliance Monitoring Program | TBD |
| 6. Enhancements to the Debarment/Suspension Provisions of the Procurement Manual | General Counsel |
| 7. Emerging Issues | Chairperson |
| 8. Agenda for Upcoming Committee Meeting (TBD) | Chairperson |
| 9. Executive Session – To discuss legal, confidential and privileged matters pursuant to D.C. Official Code § 2-575 (b)(4). | Chairperson |
| 10. Adjournment | Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, September 11, 2013 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to the DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | |
|---|----------------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Workplace Violence Policy Review | General Counsel |
| 3. CDL – Exception | General Manager |
| 4. Interviewing & Resume Writing Workshops Update | Manager, Talent Management |
| 5. Hiring/Promotion Statistics | Compensation Manager |
| 3. Union Presidents Items | Union Presidents |
| 4. Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18400-A of The Jewish Primary Day School of the Nation's Capital pursuant to 11 DCMR §§ 3103.1 and 3104.1 for a variance from the off-street parking requirements under § 2101.1 and a special exception under § 206 to expand a private school by increasing the maximum student enrollment and number of faculty and staff in the R-1-B and R-5-A Zone Districts at premises 6045 16th Street, N.W. (Square 2726, Lots 825, 831).

HEARING DATE: September 25, 2012

DECISION DATE: January 15, 2013

ORDER DATE: April 11, 2013

RECONSIDERATION DATE: May 7, 2013

ORDER DENYING RECONSIDERATION

This proceeding concerns an application submitted April 24, 2012 by the Jewish Primary Day School of the Nation's Capital ("JPDS" or "Applicant") seeking (i) a special exception under 11 DCMR §§ 206 and 3104.1 to expand an existing private school use at 6045 16th Street, N.W. by increasing the maximum student enrollment from 275 students to 300 students and the maximum number of faculty and staff from 56 individuals to 72 individuals, and by expanding the campus to include property purchased by the Applicant at 6017 16th Street, N.W.; and (ii) a variance under 11 DCMR § 3103.1 from the requirement to provide 48 parking spaces for the expanded private school use where the Applicant would provide 24 zoning-compliant spaces as well as stacked parking for a total of 45 spaces on the subject property. The Board held a public hearing on the application on September 25, 2012, and voted 4-0-1 at its decision meeting on January 15, 2013 to grant the application subject to conditions.

The Applicant and Advisory Neighborhood Commission ("ANC") 4A were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application submitted by Dr. Frances Cress Welsing, the owner and resident of a dwelling abutting the Applicant's property.

On April 24, 2013, the party in opposition submitted a request for reconsideration and rehearing of the Board's decision. (Exhibits 50 and 51.) The motion asserted that (i) JPDS "has never been in compliance with the conditions under which the school was initially granted the variance by BZA to build a playground" next to the party's house, especially with respect to landscaping and noise mitigation.¹ According to the party in

¹ A private school was first allowed at the subject property in 1948 as the Hebrew Academy of Washington. See BZA Appeal No. 2069 (1948), BZA Appeal No. 2320 (1949), and BZA Appeal No. 2561 (1949). The Hebrew Academy constructed a two-story building at the site in 1950 and enrolled more than 350 students. The site was subsequently used by the Owl School and was acquired by the Applicant in 2002. In 2008,

BZA APPLICATION NO. 18400-A**PAGE NO. 2**

opposition, “[t]here is no justification for the approximately 10% increase in student population,” which would “escalate the oppressive noise level” in her home, where a “bombardment of noise has negatively impacted” her health. The party in opposition disputed the Applicant’s noise mitigation plan, seeking instead “complete and total elimination of noise in [her] home and on [her] property.” (Exhibit 51.)

In requesting reconsideration, the party in opposition also contended that (i) the Board’s order approving the application failed to make findings of fact on each material contested issue of fact; (ii) several of the “critical findings of fact” were not supported by substantial evidence on the record viewed as a whole; (iii) BZA “omissions” resulted in several legally deficient conclusions of law; and (iv) the Board’s order as a whole was “arbitrary, capricious, and not in accordance with prevailing law,” citing the District of Columbia Human Rights Act and the federal Americans with Disabilities Act. Specifically, with regard to the first claim of error, the party in opposition alleges that the Board’s order did not sufficiently address the “two most important contested issues in this case”: that is, the issue of JPDS’s compliance with the Board’s order in Application No. 17700, and the issue of the effect of the current level of noise from the playground on the health of the party in opposition. Instead, the party in opposition claims to have provided “conclusive evidence that the failure and refusal of the JPDS to make any effort to protect her from the noise coming from the new playground had an adverse effect on her health.”

With regard to the second claim of error – that several “critical findings of fact” were not supported by substantial evidence – the party in opposition challenges the finding that the Applicant’s proposed increase in the student enrollment cap would not create a substantial objectionable increase in the amount of noise on the subject property that could not be mitigated with sufficient measures. The party in opposition asserted that the Board failed to address “undisputed evidence” regarding “the amount of noise ... already coming from the playground” and challenged evidence submitted by the Applicant, including an acoustical study, in arguing that the Board lacked evidentiary support for its finding that a fence proposed by the Applicant would mitigate noise impacts.

The party in opposition’s third claim of error was that the Board’s conclusion of law pertaining to the lack of objectionable conditions arising from the requested increase in enrollment “fails for lack of an evidentiary predicate.” The party in opposition cites “noise control ordinances which apply to the JPDS” and claims “undisputed evidence on the record” that noise coming from the JPDS playground was objectionable to the party in opposition.

the Board granted special exception approval, subject to conditions, allowing JPDS to operate a private school for a maximum of 275 students and 56 staff and to expand the campus to provide an outdoor playing area, as well as a variance from the access requirements for parking. Use of the outdoor playing area was made subject to several conditions of approval, including a landscaping requirement, a limit of 65 students permitted at one time on the play area, and restrictions on when the play area could be used. See BZA Order No. 17700-A (May 13, 2008).

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Finally, the party in opposition alleges that the Board's order is "arbitrary, capricious and not in accordance with law" because "undisputed medical evidence" demonstrated that the party in opposition "had been diagnosed with several medical conditions which qualify as disabilities" under the Americans with Disabilities Act and the District of Columbia Human Rights Act. The party in opposition contends that "the noise from the JPDS playground has had an adverse impact" and so that the party has "requested a wall as the means of accommodating her disability." According to the party in opposition, the Board "cannot rule on the application of the JPDS for zoning relief until and unless it has made a determination as to Dr. Welsing's requested reasonable accommodation."

In a response submitted May 1, 2013, the Applicant opposed the motion for reconsideration and rehearing on the ground that the party in opposition had not presented any new evidence that was not available at the time of the public hearing held on the application. According to the Applicant, the party in opposition's "grievances rest on the Findings of Fact and Conclusions of Law of Case No. 17700, which became effective in February 2008" and were the subject of a determination letter issued by the Zoning Administrator on September 14, 2012, before the public hearing on the instant application. The Applicant sought dismissal of the motion on the basis that it did not comply with § 3126 of the Zoning Regulations.

CONCLUSIONS OF LAW

Pursuant to § 3126.2 of the Zoning Regulations, any party may file a motion for reconsideration or rehearing of any decision of the Board. A motion for reconsideration must state specifically all respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought. (11 DCMR § 3126.4.) The Board will not consider a request for rehearing unless new evidence is submitted that could not reasonably have been presented at the original hearing. (11 DCMR § 3126.6.)

The Board concurs with the Applicant that the party in opposition has not presented any new evidence that could not reasonably have been presented at the original hearing. Accordingly, the motion for rehearing is denied.

With respect to the motion for reconsideration, the Board finds that the party in opposition has not stated specifically all respects in which the final decision is claimed to be erroneous and the grounds of the motion. Rather, the party in opposition attempts to reargue matters already considered by the Board and addressed in its order approving the application.

With regard to the first claim of error, the Board notes that the Applicant's compliance (or any failure to comply) with conditions of approval in a prior order was not at issue in this proceeding.² The allegations of noncompliance have been the subject of enforcement

² Without making any finding with respect to whether JPDS is in compliance with conditions of approval adopted in Application No. 17700-A, the Board notes that it does not condone any lack of compliance with conditions of approval adopted by the Board. However, the Board's discretion in reviewing an application

BZA APPLICATION NO. 18400-A**PAGE NO. 4**

action initiated by the party in opposition and are outside the scope of this proceeding. Accordingly, the Board finds no basis for reconsideration of its decision arising from the party in opposition's claims of noncompliance by JPDS.

Similarly, the Board finds no merit in the other claims of error made by party in opposition. The motion for reconsideration attempts to present the same allegations and arguments already considered by the Board, without stating any specific claim of error other than that the Board was not persuaded by the party in opposition and instead approved the application on the basis of the evidence and testimony presented by the Applicant, the Office of Planning, the District Department of Transportation, and ANC 4A.

The opposition claims that the Board's order was "not in accordance with law," specifically mentioning the federal Americans with Disabilities Act ("ADA") and the District of Columbia Human Rights Act. As to the ADA, the party in opposition appears to seek a reasonable accommodation from JPDS on the basis of alleged adverse impacts, especially related to noise, associated with the Applicant's use of its playground. Assuming the ADA is applicable to the facts in this case, the BZA does not have authority to grant the requested ADA relief.

As to the Human Rights Act, the party in opposition has failed to demonstrate how the Board's grant of the relief requested by the Applicant will result in any form of prohibited discrimination. The fact that the Board has concluded that granting the Application as conditioned will not tend to adversely affect the use of neighboring properties is compelling evidence that no such discrimination will result.

The Board's decision in this proceeding was supported by substantial evidence in the record, and the party in opposition has not provided sufficient basis to warrant the Board's reconsideration or rehearing of the decision. For the reasons discussed above, the Board concludes that the motion submitted by the party in opposition has not satisfied the requirements for reconsideration or rehearing of the Board's decision under § 3126. Accordingly, it is hereby **ORDERED** that the motion for **RECONSIDERATION** and **REHEARING** is **DENIED**.

for a special exception under § 206 is limited to a determination of whether an applicant has complied with the requirements of §§ 206 and 3104.1 of the Zoning Regulations. If an applicant meets its burden, the Board ordinarily must grant the application. *See, e.g., Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973); *Washington Ethical Society v. District of Columbia Bd. of Zoning Adjustment*, 421 A.2d 14, 18-19 (D.C. 1980); *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Gladden v. District of Columbia Bd. of Zoning Adjustment*, 659 A.2d 249, 255 (D.C. 1995). The scope of the Board's authority is defined by statute. (*See* D.C. Official Code § 6-641.07 (2008).) Where permitted by the Zoning Regulations, the Board may grant a special exception "subject to appropriate principles, standards, rules, conditions, and safeguards *set forth in the regulations.*" (D.C. Official Code § 6-641.07(d) (2008) (emphasis added).) Accordingly, the Board properly deliberated on the merits of the instant application relative to the requirements specified in §§ 206 and 3104.1.

BZA APPLICATION NO. 18400-A

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VOTE: 3-0-2

(Lloyd J. Jordan, S. Kathryn Allen, and Anthony J. Hood
(by absentee vote) voting to deny the motion; Jeffrey L.
Hinkle and one Board member not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 28, 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.

District of Columbia REGISTER – September 6, 2013 – Vol. 60 - No. 38 012472 – 012812