



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council schedules a public roundtable on the implementation of the new vending regulations
- Zoning Commission schedules a public hearing on the comprehensive revisions to the District's Zoning Regulations
- Alcoholic Beverage Regulation Administration revises its civil penalty schedule
- Office of the City Administrator adopts guidelines for regulating vendors in the District
- Department of Consumer and Regulatory Affairs establishes requirements for operating foreign and domestic business organizations in the District
- Department of Insurance, Securities, and Banking adopts regulations that require captive insurers to adopt a code of ethics
- Office of the State Superintendent of Education announces funding availability for the Race to the Top (RTTT) School Improvement Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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VINCENT C. GRAY
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

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COUNCIL OF THE DISTRICT OF COLUMBIA

PROPOSED LEGISLATION

BILLS

- B20-459 Minimum Wage Amendment Act of 2013

Intro. 09-17-13 by Councilmember Orange and referred to the Committee on Workforce and Community Affairs

- B20-461 Marriage License Issuance Amendment Act of 2013

Intro. 09-17-13 by Councilmembers Wells and Grosso and referred to the Committee on Judiciary and Public Safety

- B20-462 Southwest Business Improvement District Amendment Act of 2013

Intro. 09-17-13 by Councilmember Wells and referred to the Committee on Finance and Revenue

- B20-463 Minimum Wage Revision Commission Establishment Amendment Act of 2013

Intro. 09-17-13 by Councilmember Bowser and referred to the Committee on Workforce and Community Affairs

- B20-464 Carol Schwartz Sales Tax Holiday Act of 2013

Intro. 09-17-13 by Councilmember Bowser and referred to the Committee on Finance and Revenue

Bills Con't

B20-465 Used Bicycle Sales Amendment Act of 2013

Intro. 09-17-13 by Councilmember Bowser and referred to the Committee on Business, Consumer and Regulatory Affairs with comments from the Committee on Judiciary and Public Safety

B20-467 Record Sealing for Non-Violent Marijuana Possession Act of 2013

Intro. 09-17-13 by Councilmember Grosso and referred to the Committee on Judiciary and Public Safety

B20-469 Title IX Athletic Equity Act of 2013

Intro. 09-17-13 by Councilmember McDuffie, Chairman Mendelson, Catania, Alexander, Barry, Bonds, Bowser, Cheh, Evans, Graham, Grosso, Orange and Wells and referred to the Committee on Education

B20-470 Access to Emergency Epinephrine in Schools Act of 2013

Intro. 09-17-13 by Councilmembers Cheh, Alexander, and Wells and Sequentially referred to the Committee on Education and the Committee on Judiciary and Public Safety

B20-471 The Advisory Neighborhood Commissions Transparency Amendment Act of 2013

Intro. 09-17-13 by Councilmembers Cheh and Grosso and referred to the Committee on Government Operations

B20-472 Temporary Protection Order Firearm Relinquishment Amendment Act of 2013

Intro. 09-17-13 by Councilmember Cheh and referred to the Committee on Judiciary and Public Safety

B20-473 Washington Parks and People Equitable Real Property Tax Relief Act of 2013

Intro. 09-17-13 by Councilmember Graham and referred to the Committee Finance and Revenue

B20-474 Jubilee Housing Conversion Fee Exemption Amendment Act of 2013

Intro. 09-17-13 by Councilmember Graham and referred to the Committee on Economic Development

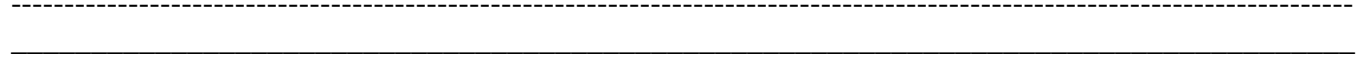
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- B20-475 Domestic Partnership Termination Recognition Amendment Act of 2013
Intro. 09-17-13 by Councilmember Graham and referred to the Committee on Judiciary and Public Safety
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- B20-476 District Real Property Tax Sale Act of 2013
Intro. 09-17-13 by Councilmember Evans, Chairman Mendelson, Bonds, Grosso, Graham, Bowser, McDuffie, Alexander, Barry, and Cheh and referred to the Committee on Finance and Revenue
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- B20-477 Criteria for Council Review of Contracts Subcontractor Requirement Amendment Act of 2013
Intro. 09-17-13 by Councilmembers Bonds, Bowser, Barry, Orange, and Graham and referred to the Committee of the Whole
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- B20-478 First-Time Sale to Minor Penalty Revision Act of 2013
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- B20-479 Health Professionals Protection Act of 2013
Intro. 09-17-13 by Councilmember Alexander and referred to the Committee on Judiciary and Public Safety
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- B20-480 Earned Sick and Safe Leave Act of 2013
Intro. 09-17-13 by Councilmember Barry, Chairman Mendelson, Bonds, Cheh, McDuffie, Bowser, Wells, and Orange and referred to the Committee on Workforce and Community Affairs
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- B20-481 Fossil Fuel Divestment Act of 2013
Intro. 09-17-13 by Chairman Mendelson, Wells, Evans, Bowser, and Grosso and referred to the Committee of the Whole
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- B20-482 Fiscal Year 2014 Budget Support Technical Clarification Act of 2013
Intro. 09-17-13 by Chairman Mendelson and referred to the Committee of the Whole
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Proposed Resolution

PR20-437 Sense of the Council Nonpartisan Attorney General Resolution of 2013

Intro. 09-17-13 by Councilmember Cheh and Chairman Mendelson and retained by the Council



**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC HEARING ON:

**Bill 20-23, the “Residential Real Property Equity and Transparency Act of 2013”;
Bill 20-318, the “Senior Citizen Real Property Tax Relief Act of 2013”; and
Bill 20-476, the “District Real Property Tax Sale Act of 2013”**

October 17, 2013

10:00 a.m.

**Room 500 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held Thursday, October 17, 2013 at 10:00 a.m., in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 20-23, the “Residential Real Property Equity and Transparency Act of 2013” would amend Title 47 of the District of Columbia Official Code to modify property tax delinquency and sale procedures to provide a more equitable and transparent process; would expand pre-sale notice requirements; would reduce the number of tax sales resulting from homeowner receipt of incomplete data regarding delinquencies or from disputes regarding property classification; would permit homeowners to enter into installment agreements with the Office of Tax and Revenue to avoid tax sales; and would provide equitable limitations on tax sale purchaser expenses that homeowners must pay in order to redeem their homes.

Bill 20-318 the “Senior Citizen Real Property Tax Relief Act of 2013”, would provide an exemption to real property taxes for District residents who have maintained District residency for 25 years or more, provided the resident is 75 years old or older and earns less than \$60,000 annually.

Bill 20-476, the “District Real Property Tax Sale Act of 2013” would amend Chapter 13 of Title 47 of the District of Columbia Official Code to freeze any tax sale that has occurred of a resident’s real property who is senior citizen, veteran, or disabled individual; would establish a \$2,000 threshold of taxes owed for any real property to go to a tax sale; and would cap attorney fees at \$1,500.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Wednesday, October 16, 2013. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC HEARING ON:

Bill 20-81, the “Trash Compactor Tax Incentive Act of 2013”

October 9, 2013

10:00 a.m.

Room 120 - John A. Wilson Building

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Wednesday, October 9, 2013 at 10:00 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 20-81 the “Trash Compactor Tax Incentive Act of 2013”, would amend Chapter 18 of Title 47 of the District of Columbia Code to provide an income tax credit for corporate and unincorporated businesses who purchase a trash compactor for use at a licensed business located in the District of Columbia.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, October 8, 2013. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**Council of the District of Columbia
Committee on Health
Notice of Public Hearing
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

on

Bill 20-343, the "Expedited Partner Therapy Act of 2013"

**Friday, October 18, 2013
11:00 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a hearing on Bill 20-343, the "Expedited Partner Therapy Act of 2013". The public hearing will be held at 11:00 a.m. on Friday, October 18, 2013 in Room 412 of the John A. Wilson Building.

The stated purpose of Bill 20-343 is to permit health care practitioners to prescribe prescription drugs without an examination to the partners of a patient diagnosed with a sexually transmitted infection.

Those who wish to testify should contact Rayna Smith, Committee Director, at (202) 741-2111 or via e-mail at rsmith@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Wednesday, October 16, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday, October 16, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

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 to Ms. Rayna Smith, Room 115 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, October 30, 2013.

**Council of the District of Columbia
Committee on Health
Notice of Public Hearing
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

on

Bill 20-410, the "Breastmilk Bank and Lactation Support Act of 2013"

**Friday, October 11, 2013
11:00 a.m., Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a hearing on Bill 20-410, the "Breastmilk Bank and Lactation Support Act of 2013". The public hearing will be held at 11:00 a.m. on Friday, October 11, 2013 in Room 123 of the John A. Wilson Building.

The stated purpose of Bill 20-410 is to increase positive health outcomes for infants and mothers in the District of Columbia and to promote, facilitate, and encourage breastfeeding and breastmilk donation by creating a Lactation Commission, requiring the Department of Health to establish a public breastmilk bank and lactation support center, requiring the Department of Health to conduct a comprehensive public education and outreach campaign about the benefits of breastfeeding and breastmilk, and providing the Department of Health with regulatory authority over the licensure and operation of breastmilk banks located in the District of Columbia.

Those who wish to testify should contact Melanie Williamson, Legislative Counsel, at (202) 741-2112 or via e-mail at mwilliamson@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Wednesday, October 9, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday, October 9, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

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 to Ms. Melanie Williamson, Room 115 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, October 25, 2013.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public Hearing**

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 Hearing**

on

**B20-422, the “Certified Business Enterprise Program
Enhanced Reform Amendment Act of 2013”**

and

**B20-181, the “Small and Certified Business Enterprise
Development and Assistance Amendment Act of 2013”**

Wednesday, October 23, 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 hearing by the Committee on Business, Consumer, and Regulatory on Bill 20-422, the “Certified Business Enterprise Program Enhanced Reform Amendment Act of 2013” and Bill 20-181, the “Small and Certified Business Enterprise Development and Assistance Amendment Act of 2013” for Wednesday, October 23, 2013 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C.

B20-422 amends D.C. Official Code Sec. 2-218 *et. sec.*, the “Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005”. B20-422 was introduced by Council Chair Phil Mendelson at the request of the Mayor. The purpose of the bill is to significantly change the Certified Business Enterprise (CBE) Program. The bill proposes to expand subcontracting requirements of public-private development projects and alter performance and subcontracting requirements. It proposes changes to equity and development provisions and would permit individuals, not just certified business entities, to invest in public-private development projects. It strengthens enforcement provisions, provides more specific and strict subcontract-plan requirements, and requires District agencies to establish metrics for meeting small and certified business enterprise utilization requirements.

Bill 20-181 also proposes to amend the “Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 for the purposes of amending the CBE Program, re-designating the Act, making clarifying and technical changes to the Act, providing penalties for

CBE fraud, and for other purposes. The Committee held a hearing on B20-181 on July 12, 2013 before the Mayor's proposal was filed with the Council. This hearing will provide an opportunity for public and government witnesses to comment on both legislative proposals.

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, October 16, 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 Thursday, October 31, 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 Health
Notice of Public Hearing
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

on

PR20-381, the "Director of the Department of Behavioral Health Stephen T. Baron Confirmation Resolution of 2013"

**Thursday, October 10, 2013
11:00 a.m., Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a hearing on PR20-381, the "Director of the Department of Behavioral Health Stephen T. Baron Confirmation Resolution of 2013". The public hearing will be held at 11:00 a.m. on Thursday, October 10, 2013 in Room 500 of the John A. Wilson Building.

The stated purpose of Proposed Resolution 20-381 is to confirm the Mayoral appointment of Stephen T. Baron as the Director of the Department of Behavioral Health of the District of Columbia.

Those who wish to testify should contact Rayna Smith, Committee Director, at (202) 741-2111 or via e-mail at rsmith@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, October 8, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Tuesday, October 8, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

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 to Ms. Rayna Smith, Room 115 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, October 24, 2013.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON:

**PR20-405, “The Endocrine Society Revenue Bonds Project Emergency Approval Resolution
of 2013”**

Tuesday, September 24, 2013

11:30 a.m.

Room 120 - John A. Wilson Building

1350 Pennsylvania Avenue, NW; Washington, D.C. 20004

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Tuesday, September 24, 2013 at 11:30 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

“The Endocrine Society Revenue Bonds Project Emergency Approval Resolution of 2013” would authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$15.5 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist The Endocrine Society in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The project includes the financing, acquisition and build-out of a portion of the office building and parking located at 2055 L Street, NW.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 11:30 a.m. on Monday September 23, 2013. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia; 1350 Pennsylvania Ave., N.W.; Suite 114; Washington D.C. 20004.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public 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 Roundtable
on
Reviewing the Implementation of New Vending Regulations**

Thursday, October 31, 2013, 10:00 A.M.

**John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, N.W.
Washington, Dc 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public roundtable by the Committee on Business, Consumer, and Regulatory Affairs on the implementation of new vending regulations due to be published in the September 18, 2013 edition of the *District of Columbia Register*. The public roundtable is scheduled for Thursday, October 31, 2013 at 10:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

The purpose of the public roundtable is to review the rollout of new vending regulations scheduled for publication in the *District of Columbia Register* on September 18, 2013 and to be implemented on October 1. The rulemaking amends a number of vending regulations, including key provisions governing vending licensure, vendor operations, the designation of sidewalk and roadway vending locations, public markets, vending development zones, and more. The rulemaking amends fees for a Class C business license and establishes a schedule of fines for vending business license civil infractions.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Faye Caldwell or Gene Fisher of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us or gfisher@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Thursday, October 24, 2013. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies 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 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 Thursday, November 14, 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
CONSIDERATION OF TEMPORARY LEGISLATION

B20-450, “District Tax Sale Temporary Act of 2013”, **B20-452**, “Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013”, **B20-442**, “Tax Lien Compensation and Relief Reporting Temporary Amendment Act of 2013” **B20-445**, “Livery Class Regulation and Ride-Sharing Temporary Amendment Act of 2013”, **B20-456**, “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Temporary Amendment Act of 2013” and **B20-458**, “Visitor Parking Pass Preservation Temporary Amendment Act of 2013” were adopted on first reading on September 17, 2013. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on October 1, 2013.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, SEPTEMBER 25, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Protest Hearing (Status)	9:30 AM
Case # 13-PRO-00110 , The Sequoia Presidential Yacht Group, LLC, t/a The Sequoia Presidential Yacht Group, 600 Water Street SW, License #90850 Retailer CX, ANC 6D	
New Application	
Protest Hearing (Status)	9:30 AM
Case # 13-PRO-00095 ; El Atardecer, LLC, t/a El Atardecer, 3475 14th Street NW, License #92346, Retailer DR, ANC 1A	
New Application	
Protest Hearing (Status)	9:30 AM
Case # 13-PRO-00101 ; Pal the Mediterranean Spot, LLC, t/a Pal The Mediterranean Spot, 1501 U Street NW, License #92484, Retailer CR, ANC 1B	
New Application	
Protest Hearing (Status)	9:30 AM
Case # 13-PRO-00093 , Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW License #60510, Retailer CR, ANC 1B	
Renewal Application	
Protest Hearing (Status)	9:30 AM
Case # 13-PRO-00098 ; Meze, Inc., t/a Meze, 2437 18th Street NW, License #60347, Retailer CR, ANC 1C	
Termination of Settlement Agreement	
Protest Hearing (Status)	9:30 AM
Case # 13-PRO-00125 ; The Juniper Group, LLC, t/a The Blaguard, 2003 18th Street NW, License #86012, Retailer CR, ANC 1C	
Termination of Settlement Agreement	
Show Cause Hearing (Status)	9:30 AM
Case # 13-CMP-00164 ; Desperados Pizza, LLC, t/a Desperados Pizza, 1342 U Street NW, License #84731, Retailer CT, ANC 1B	
Operating After Board Approved Hours	

September 25, 2013

Show Cause Hearing (Status) **9:30 AM**

Case # 12-AUD-00066; Daniel Woldai, t/a Zula Restaurant, 1933 9th Street NW
License #60547, Retailer CR, ANC 1B

Failed to Maintain Books and Records

Show Cause Hearing (Status) **9:30 AM**

Case # 12-CMP-00054; Sunshine Bar & Lounge, LLC, t/a Sunshine Bar &
Lounge, 7331 Georgia Ave NW, License #85239, Retailer CR, ANC 4B

Failed to Comply With the Terms of Board Order No. 2012-419

Show Cause Hearing (Status) **9:30 AM**

Case # 12-CMP-00194 and # 12-251-00123; Sunshine Bar & Lounge, LLC, t/a
Sunshine Bar & Lounge, 7331 Georgia Ave NW, License #85239, Retailer CR
ANC 4B

Failed to Comply With the Terms of Board Order No. 2013-068

Show Cause Hearing (Status) **9:30 AM**

Case # 13-251-00072; The Stadium Group, LLC, t/a Stadium, 2127 Queens
Chapel Road NE, License #82005, Retailer CN, ANC 5C

**Allowed the Establishment to be Used for an Unlawful or Disorderly
Purpose, Failed to Follow Security Plan, Failed to Provide Accurate
Information to an Investigator**

Show Cause Hearing **10:00 AM**

Case # 13-CMP-00082; Amde Sofenias, t/a Queen Makeda, 1917 9th Street
NW, License #60510, Retailer CR, ANC 1B

**No ABC Manager on Duty, Trade Name Change, Failed to Allow an ABRA
Investigator to Enter or Inspect Without Delay or Otherwise Interfered
with an Investigation**

Show Cause Hearing **11:00 AM**

Case # 12-CMP-00631; Amde Sofenias, t/a Queen Makeda, 1917 9th Street
NW, License #60510, Retailer CR, ANC1B

**Failed to File Quarterly Statements (2nd Quarter 2012), Failed to Maintain
Books and Records**

Show Cause Hearing **1:30 PM**

Case # 12-251-00136; Won & Jung, Inc., t/a Northeast Supermarket, 1201
Mount Olivet Road NE, License #81240, Retailer B, ANC 5D

**Allowed the Establishment to be Used for the Sale of Illegal Drugs and
Paraphernalia, Receiving Stolen Property, Failed to Maintain Books and
Records**

Protest Hearing **4:30 PM**

Case # 13-PRO-00062; The Griffin Group, LLC, t/a Policy, 1904 14th Street
NW, License #76804, Retailer CR, ANC 2B

Renewal Application

Protest Hearing **5:30 PM**

Case # 13-PRO-00104; 1331 Connecticut Ave., t/a National Tap House, 1331
Connecticut Ave NW, License #92156, Retailer CT, ANC 2B

New Application

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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-060583
License Class/Type: C Tavern
SMD: 2C01

Applicant: Love The Beer, Inc.
Trade Name: R F D Washington
Premise Address: 810 7TH ST NW

Endorsements: 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:	11 am - 2 am	11 am -1:30 am	11 am - 2 am	11 am - 1:30 am	6 pm - 2 am
MON:	11 am - 2 am	11 am - 1:30 am	11 am - 2 am	11 am - 1:30 am	6 pm - 2 am
TUE:	11 am - 2 am	11 am - 1:30 am	11 am - 2 am	11 am - 1:30 am	6 pm - 2 am
WED:	11 am - 2 am	11 am - 1:30 am	11 am - 2 am	11 am - 1:30 am	6 pm - 2 am
THU:	11 am - 2 am	11 am - 1:30 am	11 am - 2 am	11 am - 1:30 am	6 pm - 2 am
FRI:	11 am - 3 am	11 am - 2:30 am	11 am - 3 am	11 am - 2:30 am	6 pm - 3 am
SAT:	11 am - 3 am	11 am - 2:30 am	11 am - 3 am	11 am - 2:30 am	6 pm - 3 am

License Number: ABRA-024057
License Class/Type: C Tavern
SMD: 2C01

Applicant: Walnut Brewery, Inc.
Trade Name: District Chophouse & Brewery
Premise Address: 509 7TH ST NW

Endorsements: Brewpub, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	11 am - 2 am	11 am -2 am	11 am - 1 am	11 am - 1 am	-
MON:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	-
TUE:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	-
WED:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	-
THU:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	-
FRI:	11 am - 3 am	11 am - 3 am	11 am - 1 am	11 am - 1 am	-
SAT:	11 am - 3 am	11 am - 3 am	11 am - 1 am	11 am - 1 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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-013377
License Class/Type: C Tavern
SMD: 6C04

Applicant: Pizzeria Uno of Union Station, Inc.
Trade Name: Uno Chicago Grill
Premise Address: 50 MASSACHUSETTS AVE NE F

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 1 am	11 am - 1 am	-
MON:	11 am - 1 am	11 am - 1 am	-
TUE:	11 am - 1 am	11 am - 1 am	-
WED:	11 am - 1 am	11 am - 1 am	-
THU:	11 am - 1 am	11 am - 1 am	-
FRI:	11 am - 2 am	11 am - 2 am	-
SAT:	11 am - 2 am	11 am - 2 am	-

License Number: ABRA-079568
License Class/Type: C Tavern
SMD: 1A06

Applicant: Room 11 LLC
Trade Name: Room 11
Premise Address: 3234 11TH 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:	6 am - 1 am	11 am - 1 am	9 am - 11 pm	6 am - 11 pm	-
MON:	6 am - 1 am	11 am - 1 am	9 am - 11 pm	6 am - 11 pm	-
TUE:	6 am - 1 am	11 am - 1 am	9 am - 11 pm	6 am - 11 pm	-
WED:	6 am - 1 am	11 am - 1 am	9 am - 11 pm	6 am - 11 pm	-
THU:	6 am - 1 am	11 am - 1 am	9 am - 11 pm	6 am - 11 pm	-
FRI:	6 am - 2 am	11 am - 2 am	9 am - 12 am	6 am - 12 am	-
SAT:	6 am - 2 am	11 am - 2 am	9 am - 12 am	6 am - 12 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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-091197
License Class/Type: C Tavern
SMD: 6E04

Applicant: TAKOREAN AT UNION MARKET LLC
Trade Name: TAKOREAN
Premise Address: 1309 5TH 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:	7AM - 2AM	8AM -2AM	7AM - 2AM	8AM - 2AM	-
MON:	7AM - 2AM	8AM - 2AM	7AM - 2AM	8AM - 2AM	-
TUE:	7AM - 2AM	8AM - 2AM	7AM - 2AM	8AM - 2AM	-
WED:	7AM - 2AM	8AM - 2AM	7AM - 2AM	8AM - 2AM	-
THU:	7AM - 2AM	8AM - 2AM	7AM - 2AM	8AM - 2AM	-
FRI:	7AM - 3AM	8AM - 3AM	7AM - 3AM	8AM - 3AM	-
SAT:	7AM - 3AM	8AM - 3AM	7AM - 3AM	8AM - 3AM	-

License Number: ABRA-091618
License Class/Type: C Tavern
SMD: 5D06

Applicant: 8TH STREET, LLC
Trade Name: TREE HOUSE LOUNGE
Premise Address: 1006 FLORIDA AVE NE

Endorsements: Cover Charge, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	12 pm - 2am	12 pm -2am	6 pm - 2am
MON:	12 pm - 2am	12 pm - 2am	6 pm - 2am
TUE:	12 pm - 2am	12 pm - 2am	6 pm - 2am
WED:	12 pm - 2am	12 pm - 2am	6 pm - 2am
THU:	12 pm - 2am	12 pm - 2am	6 pm - 2am
FRI:	11 am - 3am	11 am - 3am	6 pm - 3am
SAT:	11 am - 3am	11 am - 3am	4pm - 3am

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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-079449 Applicant: Gevani, Inc.
License Class/Type: C Tavern Trade Name: Zeba Bar & Grill
SMD: 1A02 Premise Address: 3423 14TH ST NW

Endorsements: 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:	9 am - 2 am	9 am - 2 am	9 am - 2 am	10 am - 2 am	6 pm - 2 am
MON:	9 am - 2 am	9 am - 2 am	9 am - 2 am	9 am - 2 am	6 pm - 2 am
TUE:	9 am - 2 am	9 am - 2 am	9 am - 2 am	9 am - 2 am	6 pm - 2 am
WED:	9 am - 2 am	9 am - 2 am	9 am - 2 am	9 am - 2 am	6 pm - 2 am
THU:	9 am - 2 am	9 am - 2 am	9 am - 2 am	9 am - 2 am	6 pm - 2 am
FRI:	9 am - 3 am	9 am - 3 am	9 am - 3 am	9 am - 3 am	6 pm - 3 am
SAT:	9 am - 3 am	9 am - 3 am	9 am - 3 am	9 am - 3 am	6 pm - 3 am

License Number: ABRA-017940 Applicant: Krakatoa Inc
License Class/Type: C Tavern Trade Name: Chief Ike's Mambo Room
SMD: 1C06 Premise Address: 1723 COLUMBIA RD NW

Endorsements: Cover Charge, Dancing, Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	12 pm - 2 am	12 pm - 2 am	4 pm - 1 am	4 pm - 1 am	6 pm - 2 am
MON:	4 pm - 2 am	4 pm - 2 am	4 pm - 1 am	4 pm - 1 am	6 pm - 2 am
TUE:	4 pm - 2 am	4 pm - 2 am	4 pm - 1 am	4 pm - 1 am	6 pm - 2 am
WED:	4 pm - 2 am	4 pm - 2 am	4 pm - 1 am	4 pm - 1 am	6 pm - 2 am
THU:	4 pm - 2 am	4 pm - 2 am	4 pm - 1 am	4 pm - 1 am	6 pm - 2 am
FRI:	4 pm - 3 am	4 pm - 3 am	4 pm - 1 am	4 pm - 1 am	6 pm - 3 am
SAT:	4 pm - 3 am	4 pm - 3 am	6 pm - 2 am	6 pm - 2 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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-077883
License Class/Type: C Tavern
SMD: 2B05

Applicant: 1215 CT, LLC
Trade Name: Rosebar
Premise Address: 1215 CONNECTICUT AVE 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:	11 am - 3 am	11 am - 2 am	11 am - 3 am	11 am - 2 am	6 pm - 3 am
MON:	11 am - 3 am	11 am - 2 am	11 am - 3 am	11 am - 2 am	6 pm - 3 am
TUE:	11 am - 3 am	11 am - 2 am	11 am - 3 am	11 am - 2 am	6 pm - 3 am
WED:	11 am - 3 am	11 am - 2 am	11 am - 3 am	11 am - 2 am	6 pm - 3 am
THU:	11 am - 3 am	11 am - 2 am	11 am - 3 am	11 am - 2 am	6 pm - 3 am
FRI:	11 am - 4 am	11 am - 3 am	11 am - 4 am	11 am - 3 am	6 pm - 4 am
SAT:	11 am - 4 am	11 am - 3 am	11 am - 4 am	11 am - 3 am	6 pm - 4 am

License Number: ABRA-089674
License Class/Type: C Tavern
SMD: 2C03

Applicant: Hill Country DC, LLC
Trade Name: Hill Country Summer Barbecue at the National Building Museum
Premise Address: 401 F ST NW

Endorsements: 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:	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 9 pm
MON:	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 9 pm
TUE:	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 9 pm
WED:	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 9 pm
THU:	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 9 pm
FRI:	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm
SAT:	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm	12 pm - 11 pm

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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-025546
License Class/Type: C Tavern
SMD: 3E04

Applicant: JHM, LLC
Trade Name: Chads Friendship Heights
Premise Address: 5247 WISCONSIN AVE NW 000C1

Endorsements: Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	10 am - 2 am	10 am - 2 am	11:30 am - 12 am	11:30 am - 12 am	-
MON:	11:30 am - 2 am	11:30 am - 2 am	11:30 am - 12 am	11:30 am - 12 am	-
TUE:	11:30 am - 2 am	11:30 am - 2 am	11:30 am - 12 am	11:30 am - 12 am	-
WED:	11:30 am - 2 am	11:30 am - 2 am	11:30 am - 12 am	11:30 am - 12 am	-
THU:	11:30 am - 2 am	11:30 am - 2 am	11:30 am - 12 am	11:30 am - 12 am	-
FRI:	11:30 am - 3 am	11:30 am - 3 am	11:30 am - 12 am	11:30 am - 12 am	-
SAT:	11:30 am - 3 am	11:30 am - 3 am	11:30 am - 12 am	11:30 am - 12 am	-

License Number: ABRA-076649
License Class/Type: C Tavern
SMD: 6A06

Applicant: Par Bar, LLC
Trade Name: H Street Country Club
Premise Address: 1335 H ST NE

Endorsements: Entertainment, 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 - 1:45 am	11 am - 11 pm	11 am - 11 pm	-
MON:	11 am - 2 am	11 am - 1:45 am	11 am - 11 pm	11 am - 11 pm	-
TUE:	11 am - 2 am	11 am - 1:45 am	11 am - 11 pm	11 am - 11 pm	-
WED:	11 am - 2 am	11 am - 1:45 am	11 am - 11 pm	11 am - 11 pm	-
THU:	11 am - 2 am	11 am - 1 am	11 am - 11 pm	11 am - 11 pm	-
FRI:	11 am - 3 am	11 am - 2 am	11 am - 12 am	11 am - 12 am	6 pm - 2 am
SAT:	11 am - 3 am	11 am - 2:45 am	11 am - 12 am	11 am - 12 am	6 pm - 2 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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-072777
License Class/Type: C Tavern
SMD: 6A06

Applicant: R N R, LLC
Trade Name: Rock N Roll Hotel
Premise Address: 1353 H ST NE

Endorsements: Cover Charge, 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:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm	5 pm - 11 pm	8 pm - 1 am
MON:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm	5 pm - 11 pm	8 pm - 1 am
TUE:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm	5 pm - 11 pm	8 pm - 1 am
WED:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm	5 pm - 11 pm	8 pm - 1 am
THU:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm	5 pm - 11 pm	8 pm - 1 am
FRI:	5 pm - 3 am	5 pm - 3 am	5 pm - 12 am	5 pm - 12 am	8 pm - 1 am
SAT:	5 pm - 3 am	5 pm - 3 am	5 pm - 12 am	5 pm - 12 am	8 pm - 1 am

License Number: ABRA-001875
License Class/Type: C Tavern
SMD: 6B02

Applicant: M. J. P., Inc.
Trade Name: Li'L Pub
Premise Address: 655 PENNSYLVANIA AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 2 am	11 am - 2 am	-
MON:	11 am - 2 am	11 am - 2 am	-
TUE:	11 am - 2 am	11 am - 2 am	-
WED:	11 am - 2 am	11 am - 2 am	-
THU:	11 am - 2 am	11 am - 2 am	-
FRI:	11 am - 3 am	11 am - 3 am	-
SAT:	11 am - 3 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: 9/20/2013
PETITION DATE: 11/4/2013
HEARING DATE: 11/18/2013

License Number: ABRA-000939
License Class/Type: C Tavern
SMD: 6C02

Applicant: Jim Dolan's, Inc.
Trade Name: Kellys Irish Times
Premise Address: 14 F ST NW

Endorsements: Cover Charge, Dancing, Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	10 am - 2 am	10 am - 2 am	11 am - 2 am	11 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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 20, 2013
Petition Date: November 4, 2013
Roll Call Hearing Date: November 18, 2013

License No.: ABRA-082751
Licensee: Ghana Café, LLC
Trade Name: Ghana Café
License Class: Retailer’s Class “C” Restaurant
Address: 1336 14TH Street NW
Contact: Anthony F. Opare 202-387-3845

WARD 2

ANC 2F

SMD 2F03

Notice is hereby given that this applicant has applied for a substantial change to its 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, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request is for a new Entertainment Endorsement. The Premise capacity is 99

CURRENT HOURS OF OPERATION/SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 1 am Friday and Saturday 11 am -2 am

HOURS OF ENTERTAINMENT - NO DANCING OR COVER CHARGE

Sunday through Thursday 6 pm – 1 am Friday and Saturday 6 pm -2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 20, 2013
Petition Date: November 4, 2013
Hearing Date: November 18, 2013
Protest Date: January 15, 2014

License No.: ABRA-093244
Licensee: Glass House Coffee, LLC
Trade Name: Glass House Coffee
License Class: Retail Class "C" Tavern
Address: 1333 14th Street, N.W.
Contact: Candance Fitch, 202-258-0634

WARD 2

ANC 2F

SMD 2F03

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on January 15, 2014.

NATURE OF OPERATION

New Tavern. Pastry shop/coffee house serving small plates. Sidewalk Café and Roof deck Summer Garden. Occupancy load is 160.

HOURS OF OPERATON

Sunday through Saturday 7 am – 2 am

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8 am – 2 am

HOURS OF OPERATON FOR SUMMER GARDEN (40 SEATS) AND SIDEWALK CAFÉ(8 SEATS)

Sunday through Saturday 7 am – 2 am

HOURS OF SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN AND SIDEWALK CAFE

Sunday through Saturday 8 am – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 20, 2013
Petition Date: November 4, 2013
Hearing Date: November 18, 2013
Protest Date: January 15, 2014

License No.: ABRA-093268
Licensee: Native Foods California, LLC
Trade Name: Native Foods Café
License Class: Retailer’s Class “D” Restaurant
Address: 701 Pennsylvania Ave NW
Contact: Andrew Kline 202-686-7600

WARD 2 ANC 2C SMD 2C03

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 January 15, 2014.

NATURE OF OPERATION

Restaurant serving vegan food with a seating capacity for 66 and total occupancy load of 98. Side Café with 40 seats. No entertainment and no nude dancing.

HOURS OF OPERATION FOR INSIDE AND OUTSIDE SIDEWALK CAFÉ

Sunday through 10:30 am – 11 pm

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR INSIDE AND OUTSIDE SIDEWAK CAFÉ

Sunday through 10:30 am – 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 20, 2013
Petition Date: November 4, 2013
Hearing Date: November 18, 2013

License No.: ABRA-05811
Licensee: Ben Inc
Trade Name: Odeon Cafe
License Class: Retailer's Class "C" Restaurant
Address: 1714 Connecticut Avenue, NW
Contact: Jeffrey Jackson, 202-251-1566

WARD 2

ANC 2B

SMD 2B01

Notice is hereby given that this applicant has applied for a substantial change to its 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. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to add a Summer Garden with seats for approximately 12 patrons.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION

Sunday 10am-12am; Monday through Thursday 8am -2am and Friday & Saturday 8am -3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR THE SUMMER GARDEN

Sunday through Saturday 10:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

9/20/2013

Notice is hereby given that:

License Number: ABRA-090993

License Class/Type: C Restaurant

Applicant: Cabo Negro, Inc.

Trade Name: Rialto

ANC: 2E

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

2915 M ST NW, WASHINGTON, DC 20007

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

11/4/2013

HEARING WILL BE HELD ON

11/18/2013

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

ENDORSEMENTS: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am -2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 20, 2013
Petition Date: November 4, 2013
Hearing Date: November 18, 2013

License No.: ABRA-090258
Licensee: Pleasure Eats Inc
Trade Name: Righteous Cheese
License Class: Retailer's Class "C" Tavern
Address: 1309 5th Street, NE #502
Contact: Carolyn Stromberg, 202-716-3320

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this applicant has applied for a substantial change to its 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. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to change the hours of the Summer Garden.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR THE SUMMER GARDEN

Sunday and Saturday 8 am -8pm; Monday through Friday 11am through 8pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR THE SUMMER GARDEN

Sunday through Thursday 8am - 2am and Friday & Saturday 8am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 20, 2013
Petition Date: November 4, 2013
Hearing Date: November 18, 2013
Protest Date: January 15, 2014

License No.: ABRA-093203
Licensee: The District Fishwife, LLC
Trade Name: The District Fishwife
License Class: Retailer's Class "C" Tavern
Address: 1309 5th St. NE
Contact: Fiona Lewis, Managing Member 202-351-1611

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such 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 January 15, 2014.

NATURE OF OPERATION

Retail Fish and Shellfish Market with prepared foods for consumption within the market menu items such as fish & chips, fried calamari and seafood salad. Seating capacity 25 and total load occupancy of 50. Summer garden 50 seats.

HOURS OF OPERATION FOR INSIDE AND OUTSIDE SUMMER GARDEN

Sunday 8 am - 8 pm, Wednesday through Friday 11 am - 8 pm and Saturday 8 am - 8 pm

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR INSIDE AND OUTSIDE SUMMER GARDEN

Sunday 10 am - 8 pm, Wednesday through Friday 11 am - 8 pm and Saturday 8 am - 8 pm

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Monday, November 4, 2013, @ 6:00 p.m.**
 Tuesday, November 5, 2013, @ 6:00 p.m.
 Wednesday, November 6, 2013, @ 6:00 p.m.
 Thursday, November 7, 2013, @ 6:00 p.m.
 Tuesday, November 12, 2013, @ 6:00 p.m.
 Wednesday, November 13, 2013, @ 6:00 p.m.
 Thursday, November 14, 2013, @ 6:00 p.m.

**Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W. Suite 220-S
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06A (Title 11, Zoning Regulations – Comprehensive Text Revisions)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (“OP”), in a report dated August 30, 2013, petitioned the Zoning Commission for the District of Columbia (“Zoning Commission” or “Commission”) for comprehensive revisions and amendments to the Zoning Regulations (Title 11 DCMR).

The proposed revised Zoning Regulations are divided into subtitles. The Zoning Commission set down the text of the proposed subtitles at its public meeting held September 9, 2013. At that time it agreed to hold a series of hearings, with each hearing limited to a group of subtitles. The subtitle groupings and associated hearing dates are set forth below. Although written testimony may be submitted at any time prior to the close of the record, witnesses at each hearing must confine their testimony to the substance of the specific subtitles that are the subject of the hearing.

In addition, the Commission voted to hear witnesses in the order in which the Office of Zoning was notified of their intent to testify. Therefore, the Commission at each hearing will first hear from those individuals, organizations, or associations who notified the Office of Zoning of their intent to present testimony based upon the date and time that the written notice of intent to testify was received by the Office of Zoning. The Commission will then hear from those persons who submitted witness cards on each hearing date in the order those cards were received by the Commission’s Secretary. Finally the Commission will hear from persons in the audience who did not submit witness cards. In order to proceed in this manner, the Commission waived the following provision of Title 11 DCMR:

- 3021.5 The order of procedure at the hearing shall be as follows: ...
 - (g) Persons in support of the application or petition; and

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(h) Persons in opposition to the application or petition.

The text of the proposed land use subtitles refers to new zone districts that the Office of Planning proposes to replace the current districts and overlays. The proposed mapping of these new districts is not the subject of these hearings. The Office of Planning will formally propose the new zones as part of a subsequent map amendment proceeding for which notice and hearing will be provided in accordance with the Zoning Act and Regulations.

Finally, the Commission requests that the public’s testimony focus on the substance of the proposed subtitles rather than the wording used. After this hearing process is concluded, the Office of Planning and the Office of the Attorney General will provide a revised text responding to any changes requested by the Commission that will also make any editorial modifications needed to assure clarity and consistency in the text. The public will have an opportunity to comment upon the word choices used during the comment period following the issuance of any notice of proposed rulemaking.

The dates of the hearings and the subject matter of each hearing are as follows. As noted, all hearings will begin at 6:00 p.m.:

DATE	SUBTITLE and SUBJECT
Monday, November 4, 2013	A: Authority and Applicability W: Mapping X: General Procedures (includes PUDs and Campus Plan procedures) Y: Board of Zoning Adjustment Rules of Practice and Procedure Z: Zoning Commission Rules of Practice and Procedure
Tuesday, November 5, 2013	B: Definitions, includes uses
Wednesday, November 6, 2013	D: Residential House (R) Zones (includes Accessory Apartments in all R zones and corner stores for the current R-3 zones)
Thursday, November 7, 2013	E: Residential Flat (RF) Zones (includes new rowhouse zones; corner stores for the current R-4 zones) F: Apartment (A) Zones
Tuesday, November 12, 2013	C: General Procedures (includes parking, bike parking, loading)
Wednesday, November 13, 2013	G: Mixed Use (M) Zones H: Neighborhood Mixed Use (N) Zones (includes new zones created from Neighborhood Commercial Overlays)
Thursday, November 14, 2013	I: Downtown Zones

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	J: Production, Distribution and Repair (P) Zones K: Special Purpose Zones
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FULL TEXT:

The full and official text of the proposed amendments is available for viewing on line at www.dcoz.dc.gov by clicking the following icon that appears on the home page:



Direct access to the proposed text is also available at <http://www.dcoz.dc.gov/ZRR/ZRR.shtm>.

A copy of the official text on compact disk may be requested from either the Office of Planning at zoningupdate@dc.gov or the Office of Zoning and will be provided at no charge.

Additionally, paper copies have been provided to the District of Columbia Public Library system for distribution to every public library.

SUMMARY OF AMENDMENTS

The revisions propose a reorganization of Title 11 DCMR including new zone groups and names as follows:

- The Residential House (R) zones include those zones that permit a single household dwelling as a principal use; these are currently the R-1, R-2 and R-3 zones; the zones continue to be divided by detached, semi-detached, and attached dwellings;
- Residential Flat (RF) zones include those zones that permit more than one household as a principal use these are currently the R-4 zone which permits two dwelling units per building, and two new Residential Flat zones that would permit three and four units per building; attached dwellings (a.k.a. rowhouses) continue to be the predominate housing type;
- Apartment (A) zones include those residential zones that permit buildings of more than four dwelling units per building which are currently the R-5 zones;
- A new Residential House (R-19) zone and a new Residential Flat (R-20) zone for the Georgetown area;
- Mixed Use (M) zones include those zones that permit residential and commercial uses both by right which are currently the C, SP, W, and CR zones;
- Neighborhood Mixed Use (N) zones include those zones that permit residential and commercial uses both by right and are covered by existing neighborhood commercial overlays, these are currently C -1, C-2, and C-3 zones and the CP, WP, MW, ES, TK, HS, and GA overlays; and

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- Production Distribution and Repair (PDR) zones include those zones that permit industrial and commercial uses these are currently the CM and M zones.

All overlay zones, their purposes, and protections have been incorporated into the zones and their geographies would remain the same.

A summary of general changes is presented in the following table with the proposed Subtitle in the left column and the relevant current chapters and summary of changes in the right:

PROPOSED SUBTITLE	CURRENT CHAPTER and AMENDMENTS SUMMARY
A: Authority and Applicability	<p><u>Chapter 32 Administration and Enforcement</u> <u>Chapter 1 – The Zoning Regulations</u></p> <ul style="list-style-type: none"> • New Zone Names <ul style="list-style-type: none"> ○ Zones names reflect similar use groups (Residential House, Residential Flat, Mixed Use) • New Zones for overlays, incorporating existing requirements of overlay and base zone • New Residential Flat Zones to bridge the density between flats (2 units) and apartments (unlimited units)
B: Definitions, includes uses	<p><u>Chapter 1 – The Zoning Regulations</u></p> <ul style="list-style-type: none"> • Created Use Groups and Use Category for Home Occupation • Added new definitions • Removed definitions that are no longer used
C: General Procedures (includes parking, bike parking, loading)	<p><u>Chapter 4 - Residence Districts: Height, Area, and Density Regulations</u></p> <ul style="list-style-type: none"> • Requirements for “setbacks from property lines” instead of “yards” • No changes to side or rear setbacks dimensions in the R-1 and R-2 equivalent zones • Clarification that rear yard would be measured from the rear lot line • Front yard setbacks proposed to foster consistent street wall and neighborhood character • Minimum lot dimensions would apply only for creating new lots <ul style="list-style-type: none"> ○ Existing lots that meet setbacks can proceed to building permit • Courts: <ul style="list-style-type: none"> ○ R and RF zone – No longer required, except for Public Buildings ○ Multi-dwellings – Retained; proposing one dimension standard for all Apartment zones instead of the existing 10 dimensions ○ Attached dwellings – Proposal to remove side yards

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	<p>and courts less than 5 feet from definition of lot occupancy, which eliminates the incentives to fill them in</p> <ul style="list-style-type: none"> • Roof Structures limited to 10 feet in height in the R and RF zones. • Roof Structure area changed from 0.37 FAR to 0.40 FAR in Apartment zones; limited to 1/3 of total roof area in other residential zones. <p><u>Chapter 20 Nonconforming Uses and Structures</u></p> <ul style="list-style-type: none"> • Allow non-conforming buildings to have an addition or expansion that conforms to use and development requirements <p><u>Chapter 21 Off-Street Parking Requirements</u></p> <ul style="list-style-type: none"> • No longer proposing transit zones • Consolidation of many of the standards • Single-family dwellings – Retained parking requirement provided there is alley access; optional if there is no alley access • Multi-family buildings – No requirement for building with 4 or fewer units; 1 space per 3 units after four units for larger buildings • Downtown – no minimum parking requirement • Schools – based on square footage, not program; roughly equivalent to current amounts • Metro and Streetcar Proximity – within ½ mile of a metro station or ¼ mile of a priority Bus Corridor or streetcar line, lessen parking to 50% of zone requirement • Allow parking to be located off-site • Allow shared parking • Require Car-share spaces • Update compact parking standards • Require more landscaping for surface parking lots • Require special exception for large surface parking lots • Require mitigation for excessive parking • Update bike parking standards <ul style="list-style-type: none"> ○ Require additional bike parking spaces ○ Require support facilities for bikes <p><u>Chapter 22 Off-Street Loading Facility Requirements</u></p> <ul style="list-style-type: none"> • Remove 55’ truck bay requirements • Allow sharing of loading facilities between uses
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	<p><u>Chapter 23 Garages, Carports, Parking Lots and Gasoline Service Stations</u></p> <ul style="list-style-type: none"> • Uses incorporated into zone-specific use permissions • Standards proposed for drive through <p><u>Chapter 25 Miscellaneous Zoning Requirements</u></p> <ul style="list-style-type: none"> • Moderations to projections into required open spaces to address current building code requirements <p><u>Chapter 26 Inclusionary Zoning</u></p> <p><u>Chapter 27 Antennas</u></p> <p><u>Chapter 34 Green Area Ratio</u></p>
<p>D: Residential House (R) Zones (includes Accessory Apartments in all R zones and corner stores for the current R-3 zones)</p>	<p><u>Chapter 2 - R-1, Chapter 3 - R-2, R-3, R-4, and R-5 Residence District Use Regulations</u></p> <ul style="list-style-type: none"> • Place Use Permissions and Development Standards into each zone • Reduced CBRF size to a household of six residents plus caregivers • Accessory Apartments – <ul style="list-style-type: none"> ○ limit the R-1 equivalent zones to one accessory unit and delete distinction for “Domestic employees” from other tenants; ○ by right in principal house and existing accessory building with access to street through alley or side yard, special exception for any construction or addition; ○ allow in the R-2 and R-3 equivalent zones; ○ property owner must still live on the property, include other size and location limitations • Corner Stores – <ul style="list-style-type: none"> ○ permit existing corner stores by right; ○ fresh grocers proposed as a by-right use subject to size, spacing and operational conditions ○ other uses proposed to be permitted by special exception in R-3 and R-4 equivalent zones subject to size, spacing and operational conditions • New Residential Flat zones that allow a maximum of three or four units; zones only be created; any mapping would be done in consultation with neighborhoods as future cases <p><u>Chapter 4 - Residence Districts: Height, Area, and Density Regulations</u></p> <ul style="list-style-type: none"> • Development standards incorporated into each new zone

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	<p><u>Chapter 12 Capitol Interest Overlay District Chapter 15 Miscellaneous Overlay Districts</u></p> <ul style="list-style-type: none"> Incorporated with base zone into new zones in Mixed Use and Residential <p><u>Chapter 25 Miscellaneous Zoning Requirements</u></p> <ul style="list-style-type: none"> Prohibit residential dwellings on Alley Lots in R-1 and R-2 equivalent zones Permit only by special exception in all other residential zones with a minimum lot area of 450 square feet.
<p>E: Residential Flat (RF) Zones (includes corner stores for the current R-4 zones)</p>	<p><u>Chapter 12 Capitol Interest Overlay District Chapter 15 Miscellaneous Overlay Districts</u></p> <ul style="list-style-type: none"> Incorporated with base zone into new zones in Mixed Use and Residential <p><u>Chapter 25 Miscellaneous Zoning Requirements</u></p> <ul style="list-style-type: none"> Building on Alley Lots only by special exception in all other residential zones with a minimum lot area of 450 square feet.
<p>F: Apartment (A) Zones</p>	<p><u>Chapter 15 Miscellaneous Overlay Districts</u></p> <ul style="list-style-type: none"> Incorporated with base zone into new zones in Mixed Use and Residential No change to boundaries, purposes or conditions <p><u>Chapter 25 Miscellaneous Zoning Requirements</u></p> <ul style="list-style-type: none"> Building on Alley Lots only by special exception in all other residential zones with a minimum lot area of 450 square feet.
<p>G: Mixed Use (M) Zones</p>	<p><u>Chapters 5 (SP), 6 (CR), 7 (C), and 9 (W)</u></p> <ul style="list-style-type: none"> Placed in one subtitle as Mixed Use zones Rear setbacks standardized by height and zone instead of by use Standardized court requirements Waterfront setback from W zones applied to all zones fronting the Anacostia or Potomac River; addition of physical and visual accessibility requirements <p><u>Chapter 14 Reed-Cooke Overlay District</u> <u>Chapter 15 Miscellaneous Overlay Districts</u> <u>Chapter 19 Uptown Arts-Mixed Use (Arts) Overlay District</u></p> <ul style="list-style-type: none"> Incorporated with base zone into new zones in Mixed Use No change to boundaries, purposes, or conditions
<p>H: Neighborhood Mixed Use (N) Zones (includes new zones)</p>	<p><u>Chapter 13 Neighborhood Commercial Overlay District</u></p> <ul style="list-style-type: none"> Subtitle H created for new Neighborhood Mixed Use zones

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<p>created from Neighborhood Commercial Overlays)</p>	<ul style="list-style-type: none"> No change to boundaries, purposes, or conditions
<p>I: Downtown Zones</p>	<p><u>Chapter 17 Downtown Development Overlay District</u></p> <ul style="list-style-type: none"> Align zoning’s downtown regulations and permissions with actual downtown, by expanding regulations to high density commercial areas Provisions for retail, housing, arts established in all high density commercial areas included with the DD Consolidate and simplify types of regulations by consolidating 20+ zones into 10 zones in one subtitle Maintain all existing commercial and residential entitlements Upgrade TDRs/CLDs with more flexible Credit systems and maintain relative value of CLDs and TDRs Tie increased FARs and heights to provision of housing; require IZ for new areas Location-Based Requirements – use and design requirements for designated primary (retail) streets Require, not incent, existing preferred ground floor uses on some current and additional streets Leave parking to the market – no minimum parking requirement Credits for residential use, arts, historic preservation, open space and preferred uses including child care center Identify new trade areas
<p>J: Production, Distribution and Repair (P) Zones</p>	<p><u>Chapter 8 - Industrial Districts</u></p> <ul style="list-style-type: none"> Floor Area Ratio requirements modified, to maintain industrial use Transition Setback (Buffer) proposed along any industrial lot line adjacent to residential lot lines or separated by an alley Eating and Drinking Establishments, and Entertainment uses that include night club/dancing activities would require a special exception
<p>K: Special Purpose Zones</p>	<p><u>Chapter 16 Capitol Gateway (CG) Overlay District</u></p> <ul style="list-style-type: none"> A portion of the north side of M Street SE (currently CG/C3C and within a TDR Receiving Area) proposed to be removed from CG and included within the expanded DD <p><u>Chapter 18 Southeast Federal Center</u> <u>Chapter 28 – Hill East</u> <u>Chapter 29 Union Station North</u> <u>Chapter 33 Saint Elizabeths East Campus</u></p>
<p>W: Mapping</p>	<p>Central location for geographic descriptions from overlays</p>

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<p>X: General Procedures (includes Campus Plan, Chanceries and PUD)</p>	<p><u>Chapter 2 - R-1, Chapter 3 - R-2, R-3, R-4, and R-5 Residence District Use Regulations</u></p> <ul style="list-style-type: none"> • Campus Plans <ul style="list-style-type: none"> ○ Limitations on adjunct commercial uses and sizes ○ Detailed requirements for counting students ○ Exclude DCPS students from counts <p><u>Chapter 10 Mixed Use Diplomatic Overlay District</u></p> <ul style="list-style-type: none"> • Proposed to be allowed in all Residential zones subject to 50% of square being institutional and FMBZA review <p><u>Chapter 24 Planned Unit Development Procedures</u></p> <ul style="list-style-type: none"> • Included all references from other zones and overlays • PUD FAR bonus a straight 20% instead of the variable increases currently used • Propose limits and standards on extensions and modifications
<p>Y: Board of Zoning Adjustment Rules of Practice and Procedure</p>	<p><u>Chapter 31 Board of Zoning Adjustment Rules of Practice and Procedure</u></p> <ul style="list-style-type: none"> • Modified to reflect current practices and electronic filing procedures
<p>Z: Zoning Commission Rules of Practice and Procedure</p>	<p><u>Chapter 30 Zoning Commission Procedures</u></p> <ul style="list-style-type: none"> • Modified to reflect current practices and electronic filing procedures
	<p><u>Chapter 11 - Hotel-Residential Incentive Overlay District</u></p> <ul style="list-style-type: none"> • No longer proposed because it is no longer the geographic priority

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearings on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789. As noted, those persons who have submitted an intention to testify prior to a hearing date will be permitted to testify first and in the order in which their intention was received. For this reason, it is

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important that all communications indicate Case No. 08-06A and the specific hearing date or dates at which testimony will be given.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include on your submissions Case No. 08-06A and the subtitle for which you are submitting written statements. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code §§ 25-211(b) and 25-830(f) (2012 Supp.) hereby gives notice of its intent to adopt the following final rules that would amend the existing ABRA civil penalty schedule set forth in Section 800 of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR). These rules also make clear that the penalties contained in the amended civil penalty schedule will become effective five (5) days after publication in the *D.C. Register*. Additionally, these rules require a regulatory inspection by an ABRA investigator in not less than ten days following the issuance of a mandatory warning for a first offense. Lastly, the proposed rules set a limitation on the number of mandatory warnings a licensee can receive for the same offense.

These rules were initially adopted by the Board on August 15, 2012, by a five (5) to zero (0) vote. On October 31, 2012, the Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2012 Supp.), to further objectives on two fronts. First, because the civil penalty schedule has not been updated since 2004, the Board invited comment from parties on revisions to the schedule. These revisions were necessary to ensure that the civil penalty schedule accurately reflected a penalty commensurate with the offense, and that it captured all laws and regulations that have been adopted by the Council since 2004, to include the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, effective May 1, 2013 (D.C. Act 19-597, 60 DCR 1001).

Second, the Board also invited comments on its efforts to implement a more comprehensive and robust warning system. The Board is required by law, pursuant to the Alcoholic Beverage Enforcement Act of 2008, to issue regulations for a warning system that includes recommendations as to what violations should require a mandatory warning for a first offense. Notwithstanding the Board's existing discretion to issue warnings under 23 DCMR § 805, the Board sought to expand the number and type of offenses that qualified for a warning, and those that qualified for a mandatory warning. To further economic efficiency, the Board sought to update its existing warning system at the same time it undertook to revise the existing penalty schedule.

Andrew Kline, Legislative Representative, testified on behalf of the Restaurant Association (RAMW). RAMW has approximately 700 members and is the principal representative of restaurants in the District of Columbia. At the hearing, RAMW briefed the Board on the history of the mandatory warning requirement contained in D.C. Official Code § 25-830(e)(3) (2008 Supp.). RAMW suggested that 1) the genesis for a warning system stemmed from the notion that the regulated industry favors compliance with regulatory standards, but that there are times when education and minimal penalties are all that are needed for a first offense, particularly when that offense involves no direct potential impact on public safety; and 2) the law's legislative history indicates a desire that the civil penalty schedule include a warning requirement for secondary tier violations and for a 'sales to minor' first offense. RAMW further testified that of the 154 separately scheduled violations contained in the civil penalty schedule, 91 are

classified as secondary tier violations. Of the 91 listed secondary tier violations, only 14 require warnings for a first offense. Lastly, RAMW testified that the Board should adopt a mandatory warning system for all secondary tier violations.

The Board received no other testimony or written comments. The Board took the views of RAMW and the statute's legislative intent into consideration and reviewed the existing civil penalty schedule to determine what offenses should be added to the schedule, what offenses should be reassigned a different tier, and what offenses should be eligible for a mandatory warning.

The Board notes for the record that it has long recognized the efficacy of warnings as an effective educational tool. It has been the practice of this Board to give licensees an opportunity to take voluntary and prompt corrective action before the Board initiates an enforcement action when it is consistent with the public protection responsibilities of the Board, and depending on the nature of the violation. The Board's use of warnings is twofold: to achieve voluntary compliance, and to establish prior notice. The use of warnings and the prior notice policy are based on the Board's expectation that most licensees comply with the law and the regulations when they are properly educated.

With the adoption of a mandatory warning system, the Board's implementation would result in a written administrative warning to the offending licensee. This written administrative warning would document the violation and would serve as a tool available to ABRA's Enforcement Division for ensuring corrective action is taken.

However, the Board does not agree with RAMW's position that every secondary tier violation should qualify for a mandatory warning. The Board desires to make clear that violations of legal or regulatory significance do not warrant mandatory warnings and may not even warrant discretionary warnings. Significant violations are those violations that may lead to enforcement action as a matter of public safety. It is the Board's position that responsible licensees have a duty to implement whatever measures are necessary to ensure that their operations comply with the law and regulations. Under the law, licensees are presumed to be fully aware of their responsibilities.

The Board considered the testimony of RAMW and the legislative intent of the Council in reaching its decision to amend the existing penalty schedule by adding new offenses, re-evaluating the designation of primary or secondary tier violations, and establishing a more comprehensive warning system to include mandatory warnings for some first time offenses. The Board's decision was balanced upon its desire to protect the public safety for the most serious of offenses and yet, for those less serious offenses, the Board desires to give licensees an opportunity to seek voluntary compliance by taking timely corrective action.

The amended proposed rules were adopted by the Board on January 9, 2013, by a vote of five (5) to zero (0). The Board received additional comments from RAMW, requesting the Board give further consideration to reducing the penalty on secondary tier violations. The Board took the comments into consideration, and made additional modifications to the civil penalty schedule to

ensure consistency in penalties for similar violations. The Board then adopted the further amended proposed rules on April 3, 2013, by a vote of five (5) to zero (0).

The rules were published in the *D.C. Register* as Notice of Proposed Rulemaking on February 8, 2013 at 60 DCR 1524. Pursuant to D.C. Official Code § 25-211(b)(2) (2012 Supp.), the proposed rules were transmitted to the Council of the District of Columbia for a ninety (90) day period of Council review on May 28, 2013. The rules were approved by Council Resolution 20-181, the “Revised ABRA Civil Penalty Schedule Approval Resolution of 2013”, adopted by the Council at its June 26, 2013 legislative meeting. These final rules were adopted by the Board on September 11, 2013, on a vote of five (5) to zero (0), and they will become effective five (5) days after publication in the *D.C. Register*.

Title 23 of the D.C. Municipal Regulations is amended as follows:

Section 800, ABRA CIVIL PENALTY SCHEDULE, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended by replacing Section 800 in its entirety to read as follows:

800. ABRA CIVIL PENALTY SCHEDULE.

Section	Description	Violation	Warning
25-102(a)	Selling Alcoholic Beverages Without a License	Primary	N
25-102(b)	Wholesaler/Manufacturer Sale to Non-licensed Person for Resale	Primary	N
25-102(c)	Failure to Obtain Importation Permit	Primary	Y
25-102(d)	Permitting Consumption of Alcoholic Beverage Without a License	Primary	N
25-110	Violating Terms of Manufacturer's License	Primary	N
25-111	Violating Terms of Wholesaler's License	Primary	N
25-112(a)-(c)	Violating Terms of Off-Premise Retailer's License	Primary	N
25-112(e)(1)	Failure to File a Statement of Expenditures	Secondary	Y
25-113(a)(2)(A)(ii)	Knowingly Allowing Patron to Exit the Premises with an Open Container	Secondary	N
25-113(a)(3)	Selling or Serving Alcohol in a Closed Container	Secondary	Y - Mandatory
25-113(b)(1)	Failure to Keep Kitchen Open Two Hours Before Closing	Secondary	Y - Mandatory
25-113(b)(2)(A)	Failure of Restaurant to File a Quarterly Statement	Secondary	Y - Mandatory
25-113(d)(1)	Failure to Submit a Security Plan	Primary	Y
25-113(e)(4)(A)	Failure of Hotel to File a Quarterly Statement	Secondary	Y - Mandatory
25-102(a)	Selling Alcoholic Beverages Without a License	Primary	N
25-102(b)	Wholesaler/Manufacturer Sale to Non-licensed Person for Resale	Primary	N

Section	Description	Violation	Warning
25-102(c)	Failure to Obtain Importation Permit	Primary	Y
25-102(d)	Permitting Consumption of Alcoholic Beverage Without a License	Primary	N
25-110	Violating Terms of Manufacturer's License	Primary	N
25-111	Violating Terms of Wholesaler's License	Primary	N
25-112(a)-(c)	Violating Terms of Off-Premise Retailer's License	Primary	N
25-112(e)(1)	Failure to File a Statement of Expenditures	Secondary	Y
25-113(a)(2)(A)(ii)	Knowingly Allowing Patron to Exit the Premises with an Open Container	Secondary	N
25-113(a)(3)	Selling or Serving Alcohol in a Closed Container	Secondary	Y - Mandatory
25-113(b)(1)	Failure to Keep Kitchen Open Two Hours Before Closing	Secondary	Y - Mandatory
25-113(b)(2)(A)	Failure of Restaurant to File a Quarterly Statement	Secondary	Y - Mandatory
25-113(d)(1)	Failure to Submit a Security Plan	Primary	Y
25-113(e)(4)(A)	Failure of Hotel to File a Quarterly Statement	Secondary	Y - Mandatory
25-113(i)(l)(4)	Failure by Caterer to File and Maintain Records for Inspection	Secondary	Y
25-113(j)(3)	Failure to Obtain Board Approval for Off-Site Storage	Secondary	Y - Mandatory
25-113(j)(3)	Failure to Maintain Records on Premises	Primary	Y - Mandatory
25-113(a)(b)	Failure to Obtain Entertainment Endorsement	Primary	Y
25-113(a)©	Failure to Obtain a Summer Garden or a Sidewalk Café Endorsement	Primary	Y
25-114(a)	Violating Terms of Arena C/X License	Primary	N
25-115(a)	Violating Terms of Temporary License	Primary	N
25-116	Violating Terms of Solicitor's License	Primary	N
25-117	Violating Terms of Brew Pub Permit	Primary	N
25-118	Failure to Obtain Tasting Permit, or Exceeding Scope of Tasting Permit	Primary	N
25-119	Importing Alcohol Without Permit	Primary	Y
25-121	Providing Alcohol Awareness Training Without Board Approval	Secondary	Y
25-123	Violating Terms of Farm Winery License	Primary	N
25-341	Violating Ward 4 Moratorium	Primary	Y
25-342	Violating Ward 7 Special Restrictions	Primary	Y
25-343	Violating Ward 8 Special Restrictions	Primary	Y
25-344	Violating Mt. Pleasant Special Restrictions	Primary	Y
25-345	Violating Ward 2 Restrictions	Primary	Y
25-346	Violating Ward 6 Restrictions	Primary	Y

Section	Description	Violation	Warning
25-371	Allowing Nude Dancing Without a License	Primary	N
25-372	Violating Restrictions on Nude Dancing Performances	Primary	N
25-405	Transfer of Ownership Without Board Approval	Primary	N
25-423(d)	Failure to Maintain Posted Notices (Placards)	Secondary	Y
25-501	Failure to Pay Annual Fee	Primary	Y
25-701	Board-Approved Manager Required	Secondary	Y
25-701(b)	Failure to Notify Board of ABC Manager's Conviction	Secondary	Y - Mandatory
25-702	Failure to Notify Board of Employee's Conviction	Secondary	Y - Mandatory
25-711(a)	Failure to Post and Carry Licenses	Secondary	Y - Mandatory
25-711(b)	Failure to Post Lettering on Front Windows or Door	Secondary	Y - Mandatory
25-711(c)	Failure of Temporary License Holder to Have License Available	Secondary	Y
25-711(d)	Failure of Solicitor to Carry License	Secondary	Y - Mandatory
25-711(e)	Failure of Manager to Carry License	Secondary	Y - Mandatory
25-712	Failure to Post Signs: Warning Re: Pregnancy	Secondary	Y - Mandatory
25-713	Failure to Post Signs: Legal Drinking Age/Valid ID	Secondary	Y - Mandatory
25-721	Sale and Delivery Outside of Allowed Hours for Manufacturer & Wholesaler	Primary	N
25-722	Sale and Delivery Outside of Allowed Hours - Off Premises Licensees	Primary	N
25-723(b)	Sale and Delivery Outside of Allowed Hours - On-Premises Licensees	Primary	N
25-723(d)	Daylight Savings Time Operation Without Notice	Secondary	Y
25-724	Operating After Board Restricted Hours	Primary	N
25-725	Noise from Licensed Establishment	Secondary	N
25-726	Control of Litter, Trash, Garbage, and Proper Disposal of Refuse, Including Cooking Oils	Secondary	Y
25-731	Credit and Delinquency	Secondary	Y
25-733	Delivery and Payment Records and Reports	Secondary	Y
25-734	Sale by Retailer on Credit	Secondary	Y - Mandatory
25-735	Gifts and Loans from Manufacturer	Primary	Y
25-736	Gifts and Loans from Wholesaler	Primary	Y
25-741(a)	Providing Go-Cups at A & B Licensed Establishments	Secondary	Y
25-741(b)	Serving Back-up Drinks to Customers	Secondary	Y
25-742	Solicitation of Drinks by Employee	Secondary	Y
25-743	Tie-in Purchases Prohibited	Primary	Y
25-751	Limitations on Container Size	Secondary	Y
25-752	Containers to be Labeled	Secondary	Y

Section	Description	Violation	Warning
25-753	Keg Registration Required	Primary	N
25-754	Violating Beverage Storage Restrictions	Primary	Y
25-761	Structural Requirements	Secondary	Y
25-762(b)(1)	Failure to Obtain Approval to Increase Occupancy or the Use of Interior Space	Primary	Y
25-762(b)(2)	Failure to Obtain Approval to Expand Exterior Public or Private Space Including Summer Gardens or Sidewalk Cafes	Primary	Y
25-762(b)(3)	Failure to Obtain Approval to Expand to Another Floor, Roof, or Deck	Primary	Y
25-762(b)(4)	Failure to Obtain Approval to Provide For or Expand Entertainment Area	Secondary	Y
25-762(b)(5)	Failure to Obtain Approval to Diminish or Expand Dining or Food Prep Area	Secondary	Y
25-762(b)(6)	Failure to Obtain Approval to Provide Permanent Space for Dancing	Primary	Y
25-762(b)(7)	Failure to Obtain Approval to Change Exterior Design	Secondary	Y
25-762(b)(8)	Failure to Obtain Approval to Provide Music or Entertainment if None Previously.	Primary	N
25-762(b)(9)	Failure to Obtain Approval to Change from Recorded to Live Music or Live Entertainment or Change the Kind of Music or Entertainment Provided	Secondary	Y - Mandatory
25-762 (b)(10)	Failure to Obtain Approval to Change Entertainment to Include Nude Performances	Primary	N
25-762(b)(11)	Failure to Obtain Approval to Change From Full Menu to Snack Menu	Secondary	Y - Mandatory
25-762(b)(12)	Failure to Obtain Approval to Change On-Premises to Carry-out	Primary	Y
25-762(b)(12)	Failure to Obtain Approval to Change On-Premises to Add Carry Out	Secondary	Y
25-762(b)(13)	Failure to Obtain Approval to Extend Hours of Operation	Primary	N
25-762(b)(14)	Failure to Obtain Approval to Provide New Mechanical or Electronic Entertainment	Secondary	Y
25-762(b)(15)	Failure to Obtain Approval to Change Trade Name or Corp Name With Ownership Change	Secondary	Y - Mandatory
25-762(b)(16)	Failure to Obtain Approval to Change Booth Size	Secondary	Y - Mandatory
25-762(b)(17)	Failure to Obtain Approval to Reduce Number of Toilet Facilities	Secondary	Y - Mandatory

Section	Description	Violation	Warning
25-762(b)(18)	Failure to Obtain Approval to Increase Number of Vessels Under On-Premises	Primary	N
25-763	Restrictions on Use of Signs	Secondary	Y - Mandatory
25-764	Advertisements Related to Alcohol	Secondary	Y - Mandatory
25-765	Advertisements on Windows and Doors	Secondary	Y - Mandatory
25-766	Prohibited Statements	Secondary	Y
25-771	Reporting by Manufacturers	Secondary	Y
25-772	Unlawful Importation of Beverages	Primary	Y
25-781	Sale to Minors or Intoxicated Persons - Egregious	Primary	Y
25-781	Sale to Minors or Intoxicated Persons - Non-egregious	Primary	Y - Mandatory
25-782(a)	Restrictions on Minors Entrance into Class A	Primary	Y
25-782(d)	Denying Admittance to Someone of Legal Drinking Age	Secondary	Y
25-783(a)	Sale to Someone Who Fails to Produce a Valid ID	Primary	Y
25-783(b)	Failure to Take Reasonable Steps to Ascertain Legal Age	Primary	Y
25-784(a)	Prohibit Persons Under 21 From Sell, Give, Furnish or Distribute, Except as Provided in 25-784(b)	Secondary	Y
25-784(b)	18-20 Person May Sell, Serve or Deliver, But May Not Bartend	Secondary	Y
25-791(a)	Failure to Surrender License Into Safekeeping	Secondary	Y – Mandatory
25-797(a)	Failure to Control Licensed Establishment	Primary	N
25-797(b)	Allowing Third Party or Promoter to Provide Security	Primary	N
25-802	Failure to Allow Examination of Premises, Books and Records	Primary	N
25-823(1)	Violation of Any Law Outside of Title 25 of the District of Columbia Code or Title 23 of the District of Columbia Municipal Regulations	Primary	Y
25-823(2)	Allowing Establishment to be Used for an Unlawful or Disorderly Purpose	Primary	N
25-823(3)	Failure by Owner or ABC Manager to Superintend Licensed Business	Secondary	N
25-823(4)	Allowing Employees or Agents to Engage in Prostitution, Sexual Acts, or Sexual Contact	Primary	N
25-823(5)	Failure to Allow/Delays ABRA or MPD to Inspect Premises or Books and Records, or Otherwise Interferes With an Investigation	Primary	N
25-823(6)	Failure to Follow Settlement Agreement	Secondary	Y
25-823(6)	Failure to Follow Security Plan	Primary	Y

Section	Description	Violation	Warning
25-823(6)	Failure to Follow a Board Order	Primary	N
25-828(c)	Licensee Defaces Notice of Suspension Placard	Secondary	N
25-830(i)	Selling or Serving Alcohol on a Suspended or Expired License or License Held in Safekeeping	Primary	N
25-830(j)	Failure to Comply with Either of the Food Requirements	Primary	Y
23 DCMR 205.2	Failure to Obtain Storage Permit	Secondary	Y
23 DCMR 206.2	Retailer's Class DR or DT With Common Dining Area Fails to Sell Alcoholic Beverages in Containers Identifiable With Business	Secondary	Y
23 DCMR 206.4	Off-premise Retailer Class A or Class B failed to Inform Board in Application of Table Use	Secondary	Y - Mandatory
23 DCMR 208.19	Submission of Knowingly False or Misleading Affidavit	Primary	N
23 DCMR 600.1	Change Trade Name without Board Approval	Secondary	Y - Mandatory
23 DCMR 600.1	Change Corporate Name Without Board Approval	Secondary	Y - Mandatory
23 DCMR 600.3	Area Identified by Trade Name Inaccessible to Patrons	Secondary	Y
23 DCMR 601	Failure to Notify Board of Change in Ownership, Corporate Officers, or Partners	Secondary	Y
23 DCMR 702.3	Private Club Open to Public	Primary	Y
23 DCMR 705.9	Retailer's Class C, D, F, G, or Caterer Permits the Consumption of Alcoholic Beverages After Hours	Primary	N
23 DCMR 706	Remaining Open Without Securing Beverages or Having an ABC Manager or Owner Present	Secondary	N
23-707.1	Licensee or Board Approved Manager on Licensed Premises During Hours of Sale, Service or Consumption	Secondary	N
23 DCMR 710.2	Minimum Charge Greater Than Value of Food or Beverage	Secondary	Y - Mandatory
23 DCMR 710.4	Failure to Post Sign Indicating Minimum Charge	Secondary	Y - Mandatory
23 DCMR 712	Hosting a Pub Crawl Without Board Approval or in a Manner Other Than as Approved by the Board	Primary	Y
23 DCMR 717.1	Permitting Alcoholic Beverages Brought by Consumer to be Removed From Premises	Secondary	Y

Section	Description	Violation	Warning
23 DCMR 717.2	Corking Fee	Secondary	Y
23 DCMR 719.1	Sign re: Drinking and Driving	Secondary	Y - Mandatory
23 DCMR 900	Primary American Source of Supply	Primary	Y
23 DCMR 901	Beer Labeling	Secondary	Y
23 DCMR 902	Open Container or Package in Vehicle	Primary	N
23 DCMR 905	Discriminatory Admittance Requirements	Secondary	Y
23 DCMR 1002	Cover Charge Without Entertainment Endorsement	Secondary	Y
23 DCMR 1204	Failure to Keep and Maintain Delivery Slips	Primary	Y
23 DCMR 1206	Failure of Manufacturer Class A to Submit Monthly Report	Secondary	Y - Mandatory
23 DCMR 1207.1	Failure to File Quarterly Statements	Secondary	Y - Mandatory
23 DCMR 1207.5	Failure to File Annual Reports	Secondary	Y
23 DCMR 1208	Failure of the Licensee to Keep or Maintain its Books, Records, or Invoices.	Primary	Y
23 DCMR 1303	Failure to Properly Transport Alcoholic Beverages in a Vehicle	Secondary	Y
23 DCMR 2000.1	The Selling, Delivering, or Serving of Alcoholic Beverages at a Catered Event Where Snack Items Are the Only Food Products Served by the Caterer	Primary	N
23 DCMR 2000.2	Caterer or Designated Manager on Premises of Event	Secondary	Y
23 DCMR 2000.3	Submission of False or Misleading Affidavit	Primary	N
23 DCMR 2002.1	Purchase of Alcoholic Beverages by Caterers	Secondary	Y
23 DCMR 2002.2	Failure to Maintain Caterer Records	Primary	N
23 DCMR 2003.1	Improper Storage of Alcoholic Beverages by Caterer	Primary	Y
23 DCMR 2004.1	Importation and Transportation of Alcoholic Beverages by Caterer	Primary	Y
23 DCMR 2004.2	Removal of Unsealed Container by Caterer	Secondary	Y
23 DCMR 2004.3	Storage of Unopened Alcoholic Beverage by Caterer	Primary	Y
23 DCMR 2005.1	Caterer: No ABC Manager Present	Secondary	N

Section	Description	Violation	Warning
23 DCMR 2005.2	Caterer: No License Available for Public Inspection	Secondary	Y
23 DCMR 2006.1	Failure to File Caterer Report	Secondary	Y - Mandatory
23 DCMR 2006.2	Caterer: False or Misleading Information in Report	Primary	N
23 DCMR 2006.5	Caterer: Failure to Timely File Report	Secondary	Y - Mandatory

- 800.1 The penalties contained under this section shall become effective 5 days after publication in the *District of Columbia Register*.
- 800.2 None of the descriptions contained in Subsection 800.2 shall be construed to expand, limit, or define any specific violation.
- 800.3 Whether violations are classified as primary tier or secondary tier shall be determined with reference to the ABRA civil penalty schedule in effect when the violation was committed.

Section 801, PRIMARY TIER VIOLATIONS, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended to read as follows:

801. PRIMARY TIER VIOLATIONS.

- 801.1 The Board may fine a licensee for a primary tier violation at a show cause hearing scheduled pursuant to the notice requirements set forth in § 1604 as follows:
 - (a) For the first primary tier violation, the fine shall be \$ 1000-\$ 2000.
 - (b) For the second primary tier violation within two years, the fine shall be \$ 2,000-\$ 4,000.
 - (c) For the third primary tier violation in three years, the fine shall be \$ 4,000-\$ 6,000.
 - (d) For the fourth primary tier violation in four years, the ABC license shall be revoked or fined no less than \$30,000 and suspended for 30 consecutive days.
 - (e) For the fifth primary tier violation in four years, the ABC license shall be revoked.

Section 803, CITATIONS FOR PRIMARY TIER VIOLATIONS, of Chapter 8,

ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended to read as follows:

803. CITATIONS FOR PRIMARY TIER VIOLATIONS.

803.1 ABRA investigators or Metropolitan Police Department Officers (“MPD Officer”) shall issue citations, pursuant to D. C. Official Code § 25-801(b), for primary tier violations as follows:

- (a) For the first primary tier violation, the fine shall be \$ 1000.
- (b) For the second primary tier violation within two years, the fine shall be \$ 2,000.
- (c) For the third primary tier violation in three years, the fine shall be \$ 4,000.
- (d) For the fourth or fifth primary tier violation in four years, the violation shall be referred to the Board for a show cause hearing pursuant to § 1604.

Section 805, WARNINGS, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended to read as follows:

805. WARNINGS.

805.1 An ABRA investigator or MPD Officer is not precluded from issuing an administrative written warning before the issuance of a citation for a violation as permitted by § 800 of this title.

805.2 In not less than ten (10) business days following the issuance of an administrative written warning, an ABRA investigator shall conduct a subsequent inspection of the licensed premises to ensure that the licensee has taken corrective action for the violation found for which the administrative written warning was issued. If corrections to violations that resulted in the issuance of the administrative written warning are not completed at the time of the subsequent inspection, the ABRA investigator shall issue the licensee a citation or refer the matter to the ABC Board if (1) the licensee observes other violations that are not entitled to a warning or (2) the licensee already has three or more secondary tier violations.

805.3 A licensee entitled to a mandatory administrative written warning for a first violation shall not be entitled to a mandatory administrative written warning for a second or subsequent violation of the same offense. There shall be no expiration period on this subsection’s prohibition against issuing a mandatory administrative written warning for a subsequent violation of the same offense.

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF FINAL RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under Sections 5 and 18 of Mayor-Commissioner Regulation No. 74-39, effective December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293), Reorganization Plan No. 1 of 1986, effective August 21, 1986, the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), and Mayor's Order 2010-91, dated May 27, 2010; Sections 101(b), 2002(b), and 2 of the Omnibus Regulatory Reform Amendment Act of 1998, effective April 29, 1998 (D.C. Law 12-86; D.C. Official Code §§ 47-2851.04(c)(1), 47-2851.05(d), and 47-2851.12 (2005 Repl. & 2012 Supp.)); Sections 104 and 105 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 §§ 2-1801.04 and 2-1801.05 (2007 Repl. & 2012 Supp.)); and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice the adoption of a new Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR), and amendments to Chapter 5 (Basic Business License Schedule of Fees) of DCMR Title 17 (Business, Occupations and Professions), and to Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of DCMR Title 16 (Consumers, Commercial Practices, and Civil Infractions).

This rulemaking amends vending regulations in order to achieve the safe, efficient, and effective management of vending throughout the District of Columbia. This rulemaking amends the name of the chapter and includes provisions governing vending licensure, vendor operations, the designation of sidewalk and roadway vending locations, public markets, vending development zones, street photography, and solicitation from the public space. In addition, the rulemaking amends fee for a Class C business license and establishes a schedule of fines for vending business license civil infractions.

A Corrected Fourth Notice of Proposed Rulemaking was previously published in the *D.C. Register* on March 15, 2013 (60 DCR 3638) and submitted to the Council of the District of Columbia as a proposed resolution, the Vending Business License Regulation Resolution of 2013 (P.R.20-125).

On June 4, 2013, the Council of the District of Columbia passed the Vending Regulation Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-84; 60 DCR 9534). As a result of this emergency legislation, the Council approved the following sections of the Corrected Fourth Notice of Proposed Rulemaking:

- DCMR Title 24 Sections 500 through 512;
- Sections 521 through 532;
- Sections 544 through 548; and
- Sections 550 through 599.

This Notice of Final Rulemaking incorporates those enumerated sections without any substantive changes.

On June 18, 2013, the Council of the District of Columbia passed the Vending Regulation Second Emergency Amendment Act of 2013, effective June 20, 2013 (D.C. Act 20-90; 60 DCR 9551). As a result of this emergency legislation, the Council approved, disapproved, and amended various sections of the Corrected Fourth Notice of Proposed Rulemaking.

The following sections of the Corrected Fourth Notice of Proposed Rulemaking were approved by Council:

- DCMR Title 24, Sections 513 through 519.1 and Sections 533 through 543;
- DCMR Title 17, Subsection 516.1; and
- DCMR Title 16, Chapter 33.

The following sections of the Corrected Fourth Notice of Proposed Rulemaking were disapproved by Council:

- DCMR Title 24, Subsections 519.2 and 519.3 (Health Inspection Certificate: Issuance);
- Section 520 (Health Inspection Certificate: Summary Suspension); and
- Section 549 (Design Standards: Advertising).

The following sections of the Corrected Fourth Notice of Proposed Rulemaking were amended by Council:

- DCMR Title 24, Subsection 533.7 (Vending Locations: Mobile Roadway Vending Locations: General) was amended by striking the phrase “five hundred feet (500 ft.)” and inserting the phrase “two hundred feet (200 ft.) or directly across the street” in its place;
- DCMR Title 24, Subsection 535.2(c) (Vending Locations: Mobile Roadway Vending Locations: Additional Locations) was amended to read “Where the adjacent unobstructed sidewalk is less than six feet (6 ft.) wide; provided, that for purposes of this subsection, a permeable or point obstruction, such as a parking meter, is not considered an obstruction;”;
- DCMR Title 16, Subsection 3313.1 (Class 1 civil infractions) was amended to strike the second Subsection (e) and insert a new Subsection (f) to read “24 DCMR § 535.1(a) (vending in a legal parking space that meets the requirements of § 535.2)”;
- DCMR Title 16, Subsection 3313.4 (Class 5 civil infractions) was amended to insert a new Subsection (e) to read “24 DCMR § 535.1(b) (failure to pay all parking meter fees) and (c) (failure to obey all posted time restrictions);”.

This Notice of Final Rulemaking incorporates those enumerated sections as approved, disapproved, or amended by Council.

Additionally, this Notice of Final Rulemaking further clarifies 24 DCMR 5, Subsection 535.2(c) to explain the types of sidewalk objects that are obstructions for purposes of mobile roadway vending at locations outside designated Mobile Roadway Vending locations.

The City Administrator took final action on these rules on September 9, 2013. After publication of these final rules in the *D.C. Register*, they will become effective on October 1, 2013.

Chapter 5 (Vendors and Solicitors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations is amended to read as follows:

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SUBCHAPTER A: GENERAL PROVISIONS**500 PURPOSE**

- 500.1 The provisions of this chapter are issued pursuant to the authority under Sections 5 and 18 of Mayor-Commissioner Regulation No. 74-39, enacted December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293); Reorganization Plan No. 1 of 1986, effective August 21, 1986; the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619); and Mayor's Order 2010-91, dated May 27, 2010.
- 500.2 This chapter shall regulate the implementation and execution of the vending and soliciting laws and related health, traffic, and safety concerns of the District and its citizens.
- 500.3 Nothing in this chapter is intended to interfere with the exercise of activities pursuant to the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 *et seq.* (2008 Repl.)).

501 AGENCY RESPONSIBILITIES

- 501.1 The Director of the Department of Consumer and Regulatory Affairs (DCRA Director) shall be responsible for:
- (a) Coordinating all vending activities in the District of Columbia;
 - (b) Reviewing applications for, and issuing, Vending Business Licenses to vendors in the District;
 - (c) Distributing Vending Site Permits for Vending Locations approved by the District Department of Transportation (DDOT) Director (DDOT Director) as meeting the standards established by the DDOT Director, pursuant to §§ 525, 532, and 535;
 - (d) Enforcing this chapter's provisions, including the requirement that vendors vend only from their assigned Vending Locations; provided, that the Department of Health (DOH) Director (DOH Director) shall be responsible for the application and enforcement of Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR) to food vendors holding Class A and Class C Vending Business Licenses;
 - (e) Creating and maintaining a database of all vendors issued Vending Business Licenses, including any specific Vending Location assigned to each vendor;

- (f) Designating the categories of merchandise or services that may be vended under a specific class of Vending Business License and, where authorized under this chapter, designating specific categories of merchandise or services that may be vended at a specific Vending Location;
- (g) Establishing the authorized hours of operation for vendors and, where authorized under this chapter, establishing specific hours of operation at a specific Vending Location; and
- (h) Establishing standards regarding the design, maintenance, and operations of vendors and vending equipment.

501.2 The DDOT Director shall be responsible for:

- (a) Designating, modifying, and waiving, as appropriate, the standards for Vending Locations, pursuant to § 524, § 532, and §§ 533 through 537;
- (b) Approving locations on public space where public markets may be located and issuing public space permits for public markets on public space;
- (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.3 The Metropolitan Police Department (MPD) shall be responsible for:

- (a) Enforcing District laws and regulations prohibiting unlicensed vending activities;
- (b) Enforcing any criminal laws, including laws regarding assault, harassment, and intimidation, in connection with vending; and
- (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.4 The DOH Director shall be responsible for:

- (a) Designating the categories of food that may be vended in accordance with Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR);
- (b) Reviewing and either approving or denying applications for food vendors holding Class A and Class C Vending Business Licenses or other certificates of authority required in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR for the vending of food from public or private spaces;
- (c) Inspecting food vending operations and vending depots in accordance with Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

- (d) Enforcing the application of Subtitle A (Food and Food Operations) of Title 25 of the DCMR to food vendors.

501.5 The Fire and Emergency Medical Services Department (FEMS) shall be responsible for:

- (a) Reviewing and issuing permits for the use of open flame and propane gas in food vending operations and conducting fire safety-related inspections of vending businesses; and
- (b) Enforcing District laws and regulations pertaining to any operational permits required under Subtitle H (Fire Code Supplement) of Title 12 of the DCMR.

SUBCHAPTER B: VENDING LICENSES, PERMITS, AND OTHER AUTHORIZATIONS

502 GENERAL LICENSURE REQUIREMENTS

502.1 No person shall vend any product, service, or merchandise from public space in the District of Columbia without obtaining and maintaining a valid:

- (a) Basic business license for vending (Vending Business License) issued by the DCRA Director, except as provided by § 502.3;
- (b) Vending Site Permit assigned pursuant to § 508 if the vendor is located on a public sidewalk, pursuant to § 530 if the vendor is a Stationary Roadway Vendor, or pursuant to § 533 if the vendor is a Mobile Roadway Vendor.

502.2 In addition to the requirements specified in § 502, no person shall vend food from public or private space in the District of Columbia without obtaining and maintaining a valid:

- (a) Health inspection certificate issued by the DOH Director;
- (b) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.1 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;
- (c) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; provided, that a vendor without such certification may employ a person who holds a valid:
 - (1) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.3 of

Subtitle A (Food and Food Operations) of Title 25 of the DCMR;
and

(2) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

(d) Required food safety analyses and plans in accordance with § 3701 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(e) Permit from FEMS, if the vendor uses propane gas, open flames, or solid fuels such as wood pellets or charcoal.

502.3 The licenses and permits required under §§ 502.1 and 502.2 shall be subject to any conditions imposed by the District agency issuing or assigning the license, permit, or certificate.

502.4 A Vending Business License shall not be required for:

(a) Employees of licensed vendors, but such employees shall be required to obtain and display at all times a Vendor Employee Identification Badge pursuant to § 564.1;

(b) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Public Market, as that term is defined in § 541 A individual under eighteen (18) years of age, if the person holds a valid permit or other form of authorization issued by the District of Columbia Public Schools and is accompanied by a licensed vendor;

(c) Certain vending activities authorized by the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 *et seq.* (2008 Repl.)); or

(d) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event, as that term is defined in § 599.

502.5 A Vending Business License is issued only to the licensee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

503 VENDING BUSINESS LICENSE: CLASSES OF LICENSES

503.1 The DCRA Director shall issue the following classes of Vending Business Licenses:

(a) Class A Licenses – A Class A Vending Business License shall authorize a person to vend food, other than food prohibited from public or private space under § 503.3(a) or (m); provided, that the vendor holds any food

licenses and certificates required under Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

- (b) Class B Licenses – A Class B Vending Business License shall authorize a person to vend merchandise, other than food and merchandise prohibited from public space under § 503.3. For the purposes of this subsection, the term “merchandise” shall include non-hazardous and non-controlled cut flowers, dried flowers, and potted plants;
- (c) Class C Licenses – A Class C Vending Business License shall authorize a person to manage public markets on public or private space for the sale of agricultural goods and other farm products, or other food as designated by the DOH Director, and other non-food merchandise or services as designated by the DCRA Director; and
- (d) Class D Licenses – A Class D Vending Business License shall authorize a person to vend services from public space, including photography, shoe shining, and other such services as the DCRA Director designates.

503.2 No person shall vend any items other than those allowed under the particular class of Vending Business License issued to the person.

503.3 No vendor shall sell or public market manager allow the sale of the following categories of merchandise or food:

- (a) Live animals;
- (b) Power tools;
- (c) Luggage exceeding six inches by eighteen inches by twenty inches (6 in. x 18 in. x 20 in.);
- (d) Rugs and carpets exceeding the surface area of the vendor’s vending cart or stand;
- (e) Household appliances, including refrigerators, microwave ovens, dishwashers, stoves, and televisions with screen sizes greater than seven inches (7 in.);
- (f) Alcoholic beverages or other alcoholic items for consumption;
- (g) Any drug, medicine, chemical, or compound or combination thereof restricted by the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, effective September 16, 1980 (D.C. Law 3-98; D.C. Official Code §§ 47-2885.01 *et seq.* (2005 Repl.));

- (h) A controlled substance as defined in § 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4) (2009 Repl.));
- (i) Drug paraphernalia, as the term is defined in § 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101(3) (2009 Repl. & 2012 Supp.));
- (j) Any merchandise that is pornographic or obscene;
- (k) Any counterfeit merchandise;
- (l) Any adulterated food, as the term is defined in § 9901 of Title 25, Subtitle A (Food and Food Operations) of the DCMR;
- (m) Categories of foods that are determined by DOH to be not “generally recognized as safe” (GRAS) as interpreted by the United States Food and Drug Administration (FDA); and
- (n) Any plants, other than non-controlled and non-hazardous cut flowers, dried flowers, and potted plants.

504 VENDING BUSINESS LICENSE: APPLICATION AND FEES

504.1 An applicant for a Vending Business License shall meet all applicable business licensing criteria, shall file an application with DCRA, and shall pay all applicable fees.

504.2 Application for a Vending Business License shall be made on a form prescribed by DCRA and shall include the following information:

- (a) The name and address of the owner of the vending business;
- (b) The class(es) of Vending Business License being sought;
- (c) A description of the type of merchandise or service to be offered for sale;
- (d) A description of the vending vehicle, vending cart, or vending stand to be used (not applicable to Class C license applicants), including an eight inch by ten inch (8 in. x 10 in.) color photograph of such vehicle, cart, or stand, if available at the time of application or when approved pursuant to § 570 as part of a vending development zone;
- (e) An indication of the Vending Locations the applicant wishes to occupy, in their order of preference (not applicable to Class C license applicants);
- (f) A Clean Hands Certification;

- (g) A copy of the applicant's certificate of registration, issued by the Office of Tax and Revenue, designating the applicant's sales and use tax number;
- (h) If the applicant is not a resident of the District of Columbia:
 - (1) The name and address of a registered agent upon whom service of process and other legal notices may be delivered; or
 - (2) A designation of the Mayor as the person who may accept service of process as well as other legal notices directed to the applicant;
- (i) If the applicant is applying for a Class A or Class C license, the applicant shall complete all forms required by:
 - (1) DCRA, as specified in §§ 504.1 and 504.2; and
 - (2) DOH, as specified in § 502.2;
- (j) A valid telephone number;
- (k) A passport-sized color photograph of the applicant, if the applicant himself or herself will be vending; and
- (l) Any additional information required by the DCRA Director or by the DOH Director for Class A or Class C licenses.

504.3

The DCRA Director shall not issue a Vending Business License if:

- (a) The applicant's Vending Business License has been revoked within the past one (1) year;
- (b) The application for renewal of a Vending Business License has been denied under § 507; or
- (c) The applicant has been:
 - (1) Convicted for vending without a license;
 - (2) Issued a notice of infraction by DCRA for vending without a license;
 - (3) Convicted for a criminal offense committed while vending with a license;
 - (4) Issued a notice of infraction by DOH for vending without a food vending license; or
 - (5) Failed to pay fines for violations of Subtitle A (Food and Food Operations) of Title 25 of the DCMR issued by DOH.

- 504.4 An applicant whose license application is rejected pursuant to §§ 504.3(a), (b), or (c)(1) through (c)(3) shall not be eligible to receive a Vending Business License until one (1) year after the date of the revocation, denial, arrest, ticket, or notice of infraction.
- 504.5 An applicant must be at least eighteen (18) years of age to be eligible to be issued a Vending Business License; provided, that such age restriction shall not preclude an individual from becoming an employee of a duly licensed Vendor and being issued a Vendor Employee Identification Badge pursuant to § 564.
- 504.6 In addition to the application and endorsement fees for a basic business license, the fees charged for Vending Business Licenses shall be in the amounts listed in Chapter 5 (Basic Business License Schedule of Fees) of Title 17 of the DCMR.

505 VENDING BUSINESS LICENSE: ISSUANCE

- 505.1 Within forty-five (45) days of filing a complete application for a Vending Business License, the applicant shall be notified by the DCRA Director of the issuance or denial of the license.
- 505.2 If the application is approved, the DCRA Director shall issue a Vending Business License to the applicant; provided, that if the applicant has applied for a Class A or Class C Vending Business License, no license shall be issued by the DCRA Director until the applicant has received all necessary licenses, permits, and authorizations from DOH and any other District agency.
- 505.3 The Vending Business License shall include the vendor's name, the class of license, and the date of expiration.
- 505.4 All Vending Business Licenses shall be valid for two (2) years from the date of issuance, unless the DCRA Director designates another time period in writing.
- 505.5 If the application is denied, the DCRA Director shall follow the procedures set forth in § 507.
- 505.6 The DCRA Director and DOH Director shall return an incomplete application to the applicant without either approving or denying the application.
- 505.7 A Vending Business License will not be issued until a Vending Location has been designated pursuant to §§ 538-540.

506 VENDING BUSINESS LICENSE: EXPIRATION AND RENEWAL

- 506.1 Each Vending Business License shall be valid for the period designated on the license, unless the license is earlier revoked, suspended, or seized.

- 506.2 Not less than forty-five (45) days before the expiration of a Vending Business License, the licensee shall submit a renewal application to DCRA on a form prescribed by the DCRA Director, and by the DOH Director if vending food, as specified in § 504.2(i).
- 506.3 No application to renew a Vending Business License shall be approved if the applicant does not hold the valid licenses, permits, and registrations required for an initial applicant for a Vending Business License under § 504.
- 506.4 If the license renewal application is not approved, the DCRA Director shall follow the procedures set forth in § 507.
- 506.5 Upon the expiration of a person's Vending Business License, the DCRA Director may seize that person's Vending Business License, Vending Site Permit, health inspection certificate, and FEMS propane and open flame permit.

507 VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

- 507.1 The DCRA Director may revoke or suspend a Vending Business License, or deny an application for the issuance or renewal of a Vending Business License, for any of the following:
- (a) Fraud, misrepresentation, or false statements contained in the license application;
 - (b) Fraud, misrepresentation, or false statements made in connection with the selling of any product, service, or merchandise, as determined by the DCRA Director, or the misrepresentation or adulteration of food, as determined by the DOH Director;
 - (c) Violation of any District law or regulation governing the operation of the vending business, including, but not limited to:
 - (1) The possession or sale of counterfeit merchandise; or
 - (2) The offering for sale of illegal goods, substances, or services;
 - (d) The vendor is vending at a location other than the vendor's assigned Vending Location;
 - (e) Violations of the Clean Hands Certification requirements;
 - (f) Fraud committed against the District government, such as failure to pay required sales and use taxes, or attempting to transfer a Vending Business License, Vending Site Permit, or a Mobile Roadway Vending Site Permit to another person in violation of §§ 502.5, 510.4, and 514.3, respectively;

- (g) The vendor is found to have committed the same violation of the following sections of this chapter six (6) or more times in a continuous twelve (12) month period:
 - (1) §§ 544 through 554;
 - (2) §§ 556 through 568; or
 - (3) § 571; or
- (h) The vendor is found to have violated § 555 of this chapter.

507.2 The DCRA Director may summarily suspend and seize a Vending Business License, without prior notice to the vendor or an opportunity to be heard, for:

- (a) The possession, sale, or offering for sale of counterfeit merchandise;
- (b) The sale of adulterated food, as the term is defined in § 9901 of Subtitle A of Title 25 of the DCMR, when a determination is made by the DOH Director that the food is adulterated;
- (c) Failure to provide all required certificates of authority upon demand by an authorized District government official;
- (d) Any activity or condition that constitutes a threat to the public health or safety, including the health or safety of the vendor; or
- (e) Failure to pay fines assessed by the Office of Administrative Hearings for violations of Subtitle A of Title 25 of the DCMR issued by DOH.

507.3 Except for a summary suspension or seizure pursuant to § 507.2, upon the suspension or revocation of a vendor's Vending Business License under this section, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings.

507.4 If a person's Vending Business License is summarily suspended pursuant to § 507.2, or pursuant to DCMR Title 25, Subtitle A, § 4409 by the DOH Director for Food Code violations, or if a person's application for initial issuance or renewal of a license is denied, the person may appeal the summary suspension or denial to the Office of Administrative Hearings.

507.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) business days prior to the date of the hearing.

- 507.6 Upon revocation or suspension, including summary suspension, of a person's Vending Business License, the DCRA Director may immediately seize the person's Vending Business License and Vending Site Permit.
- 507.7 A vendor shall surrender his or her Vending Business License and Vending Site Permit within seven (7) days from the date of the receipt of the notice in § 507.5.
- 507.8 If a person's Vending Business License is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to the Office of Tax and Revenue, DDOT, MPD, and, if the business holds a Class A License, to DOH.
- 507.9 If a person's Vending Business License is summarily suspended or seized pursuant to § 507.2(e) and in accordance with DCMR Title 25, Subtitle A, § 4714, the DOH Director shall provide notice of the summary suspension or seizure to DCRA, the Office of Tax and Revenue, DDOT, and MPD.

508 VENDING SITE PERMIT: GENERAL REQUIREMENTS AND FEES

- 508.1 No person may vend from the public space in the District of Columbia without a Vending Site Permit issued by the DCRA Director pursuant to this chapter; provided, that a holder of a Class C Vending License may manage vendors from public space upon the issuance of a public space permit to the holder by DDOT and Mobile Roadway Vending vehicles may vend pursuant to § 533.
- 508.2 A Vending Site Permit shall not be required for:
- (a) Persons authorized to sell products, merchandise, food, or services at a licensed Public Market or;
 - (b) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event.
- 508.3 The Vending Site Permit shall authorize the permittee to occupy a specific Vending Location for the purpose of vending.
- 508.4 A vendor may vend only at the assigned Vending Location stated on his or her Vending Site Permit.
- 508.5 In addition to the authorities cited in § 524, the DCRA Director, the DDOT Director, or MPD may eliminate a Vending Location without prior notice for public safety or transportation reasons, construction requirements, or Special Event operations.
- 508.6 The DCRA Director may revoke a Vending Site Permit and require the previously permitted vendor to vacate his or her Vending Location or relocate to another Vending Location pursuant to § 512.

508.7 The annual fee for a Vending Site Permit for sidewalk vending locations shall be six hundred dollars (\$600).

508.8 The fee for a monthly Vending Site Permit in the Nationals Park Vending Zone shall be one hundred twenty-five dollars (\$125) per monthly lottery, as described in § 529.

508.9 The fee for a monthly Vending Site Permit for stationary roadway vending at Vending Locations designated by § 530 shall be four hundred and fifty dollars (\$450) per monthly lottery.

508.10 The annual fee for a Mobile Roadway Vending site permit shall be three hundred dollars (\$300) as described in § 533.

509 VENDING SITE PERMIT: APPLICATION

509.1 A person shall submit an application for a Vending Site Permit to the DCRA Director with the person’s application for an initial Vending Business License.

509.2 A licensed vendor may submit an application for a Vending Site Permit to the DCRA Director separately from an application for a Vending Business License if:

- (a) The vendor is seeking to change his or her Vending Location; or
- (b) The vendor is seeking to add an additional Vending Location.

509.3 The application for a Vending Site Permit shall be made on a form prescribed by the DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

510 VENDING SITE PERMIT: ISSUANCE

510.1 Upon the submission of a completed application, the DCRA Director shall issue a Vending Site Permit if:

- (a) The applicant holds:
 - (1) A valid Vending Business License; or
 - (2) A current receipt for payment of all relevant Vending Business License fees;
- (b) The applicant has identified and applied for a Vending Site Permit for a Vending Location that meets DDOT standards, pursuant to §§ 524-528, or through the creation of a Vending Development Zone, pursuant to § 570;

- (c) A vendor shall have a right of preference for the issuance of a Vending Site Permit for a Vending Location if:
 - (1) The individual received a site permit for the same location pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 3037);
 - (2) The individual has vended in the location continuously and exclusively without sale, assignment, transfer, or other conveyance of the location to another vendor or individual, whether sold, assigned, transferred, or conveyed for money or anything else of value; and
 - (3) The vendor is vending in a location that is in compliance with this chapter;
- (d) The merchandise, food, or services is authorized to be vended at the available Vending Location;
- (e) The applicant provides a Clean Hands Certification; and
- (f) The applicant has paid all the required fees.
- (g) The DCRA Director may use a lottery to assign Vending Site Permits for designated unoccupied Vending locations, if necessary.

510.2 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.

510.3 The Vending Site Permit shall delineate the specific site, zone, dates and times of validity.

510.4 A Vending Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

511 VENDING SITE PERMIT: EXPIRATION AND RENEWAL

511.1 A Vending Site Permit, other than for stationary roadway vending or Nationals Park Vending Zone vending sites, shall be issued for a term of one (1) year unless another time period is designated in writing by the DCRA Director.

511.2 A vendor shall apply for renewal of the vendor’s Vending Site Permit, other than for stationary roadway vending or Nationals Park Vending Zone vending sites, at least forty-five (45) days prior to the expiration date on the permit.

511.3 Upon expiration of a vendor's Vending Site Permit and in the absence of an application to renew the permit, the Vending Site Permit shall no longer be valid and the vendor shall immediately surrender the Vending Site Permit to the DCRA Director. If the Vending Site Permit is not immediately surrendered, the DCRA Director may seize the expired Vending Site Permit. If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant to § 568.

512 VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

512.1 The DCRA Director may summarily revoke or suspend a Vending Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if:

- (a) The Vending Location associated with the Vending Site Permit is not eligible for authorization as a Vending Location under this chapter or any other applicable law or regulation;
- (b) The DDOT Director has eliminated the Vending Location associated with the Vending Site Permit;
- (c) The Vending Location, or the vending-related activities at the Vending Location, constitute a threat to public safety; or
- (d) The vendor is operating in a manner that is in violation of the terms or conditions of the Vending Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the Vending Site Permit to another person.

512.2 Except for a summary revocation or suspension pursuant to § 512.1, upon the suspension or revocation of a vendor's Vending Site Permit, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings, and may immediately seize the Vending Site Permit and Vending Business License, pursuant to § 511.3.

512.3 If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 568.

512.4 If a vendor's Vending Site Permit is summarily suspended or revoked by the DCRA Director pursuant to § 512.1, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.

- 512.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.
- 512.6 A vendor’s Vending Site Permit may be suspended or revoked if the vendor has not conducted any vending for six (6) months at the Vending Location associated with the Vending Site Permit; provided, that this provision shall not apply to a vendor who has placed his or her Vending Business License on hold pursuant to § 568.
- 512.7 If a vendor’s Vending Business License is suspended or revoked, any Vending Site Permit associated with that Vending Business License shall also be suspended or revoked.
- 512.8 If a person’s Vending Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

513 MOBILE ROADWAY VENDING SITE PERMIT: APPLICATION

- 513.1 A person seeking to vend pursuant to § 533 shall submit an application for a Mobile Roadway Vending (MRV) Site Permit to the DCRA Director with the person’s application for an initial Vending Business License.
- 513.2 The application for a MRV Site Permit shall be made on a form prescribed by the DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

514 MOBILE ROADWAY VENDING SITE PERMIT: ISSUANCE

- 514.1 Upon the submission of a completed application, the DCRA Director shall issue a MRV Site Permit if:
 - (a) The applicant holds
 - (1) A valid Vending Business License; or
 - (2) A current receipt for payment of all relevant Vending Business fees;
 - (b) The applicant provides a Clean Hands Certification; and
 - (c) The applicant has paid all the required fees.

514.2 The MRV Site Permit shall permit MRV vehicles to vend from legal parking spaces in public space.

514.3 A MRV Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

515 MOBILE ROADWAY VENDING SITE PERMIT: EXPIRATION AND RENEWAL

515.1 A MRV Site Permit shall be issued for a term of two (2) years unless another time period is designated in writing by the DCRA Director.

515.2 A MRV shall apply for renewal of the MRV Site Permit at least forty-five (45) days prior to the expiration date on the permit.

515.3 Upon expiration of a MRV Site Permit and in the absence of an application to renew the permit, the MRV Site Permit shall no longer be valid and the vendor shall immediately surrender the MRV Site Permit to the DCRA Director. If the MRV Site Permit is not immediately surrendered, the DCRA Director may seize the expired MRV Site Permit. If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant to § 568.

516 MOBILE ROADWAY VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

516.1 The DCRA Director may summarily revoke or suspend a MRV Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if the vendor is operating in a manner that is in violation of the terms or conditions of the MRV Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the MRV Site Permit to another person.

516.2 Except for a summary revocation or suspension pursuant to § 516.1, upon the suspension or revocation of a vendor's MRV Site Permit, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings and may immediately seize the MRV Site Permit and Vending Business License, pursuant to § 515.3.

516.3 If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 568.

516.4 If a vendor's MRV Site Permit is summarily suspended or revoked by the DCRA Director under this section, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.

516.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.

516.6 If a vendor’s Vending Business License is suspended or revoked, any MRV Site Permit associated with that Vending Business License shall also be suspended or revoked.

516.7 If a person’s MRV Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

517 HEALTH INSPECTION CERTIFICATE: GENERAL

517.1 No person shall vend food in the District unless DOH has issued a valid health inspection certificate for the vending vehicle, cart, or stand, or public market from which the food is vended.

517.2 A health inspection certificate shall be valid for six (6) months or until the time of the next inspection, whichever is earlier.

517.3 A person shall not be issued a Class A or Class C Vending Business License, or a Vending Site Permit for a Class A or Class C Vending Business License, until the person receives a health inspection certificate from DOH.

518 HEALTH INSPECTION CERTIFICATE: APPLICATION

518.1 A person shall apply for a health inspection certificate with the information and documents required by, and pursuant to the procedures of, the DOH Director. The DOH Director may require that a vendor submit to DOH the business address of the supplier of all prepared foods that the person intends to vend as required in Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR.

519 HEALTH INSPECTION CERTIFICATE: ISSUANCE

519.1 The DOH Director shall review and either approve or disapprove an application for the issuance of a health inspection certificate.

519.2 [RESERVED].

519.3 [RESERVED].

520 [RESERVED]

521 FOOD PROTECTION MANAGER CERTIFICATE

521.1 No person shall operate a Class A vending business unless that person, or an individual employed by that person, holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, in accordance with DCMR Title 25, Subtitle A, § 203.1; and
- (b) DOH-issued a Certified Food Protection Manager Identification Card, in accordance with DCMR Title 25, Subtitle A, § 203.3.

521.2 Application for a food protection manager certificate and certified food manager identification card shall be made to DOH on forms and in the manner prescribed by the DOH Director.

522 PROPANE AND OPEN FLAME PERMIT

522.1 No person shall operate a vending vehicle, cart, or stand that uses propane, open flames, or solid fuels such as wood pellets or charcoal, without meeting the following standards:

- (a) The person shall hold a valid propane or open flame permit from FEMS; and
- (b) A vending vehicle, cart, or stand that uses propane cylinders in excess of sixty pounds (60 lbs.) shall have received the approval of the Fire Marshal.

522.2 Application for a propane or open flame permit shall be made to FEMS on a form and in the manner prescribed by FEMS or the Fire Marshal.

523 HOOD SUPPRESSION SYSTEM APPROVAL

523.1 No person shall operate a vending vehicle, cart, or stand that includes a deep fryer (or other cooking equipment that would require a hood suppression system) unless the vehicle, cart, or stand is protected with a hood suppression system, that has been inspected and approved by FEMS.

SUBCHAPTER C: VENDING LOCATIONS**PART 1: GENERAL****524 VENDING LOCATIONS: GENERAL**

- 524.1 The DDOT Director shall approve Vending Locations that meet the standards for locations on streets, sidewalks, and other public spaces where vending may be permitted pursuant to §§ 525, 532, 533 and 535. Proposed sidewalk Vending Locations may be submitted to the DDOT Director by DCRA or as part of a vendor's Vending Site Permit application.
- 524.2 The DDOT Director may eliminate a previously designated Vending Location if:
- (a) The DDOT Director determines that the designated Vending Location is no longer in compliance with District law or regulations;
 - (b) The DDOT Director determines that the operation of a vending business at the location constitutes a threat to the public safety; or
 - (c) The DDOT Director determines that the interests of the District or the public would be better served if the public space occupied by the Vending Location is designated for another use or for open space.
- 524.3 The DDOT Director may eliminate a Vending Location assigned to a vendor under § 510.1; provided, that the vendor shall have the opportunity, within thirty (30) days of the elimination of the Vending Location, to identify a location that the vendor believes meets the criteria under §§ 524-528; provided further, that if the identified location is approved by the DDOT Director, the vendor shall be issued a new Vending Site Permit for the new Vending Location by the DCRA Director at no cost to the vendor.
- 524.4 The DDOT Director shall re-evaluate a Vending Location when a vendor issued a Vending Site Permit under § 510.1(c) ceases to vend at that Vending Location. In its re-evaluation, the DDOT Director shall utilize the provisions of § 524.2.

PART 2: SIDEWALK VENDING LOCATIONS**525 VENDING LOCATIONS: SIDEWALK VENDING**

- 525.1 All sidewalk Vending Locations shall be in accordance with the following standards:
- (a) Sidewalk Vending Locations shall only be located along streets within:
 - (1) The Central Vending Zone;
 - (2) Neighborhood Vending Zones;

- (3) The Old Georgetown Vending Zone; and
 - (4) The Nationals Park Vending Zone.
- (b) No more than three (3) sidewalk Vending Locations shall be designated on any side of any city block;
- (c) No sidewalk Vending Location shall be designated:
- (1) In front of a predominately residential building outside the Central Vending Zone;
 - (2) On the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza;
 - (3) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
 - (4) In a location that is on or that impedes free access to service or ventilation grates or covers;
 - (5) On a restricted street designated in § 526.3; or
 - (6) Within any area under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (d) Within the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:
- (1) A ten foot (10 ft.) clear passageway is maintained;
 - (2) The street is specifically exempted in § 526; or
 - (3) The DDOT Director waives this restriction pursuant to § 525.2;
- (e) Outside the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:
- (1) A seven foot (7 ft.) clear passageway is maintained;
 - (2) The sidewalk is specifically exempted in §§ 527, 528, or 529; or
 - (3) The DDOT Director waives this restriction pursuant to § 525.2;
- (f) No sidewalk Vending Location shall be designated within:

- (1) Twenty feet (20 ft.) of the driveway entrance to a police or fire station;
- (2) Ten feet (10 ft.) of any other driveway;
- (3) Ten feet (10 ft.) of an alley;
- (4) Ten feet (10 ft.) of another sidewalk Vending Location;
- (5) Twenty feet (20 ft.) of the street-level entry to a Metrorail escalator;
- (6) Ten (10 ft.) of the street-level door to a Metrorail elevator;
- (7) A marked loading zone, entrance zone, or parking space designated for diplomatic parking, or other curbside location restricted for certain vehicles or uses;
- (8) One hundred feet (100 ft.) of the entrance to a District or federal courthouse, or within such greater distance as may be designated by the DDOT Director upon the written request of the courthouse administrator;
- (9) Ten feet (10 ft.) of a fire hydrant or in-ground fire stand pipe;
- (10) One hundred feet (100 ft.) of the main entrance to a building that is predominantly used for a primary or secondary school, unless operations at the Vending Location are restricted to non-school days and time periods on school days that begin at least thirty (30) minutes after school has been dismissed at the end of the school day. The DDOT Director may increase the minimum distance that a sidewalk Vending Location may be located from a specific school upon the written request of the Chancellor of the District of Columbia Public Schools or the principal of that school;
- (11) Twelve feet (12 ft.) of any crosswalk when on the vehicle approach side of the Vending Location and crosswalk;
- (12) Five feet (5 ft.) from any crosswalk when not on the vehicle approach side of the Vending Location and crosswalk; and
- (13) Five feet (5 ft) from a building's marked fire control room.

525.2

Upon the request of the DCRA Director, the DDOT Director may waive the minimum passageway requirement of §§ 525.1(d) or 525.1(e) if the DDOT Director determines there will not be an adverse impact on, among other things, pedestrian circulation and public safety. The DCRA Director shall note on the Vending Site Permit the issuance of the waiver by the DDOT Director.

525.3 The passageway required by §§ 525.1(d) and 525.1(e) shall be measured from the closest allowable projection of the vending cart or stand to the nearest building, private property line, or interruption of the public space by a public amenity or fixture, whichever is nearest.

526 VENDING LOCATIONS: CENTRAL VENDING ZONE

526.1 The Central Vending Zone shall have the following boundaries:

- (a) Beginning at the northeast corner of Massachusetts Avenue, NW, at 11th Street, NW;
- (b) East along the north curb of L Street, NW, to the west curb of mid-block alley between 9th Street, NW, and 10th Street, NW;
- (c) North along the center of the alley to the south curb of M Street, NW;
- (d) East along the south curb of M Street, NW, to the west curb of 9th Street, NW;
- (e) North along the west curb of 9th Street, NW, to the north curb of N Street, NW;
- (f) East along the north curb of N Street, NW, to the east curb of 6th Street, NW;
- (g) South along the east curb of 6th Street, NW, to the north curb of Massachusetts Avenue, NW;
- (h) East along the north curb of Massachusetts Avenue, NW, to the west curb of North Capitol Street, NW;
- (i) North along the west curb of North Capitol Street, NW, to the north curb of Q Street, NW;
- (j) East along the north curb of Q Street, NE, to the west curb of Eckington Place, NE;
- (k) North along the west curb of Eckington Place, NE, to the north curb of R Street, NE;
- (l) East along the north curb of R Street, NE, in a straight line to the north curb of New York Avenue, NE;
- (m) East along the north curb of New York Avenue, NE, to the east curb of 9th Street, NE;

- (n) South along the east curb of 9th Street, NE, to the east curb of Brentwood Parkway, NE;
- (o) South along the east curb of Brentwood Parkway, NE, to the east curb of 6th Street, NE;
- (p) South along the east curb of 6th Street, NE, to the south curb of M Street, NE;
- (q) West along the south curb of M Street, NE, to the east curb of 5th Street, NE;
- (r) South along the east curb of 5th Street, NE, to the south curb of H Street, NE;
- (s) West along the south curb of H Street, NE, to the east curb of 3rd Street, NE;
- (t) South along the east curb of 3rd Street, NE, to the north curb of Independence Avenue, SE;
- (u) West along the north curb of Independence Avenue, SE, to the east curb of 2nd Street, SE;
- (v) South along the east curb of 2nd Street, SE, to the south curb of C Street, SE;
- (w) West along the south curb of C Street, SE, to the east curb of 1st Street, SE;
- (x) South along the east curb of 1st Street, SE, to the south curb of D Street, SE;
- (y) West along the south curb of D Street, SE, to the east curb of New Jersey Avenue, SE;
- (z) South along the east curb of New Jersey Avenue, SE, to the south curb of Interstate 695;
- (aa) East along the south curb of Interstate 695 to east curb of Water Street, SE;
- (bb) South from the east curb of Water Street, SE, in a straight line to the west bank of the Anacostia River, SE;
- (cc) West along the north bank of the Anacostia River, SE, to the east curb of 11th Street, SE;

- (dd) South along the east curb of 11th Street, SE, to the east curb of Martin Luther King, Jr. Avenue, SE;
- (ee) South along the east curb of Martin Luther King, Jr. Avenue, SE, to the north curb of Suitland Parkway, SE;
- (ff) North along Suitland Parkway, SE, to the South Capitol Street Bridge;
- (gg) West along the South Capitol Street Bridge to the east bank of the Anacostia River, SE;
- (hh) South along the west bank of the Anacostia River, SE, to the east bank of the Potomac River, SW;
- (ii) North along the east bank of the Potomac River, SW, to the west curb of the Potomac Parkway to Rock Creek Parkway;
- (jj) North along Rock Creek Parkway in a straight line to the north curb of N Street, NW;
- (kk) East along the north curb of N Street, NW, to the west curb of New Hampshire Avenue, NW;
- (ll) Northeast along the west curb of New Hampshire Avenue, NW, to the west curb of 20th Street, NW;
- (mm) North along the west curb of 20th Street, NW, to the north curb of P Street, NW;
- (nn) East along the north curb of P Street, NW, to west curb of Dupont Circle, NW;
- (oo) North along the west curb of Dupont Circle, NW, to the north curb of Massachusetts Avenue, NW; and
- (pp) East along the north curb of Massachusetts Avenue, NW, to the northeast corner of Massachusetts Avenue, NW and 11th Street, NW.

526.2

The following streets in the Central Vending Zone shall be exempt from the requirement that a minimum ten foot (10 ft.) clear passageway be maintained; provided, that each of the following vending sites shall maintain a seven foot (7 ft.) clear passageway:

- (a) East and west sides of 19th Street, NW, between Constitution Avenue, NW and C Street, NW;
- (b) East and west sides of 20th Street, NW, between Constitution Avenue, NW and C Street, NW; and

- (c) East and west sides of 21st Street, NW, between Constitution Avenue, NW and C Street, NW.

526.3

Except for Vending Locations approved as part of a Vending Development Zone under § 570, no sidewalk Vending Locations shall be designated on the following streets in the Central Vending Zone:

- (a) East side of 2nd Street, NE, between K Street, NE, and East Capitol Street;
- (b) East side of 10th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW (Federal Bureau of Investigation building);
- (c) East side of 12th Street, NW, between Constitution Avenue, NW, and Pennsylvania Avenue, NW (Internal Revenue Service building (southern half of block), and Old Post Office building (northern half of block));
- (d) East side of 12th Street, NW, between I Street, NW, and K Street, NW;
- (e) East side of 12th Street, NW, between New York Avenue, NW, and G Street, NW;
- (f) East side of 13th Street, NW, between L Street, NW, and Massachusetts Avenue, NW;
- (g) East side of 14th Street, NW, between Constitution Avenue, NW, and D Street, NW (John A. Wilson Building, Ronald Reagan Building and International Trade Center, and Commerce Department building);
- (h) East side of 22nd Street, NW, between F Street, NW, and G Street, NW;
- (i) East side of 24th Street, NW, between Pennsylvania Avenue, NW, and L Street, NW;
- (j) East side of 24th Street, NW, between Virginia Avenue, NW, and G Street, NW;
- (k) East side of 25th Street, NW, between H Street, NW, and I Street, NW;
- (l) East side of 26th Street, NW, between I Street, NW, and K Street, NW;
- (m) East and west sides of Delaware Avenue, SW, between M Street, SW, and H Street, SW;
- (n) East and west sides of Half Street, SE, between M Street, SE, and I Street, SE;
- (o) East and west sides of Half Street, SW, between M Street, SW, and I Street, SW;
- (p) East and west sides of New Hampshire Avenue, NW, between Virginia Avenue, NW, and I Street, NW;

- (q) East and west sides of 1st Street, SW, between Independence Avenue, SW, and C Street, SW;
- (r) East and west sides of 1st Street, SW, between M Street, SW, and mid-block between M Street and N Street, SW;
- (s) East and west sides of 2nd Street, SE, between M Street, SE, and D Street, SE;
- (t) East and west sides of 3rd Street, SW, between M Street, SW, and I Street, SW;
- (u) East and west sides of 5th Street, NW, between H Street, NW, and K Street, NW;
- (v) East and west sides of 6th Street, SW, between M Street, SW, and G Street, SW;
- (w) East and west sides of 8th Street, NW, between E Street, NW, and D Street, NW;
- (x) East and west sides of 9th Street, NW, between G Street, NW, and H Street, NW;
- (y) East and west sides of 21st Street, NW, between C Street, NW, and E Street, NW (State Department building);
- (z) East and west sides of 23rd Street, NW, between C Street, NW, and E Street, NW (State Department building);
- (aa) East and west sides of 23rd Street, NW, between L Street, NW, and Washington Circle, NW;
- (bb) East and west sides of 25th Street, NW, between I Street, NW, and K Street, NW;
- (cc) East and west sides of 25th Street, NW, between L Street, NW, and M Street, NW;
- (dd) East and west sides of 6th Street, NW, between F Street, NW, and H Street, NW;
- (ee) East and west sides of 7th Street, NW, between F Street, NW, and H Street, NW;
- (ff) East and west sides of 3rd Street, NW, between F Street, NW, and G Street, NW;
- (gg) East and west sides of 4th Street, NW, between F Street, NW, and G Street, NW;
- (hh) North side of D Street, NW, between 3rd Street, NW, and 4th Street, NW;
- (ii) North side of D Street, NW, between 5th Street, NW, and 9th Street, NW;
- (jj) North side of E Street, NW, between 1st Street, NW, and 2nd Street, NW;
- (kk) North side of E Street, NW, between 3rd Street, NW, and 4th Street, NW;

- (ll) North side of F Street, NW, between 21st Street, NW, and 22nd Street, NW;
- (mm) North side of N Street, NW, between 21st Street, NW, and New Hampshire Avenue, NW;
- (nn) North side of Pennsylvania Avenue, NW, between 9th Street, NW, and 10th Street, NW;
- (oo) North side of Virginia Avenue, NW, between 23rd Street, NW, and 24th Street, NW;
- (pp) North and south sides of C Street, SE, between South Capitol Street, SE, and 3rd Street, SE;
- (qq) North and south sides of C Street, SW, between 6th Street, SW, and South Capitol Street, SW;
- (rr) North and south sides of C Street, NW, between 21st Street, NW, and 23rd Street, NW;
- (ss) North and south sides of Connecticut Avenue, NW, between N Street, NW, and Dupont Circle, NW;
- (tt) North and south sides of D Street SE/SW between 4th Street, SW, and 3rd Street, SE;
- (uu) North and south sides of E Street, SW, between South Capitol Street and Interstate 395;
- (vv) North and south sides of E Street, SW, between 2nd Street, SW, and 7th Street, SW;
- (ww) North and south sides of E Street, NW, between 5th Street, NW, and 14th Street, NW;
- (xx) North and south sides of E Street, NW, between 21st Street, NW, and 23rd Street, NW;
- (yy) North and south sides of F Street, NW, between New Jersey Avenue, NW, and North Capitol Street, NW;
- (zz) North and south sides of H Street, NW, between 6th Street, NW, and Massachusetts Avenue, NW;
- (aaa) North and south sides of H Street, NW, between New Hampshire Avenue, NW, and 24th Street, NW;
- (bbb) North and south sides of I Street, SE, in a straight line between 3rd Street, SE, and South Capitol Street, SE;
- (ccc) North and south sides of I Street, SW, between 7th Street, SW, and South Capitol Street, SW;
- (ddd) North and south sides of I Street, NW, between 13th Street, NW, and 16th Street, NW;

- (eee) North and south sides of I Street, NW, between 26th Street, NW, and New Hampshire Avenue, NW;
- (fff) North and south sides of Jefferson Place, NW, between 18th Street, NW, and 19th Street, NW;
- (ggg) North and south sides of K Street SE/SW between Half Street, SW, and 3rd Street, SE;
- (hhh) North and south sides of K Street, SW, between Wesley Place, SW, and Delaware Avenue, SW;
- (iii) North and south sides of K Street, NW, between 25th Street, NW, and 26th Street, NW;
- (jjj) North and south sides of L Street SE/SW in a straight line between 3rd Street, SW, and 3rd Street, SE;
- (kkk) North and south sides of L Street, NW, between 24th Street, NW, and 25th Street, NW;
- (lll) North and south sides of M Street, NW, between 21st Street, NW, and Connecticut Avenue, NW;
- (mmm) North and south sides of M Street, NW, between 23rd Street, NW, and 28th Street, NW;
- (nnn) North and south sides of Massachusetts Avenue, NW, between Thomas Circle, NW, and 11th Street, NW;
- (ooo) North and south sides of N Street, NW, between 18th Street, NW, and Bataan Street, NW;
- (ppp) North and south sides of N Street, NW, between 21st Street, NW, and 25th Street, NW;
- (qqq) North and south sides of Sunderland Place, NW, between 19th Street, NW, and 20th Street, NW;
- (rrr) North and south sides of F Street, NW, between 6th Street, NW, and 7th Street, NW (Verizon Center);
- (sss) North and south sides of H Street, NW, between 6th Street, NW, and 7th Street, NW (Verizon Center);
- (ttt) North and south sides of G Street, NW, between 3rd and 4th Streets, NW;
- (uuu) North and south sides of F Street, NW, between 3rd Street, NW, and 4th Street, NW;
- (vvv) South side of C Street, SW, between 12th Street, SW, and 14th Street, SW;
- (www) South side of G Street, NW, between 7th Street, NW, and 9th Street, NW;
- (xxx) South side of G Street, NW, between 23rd Street, NW, and 24th Street, NW;

- (yyy) South side of H Street, NW, between 23rd Street, NW, and 24th Street, NW;
- (zzz) South side of K Street, NW, between 24th Street, NW, and 25th Street, NW;
- (aaaa) West side of 5th Street, NW, between D Street, NW, and E Street, NW;
- (bbbb) West side of 9th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW;
- (cccc) West side of 17th Street, NW, between Constitution Avenue, NW, and C Street, NW;
- (dddd) West side of 17th Street, NW, between D Street, NW, and E Street, NW;
- (eeee) West side of 21st Street, NW, between New Hampshire Avenue, NW, and N Street, NW; and
- (ffff) West side of 23rd Street, NW, between Virginia Avenue, NW, and G Street, NW.

527 VENDING LOCATIONS: OLD GEORGETOWN VENDING ZONE

527.1 Except as specifically provided in § 527.2, no vendor shall vend on any sidewalk on public space within the area known as Old Georgetown enclosed by the following continuous boundary:

- (a) Bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park;
- (b) Bounded on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street, NW, and Whitehaven Parkway, NW, to 35th Street, NW, south along the middle of 35th Street, NW, to Reservoir Road, NW, west along the middle of Reservoir Road, NW, to Glover-Archbold Park;
- (c) Bounded on the west by Glover-Archbold Park from Reservoir Road, NW, to the Potomac River; and
- (d) Bounded on the south by the Potomac River and the Rock Creek and Potomac Parkway.

527.2 The streets listed in this subsection shall constitute the Old Georgetown Vending Zone within which the DDOT Director may approve sidewalk Vending Locations; provided, that sidewalk Vending Locations shall be allowed only:

- (a) Within fifty feet (50 ft.) of the intersections of the cross streets with Wisconsin Avenue, NW;
- (b) On the sidewalks designated in paragraph (d);

- (c) In the directions from Wisconsin Avenue, NW, designated in paragraph (d), unless they are sites or markets authorized by the creation of a Vending Development Zone; and
- (d) At the following locations:
 - (1) Northern sidewalk of P Street, NW, east of Wisconsin Avenue, NW;
 - (2) Northern sidewalk of P Street, NW, west of Wisconsin Avenue, NW;
 - (3) Northern sidewalk of O Street, NW, east of Wisconsin Avenue, NW;
 - (4) Northern sidewalk of O Street, NW, west of Wisconsin Avenue, NW;
 - (5) Northern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;
 - (6) Southern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;
 - (7) Northern sidewalk of N Street, NW, west of Wisconsin Avenue, NW (two (2) Vending Locations);
 - (8) Southern sidewalk of N Street, NW, west of Wisconsin Avenue, NW;
 - (9) Southern sidewalk of N Street, NW, east of Wisconsin Avenue, NW;
 - (10) Northern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW; and
 - (11) Southern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW.

528 VENDING LOCATIONS: NEIGHBORHOOD VENDING ZONES

528.1 The Neighborhood Vending Zones shall consist of the following streets:

- (a) Capitol Hill area:
 - (1) H Street, NE, from 3rd Street, NE, to 15th Street, NE (Zones C-2-A, C-2-B, and C-3-A);

- (2) Pennsylvania Avenue, SE, from 2nd Street, SE, to Potomac Avenue, SE (Zones C-2-A and C-2-B);
 - (3) 8th Street, SE, from D Street, SE, to I Street, SE (Zone C-2-A);
 - (4) 15th Street, NE, from A Street, NE, to East Capitol Street (Zone C-2-A);
 - (5) East Capitol Street from 19th Street, SE, to 22nd Street, SE (Zone GOV): The following restriction applies:
 - (A) Only the south side of East Capitol Street shall be included in the Neighborhood Vending Zone;
- (b) Far Northeast and Southeast area:
- (1) Benning Road, NE/SE, from 44th Street, SE, to A Street, SE (Zone C-3-A);
 - (2) Branch Avenue, SE, from Q Street, SE, to S Street, SE (Zone C-1);
 - (3) Central Avenue, SE, from 56th Street, SE, to Southern Avenue, SE (Zone C-1);
 - (4) Dix Street, NE, from 60th Street, NE, to Eastern Avenue, NE (Zone C-2-A);
 - (5) Minnesota Avenue, NE, from Blaine Street, NE, to Grant Street, NE (Zone C-3-A);
 - (6) Nannie Helen Burroughs Avenue, NE, from 51st Street, NE, to Division Avenue, NE (Zone C-1);
 - (7) Nannie Helen Burroughs Avenue, NE, from Minnesota Avenue, NE, to 48th Street, NE (Zone C-1 and C-M-1);
 - (8) Pennsylvania Avenue, SE, from Alabama Avenue, SE, to Fort Davis Street, SE (Zone C-2-A); and
 - (9) Pennsylvania Avenue, SE, from Fairlawn Avenue, SE, to 27th Street, SE (Zone C-2-A);
- (c) Far Southeast and Southwest area:
- (1) Martin Luther King, Jr. Avenue, SE, from Good Hope Road, SE, to Morris Road, SE (Zone C-3-A);
 - (2) Good Hope Road, SE, from Martin Luther King, Jr. Avenue, SE, to 13th Street, SE (Zone C-3-A);

- (3) Naylor Road, SE, from Alabama Avenue, SE, to Denver Street, SE (Zone C-3-A);
 - (4) Naylor Road, SE, from 30th Street, SE, to Southern Avenue, SE (Zone C-1);
 - (5) Alabama Avenue, SE, from 15th Street, SE, to Stanton Road, SE (Zone C-1 and C-2-B);
 - (6) Livingston Road, SE, from 3rd Street, SE, to South Capitol Street, SE (Zone C-3-A);
 - (7) Martin Luther King, Jr. Avenue, SE, from 4th Street, SE, to Milwaukee Place, SE (Zone C-2-A);
 - (8) Martin Luther King, Jr. Avenue, SE, from Upsal Street, SE, to Halley Place, SE (Zone C-1);
 - (9) South Capitol Street from Martin Luther King, Jr. Avenue, SE, to Chesapeake Street, SE (Zone C-2-A);
 - (10) Savannah Street, SE, from 22nd Street, SE, to 23rd Street, SE (Zone C-1); and
 - (11) Wheeler Road, SE, from Wahler Place, SE, to Barnaby Terrace, SE (Zone C-1);
- (d) Mid-city area:
- (1) Mount Pleasant Street, NW, from Irving Street, NW, to Park Road, NW (Zone C-2-A);
 - (2) 7th Street, NW, from Florida Avenue, NW, to T Street, NW (Zone C-2-B);
 - (3) 14th Street, NW, from Columbia Road, NW, to Meridian Place, NW (Zones C-2-A and C-3-A);
 - (4) 6th Street, NW, from Fairmont Street, NW, to College Street, NW (Zone R-5-B). The following restrictions apply:
 - (A) One (1) vendor in the first one hundred feet (100 ft.) of 6th Street, NW, south of the Fairmont Street, NW, curb;
 - (B) Two (2) vendors in the next fifty feet (50 ft.) of 6th Street, NW; and
 - (C) One (1) vendor in the next twenty-five feet (25 ft.) of 6th Street, NW.

- (5) 14th Street, NW from S Street, NW, to Florida Avenue, NW (Zones CR and C-3-A);
 - (6) Columbia Road, NW, from Belmont Road, NW, to Mozart Place, NW (Zone C-2-B);
 - (7) Georgia Avenue, NW, from Euclid Street, NW, to Rock Creek Church Road, NW (Zone C-2-A);
 - (8) Rhode Island Avenue, NW, from T Street, NW, to 1st Street, NW (Zone C-2-A); and
- (e) Near Northwest area:
- (1) Florida Avenue, NW, from Rhode Island Avenue, NW, to North Capitol Street (Zone C-2-A);
 - (2) P Street, NW, from 23rd Street, NW, to Dupont Circle, NW (Zones C-2-A, C-2-C, and C-2-B);
 - (3) 20th Street, NW, from R Street, NW, to S Street, NW (Zone C-3-B). The following restriction applies:
 - (A) Only the west side of 20th Street, NW, shall be included in the Neighborhood Vending Zone;
 - (4) 17th Street, NW, from Q Street, NW, to Riggs Place, NW (Zone C-2-A);
 - (5) 14th Street, NW, from N Street, NW, to S Street, NW (Zone C-3-A);
 - (6) 9th Street, NW, from M Street, NW, to P Street, NW (Zone C-2-A);
 - (7) 7th Street, NW, from M Street, NW, to N Street, NW (Zone C-2-B); and
 - (8) 7th Street, NW, from O Street, NW, to Q Street, NW (Zone C-2-A);
- (f) Rock Creek East area:
- (1) Georgia Avenue, NW, from Rock Creek Church, NW, to Varnum Street, NW (Zones C-2-A and C-3-A);
 - (2) Blair Road, NW, from Whittier Street, NW, to 5th Street, NW (Zones C- M-1 and C-2-A);

- (3) Georgia Avenue, NW, from Fern Place, NW, to Eastern Avenue, NW (Zone C-2-A);
 - (4) Georgia Avenue, NW, from Gallatin Street, NW, to Van Buren Street, NW (Zones C-2-A and C-3-A);
 - (5) Riggs Road, NE, from South Dakota Avenue, NE, to Chillum Place, NE (Zone C-2-A);
 - (6) Upshur Street, NW, from 3rd Street, NW, to Rock Creek Church Road, NW (Zone C-1); and
 - (7) 14th Street, NW, from Buchanan Street, NW, to Decatur Street, NW (Zones C-1 and C-M-1);
- (g) Rock Creek West area:
- (1) Connecticut Avenue, NW, from Fessenden Street, NW, to Nebraska Avenue, NW (Zone C-1);
 - (2) Connecticut Avenue, NW, from Livingston Street, NW, to Oliver Street, NW (Zone C-1);
 - (3) Connecticut Avenue, NW, from Macomb Street, NW, to Porter Street, NW (Zone C-2-A);
 - (4) Connecticut Avenue, NW, from Van Ness Street, NW, to Albemarle Street, NW (Zone C-3-A);
 - (5) Connecticut Avenue, NW, from Calvert Street, NW, to 24th Street, NW (Zones C-2-A and C-2-B);
 - (6) Connecticut Avenue, NW, from Hawthorne Street, NW, to Jewett Street, NW (Zone C-2-A);
 - (7) MacArthur Boulevard, NW, at Cathedral Avenue, NW, (Zone C-1);
 - (8) MacArthur Boulevard, NW, from Arizona Avenue, NW, to Dana Place, NW (Zone C-2-A);
 - (9) MacArthur Boulevard, NW, from V Street, NW, to U Street, NW (Zone C-2-A);
 - (10) Massachusetts Avenue, NW, from 48th Street, NW, to 49th Street, NW (Zone C-2-A);
 - (11) New Mexico Avenue, NW, from Embassy Park Drive, NW, to Lowell Street, NW (Zone C-1);

- (12) Ordway Street, NW, from alley east of Connecticut Avenue, NW, to alley west of Connecticut Avenue, NW (Zone C-2-A). The following restriction applies:
 - (A) Only the south side of Ordway Street, NW, shall be included in the Neighborhood Vending Zone;
 - (13) Wisconsin Avenue, NW, from Albemarle Street, NW, to Brandywine Street, NW;
 - (14) Wisconsin Avenue, NW, from Harrison Street, NW, to Western Avenue, NW (Zones C-2-A, C-2-B, and C-3-A);
 - (15) Wisconsin Avenue, NW, from Macomb Street, NW, to Idaho Avenue, NW. The following restriction applies:
 - (A) Only the west side of Wisconsin Avenue, NW, shall be included in the Neighborhood Vending Zone;
 - (16) Wisconsin Avenue, NW, from Rodman Street, NW, to 40th Street, NW (Zones C-1, C-2-A, and C-2-B); and
 - (17) 24th Street, NW, from Calvert Street, NW, to Connecticut Avenue, NW (Zone C-2-A); and
- (h) Upper Northeast area:
- (1) Allison Street, NE, from Michigan Avenue, NE, to Eastern Avenue, NE (Zone C-1);
 - (2) Bladensburg Road, NE, from L Street, NE, to Mount Olivet Road, NE (Zone C-2-A);
 - (3) Florida Avenue, NE, from West Virginia Avenue, NE, to Montello Avenue, NW (Zone C-2-A);
 - (4) Mount Olivet Road, NE, from West Virginia Avenue, NE, to Trinidad Avenue, NE (Zone C-2-A);
 - (5) Rhode Island Avenue, NE, from Monroe Street, NE, to Eastern Avenue, NE (Zone C-2-A);
 - (6) Rhode Island Avenue, NE, from 4th Street, NE, to 10th Street, NE (Zones C-2-C, C-3-A, C-M-2, and M);
 - (7) Rhode Island Avenue, NE, from 13th Street, NE, to 18th Street, NE (Zone C-2-A);

- (8) 12th Street, NE, from Irving Street, NE, to Randolph Street, NE (Zones C-1 and C-2-A); and
- (9) Benning Road, NE, from Bladensburg Road, NE, to Oklahoma Avenue, NE (Zones C-2-A and C-2-B).

529 VENDING LOCATIONS: NATIONALS PARK VENDING ZONE

529.1 The streets listed in this section shall constitute the Nationals Park Vending Zone, in which sidewalk Vending Locations shall be allowed on the following streets and in the following numbers:

- (a) East side of First Street, SE, between N Street, SE, and N Place, SE – two (2) Vending Locations;
- (b) East side of First Street, SE, between N Place, SE, and O Street, SE – two (2) Vending Locations;
- (c) West side of Half Street, SE, between M Street, SE, and N Street, SE – seven (7) Vending Locations; and
- (d) North side of N Street, SE, between Half Street, SE, and Van Street, SE – three (3) Vending Locations.

529.2 The DDOT Director may, at his or her discretion, approve additional sidewalk Vending Locations in the Nationals Park Vending Zone in addition to those listed in § 529.1.

529.3 The DCRA Director shall assign the Vending Locations in the Nationals Park Vending Zone by lottery.

529.4 Applicants may apply electronically, via designated computer kiosks, for each monthly lottery by visiting the DCRA Business Licensing Center, which shall maintain information regarding the application process and qualifications.

529.5 Winners of each monthly lottery shall be notified by phone, first-class mail, or electronic mail, and by being listed on the DCRA website (<http://dcra.dc.gov>).

PART 3: STATIONARY ROADWAY VENDING LOCATIONS

530 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: GENERAL

530.1 A Stationary Roadway Vendor must vend from a fixed location with a valid Vending Site Permit in an assigned Roadway Vending Location as designated in § 531;

530.2 A Stationary Roadway Vendor may not vend in any roadway location other than the authorized Roadway Vending Location for which the Stationary Roadway Vendor holds a valid Vending Site Permit.

531 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS

531.1 The authorized Stationary Roadway Vending Locations shall be on the streets and in the numbers set forth as follows:

- (a) 400 Independence Avenue, SW (National Air & Space Museum) – Location numbers one (1) through six (6);
- (b) 600 Independence Avenue, SW (National Air & Space Museum) – Location numbers seven (7) through twelve (12);
- (c) 700 Independence Avenue, SW (Hirshhorn Museum) – Location numbers thirteen (13) through eighteen (18);
- (d) 1400 Constitution Avenue, NW (National Museum of American History) – Location numbers nineteen (19) and twenty (20);
- (e) 1200 Independence Avenue, SW (Freer and Sackler Gallery) – Location numbers twenty-one (21) through twenty-two (22);
- (f) 600 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-three (23) through twenty-six (26);
- (g) 700 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-seven (27) through thirty (30);
- (h) 900 Constitution Avenue, NW (National Museum of Natural History) – Location numbers thirty-one (31) through thirty-five (35);
- (i) 1200 Constitution Avenue, NW (National Museum of American History) – Location numbers thirty-six (36) through forty-one (41);
- (j) 200 15th Street, NW (Ellipse East) – Location numbers forty-two (42) through fifty (50);
- (k) 400 15th Street, NW (Ellipse East) – Location numbers fifty-one (51) through fifty-nine (59);
- (l) 200 17th Street, NW (Ellipse West) – Location numbers sixty (60) through sixty-seven (67);
- (m) 400 17th Street, NW (Ellipse West) – Location numbers sixty-eight (68) through sixty-nine (69);

- (n) 500 17th Street, NW (State Place) – Location numbers seventy (70) through seventy-two (72);
- (o) 1500 Constitution Avenue, NW – Location numbers seventy-three (73) through seventy-four (74); and
- (p) 2100 H Street, NW – Location numbers seventy-five (75) through seventy-six (76).

531.2 The DDOT Director shall designate specific portions of the streets listed in § 531.1, in the numbers set forth in § 531.1, as authorized Stationary Roadway Vending Locations.

532 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS

532.1 The DDOT Director, in consultation with the DCRA Director, may designate or modify Stationary Roadway Vending Locations in addition to those authorized in § 531.1; provided, that no additional Stationary Roadway Vending Location shall be designated:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (b) Within a loading zone, entrance zone, parking space designated for diplomatic parking, or other curbside zone restricted for certain vehicles or uses;
- (c) On a snow emergency route designated under § 4024 of Chapter 40 (Traffic Signs and Restrictions at Specific Locations) of Title 18 (Vehicles and Traffic) of the DCMR;
- (d) Within forty feet (40 ft.) of an intersection;
- (e) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (f) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (g) Within twenty feet (20 ft.) of an alley;
- (h) Within forty feet (40 ft.) of any crosswalk;

- (i) Between the south side of Independence Avenue and the north side of Constitution Avenue, bounded by Rock Creek Parkway on the west and 4th Street NE/SE on the east; or
- (j) Five feet (5 ft) from a building's marked fire control room.

532.2 Upon the designation of additional Stationary Roadway Vending locations, a lottery shall be conducted by the DCRA Director to assign these Stationary Roadway Vending locations. Any Stationary Roadway Vending Locations not assigned during this lottery shall be included in the lottery conducted pursuant to § 539.

PART 4: MOBILE ROADWAY VENDING LOCATIONS

533 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: GENERAL

- 533.1 A Mobile Roadway Vending (MRV) vehicle operating in public space under this section shall have either an individual holding a valid Class A, Class B, or Class D Vending Business License or an individual holding a valid Vendor Employee Identification Badge, issued pursuant to § 564, inside the vehicle at all times while the vehicle is in operation.
- 533.2 A MRV Site Permit shall be required for each MRV vehicle, whether vending from a designated MRV location or any legal parking space in the District.
- 533.3 A MRV vehicle must be legally parked and pay all appropriate meter fees in order to vend from public space.
- 533.4 A MRV vehicle shall not include an ice cream vending vehicle, as defined in § 599.
- 533.5 A MRV shall not vend on any residential block designated as Residential Permit Parking unless specifically authorized by a Special Event permit.
- 533.6 To vend in a designated MRV location during the designated hours pursuant to § 534, a MRV vehicle shall be required to participate in a monthly MRV location permit lottery. If a MRV vehicle, with a valid MRV Site Permit, does not participate in the monthly MRV location permit lottery, the MRV shall still be authorized to vend from public space pursuant to § 535.
- 533.7 No mobile roadway vending shall be authorized within two hundred feet (200 ft.) or directly across the street of a designated MRV location during the designated hours, except within another designated MRV location or with written approval from DCRA.

**534 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS:
AUTHORIZED LOCATIONS**

- 534.1 The DCRA Director shall propose MRV locations to be designated, where MRV vehicles, with valid MRV Site Permits, may park in order to vend from public space. The DDOT Director shall review and, if approved, shall designate the MRV locations.
- 534.2 Each MRV location shall be designated by the DDOT Director with appropriate signage.
- 534.3 Only MRV vehicles may park within each designated MRV location during the hours of 10:30 a.m. to 2:30 p.m. on weekdays.
- 534.4 MRV vehicles parked in designated MRV locations must vacate designated MRV location at 2:30 p.m. on weekdays.
- 534.5 There shall be no parking, standing, or stopping in any designated MRV location from 10:00 a.m. to 10:30 a.m. on weekdays except District government holidays, unless authorized by the DDOT Director.
- 534.6 A MRV vehicle may park within a designated MRV location for no more than the four (4) hours per day designated by § 534.3.
- 534.7 The DCRA Director shall propose the following general areas to be reviewed by the DDOT Director for designation as MRV locations:
- (a) McPherson Square;
 - (b) Farragut Square;
 - (c) Franklin Square;
 - (d) Foggy Bottom;
 - (e) University of the District of Columbia – Van Ness campus;
 - (f) George Washington University;
 - (g) L’Enfant Plaza;
 - (h) Historic Anacostia;
 - (i) Navy Yard;
 - (j) Metro Center;

- (k) Union Station;
- (l) Southwest Waterfront;
- (m) Federal Center SW;
- (n) Folger Park/Eastern Market;
- (o) West End;
- (p) Judiciary Square;
- (q) American University;
- (r) Howard University;
- (s) Gallaudet University;
- (t) Catholic University/Trinity College;
- (u) NoMa;
- (v) Minnesota/Benning, NE;
- (w) Friendship Heights; or
- (x) Other additional areas.

534.8 A MRV vehicle parked in a designated MRV location shall be subject to the design standards of § 544.

534.9 Notwithstanding any standards created pursuant to § 544.1, a MRV vehicle may not exceed:

- (a) Eighteen feet six inches (18 ft. 6 in.) in length;
- (b) Eight feet (8 ft.) in width; and
- (c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.

534.10 A designated MRV location shall not be established:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;

- (b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;
- (c) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (d) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (e) Within twenty feet (20 ft.) of an alley;
- (f) Within forty feet (40 ft.) of any crosswalk;
- (g) Ten feet (10 ft.) of a fire hydrant;
- (h) Any of the locations enumerated in § 535.3;
- (i) Any location that is not a legal parking space;
- (j) Any location that is immediately adjacent to a duly permitted sidewalk café; or
- (k) Five feet (5 ft.) from a building’s marked fire control room.

535 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS

535.1 A MRV vehicle operating outside of a designated MRV location established pursuant to § 534 shall:

- (a) Vend in a legal parking space that meets the requirements of § 535.2;
- (b) Pay all parking meter fees; and
- (c) Obey all posted time restrictions.

535.2 A MRV vehicle operating outside of a designated MRV location or an Ice Cream Roadway vendor operating under § 543 shall not park and vend:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;

- (c) Where the adjacent unobstructed sidewalk is less than six feet (6 ft.) wide; provided, that for purposes of this subsection:
 - (1) An obstruction shall not include objects such as trees, tree boxes, parking meters, bicycle racks, individual newspaper boxes, utility poles, or other similar objects that would not restrict safe pedestrian passage of the sidewalk permeable or point obstruction, such as a parking meter, is not considered an obstruction; and
 - (2) An obstruction shall include impermeable structures, such as sidewalk cafes, benches, retaining walls, fenced or raised planters, bicycle racks, rows of newspaper boxes, Capital Bikeshare stations, bus shelters, or other similar objects, that are immediately adjacent or parallel to the curb and would restrict safe pedestrian passage on the sidewalk.
- (d) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (e) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (f) Within twenty feet (20 ft.) of an alley;
- (g) Within forty feet (40 ft.) of any crosswalk;
- (h) Ten feet (10 ft.) of a fire hydrant;
- (i) Any of the locations enumerated in § 535.3;
- (j) Any location that is not a legal parking space;
- (k) Any location that is immediately adjacent to a duly permitted sidewalk café;
- (l) Five feet (5 ft.) from a building's marked fire control room; and
- (m) Within an area designated as a Stationary Roadway Vending Location.

535.3 A MRV vehicle operating under this section shall not vend at the following locations:

- (a) Constitution Avenue NE/NW between 23rd Street, NW, and 2nd Street, NE;
- (b) Independence Avenue SE/SW between 23rd Street, NW, and 2nd Street, NE;

- (c) 17th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;
- (d) 15th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;
- (e) 14th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (f) 7th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (g) 4th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (h) 3rd Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (i) 1st Street, NE/SE, between Constitution Avenue, NE, and Independence Avenue, SE;
- (j) East Capitol Street, NE, between 1st Street, NE, and 2nd Street, NE;
- (k) Madison Drive, NW, between 15th Street, NW, and 3rd Street, NW;
- (l) Jefferson Drive, SW, between 15th Street, SW, and 3rd Street, SW;
- (m) Pennsylvania Avenue, NW, between 15th Street, NW, and 1st Street, NW;
- (n) Maryland Avenue, SW, between Independence Avenue, SW, and 1st Street, SW; and
- (o) 1st Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW.

536 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: APPLICATION FOR NEW LOCATIONS

536.1 A person may submit a request to the DCRA Director to create a new designated MRV location, provided that the person specifies a location that is not in conflict with the above standards. All requests are subject to DCRA and DDOT review and approval.

537 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: DIRECTORS' DISCRETION

537.1 The DCRA or DDOT Director has the discretion to propose, modify, or remove a designated MRV location at any time.

PART 5: ASSIGNMENT OF VENDING LOCATIONS**538 ASSIGNMENT OF SIDEWALK VENDING LOCATIONS**

- 538.1 Designated unoccupied sidewalk Vending Locations identified by the DCRA Director and approved by the DDOT Director may be assigned to licensed sidewalk vendors through a lottery conducted by the DCRA Director. No vendor or applicant may participate in a lottery for unoccupied sidewalk Vending Locations unless the vendor holds a Vending Business License or the person holds a current receipt for payment of Vending Business License fees for sidewalk vending and is registered for the lottery.
- 538.2 In addition to the lottery conducted pursuant to § 538.1, a vendor may, when submitting an application for a Vending Site Permit pursuant to § 510.1(b), identify a potential sidewalk Vending Location that the vendor believes meets the DDOT standards in §§ 524-528. If the DDOT Director approves the location as an authorized sidewalk Vending Location, that Vending Location shall be assigned to the vendor who first identified it on his or her completed and accepted Vending Site Permit application.
- 538.3 No holder of a Vending Business License shall be assigned more than five (5) sidewalk Vending Locations.
- 538.4 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.
- 538.5 No lottery registration or Vending Location assignment may be transferred, sold, conveyed, or assigned from the assigned vendor to any other person. Any attempt to transfer a lottery registration or Vending Location assignment will disqualify from the lottery both the vendor seeking to transfer the registration and the person seeking to obtain it.
- 538.6 The DCRA Director may contract out the function of performing the lotteries for sidewalk Vending Locations.
- 538.7 No Vending Site Permit shall be distributed until full payment is received from the vendor or person.
- 538.8 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the sidewalk Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the Vending Site Permit offer.

539 ASSIGNMENT OF STATIONARY ROADWAY VENDING LOCATIONS

- 539.1 For a period of one (1) year from the publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, MPD shall oversee

the lottery for stationary roadway Vending Locations. Upon the expiration of the yearlong period, the DCRA Director shall oversee the lottery.

- 539.2 Stationary Roadway Vending Locations shall be assigned as follows:
- (a) All Stationary Roadway Vending Locations shall be allocated by lottery;
 - (b) The lottery shall be conducted monthly, with Vending Locations allocated to a vendor by the following days of the week:
 - (1) Monday;
 - (2) Tuesday;
 - (3) Wednesday;
 - (4) Thursday;
 - (5) Friday;
 - (6) Saturday; or
 - (7) Sunday.
 - (c) There shall be equal allocation in the lottery of Class A and Class B licenses; and
 - (d) No vendor shall be issued Stationary Roadway Vending Site Permits for more than two (2) Stationary Roadway Vending Sites at any one time.
- 539.3 No Stationary Roadway Vending Site Permit shall be distributed until full payment is received from the roadway vendor or person.
- 539.4 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the Stationary Roadway Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the offer to the winning vendor.
- 539.5 The DCRA Director may lottery off unclaimed Stationary Roadway Vending Locations until all Stationary Roadway Vending Locations are awarded.
- 539.6 The DCRA Director shall register licensed roadway vendors, which may include both stationary roadway vendors and mobile roadway vendors, for participation in the lottery by assigning each vendor a registration number.
- 539.7 No vendor may participate in the lottery for Stationary Roadway Vending Locations unless the vendor holds a valid Vending Business License for roadway vending and is registered for the lottery.

- 539.8 No vendor may operate on more than one (1) Stationary Roadway Vending Location per day, and only one (1) vendor may occupy an assigned Stationary Roadway Vending Location as described on the Stationary Roadway Vending Site Permit, unless otherwise specified by the DCRA Director on the Stationary Roadway Vending Site Permit.
- 539.9 No lottery registration or Stationary Roadway Vending Location assignment or permits may be transferred from a vendor to any other person.
- 539.10 The DCRA Director may contract out the function of performing the lottery for Stationary Roadway Vending Locations; provided that the lottery may be subject to any government-required audit or review.

540 ASSIGNMENT OF MOBILE ROADWAY VENDING LOCATIONS

- 540.1 MRV location permits for each MRV vehicle shall initially be determined by a monthly lottery with each lottery assigning a MRV vehicle to a specific MRV location and for a specific day of the month.
- 540.2 The DCRA Director shall establish the format of the MRV location permit lottery program and may modify the format, as necessary, to improve efficiency or to incorporate technological advancements.
- 540.3 The lottery shall be conducted monthly, with MRV locations allocated to MRV vehicles by the following days of the week:
- (a) Monday;
 - (b) Tuesday;
 - (c) Wednesday;
 - (d) Thursday; and
 - (e) Friday.
- 540.4 A MRV vehicle shall register for the MRV location permit lottery by the MRV vehicle's vehicle registration number and Vending Business license number. No vendors will be eligible for MRV location permit lottery in months when their Vending Business license will expire without renewal.
- 540.5 There shall be only one (1) MRV location permit lottery entry per MRV vehicle.
- 540.6 Prior to each monthly lottery, MRV vendors shall have the option to list the available MRV locations in order of their preference; this information will serve as the MRV vendor's lottery preference request.

- 540.7 In addition to the standard MRV location permit lottery entry, the DCRA Director may create a lottery program for MRV vehicles to vend from multiple established MRV locations for specific hours on specific days of the week during each month.
- 540.8 The non-refundable lottery application fee for the monthly MRV location permit lottery shall be \$25 per MRV vehicle and shall be paid prior to a MRV vehicle submitting monthly MRV location preferences.
- 540.9 The monthly MRV location permit fee shall be \$150 per MRV vehicle and shall be paid in full prior to the MRV vehicle being authorized to vend from the designated MRV location assigned via the monthly lottery.
- 540.10 A MRV vendor not participating in the monthly MRV location permit program may vend from any legal parking space, in compliance with its Vending Site Permit and §§ 534 and 535.

PART 6: MISCELLANEOUS

541 PUBLIC MARKETS

- 541.1 No person shall operate or vend from a public market unless the public or private market is located on:
- (a) Public space approved by the DDOT Director;
 - (b) Private space; or
 - (c) A combination of both public space approved by the DDOT Director and private space.
- 541.2 No person shall manage a public market on public or private space without holding a Class C Vending Business License.
- 541.3 No Class C Vending Business License holder shall operate a public market on public space without first obtaining a Public Space Permit from the DDOT Director.
- 541.4 Each person operating at a public market managed by the holder of a Class C Vending Business License on public or private space shall be subject to all applicable license and health laws and regulations.
- 541.5 No Class C Vending Business License holder shall operate a public market on public or private space without obtaining a DOH health inspection certificate and food safety compliance inspection in accordance with Subtitle A of Title 25 of the DCMR.

- 541.6 Each public market operated by the holder of a Class C Vending Business License that is operating on private space shall obtain a certificate of occupancy from the DCRA Director.
- 541.7 A person who is authorized by the Class C Vending Business License holder to operate at a public market may operate without a Vending Business License or Vending Site Permit; provided, that the person shall:
- (a) Comply with all applicable laws and regulations regarding the registration of the person's business with the Office of Tax and Revenue and DCRA; and
 - (b) Comply with any standards imposed by DOH or other relevant agencies.
- 541.8 A Class C Vending Business License holder shall maintain records of all persons operating at each public market managed by the licensee.

542 TEMPORARY RELOCATION OF VENDORS

- 542.1 The DCRA Director, the DDOT Director, or MPD may order the temporary relocation of a vendor from the vendor's permitted Vending Location in construction areas, for special events or transportation requirements, or any other situations where the Vending Location is either unavailable or creates a threat to the public health, safety, or welfare.
- 542.2 Any temporary relocation shall last only until such time as the original Vending Location is determined by the DCRA Director, the DDOT Director, or MPD to be useable again.
- 542.3 A vendor subject to a temporary relocation shall be relocated by the DCRA Director to the closest available location that is deemed allowable for vending.
- 542.4 In any situation where a temporary relocation will be for at least twenty-one (21) calendar days, the DCRA Director shall issue the affected vendor, at no cost, a new Vending Site Permit for the new Vending Location.

543 ICE CREAM ROADWAY VENDORS OPERATIONAL STANDARDS

- 543.1 No ice cream vending vehicle shall remain in any one (1) place for a period longer than necessary to make sale after having been approached or stopped for that purpose.
- 543.2 When stopped, an ice cream vending vehicle shall be legally parked.
- 543.3 No ice cream roadway vending business shall be transacted within one hundred feet (100 ft.) of the roadway of a traffic circle.

- 543.4 When stopping to make a sale, ice cream roadway vending vehicles that are likely to attract children as customers shall park curbside or as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

SUBCHAPTER D: DESIGN STANDARDS, OPERATIONAL STANDARDS, AND INSPECTIONS

PART 1: DESIGN STANDARDS

544 DESIGN STANDARDS: GENERAL

- 544.1 The DCRA Director may develop design standards for vending vehicles, vending stands, and vending carts in addition to those set forth in this chapter.
- 544.2 The provisions of §§ 545, 546, 547, 548, 549, 553, 554, and 559 shall not apply to activities licensed and permitted under § 503.1(c).

545 DESIGN STANDARDS: VENDING CARTS

- 545.1 No vending cart, including any display on or attachments to the cart allowed by this section, shall exceed the following dimensions unless specified by the DCRA Director on the Vending Site Permit:
- (a) Four feet six inches (4 ft. 6 in.) in width, unless the vendor vends food from the vending cart, in which case the vending cart shall not exceed five feet (5 ft.) in width;
 - (b) Seven feet (7 ft.) in length, unless the vendor vends food from the vending cart, in which case the cart shall not exceed eight feet (8 ft.) in length; and
 - (c) Eight feet six inches (8 ft. 6 in.) in height, measured from the bottom of the tire.
- 545.2 A vending cart shall be covered by either:
- (a) One (1) umbrella, which shall not exceed nine feet (9 ft.) in diameter nor extend more than four and one half feet (4.5 ft.) in any direction from the body of the cart; or
 - (b) One (1) canopy which shall not overhang more than six inches (6 in.) in any direction from the body of the cart.
- 545.3 Any umbrella or canopy used to cover a vending cart:
- (a) Shall be made of water-resistant canvas with wood or metal frames; and

(b) Shall not contain any advertising other than advertising allowed under § 549.

545.4 No food or merchandise shall be hung or otherwise displayed from the back of the vending cart.

545.5 No food or merchandise, hung or otherwise displayed on the front of the vending cart, shall extend more than two feet (2 ft.) from the front of the vending cart or extend past the sides of the vending cart.

545.6 All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within or beneath the body of the vending cart; provided, that up to two (2) coolers or containers with food may be placed immediately adjacent to the vending cart, at least four inches (4 in.) off the ground, and in compliance with DOH food storage regulations; and provided further, that the total size of the coolers or containers taken together shall not exceed the length of the cart (eight feet (8 ft.)).

545.7 The cart shall be placed on one (1) or more wheels; provided, that:

- (a) The wheels shall not exceed two feet eight inches (2 ft. 8 in.) in diameter;
- (b) The wheels shall be a wood or metal frame with rubber trim for tires; and
- (c) The cart may include stabilizing legs in addition to the wheel or wheels.

545.8 The vending cart shall be equipped with a chock to be used to prevent the cart from rolling or moving.

546 DESIGN STANDARDS: VENDING VEHICLES

546.1 No vending vehicle, including any display on or attachments to the vehicle allowed by this section, shall exceed the followings dimensions unless otherwise authorized by the DCRA Director:

- (a) Eighteen feet six inches (18 ft. 6 in.) in length;
- (b) Eight feet (8 ft.) in width; and
- (c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.

546.2 No food, merchandise, or equipment shall be hung or otherwise displayed from the non-serving side or back of the vending vehicle.

546.3 All food, merchandise, and equipment, other than the serving window flap or awning shall be firmly attached to the body of the vending vehicle and shall not

project more than twelve inches (12 in.) from the body of the vehicle when serving and must be retracted when not serving.

546.4 All vending vehicles shall rest on inflated tires.

547 DESIGN STANDARDS: VENDING STANDS

547.1 The design and operation of all vending stands shall conform with the following requirements, unless otherwise authorized by the DCRA Director on the Vending Site Permit:

- (a) The stand shall consist of a wood, plastic, or metal table with attached folding legs, a stair-stepped structure approved by the DCRA Director, or a shoe-shine stand structure approved by the DCRA Director. If the stand or structure is made of wood, the wood shall consist of weather-resistant lumber with two (2) coats of varnish or non-toxic paint;
- (b) The stand shall not exceed a maximum horizontal surface area of seven feet by four feet six inches (7 ft. x 4 ft. 6 in.);
- (c) The surface area of the table (or the highest surface area of the stair-stepped structure) shall be at a height of between one foot (1 ft.) and four and a half feet (4.5 ft.);
- (d) The stand shall have a canopy that shall not exceed seven feet nine inches by five feet three inches (7 ft. 9 in. x 5 ft. 3 in.) and shall be comprised of water-resistant canvas or six (6) ply polyurethane material covering a metal or wood frame mounted above the stand. The uppermost point of the canopy shall not exceed more than nine feet (9 ft.) in height and the lowest point on the canopy, inclusive of any canopy flap, shall not be less than seven feet (7 ft.) in height, measured from the sidewalk pavement. The canopy shall be clean and in good repair;
- (e) A skirt or tablecloth shall be attached to the table surface on all sides and shall extend from the table surface to no more than one inch (1 in.) from the sidewalk pavement. The skirt shall be clean and in good repair; and
- (f) No free standing racks or other free-standing forms of display shall be allowed around the stand.

548 DESIGN STANDARDS: FOOD VENDING CARTS AND VEHICLES

548.1 All vending vehicles and vending carts that vend food shall be inspected and approved by the DOH Director as being of a design which is approved by, or is equivalent to a design approved by, the National Sanitation Foundation. All equipment used in the vehicle or cart for the vending of food shall be inspected and approved by the DOH Director as being of commercial grade and in compliance with National Sanitation Foundation standards or the equivalent.

- 548.2 If DCRA waives any design standard for a food vending cart or vehicle that is not in compliance with §§ 545, 546, 547, or 548, a written waiver approving the non-compliant cart or vehicle shall be issued by DCRA, MPD, and DDOT to the DOH Director prior to DOH either conducting a food safety code compliance inspection pursuant to Subtitle A of Title 25 of the DCMR or issuing a health inspection certificate.
- 548.3 All vending vehicles and vending carts that vend food shall be designed and operated in accordance with all relevant food safety laws and may be required to include:
- (a) A fresh water tank with at least a five gallon (5 gal.) capacity or more for food vending carts;
 - (b) A fresh water tank with at least a thirty-eight gallon (38 gal.) capacity or more for food vending vehicles;
 - (c) A waste water tank with a capacity fifteen percent (15%) or larger than the required fresh water tank;
 - (d) A three (3) compartment sink with hot and cold running water;
 - (e) A separate hand washing sink with mixing faucet;
 - (f) Walls, ceiling, and floors that are smooth and easily cleanable;
 - (g) Natural or electrical lighting to provide a minimum of fifty (50) candles of light on work surfaces;
 - (h) A generator-powered refrigerator that will maintain stored foods at forty-one degrees Fahrenheit (41° F) or below and that has sufficient holding capacity for one (1) day of operation;
 - (i) A generator-powered freezer that will hold stored foods at zero degrees Fahrenheit (0° F) or below and that has sufficient holding capacity for one (1) day of operation; and
 - (j) Adequate ventilation.

549 [RESERVED]

550 DESIGN STANDARDS: PHASE-IN PERIOD

- 550.1 Any vendor issued a Vending Business License prior to the date of publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, shall have until one (1) year from that date of publication to come into compliance with the following subsections of this chapter:

- (a) Subsection 545.2; and
- (b) Subsection 545.5.

PART 2: OPERATIONAL STANDARDS

551 OPERATIONAL STANDARDS: GENERAL

- 551.1 A vendor shall comply with all District and federal laws and regulations applicable to the operation of a vending business.
- 551.2 No vendor shall vend in public space:
 - (a) After the expiration of the Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor’s vending business; or
 - (b) During any period when the vendor’s Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor’s vending business has been suspended or revoked.
- 551.3 A vendor shall, at all times, obey posted traffic and parking signs.

552 OPERATIONAL STANDARDS: AUTHORIZED HOURS OF OPERATIONS

- 552.1 Vendors may operate only during the following hours:
 - (a) Sunday through Thursday, from 5:00 a.m. to 10:00 p.m.; and
 - (b) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.
- 552.2 Notwithstanding § 552.1, the Vending Site Permit for each Vending Location in a Vending Development Zone shall establish the hours of operation for that Vending Location.

553 OPERATIONAL STANDARDS: PLACEMENT OF VENDING VEHICLES, VENDING CARTS, AND VENDING STANDS

- 553.1 No vendor shall vend in a location that is not a Vending Location assigned to the vendor by the DCRA Director.

553.2 A vendor shall place his or her vending stand or vending cart parallel to the curb, with the longest side of the vending stand or vending cart parallel to the curb and located two feet (2 ft.) from the curb face, unless otherwise specified by the DCRA Director on the Vending Site Permit.

553.3 No vendor shall vend upon, or impede free access to, service and ventilation grates and covers or in any location that would not be an authorized Vending Location under § 525.1, unless specifically authorized by the DCRA Director or the DDOT Director or as part of a Vending Development Zone.

553.4 No vendor shall drive a vehicle onto or over a curb with the purpose of dropping off or picking up a vendor cart for towing.

553.5 No vendor shall place his or her vending vehicle, vending stand, or vending cart in such a manner that it impedes passage of pedestrians along the sidewalks.

554 OPERATIONAL STANDARDS: PLACEMENT OF EQUIPMENT AND RELATED ITEMS

554.1 All surplus merchandise, food, equipment, and other items related to the operation of a vending vehicle, vending stand, or vending cart shall be kept either in or under (or, in the case of a vending stand, on) the vending vehicle, vending stand, or vending cart.

554.2 No merchandise, food, equipment, or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or placed upon any public space adjacent to the vending vehicle, vending stand, or vending cart.

554.3 No vendor shall place any vending equipment or related items upon, or in a place or manner impeding free access to, service and ventilation grates and covers in accordance with § 553.3.

554.4 No merchandise, food, equipment or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or otherwise kept on the public space beyond the hours of operation of the vending business.

555 OPERATIONAL STANDARDS: FOOD PREPARATION AND HANDLING

555.1 All preparation, handling, transportation, and storage of food vended under this chapter shall be in compliance with:

- (a) An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code §§ 48-101 *et seq.* (2009 Repl. & 2011 Supp.));

- (b) Subtitle A (Food and Food Operations) of Title 25 (Food Operations and Community Hygiene) of the DCMR;
- (c) Any other applicable law or regulation related to the preparation, handling, transportation, or storage of food;
- (d) Requirements of, and conditions imposed by, the health inspection certificate, including any plans or standards approved or imposed as part of the issuance of the health inspection certificate; and
- (e) Any applicable standards established by DOH.

555.2 No food vending equipment shall be used for purposes other than those authorized by the DOH Director.

555.3 No food may be vended from a vending vehicle, cart, or stand unless there is a person in charge on site at the time of the preparation, handling, and sale of the food who holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and
- (b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

556 OPERATIONAL STANDARDS: FIRE SAFETY

556.1 All vending vehicles equipped with cooking appliances shall have at least one (1) fire extinguisher with a minimum rating of 2A-10BC mounted in the cooking area.

556.2 All vending vehicles operating with propane or open flames shall meet the following standards:

- (a) All propane compartments shall be secured and placarded;
- (b) “No Smoking” signs shall be posted on the vehicle; and
- (c) Propane or open flame permits shall be clearly posted on the vehicle.

557 OPERATIONAL STANDARDS: USE OF AMPLIFICATION SYSTEMS

557.1 No vendor shall operate a loud speaker or sound amplifier, or play a radio, drum, or other musical instrument as a means of advertising in such a manner as to create a noise disturbance, as that term is defined in DCMR Title 20, § 2799.

557.2 Activities open to the public and provided for in DCMR Title 20, Subsection 2805.2, are exempt from the limitations set forth in this section.

PART 3: INSPECTIONS

558 INSPECTIONS: FOOD PREPARATION AND HANDLING

558.1 The vendor's food preparation, handling, transportation, and storage operations shall be subject to inspection at any time to verify compliance with applicable provisions of Subtitle A of Title 25 of the DCMR and any conditions imposed by the health inspection certificate.

558.2 Each food vending business shall be inspected by the DOH Director at least once every six (6) months. Failure to pass an inspection shall be cause for summary suspension of the vendor's Vending Business License and Vending Site Permit pursuant to §§ 507, 512, and 516.

559 INSPECTIONS: DESIGN STANDARDS

559.1 A vendor's vending vehicle, vending stand, or vending cart shall be subject to inspection at any time by the DCRA Director to verify compliance with applicable design standards required by this chapter.

559.2 Failure to comply with design standards for vending vehicles, vending stands, or vending carts may be cause for the issuance of a civil infraction or the summary suspension or revocation of a Vending Site Permit.

560 INSPECTIONS: FIRE SAFETY

560.1 All vending vehicles, vending carts, or vending stands with deep fryers, propane or open flame, or any other electrical or cooking devices shall be inspected by FEMS at least once a year or as regularly as the Fire Marshal prescribes.

560.2 If a vending vehicle, vending cart, or vending stand fails an inspection performed pursuant to this section, the FEMS inspector may summarily seize the Vending Business License and Vending Site Permit and deliver it to the DCRA Director. The DCRA Director shall return the seized Vending Business License or Vending Site Permit to the licensee only upon the licensee's vending vehicle, vending cart, or vending stand passing FEMS inspection.

PART 4: OTHER STANDARDS OF OPERATION**561 MAINTENANCE STANDARDS**

- 561.1 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained in a safe, clean, and sanitary condition, and in good repair.
- 561.2 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained so that the vending vehicle, cart, or stand remains at all times in compliance with the standards of this subchapter.

562 DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES

- 562.1 A vendor shall conspicuously display on the vendor's vending vehicle, vending cart, or vending stand, or public market, as required, in Chapter 37, Subtitle A of Title 25 of the DCMR, his or her:
- (a) Vending Business License;
 - (b) Vending Site Permit;
 - (c) Health inspection certificate;
 - (d) Food Protection Manager Certificate;
 - (e) DCRA-issued vendor identification card;
 - (f) DOH-issued certified food protection manager identification card; and
 - (g) A propane or open flame permit, if the vendor uses propane or open flames in his or her operations.
- 562.2 The items required by § 562.1 shall be considered to be properly displayed when they are firmly attached to the vending vehicle or stand and are clearly visible to the public.
- 562.3 No person shall alter, mutilate, forge, or illegally display any license, permit, or other certificate of authority issued pursuant to this chapter.
- 562.4 If a Vending Business License, Vending Site Permit, or health inspection certificate is displayed by a vendor or on a vending vehicle, vending cart, or vending stand other than that of the vendor, vending vehicle, vending stand, or vending cart for which the Vending Business License, Vending Site Permit, or health inspection certificate was issued, the DCRA Director or MPD may summarily impound or immobilize the vending vehicle, vending stand, or vending cart on which the Vending Business License, Vending Site Permit, or health inspection certificate is unlawfully displayed.

562.5 If a summary impounding or immobilization occurs pursuant to § 562.4, the DCRA Director or MPD shall release the impounded or immobilized vending vehicle, vending stand, or vending cart to the vendor upon the payment of a fine in an amount established by the DCRA Director.

562.6 Failure to display any required certificates of authority, or to provide those certificates to an authorized District government representative, may result in summary suspension of a vendor’s Vending Business License or Vending Site Permit and the impounding or immobilizing of the vending vehicle, vending stand, or vending cart. The vendor’s license or site permit shall be returned to the licensee upon the proper display or provision of the required certificates of authority.

563 MOTOR VEHICLE REGISTRATION AND INSPECTION OF VENDING VEHICLES AND CARTS

563.1 All vending vehicles and vending carts:

- (a) Shall be registered and inspected by the District of Columbia Department of Motor Vehicles or by the motor vehicle department of another state or municipality with appropriate jurisdiction;
- (b) Shall display all current tags on the vehicle or cart; and
- (c) Shall not vend any food, merchandise, or services if the vehicle has temporary tags.

563.2 Any vending vehicle not displaying current vehicle registration shall be subject to removal and shall subject the licensee to summary suspension of their Vending Business License and Vending Site Permit. The vendor’s vehicle, Vending Business License and Vending Site Permit shall be returned to the licensee upon the proper display of current vehicle registration.

564 EMPLOYEES OF LICENSED VENDORS

564.1 No individual shall work at a vending business unless the individual is the licensed vendor of the vending business or is an employee of the vendor holding a valid Vendor Employee Identification Badge.

564.2 The employing vendor shall follow all applicable District and federal employment laws and regulations.

564.3 An employee of a vendor may operate the vendor’s Class A or Class D vending business without the vendor being present; provided, that the employee holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and
 - (b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR.
- 564.4 No individual may act as an employee of a vendor unless that individual holds a valid Vendor Employee Identification Badge issued by the DCRA Director.
- 564.5 An individual shall apply for a Vendor Employee Identification Badge by submitting an application to the DCRA Director, on a form prescribed by the DCRA Director, which shall include:
 - (a) The name, address, photograph, and telephone number of the individual;
 - (b) The name and license number of the vendor for whom the individual will act as an employee;
 - (c) The signature of the individual;
 - (d) The notarized signature of the vendor;
 - (e) The application fee, which shall be fifty-five dollars (\$55); and
 - (f) Any additional information or documentation required by the DCRA Director.
- 564.6 The Vendor Employee Identification Badge shall include the name of the employee of the vendor, a badge number, the name of the licensed vendor, and the Vending Business License number of the vendor.
- 564.7 An employee shall conspicuously wear his or her Vendor Employee Identification Badge when the employee is operating the vendor's vending business.
- 564.8 An individual may represent more than one (1) licensed vendor; provided, that the individual:
 - (a) Has a Vendor Employee Identification Badge for each licensed vendor that employs the individual; and
 - (b) Displays the Vendor Employee Identification Badge for the respective licensed vendor while working at that vendor's vending business.
- 564.9 A licensed vendor shall be held responsible for the actions of his or her employees and independent contractors, where such actions are related to the operation of the

vending business and, either singularly or in combination, the Vending Business License, Vending Site Permit, Vendor Employee Identification Badge, and health inspection certificate of the vendor may be suspended or revoked based on those actions.

565 LITTERING AND CUSTOMER LINES

565.1 Vendors shall keep sidewalks, roadways, and other public space adjoining and adjacent to their assigned Vending Location clean and free from paper, peelings, and refuse of any kind.

565.2 All vendors shall affix to their stands or vehicles a container for litter that shall be maintained and emptied when full. Public trash receptacles shall not be used for compliance with this section.

565.3 A vendor shall ensure that waiting customers do not completely block the public sidewalk. A vendor shall comply with this subsection by asking customers, through verbal communication and signage on the vehicle, to not impede pedestrian access along the public sidewalks.

565.4 The DCRA Director may enter into agreements with other District agencies, public-private partnerships, or other District government-authorized or –licensed entities to assist with waste management issues related to vending businesses.

566 DISPLAY OF SAMPLE ITEMS

566.1 No vendor shall display any object (including signage) used as an example of merchandise or food for sale or to advertise merchandise, services, or food for sale unless the object conforms to the merchandise or food being sold by the vendor at that particular Vending Location.

567 PURCHASE OR RECEIPT OF STOCK

567.1 No vendor shall purchase any inventory stock from public space.

567.2 No vendor shall take delivery of any inventory stock in public space, with the exception of perishable food items for consumption and ice.

568 PLACING VENDING BUSINESS LICENSES ON HOLD

568.1 The DCRA Director shall create a process by which a vending business may voluntarily put its Vending Business License on hold and subsequently retrieve it from hold status to avoid suspension or revocation of a Vending Site Permit.

568.2 A Vending Business License may be placed on hold and in the possession of the DCRA Director during such times that the vending business is not in operation for

seasonal purposes or emergent issues; provided, that the holder of the Vending Business License is in compliance with the Clean Hands Certification.

568.3 Placement of a Vending Business License and/or Vending Site Permit on hold pursuant to this section shall not stay the expiration date of either the license or site permit and, to remain valid, it must be renewed on or before its expiration date, pursuant to § 506.

568.4 A vendor, or any employee or independent contractor employed by the vendor, who vends any products, food, merchandise, or services while his or her Vending Business License is placed on hold shall be subject to the revocation of his or her Vending Business License.

569 REQUIREMENT TO UPDATE INFORMATION

569.1 If, pursuant to the provisions of this chapter, a vendor provided information to a District agency and that information changes, the vendor shall, within ten (10) business days after the change in information, provide updated information to the appropriate agency.

SUBCHAPTER E: VENDING DEVELOPMENT ZONES AND SPECIAL EVENTS

570 VENDING DEVELOPMENT ZONES

570.1 The DCRA Director may establish Vending Development Zones (VDZ) to promote new and innovative vending practices designed to achieve the following objectives:

- (a) For communities to utilize vending and public markets to create unique and attractive destinations and increase foot traffic in commercial corridors;
- (b) For communities to have expanded capability to manage vending and public markets in unique high-density hospitality zones;
- (c) Provide opportunities for vendors to expand their creativity and entrepreneurship in both their products and their carts, stands, or vehicles;
- (d) Expand vending and public market opportunities for small and local businesses;
- (e) Improve the safety, appearance, and use of public space;
- (f) Allow for greater expansion of the creative economy through the addition of entertainment and artistic business ventures in public space;
- (g) Attract retail to emerging corridors by bringing new retail energy to neighborhoods; and

- (h) Strengthen the retail base and create opportunities for vibrant retail streets and corridors and ensure shoppers have a greater selection of products and services.

570.2 Notwithstanding other provisions of this chapter and of Chapter 13 of Title 19 of the DCMR, the DCRA Director shall allow a VDZ greater flexibility in complying with regulations governing the:

- (a) Location of vendors in public space, provided, that no category of Vending Business License is specifically excluded;
- (b) Method for assigning Vending Locations, including the exclusion of any roadway vending vehicle that is not expressly included by Vending Site Permit in the VDZ;
- (c) Design standards for vending vehicles, vending carts, roadway vending vehicles, and vending stands;
- (d) Hours of operation;
- (e) Length of time for which a Vending Site Permit shall be issued; and
- (f) Special performance and entertainment requirements of Chapter 13 of Title 19 of the DCMR.

570.3 The DCRA Director may establish a VDZ upon the approval of an application submitted by a business association, community organization, Advisory Neighborhood Commissions (ANCs), Business Improvement Districts (BIDs), or District government agency.

570.4 The DCRA Director shall administer the process for reviewing applications in consultation with the following Coordinating Agencies:

- (a) Department of Small and Local Business Development;
- (b) Department of Health;
- (c) District Department of Transportation; and
- (d) Office of Planning.

570.5 A VDZ application shall be reviewed in a two (2)-part process:

- (a) The applicant shall submit five (5) hard copies or one (1) electronic copy of a pre-application to the DCRA Director who shall forward a copy to each Coordinating Agency. The pre-application shall include the following information:

- (1) The applicant's mission, bylaws, process for electing officers, and public meeting requirements where applicable or, in the case of a Coordinating Agency, its mission and responsibilities;
 - (2) The purpose and intent of establishing a VDZ, including aspects of placemaking and creative economy planning;
 - (3) A map delineating the proposed boundaries of the VDZ and all current Vending Locations; and
 - (4) Where applicable, any partner organizations collaborating on the application.
- (b) Upon verification of the items required by paragraph (a), the DCRA Director shall approve the pre-application. Within ninety (90) calendar days of notification from the DCRA Director of pre-application approval, the applicant shall, in consultation with the Coordinating Agencies, prepare and submit five (5) hard copies or one (1) electronic copy of a VDZ application to the DCRA Director. The application shall demonstrate how the purpose and intent of the proposed VDZ will be realized and include the following:
- (1) A description of the proposed innovative vending strategy or expanded management opportunity;
 - (2) A map showing proposed vending and public market locations;
 - (3) An implementation plan that may include, but is not limited to:
 - (A) Financial assistance, equipment assistance, storage assistance, technical advice, or business planning support for existing and potential new vendors;
 - (B) Marketing strategy for placemaking, coordinated design, semi-permanent fixtures, entertainment, or creative economy programming;
 - (C) Partnership opportunities; and
 - (D) Diversity of products or services offered;
 - (4) A plan for coordinating with existing vendors and businesses located within the proposed VDZ; and
 - (5) Any other information that the DCRA Director requires.

- 570.6 The DCRA Director and coordinating agencies shall review VDZ applications to identify any issues that the applicant must resolve prior to further processing of the application. Additionally:
- (a) The DCRA Director shall forward each VDZ application to the Coordinating Agencies for evaluation based upon:
 - (1) Compliance with objectives defined in § 570.1; and
 - (2) The ability of the applicant to achieve the proposed innovative vending strategy;
 - (b) Each Coordinating Agency shall review the application concurrently within forty-five (45) days and forward any issues to the DCRA Director;
 - (c) The DCRA Director shall notify the applicant in writing or electronically of any issues identified by a Coordinating Agency and the applicant shall work with the Coordinating Agencies to address all issues within thirty (30) days of receiving written or electronic notification. The Coordinating Agencies shall notify the Director when all issues have been resolved; and
 - (d) The Director may deny an application if the applicant is unable to resolve any issues identified by the Coordinating Agencies within the forty-five (45-) day time period set forth in Subsection (b), but extend the forty-five (45-) day period for good cause.
- 570.7 Within forty-five (45) days of receiving favorable reports from all coordinating agencies, DCRA shall publish notice of the proposed vending development zone in the District of Columbia Register. Within forty-five (45) days of publication of notice in the *D.C. Register*, DCRA shall hold a public hearing to solicit public comments on the VDZ application. The DCRA Director shall publish notice of the hearing in the *District of Columbia Register*, give notice of the hearing to the affected Advisory Neighborhood Commission, and post copies of the application on the DCRA website at least fifteen (15) calendar days before the hearing.
- 570.8 Within forty-five (45) days after the public hearing, the DCRA Director shall either approve or deny the VDZ application based upon the information in the VDZ application and the findings from the public hearing.
- 570.9 The DCRA Director shall assist in the implementation of the VDZ vending strategy. Vending Business Licenses and Vending Site Permits shall be issued consistent with the approved VDZ application. Pursuant to the VDZ vending strategy, the DCRA Director shall manage the site delegation and distribution of Vendor Locations to vendor site applicants.

570.10 The DCRA Director may require the VDZ applicant or vendors in a VDZ to provide information or reports that are needed to assess long-term benefits or disadvantages of the innovative vending practices.

570.11 The Director may suspend or revoke a vendor’s Vending Business License or Vending Site Permit if the vendor fails to comply with the VDZ vending strategy.

570.12 The Director shall discontinue a VDZ if:

- (a) The VDZ vending strategy fails to achieve the purpose and intent of the VDZ; or
- (b) The Director determines that it is not in the best interest of the public to continue the VDZ, based on such factors as:
 - (1) Poor management of the VDZ;
 - (2) Unsafe conditions resulting from the VDZ; and
 - (3) Failure to follow or maintain the vending plan contained in the VDZ application.

570.13 Before the DCRA Director discontinues a VDZ, the DCRA Director shall provide written notice to the businesses, organizations, or agencies administering the VDZ of the intent to discontinue the VDZ and the reasons for the discontinuance.

570.14 Within forty-five (45) days of receiving the written notice from the DCRA Director, the businesses, organizations, or agencies administering the VDZ shall cure the identified reasons for the discontinuance of the VDZ. The DCRA Director, at his or her discretion, may extend the forty-five (45) day period for good cause.

571 SPECIAL EVENTS

571.1 Persons who are authorized by the organizer of a licensed Special Event to vend within the boundaries of a licensed Special Event may vend without a Vending Business License or Vending Site Permit.

571.2 A vendor authorized to vend within the boundaries of a licensed Special Event area shall comply with all applicable laws and regulations regarding the registration of vendor’s business with the Office of Tax and Revenue and DCRA and shall comply with any standards imposed by DOH or other relevant agencies.

SUBCHAPTER F: STREET PHOTOGRAPHY**572 STREET PHOTOGRAPHY: REQUIREMENTS AND RESTRICTIONS**

572.1 A vendor holding a Vending Business License (Class D) for street photography (and each individual working as an employee or independent contractor of the vendor) shall deliver or cause to be delivered a finished photograph of the person purchasing the photograph either at the time of the purchase of the photograph or within a time period specified on a card handed to the person at the time of the taking of the photograph.

572.2 The card required by § 572.1 shall contain the following:

- (a) The name of the vendor;
- (b) The name of the employee or independent contractor (if any) taking the photograph;
- (c) The vendor's Vending Business License Number;
- (d) The employee's or independent contractor's Vendor Employee Identification Badge number;
- (e) The telephone number of the vendor; and
- (f) The time period within which the photograph shall be delivered and a statement that if the photograph is not delivered within the time period specified on the card, the vendor shall refund the purchase price.

572.3 Each finished photograph shall be clear and sharp, and shall show no blur of focus or camera movement which affects the principal subject.

SUBCHAPTER G: SOLICITING**573 SOLICITING: GENERAL PROVISIONS**

573.1 No person shall solicit any person from a street, sidewalk, or other public space, or in any way interfere with the free passage of any person along any street, sidewalk, or other public space, for the purpose of inducing that person to do any of the following:

- (a) Buy any merchandise, food, or service;
- (b) Patronize any hotel, motel, inn, or boarding house; or
- (c) Patronize any place of entertainment or amusement.

- 573.2 No person shall solicit any other person within or on the grounds of any railroad or bus station or depot, or on public space in the District, for the purpose of securing a passenger or passengers for transportation for hire, unless properly licensed and permitted to do so by the Mayor.
- 573.3 No person shall, on any public highway in the District, solicit employment to guard, watch, wash, clean, repair, or paint, any automobile or other vehicle, except as provided for in Title 18 of the DCMR.
- 573.4 No person shall remain in front of or enter any store or vending business where goods are sold at retail for the purpose of enticing away or in any manner interfering with any person who may be in front of or who may have entered the store or vending business for the purpose of buying.
- 573.5 Unless issued a valid Class D Vending Business License or engaged in a transaction with a Class D Vending Business Licensed vendor, no person shall sell or offer to sell tickets from the sidewalks, streets, or public spaces anywhere in the District for any sightseeing bus tours of any kind.
- 573.6 Class D Vendors may only sell tickets in areas designated for that specific purpose, pursuant to § 573.7.
- 573.7 Class D license holders who provide sightseeing bus services are authorized to vend from public space within ten feet (10 ft.) of a sign designating a stop of the sightseeing bus for which the person is selling tickets; provided, that the sign has been permitted and approved by the DDOT Director pursuant to § 3306 of Chapter 33 of Title 24 of the DCMR. No structure or fixture, including "A" frame signs, podiums, kiosks, or any other material, whether temporary or permanent, shall be placed in public space.

SUBCHAPTER H: MISCELLANEOUS PROVISIONS

574 VENDING DEPOT REQUIREMENTS

- 574.1 Vending depots servicing vending vehicles or carts with Class A Vending Business Licenses shall provide all of the following services to a vendor in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR:
- (a) Storage of the vending vehicle or cart;
 - (b) Food preparation, including approved food handling areas, as needed;
 - (c) Proper storage of inventory, such as food, utensils and supplies;
 - (d) Basic maintenance and cleaning, including:

- (1) Hot and cold water;
- (2) Sloped and properly drained cleaning area;
- (3) Potable water; and
- (4) Electrical outlets; and

(e) Proper disposal of trash and food waste, such as garbage and liquid.

574.2 The operator of a vending depot shall maintain a ledger that includes current information on the name, license number, and address of each vendor and supplier doing business with the operator. This ledger shall be made available during regular business hours for inspection by any duly authorized District government agent in accordance with § 3701, Subtitle A of Title 25 of the DCMR.

574.3 The operator of a vending depot may offer additional services to a vendor, such as the wholesale sale of food or beverages or towing services; provided, that the vending depot shall not require that a vendor accept any additional services as part of the contract to provide the minimum services set forth in § 574.1.

574.4 The operator of a vending depot shall:

- (a) Comply with all applicable laws and regulations regarding registration of the person's business with the Office of Tax and Revenue and DCRA;
- (b) Obtain all necessary business licenses from DCRA; and
- (c) Comply with the Subtitle A of Title 25 of the DCMR and all applicable standards imposed by DOH or other relevant agencies.

575 PENALTIES

575.1 A person violating any provision of this chapter may be issued a civil infraction pursuant to Chapter 33 of Title 16 of the DCMR.

575.2 A fine imposed under this section shall be imposed and adjudicated pursuant to Titles I—III 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 §§ 2-1801.01, *et seq.* (2007 Repl. & 2012 Supp.)).

575.3 Any fines issued pursuant to this section may be in addition to the revocation or suspension of a vendor's Vending Business License or Vending Site Permit.

576 SEVERABILITY

576.1 If any provision of this chapter, or the application of any provision of this chapter, is held invalid in any circumstance, the validity of the remainder of the provisions

of this chapter, and the application of any provision in any other circumstance, shall not be affected; and to this end, the provisions of this chapter shall be severable.

599 **DEFINITIONS**

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Central Vending Zone – the area delineated by the boundaries listed in § 526.1.

Clean Hands Certification – the certification required by the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861, *et seq.* (2012 Supp.)).

Coordinating Agencies – the several District agencies identified in § 570.4.

Coordinating Agency – any of the Coordinating Agencies.

DCRA Director – the Director of the Department of Consumer and Regulatory Affairs.

DCRA – the Department of Consumer and Regulatory Affairs.

DCRA Business Licensing Center – the Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Second Floor, Washington, D.C. 20024.

DDOT – the District Department of Transportation.

DDOT Director – the Director of the District Department of Transportation.

DOH – the Department of Health.

DOH Director – the Director of the District Department of Health.

FEMS – the District of Columbia Fire and Emergency Medical Services Department.

Fire Chief – the Chief of the District of Columbia Fire and Emergency Medical Services Department.

Fire Marshal – the Fire Marshal of the District of Columbia Fire and Emergency Medical Services Department.

Fixture – any District government-authorized furniture or equipment that is secured or permanently affixed to the public right-of-way or other public space.

Food – any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum as defined in the Food Code.

Food Code – Subtitle A (Food and Food Operations) Title 25 of the District of Columbia Municipal Regulations.

Ice cream vending vehicle - a vending vehicle, vending cart, or vending stand from which pre-packaged ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for the purposes of vending in public space.

Metrobus Stop Zone – that area of the public roadway specifically designated for the exclusive use of Metrobus in loading and unloading passengers.

Mobile Roadway Vendor - a vendor who operates a vending business in locations, pursuant to the requirements of §§ 533 through 536, while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular parking.

Mobile Roadway Vending location – A vending location containing at least three parking spaces, and designated by appropriate signage.

Mobile Roadway Vending vehicle – A self-propelled vending vehicle.

MPD – the Metropolitan Police Department.

MPD Chief – the Chief of the Metropolitan Police Department.

Nationals Park Vending Zone – the Vending Locations designated in § 529.1.

Neighborhood Vending Zones – any of the several areas delineated by the boundaries in § 528.1.

Old Georgetown – the area delineated by the boundaries in § 527.1.

Old Georgetown Vending Zone – the area designated by § 527.2.

Person – any individual or business entity.

Public and private market – a vending operation which takes place in an area of public space set aside and permitted on a regular basis for the sale of

goods, merchandise, and services provided on site. The terms “public market” and “private market” may include a farmers market, flea market, antiques market, or other similar type of market.

Public space – all publicly-owned property between property lines on a street, as such property lines are shown on the records of the District of Columbia, including any roadway, tree space, sidewalk, or parking area between property lines.

Registered agent – any person who maintains a residence or business address in the District of Columbia and is authorized by a vendor and agrees to accept service of process and legal notices on behalf of a vendor.

Roadway vendor – a vendor who operates a vending business while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular parking.

School day – the period from 9:00 a.m. to 3:00 p.m. on a regular instructional day during the school year of the District of Columbia Public Schools, as defined in DCMR Title 5, Subtitle E, § 305.

Sidewalk vendor – a vendor at a sidewalk Vending Location who engages in business while occupying a portion of the public right of way other than that reserved for vehicular travel.

Special Event – an activity, such as shows and exhibits of any kind, conventions, parades, circuses, sporting events, fairs, and carnivals, held for a limited period at a designated location on public space and authorized by the Mayor, pursuant to D.C. Official Code § 47-2826 (2005 Repl.).

Stationary roadway vendor – a vendor who operates a vending business while occupying a fixed location with a valid vending site permit in an assigned roadway vending location as designated in § 531;

Street photography – the business of operating on public space and taking photographs, for profit or gain, of any person or persons upon public space with the intent to immediately, or within a reasonably brief time, deliver the photograph to the purchaser.

VDZ – shall have the same meaning as a Vending Development Zone.

Vending business – a business venue for the vending of food, products, services, or merchandise and operated by a licensed vendor.

Vending Business License – the basic business license with a vending endorsement issued by the Department of Consumer and Regulatory Affairs.

Vending cart – a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk Vending Location, and from which food, products, merchandise, or services are intended to be vended.

Vending depot – any business that supplies vendors with merchandise, products, or food items, or that, for a fee, stores, services, or maintains vending stands, carts, or vehicles.

Vending Development Zone – a specific vending area created pursuant to § 570.

Vendor Employee Identification Badge – the badge issued by the Director of the Department of Consumer and Regulatory Affairs to a person employed by a licensed vendor pursuant to § 564.

Vending establishment – the actual structure that will constitute the means by which a vendor will offer goods or food for sale to the public, including vending vehicles, vending stands, and vending carts.

Vending Location – any of the locations in the public space identified by the Director of the District Department of Transportation as being suitable for vending.

Vending Site Permit – the permit issued by the Director of the Department of Consumer and Regulatory Affairs allowing for vending from the public space at a specified Vending Location.

Vending stand – a table or other similar approved structure used by a vendor for displaying merchandise, products, or food that is offered for sale, or offering a service in exchange for a fee.

Vending vehicle – a wheeled, self-contained vehicle used for the purpose of selling food, merchandise, products, or services upon the area of a street generally reserved for vehicular traffic or vehicular parking. The term “vending vehicle” may include trailers and self-propelled vehicles.

Vendor – any person engaged in selling goods and services exclusively from the public space and for the immediate delivery upon purchase.

Chapter 5 (Basic Business License Schedule of Fees) of Title 17 (Business, Occupations and Professions) of the DCMR is amended as follows:

Subsection 516.1 is amended to read as follows:

- 516.1 The Director shall charge fees for business license categories with a General Business endorsement as follows:
- (a) Charitable solicitation: \$280;
 - (b) Cooperative association: \$37;
 - (c) General business: \$200; and
 - (d) Street vendor (Class C): \$433.

Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the DCMR is amended by adding a new Section 3313 (Vending Business License Infractions) to read as follows:**3313 VENDING BUSINESS LICENSE INFRACTIONS**

- 3313.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 24 DCMR § 502.1 (failure to have and maintain general license requirements);
 - (b) 24 DCMR §§ 503.3(f), (g), (h), and (i) (selling alcohol, drugs, controlled substances, or drug paraphernalia);
 - (c) 24 DCMR § 507.1 (suspension or revocation of license for the enumerated violations);
 - (d) 24 DCMR § 512.1 (suspension or revocation of vending site permit for the enumerated violations);
 - (e) 24 DCMR § 516 (suspension or revocation of Mobile Roadway vending site permit for the enumerated violations);
 - (f) [RESERVED];
 - (g) 24 DCMR § 535.1(a) (vending in a legal parking space that meets the requirements of § 535.2);
 - (h) 24 DCMR § 541.1 (vending from an unauthorized public market);
 - (i) 24 DCMR § 541.2 (managing a public market without a Class C vending business license);

- (j) 24 DCMR § 551.2 (vending after the expiration of a vending business license, vending site permit, or any other required license, permit, certificate or authorization); and
- (k) 24 DCMR § 562.3 (alteration, mutilation, forgery, or illegal display of any license, permit, or certificate of authority).

3313.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 24 DCMR §§ 503.3 (a), (j), (k), and (l) (selling animals, offensive merchandise, or counterfeit merchandise);
- (b) 24 DCMR § 508.4 (vending at unauthorized vending location);
- (c) 24 DCMR § 517.1 (vending without a health inspection certificate issued by the Department of Health);
- (d) 24 DCMR § 521.1 (vending without a Department of Health-issued food protection manager certificate or food protection manager identification card);
- (e) 24 DCMR § 522.1 (vending without a propane or open flame permit issued by the Fire and Emergency Medical Services Department);
- (f) 24 DCMR § 523.1 (vending without a hood suppression system approved by the Fire and Emergency Medical Services Department);
- (g) 24 DCMR § 527.1 (vending at unauthorized vending locations in the Old Georgetown vending zone);
- (h) 24 DCMR § 533.7 (mobile vending within 200 feet of designated MRV location);
- (i) 24 DCMR § 534.6 (vending in designated MRV location beyond the authorized hours of operation);
- (j) 24 DCMR § 538.5 (transfer of sidewalk vending lottery registration or sidewalk vending location assignment);
- (k) 24 DCMR § 539.9 (transfer of roadway vending lottery registration or roadway vending location assignment);
- (l) 24 DCMR § 540 (mobile vending in an unassigned designated MRV location);

- (m) 24 DCMR § 540.5 (transfer of designated MRV location permit assignments, without approval);
- (n) 24 DCMR § 538.1 (vending in unassigned vending location);
- (o) 24 DCMR § 543 (failure to adhere to ice cream roadway vendors operational standards)
- (p) 24 DCMR § 556.1 (vending without fire extinguisher);
- (q) 24 DCMR § 556.2 (failure to adhere to propane operating standards);
- (r) 24 DCMR § 562.6 (failure to provide license, permits, or certificates to authorized District government representative);
- (s) 24 DCMR §§ 562.4 and 562.5 (vending license, permits, or certificates placed on an unauthorized vending vehicle, cart, or stand);
- (t) 24 DCMR § 563.1 (failure of vending vehicle or cart to be registered and displaying current tags);
- (u) 24 DCMR § 571.2 (failure of vendor vending at licensed special event to comply with business registration and license requirements);
- (v) 24 DCMR § 573 (unauthorized soliciting);
- (w) 24 DCMR § 573.6 (buying or selling tickets in an area not designated for that purpose); and
- (x) 24 DCMR § 574 (vending depot operating requirements).

3313.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 24 DCMR § 552.1 (vending beyond the authorized hours of operation);
- (b) 24 DCMR § 557.1 (vending while creating a noise disturbance); and
- (c) 24 DCMR §§ 564.1, 564.3, 564.4, and 564.7 (failure to adhere to vendor employee operating requirements).

3313.4 Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 24 DCMR § 503.2 (vending items not authorized under the vending business license class);

- (b) 24 DCMR § 525.1(d) (vending at unauthorized locations in the central vending zone);
- (c) 24 DCMR § 525.1(e) (vending at unauthorized locations outside the central vending zone);
- (d) 24 DCMR § 525.1(f) (vending at unauthorized vending locations);
- (e) 24 DCMR §§ 535.1(b) (failure to pay all parking meter fees) and (c) (failure to obey all posted time restrictions);
- (f) 24 DCMR § 545 (failure to adhere to vending cart design standards);
- (g) 24 DCMR § 546 (failure to adhere to vending vehicle design standards);
- (h) 24 DCMR § 547 (failure to adhere to vending stand design standards);
- (i) 24 DCMR § 548 (failure to adhere to food vending cart or vehicle design standards);
- (j) [RESERVED];
- (k) 24 DCMR § 551.3 (vending while violating traffic or parking restrictions);
- (l) 24 DCMR §§ 553.2, 553.3, and 553.4 (placement of vending vehicles, carts, or stands);
- (m) 24 DCMR § 554 (placement of equipment and related items);
- (n) 24 DCMR § 562.1 (failure to conspicuously display all vending-related licenses, permits, and other certificates);
- (o) 24 DCMR § 565.1 (vending while failing to maintain vending location free from litter);
- (p) 24 DCMR §§, 561, 562, and 563 (failure to adhere to other operating standards);
- (q) 24 DCMR § 567 (purchase or receipt of stock in public space)
- (r) 24 DCMR § 569.1 (failure to provide updated information);
- (s) 24 DCMR § 572 (failure to adhere to street photography operating standards); and

- (t) Any provision of the vending business license regulations promulgated pursuant to the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), which is not cited elsewhere in this section.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority under paragraph 7 of the General Expenses titles of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689, ch. 250; D.C. Official Code § 6-661.01(a) (2008 Repl.)) and Mayor's Order 2013-23, dated January 29, 2013, hereby gives notice of the adoption of amendments to Chapter 1 (DCRA Permits Division Schedule of Fees) of Title 12K (D.C. Construction Codes Supplement of 2008).

A Notice of Proposed Rulemaking was previously published in the *D.C. Register* on August 9, 2013 (60 DCR 11636). No comments were received and no changes have been made to the rulemaking.

The Director took final action on these rules on September 16, 2013. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Title 12 K (DCRA PERMITS DIVISION SCHEDULE OF FEES), Chapter 1 (DCRA Permits Division Schedule of Fees), Section 100.2 of the DCMR is amended to read as follows:

100.2 Starting on October 1, 2010, the Director shall charge an additional fee of ten percent (10%) on the total cost of each permit issued, or document furnished, pursuant to this chapter to cover the costs of enhanced technological capabilities of the Permits Division.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority under Section 2 of the District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.05 (2011 Repl.)) and Mayor’s Order 2011-178, dated October 25, 2011, hereby gives notice of the adoption of a new Chapter 7 (Business Organizations) to Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations.

The rulemaking clarifies and prescribes the requirements for forming, maintaining, and operating foreign and domestic business organizations formed or regulated under Title 29 (Business Organizations) of the D.C. Official Code.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 8, 2013 (60 DCR 1536). In response to comments received on the provisions dealing with nonprofit corporations formed prior to January 1, 1963 (commonly referred to as “Old Act corporations”), several substantive changes were made.

A Second Notice of Proposed Rulemaking was subsequently published in the *D.C. Register* on August 9, 2013 (60 DCR 11638). Several comments were received relating to the proposed requirements on “Old Act Corporations,” but no changes have been made. An additional change was made to delete references to “general partnerships” in Subchapter F and to add a new Subsection 705.7 to clarify the reinstatement requirements for nonprofit corporations that were administratively dissolved.

The Director took final action on these rules on September 12, 2013. These rules will become effective upon publication in the *D.C. Register*.

A new Chapter 7 (Business Organizations) to Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations is added to read as follows:

CHAPTER 7 BUSINESS ORGANIZATIONS

SUBCHAPTER A: GENERAL PROVISIONS

- 700 GENERAL PROVISIONS
- 701 CERTIFICATE OF GOOD STANDING
- 702 ENTITIES REQUIRED TO FILE A BIENNIAL REPORT TO THE SUPERINTENDENT
- 703 DEADLINE FOR FILING BIENNIAL REPORT
- 704 REQUIREMENTS FOR NONPROFIT CORPORATIONS FORMED BEFORE JANUARY 1, 1963 THAT WERE NOT SUBJECT TO THE DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT OF 1962.

- 705 REQUIREMENTS FOR NONPROFIT CORPORATIONS FORMED BY SPECIAL ACT OF CONGRESS
- 706 FAILURE TO FILE A BIENNIAL REPORT
- 707 FAILURE TO RENEW NAME REGISTRATION
- 708 REFUND OF ENTITY FILING FEES
- 709 PERMITTED NAMES
- 710 NAME REQUIREMENTS FOR CERTAIN TYPES OF ENTITIES
- 711 ENTITIES REQUIRED TO DESIGNATE AND MAINTAIN A REGISTERED AGENT
- 712 COMMERCIAL REGISTERED AGENT FOR A FEE OR ON BEHALF OF MULTIPLE FILING ENTITIES
- 713 TERMINATION OF LISTING OF COMMERCIAL REGISTERED AGENT
- 714 CHANGE OF NAME, ADDRESS, TYPE OF ENTITY, OR JURISDICTION OF FORMATION BY COMMERCIAL REGISTERED AGENT
- 715 DESIGNATION OF REGISTERED AGENT BY NONREGISTERED FOREIGN ENTITY OR NONFILING DOMESTIC ENTITY
- 716 SERVICE OF PROCESS, NOTICE OR DEMAND ON ENTITY
- 717 FOREIGN REGISTRATION STATEMENT
- 718 AMENDMENT OF FOREIGN REGISTRATION STATEMENT
- 719 WITHDRAWAL OF REGISTRATION OF REGISTERED FOREIGN ENTITY
- 720 WITHDRAWAL ON DISSOLUTION OR CONVERSION TO NONFILING ENTITY OTHER THAN LIMITED LIABILITY PARTNERSHIP
- 721 TRANSFER OF REGISTRATION
- 722 TERMINATION OF REGISTRATION FOR FOREIGN ENTITIES
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- 724 PROCEDURE AND EFFECT

SUBCHAPTER B: ENTITY TRANSACTIONS

- 725 ENTITY TRANSACTIONS: MERGER AUTHORIZED
- 726 ENTITY TRANSACTIONS: GOOD STANDING FOR MERGING ENTITIES
- 727 ENTITY TRANSACTIONS: INTEREST EXCHANGE AUTHORIZED
- 728 ENTITY TRANSACTIONS: PLAN OF CONVERSION
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SUBCHAPTER C: BUSINESS CORPORATIONS

- 733 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR ARTICLES OF INCORPORATION
- 734 BUSINESS CORPORATIONS: SURRENDER OF CHARTER UPON DOMESTICATION
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- 736 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR RESTATED ARTICLES OF INCORPORATION
- 737 BUSINESS CORPORATIONS: DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS
- 738 BUSINESS CORPORATIONS: ARTICLES OF DISSOLUTION

SUBCHAPTER D: NONPROFIT CORPORATIONS

- 739 NONPROFIT CORPORATIONS: GOOD STANDING FOR DOMESTICATING NONPROFIT CORPORATIONS
- 740 NONPROFIT CORPORATIONS: AMENDING ARTICLES OF AMENDMENT
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SUBCHAPTER E: PROFESSIONAL CORPORATIONS

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- 747 LIMITED LIABILITY COMPANIES: CERTIFICATE OF ORGANIZATION FOR COMPANIES WITH ONE OR MORE SERIES
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- 749 GENERAL COOPERATIVE ASSOCIATIONS: ARTICLES OF INCORPORATION AMENDMENTS

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750 LIMITED COOPERATIVE ASSOCIATIONS: PAYMENT OF A FOR-PROFIT FILING FEE

751 LIMITED COOPERATIVE ASSOCIATIONS: AMENDMENT OR RESTATEMENT OF ARTICLES OF ORGANIZATION

752 LIMITED COOPERATIVE ASSOCIATIONS: NONJUDICIAL DISSOLUTION

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753 STATUTORY TRUSTS: USE OF AMENDMENT, ARTICLES OF CONVERSION OR ARTICLES OF MERGER

754 STATUTORY TRUSTS: ARTICLES OF DISSOLUTION

799 DEFINITIONS

SUBCHAPTER A: GENERAL PROVISIONS

700 GENERAL PROVISIONS

700.1 The provisions of this chapter are issued pursuant to the authority under Section 2 of the District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.05 (2011 Repl.)) (the “Act”) and Mayor’s Order 2011-178, dated October 25, 2011.

700.2 For the purposes of this chapter, the following phrase from Title 29 (Business Organizations) of the District of Columbia Official Code (2011 Repl.) shall be interpreted by the Superintendent as follows:

- (a) **Doing business** – any trade, profession, or activity that provides, or holds itself out to provide, goods or services to the general public or to any portion of the general public, for hire or compensation in the District of Columbia, except as otherwise provided in D.C. Official Code § 29-105.05 (2011 Repl.).

701 CERTIFICATE OF GOOD STANDING

701.1 The Superintendent shall issue a certificate of good standing to a registered domestic or registered foreign entity after all required corporate filing fees and any outstanding penalties are paid to the Superintendent and the other requirements of D.C. Official Code § 29-102.08 (2011 Repl.) are met.

702 ENTITIES REQUIRED TO FILE A BIENNIAL REPORT TO THE SUPERINTENDENT

702.1 Each of the following entities shall file a biennial report with the Superintendent:

- (a) Business corporation;
- (b) Professional corporation;
- (c) Nonprofit corporation;
- (d) Limited partnership;
- (e) Limited liability limited partnership;
- (f) Limited liability company;
- (g) General cooperative association;
- (h) Limited cooperative association;
- (i) Statutory trust;
- (j) Business trust;
- (k) Common-law business trust; and
- (l) Limited liability partnership.

702.2 Each biennial report shall include:

- (a) The date of formation or registration;
- (b) The signature of at least one (1) governor of the entity or other individual authorized to sign on behalf of the governor; and
- (c) An affirmation that the facts stated in the filing are true.

702.3 In addition to the requirements of Chapter 1 (General Provisions) of the Act, a registered foreign entity filing a biennial report pursuant to § 702.1 shall include the following:

- (a) A statement that the foreign entity is in good standing in its state of domicile, if applicable;
- (b) A description of the foreign entity's efforts to be in good standing if the foreign entity is not in good standing in its state of domicile; and
- (c) A statement that the foreign entity cured the grounds for dissolution if the foreign entity is involuntarily dissolved in its state of domicile.

703 DEADLINE FOR FILING BIENNIAL REPORT

- 703.1 For any domestic or foreign entity that registered with the Superintendent between January 1 and December 31 of the current calendar year, the biennial report shall be filed with the Superintendent by April 1 of the next calendar year.
- 703.2 A domestic or foreign entity that files a biennial report under § 703.1 shall file subsequent biennial reports every two (2) years following the first April 1 filing.
- 703.3 For any registered domestic or registered foreign entity that previously was not required to file a biennial report with the Superintendent, the biennial report shall be filed with the Superintendent by April 1, 2013.
- 703.4 A domestic or foreign entity that files a biennial report under § 703.3 shall file subsequent biennial reports every two (2) years following the first April 1 filing.
- 703.5 For any registered domestic or registered foreign entity general cooperative or cooperative association that has filed an annual report with the Superintendent, the biennial report shall be filed with the Superintendent by April 1, 2013.
- 703.6 A domestic or foreign entity that files a biennial report under § 703.5 shall file subsequent biennial reports every two (2) years following the first April 1 filing.

704 REQUIREMENTS FOR NONPROFIT CORPORATIONS FORMED BEFORE JANUARY 1, 1963 THAT WERE NOT SUBJECT TO THE DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT OF 1962.

- 704.1 This section shall apply to any nonprofit corporation formed in the District of Columbia before January 1, 1963 that did not elect to become subject to the District of Columbia Nonprofit Corporation Act of 1962, approved August 6, 1962 (76 Stat. 265; D.C. Official Code § 29-301.01 *et seq.* (2011 Repl.) (recodified as D.C. Official Code § 29A-301.01 *et seq.* (2011 Repl.)).
- 704.2 Until January 1, 2014, but not afterwards, a nonprofit corporation described in § 704.1 shall be governed by the statute under which it was formed as if that statute had not been repealed unless, before that date, the corporation elects to avail itself of the Act as provided in § 704.3.
- 704.3 Before January 1, 2014, a nonprofit corporation described in § 704.1 shall become subject to the Act if it:
- (a) Adopts a resolution in accordance with the corporation's articles and bylaws expressly electing to become subject to the Act; and
 - (b) Files the following with the Superintendent:

- (1) The resolution described in § 704.3(a);
- (2) A copy of the corporation's articles of incorporation; and
- (3) If the corporation has members and this is not stated in the articles of incorporation, an amendment to the articles of incorporation, adopted in accordance with D.C. Official Code § 29-408.01 *et seq.* (2011 Repl.), that states that the corporation has members.

704.4 A resolution under § 704.3(a) is sufficient if it is adopted in accordance with the articles of incorporation or bylaws of the nonprofit corporation and contains the following language, or substantially similar language:

“RESOLUTION

“Pursuant to D.C. Official Code § 29-107.01(b)(2) (2011 Repl.), the [insert name of nonprofit corporation] hereby elects to become subject to the District of Columbia Business Organizations Code (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.).”

704.5 A nonprofit corporation described in § 704.3 shall file a biennial report by April 1, 2014 and shall otherwise comply with, and be subject to, the Act and this chapter.

704.6 A nonprofit corporation that complies with § 704.3 shall be deemed to have been incorporated under the Act for purposes of D.C. Official Code § 29-402.02(a)(3) (2011 Repl.).

704.7 Subject to §§ 704.8, 704.9, and 704.10, a nonprofit corporation described in § 704.1 may elect not to be subject to the Act if it does all of the following before January 1, 2014:

- (a) Adopts a resolution in accordance with the corporation's articles and bylaws expressly electing not to become subject to the Act;
- (b) Files the following with the Superintendent:
 - (1) A copy of the resolution described in § 704.7(a);
 - (2) A copy of the corporation's articles of incorporation; and
 - (3) A list of the names and addresses of all current directors and officers of the corporation; and
- (c) Files a designation of a registered agent pursuant to D.C. Official Code § 29-104.04 (2011 Repl.).

- 704.8 A nonprofit corporation described in §704.7 shall:
- (a) File a biennial report before April 1, 2014;
 - (b) File subsequent biennial reports every two (2) years following the first April 1 filing; and
 - (c) Maintain a registered agent at all times.
- 704.9 If a nonprofit corporation described in § 704.7 fails to comply strictly and completely with all of the requirements of § 704.7 or § 704.8, at any time, the corporation shall irrevocably become subject to the Act.
- 704.10 A nonprofit corporation described in § 704.1 that has elected not to be subject to the Act in accordance with § 704.7 may become subject to the Act by following the procedures in § 704.3.
- 704.11 If a nonprofit corporation described in § 704.7 is administratively dissolved for failing to file a biennial report or failing to maintain a registered agent, the corporation must elect to be subject to the Act in order to apply for reinstatement.
- 704.12 On January 1, 2014, a nonprofit corporation described in § 704.1 that did not elect to become subject to the Act pursuant to § 704.3 or not to be subject to the Act pursuant to § 704.7 shall irrevocably become subject to the Act.
- 704.13 A nonprofit corporation described in § 704.12 shall:
- (a) On or before April 1, 2014, file:
 - (1) A biennial report;
 - (2) A copy of the corporation's articles of incorporation;
 - (3) A list of the names and addresses of the current directors and officers of the corporation; and
 - (4) If the corporation has members and this is not stated in the articles of incorporation, an amendment to the articles of incorporation, adopted in accordance with D.C. Official Code § 29-408.01 *et seq.* (2011 Repl.), that states that the corporation has members.
 - (b) File subsequent biennial reports every two (2) years following the first April 1 filing; and

(c) Maintain a registered agent pursuant to D.C. Official Code § 29-104.04 (2011 Repl.).

704.14 A nonprofit corporation described in § 704.12 that complies with § 704.13 shall be deemed to have been incorporated under the Act for purposes of D.C. Official Code § 29-402.02(a)(3) (2011 Repl.).

704.15 If a nonprofit corporation described in § 704.12 does not comply with § 704.12(a), it may be administratively dissolved.

704.16 A nonprofit corporation described in § 704.12 that is administratively dissolved may apply for reinstatement subject to the requirements D.C. Official Code § 29-106.03 (2011 Repl.), provided that the corporation files the documents specified in § 704.13(a).

705 REQUIREMENTS FOR NONPROFIT CORPORATIONS FORMED BY SPECIAL ACT OF CONGRESS

705.1 This section applies to nonprofit corporations formed in the District of Columbia by a special act of Congress, except to the extent that a requirement of this section is in irreconcilable conflict with a provision of the special act of Congress.

705.2 A nonprofit corporation described in § 705.1 that elects to become subject to Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401 *et seq.* (2011 Repl.) before January 1, 2014, shall file with the Superintendent:

(a) A copy of the corporation's congressional charter and any amendments thereto;

(b) A copy of a resolution adopted by the corporation electing to be subject to the Act; and

(c) A copy of the corporation's articles of incorporation, if any.

705.3 A nonprofit corporation that makes an election under § 705.2 shall:

(a) File a biennial report with the Superintendent by April 1, 2014; and

(b) File subsequent biennial reports every two (2) years following the first April 1 filing.

705.4 A nonprofit corporation described in § 705.1 that does not make an election to become subject to Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401 *et seq.* (2011 Repl.) shall file with the Superintendent, no later than January 1, 2014, a statement containing the following:

- (a) The corporation's name;
- (b) The corporation's date of formation;
- (c) The name and address of at least one (1) governor of the corporation;
- (d) The name and address of the registered agent of the corporation; and
- (e) A copy of the corporation's congressional charter and any amendments thereto.

705.5 A nonprofit corporation described in § 705.4 shall:

- (a) File a biennial report by April 1, 2014;
- (b) File subsequent biennial reports every two (2) years following the first April 1 filing; and
- (c) Maintain a registered agent pursuant to D.C. Official Code § 29-104.04 (2011 Repl.).

705.6 If a nonprofit corporation described in § 705.1 fails to file a timely biennial report or fails to maintain a registered agent, as required by § 705.5, the Superintendent may administratively dissolve the corporation.

705.7 A nonprofit corporation described in § 705.6 that is administratively dissolved may apply for reinstatement subject to the requirements of D.C. Official Code § 29-106.03 (2011 Repl.); provided, that the nonprofit corporation files the documents required by § 705.2 and the biennial report required by § 705.3(a).

706 FAILURE TO FILE A BIENNIAL REPORT

706.1 If a domestic entity required to file a biennial report under § 702 fails to file a timely biennial report, the failure to timely file shall be grounds for administrative dissolution of the domestic entity by the Superintendent.

706.2 If a foreign entity required to file a biennial report under § 702 fails to file a timely biennial report, the failure to timely file shall be grounds for the termination of the foreign entity's registration by the Superintendent.

707 FAILURE TO RENEW NAME REGISTRATION

707.1 If a foreign filing entity or foreign limited liability partnership fails to renew the registration of its name within one (1) year of the date of registration:

- (a) The name registration shall expire; and

- (b) The name shall be available for use by another entity on the next business day after the expiration date.

708 REFUND OF ENTITY FILING FEES

708.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-102.13(d) (2011 Repl.):

- (a) The request for a refund shall be made within sixty (60) calendar days from the date of payment; or
- (b) The request for a refund shall be made within sixty (60) calendar days from the date of DCRA's rejection notification.

708.2 The Superintendent shall retain all fees not requested within sixty (60) calendar days from the date of payment or date of the Superintendent's rejection letter.

709 PERMITTED NAMES

709.1 In addition to the requirements of Chapter 1 (General Provisions), Subchapter III of the Act (D.C. Official Code § 29-103.01 (2011 Repl.):

- (a) If the name of the domestic or foreign entity is in a foreign language, the entity is required to register the English translation of the entity's name when registering with the Superintendent.
- (b) If the English translation of the entity's name is currently on file with the Superintendent, the domestic or foreign entity shall adopt and register a different English translation.

710 NAME REQUIREMENTS FOR CERTAIN TYPES OF ENTITIES

710.1 In addition to the requirements of Chapter 1 (General Provisions), Subchapter III of the Act (D.C. Official Code § 29-103.02 (2011 Repl.)), the name requirements apply to domestic and foreign entities.

710.2 The following word, phrase, or abbreviation indicating the type of entity shall appear at the end of the name of the entity: "Assn", "Assn.", "Assoc", "Assoc.", "Coop", "Co-op", "cooperative association", "corporation", "corp.", "incorporated", "Inc.", "professional corporation", "PC", "professional association", "PA", "Limited", "Ltd.", "limited partnership", "limited liability partnership", "LLP", "registered limited liability partnership", "RLLP", "limited liability limited partnership", "LLLLP", "registered limited liability limited partnership", "RLLLLP", "limited liability company", "LLC", or similar words, phrases, or abbreviations indicating entity types as defined by D.C. Official Code § 29-103.02 (2011 Repl.).

711 ENTITIES REQUIRED TO DESIGNATE AND MAINTAIN A REGISTERED AGENT

711.1 The following types of entities shall designate and maintain a registered agent in the District:

- (a) A domestic filing entity;
- (b) A domestic limited liability partnership; and
- (c) A registered foreign entity.

712 COMMERCIAL REGISTERED AGENT FOR A FEE OR ON BEHALF OF MULTIPLE FILING ENTITIES

712.1 An individual or entity intending to serve as the commercial registered agent for a fee and for fifty (50) or more filing entities shall:

- (a) File with the Superintendent a commercial registered agent listing statement; and
- (b) Include the signature of the entity, individual, or other person authorized to sign on behalf of the commercial registered agent on the commercial registered agent listing statement.

712.2 An individual or entity serving as a commercial registered agent pursuant to § 711.1 shall file a commercial registered agent filing with the Superintendent within thirty (30) business days of serving a minimum of fifty (50) filing entities.

712.3 An individual or entity currently serving as a commercial registered agent for a fee and for fifty (50) or more filing entities shall:

- (a) File with the Superintendent a commercial registered agent listing statement; and
- (b) Include the signature of the entity, individual, or other person authorized to sign on behalf of the commercial registered agent on the commercial registered agent listing statement.

712.4 An individual or entity currently serving as a commercial registered agent pursuant to § 711.2 shall file a commercial registered agent filing with the Superintendent within thirty (30) business days that these regulations are adopted.

712.5 Failure to comply with filing a commercial registered agent listing statement may lead to the removal by the Superintendent of the commercial registered agent from each entity.

712.6 An individual or entity serving as a commercial registered agent for a fee and for fifty (50) or less filing entities may:

- (a) File with the Superintendent a commercial registered agent listing statement; and
- (b) Include the signature of the entity, individual, or other person authorized to sign on behalf of the commercial registered agent on the commercial registered agent listing statement.

713 TERMINATION OF LISTING OF COMMERCIAL REGISTERED AGENT

713.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)):

- (a) If the commercial registered listing agent is a domestic filing entity and the status of the commercial registered listed agent is revoked or terminated, the commercial registered listing agent is terminated as the agent for all entities it represents.
- (b) If the commercial registered listing agent is a foreign filing entity and the status of the commercial registered listing agent is revoked or terminated, the commercial registered listing agent is terminated as the agent for all entities it represents.
- (c) Reinstatement of the commercial registered listing agent shall reinstate the listing of an agent.

714 CHANGE OF NAME, ADDRESS, TYPE OF ENTITY, OR JURISDICTION OF FORMATION BY COMMERCIAL REGISTERED AGENT

714.1 Upon filing a commercial registered agent statement of change, the Superintendent shall charge the commercial registered agent a fee to change the commercial registered agent information for each entity represented by the commercial registered agent.

715 DESIGNATION OF REGISTERED AGENT BY NONREGISTERED FOREIGN ENTITY OR NONFILING DOMESTIC ENTITY

715.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a nonregistered foreign entity or non-filing domestic entity filing a statement designating a registered agent shall include the entity's principal address.

716 SERVICE OF PROCESS, NOTICE OR DEMAND ON ENTITY

716.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a person seeking to serve process, notice, or demand on the Superintendent shall submit to the Superintendent:

- (a) A completed service of process action on a form to be provided by the Department; or
- (b) A declaration containing the plaintiff's name and address, defendant's domestic or foreign filing entity's name and last known address, and grounds for serving the Superintendent. The declaration shall contain the plaintiff or authorized person's name and signature.

716.2 Service on the Superintendent shall only be made after the person seeking to serve the Superintendent has filed the notice or demand with a court of competent jurisdiction.

717 FOREIGN REGISTRATION STATEMENT

717.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a foreign entity or foreign limited liability partnership filing a statement of foreign registration shall include in the statement:

- (a) The signature of the entity's governor or other individual authorized to sign on behalf of the governor; and
- (b) The signing individual's name and capacity to sign.

718 AMENDMENT OF FOREIGN REGISTRATION STATEMENT

718.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), the foreign entity amending its foreign registration statement shall:

- (a) Specify in detail how the amended foreign registration statement differs from the existing foreign registration statement;
- (b) Submit a certified copy of the filing effectuating the amendment; and
- (c) The certified copy must be dated within the most recent ninety (90) days by the Secretary of State or authorized officer of the jurisdiction of formation.

719 WITHDRAWAL OF REGISTRATION OF REGISTERED FOREIGN ENTITY

719.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), the foreign entity shall:

- (a) Be in good standing in the District before filing its statement of withdrawal;
- (b) Include the date of its initial foreign registration in the District in its statement of withdrawal; and
- (c) Include in the statement of withdrawal, the signature of the entity's governor or other individual authorized to sign on behalf of the governor, and the signing individual's name and capacity to sign.

720 WITHDRAWAL ON DISSOLUTION OR CONVERSION TO NONFILING ENTITY OTHER THAN LIMITED LIABILITY PARTNERSHIP

720.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a registered foreign entity which dissolves or converts to a domestic or foreign nonfiling entity other than a limited liability partnership shall include in its state of withdrawal:

- (a) The signature of the entity's governor or other individual authorized to sign on behalf of the governor; and
- (b) The signing individual's name and capacity to sign.

721 TRANSFER OF REGISTRATION

721.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a registered foreign entity that merges into a nonregistered foreign entity or converts to a foreign entity that is required to register with the Superintendent shall:

- (a) Be in good standing in the District before filing a transfer of application;
- (b) Submit a certified copy of the filing effectuating the merger or conversion; and
- (c) The certified copy shall be dated within the most recent ninety (90) days by the Secretary of State or authorized officer of the jurisdiction of formation.

721.2 The application for the transfer of registration shall contain:

- (a) The signature of the entity's governor or other individual authorized to sign on behalf of the governor; and
- (b) The signing individual's name and capacity to sign.

722 TERMINATION OF REGISTRATION FOR FOREIGN ENTITIES

722.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), the Superintendent may terminate the registration of a foreign filing entity or foreign limited liability partnership to do business in the District if the entity is voluntarily or involuntarily dissolved in its state of domicile without filing an application for withdrawal in the District.

722.2 A foreign filing entity whose registration is terminated and seeks reinstatement in the District shall:

- (a) Comply with the same rules found in Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)) governing a domestic filing entity that is dissolved administratively and seeking reinstatement;
- (b) Affirm that the entity is neither voluntarily nor involuntarily dissolved in its state of domicile at the time it seeks reinstatement in the District;
- (c) File with the Superintendent all reports which would have been due to the Superintendent while the entity was dissolved administratively; and
- (d) Pay all corporate filing fees which would have been due to the Superintendent while the entity was dissolved administratively.

723 TERMINATION OF REGISTRATION FOR DOMESTIC ENTITIES

723.1 A domestic filing entity whose registration is terminated and seeks reinstatement in the District shall:

- (a) Comply with the same rules found in Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)) governing a domestic filing entity that is dissolved administratively and seeking reinstatement;
- (b) File with the Superintendent all reports which would have been due to the Superintendent while the entity was dissolved administratively; and
- (c) Pay all corporate filing fees which would have been due to the Superintendent while the entity was dissolved administratively.

724 PROCEDURE AND EFFECT

724.1 The following provisions shall apply to business corporations:

- (a) A business corporation that plans a merger or share exchange with one or more business corporations shall comply with Subchapter IX (Merger and Share Exchanges) of Chapter 3 (Business Corporations) of the Act.
- (b) A business corporation that plans a merger with an entity other than a business corporation shall comply with Chapter 2 (Entity Transactions) of the Act.

724.2 The following provision shall apply to nonprofit corporations:

- (a) A nonprofit corporation that plans a merger or membership exchange with one or more nonprofit corporations shall comply with Subchapter IX (Mergers and Membership Exchanges) of Chapter 4 (Nonprofit Corporations) of the Act.

724.3 The following provisions shall apply to professional corporations:

- (a) A professional corporation that plans a merger with one or more professional corporations or limited liability companies shall comply with D.C. Official Code § 29-512 (2011 Repl.).
- (b) A professional corporation that plans a merger with an entity other than a professional corporation or limited liability company shall comply with Chapter 2 (Entity Transactions) of the Act.

724.4 The following provisions shall apply to general partnerships:

- (c) A general partnership that plans a merger with one or more general partnerships shall comply with Subchapter IX (Mergers and Interest Exchanges) of Chapter 6 (General Partnerships) of the Act.
- (b) A general partnership that plans a merger with an entity other than a general partnership shall comply with Chapter 2 (Entity Transactions) of the Act.

724.5 The following provisions shall apply to limited partnerships:

- (a) A limited partnership that plans a merger with one or more limited partnerships shall comply with Subchapter X (Merger) of Chapter 7 (Limited Partnerships) of the Act.

- (b) A limited partnership plans a merger with an entity other than a limited partnership shall comply with Chapter 2 (Entity Transactions) of the Act.

724.6 The following provisions shall apply to limited liability companies:

- (a) A limited liability company that plans a merger with one or more limited liability companies shall comply with Subchapter IX (Merger and Domestication) of Chapter 8 (Limited Liability Companies) of the Act.
- (b) A limited liability company that plans a merger with one or more professional corporations shall comply with D.C. Official Code § 29-512 (2011 Repl.).
- (c) A limited liability company that plans a merger with an entity other than a limited liability company or professional corporation shall comply with Chapter 2 (Entity Transactions) of the Act.

724.7 The following provision shall apply to general cooperative associations:

- (a) A general cooperative association that plans a merger with one or more general cooperative associations shall comply with Chapter 2 (Entity Transactions) of the Act.

724.8 The following provisions shall apply to limited cooperative associations:

- (a) A limited cooperative association that plans a merger with one or more limited cooperative associations shall comply with Subchapter XV (Merger) of Chapter 10 (Limited Cooperative Associations) of the Act.
- (b) A limited cooperative association that plans a merger with an entity other than a limited cooperative association shall comply with Chapter 2 (Entity Transactions) of the Act.

724.9 The following provisions shall apply to unincorporated nonprofit associations:

- (a) An unincorporated nonprofit association that plans a merger with one or more unincorporated nonprofit associations shall comply with D.C. Official Code § 29-1126 of Chapter 11 (Unincorporated Nonprofit Associations) of the Act.
- (b) An unincorporated nonprofit association that plans a merger with an entity other than an unincorporated nonprofit association shall comply with Chapter 2 (Entity Transactions) of the Act.

724.10 The following provisions shall apply to statutory trusts:

- (a) A statutory trust that plans a merger with one or more statutory trusts shall comply with Subchapter VII (Merger) of Chapter 12 (Statutory Trusts) of the Act.
- (b) A statutory trust that plans a merger with an entity other than a statutory trust shall comply with Chapter 2 (Entity Transactions) of the Act.

724.11 An entity that plans a merger with one or more entities other than those described in the other provisions of this section shall comply with Chapter 2 (Entity Transactions) of the Act.

724.12 In addition to the requirements set forth in other provisions of this section:

- (a) A foreign filing entity shall be in good standing in the state of domicile before filing its articles of merger or articles of share exchange.
- (b) A registered foreign filing entity shall be in good standing in the state of domicile before filing its articles of merger or articles of share exchange with the Superintendent.
- (c) A nonregistered foreign filing entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

SUBCHAPTER B: ENTITY TRANSACTIONS

725 ENTITY TRANSACTIONS: MERGER AUTHORIZED

725.1 A domestic nonprofit corporation planning to merge shall comply with Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.)).

725.2 A foreign nonprofit corporation planning to merge shall comply with Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.)).

725.3 A general cooperative association planning to merge shall comply with Chapter 4 (Nonprofit Corporations) of the Act.

726 ENTITY TRANSACTIONS: GOOD STANDING FOR MERGING ENTITIES

726.1 A business corporation planning an interest exchange with another business corporation shall comply with Subchapter IX (Merger and Share Exchanges) of Chapter 3 (Business Corporations) of the Act.

- 726.2 A general partnership planning an interest exchange with another general partnership must comply with D.C. Official Code § 29-609.05 (2011 Repl.) and, to the extent not consistent with that section, shall comply with Chapter 2 (Entity Transactions) of the Act.
- 726.3 An entity planning an interest exchange other than an interest exchange described in §§ 725.1 and 725.2 shall comply with Chapter 2 (Entity Transactions) of the Act.
- 726.4 In addition to the requirements set forth in this section:
- (a) A foreign entity shall be in good standing in the state of domicile before filing its statement of merger with the Superintendent.
 - (b) A registered foreign entity shall be in good standing before filing its statement of merger with the Superintendent.
 - (c) A nonregistered foreign entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

727 ENTITY TRANSACTIONS: INTEREST EXCHANGE AUTHORIZED

- 727.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)):
- (a) A foreign entity shall be in good standing in the state of domicile before filing its statement of interest exchange with the Superintendent.
 - (b) A registered foreign entity shall be in good standing before filing its statement of interest exchange with the Superintendent.
 - (c) A nonregistered foreign entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

728 ENTITY TRANSACTIONS: PLAN OF CONVERSION

- 728.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)), a registered domestic filing entity or registered foreign filing entity shall be in good standing with the Superintendent before filing its statement of conversion.

729 ENTITY TRANSACTIONS: GOOD STANDING FOR CONVERTING ENTITIES

729.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)):

- (a) A converting foreign entity not registered in the District shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document; and
- (b) The certificate of good standing, certificate of existence, or similar document shall have a date within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

730 ENTITY TRANSACTIONS: DOMESTICATION AUTHORIZED

730.1 A business corporation that plans to domesticate shall comply with Subchapter VII (Domestication) of Chapter 3 (Business Corporations) of the Act.

730.2 A nonprofit corporation that plans to domesticate shall comply with Subchapter VII (Domestication) of Chapter 4 (Nonprofit Corporations) of the Act.

730.3 A limited liability company that plans to domesticate shall comply with Subchapter IX (Merger and Domestication) of Chapter 8 (Limited Liability Companies) of the Act.

730.4 An entity that plans a domestication other than those described in the other provisions of this section shall comply with Chapter 2 (Entity Transactions) of the Act.

731 ENTITY TRANSACTIONS: PLAN OF DOMESTICATION

731.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)):

- (a) A registered foreign filing entity becoming a domestic entity must be in good standing with the Superintendent before filing its statement of domestication.
- (b) A nonregistered foreign entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

732 ENTITY TRANSACTIONS: GOOD STANDING FOR DOMESTICATING ENTITIES

732.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)), a registered foreign entity becoming a domestic entity shall be in good standing with the Superintendent before filing its statement of domestication.

SUBCHAPTER C: BUSINESS CORPORATIONS

733 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR ARTICLES OF INCORPORATION

733.1 The Superintendent shall assign a value of one dollar (\$1) to each authorized share for the purpose of calculating filing fees if the articles of incorporation include:

- (a) A number of authorized shares; and
- (b) Does not specify the par value for each authorized share.

734 BUSINESS CORPORATIONS: SURRENDER OF CHARTER UPON DOMESTICATION

734.1 A domestic business corporation that has adopted and approved a plan for the corporation to be domesticated in a foreign jurisdiction shall be in good standing with the Superintendent before filing its articles of charter surrender.

735 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR ARTICLES OF AMENDMENT

735.1 The Superintendent shall assign a value of one dollar (\$1) to each authorized share for the purpose of calculating filing fees if the articles of amendment include:

- (a) An increase of authorized shares; and
- (b) Does not specify the par value for each authorized share.

735.2 A corporation shall not use the articles of amendment to amend:

- (a) The registered agent on record;
- (b) The name of the incorporators; or
- (c) The address of the incorporators.

736 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR RESTATED ARTICLES OF INCORPORATION

736.1 The Superintendent shall assign a value of one dollar (\$1) to each authorized share for the purpose of calculating filing fees if the restated articles of incorporation include:

- (a) An increase of authorized shares; and
- (b) Does not specify the par value for each authorized share.

736.2 The corporation shall not use the restated articles of incorporation to amend:

- (a) The registered agent on record;
- (b) The name of the incorporators; or
- (c) The address of the incorporators.

737 BUSINESS CORPORATIONS: DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS

737.1 In addition to the requirements of Chapter 3 (Business Corporations) of the Act (D.C. Official Code § 29-301.01 *et seq.* (2011 Repl.)), a majority of the incorporators or initial directors of a corporation may dissolve the corporation if:

- (a) The incorporators or initial directors have not filed a biennial report by the deadline; and
- (b) The corporation is in good standing in the District before filing its articles of dissolution with the Superintendent.

738 BUSINESS CORPORATIONS: ARTICLES OF DISSOLUTION

738.1 A domestic corporation shall be in good standing before filing its articles of dissolution with the Superintendent.

SUBCHAPTER D: NONPROFIT CORPORATIONS

739 NONPROFIT CORPORATIONS: GOOD STANDING FOR DOMESTICATING NONPROFIT CORPORATIONS

739.1 In addition to the requirements of Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.)):

- (a) A registered foreign nonprofit domesticating in the District shall be in good standing with the Superintendent before filing its articles of domestication; and
- (b) A nonregistered foreign nonprofit domesticating in the District shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

740 NONPROFIT CORPORATIONS: AMENDING ARTICLES OF AMENDMENT

740.1 A nonprofit corporation shall not use the articles of amendment to amend:

- (a) The registered agent on record;
- (b) The name of incorporators; or
- (c) The address of incorporators.

741 NONPROFIT CORPORATIONS: AMENDING RESTATED ARTICLES OF INCORPORATION

741.1 A nonprofit corporation shall not use the restated articles of incorporation to amend:

- (a) The registered agent on record;
- (b) The name of incorporators; or
- (c) The address of incorporators.

741.2 A nonprofit corporation restating its articles of incorporation may identify the filing as a “restated articles of incorporation” or “restated and amended articles of incorporation” instead of an articles of amendment as stated in D.C. Official Code § 29-408.07(c) (2011 Repl.).

742 NONPROFIT CORPORATIONS: ARTICLES OF DISSOLUTION

742.1 A nonprofit corporation shall be in good standing before filing its articles of dissolution with the Superintendent.

SUBCHAPTER E: PROFESSIONAL CORPORATIONS**743 PROFESSIONAL CORPORATIONS: PERPETUAL DURATION;
DISSOLUTION**

743.1 A professional corporation that is treated as having converted into a corporation organized under Chapter 3 (Business Corporations) of the Act (D.C. Official Code § 29-301.01 *et seq.* (2011 Repl.)) shall file with the Superintendent its statement of conversion in accordance with Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)).

743.2 A professional corporation filing its articles of dissolution with the Superintendent shall satisfy the filing of articles of dissolution requirements of Chapter 3 (Business Corporations) of the Act (D.C. Official Code § 29-301.01 *et seq.* (2011 Repl.)).

743.3 For purposes of D.C. Official Code § 29-502(3) (2011 Repl.), the term practitioners of the healing arts shall mean a licensed professional authorized to practice a health occupation under Title 3, Chapter 12 of the D.C. Official Code. This excludes an assistant, technician, technologist, aide, or person in a similar position who is licensed or permitted to practice a health occupation in the District under Title 3, Chapter 12 of the D.C. Official Code.

SUBCHAPTER F: LIMITED LIABILITY PARTNERSHIPS**744 LIMITED LIABILITY PARTNERSHIPS: STATEMENT OF
PARTNERSHIP AUTHORITY**

744.1 Unless earlier canceled, a limited liability partnership may amend its filed statement of partnership authority before the end of the fifth year following the date of:

- (a) The existing statement of partnership authority on file with the Superintendent; or
- (b) The existing amended statement of partnership authority on file with the Superintendent.

**745 LIMITED LIABILITY PARTNERSHIPS: STATEMENT OF
QUALIFICATION**

745.1 In addition to the requirements of Chapter 6 (General Partnerships) of the Act (D.C. Official Code § 29-601.01 *et seq.* (2011 Repl.)), a partnership becoming a limited liability partnership shall be in good standing before filing an amendment to or cancellation of the statement of qualification with the Superintendent.

746 LIMITED LIABILITY PARTNERSHIPS: NONJUDICIAL DISSOLUTION

746.1 A dissolved limited liability partnership that has completed winding up and is in good standing shall submit to the Superintendent a statement of dissolution for filing.

SUBCHAPTER G: LIMITED LIABILITY COMPANIES

747 LIMITED LIABILITY COMPANIES: CERTIFICATE OF ORGANIZATION FOR COMPANIES WITH ONE OR MORE SERIES

747.1 In addition to the requirements of Chapter 8 (Limited Liability Companies) of the Act (D.C. Official Code § 29-801.01 *et seq.* (2011 Repl.)), if a limited liability company has one (1) or more series that is treated as a separate entity, the certificate of organization filed with the Superintendent shall include:

- (a) That the limited liability company has at least one (1) member;
- (b) The date on which the person(s) became the company’s initial member or members; and
- (c) The name of the company’s initial member or members.

748 LIMITED LIABILITY COMPANIES: AMENDMENT OR RESTATEMENT OF CERTIFICATE OF ORGANIZATION

748.1 A limited liability company shall not use the restated or amended certificate of organization to amend:

- (a) The registered agent on record;
- (b) The name of organizers; or
- (c) The address of organizers.

SUBCHAPTER H: GENERAL COOPERATIVE ASSOCIATIONS

749 GENERAL COOPERATIVE ASSOCIATIONS: ARTICLES OF INCORPORATION AMENDMENTS

749.1 A general cooperative shall not use the amended articles to amend:

- (a) The registered agent on record;
- (b) The name of incorporators; or

- (c) The address of incorporators.

SUBCHAPTER I: LIMITED COOPERATIVE ASSOCIATIONS

750 LIMITED COOPERATIVE ASSOCIATIONS: PAYMENT OF A FOR-PROFIT FILING FEE

- 750.1 If a limited cooperative association does not specify a nonprofit purpose in the articles of organization filed with the Superintendent, the limited cooperative association shall pay a for-profit filing fee.

751 LIMITED COOPERATIVE ASSOCIATIONS: AMENDMENT OR RESTATEMENT OF ARTICLES OF ORGANIZATION

- 751.1 A limited cooperative association shall not use the amended articles, restated articles of organization, or articles of merger to amend:

- (a) The registered agent on record;
- (b) The name of organizers; or
- (c) The address of organizers.

752 LIMITED COOPERATIVE ASSOCIATIONS: NONJUDICIAL DISSOLUTION

- 752.1 A dissolved limited cooperative association shall be in good standing before filing a statement of dissolution with the Superintendent.

SUBCHAPTER J: STATUTORY TRUSTS

753 STATUTORY TRUSTS: USE OF AMENDMENT, ARTICLES OF CONVERSION OR ARTICLES OF MERGER

- 753.1 A statutory trust shall not use an amendment, articles of conversion, or articles of merger to amend:

- (a) The registered agent on record;
- (b) The name of the initial trustee; or
- (c) The address of the initial trustee.

754 STATUTORY TRUSTS: ARTICLES OF DISSOLUTION

754.1 A statutory trust shall be in good standing before filing its articles of dissolution with the Superintendent.

799 DEFINITIONS

799.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act – District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2010, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.01 *et seq.*).

Business day – A day of the week consisting of Monday through Friday, and excludes Saturday, Sunday, any legal holiday, or any day that the District government is closed.

Calendar day – Monday through Sunday; however, if the final day is a day that DCRA is closed for business, the filing changes to the first day DCRA is open for business.

Calendar year – January 1 through December 31.

DCRA or Department – Department of Consumer and Regulatory Affairs.

Domicile – The state where the entity formed.

Registered – A domestic or foreign filing entity listed on the records maintained by the Superintendent.

Superintendent – DCRA Superintendent of Corporations.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2008 Repl. & 2012 Supp.)), hereby gives notice of the adoption of the following amendments to Chapter 58 (Owner Eviction Guidelines and Grounds for Termination from the Housing Choice Voucher Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) on the date of publication of this notice in the *D.C. Register*.

The purpose of the amendments is to provide guidance on the policy for terminating assistance for participants based on criminal activity.

The proposed rulemaking was published in the *D.C. Register* on June 7, 2013, at 60 DCR 8668. Final action to adopt this rulemaking was taken at the Board of Commissioners regular meeting on September 11, 2013. The final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 58 (Owner Eviction Guidelines and Grounds for Termination from the Housing Choice Voucher Program) of Title 14 (Housing) of the DCMR is amended as follows:

Section 5804 is added as follows:

5804 Termination of Participation and Assistance for Criminal Activity

5804.1 DCHA shall terminate participation of a Family if:

- (a) DCHA determines that any adult member of the household has ever been convicted of drug related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing; or
- (b) Any member of the household is subject to a lifetime registration requirement under a state or District of Columbia sex offender program.

5804.2 DCHA may terminate participation of a Family if:

- (a) Any adult Family member is currently engaged in any illegal use of a drug at or in the proximity of the assisted unit, that causes a nuisance or a disturbance at or in the proximity of the assisted unit or surrounding neighborhood or, threatens the health or safety of neighbors at or in the proximity of the assisted unit or surrounding neighborhood; or

- (b) Any Family member has engaged in any felonious drug related criminal activity in the preceding two (2) years from the date of a notice of recommendation for termination for drug related criminal activity.

5804.3 As used in this section only, “currently engaged” shall mean one or more offenses that occurred no more than nine months prior to the date a notice of recommendation for termination for drug related criminal activity is issued by DCHA.

5804.4 DCHA has the burden of proving that a Family violated one or more of its obligations by a preponderance of the evidence.

5804.5 The following types of evidence of drug related activity are relevant to show that a family member has violated the family obligation prohibiting such activity:

- (a) Conviction or the arrest for any crime described in Title 48, Subtitle III, Chapter 9, Subchapter IV of the D.C. Official Code;
- (b) Police report listing drug related criminal activity by household member or at or near the assisted property;
- (c) Report by other law enforcement agencies or offices or DCHA investigative or compliance staff;
- (d) Credible evidence provided by persons with knowledge of the alleged activity; or
- (e) Search warrant return for the property listing drugs, or drug paraphernalia.

5804.6 DCHA may terminate participation of a Family if:

- (a) Any adult Family member has engaged in any violent criminal activity in the preceding two (2) years from the date of a notice of recommendation for termination for violent criminal activity.
- (b) Any adult Family member has engaged in any violent criminal activity in the preceding two (2) years from the date of a notice of recommendation for termination for violent criminal activity.

5804.7 The following types of evidence of violent criminal activity are relevant to show that a Family member has violated their family obligation prohibiting such activity:

- (a) Conviction or arrest for any of the following criminal offenses listed in D.C. Official Code § 23-1331(4);

- (b) Police report listing violent criminal activity by a household member;
- (c) Report by other law enforcement agencies or offices or DCHA investigative or compliance staff;
- (d) Credible evidence provided by persons with knowledge of the alleged activity; or
- (e) Search warrant return for the property listing illegal weapon(s), illegal ammunition, or any legal weapon believed to be used in the act of violent criminal activity.

- 5804.8 In instances where DCHA has discretion to terminate assistance for the activities as described in § 5804.2 and § 5804.6, DCHA will consider evidence of or testimony about relevant mitigating circumstances, rehabilitation, and disabilities as enumerated at 24 C.F.R. § 982.552(c)(2).
- 5804.9 Prior to an Informal Hearing a Head of Household may present evidence of mitigating circumstances for consideration directly to the HCVP Director or an appointed designee prior to an Informal Hearing, but only if the person alleged to have committed the criminal activity is not the Head of Household.
- 5804.10 After a Head of Household or Family member provides evidence of mitigating circumstances to DCHA, the HCVP Director or an appointed designee will notify the Family within ten (10) business days via first class mail whether the information provided was sufficient to rescind the recommendation for termination.
- 5804.11 DCHA shall not consider evidence of mitigating circumstances prior to the Informal Hearing when the person alleged to have committed the criminal activity is the Head of Household.
- 5804.12 A Family shall be notified of their rights under Chapter 89 of this title of the DCMR on the notice of termination.
- 5804.13 DCHA shall not terminate assistance for criminal activity pursuant to the factors enumerated at § 4907.5 if the Head of Household or immediate family member is the victim of an intra-family offense.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2008 Repl. & 2012 Supp.)), hereby gives notice of the adoption of the following amendments to Chapter 89 (Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) on the date of publication of this notice in the *D.C. Register*.

The purpose of the final amendments is to amend the existing policies on informal hearings.

The proposed rulemaking was published in the *D.C. Register* on June 7, 2013, at 60 DCR 8671. Final action to adopt this rulemaking was taken at the Board of Commissioners regular meeting on September 11, 2013. The final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 89 (Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Program) of Title 14 (Housing) of the DCMR is amended as follows:

8903 Notice of Hearing and Production of Documents

8903.1 Requests for an Informal Hearing shall follow the following guidelines:

- (a) Requests for an Informal Hearing or extension of time to request an Informal Hearing shall be reduced to writing.
- (b) DCHA may assist participants in reducing requests for an Informal Hearing or extension of time to request an Informal Hearing to writing to comply with § 8903.1(a).
- (c) Any assistance provided by DCHA to reduce a request to writing shall not be deemed the provision of legal advice to the participant.
- (d) Participants shall either mail via first class mail or personally deliver to DCHA's Office of Fair Hearings their request for an Informal Hearing or request for an extension of time to request an Informal Hearing. If personally delivered, DCHA shall provide a receipt to the participant noting that the request for an Informal Hearing was received and the date it was received.
- (e) If the request for an Informal Hearing is mailed to DCHA, the request shall be postmarked within thirty-five (35) calendar days from:

- (1) the postmark date of DCHA's notification under § 8902; or
 - (2) the notice of an action or determination by DCHA.
- (f) If the request for an Informal Hearing is personally delivered to DCHA, the request must be received by DCHA's Office of Fair Hearings within thirty-five (35) calendar days from:
- (1) the postmark date of DCHA's notification under § 8902; or
 - (2) the date of the issuance of the notice of a challenged action.
- (g) Requests to reschedule an Informal Hearing shall be subject to the following conditions:
- (1) Either party may request to reschedule an Informal Hearing for the convenience of the party up to three (3) calendar days prior to the first scheduled Informal Hearing date, with or without a showing of good cause.
 - (2) Either party may request to reschedule an Informal Hearing any time prior to the first scheduled Informal Hearing date or prior to any subsequent hearing date, only if the requesting party can demonstrate good cause and if delay will not result in harm or prejudice to the other party.
 - (3) Notwithstanding the paragraph above, the Office of Fair Hearings will reschedule an Informal Hearing as a reasonable accommodation if the participant can demonstrate that a disability prevented them from rescheduling within the prescribed time periods.
- (h) Once a timely request for an Informal Hearing has been filed, the Housing Assistance Payments (HAP) will continue to the current landlord in accordance with the current HAP contract in effect at the time of the request for an Informal Hearing until a final determination is made in accordance with this chapter.
- (i) If a participant has not submitted a timely request for an Informal Hearing per § 8903.1, but still desires an Informal Hearing to be held, the participant must file a "Good Cause Hearing" request. The Good Cause Hearing request shall explain the reason or reasons that the participant failed to comply with the requirements of § 8903.1.

8903.2**Good Cause Hearings shall follow the following guidelines:**

- (a) A participant can only request a Good Cause Hearing if the participant has been terminated from the Housing Choice Voucher Program.
- (b) If the Office of Fair Hearings receives an Informal Hearing request that does not comply with the deadlines in § 8903.1, the Office of Fair Hearings will notify the participant in writing of the right to request a Good Cause Hearing.
- (c) Any Good Cause Hearing Request received more than sixty (60) calendar days after the date of the issuance of the notice pursuant to § 8903.2(a) shall be denied as untimely and barred.
- (d) If the Office of Fair Hearings does not schedule a Good Cause Hearing within thirty (30) calendar days of the participants' timely request, then DCHA shall automatically reinstate any relevant benefits retroactive to the date of termination, pending the issuance of a decision following a Good Cause Hearing.
- (e) The sole issue for determination in the Good Cause Hearing shall be whether the participant had good cause for failing to timely request an Informal Hearing.
- (f) In determining whether the participant has demonstrated good cause, the Hearing Officer shall consider the following factors:
 - (1) Whether and when the participant received notice of the challenged DCHA determination, action, or inaction; and
 - (2) Any mitigating circumstances related to the untimely filing of the request for an Informal Hearing, including but not limited to circumstances related to the participant's disability, incapacity, or an emergency affecting the participant or a member of the participant's household.
- (g) At the Good Cause Hearing, the Hearing Officer shall not hear evidence or address the merits of the participant's underlying challenge to the DCHA's action, inaction or determination. The Hearing Officer shall only consider evidence regarding the timeliness of the request and the factors listed in § 8903.2(f) at the Good Cause Hearing.
- (h) In the event that the Hearing Officer hears the merits of the underlying challenged DCHA action or determination, either party may request the Executive Director or his/her designee to vacate the Hearing Officer's decision and reschedule the Good Cause Hearing with another impartial Hearing Officer in accordance with the provisions above.

- (i) The Hearing Officer shall make his or her best effort to render a decision on the good cause showing on the same day that the Good Cause Hearing is held, but shall render a decision no more than three (3) business days after the Good Cause Hearing.

8903.3**The following process for scheduling and issuing Informal Hearing and Good Cause Hearing notification letters shall apply:**

- (a) When the Office of Fair Hearings receives a timely written request for an Informal Hearing or a Good Cause Hearing the following provisions apply:
 - (1) The Office of Fair Hearings shall mail a letter notifying the participant of the date and time of the Hearing within fifteen (15) calendar days of the postmark date of the hearing request if the hearing request is mailed to the Office of Fair Hearings, or within fifteen (15) calendar days of the receipt if the hearing request is hand-delivered to the Office of Fair Hearings.
 - (2) The Office of Fair Hearings notification letter shall also be mailed to any representative of the participant who is identified by name and address on the request for the Hearing or who has entered his or her appearance since then.
 - (3) The Office of Fair Hearings shall deliver a letter notifying the DCHA Office of General Counsel of the date and time of the Hearing within fifteen (15) calendar days of the postmark date of the hearing request.
 - (4) The date of the hearing shall be no sooner than fifteen (15) calendar days and no later than thirty (30) calendar days after the postmark date of the Office of Fair Hearings letter notifying the participant of the date and time of the Hearing.
- (b) All notification letters for Hearings shall contain:
 - (1) The date and time of the Hearing;
 - (2) The location of the Hearing;
 - (3) The participant's right to bring evidence, witnesses, and legal or other representation at the participant's expense;
 - (4) The right to view, or have their counsel or other representative view, subject to a timely request under § 8903.4 any documents in

the participant's file, or any evidence in the possession of DCHA, upon which DCHA based the proposed action, inaction or determination, or that DCHA intends to rely on at the Hearing;

- (5) The right to obtain, subject to a timely request under Section 8903.4, a copy of documents or evidence in the possession of DCHA prior to the Hearing and notice that DCHA shall provide the copies pursuant to § 8903.4; and
 - (6) The participant must provide to the Office of the General Counsel copies of any documents or evidence the participant intends to use at the Hearing at least three (3) business days prior to the scheduled Hearing.
- (c) If DCHA provides evidence that it mailed the notice via first class mail in the ordinary course of business to the participant's address of record and the notice was not returned to DCHA, then the participant shall be presumed to have received the notice. The participant bears the burden of rebutting this presumption by providing sufficient evidence that the notice was not received.

8903.4 The following rules shall apply to the Production of Documents:

- (a) DCHA shall make copies of requested documents for the participant. DCHA shall provide the first seventy-five (75) such pages to the participant at no charge and shall charge twenty-five (25) cents per page for each page in excess of seventy-five (75). If the documents are provided electronically or on a CD, DCHA is authorized to charge for the cost of the CD and the total number of pages produced electronically.
- (b) Upon request by a participant or its representative to review and/or copy any documents in the participant's file, DCHA shall make such documents available to the participant, or its representative for review and/or copying either within twenty-one (21) calendar days of the request or seven (7) calendar days prior to the Informal Hearing date, whichever is sooner.
- (c) In no case shall the participant, or its representatives, be allowed to remove a file from DCHA's office.

DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING

NOTICE OF FINAL RULEMAKING

The Commissioner of the Department of Insurance, Securities, and Banking, pursuant to the authority set forth in Section 22 of the Captive Insurance Company Act of 2004, effective March 17, 2005 (D.C. Law 15-262; D.C. Official Code §§ 31-3931.21 (2011 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 37 (Captive Insurance Companies) of Subtitle A, Title 26 (Insurance) of the District of Columbia Municipal Regulations (DCMR).

The amended rules mandate that domestic captive insurers must hold at least one annual meeting in the District, mandate that captive insurers adopt a code of ethics, clarify the Commissioner’s discretion to require an insurer to file a Form C in non-domiciliary jurisdictions, and exempt all reinsurance agreements that were effective on or prior to January 1, 2011 from the requirements of Section 3773.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on July 26, 2013, at 60 DCR 11005. No substantive changes were made to the rulemaking. The rules shall become effective upon the publication in the *D.C. Register*.

Chapter 37, CAPTIVE INSURANCE COMPANIES, of Subtitle A, Title 26, INSURANCE, of the District of Columbia Municipal Regulations is amended as follows:

A new Section 3709 is added to read as follows:

3709 Board Meetings

3709.1 The board of directors of a captive insurer shall meet at least annually in the District of Columbia (District). The board of directors may permit any or all directors to participate in any regular or special meeting by the use of any means of communication which allows all directors participating to simultaneously hear each other during the meeting. A director participating in a meeting by such means of communication shall be deemed present in person at the meeting.

3709.2 A meeting of the Board of Directors shall be deemed to have taken place in the District if notice of the meeting delineates a location physically located in the District at which at least one Director, Officer, Assistant Officer, official of an approved Captive Manager, or approved captive attorney is physically present.

Section 3712 is amended to read as follows:

3712.1 Each captive insurer licensed in the District shall adopt a code of ethics. Each officer, director and key employee of the captive insurer shall be subject to the code of ethics, which shall include, at a minimum, the following requirements:

- (a) Honest and ethical conduct, including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships;
- (b) Full, fair, accurate, timely and understandable disclosure in the periodic reports required to be filed by the insurer with the Department;
- (c) Compliance with all applicable District laws, regulations and orders of the Commissioner;
- (d) The prompt internal reporting of violations to an appropriate person or persons identified in the code of ethics; and
- (e) Accountability for adherence to the code of ethics.

3712.2 Each director, officer and key employee shall certify in writing annually that he or she is in compliance with the captive insurer's code of ethics. A record of such certification shall be maintained by the captive insurer and made available to the Department upon request.

Subsection 3760.1 is amended to read as follows:

3760.1 An insurer required to file an annual registration statement pursuant to Section 6 of the Holding Company Act shall also furnish the required information on Form C, hereby made a part of these regulations. An insurer shall file a copy of Form C in each jurisdiction in which the insurer is authorized to do business within thirty (30) days of filing such form with the Commissioner, if requested by the Commissioner of that jurisdiction, or if required to do so pursuant to the federal Liability Risk Retention Act.

A new Subsection 3773.12 is added to read as follows:

3773.12 The requirements of this section shall not apply to reinsurance agreements that were effective on or before January 1, 2011, and received prior approval pursuant to D.C. Official Code § 31-3931.08.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees (Board), pursuant to the authority set forth in 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, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) 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 § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6 – 17; D.C. Official Code § 39-105 (2012 Supp.)); and the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423); hereby gives notice of its amendment of § 4376.2 of Chapter 43 (Public Library) of Title 19 (Amusement, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR)..

The amendments to the procurement regulations will enhance and make the contract procurement process within DCPL more efficient for those vendors who apply for DCPL contracts. The amendment will bring DCPL into compliance with Federal requirements when federal funds are used in issuing contracts, and strengthen the regulations to ensure that the debarment, suspension and ineligibility procedures are equitable towards all contractors applying for contracts at a value of \$25,000.00 or more.

Through D.C. Official Code § 39-105 (2012 Supp.), the Board designated the Chief Librarian to establish rules and manage the day-to-day operations of the library. The Contract Management Group proposed the new amendment to 19 DCMR § 43 at a meeting held on May 23, 2013. Subsequently, on May 31, 2013, the Chief Librarian through the District of Columbia Public Library (DCPL) Chief of Staff approved the proposed new amendment to the procurement regulations by signing a corrective action to implement the new amendment. No comments have been received, nor have any changes been made to the text of the proposed rules as published in a Notice of Proposed Rulemaking in the *D.C. Register* on August 16, 2013 at 60 DCR 011969.

These final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 43, DISTRICT OF COLUMBIA PUBLIC LIBRARY: PROCUREMENT, of Title 19, AMUSEMENTS, PARKS AND RECREATION, is amended as follows:

Section 4376, Debarment, Suspension and Ineligibility Procedures, Subsection 4376.2, is amended to read as follows:

4376.2 The Chief Contracting Officer (CCO) shall perform the excluded parties listing search related to Federal, District and/or open-market vendor/contractors for all acquisitions of \$25,000.00 or more. Results from this search will be included in acquisition (purchase orders) and contract folders. The CCO shall not utilize any listing declared ineligible under federal laws and regulations applicable to the District of Columbia in making contract award decisions.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2013)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to adopt the following amendments to Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

This rulemaking will create a new Chapter 73 (Occupational Therapy Assistants) to establish clear qualification and other requirements governing the profession of occupational therapy assistants, such as continuing education and scope of practice. Prior to this rulemaking, these requirements have been commingled with the rules of occupational therapy and there have been no continuing education requirements.

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended by adding a new Chapter 73 to read as follows:

CHAPTER 73 OCCUPATIONAL THERAPY ASSISTANTS

7300 GENERAL PROVISIONS

- 7300.1 This chapter shall apply to applicants for and holders of a license to practice as an occupational therapy assistant.
- 7300.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and Chapter 63 (Occupational Therapy) of this title shall supplement this chapter.

7301 TERM OF LICENSE

- 7301.1 Subject to § 7301.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of September 30 of each odd-numbered year.
- 7301.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birth date of the holder of the license, or other date established by the Director.

7302 EDUCATIONAL AND TRAINING REQUIREMENTS

7302.1 An applicant for a license as an occupational therapy assistant shall furnish proof satisfactory to the Board, in accordance with § 504(g)(2) of the Act, D.C. Official Code § 3-1205.04(g)(2), that the applicant has:

- (a) Successfully completed an educational program for occupational therapy assistants that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE); and
- (b) Successfully completed a period of at least two (2) months of supervised fieldwork experience required by an accredited educational institution or program approved by an accredited educational institution.

7303 NATIONAL EXAMINATION

7303.1 To qualify for licensure as an occupational therapy assistant, the applicant shall pass the certification examination as developed by the National Board for Certification in Occupational Therapy (NBCOT).

7303.2 The passing score on the national examination shall be the passing score established by NBCOT.

7303.3 An applicant shall submit a completed application to the Board and arrange for examination results to be sent by NBCOT directly to the Board.

7303.4 An applicant who has met the requirement of § 7302.1 may submit a completed application prior to taking the examination and seek the Board's authorization for supervised practice pursuant to § 7316 while the application is pending.

7304 CONTINUING EDUCATION REQUIREMENTS

7304.1 This section shall apply to all renewal applicants and applicants seeking reactivation or reinstatement of their license; except that it shall not apply to applicants for the first renewal of a license granted by examination. This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement.

- 7304.2 A renewal applicant shall complete a minimum of twelve (12) contact hours of approved continuing education in accordance with §§ 7305 and 7306 during the two (2)-year period preceding the date the license expires.
- 7304.3 A continuing education contact hour shall be valid only if it is part of a program or activity that the Board approves in accordance with § 7305 and § 7306.
- 7304.4 A renewal applicant shall certify, under penalty of perjury, that he or she has met the requirement of § 7304.2.
- 7304.5 The Board may require proof of completion of the required continuing education. Such proof shall include the following information:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the licensee attended the program;
 - (d) The number of contact hours claimed;
 - (e) Verification by the sponsor of the licensee's completion, by signature or stamp of the sponsor; and
 - (f) The name of the licensee completing the program.
- 7304.6 If the license of an occupational therapy assistant expires while serving in the military whenever the United States is engaged in active military operations against any foreign power or hostile force, and the required continuing education hours were not earned during the renewal period or periods, the licensee shall be required to complete the needed continuing education hours no later than six (6) months after discharge from active service, return to inactive military status, or return to a post in the United States from an active war zone.
- 7304.7 The continuing education contact hours completed to satisfy the requirement under § 7304.6 shall not be counted toward meeting the continuing education requirement for the next licensing period.

7304.8 The credits received for each approved continuing education program shall be applied in full toward meeting the continuing education requirements for each renewal period. The proration of continuing education credits over more than one (1) renewal cycle shall not be allowed.

7304.9 A renewal applicant who is licensed to practice in a jurisdiction other than the District shall meet the requirements of this section in order to be eligible for license renewal in the District.

7305 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7305.1 The Board shall only approve continuing education programs and activities that, in its discretion, contribute to professional competence in the practice of occupational therapy assistants and that may be approved as provided in this section.

7305.2 The Board may approve continuing education programs and activities that are relevant to the practice or education of occupational therapy assistants that document the following:

- (a) Current subject matter with course description;
- (b) Content focus;
- (c) Learning outcomes;
- (d) Target audience; and
- (e) The number of contact hours.

7305.3 The Board may approve the following types of activities:

- (a) Activities sponsored by the state or local occupational therapy organizations;
- (b) Activities sponsored by the American Occupational Therapy Association (AOTA), the American Physical Therapy Association (APTA), the American Speech-Language-Hearing Association (ASHA), and the American Society of Hand Therapists (ASHT);

- (c) Activities sponsored by AOTA approved providers;
- (d) Activities sponsored by an accredited healthcare facility; or
- (e) Activities sponsored by an accredited college or university.

7305.4 The Board may grant continuing education credit for the following activities:

- (a) Serving as an author of a self-study article or series;
- (b) Serving as an instructor or speaker at a conference program or an academic course;
- (c) Serving as an instructor at a peer-reviewed or non-peer-reviewed seminar, workshop, or in-service clinical training, whether in-person or web-based;
- (d) Serving as supervisor for persons authorized to practice pursuant to § 7316.2;
- (e) Serving as a clinical instructor for students of occupational therapy or any other health occupation;
- (f) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication;
- (g) Participating as a primary clinical fieldwork educator for Level I or Level II fieldwork; and
- (h) Participating in board or committee work in connection with an agency or a non-profit organization whose mission is to promote and enhance the practice of occupational therapy.

7305.5 The following activities shall not meet the requirement of § 7305.1 and may not be approved as continuing education required under this chapter:

- (a) Mandatory non-clinical in-service competency or education programs including, but not limited to, Basic Cardiac Life Support (BCLS) or Cardiopulmonary Resuscitation (CPR), first aid, infection control, emergency preparedness, or documentation update; and

- (b) Mandatory organization-specific trainings or programs required as part of job performance or development.

7305.6 The applicant shall bear the burden of establishing, to the Board’s satisfaction, that such supervisory activities, professional volunteer activities, or services as an instructor, speaker, publisher, or editor as provided by § 7305.4 are eligible for credit and approval in accordance with § 7305.1.

7306 CONTINUING EDUCATION CREDIT

7306.1 The Board may grant continuing education credit by whole contact hours only.

7306.2 For enrollment in approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) continuing education contact hours, and each quarter hour of credit shall constitute ten (10) continuing education contact hours.

7306.3 The Board may grant continuing education credit for the activities described in § 7305.4(a), (b), or (c) subject to the following restrictions:

- (a) The maximum amount of credit which may be granted for each activity is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants;
- (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement;
- (c) If a renewal applicant had previously received credit in connection with a particular presentation, the Board shall not grant credit in connection with a subsequent presentation unless it involves either a different or a substantially modified program; and
- (d) The presentation shall have been completed during the period for which credit is claimed and includes documentation of the following:
 - (1) A copy of the official program or syllabus;
 - (2) The presentation title;
 - (3) The date of the presentation;

- (4) The hours of the presentation;
- (5) The type of audience addressed; and
- (6) A verification of attendance signed by the sponsor.

7306.4 The Board may grant credit for up to six (6) continuing education contact hours per renewal period to a renewal applicant for the activities described in § 7305.4(d). The supervisor shall submit a copy of the supervised practice letter to receive continuing education contact hours.

7306.5 The Board may grant credit for up to eight (8) continuing education contact hours per renewal period for the activities described in § 7305.4(e), with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates and duration of instruction; and
- (d) Signature of the program director.

7306.6 The Board may grant credit for six (6) continuing education contact hours per renewal period for the activities described in § 7305.4(f), if the book, chapter, or article was published or accepted for publication during the period for which credit is claimed and satisfactory proof is submitted to the Board.

7306.7 The Board may grant credit for up to six (6) continuing education contact hours per renewal period for the activities described in § 7305.4(g) with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates of the fieldwork; and
- (d) Signature page of student evaluation excluding evaluation scores and comments on student.

7306.8 The Board may grant credit for up to three (3) continuing education contact hours to a renewal applicant who has participated in the activities described in § 7305.4(h), provided that such participation totaled no less than eighteen (18) hours during a renewal period. The applicant shall provide the following documentation:

- (a) Name of the committee, board, agency or organization;
- (b) Purpose for service;
- (c) Description of duties and roles; and
- (c) Validation of service and number of hours of participation by an officer or representative of the organization.

7307 CONTINUING EDUCATION AUDIT

7307.1 The Board may perform a continuing education audit to determine compliance with the continuing education requirements in this chapter.

7307.2 Upon notification by the Board that a licensee has been selected for an audit, the licensee shall submit the required documentation within thirty (30) days of receipt of the notice.

7307.3 Licensees who are unable to provide proof of required continuing education or fail to provide such proof within the time specified in § 7307.2 shall be subject to a fine as determined by the Board.

7308.4 Licensees who fail to provide proof of continuing education compliance during an audit may be subject to an audit in the subsequent renewal cycle.

7308 LATE RENEWAL

7308.1 This section shall apply to any licensee who fails to submit a renewal application before the expiration of his or her current license.

7308.2 A licensee who fails to submit his or her renewal application before the expiration date of his or her current license may apply for a renewal of the license within sixty (60) days of expiration in accordance with § 4005.5 of this title.

7308.3 A licensee submitting a renewal application in accordance with § 7308.2 shall submit, with the renewal application, proof of continuing education compliance in accordance with § 7304.5.

7309 REACTIVATION

7309.1 The requirements of this section shall apply to licensees under this Chapter who have been in inactive status and seek reactivation of their licenses in accordance with § 511 of the Act, D.C. Official Code § 3-1205.11.

7309.2 A reactivation applicant who holds an active license in any jurisdiction shall submit a certificate of good standing from all jurisdictions in which he or she holds an active license.

7309.3 A reactivation applicant who has been inactive five (5) years or less who does not hold a license in any other jurisdiction shall submit proof in accordance with § 7304.5, of having completed six (6) contact hours of approved continuing education for each year that the applicant was in inactive status.

7309.4 A reactivation applicant who has been inactive for more than five (5) years and does not hold an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed the following:

- (a) Thirty (30) contact hours of approved continuing education in accordance with §§ 7305 and 7306; at least twelve (12) of the thirty (30) hours shall be completed within two (2) years prior to the date the application is submitted; and
- (b) One hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

7309.5 A reactivation applicant who holds an active license in any other jurisdiction during the whole period of inactive status in the District shall not be required to submit proof of continuing education contact hours with the application provided that his or her license has not been inactive for more than five (5) years.

7309.6 A reactivation applicant who holds an active license in any other jurisdiction and who seeks to reactivate his or her license in the District more after more than five (5) years of inactive status shall submit proof, in accordance with § 7304.5, of

having completed, within a period of twelve (12) months prior to the application, at least twelve (12) hours of approved continuing education.

7310 REINSTATEMENT

7310.1 The requirements of this section shall apply to persons with expired licenses who seek reinstatement within five (5) years in accordance with § 512(a) of the Act, D.C. Official Code § 3-1205.12(a).

7310.2 A reinstatement applicant who holds an active license in any other jurisdiction shall submit a certificate of good standing from all jurisdictions in which he or she holds an active license.

7310.3 A reinstatement applicant who holds an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed six (6) contact hours of approved continuing education for each year that the applicant was not licensed in the District up to a maximum of thirty (30) hours. Twelve (12) contact hours must have been completed within two (2) years prior to the date the application is submitted.

7310.4 A reinstatement applicant who does not hold an active license in any other jurisdiction shall submit proof:

(a) Pursuant to § 7304.5, of having completed six (6) contact hours of approved continuing education for each year that the reinstatement applicant was not licensed. Twelve (12) contact hours must have been completed within two (2) years prior to the date the application is submitted; and

(b) Pursuant to § 7316.3, of having completed one hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

7311 RE-LICENSURE

7311.1 The requirements of this section shall apply to persons seeking re-licensure five (5) or more years after the expiration of their license.

7311.2 A re-licensure applicant shall submit proof educational and examination eligibilities in accordance with the requirements of §§ 7302 and 7303 and one of the following:

- (a) A certificate of good standing from a jurisdiction in the United States in which he or she holds an active license; or
- (b) Proof of completion of one hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

7312 ENDORSEMENT

7312.1 The Board shall issue a license by endorsement to an applicant for licensure who has an active unrestricted occupational therapy assistant license, registration, or certification in good standing from another jurisdiction of the United States and who meets all other requirements of this section.

7312.2 An applicant for licensure by endorsement shall submit, with a completed application, the following:

- (a) Official, certified proof of active licensure in at least one (1) jurisdiction;
- (b) Proof of good standing from all jurisdictions in which the applicant ever held a license in the United States; and
- (c) Proof of educational and examination eligibilities in accordance with the requirements of §§ 7302 and 7303.

7313 RESPONSIBILITIES

7313.1 An occupational therapy assistant shall exercise sound judgment and provide adequate care in the performance of duties in accordance with nationally recognized standards of practice while treating patients or supervising the treatment of patients.

7313.2 An occupational therapy assistant supervising a student, an occupational therapy aide, or a person authorized to practice under supervision shall be responsible for all of the student's, aide's, or authorized person's actions performed within the scope of practice during the time of supervision and shall be subject to

disciplinary action for any violation of the Act or this chapter by the person supervised.

7313.3 An occupational therapist supervising an occupational therapy assistant who supervises a student, an occupational therapy aide, or a person authorized to practice under supervision shall be responsible for the actions of all supervised persons.

7314 SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS

7314.1 An occupational therapy assistant may only practice under the supervision, as specified in this section, of an occupational therapist with an active, unrestricted license in good standing in the District of Columbia. The supervising occupational therapist must be available on an as-needed basis and must be able to be on-site within two (2) hours if a need arises.

7314.2 The supervising occupational therapist shall provide the following:

- (a) Direct supervision of an occupational therapy assistant prior to initiating treatment programs and before planned discharges for patients;
- (b) An initial and, at a minimum, bimonthly direction to the occupational therapy assistant; and
- (c) Documentation to verify details of supervision and direction.

7314.3 The supervising occupational therapist shall only delegate duties and responsibilities for the care of patients to the occupational therapy assistant with consideration given to the following:

- (a) The level of skill shown by the occupational therapy assistant;
- (b) The occupational therapy assistant's ability to use identified intervention in a safe and effective manner;
- (c) Experience of the occupational therapy assistant and work setting demands; and
- (d) The complexity and stability of the patient population to be treated.

7314.4 An occupational therapy assistant may assist in the collection and some of the documentation of patient information pertaining to the evaluation and treatment of a patient provided that the supervising occupational therapist bases such assignment or delegation of duties on the demonstrated competency of the occupational therapy assistant. This demonstrated competency shall be documented and maintained on file by the supervising occupational therapist.

7314.5 An occupational therapy assistant shall not supervise another occupational therapy assistant.

7314.6 An occupational therapy assistant shall immediately inform the supervising occupational therapist and discontinue treatment if a procedure appears to be harmful to the patient.

7315 OCCUPATIONAL THERAPY AIDES

7315.1 An occupational therapy assistant may supervise an occupational therapy aide to perform duties in accordance with § 6314 of this title.

7315.2 An occupational therapy assistant shall not supervise more than three (3) occupational therapy aides at any given time.

7316 PRACTICE AS OCCUPATIONAL THERAPY ASSISTANT BY A STUDENT, GRADUATE, OR PERSON SEEKING RE-LICENSURE, REACTIVATION OR REINSTATEMENT

7316.1 A student or person seeking licensure, reactivation, reinstatement, or re-licensure may practice only under the general supervision of an occupational therapist or an occupational therapy assistant with a valid, unrestricted license in the District and in accordance with this section.

7316.2 Only the following persons may practice under this section:

- (a) A student whose practice fulfills his or her educational requirements as described in § 103 of the Act, D.C. Official Code § 3-1201.03, and § 7302.1(b) of this chapter;
- (b) An applicant for licensure whose application has been properly filed with the Board and is pending the result of the national examination as provided in § 7303.4 or final approval by the Board;
- (c) A person seeking reactivation of licensure as described in § 7309.4;

- (d) A person seeking reinstatement of licensure in accordance with § 7310.4; or
- (e) A person seeking re-licensure five (5) or more years after the expiration of their previous license as described in § 7311.

7316.3 A supervisor of a person described in § 7316.2(b), (c), (d), or (e) shall, no less than two (2) weeks before the supervision begins, seek the authorization of the Board by providing the following information:

- (a) The supervisor's name and address;
- (b) The name of the person seeking licensure, reactivation, reinstatement, or re-licensure;
- (c) The expected period of supervision;
- (d) The nature and location of the practice of the person seeking licensure, reactivation, reinstatement, or re-licensure; and
- (e) The attestation that the supervisor understands and intends to comply with the supervisory requirements under this chapter.

7316.4 A person seeking to practice under supervision may begin the supervised practice after the Board has approved and authorized the practice pursuant to § 7316.3.

7316.5 Supervised practice authorized for a person described in § 7316.2(c), (d), or (e) shall not exceed four (4) months.

7316.6 Supervised practice authorized for a person described in § 7316.2(b) shall not exceed sixty (60) days.

7316.7 A person engaged in supervised practice under this section shall identify himself or herself as a student or person practicing under supervision at all times including prior to the initiation of any practice with a client.

7316.8 Any of the following events shall result in an automatic and immediate termination of the authorized supervised practice:

- (a) Failure to pass the national examination if the supervised practice has been approved based on a pending license application under § 7303.4;

- (b) The supervision is terminated for any reason by either the supervisor or the supervisee; or
- (c) An arrest or charge for a felony.

7316.9 A person practicing under supervision in accordance with this section shall not receive any compensation of any nature, directly or indirectly, from a patient but may receive a salary or other form of compensation from his or her supervisor based on the hours of practice performed.

7316.10 The supervisor shall be fully responsible for all supervised practice by the supervisee during the period of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the supervisee.

7316.11 A person authorized to practice under supervision pursuant to this section shall be subject to all applicable provisions of the Act and this chapter. The Board may deny his or her application for a license or take any disciplinary action against him or her in accordance with Chapter 41 of this title if he or she has been found to have violated the Act or this chapter.

7317 LAWFUL PRACTICE

7317.1 An occupational therapy assistant licensed to practice in the District of Columbia shall adhere to the AOTA's Code of Ethics for the practice of occupational therapy as it may be amended from time to time.

7317.2 An occupational therapy assistant shall use the letters "OTA", "COTA", "OTA/L", "COTA/L", or any other similar title or description in connection with the occupational therapy assistant's name or place of business to denote licensure pursuant to the Act.

7399 DEFINITIONS

7399.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act – District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*)

Active license – a currently valid license, registration, or certification issued by any jurisdiction of the United States to authorize the practice as an occupational therapy assistant.

Board - the Board of Occupational Therapy, established by § 206 of the Act, D.C. Official Code § 3-1202.06.

Contact hour – at least fifty (50) minutes of continuing education.

Direct supervision - supervision in which the supervisor is personally present and immediately available within the treatment area to give aid, direction, and instruction when occupational therapy procedures or activities are performed.

Director – The Director of the Department of Health or any successor or assignee.

General supervision - supervision in which the supervisor is available on the premises or by communication device at the time the supervisee is practicing, and can be on-site within two (2) hours in the event of a clinical emergency.

Level I Fieldwork - Enrichment of didactic coursework through direct observation and participation in selected aspects of the occupational therapy process to enable students to develop a basic comfort level with and understanding of the needs of the clients.

Level II Fieldwork - Development of competent entry-level, general occupational therapy assistants through exposure to in-depth experiences in delivering occupational therapy services to a variety of clients.

Licensee – A person licensed or seeking renewal or reactivation of a license issued pursuant to this chapter.

Occupational therapist - a person licensed to practice occupational therapy under the Act.

Occupational therapy- (i) The therapeutic use of everyday life activities with individuals or groups, with or without compensation, for the purpose of participation in roles and situations in homes, schools, workplaces, communities, and other settings to promote health and welfare for those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation

restriction; (ii) Addressing the physical, cognitive, psycho-social, sensory, or other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life; (iii) The education and training of persons in the direct care of patients through the use of occupational therapy; and (iv) The education and training of persons in the field of occupational therapy.

Occupational therapy aide - a person who has received on-the-job training in occupational therapy and is employed in an occupational therapy setting under the supervision of a licensed occupational therapist or licensed occupational therapy assistant.

Occupational therapy assistant - a person licensed to practice as an occupational therapy assistant under the Act.

Supervised practice - unlicensed practice by a student, graduate, or person seeking reactivation, reinstatement, or re-licensure, as authorized by the Board and subject to the general supervision of an occupational therapist or occupational therapy assistant.

7399.2 Except as specified in § 7399.1, the definitions in § 4099 of Chapter 40 of this title are incorporated by reference and apply to this chapter.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY**NOTICE OF PROPOSED RULEMAKING**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2008 Repl. & 2012 Supp.)), hereby gives notice of its intent to adopt the following proposed amendments to Chapter 61 (Public Housing: Admission and Recertification) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed amendments is to amend the existing policies regarding DCHA's recertification process for public housing residents.

Section 6118 (Recertification) of Chapter 61 (Public Housing: Admission and Recertification) of Title 14 (Housing) of the DCMR is amended as follows:

The introductory paragraph to Subsection 6118.1 is amended as follows:

6118.1 Lessee shall recertify, biennially, and shall be responsible for providing to DCHA a completed application for continued occupancy, including the appropriate verification forms. The forms are those provided by or otherwise authorized by DCHA. The Lessee's responsibility to provide a completed application for continued occupancy, including the appropriate verification forms shall include but is not limited to the following:

All persons desiring to comment on the subject matter of this rulemaking should file comments in writing no later than thirty (30) days after the publication of this Notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599; (202) 535-2835; copies of these rules may be obtained from DCHA at that same address. Alternatively, copies of the rules can be requested from and comments can be sent to Karen Harris, at Office of the General Counsel, District of Columbia Housing Authority, at PublicationComments@dchousing.org. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking" in the subject line.

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING**

NOTICE OF PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities, and Banking, pursuant to the authority set forth in Sections 101-104 of the DISB Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012 (D.C. Law 19-143; D.C. Official Code §§ 31-631–634 (2012 Repl.)); Section 203 of the Securities Act of 2000, effective October 26, 2000 (D.C. Law 13-203, D.C. Official Code § 31-5602.03(e) (2009 Repl.)); and Title I of the District of Columbia Administrative Procedure Act, effective October 1, 1968 (82 Stat. 1204; D.C. Official Code § 2-501, *et seq.*(2011 Repl.)); hereby gives notice of his intent to repeal Section 108, Section 109, Section 161, and Section 166; and add new Sections 127 through 131, in Title 26B (Securities), Chapter 1 (Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

These proposed rules will amend the fingerprint requirement, procedures and fee rules to require all applicants for licensure or registration as an agent, broker-dealer, investment adviser, or investment adviser representative, to be fingerprinted in order for the Department to obtain local and national criminal background checks; require all applicants to submit fingerprints to the Federal Bureau of Investigation (FBI) for criminal history background checks; increase the processing fee from \$25 for all applicants to \$50.00 for the required background checks; establish that criminal record information obtained from the FBI are confidential records; authorize and establish procedures that provide the applicants with an opportunity to challenge any proposed denial or termination based on the information revealed by the criminal background check, including an opportunity to be heard; consolidate provisions related to fees; and clarify certain definitions.

Chapter 1, BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS, AND INVESTMENT ADVISER REPRESENTATIVES, of Subtitle B, Title 26, SECURITIES, of the District of Columbia Municipal Regulations is amended as follows:

Section 108, FINGERPRINTS, is repealed in its entirety, and the title replaced with “RESERVED” for future use.

Section 109, FEES, is repealed in its entirety, and the title replaced with “RESERVED” for future use.

Section 161, INVESTMENT ADVISER FEES, is repealed in its entirety, and the title replaced with “RESERVED” for future use.

Section 166, FINGERPRINTING REQUIREMENT, is repealed in its entirety, and the title replaced with “RESERVED” for future use.

New Sections 127 through 131 are added to read as follows:

127 BACKGROUND CHECK REQUIREMENT

- 127.1 Each applicant applying for an initial license or registration; or person going from an inactive status to active status as an agent, broker-dealer, investment adviser, or investment adviser representative, shall obtain a criminal background check and shall be subject to the Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012 (D.C. Law 19-143, D.C. Official Code § 31-631 *et seq.*).
- 127.2 Criminal background checks shall be conducted in accordance with the DISB Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012, Sections 101 - 104 (D.C. Law 19-143; D.C. Official Code § 31-631 *et seq.*)
- 127.3 An applicant who has been denied based on information obtained from a criminal background check shall have an opportunity for a hearing as outlined in 26B DCMR § 300 *et seq.*, or pursuant to the Office of Administrative Hearings Rules of Practice and Procedure, 2 DCMR § 2800 *et seq.*, as applicable.

128 CONFIDENTIALITY

- 128.1 All fingerprints and resulting criminal record information obtained by the Commissioner or his or her designee pursuant to D.C. Official Code § 31-632 shall be treated as confidential records by the Department of Insurance, Securities, and Banking. Confidential records shall:
- (a) Not be deemed to be a public record within the meaning of the District of Columbia Administrative Procedure Act of 1976 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*);
 - (b) Be kept confidential by law;
 - (c) Be maintained as privileged documents; and
 - (d) Not be subject to discovery or admissible in any private civil action.

129 FINGERPRINT REQUIREMENT

- 129.1 Each applicant applying for an initial license, or who is going from inactive to active status as an agent, broker-dealer, investment adviser, or investment adviser representative, shall obtain a criminal background check and shall be

subject to the Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012 (D.C. Law 19-143, D.C. Official Code § 31-631 *et seq.*).

129.2 All fingerprinting shall be clearly legible and shall be recorded on the forms as authorized and currently in use by the Federal Bureau of Investigation.

130 FEES

130.1 The filing fees shall be as follows:

- (a) For initial and renewal licenses of each broker-dealer, the fee shall be two hundred and fifty dollars (\$ 250);
- (b) For initial and renewal application as an investment adviser, the fee shall be two hundred and fifty dollars (\$ 250);
- (c) For initial and renewal license of each agent, the fee shall be forty-five dollars (\$ 45);
- (d) For initial and renewal applications as an investment adviser representative, the fee shall be forty-five dollars (\$ 45);
- (e) For transfer of an agent's license, the fee shall be forty-five dollars (\$ 45);
- (f) For transfer of the license of an investment adviser representative, the fee shall be forty-five dollars (\$ 45);
- (g) For processing of fingerprints, the fee shall be fifty dollars (\$ 50).

130.2 Fees paid pursuant this section shall be paid directly to the Financial Industry Regulatory Authority ("FINRA") through the IARD or FINRA Central Registration Depository system. However, any applicant not a member of FINRA shall pay the fees pursuant to this section to the Commissioner, made payable to the "D.C. Treasurer" and shall be sent with the application for a license, or other request for services as set forth in these regulations, to the Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 601, Washington, D.C. 20002.

130.3 All payments of fees made directly to the District of Columbia, except for payment of civil penalties under Section 602 (b)(4) of the Act (D.C. Official Code § 31-5606.02(b)(4); *D.C. Register* at 47 DCR 7877) as set forth below, shall be made by check, money order, United States postal money order, certified check, bank cashier's check, credit card, bank money order, or any manner of electronic transfer of funds acceptable to the Commissioner, payable to the "D.C. Treasurer".

- 130.4 No third party check or money order endorsed over to the "District of Columbia" shall be accepted as payment of any fee.
- 130.5 All payments for civil penalties under Section 602 of the Act (D.C. Official Code § 31-5606.02; *D.C. Register* at 47 DCR 7877) shall be made by United States postal money order, certified check or bank cashier's check, payable to the "D.C. Treasurer".
- 130.6 Any person whose payment of fees is returned to the Department due to insufficient funds or for a similar reason shall pay to the District the amount of fee owed plus an additional fee in the amount of twenty-five dollars (\$ 25.00) for each payment returned.
- 130.7 The Commissioner may require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees has been returned to the Department due to insufficient funds or for a similar reason.

All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dena.reed@dc.gov. or by mail to the Department of Insurance, Securities, and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002, Attn: Dena C. Reed, Assistant General Counsel, not later than thirty (30) days after the publication of this notice in the *D.C Register*. Copies of the proposed rules can be obtained at www.dcregs.dc.gov or by contacting Dena C. Reed, Assistant General Counsel, Department of Insurance, Securities, and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2009 Repl.)), Section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921 (2009 Repl.)), and Section 7 of An Act to provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1107 (2009 Repl.)), hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 6 (Inspection of Motor Vehicles) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR). The proposed rules will repeal the requirement that motorcycles and motorized bicycles be inspected, and repeal the requirement that previously owned vehicles must be re-inspected, even if time period remains before expiration from the last inspection.

This rulemaking shall be submitted to the Council of the District of Columbia for a forty-five (45) day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. Pursuant to D.C. Official Code § 50-921 (2009 Repl.), the proposal shall be deemed approved except that if within the 45-day period a resolution of disapproval has been introduced by three (3) members of the Council, the regulations shall not be deemed approved.

The Director also gives notice of her intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*, or the completion of the forty-five (45) day Council review period for these rules, whichever is later.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 6, INSPECTION OF MOTOR VEHICLES, is amended as follows:

Section 601, INSPECTION REQUIREMENTS, is amended as follows:

601.4 Vehicles registered in the District of Columbia shall be inspected periodically for, when applicable, safe operating condition, exhaust emissions, and compliance with this title as follows:

- (a) Passenger vehicle: every two (2) years;
- (b) Repealed;
- (c) Bus: every six (6) months; except as provided in (d);
- (d) Bus owned or leased by the Washington Metropolitan Area Transit Authority: annually;
- (e) Taxicab and other public vehicles for hire: semi-annually;

- (f) Repealed;
- (g) Repealed;
- (h) Commercial vehicle: annually;
- (i) Tow truck: annually;
- (j) Vehicle registered as a class F(I) historic motor vehicle: one (1) time, at time of registration, plus an inspection limited to confirming the odometer reading every two (2) years;
- (k) Vehicle registered as a class F(II) historic motor vehicle: one (1) time, at time of registration; and
- (l) All other motor vehicles: every two (2) years.

601.5 Repealed.

601.8 The fees for inspections shall be as follows:

- (a) Passenger vehicle, including historic motor vehicle: \$ 35;
- (b) Repealed;
- (c) Repealed;
- (d) Commercial vehicles and vehicles for hire, including all buses: \$ 35;
- (e) Trailers, based upon the manufacturer's shipping weight: \$ 35
- (f) Tow truck: \$ 35;
- (g) Salvage vehicle: \$ 35;
- (h) New vehicles for which an inspection is not required but for which a sticker is required: \$ 10; and
- (i) All other motor vehicles: \$ 35.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024 or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2008 Repl. & 2012 Supp.)) and Mayor's Order 2009-22, dated February 25, 2009; and the Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority set forth in Section 12 of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.11 (2008 Repl. & 2012 Supp.)) (Green Building Act), Mayor's Order 2007-206, dated September 21, 2007, and Mayor's Order 2010-1, dated January 5, 2010, hereby give notice of the adoption of the following emergency rulemaking amending Subtitle A (Building Code Supplement) of Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessitated by the immediate need to establish a transition provision for residential projects subject to Construction Codes regulations adopted pursuant to the Green Building Act. Specifically, this emergency rulemaking applies to privately-financed hotels and motels that were under development prior to August 2, 2013, when a revision to the Green Building Act regulations was published in the *D.C. Register* (60 DCR 11287), which revised the definition of "residential" for purposes of the Green Building Act and implemented regulations to exclude Group R-1 occupancies, a use group that includes hotels and motels.

This emergency rulemaking was adopted on September 9, 2013, to become effective immediately. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness and will expire on January 7, 2014.

The Chairperson and Director also hereby give notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to Section 10(a) of the Act and Section 12(a) of the Green Building Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

Chapter 13A (Green Building Act Requirements) of Subtitle A (Building Code Supplement) of Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations is amended as follows:

Insert new Section 1301.1.12 in the Building Code to read as follows.

1301.1.12 Transitory Provisions Applicable to Certain Projects. Privately-financed Group R-1 *projects* shall be permitted to utilize the definition of *residential* in the *Green Building Act* regulations (Chapter 13A) adopted on November 14, 2012 and published in the *D.C. Register* on November 30, 2012 (59 DCR 13942) for the purposes specified in

Sections 1301.1.12.1 through 1301.1.12.3. Privately-financed Group R-1 *projects* that do not meet the requirements of Sections 1301.1.1.12.1, 1301.1.1.12.2, or 1301.1.1.12.3 are required to utilize the definition of *residential* in the *Green Building Act* regulations (Chapter 13A) in the emergency rulemaking adopted on and effective as of August 2, 2013 (60 DCR 11287).

1301.1.12.1 Existing Valid Permit. Work authorized by a permit issued on or before August 2, 2013 shall be allowed to be carried to completion.

1301.1.12.2 Existing Filed Application. Applications for permits for which the application filing deposit has been paid on or before August 2, 2013 shall be allowed to be processed to issuance of the permit, and any work authorized thereby shall be allowed to be carried to completion, under the definition of *residential* in effect on the date said applications were filed, subject to the following conditions:

1. Each such application shall have been filed accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation;
2. Each such permit shall be paid in full and taken out by the applicant within one year after August 2, 2013;
3. All work authorized by such permit shall be carried to completion under the terms of the permit; and
4. Permits granted under Section 1301.1.12.2 shall not be extended if permitted to expire, pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

1301.1.12.3 Existing Design Contracts. *Buildings* and other *structures* under contract for design on or before August 2, 2013, for which no permit applications have been filed, shall be allowed to be filed, processed to issuance of permit, and any work authorized thereby shall be allowed to be carried to completion, under the definition of *residential* in the implementing regulations (Chapter 13A) in force on November 30, 2012, subject to the following conditions:

1. The applicant shall file the permit application, accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation, within one year after August 2, 2013;
2. The applicant shall submit a copy of the design contract, with a notarized affidavit stating that the submitted copy is a true and accurate copy of the contract for the design of the *building* or other *structure*, that the contract was in effect on or before August 2, 2013, and that the design submitted

with the permit application was made under such contract;

3. The permit shall be obtained and the permit fee paid in full by the applicant within one year after the filing date;
4. All work authorized by such permit shall be carried to completion under the terms of the permit; and
5. Permits granted under Section 1301.12.1.3 shall not be extended if permitted to expire pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

All persons desiring to comment on these proposed regulations should submit comments in writing to Paul Waters, Construction Codes Coordinating Board Chairperson, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5100, Washington, D.C. 20024, or via e-mail at paul.waters@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2006 Repl. & 2011 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2008 Repl.)), hereby gives notice of the adoption on an emergency basis of an amendment to Section 1915, entitled “Host Home Services”, of Chapter 19 (Home and Community Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of host home without transportation services provided to participants in the Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers. The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Host home without transportation services are arranged by provider organizations that operate residential programs or “host homes”, where a principal care provider or homeowner provides room, board, personal supports and assistance to a person enrolled in the ID/DD Waiver. These rules amend the previously published rules by: (1) changing the name of the section to “Host home without transportation services”; (2) establishing new professional requirements for owner/(s)/operator(s) of provider organizations that operate the host home residential program; (3) establishing new provider reporting requirements for the owner/(s)/operator(s) of the provider organizations; and (4) updating definitions for terms and phrases used in this chapter.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of host home without transportation services. The ID/DD Waiver serves some of the District’s most vulnerable residents. Host home without transportation services provide essential supports whereby a homeowner assists the person with multiple activities, including activities of daily living, to enable him/her to live successfully in the community. The addition of new professional requirements on the owners/operators of host home services will enable the provider organization to oversee the host home services more efficiently, and subsequently improve the quality of the overall services received by the person. In order to ensure that the residents’ health, safety, and welfare are not threatened by the lapse in enhanced quality of service delivery, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on August 12, 2013 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until December 9, 2013 unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to

adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 1915 (Host Home) of Chapter 19 (Home and Community Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the DCMR is amended to read as follows:

1915 HOST HOME WITHOUT TRANSPORTATION SERVICES

1915.1 The purpose of this section is to establish standards governing Medicaid eligibility for host home without transportation services under the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of host home services.

1915.2 Host home without transportation services enable a person to retain or improve skills related to: health, activities of daily living; money management; community mobility; recreation; cooking; shopping; use of community resources, and community safety, and to develop other adaptive skills needed to live in the community.

1915.3 To be eligible for Medicaid reimbursement of host home without transportation services, each person shall demonstrate a need for support for up to twenty-four (24) hours per day, and the services shall be:

- (a) Provided in a private home, referred to as “host home”, which may be leased or owned by the principal care provider; and
- (b) Identified as a need in the person’s Individual Support Plan (ISP) and Plan of Care.

1915.4 The total number of persons living in the host home (including those served in the Waiver), who are unrelated to the principal care provider cannot exceed three (3).

1915.5 In order to be reimbursed by Medicaid, the principal care provider shall:

- (a) Use observation, conversation, and other interactions, as necessary, to develop a functional analysis of the person's capabilities within the first month of the person residing in the home;
- (b) Participate in the development of the ISP and Plan of Care to ensure the ISP goals are clearly defined;
- (c) Assist in the coordination of all services that a person may receive by ensuring that all recommended and accepted modifications to the ISP are included in the current ISP;

- (d) Develop a support plan with measurable outcomes using the functional analysis, ISP, Plan of Care, and other information as appropriate to enable the person to safely reside in the community and maintain their health;
- (e) Review the person's ISP and Plan of Care goals, objectives, and activities at least quarterly and more often, as necessary, and submit the results of these reviews to the Department on Disability Service's Service Coordinator within thirty (30) days of the end of each quarter; and
- (f) Submit reports on a quarterly basis, containing the information described under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR, to the person, family, guardian, and Department of Disability Services ("DDS") Service Coordinator.

1915.6 In order to be reimbursed by Medicaid, the principal care provider shall provide personal supports and assistance to the person in the host home. These services shall include, but are not limited to, the following:

- (a) Room and board (not included in the Waiver reimbursement rate);
- (b) Assistance with eating and food preparation;
- (c) Assistance with personal hygiene;
- (d) Assistance with dressing;
- (e) Assistance with monitoring the person's health and physical condition;
- (f) Assistance with the administration of medication;
- (g) Assistance with communication between the person and other health care providers;
- (h) Assistance with interpersonal and social skills;
- (i) Assistance with household chores;
- (j) Assistance with mobility;
- (k) Assistance with motor and perceptual skills;
- (l) Assistance with problem-solving and decision-making;
- (m) Maintenance of medical records;

- (n) Maintenance of financial records;
- (o) Assistance with attending health care appointments, by the coordination of transportation to and from the person's appointments;
- (p) Assistance with planning and attending events;
- (q) Habilitative support in activities of daily living and/or therapeutic goals and objectives as described in the ISP and Plan of Care;
- (r) Assistance with enhancing the person's opportunities for social, recreational, and religious activities utilizing community resources; and
- (s) Assistance with ensuring that the person's adaptive equipment is appropriate and functioning.

1915.7 In order to be reimbursed by Medicaid, the Waiver provider shall coordinate the delivery of professional services to each person residing in a host home that may include, but are not limited to, the following disciplines or services:

- (a) Medical Care;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;
- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Behavioral support;
- (i) Community supports;
- (j) Social work;
- (k) Speech, hearing and language therapy; and
- (l) Recreation.

1915.8 In order to be reimbursed by Medicaid, each Waiver provider that oversees a person's host home placement shall:

- (a) Receive and review packets submitted by DDS requesting development of a host home for a particular applicant;
- (b) Respond to inquiries for host home development in a timely manner;
- (c) Recruit a principal care provider to deliver host home services;
- (d) Identify and develop on-going relationships with local medical professionals (*e.g.*, dentist, physician, psychiatrist, psychologist, occupational therapist, physical therapist, etc.);
- (e) Coordinate a minimum of one (1) visit by the person to the prospective principal care provider's home, one of which may be an overnight stay;
- (f) Coordinate transportation with the DDS Service Coordinator for visits to the prospective host home of the principal care provider;
- (g) Participate in a person centered planning process to develop the person's ISP and Plan of Care;
- (h) Arrange for essential supports, including training, supplies and equipment to be in place prior to the person's move into a host home setting;
- (i) Arrange for non-essential, but recommended and necessary supports to be put into place subsequent to a person's move into a host home setting; and
- (j) Provide information as needed to the person, the person's family or authorized representative, support team, DDS Service Coordinator, and the principal care provider.

1915.9 In order to be reimbursed by Medicaid, the Waiver provider shall:

- (a) Coordinate the use of transportation for each person residing in a host home to their day programs, places of employment, and/or community outings as needed;
- (b) Coordinate general support monitoring at least twice per month to review conditions in the host home, the person's health status, implementation of the ISP, update activity schedules, review medical and other appointments, and draft progress notes;
- (c) Coordinate health care monitoring for each person residing in the host homes including, at a minimum, monitoring by a registered nurse at least every sixty (60) days for persons with no medications, and at least

monthly for persons on medications, and complete monthly progress notes during each visit;

- (d) Provide respite to the principal care provider for up to a total of fourteen (14) days per year. If respite care and emergency support is provided in the host home, Medicaid reimbursement payments for host home services shall continue for fourteen (14) days. If respite is provided in another location, the host home services percentage of the reimbursement rate shall be paid to the Waiver provider;
- (e) Provide emergency support to the person enrolled in the Waiver, in the event that an emergency renders a principal care provider unable to provide supports;
- (f) Coordinate compliance with DDS policies and procedures;
- (g) Provide training to ensure that the principal care provider is knowledgeable about DDS policies and procedures;
- (h) Ensure that the principal care provider is trained on medication administration; and
- (i) Accompany the person to annual review court hearings and provide reports to be utilized during court hearings.

1915.10 In order to be reimbursed by Medicaid, the principal care provider may be a family member who is not a parent, spouse or other legally responsible relative of the person enrolled in the Waiver.

1915.11 In order to be reimbursed by Medicaid, the host home residence and the Waiver provider shall meet the DDS Certification Standards as set forth in the Human Care Agreement between the principal care provider, the Waiver provider, and DDS, if applicable.

1915.12 In order to be reimbursed by Medicaid, host home without transportation services shall be administered by supported living service providers or residential habilitation service providers, which in this section shall be referred to as the Waiver provider.

1915.13 In order to be reimbursed by Medicaid, each Waiver provider of host home services without transportation shall demonstrate verification of passing the DDS Provider Certification Review with experience providing In-Home Supports or Respite for at least three (3) years, unless waived by a designated DDA staff.

1915.14 In order to be reimbursed by Medicaid, each Waiver provider of host home without transportation services shall agree to the following:

- (a) Be a member of the person's support team;
- (b) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment) of Chapter 19 of Title 29 of the DCMR;
- (c) Maintain a signed, current Human Care Agreement with DDS when deemed necessary by DDS;
- (d) Demonstrate that the owner(s)/operator(s) shall have at least five (5) years of experience in a leadership role with a residential provider that support adults with an intellectual disability, unless waived by the DDS Director or Deputy Director or their designee.

1915.15 In order to be reimbursed by Medicaid, each host home residence and supporting Waiver provider located out-of-state shall be licensed and/or certified in accordance with the host state's laws and regulations and/or consistent with the terms and conditions set forth in an agreement between the District of Columbia and the host state. Each out-of-state host home and Waiver provider shall comply with the following additional requirements:

- (a) Remain in good standing in the jurisdiction where the program is located;
- (b) Submit a copy of the annual certification or survey performed by the host state and provider's corrective action to DDS;
- (c) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state full access to all sites and records for audits and other reviews; and
- (d) Successfully meet the certification review requirements of DDS.

1915.16 Each principal care provider and direct support professional (DSP) providing host home without transportation services shall meet all of the requirements in Section 1906 (Requirements for direct support professionals) of Chapter 19 of Title 29 of DCMR.

1915.17 In order to be reimbursed by Medicaid, each principal care provider providing host home services shall agree to cooperate and attend mandatory training sessions provided by DDS and the Waiver provider, and to allow DDS Service Coordinator and other DDS employees' free and unfettered access to the Host Home.

1915.18 In order to be reimbursed by Medicaid, services shall be authorized for reimbursement in accordance with the following provider requirements:

- (a) DDS shall provide a written service authorization before the commencement of services;
- (b) The provider shall conduct an assessment and develop a host home assessment plan with training goals and techniques that will assist the principal care provider, within the first thirty (30) days of service delivery;
- (c) The service name and the Waiver provider delivering services shall be identified in the ISP and Plan of Care;
- (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
- (e) Services shall not conflict with the service limitations described under Section 1915.25.

1915.19 Each Waiver provider of host home without transportation services shall maintain the following documents for monitoring and audit reviews:

- (a) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR;
- (b) A copy of the person's most recent DDS approved ISP and Plan of Care;
- (c) A current written staffing plan, if In-Home Supports are needed;
- (d) A written explanation of staffing responsibilities when the principal care provider is unavailable to provide support to the person enrolled in the waiver;
- (e) Current financial records of expenditures of public and private funds for each person;
- (f) The records of any nursing care provided pursuant to a physician ordered protocol and procedure, charting, and other supports provided in accordance with a physician's order relating to the development and management of the Health Management Care Plan.
- (g) The progress notes written by the principal care provider on a weekly basis and archived at the Waiver provider's central office, which contain the following information:
 - (1) The progress in meeting each goal in the ISP;
 - (2) Any unusual health or behavioral events or change in status;

- (3) A recording of visitors and the person's participation in the visit;
- (4) A listing of all community activities attended by the person and the response to those activities; and
- (5) Any matter requiring follow-up on the part of the service provider or DDS.

1915.20 In order to be reimbursed by Medicaid, each provider of host home without transportation services shall comply with Sections 1908 (Reporting Requirements) and 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.

1915.21 Host home without transportation services shall not be reimbursed by Medicaid if they are billed for the same day of service that the following waiver services are provided to the person:

- (a) Supported Living;
- (b) Residential Habilitation;
- (c) Personal Care;
- (d) Skilled Nursing;
- (e) Environmental Accessibility;
- (f) Transportation;
- (g) Respite;
- (h) PERS; and
- (i) In-Home Supports.

1915.22 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is hospitalized, on vacation, or other days during which the person is not residing at the host home, with the exception of days when the person is on vacation with the principal care provider.

1915.23 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is not residing at the host home, with the exception of days when the person is temporarily residing in a hotel or other facility due to an emergency situation.

1915.24 The following individuals shall not be authorized to enroll as a Waiver provider of host home without transportation services for the person:

- (a) The person's legal guardian;
- (b) The person's parent; or
- (c) The person's spouse.

1915.25 Reimbursement for host home without transportation services shall not include:

- (a) Cost of room and board;
- (b) Cost of facility maintenance, upkeep, and improvement;
- (c) Activities for which payment is made by a source other than Medicaid; and
- (d) Time when the person is in school or employed.

1915.26 The reimbursement rate for host home without transportation services is a daily inclusive rate based on the person's acuity level. The acuity level shall be determined by DDS based on the results of the Support Intensity Scale or as documented in the person's ISP.

1915.27 The basic support rate that Medicaid will reimburse shall be one hundred thirty-six dollars (\$136.00) per day; the moderate support rate shall be one hundred fifty-three dollars (\$153.00) per day; and the intensive support rate shall be one hundred ninety-six dollars (\$196.00) per day. The host home without transportation services reimbursement rate shall include:

- (a) All training for host home workers;
- (b) Programmatic supplies;
- (c) Oral/topical medication management;
- (d) General and administrative fees for waiver services;
- (e) Relief of the caregiver and emergency support;
- (f) All direct support costs based on the needs of the person; and
- (g) Additional supports provided by a DSP for up to twenty (20) hours per week.

1915.28 In the event that additional DSP supports are requested, the Waiver provider shall submit to the DDS Service Coordinator, the following documents:

- (a) A written justification; and
- (b) A summary of the responsibilities of the DSP who is scheduled to provide the additional supports.

1915.29 Persons with extraordinary needs may be eligible to receive a specialized reimbursement rate not to exceed five hundred dollars (\$500.00) per day, subject to DDS approval.

1915.30 Forty (40) percent to fifty (50) percent of the daily reimbursement rate shall be paid to the host home by the Waiver provider for support services. The remaining fifty (50) percent to sixty (60) percent of the daily reimbursement rate shall be retained by the Waiver provider for training, additional in-home support services based on the needs of the person, medication management, general and administrative fees for waiver services, general supervision, and relief and emergency coverage. The actual percentage of the daily reimbursement rate allocated between the host home and the Waiver provider shall be negotiated between the parties based on the specific support needs of the person.

1915.31 The person receiving host home services shall contribute an amount based on their Social Security benefits to the principal care provider to pay towards their room and board expenses.

Section 1999 (DEFINITIONS) is amended by adding the following:

Homeowner - A person(s) who is (are) the primary owner or renter of a residential property and who provides supports to assist the person enrolled in the Waiver.

Host Home - The residence owned or leased by the homeowner or principal care provider who provides host home services to the person enrolled in the Waiver.

Principal care provider- The person who owns and/or leases the host home and provides host home services and supports to the person enrolled in the Waiver.

Comments on the emergency and proposed rule shall be submitted, in writing, to Linda Elam, Ph.D., MPH, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 North Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone on (202) 442-9115, via email at DHCF Publiccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2006 Repl. & 2011 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2008 Repl.)), hereby gives notice of the adoption on an emergency basis of a new Section 1929, entitled “Residential Habilitation Services”, of Chapter 19 (Home and Community-Based Waiver Services for Persons with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of residential habilitation services provided to participants in the Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers. The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Residential habilitation services are supports provided in a home shared by at least four (4) to six (6) persons, to assist each person in acquiring, retaining, and improving self-care and other skills needed to successfully reside in a shared home within the community. These rules amend the previously published rules by: (1) establishing new educational requirements for owner/(s)/operator(s) of provider entities; (3) establishing new provider reporting requirements; (4) establishing new service delivery requirements; (5) deleting Section 946 and codifying the rules in Section 1929 and (5) updating definitions for terms and phrases used in this chapter.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of residential habilitation services. The ID/DD Waiver serves some of the District’s most vulnerable residents. Residential habilitation services provide essential supports whereby groups of individuals share a home managed by a provider agency. The addition of new professional requirements on the owners and operators of residential habilitation services will enable the provider agency to oversee residential habilitation supports more efficiently, and subsequently improve the overall quality of the services received by the person. In order to ensure that the residents’ health, safety, and welfare are not threatened by the lapse in access to these approved services under the waiver, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 4, 2013, and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until January 24, 2014, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 946 (Residential Habilitation) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the DCMR is repealed.

A new Section 1929 (Residential Habilitation) is added to Chapter 19 (Home and Community-Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the DCMR to read as follows:

1929 RESIDENTIAL HABILITATION SERVICES

- 1929.1 The purpose of this section is to establish standards governing Medicaid eligibility for residential habilitation services under the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of residential habilitation services.

- 1929.2 Residential habilitation services are supports provided in a home shared by at least four (4), but no more than six (6) persons, to assist each person in acquiring, retaining, and improving self-care, daily living, adaptive and other skills needed to reside successfully in a shared home within the community.

- 1929.3 In order to be eligible for Medicaid reimbursement, residential habilitation services shall be:
 - (a) Provided to a person with a demonstrated need for continuous training, assistance, and supervision; and
 - (b) Authorized in accordance with each person’s Individual Support Plan (ISP) and Plan of Care.

- 1929.4 In order to be eligible for Medicaid reimbursement, the Waiver provider shall:
 - (a) Use observation, conversation, and other interactions, as necessary, to develop a functional analysis of the person’s capabilities within the first month of the person residing in the home;
 - (b) Participate in the development of the ISP and Plan of Care to ensure that the ISP goals are clearly defined;
 - (c) Assist in the coordination of all services that a person may receive by ensuring that all recommended and accepted modifications to the ISP are included in the current ISP;
 - (d) Develop a support plan with measurable outcomes using the functional analysis, the ISP, Plan of Care, and other information as appropriate, to enable the person to safely reside in the community and maintain their health;

- (e) Propose modifications to the ISP and Plan of Care, as appropriate;
- (f) Review the person's ISP and Plan of Care goals, objectives, and activities at least quarterly and more often, as necessary, and submit the results of these reviews to the Service Coordinator within thirty (30) days of the end of each quarter; and
- (g) Submit quarterly progress notes as described under Section 1929.15(h).

1929.5

In order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives hands-on support, habilitation, and other supports, when appropriate, which shall include, but not be limited to, the following categories of support:

- (a) Eating and food preparation;
- (b) Personal hygiene;
- (c) Dressing;
- (d) Monitoring health and physical conditions;
- (e) Assistance with the administration of medication;
- (f) Communications;
- (g) Interpersonal and social skills;
- (h) Household chores;
- (i) Mobility;
- (j) Financial management;
- (k) Motor and perceptual skills;
- (l) Problem-solving and decision-making;
- (m) Human sexuality;
- (n) Opportunities for social, recreational, and religious activities utilizing community resources; and
- (o) Appropriate and functioning adaptive equipment.

1929.6 In order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives the professional services required to meet his or her goals as identified in the person's ISP and Plan of Care. Professional services may include, but are not limited to, the following disciplines:

- (a) Medicine;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;
- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Psychology;
- (i) Social work;
- (j) Speech, hearing and language therapy; and
- (k) Recreation.

1929.7 In order to be eligible for Medicaid reimbursement, each Waiver provider shall ensure that transportation services are provided in accordance with Section 1904 (Provider Qualifications) of Chapter 19 of Title 29 DCMR.

1929.8 In order to be eligible for Medicaid reimbursement, each Waiver provider of residential habilitation services shall:

- (a) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR;
- (b) Provide verification that it has passed the Department on Disability Services (DDS), Provider Certification Review (PCR) for In-Home Supports or Respite, for at least three consecutive years;
- (c) Ensure that each residence is accessible to public transportation and emergency vehicles;

- (d) Have an executed, signed, current Human Care Agreement with DDS, if required by DDS; and
- (e) Be licensed as a Group Home for Mentally Retarded Persons (GHMRP) in the District of Columbia or a similarly licensed group home in other states.

1929.9 In order to be eligible for Medicaid reimbursement, the Waiver provider shall demonstrate that a satisfactory rating was received pursuant to the DDS PCR process described under § 1929.8, unless waived by the Director or Deputy Director of DDS.

1929.10 In order to be eligible for Medicaid reimbursement, each GHMRP located in the District of Columbia shall provide services to at least four (4), but no more than six (6) persons and shall meet the following requirements:

- (a) Be licensed pursuant to 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 *et seq.*), no later than sixty (60) days after approval as a Medicaid provider; and
- (b) Comply with the requirements set forth in Chapter 35 of Title 22B of the District of Columbia Municipal Regulations (DCMR).

1929.11 In order to be eligible for Medicaid reimbursement, each out-of-state group home shall serve at least four (4), but no more than six (6) persons. Each group home located out-of-state shall be licensed or certified in accordance with the host state's laws and regulations and be consistent with the terms and conditions set forth in an agreement between the District of Columbia and the host state. Each out-of-state provider shall comply with the following additional requirements:

- (a) Submit a certificate of registration to transact business within the District of Columbia issued pursuant to D.C. Official Code § 29-105.3 *et seq.*;
- (b) Remain in good standing in the jurisdiction where the program is located;
- (c) Submit a copy of the annual certification or survey performed by the host state and provider's corrective action plan, if applicable, to DDS; and
- (d) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state, full access to all sites and records for audits and other reviews.

1929.12 In order to be eligible for Medicaid reimbursement, each Direct Support Professional (DSP) providing residential habilitation services as an agent or employee of a provider shall meet all of the requirements in Section 1906

(Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the DCMR.

- 1929.13 An acuity evaluation to set support levels shall be recommended by the Support Team and approved by the DDS Waiver Unit. DDS shall review current staffing levels, available health and behavioral records, and any available standardized acuity instrument results to determine if a person has a health or behavioral acuity that requires increased supports. A person may be assessed at a support level that is consistent with their current staffing level, if other acuity indicators are not in place.
- 1929.14 The minimum daily ratio of on-duty direct care staff to persons enrolled in the Waiver and present in each GHMRP that serves persons who are not determined by DDS to require a higher acuity level, shall not be less than the following:
- (a) 1:6 during the waking hours of the day, approximately 6:00 a.m. to 2:00 p.m., when persons remain in the GHMRP during the day;
 - (b) 1:4 during the period of approximately 2:00 p.m. to 10:00 p.m.; and
 - (c) 1:6 during the sleeping hours of the night, approximately 10:00 p.m. to 6:00 a.m.
- 1929.15 In order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall maintain the following documents for monitoring and audit reviews:
- (a) A current written staffing plan;
 - (b) A written explanation of staffing responsibilities when back-up staff is unavailable and the lack of immediate care poses a serious threat to the person's health and welfare;
 - (c) Daily attendance rosters;
 - (d) The financial documents required pursuant to the DDS Personal Funds policy available at <http://dds.dc.gov>;
 - (e) A daily log of scheduled community activities that specifies when the person is scheduled to be in his or her home;
 - (f) The records of any nursing care provided pursuant to physician ordered protocols and procedures, charting, and other supports indicated in the physician's orders relating to development and management of the Health Management Care Plan;

- (g) Any documents required to be maintained pursuant to the DDS Health and Wellness Standard Policy available at [http:// dds.dc.gov](http://dds.dc.gov);
 - (h) The daily progress notes, containing the following information:
 - (1) A written record of visitors and the person's participation in the visit;
 - (2) A list of all community activities attended by the person and the response to those activities;
 - (3) A list of the start and end time of any services received by the person residing in the residential habilitation facility including the DSP's signature; and
 - (4) A list of any matter requiring follow-up on the part of the service provider or DDS.
 - (i) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR.
- 1929.16 Each provider shall comply with the requirements described under Section 1908 (Reporting Requirements) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.
- 1929.17 Residential habilitation services shall not be billed concurrently with the following Waiver services:
- (a) Environmental Accessibility Adaptation;
 - (b) Vehicle Modifications;
 - (c) Supported Living;
 - (d) Respite;
 - (e) Host Home;
 - (f) Shared Living;
 - (c) In-Home Supports;
 - (h) Personal Emergency Response System; and
 - (i) Skilled Nursing.

- 1929.18 Residential habilitation services shall not be reimbursed when provided by a member of the person's family.
- 1929.19 Reimbursement for residential habilitation services shall not include:
- (a) Cost of room and board;
 - (b) Cost of facility maintenance, upkeep, and improvement;
 - (c) Activities for which payment is made by a source other than Medicaid;
 - (d) Time when person is in school or employed; and
 - (e) Time when the person is hospitalized, on vacation or any period when the person is not residing at the GHMRP except during an emergency situation when the person is temporarily residing in a hotel or other facility.
- 1929.20 The reimbursement rate for residential habilitation services shall only include time when staff is awake and on duty and shall include:
- (a) All supervision provided by the direct support staff;
 - (b) All nursing provided in the residence for medication administration, physician ordered protocols and procedures, charting, other supports as per physician's orders, and maintenance of Health Management Care Plan;
 - (c) Transportation;
 - (d) Programmatic supplies and fees;
 - (e) Quality assurance costs, such as Incident Management Systems and staff development; and
 - (f) General administrative fees for Waiver services.
- 1929.21 The reimbursement rate for residential habilitation services shall be a daily rate. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service.
- 1929.22 The reimbursement rate for residential habilitation services for a GHMRP with four (4) persons shall be as follows:
- (a) The Basic Support Level 1 daily rate shall be two hundred and twenty eight dollars (\$228.00) for a direct care staff support ratio of 1:4 for all awake and overnight hours;

- (b) The Moderate Support Level 2 daily rate shall be three hundred sixty dollars (\$360.00) for a direct care staff support ratio of 1:4 for awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (c) The Enhanced Moderate Support Level 3 daily rate shall be four hundred and two dollars (\$402.00) for a direct care staff support ratio of 2:4 staff awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (d) The Intensive Support daily rate shall be five hundred and twenty dollars (\$520.00) for a direct care staff support ratio of 2:4 staff awake overnight and 3:4 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
- (e) The Intensive Support daily rate shall be five hundred and sixty-nine dollars and forty three cents (\$569.43) for twenty-four (24) hour licensed practical nursing services.

1929.23 The reimbursement rate for residential habilitation services for a GHMRP with five (5) to six (6) persons shall be as follows:

- (a) The Basic Support Level 1 daily rate shall be two hundred eighty-one dollars (\$281.00) for a direct care staff support ratio of 1:5 or 1:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home;
- (b) The Moderate Support Level 2 daily rate shall be three hundred twenty-two dollars (\$322.00) for a direct care staff support ratio of 2:5 or 2:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (c) The Enhanced Moderate Support Level 3 daily rate shall be three hundred eighty dollars (\$380.00) for a staff support ratio of 2:5 or 2:6 staff awake overnight and 3:5 or 3:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (d) The Intensive Support daily rate shall be four hundred eighty-one dollars (\$481.00) for increased direct care staff support for sleep hours to 2:5 or 2:6 for staff awake overnight support and 4:5 or 4:6 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
- (e) The Intensive Support daily rate shall be five hundred and thirty-one dollars and four cents (\$531.04) for twenty-four (24) hour licensed practical nursing services.

- 1929.24 The reimbursement rates assume a ninety-three (93) percent annual occupancy, and unanticipated absence from day/vocational services or employment due to illness, and planned absence for holidays.
- 1929.25 Daily activities such as day habilitation, employment readiness, individualized day supports or supported employment are typically scheduled for five (5) hours per day, five (5) days per week. Scheduling day activities in excess of five (5) hours per day, five (5) days per week shall result in an hour-for-hour decrease in the residential habilitation services reimbursement.
- 1929.26 Reimbursement shall be calculated based on the time the person is scheduled to be in his or her place of residence, except the provider may include the time that the person is temporarily housed at another location in the case of emergencies, or being transported by the provider to day programs, employment, professional appointments, community outings and events.

Section 1999 (DEFINITIONS) is amended by adding the following:

Group Home for Mentally Retarded Persons (GHMRP) - A community residence facility, other than an intermediate care facility for persons with intellectual or developmental disabilities, that provides a homelike environment for at least four (4) but no more than six (6) related or unrelated persons with intellectual disabilities who require specialized living arrangements and maintains necessary staff, programs, support services, and equipment for their care and habilitation.

Comments on the emergency and proposed rule shall be submitted, in writing, to Linda Elam, Ph.D., MPH, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 North Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone on (202) 442-9115, via email at DHCF Publiccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the District Department of Transportation (Department), pursuant to the authority in Sections 5(2)(I) (assigning duty to operate the student transit subsidy program to the Department Director) and 6(b) (transferring the student transit subsidy program function previously delegated to the Director of the Department of Public Works under Section III(F) of Reorganization Plan No.4 of 1983 to the Department), of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137, D.C. Official Code §§ 50-921.04(2)(I) (2009 Repl. & 2013 Supp.)) and 50-921.05(b) (2009 Repl.); the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152, D.C. Official Code § 35-233(g) (60 DCR 11805)), as amended by the School Transit Emergency Amendment Act of 2013, enacted July 31, 2013 (D.C. Act 20-145, 60 DCR 11805) and any substantially similar successor legislation; and Mayor's Order 79-83 (May 10, 1979), hereby gives notice of this proposed action to adopt rules that delete Chapter 12 (Student Transportation) of Title 15 (Public Utilities and Cable Television), and add a new Chapter 17 (Student Transportation) and amends Chapter 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The emergency and proposed rules will outline hours of use, eligibility criteria, and application procedures for free rides on Metrobus and the DC Circulator and reduced rates for rides on Metrorail for certain District students.

This emergency rulemaking is necessitated by the immediate need to address the threat to the public welfare posed by not modifying the student transit subsidy program to comply with the requirements of recent legislation. Without regulations allowing students to ride Metrobuses and DC Circulator for free starting at the beginning of the 2013-2014 calendar school year, many students may be unduly financially burdened. The emergency rulemaking will enable DDOT to coordinate with the Washington Metropolitan Area Transit Authority to safely and efficiently transition to the new rules for Metrorail, Metrobus, and DC Circulator in the least disruptive manner possible, avoiding unnecessary enforcement actions and impositions placed on the public.

This emergency rule was adopted on August 23, 2013, and became effective immediately. This emergency rule will remain in effect until December 21, 2013, one hundred twenty (120) days from the date it became effective, unless earlier superseded by a notice of final rulemaking.

Final rulemaking action shall not be taken in less than thirty (30) days after the date of publication of this notice in the *D.C. Register*

Title 15, PUBLIC UTILITIES AND CABLE TELEVISION, of the DCMR is amended as follows:

Chapter 12, STUDENT TRANSPORTATION, is deleted in its entirety.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

A new Chapter 17, STUDENT TRAVEL PRIVILEGES, is added to read as follows:

CHAPTER 17 STUDENT TRAVEL PRIVILEGES

1700 ELIGIBILITY

1700.1 Student travel privileges shall be made available to persons (“eligible students”) who are:

- (a) (1) Residents of the District;
- (2) Under 22 years of age; and
- (3) Currently enrolled in a course of instruction during the regular or summer calendar school year at an elementary or secondary public, charter, parochial, or private school located in the District; or
- (b) Youth in the District’s foster care system until they reach 21 years of age.

1700.2 Notwithstanding § 1700.1, students who are transported to and from school by the Office of the State Superintendent of Education’s Division of Student Transportation are not eligible for student travel privileges.

1701 ISSUANCE OF STUDENT RIDER CARDS; LEVEL OF TRAVEL PRIVILEGES

1701.1 Student travel privileges shall be made available to eligible students through the issuance of a Student Rider Card.

1701.2 The process for issuing a Student Rider Card shall be determined by the Director of the Department of Transportation. The process shall at a minimum require proof of eligibility as defined in §1700.1.

1701.3 A Student Rider Card shall include Metrobus and DC Circulator travel privileges, as described in § 1702, at no cost to the eligible student.

1701.4 A Student Rider Card shall include Metrorail travel privileges only if:

- (a) The Chancellor of the District of Columbia Public Schools determines that the student needs to use the Metrorail system for transportation to and from school and related educational activities in the District. In making this determination, the Chancellor shall consider the proximity of the student’s residence to his or her school, the proximity of the student’s residence and school to Metrorail stations, and the student’s participation in city-wide education programs, work-study programs, inter-school

extracurricular activities, and other similar educational and extracurricular activity programs;

(b) The eligible student pays the fee set forth in § 1703.

1701.5 Metrorail student travel passes described in § 1703.2 may be purchased from sales outlets of the Washington Metropolitan Area Transit Authority (WMATA), an electronic sales outlet, or other sales outlets designated by the Director of the Department of Transportation.

1702 METROBUS AND DC CIRCULATOR STUDENT TRAVEL PRIVILEGES

1702.1 A student with a Student Rider Card shall not be charged a fare on the Metrobus Transit System or the DC Circulator Transit System when taking an eligible student trip.

1703 METRORAIL STUDENT TRAVEL PRIVILEGES

1703.1 An eligible student, as described in §§ 1700.1 and 1701.4(a), may purchase Metrorail student travel privileges, which shall be added to his or her Student Rider Card.

1703.2 The two (2) types of Metrorail student travel passes that may be purchased are:

(a) A monthly student transit pass, which shall cost thirty dollars (\$30), and which shall allow the student to take an unlimited number of eligible student trips during the period the pass is valid; and

(b) A ten (10) trip pass, which shall cost nine dollars and fifty cents (\$9.50), and which shall allow the student to take ten (10) eligible student trips.

1703.3 Fares listed in § 1703.2 shall be modified by the same percentage as future WMATA fare increases or decreases, rounded to the nearest ten cents (\$0.10).

1704 PROHIBITED USES

1704.1 An eligible student shall not use his or her Student Rider Card on the Metrorail, Metrobus, or DC Circulator Transit Systems for any trip that is not an eligible student trip. Students traveling during restricted periods shall be subject to the full fare.

1704.2 An eligible student shall not allow another person to use his or her Student Rider Card for any trip on the Metrorail, Metrobus, or DC Circulator Transit Systems, even if the other person is an eligible student.

1799 DEFINITIONS

1799.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Eligible student trip – travel by an eligible student: (1) to or from his or her school or a recognized school-related educational activity on a school day between the hours of 5:30 a.m. and 9:00 a.m. and 2:00 p.m. and 8:00 p.m. within the regular or summer calendar school year; and (2) on a Saturday, Sunday, or holiday, or during a vacation period, when the travel is to or from a recognized school-related educational activity in the District.

Student Rider Card - a fare card provided to eligible persons, as defined in § 1700.1 and § 1701.4(a), that grants the user access to student travel privileges on Metrorail, Metrobus, or DC Circulator Transit Systems within the District of Columbia. The Student Rider Card may include but is not limited to the DC One Card or its successor.

Student travel privileges – privileges provided to eligible persons, as defined in § 1700.1 and § 1701.4(a), that grants the user access to reduced or other defined fares for eligible student travel as determined by the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-231 *et seq.*).

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Samuel D. Zimbabwe, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-166
September 11, 2013

SUBJECT: Appointments – Commission on Latino Community Development

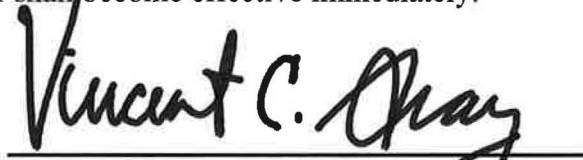
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with the District of Columbia Latino Community Development Act, effective September 29, 1976, D.C. Law 1-86, D.C. Official Code § 2-1321 *et seq.* (2007 Repl.), it is hereby **ORDERED** that:

- I. The following individuals are appointed as members of the Commission on Latino Community Development for a term to end September 11, 2016:


ANN GARCIA
FRANCISCO FIMBRES
OLYMPIA LOPEZ
JUAN SEBASTIAN LOPEZ
MARIA PATRICIA CORRALES
JUAN RONDON
DANIEL TREJO
SARAH URIBE

- II. **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 2013-167
September 16, 2013


SUBJECT: Appointment – Acting State Superintendent of Education

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.), section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000, D.C. Law 13-176, D.C. Official Code § 38-2601 (2012 Supp.), and in accordance with section 2(a)(2) of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01(a)(2) (2012 Supp.), it is hereby **ORDERED** that:

1. **JESÚS AGUIRRE** is appointed Acting State Superintendent of Education and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2013-109, dated June 18, 2013.
3. **EFFECTIVE DATE:** This Order shall be effective October 1, 2013.


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 2013-168
September 16, 2013

SUBJECT: Appointment – Interim Director, Department of Parks and Recreation

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.), it is hereby **ORDERED** that:

1. **SHARIA SHANKLIN** is appointed Interim Director of the Department of Parks and Recreation and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2011-49, dated February 28, 2011.
3. **EFFECTIVE DATE:** This Order shall be effective October 1, 2013.


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 2013-169
September 16, 2013

SUBJECT: Reappointments – Saint Elizabeths Redevelopment Initiative Advisory 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 Mayor's Order 2012-21, dated February 9, 2012, it is hereby **ORDERED** that:


1. **TELAEKAH BROOKS** is reappointed as a member of the Saint Elizabeths Redevelopment Initiative Advisory Board ("Board") for a term to begin November 2, 2013 and to end August 31, 2015, and shall serve in the capacity of Vice Chairperson of the Board at the pleasure of the Mayor.
2. The following individuals are reappointed as members of the Board for a term to begin November 2, 2013 and to end on August 31, 2015:

ROSE ANN CLEVELAND
ROBERT LESLIE DEAK
THURGOOD MARSHALL, JR.
BRIG OWENS
IRASEMA SALCIDO
DR. CHARLENE DREW JARVIS

3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, SEPTEMBER 25, 2013 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Change of Hours Application to change Hours of Operation and Alcoholic Beverage Consumption. *Approved Hours of Operation*: Sunday 8am to 9pm. Monday-Saturday 8am to 10pm. *Approved Hours of Consumption*: Sunday 10am to 9pm. Monday-Saturday 9am to 10pm. *Proposed Hours of Operation and Consumption*: Sunday-Thursday 7am to 2am. Friday and Saturday 7am to 3am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Conflict with Settlement Agreement. ANC3E. SMD 3E01. **Whole Foods Market**, 4530 40th Street NW, Retailer B and DR. Lic#:86073.

2. Review Change of Hours Application to change Hours of Operation and Alcoholic Beverage Consumption. *Approved Hours of Operation*: Sunday-Saturday 8am to 10:30pm. *Approved Hours of Consumption*: Sunday 10am to 10:30pm. Monday-Saturday 9am to 10:30pm. *Proposed Hours of Operation and Consumption*: Sunday-Thursday 7am to 2am. Friday and Saturday 7am to 3am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Conflict with Settlement Agreement. ANC 2F. 2F02. **Fresh Fields Whole Foods Market**, 1440 P Street NW, Retailer B and DR. Lic#: 86071.

3. Review Request to Refund Solicitor's License Renewal Late Fees. **Bartow Imports**. Solicitor, License No. 85246.

4. Review Request to Remove Brew Pub Endorsement. ANC 2C. SMD 2C01. **Capitol City Brewing Company**, 1100 New York Avenue, NW, Retailer CT, Lic#: 16838.

5. Review of Application for Manager's License for **Samy Kobrosly**, ABRA-092998.

6. Review of Renewal of Manager's License for **Sean Kim**, ABRA-082903.

7. Review of Application for Manager's License for *Marlon Marshall*, ABRA-093186

8. Review of Consent Motion for Continuance of Show Hearing. *Vapiano*, 623 H Street NE, Retailer CR, Lic#: 076727.

9. Review of Resolution in Support of Expanded Summer Garden from ANC 1A. **3632 Georgia Avenue** NW, Retailer CT, Lic#: 82215.

10. Review Amendment to Settlement Agreement between ANC 1A and Looking Glass Lounge. *Looking Glass Lounge*, 3634 Georgia Avenue NW, Retailer CR, Lic#: 74765.

11. Review Amendment to Settlement Agreement between ANC 6B and Beuchert's Saloon. *Beuchert's Saloon*, 623 Pennsylvania Avenue SE, Retailer CR, Lic#:089616.

12. Review of Settlement Agreement between 6B and Matchbox. *Matchbox*, 521 8th Street SE, Retailer CR, Lic#: 079276.

13. Review of Amendment of Settlement Agreement between 6B and Rose's Luxury. *Rose's Luxury*, 717 8th Street SE, Retailer CR, Lic#: 090884.

*** 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 25, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On September 25, 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-CC-00069 The Highlands, 4706 14TH ST NW Retailer C Restaurant, License#: ABRA-083931

2. Case#13-CC-00079 Tunnel Fine Wines & Spirit, 311 H ST NW Retailer A Retail - Liquor Store, License#: ABRA-077663

3. Case#13-CC-00071 Bodega, 3116 M ST NW Retailer C Restaurant, License#: ABRA-078301

4. Case#13-CC-00077 Sheffield Wine And Liquors, 5025 CONNECTICUT AVE NW Retailer A Retail - Liquor Store, License#: ABRA-060563

5. Case#13-CC-00078 S&S Liquors, 6925 4TH ST NW Retailer A Retail - Liquor Store, License#: ABRA-072300

6. Case#13-CC-00075 Ritz Carlton Washington DC, 2200 M ST NW Retailer C Hotel, License#: ABRA-060273

7. Case#13-CC-00076 Smith & Wollensky, 1112 19TH ST NW Retailer C Restaurant, License#: ABRA-060001

8. Case#13-CC-00070 Selam Restaurant/Gold Room, 1524 - 1526 U ST NW Retailer C Restaurant, License#:ABRA-060080

9. Case#13-CC-00054 The Oval Room, 800 CONNECTICUT AVE NW A Retailer C Restaurant, License#: ABRA-021395

10. Case#13-CC-00098 S & P Wine & Liquors, 2316 PENNSYLVANIA AVE SE Retailer A Retail - Liquor Store, License#: ABRA-017108

11. Case#13-CC-00088 Dupont Italian Kitchen, 1637 17TH ST NW Retailer C Restaurant, License#: ABRA-008949

12. Case#13-CC-00055 Renaissance Mayflower Hotel/Edgar, 1127 CONNECTICUT AVE NW Retailer C Hotel, License#: ABRA-080787

13. Case#13-251-00081 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Nightclub, License#: ABRA-083133

14. Case#13-PRO-00062 Policy, 1904 14th ST NW Retailer C Restaurant, License#: ABRA-076804

15. Case#13-PRO-00066 BANDOLERO, 3241 M ST NW Retailer C Restaurant, License#: ABRA-075631

16. Case#13-PRO-00065 Tackle Box, 3245 M ST NW Retailer C Restaurant, License#: ABRA-084952

17. Case#13-PRO-00104 NTH (National Tap House), 1331 CONNECTICUT AVE NW Retailer C Tavern, License#: ABRA-092156

OFFICE ON AGING**NOTICE OF SEPTEMBER 25, 2013 MEETING OF COMMISSION ON AGING**

The Commission on Aging will meet on September 25, 2013 at the Office on Aging, 500 K Street, N.E. at 10 a.m. The agenda for this meeting includes (1) an update on recent activities of the Office on Aging; (2) committee reports on health and wellness, housing, education and employment, governance, and housing issues; and (3) reports on relevant issues and activities in each ward of the District of Columbia. This meeting is open to the public and public comments are invited.

If you have questions regarding this notice, contact Deborah Royster, General Counsel, DC Office on Aging at (202)727-6603 or email deborah.royster@dc.gov.

DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**DC MAYOR'S COMMISSION ON ASIAN AND
PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on Wednesday, September 25, 2013 at 6:30 pm.

The meeting will be held in Conference Room 1114 at One Judiciary Square, 441 4th Street NW, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact oapia@dc.gov or Andrew Chang at andrew.chang@dc.gov. Telephone: (202) 727-3120.

The DC Commission on Asian and Pacific Islander Affairs usually convenes monthly meetings to discuss current issues affecting the DC AAPI community.

Future meetings for the remainder of the year have been scheduled for the following dates:

October 23, 2013

November 20, 2013

**COMMUNITY ACADEMY PUBLIC CHARTER SCHOOL (CAPCS)
REQUEST FOR PROPOSALS
Construction of Outdoor Classrooms**

Dorothy I. Height Community Academy Public Charter Schools (CAPCS) is soliciting proposals from qualified providers for construction of outdoor classrooms at its campus at 33 Riggs Road, NE, to include gardens, nature art areas, a bridge over a recirculating stream and other features. Proposals should include an estimated time line and labor costs. CAPCS will supply materials. Contractors should be licensed in D.C. and provide description of relevant experience and references. Contact Noel Schaffer at noelschaffer@capcs.org for a copy of the design and a site visit. **Deadline for proposals submitted electronically to noelschaffer@capcs.org is Friday, September 27, 2013.** CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

October 2013

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Daniel Burton	Board of Accountancy	1	8:30 am-12:00pm
Lisa Branscomb	Board of Appraisers	16	8:30 am-4:00 pm
Jason Sockwell	Board Architects and Interior Designers	18	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	7	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	8	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	3	9:30am-2:00 pm
Daniel Burton	Board of Professional Engineering	25	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	8	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	15	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th Street, SW, Suite E-300 A-B, Washington, D.C. 20024. Board agendas are available upon request.

For further information on this schedule, please call 202-442-4320.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT
ANNOUNCES SPECIAL MEETING
FOR THE
DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL
CREDIT ENHANCEMENT FUND COMMITTEE**

The Office of the State Superintendent of Education hereby announces that it will hold a special meeting on Tuesday, October 1st, 2013 for the District of Columbia Public Charter School Credit Enhancement Fund Committee.

The meeting will take place at 810 First Street, NE, 9th Floor, room 9014, Washington, DC 20002 from 12:30 pm to 1:00 pm. For additional information, please contact:

Alina Tsanova
Financial Program Specialist
Public Charter School Financing and Support
Office of the State Superintendent of Education
Government of the District of Columbia
810 First Street, NE, 8th Floor
Washington, D.C. 20002
Tele: 202-741-5535
Fax: 202-727-2019
alina.tsanova@dc.gov
www.osse.dc.gov

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDS AVAILABILITY

Office of Innovation and Improvement [Race to the Top-(RTTT)]
School Improvement Grant (SIG) Program

RFA Release: **Tuesday, September 24, 2013**

Submission Deadline: **Monday, October 21, 2013, 4:00.p.m.**

The District of Columbia Office of the State Superintendent of Education is soliciting applications for the purpose of awarding School Improvement Grant (SIG) funds to Local Education Agencies (LEAs) who demonstrate the greatest need for the funds and the strongest commitment to use the funds to provide adequate resources in order to raise substantially the achievement of students in their lowest-performing schools. School Improvement Grants, authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965 (Title I or ESEA), are grants to State educational agencies (SEAs) that SEAs use to make competitive sub-grants to LEAs. SIG funds are used for the purpose of implementing one of four Turnaround Models: Turnaround, Transformation, Restart, and Closure. In general, the purpose of SIG is to increase student achievement and teacher/principal effectiveness in the persistently lowest-achieving/ newly classified "Priority" schools.

Eligibility: LEAs are eligible to apply who have schools identified as "Persistently Lowest Achieving" / "Priority".

Length of Awards: Grant awards will be made for a period of one (1) year with the option to renew funding for the following year, pending funding availability and the LEA/school's satisfactory implementation of the SIG grant guidelines.

Available Funding for Awards: The amount available for this award period is approximately two million dollars (\$2,000,000.00).

Anticipated Number of Awards: It is anticipated that OSSE will have funding available for approximately two (2) new awards. Those awarded will join the six (6) current award recipients implementing SIG requirements in six (6) schools currently.

The **Request for Applications** (RFA) will be released on Tuesday, September 24, 2013, and the **Deadline for Submission** is Monday, October 21, 2013, at 4:00 p.m. The RFA will be available on OSSE's website - www.osse.dc.gov.

The OSSE will facilitate one (1) **Mandatory Pre-Application Conference** for grant applicants. Applicants are required to attend the Mandatory Pre-Application Conference on Thursday, September 26, 2013 at 10:00am – 12 noon.

On October 3, 2013 the OSSE will conduct an **optional Technical Assistance Webinar** at 9:00am -11:00am and 1:00pm – 3:00pm.

If you plan to attend either the Pre-Application Conference please register by **Wednesday, September 25, 2013**, and **Wednesday, October 2, 2013**, for the Technical Assistance Webinar.

Attendance will be taken at the end of the conference, please be prompt. Failure to attend the Pre-Application Technical Assistance Conference will disqualify an application. Pre-Registration for the Pre-Application Technical Conference and Webinars are required.

For additional information regarding this competition, please contact Dr. LeeTosha Henry, Program Analyst, via email at leetosha.henry@dc.gov.

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of AUGUST 31, 2013**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	42,203	2,684	773	16	142	11,639	57,457
2	29,142	5,862	230	28	139	11,426	46,827
3	37,260	7,358	373	21	113	12,084	57,209
4	48,303	2,379	552	10	149	9,220	60,613
5	50,806	2,091	571	15	148	8,613	62,244
6	49,600	6,088	531	24	171	12,362	68,776
7	51,174	1,358	468	2	120	7,118	60,240
8	47,286	1,311	440	4	170	7,336	56,547
Totals	355,774	29,131	3,938	120	1,152	79,798	469,913
Percentage By Party	75.70%	6.20%	.84%	.03%	.25%	16.98%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF AUGUST 31, 2013

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,307	32	7	1	7	195	1,549
22	3,519	295	33	2	8	942	4,799
23	2,621	164	57	2	4	721	3,569
24	2,332	214	32	0	7	765	3,350
25	3,547	391	65	1	6	1,104	5,114
35	3,338	204	63	0	10	1,006	4,621
36	4,094	271	70	1	13	1,134	5,583
37	3,082	145	54	0	8	710	3,999
38	2,708	140	55	1	9	731	3,644
39	4,133	220	103	3	14	1,055	5,528
40	3,875	224	108	1	24	1,176	5,408
41	3,264	203	63	3	15	1,036	4,584
42	1,771	61	28	1	6	488	2,355
43	1,696	68	25	0	5	369	2,163
137	916	52	10	0	6	207	1,191
TOTALS	42,203	2,684	773	16	142	11,639	57,457

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	703	158	7	0	10	450	1,328
3	1,403	407	14	1	13	704	2,542
4	1,672	485	9	1	7	853	3,027
5	2,142	705	17	1	9	880	3,754
6	2,546	1,075	26	2	20	1,603	5,272
13	1,402	303	7	1	1	523	2,237
14	2,806	449	25	2	10	1,021	4,313
15	2,959	324	23	6	13	910	4,235
16	3,405	379	24	4	14	930	4,756
17	4,659	647	41	6	23	1,578	6,954
129	1,838	319	10	2	6	747	2,922
141	2,136	230	15	1	7	620	3,009
143	1,471	381	12	1	6	607	2,478
TOTALS	29,142	5,862	230	28	139	11,426	46,827

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,187	419	16	0	3	554	2,179
8	2,278	649	24	2	8	747	3,708
9	1,122	520	10	2	8	484	2,146
10	1,655	443	9	1	8	623	2,739
11	3,256	923	41	3	7	1,371	5,601
12	476	200	2	0	3	212	893
26	3,046	400	33	3	5	1,058	4,545
27	2,486	302	18	1	5	647	3,459
28	2,243	554	34	3	6	794	3,634
29	1,121	229	10	0	4	377	1,741
30	1,264	242	15	0	4	285	1,810
31	2,311	350	20	0	10	578	3,269
32	2,677	350	27	0	5	645	3,704
33	2,971	396	36	3	12	821	4,239
34	3,843	590	30	1	13	1,383	5,860
50	2,038	307	15	2	9	476	2,847
136	931	150	8	0		369	1,458
138	2,355	334	25	0	3	660	3,377
TOTALS	37,260	7,358	373	21	113	12,084	57,209

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,170	77	40	3	8	444	2,742
46	2,836	72	30	0	11	534	3,483
47	2,939	158	37	3	11	735	3,883
48	2,819	145	34	0	10	598	3,606
49	854	42	18	0	4	181	1,099
51	3,241	577	23	0	9	680	4,530
52	1,257	195	5	0	2	239	1,698
53	1,216	76	20	0	4	285	1,601
54	2,370	95	38	0	4	498	3,005
55	2,474	75	27	1	9	437	3,023
56	3,120	97	38	0	13	675	3,943
57	2,533	82	33	0	14	445	3,107
58	2,383	60	17	1	3	385	2,849
59	2,716	94	36	1	8	428	3,283
60	2,210	83	23	0	7	686	3,009
61	1,625	56	14	0	2	287	1,984
62	3,229	143	29	0	4	386	3,791
63	3,408	126	54	0	11	640	4,239
64	2,296	61	16	1	6	326	2,706
65	2,607	65	20	0	9	331	3,032
Totals	48,303	2,379	552	10	149	9,220	60,613

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	3,980	191	55	5	9	931	5,171
44	2,877	226	30	3	14	643	3,793
66	4,791	128	41	0	11	524	5,495
67	3,190	127	26	0	9	429	3,781
68	1,965	154	33	1	8	423	2,584
69	2,250	81	20	0	9	284	2,644
70	1,492	69	19	1	2	233	1,816
71	2,504	68	31	1	8	371	2,983
72	4,568	122	28	0	13	745	5,476
73	1,947	101	33	2	7	370	2,460
74	4,138	187	58	0	11	789	5,183
75	3,202	123	46	0	4	659	4,034
76	1,288	55	11	0	4	249	1,607
77	2,817	104	32	0	8	482	3,443
78	2,872	75	34	0	7	428	3,416
79	1,840	65	15	1	7	296	2,224
135	3,020	177	49	1	13	551	3,811
139	2,065	38	10	0	4	206	2,323
TOTALS	50,806	2,091	571	15	148	8,613	62,244

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	3,991	394	47	1	16	1,014	5,463
18	4,109	251	43	1	14	897	5,315
21	1,157	56	18	0	4	261	1,496
81	4,773	339	47	2	15	971	6,147
82	2,533	258	27	1	9	555	3,383
83	3,536	402	32	5	10	855	4,840
84	1,907	426	25	2	8	579	2,947
85	2,601	505	26	1	8	757	3,898
86	2,312	282	27	0	7	512	3,140
87	2,766	227	25	1	12	553	3,584
88	2,141	306	17	0	8	539	3,011
89	2,495	674	27	3	6	786	3,991
90	1,598	269	13	1	6	505	2,392
91	4,146	369	43	1	18	980	5,557
127	3,725	252	47	2	13	783	4,822
128	2,109	183	31	1	7	579	2,910
130	802	331	9	0	2	297	1,441
131	1,593	401	12	2	4	556	2,568
142	1,306	163	15	0	4	383	1,871
TOTALS	49,600	6,088	531	24	171	12,362	68,776

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,562	79	14	0	7	274	1,936
92	1,679	41	12	1	10	249	1,992
93	1,657	45	16	0	4	236	1,958
94	2,123	55	19	0	2	274	2,473
95	1,808	50	21	0		313	2,192
96	2,529	72	26	0	7	378	3,012
97	1,579	34	14	0	3	205	1,835
98	1,914	41	26	0	4	265	2,250
99	1,565	46	15	0	4	244	1,874
100	2,239	43	14	0	5	276	2,577
101	1,840	36	20	0	6	202	2,104
102	2,594	57	27	0	7	325	3,010
103	3,778	95	37	0	13	573	4,496
104	3,104	81	30	0	11	454	3,680
105	2,570	64	27	0	4	396	3,061
106	3,280	79	22	0	7	463	3,851
107	1,932	61	17	0	4	293	2,307
108	1,212	32	7	0	1	125	1,377
109	1,016	36	8	0	1	99	1,160
110	3,977	118	34	1	8	445	4,583
111	2,567	60	26	0	8	370	3,031
113	2,359	70	19	0	2	292	2,742
132	2,290	63	17	0	2	367	2,739
TOTALS	51,174	1,358	468	2	120	7,118	60,240

D.C. BOARD OF ELECTIONS
 MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
 WARD 8 REGISTRATION SUMMARY
 As Of AUGUST 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,164	57	11	1	7	297	2,537
114	3,328	112	29	0	19	520	4,008
115	2,961	70	19	1	10	606	3,667
116	4,068	108	42	0	14	601	4,833
117	1,872	45	13	0	9	280	2,219
118	2,760	74	29	1	9	391	3,264
119	3,045	116	42	0	12	563	3,778
120	2,002	41	20	0	5	327	2,395
121	3,408	78	37	1	13	516	4,053
122	1,862	47	19	0	5	263	2,196
123	2,290	91	24	0	12	353	2,770
124	2,757	64	16	0	4	377	3,218
125	4,933	128	46	0	13	759	5,879
126	3,984	122	39	0	18	691	4,854
133	1,522	48	11	0	5	194	1,780
134	2,250	44	28	0	6	277	2,605
140	2,080	66	15	0	9	321	2,491
TOTALS	47,286	1,311	440	4	170	7,336	56,547

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6750) to the U.S. Conference of Catholic Bishops to operate one (1) 250 kW diesel fuel fired emergency generator at 3211 4th Street NE, Washington, DC 20017. The contact person for the facility is Keith Manley, Executive director of General Services, at (202) 541-3333. The applicant’s mailing address is 3211 4th Street NE Washington, DC 20017.

Emissions:

Maximum emissions from the equipment, operating five hundred (500) hours per year, are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total)	0.21
Sulfur Oxides (SOx)	0.20
Nitrogen Oxides (NOx)	3.02
Volatile Organic Compounds (VOC)	0.25
Carbon Monoxide (CO)	0.65

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents

should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 21, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**District of Columbia Housing Finance Agency
Board of Directors
Meeting
September 24, 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 Agency's Fiscal Year 2014 Budget.

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 the Agency's Fiscal Year 2014 Budget which includes matters regarding the employment and compensation of government appointees, employees, or officials. An open meeting would adversely affect the employment and compensation related issues affecting the Agency. (D.C. Code §2-405(b)(10)).

- III. Re-open meeting.
- IV. Consideration of DCHFA Resolution No. 2013-04(G) for the approval of the Agency's Fiscal Year 2014 Budget.
- V. Executive Director's Report.
 - Parkway Overlook Update
 - Boards and Commissions Update
- VI. Other Business.
- VII. Adjournment.

**INSPIRED TEACHING DEMONSTRATION PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS**

Architectural and General Contractor Services

The Inspired Teaching Demonstration Public Charter School, in partnership with Lee Montessori Public Charter School and the Charter School Incubator Initiative, invites all interested parties to submit proposals to provide architectural or general contractor services for the proposed renovation of an approximately 70,000 square foot facility. The required delivery date of the project is July 31, 2014. The complete RFP can be obtained by contacting kate.keplinger@inspiredteachingschool.org. Please indicate which service you would like to provide so that we may distribute the appropriate RFP.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR QUALIFICATIONS****Renovation and Construction Services**

Mundo Verde PCS invites all interested parties to submit their qualifications to perform interior and exterior renovation services of an existing school facility comprised of 40,716 square feet and construction services for an annex building of approximately 11,000 square feet. Proposals are due no later than 12:00 PM October 4, 2013. Please note that the RFQ is a pre-qualifier to bid on the RFP that is expected to be released in early October. The complete RFQ can be obtained by contacting:

Patrick W. Cooper, AIA
Compass Design & Development LLC
16305 Marlboro Pike
Upper Marlboro, MD 20772
E: Pcooper@compassdesdev.com
T: 202-787-9374

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00 a.m. on Thursday, September 26, 2013. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 3/4. Notice of a location or time change will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

I. CALL TO ORDER

II. DETERMINATION OF A QUORUM

III. APPROVAL OF AGENDA

IV. CONSENT AGENDA

A. READING AND APPROVAL OF MINUTES

1. July 25, 2013 – General Board Meeting
2. August 2, 2013 – Board Retreat

B. EXECUTIVE REPORTS

1. Dr. Cyril Allen, Chief Medical Officer
2. Jean Phaire, VP of Nursing
3. Pamela Lee, VP of Hospital Operations
4. Jackie Johnson, VP of Human Resources
5. John Wilcox, Chief Information Officer

V. NONCONSENT AGENDA

A. CHIEF EXECUTIVE REPORTS

1. Michael Davis, CFO
2. David Small, CEO

B. MEDICAL STAFF REPORT

1. Dr. Gilbert Daniel, Chief of Staff

C. COMMITTEE REPORTS

1. Finance Committee Report
2. Strategic Steering Committee Report
3. Governance Committee Report
4. Patient Safety & Quality Committee Report

D. OTHER BUSINESS

1. Old Business
2. New Business

E. ANNOUNCEMENT

1. The next Governing Board Meeting will be held at 9:00am, October 24, 2013 at United Medical Center/Conference Room 2/3.

F. ADJOURNMENT

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss contracts, settlements, collective bargaining agreements, personnel, discipline, and investigations of alleged criminal or civil misconduct. D.C. Official Code §§2-575(b)(2)(4A)(5),(9),(10),(14).

**PAUL PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS (RFP)**

Computer Technology Services

Paul Public Charter School seeks competitive proposals for:
Laptop Computers (Branded Dell, HP, IBM etc.), for the school, in accordance with requirements and specifications detailed in the Request for Proposal.

Proposals must be received by 4:00 PM, Tuesday, September 24th. Please submit bids electronically to rfp@paulcharter.org.

Paul PCS reserves the right to cancel this RFP at any time.

To obtain an electronic or hard copy of the full Request for Proposal (RFP), email at: rfp@paulcharter.org

Iftikhar Khan
Paul Public Charter School
5800 8th St. N.W.
Washington, DC 20011
(202) 291-7499

REAL PROPERTY TAX APPEALS COMMISSION

ADMINISTRATIVE MEETING

**THURSDAY SEPTEMBER 26, 2013,
2:30 PM**

DRAFT AGENDA

- I. CALL TO ORDER
- II. ASCERTAINMENT OF A QUORUM
- III. APPROVAL OF MINUTES FROM AUGUST 15, 2013 ADMINISTRATIVE MEETING
- IV. REPORT BY THE CHAIRPERSON
 - a. FISCAL YEAR/TAX YEAR 2013 ANNUAL REPORT
- V. REPORT BY THE EXECUTIVE DIRECTOR
 - a. TAX YEAR 2014 APPEAL SEASON
 - b. FILE AND SERVE XPRESS
 - c. UPCOMING PUBLIC MEETINGS
- VI. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES
- VII. ADJOURNMENT

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Audit Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, September 26, 2013 at 9:30 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 lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|------------------|
| 1. | Call to Order | Chairman |
| 2. | Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. | Executive Session | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, September 26, 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 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 | Chairman |
| 2. | August 2013 Financial Report | Director of Finance & Budget |
| 3. | Agenda for October Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, September 24, 2013 at 9:30 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.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dewater.com.

DRAFT AGENDA

- | | |
|--|-------------------------|
| 1. Call to Order | Committee Chairman |
| 2. Update on DCGIS 2005 Flyover Information | Chief Financial Officer |
| 3. Review 2013 Potomac Interceptor Cost of Service Study | Chief Financial Officer |
| 4. Retail Rates Committee Workplan | Chief Financial Officer |
| 5. Other Business | Committee Chairman |
| 6. Executive Session | |
| 7. Agenda for November 26, 2013 Committee Meeting | Committee Chairman |
| 8. Adjournment | Committee Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18564 of the Embassy of the Democratic Socialist Republic of Sri Lanka, pursuant to 11 DCMR § 1002, to allow the location of its embassy and chancery and to permit an improvement in the public space in connection with the embassy/chancery, in the D/R-1-A District at premises 3025 Whitehaven Street, N.W. (Square 2147, Lot 0046).

NOTICE OF FINAL RULEMAKING

and

DETERMINATION AND ORDER

The Board of Zoning Adjustment (“Board”), pursuant to the authority set forth in § 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code, § 6-1306) (2008 Repl.), and Chapter 10 of the Zoning Regulations of the District of Columbia, 11 DCMR, and following the June 4, 2013 public hearing, hereby gives notice of the adoption of its determination to not disapprove the application of the Embassy of the Democratic Socialist Republic of Sri Lanka (“Applicant”) to locate its embassy and chancery in the D/R-1-A District at premises 3025 Whitehaven Street, N.W. (Square 2147, Lot 0046) (the “Subject Property”), and to make a related improvement in the public space by erecting a flagpole in front of the Property.¹

Specifically, the Applicant proposed to relocate its embassy and chancery from its current location on 2148 Wyoming Avenue, N.W. (the “Current Location”) to the Subject Property. The Subject Property is presently improved with a three-story structure, a one-story two-car garage, and a one-story conservatory at the rear of the property. The structure will house both the embassy and the chancery uses while the Applicant’s residential use will remain at the Current Location. Eight out of the 18 employees working in the Current Location will be relocated to the Subject Property. The relocated Chancery will operate during weekdays between 9:00 a.m. and 5:00 p.m. The Applicant did not anticipate a change in the number of visitors, which currently is between four to six visitors a day during visitor hours (9:00 a.m. to 3:00 p.m.). A large percentage of these visitors are service workers such as mechanical contractors, equipment providers, and delivery personnel. With the one exception of an annual open house, all social events will continue to be hosted at the Ambassador’s residence on 30th Street, N.W.

The Applicant proposed to provide five on-site parking spaces as follows: two spaces in the aforementioned car garage, one space behind the garage and two in front of it. The embassy also requested three diplomatic parking spaces along the adjacent Whitehaven Street frontage. If approved this would increase the available Mission parking to eight spaces which would equal

¹ An amendment to the application to include the erection of the flag pole was submitted on June 3, 2013 (Exhibit 34) and was accepted by the Board during the public hearing.

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PAGE NO. 2

the requirement. In addition, the Applicant proposed to make an improvement to the public space by erecting a 20-foot flagpole at the front of the property as detailed in the site plans. (Exhibit 41.)

A notice of proposed rulemaking was published in the March 27, 2013 edition of the *D.C. Register*. No comments were received in response.

Pursuant to § 206(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d), the Board's consideration of chancery applications is based exclusively upon the six factors delineated in that provision. For certain of these factors, the provision also indicates who is to make the relevant finding. Those factors and the relevant findings are as follows:

1. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

As recommended by the Secretary of State, the Board finds that favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of the Democratic Socialist Republic of Sri Lanka for its diplomatic mission in Washington. (Exhibit 32.)

2. Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

As confirmed by the Historic Preservation Office, the Subject Property is not listed in the District Inventory of Historic Sites as a landmark nor is it part of an historic district. There is nothing in the record to suggest that the property is listed on National Registry of Historic Places. Accordingly, District and Federal regulations governing historic preservation are not applicable to the Subject Property.

3. The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services.

The Board agrees with the conclusions reached in the reports submitted the Office of Planning ("OP") (Exhibit 31), and the D.C. Department of Transportation ("DDOT") (Exhibit 28), that the property is adequately served by sufficient on-site parking and extensive public transportation services. Although the Subject Property presently contains only five of the eight required on-site parking spaces, the Embassy has requested three diplomatic parking spaces along the adjacent Whitehaven Street frontage. If approved this would increase the available Mission parking to eight spaces which would equal the requirement. If the Embassy fails to obtain the three diplomatic parking spaces, this failure would not changes the opinion that the parking would be

BZA APPLICATION NO. 18564
PAGE NO. 3

adequate since the embassy is in close proximity to public transportation that will reduce the demand for parking. Specifically, the Subject Property is within a short walking distance of several Metrobus stops, as well as Capital Bikeshare service stations. In addition, only eight of the Applicant's 18 employees are expected to work in the relocated chancery and, with the exception of the Ambassador, all employees are required to utilize public transportation, taxis, or carpooling.

In addition, the Applicant's parking expert did not expect an increase in the number of visitors to the embassy once it is relocated and predicted a total of four to six visitors a day during office hours including persons making deliveries. The low number of visitors is due to the fact that most of the chancery's services such as visas are processed either online or by service workers such as mechanical contractors, equipment providers, and delivery personnel. The Board accepts DDOT's conclusion that the relocated chancery use will result in a total of 32 vehicular trips a day and that this relatively low volume would not create any significant traffic impact on the surrounding streets.

In regard to the hosting of social events the Board concludes that no additional parking demand will occur since, according to the Applicant. Except for an annual open house, all social events will continue to take place at the Ambassador's private residence on 30th Street, N.W. The open house is likely to take place during the month of August on a Sunday. The arrival time for diplomatic guests is staggered so as to limit the number of guests at any given time and the event is open to the community.

The Board heard public testimony describing the current difficult parking and traffic situation in the neighborhood, but concludes that the replacement of the existing residential use with the proposed chancery will not exacerbate these conditions. Nevertheless, the Board urges DDOT to work with the residents to try to resolve these issues, with the understanding that its options may be limited.

Following consultation with Federal agencies authorized to perform protective services for foreign missions, the Secretary of State has determined that there exist no special security requirements relating to parking in this case. (Exhibit 32.)

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services.

After consultation with Federal agencies authorized to perform protective services, the Secretary of State has determined that the Subject Property and the area are capable of being adequately protected. (Exhibit 32.)

5. The municipal interest, as determined by the Mayor.

The Director of the Office of Planning, on behalf of the Mayor of the District of Columbia, has determined that the proposed chancery use is not contrary to the municipal interest and is not

BZA APPLICATION NO. 18564
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inconsistent with the existing neighborhood character or the Comprehensive Plan. (Exhibit 31.)

6. The Federal interest, as determined by the Secretary of State.

As stated by the Department of State, there is a federal interest in this project. “The Government of the Democratic Socialist Republic of Sri Lanka recently assisted in the acquisition of land needed for the construction of a new U.S Embassy compound in Colombo. Such cooperation is essential for successfully achieving the Federal Government’s mission for providing safe, secure, and functional facilities for the conduct of U.S diplomacy and the promotion of US interests worldwide.” (Exhibit 32.)

Based upon its consideration of the six factors discussed above, the Board has decided not to disapprove this Application.

As a result, the Applicant will be permitted to relocate its Chancery and Embassy to the building structure on 3025 Whitehaven Street, N.W. The new location shall be limited to office uses and shall provide at least five on-site parking spaces.

In addition, the Applicant will be permitted to erect a flag pole and display of a flag within 20 feet of the property line in the public space at the front of the Property. The flagpole shall not exceed 30 feet in height and shall be constructed in accordance with the submitted plans. (Exhibit 41.)

ANC Great Weight

The Board is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001) to give great weight to the issues and concerns raised in the written report of the affected ANC which is ANC 3C. The ANC provided a resolution stating it had no objection to the Application. The resolution further indicated that it was unanimously adopted at a scheduled and noticed public meeting with a quorum present. (Exhibit 24.) The Board’s decision to not disapprove the Application is consistent with the ANC’s resolution.

According, it is hereby **ORDERED** that this application is **NOT DISAPPROVED**.

Vote of the Board of Zoning Adjustment taken at its public hearing on June 4, 2013, to Not Disapprove the application:

VOTE: 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Peter G. May, and Marcel C. Acosta to Not Disapprove; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

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PAGE NO. 5

FINAL DATE OF ORDER: September 11, 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.

APPROVAL OF THIS APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. THE APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18602 of Archdiocese of Washington, pursuant to 11 DCMR §§ 3104.1, for a special exception for a private school (150 Students and 20 Staff) under section 206, in the R-5-A District at premises 1600 Morris Road, S.E. (Square 5817, Lot 803).

HEARING DATE: September 10, 2013

DECISION DATE: September 10, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 8A, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 8A, which is automatically a party to this application. No letter of recommendation was received from ANC 8A.

The Office of Planning (“OP”) submitted a report in support of the application, subject to conditions. (Exhibit 25.) The District Department of Transportation (DDOT) submitted a letter of “no objection.” (Exhibit 27.) No letters of support or opposition were received into the record, and no members of the public testified in support or opposition before the Board.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 3104.1 from the strict application of the regulations pertaining to § 206. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and

BZA APPLICATION NO. 18602**PAGE NO. 2**

conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. There shall be no more than 150 students enrolled in the school at any time;
2. There shall be no more than 20 faculty or staff employed by the school at any time;
3. Outdoor play areas or athletic fields shall not be equipped with bleachers or lights;
4. An adult hired by the school shall be designated to monitor student drop-off in the morning and pick-up in the evening, and assist with traffic management during that time, at a location to be chosen in coordination with the District Department of Transportation (DDOT);
5. The vehicular circulation system shall be one-way, entered from the existing curb cut off of Morris Avenue between 16th and 17th Streets, S.E. and exited onto Morris Road from the existing curb cut opposite Erie Street S.E.;
6. The school shall coordinate with Our Lady of Perpetual Help Church on the timing of special events anticipated to attract more than 100 people.

VOTE: **4-0-1** (Lloyd L. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Peter G. May to approve with one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 16, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO

BZA APPLICATION NO. 18602**PAGE NO. 3**

OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18603 of Brandon Webster and Nancy Younan, pursuant to 11 DCMR §§ 3104.1 and 3103.2 for a special exception under section 361 and a variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow a rear addition to an existing flat in the D/DC/R-5-B District at premises 2112 R Street, N.W. (Square 66, Lot 56).¹

HEARING DATE: September 10, 2013

DECISION DATE: September 10, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report dated August 19, 2013 in support of the application. The ANC report indicated that at a regularly scheduled and duly noticed meeting on August 14, 2013, with a quorum present, the ANC voted 8-0 to support the Applicant’s request. (Exhibit 29.) The Office of Planning (“OP”) submitted a report in support dated September 3, 2013 (Exhibit 32) and testified at the hearing in support of the application.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 361, Art Gallery. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 361, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not

¹ Applicant amended request to include special exception relief for an art gallery, section 361.

BZA APPLICATION NO. 18603
PAGE NO. 2

tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure provisions under subsection 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking variances from §§§§ 402, 403, 404, and 2001.3, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit 23 – Revised Drawings, be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Peter G. May to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 16, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A

BZA APPLICATION NO. 18603**PAGE NO. 3**

REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18616 of MRC Investors LLC, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, to allow a two story rear addition to an existing one-family row dwelling not meeting the lot occupancy (section 403) and rear yard (section 404) requirements in the R-4 District at premises 1177 3rd Street, N.E. (Square 773, Lot 276).

DECISION DATE: September 10, 2013 (Expedited Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR'S OFFICE

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report having no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes

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that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibits 13 and 26 – Plans) be **GRANTED** subject to the following **CONDITION**:

1. The front façade with mansard roof shall be maintained so that the rear addition is not visible from the front.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Peter G. May and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 11, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL

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APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18620 of Nicolas Ferreyros, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, to allow additions to an existing one-family row dwelling not meeting the lot occupancy (section 403), rear yard (section 404) and nonconforming structure (subsection 2001.3) requirements in the R-5-B District at premises at 2315 15th Street, N.W. (Square 2660, Lot 220).

DECISION DATE: September 10, 2013 (Expedited Calendar)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report having no objection to the application. The Meridian Hill Neighborhood Association submitted a letter in support of the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Peter G. May and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 10, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR,

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RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18623 of Jessica and Chad Cantwell, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, to allow a third floor addition to an existing one-family semi-detached dwelling not meeting the lot occupancy (section 403), side yard (section 405) and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 328 16th Street, S.E. (Square 1089, Lot 33).

DECISION DATE: September 10, 2013 (Expedited Calendar)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report having no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes

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that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 15 – Plans) be **GRANTED**.

VOTE: 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Peter G. May and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 10, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

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PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18626 of Christa Bowen, pursuant to 11 DCMR § 3104.1, for a special exception to allow a deck addition to the rear of an existing row dwelling under section 223, not meeting the lot occupancy (section 403) and court (section 406) requirements in the R-4 District at premises 522 24th Street, N.E. (Square 4516, Lot 62).

DECISION DATE: September 10, 2013 (Expedited Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR'S OFFICE

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 7D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7D, which is automatically a party to this application. ANC 7D did not participate in this application. The ANC Single Member District Representative for 7D01, submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report having no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§

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3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Peter G. May and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 10, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,

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FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETINGS**

TIME AND PLACE: **Tuesday, October 1, 2013, @ 9:00 a.m.**
Office of Zoning Conference Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

The Zoning Commission, in accordance with § 406 of the District of Columbia Administrative Procedure Act (“Act”)(D.C. Official Code § 2-576), hereby provides notice it will hold a closed meeting at the time and place noted above for the purpose of receiving training as permitted by D.C. Official Code § 2-575(b)(12).

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

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