



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 19-597, Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012
- DC Council passes Act 19-599, Omnibus Criminal Code Amendments Emergency Amendment Act of 2012
- DC Council schedules public hearings on campaign finance reform
- Alcoholic Beverage Regulation Administration schedules a public hearing on safety plans for on-premise licensed establishments
- DC Taxicab Commission establishes taxicab dome light and uniform color mandates
- Office of the Deputy Mayor for Planning and Economic Development requests qualifications for master development services at the site of the former Walter Reed Army Medical Center
- DC Taxicab Commission invites manufacturers to become approved taxicab dome light producers

DISTRICT OF COLUMBIA REGISTER

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CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A19-587	Board of Elections Petition Circulation Requirements Emergency Amendment Act of 2012 [B19-1058]	000977 - 000979
A19-588	UDC Board Meeting Amendment Act of 2012 [B19-694]	000980 - 000981
A19-589	The Elizabeth Ministry, Inc. Affordable Housing Initiative Real Property Tax Relief Act of 2012 [B19-443]	000982 - 000983
A19-590	Neighborhood Contractor Daytime Parking Permit Act of 2012 [B19-607]	000984 - 000986
A19-591	Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Act of 2012 [B19-741]	000987 - 000989
A19-592	Public Library Hours Expansion Act of 2012 [B19-883]	000990 - 000991
A19-593	Howard Town Center Real Property Tax Abatement Act of 2012 [B19-1010]	000992 - 000994
A19-594	Modification No. M0004 and Modification No. M0005 to Contract Number DCAM-2011-C-0115 Approval and Payment Authorization Emergency Act of 2012 [B19-1055]	000995 - 000996
A19-595	Washington Latin Public Charter School Campus Property Tax Exemption Emergency Act of 2012 [B19-1083]	000997 - 000998
A19-596	NFPHC Omnibus Health Benefits Approval and Payment Authorization Emergency Act of 2012 [B19-1087]	000999 - 001000
A19-597	Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012 [B19-1101].....	001001 - 001014
A19-598	District of Columbia Democratic State Committee Elections Emergency Amendment Act of 2012 [B19-1105]	001015 - 001016
A19-599	Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 [B19-1109]	001017 - 001035
A19-600	NoMA Residential Development Tax Abatement Emergency Act of 2012 [B19-1082]	001036 - 001037

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A19-601	Income Tax Withholding Statements Electronic Submission Congressional Review Emergency Act of 2012 [B19-1085]	001038 - 001039
A19-602	Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption Clarification Congressional Review Emergency Act of 2012 [B19-1086]	001040 - 001042
A19-603	United House of Prayer for All People Real Property Tax Exemption Technical Emergency Act of 2012 [B19-1089]	001043 - 001044
A19-604	Fiscal Year 2013 Budget Support Technical Clarification Congressional Review Emergency Amendment Act of 2012 [B19-1091]	001045 - 001069
A19-605	Contract No. DCGO-2011-C-0008-M01 Approval and Payment Authorization Emergency Act of 2012 [B19-1039]	001070 - 001071
A19-606	State Athletic Activities, Programs, and Office Revenue Generation and Sponsorship Emergency Act of 2012 [B19-1078]	001072 - 001073
A19-607	State Athletic Activities, Programs, and Office Fund Emergency Act of 2012 [B19-1079]	001074 - 001075
A19-608	Contract No. DCHC-2012-C-0526 Emergency Approval Act of 2012 [B19-1080]	001076 - 001077
A19-609	Contract DCTO-2009-C-0253 Modification Nos. M0009 and M0010 Approval and Payment Authorization Emergency Act of 2012 [B19-1081]	001078 - 001079
A19-610	Ignition Interlock Amendment Act of 2012 [B19-673]	001080 - 001081
A19-611	Chuck Brown Park Designation Act of 2012 [B19-806]	001082 - 001083

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Intent to Act on New Legislation –

Bill 20-71 through 20-81 and Proposed Resolutions 20-56 through 20-60	001084 - 001086
---	-----------------

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS

Notice of Public Hearing – February 12, 2013

B20-72 Attendance Accountability Amendment Act of 2013 (Corrected/Abbreviated).....001087 - 001088

Notice of Public Hearing – February 22, 2013

PR20-27 Historic Preservation Board Charles E. Wilson Confirmation Resolution of 2012 (Rev)..... 001089

Notice of Public Hearing – March 1, 2013

B20-03 Comprehensive Campaign Finance Reform Amendment Act of 2013001090 - 001091
B20-25 Campaign Finance Reform Amendment Act of 2013001090 - 001091
B20-28 Money Order Tiered Contribution Limit Amendment Act of 2013001090 - 001091
B20-37 Campaign Finance Reform, Transparency and Accountability Amendment Act of 2013.....001090 - 001091
B20-43 Money Order Contribution Limit Amendment Act of 2013001090 - 001091

Notice of Public Hearing – March 7, 2013

B20-42 Constituent-Service Program Amendments Act of 2013001092 - 001093
B20-76 Campaign Finance Training Amendment Act of 20 13001092 - 001093

Notice of Public Hearing - March 21, 2013

B20-03 Comprehensive Campaign Finance Reform Amendment Act of 2013001094 - 001095
B20-37 Campaign Finance Reform, Transparency and Accountability Amendment Act of 2013.....001094 - 001095

Notice of Public Hearing – March 28, 2013

B20-03 Comprehensive Campaign Finance Reform Amendment Act of 2013001096 - 001097
B20-25 Campaign Finance Reform Amendment Act of 2013001096 - 001097
B20-28 Money Order Tiered Contribution Limit Amendment Act of 2013001096 - 001097
B20-37 Campaign Finance Reform, Transparency and Accountability Amendment Act of 2013.....001096 - 001097
B20-42 Constituent-Service Program Amendments Act of 2013001096 - 001097
B20-43 Money Order Contribution Limit Amendment Act of 2013.....001096 - 001097
B20-76 Campaign Finance Training Amendment Act of 20 13.....001096 - 001097

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Hearings

FY 2014 Proposed Budget and Financial Plan,
 FY 2014 Budget Support Act of 2013,
 FY 2014 Budget Request Act of 2013, and
 Committee Mark-Up Schedule (1-30-13) 001098 - 001107

Notice of Public Oversight Hearings

Fiscal Year 2012 Comprehensive Annual Financial Report
 (CAFR) (Abbrev).....001108

Truancy Reduction in the D.C. Public School System
 (Joint)001109

FY 2012-2013 Agency Performance..... 001110 - 001119

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

ABC Board's Calendar – February 6, 2013.....001120 - 001121

Hanks Oyster Bar - ANC 6B - Subst. Change 001122

Libertine - ANC 1C - Subst. Change 001123

Mama Put - ANC 1A..... 001124

Tonic - ANC 2A - Subst. Change 001125

Alcoholic Beverage Regulation Administration -

Grocery Store - February 28, 2013..... 001126

Growler Rulemaking – February 28, 2013..... 001127

Safety Plan - February 28, 2013..... 001128

Technical Amendment to 23 DCMR - February 28, 2013..... 001129

Zoning Adjustment - April 9, 2013 Hearings

18497 2115 N Street Condominium Association - ANC-2B - Appeal.....001130 - 001132

18529 Maria B. Medrano - ANC-4D - Appl 001130 - 001132

18531 The Heritage Foundation – ANC-6C - Appl001130 - 001132

18532 Michelle B. Hassine - ANC-3C - Appl.....001130 - 001132

18533 Perseus 1827 Adams Mill Investments LLC - ANC-1C - Appl.....001130 - 001132

Zoning Commission - Cases

12-18 USL WDC H Street LLC & H Street Self Storage, LLC001133 - 001135

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

- Contracting and Procurement, Office of – Amend 27 DCMR
(Contracts and Procurement) to repeal Ch. 16 (Procurement by
Competitive Sealed Proposals) and replace it with new text; 001136 - 001168

- Health, Dept. of – Amend 22B DCMR (Public Health and Medicine)
Ch. 47, (Health-Care Facility Unlicensed Personnel Criminal
Background Checks), Sec. 4701 “Background Check
Requirement” to require a criminal background check for
persons having direct patient access changes from proposed
rulemaking published on Feb. 3, 2012..... 001169 - 001172

- Taxicab Commission – Amend 31 DCMR (Taxicabs and
Public Vehicles for Hire), Ch. 6 (Taxicab Parts and
Equipment) to implement the Taxi Smart Meter
System, establish a new dome light mandate, and
update penalties and fines001173 - 001177

- Taxicab Commission , DC – Amend 31 DCMR
(Taxicabs and Public Vehicles for Hire), Ch. 6 (Taxicab
Parts and Equipment), Sec. 609 (Age of Taxicab) to
modernize taxicabs by making vehicle and equipment
improvements, including uniform color.....001178 - 001180

- Taxicab Commission, DC – Amend 31 DCMR
(Taxicabs and Public Vehicles for Hire), Ch. 10
(Public Vehicles for Hire), Sec. 1016.1 by
extending the period for special event permits.....001181 - 001182

- Transportation, District Department of– Amend 18 DCMR
(Vehicles and Traffic), Ch.40 (Traffic Signs and Restrictions at
Specific Locations), Sec. 4011 (Speed Limits) to increase speed
limits on DC Route 295 and on Benning Road, NE; 001183

- Transportation, District Department of – Amend 18 DCMR
(Vehicles & Traffic), Ch. 40 (Traffic Signs and Restrictions at
Specific Locations), Sec. 4011 (Speed Limits) to increase speed
limits on New York Avenue, Bladensburg Road, North Capitol
Street, and Canal Road..... 001184 - 001185

- Zoning Commission – Case No. 12-06 to Amend 11DCMR
(Zoning) , Ch. 27 (Regulations of Antennas, Antenna Towers,
and Monopoles), Sec. 2711 (Office of Planning Report) to
eliminate the requirement of an Office of Planning report for
certain types of antenna modifications.....001186 - 001189

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING

Lottery and Charitable Games Control Board – Amend 30
DCMR (Lottery and Charitable Games), Ch. 9
(Description of On-Line Games) to add:
Sec. 959 (Description of DC Tap & Play Games),
Sec. 960 (DC Tap & Play Ticket Validation
Requirements), and Ch. 99 (Definitions)001190 - 001193

Tax and Revenue, Office of – Amend 9 DCMR (Taxation and
Assessments), Ch. 5 (Tax on Recordation of Deeds) to add
Sec. 527 “Residential Properties” and Ch. 6 (Real Property
Transfer Tax), to add Sec. 612, “Residential Properties”001194 - 001195

EMERGENCY AND PROPOSED RULEMAKING

Health Care, Dept. of – Amend 29 DCMR (Public Welfare),
Professions), Ch. 9 (Medicaid Program), to repeal
Sections 968 through 970 and Sections 972 through 982 and
add Ch. 41 (Medicaid Reimbursement for Intermediate
Care Facilities For Individuals with Intellectual Disabilities).....001196 - 001235

Human Services, Dept. of - Amend 29 DCMR (Welfare),
Ch. 25 (Shelter and Supportive Housing for Individuals and
Families) to add Sections 2556 through 2558 to establish
criteria for referring families to the DC Housing Authority (DCHA).....001236 - 001241

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

2013-018 Appointments and Rescission - District of Columbia
Homeland Security Commission001242 - 001243

2013-019 Appointments - District of Columbia Police and
Firefighters' Retirement and Relief Board.....001244 - 001245

2013-020 Appointment - Acting Director, District Department
of the Environment 001246

2013-021 Delegation of Authority to Enter into a Border Agreement
for the Placement of Foster Children with
the State of Maryland.....001247 - 001248

2013-022 Appointment - District of Columbia Emergency Medical
Services Advisory Committee 001249

2013-023 Delegation of Authority to Establish Certain Fees,
Including Construction Permit Fees, to the Director
of the Department of Consumer and Regulatory Affairs.....001250 - 001251

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES

Alcoholic Beverage Regulation Administration / ABC Board -
 Change of Hours Meeting Agenda - February 6, 2013001252 - 001255
 Investigative Meeting Agenda - February 6, 2013.....001256 - 001257
 Regular Meeting Agenda - February 6, 2013..... 001258

AppleTree Early Learning PCS - Request for Proposals
 Janitorial Cleaning Services 001259

Chief Financial Officer, Office of the -
 D.C. Tax Revision Commission Public Meeting 001260

Community Academy PCS - Request for Proposals
 Wireless and Network Equipment..... 001261

Consumer and Regulatory Affairs, Department of -
 Board for the Condemnation of Insanitary Buildings -
 Scheduled Meeting001262

Disability Services, Dept. on / Rehabilitation Services Admin. -
 Statewide Independent Living Council (SILC) -
 Quarterly General Meetings 001263 - 001264

Education (OSSE) - 2013 Meeting Schedule
 Public Charter School Credit Enhancement Fund Committee 001265

Elections, Board of -
 Certification of ANC/SMD Vacancies for 4A05,
 5A04, 6E06, 7D02, 7F07, 8C01 and 8C04 001266

Environment, District Department of the -
 Application to Perform Voluntary Cleanup,
 44 and 88 M Street, NE, SCD Capitol Plaza, LLC 001267

Notice of Funding and Partnership Availability –
 Anacostia "Gateway" Wetland Restoration Project –
 Request for Applications 001268

Environment, District Department of the - Intent to Issue Permits
 Providence Hospital, 1150 Varnum Street NE.....001269 - 001270

The George Washington University,
 Ross Hall, 2300 Eye Street NW 001271 - 001272

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Ethics and Government Accountability, Board of -
Monthly Meetings Scheduled for 2013.....001273

Health Care Finance, Department of -
Health Information Exchange Policy Board Meeting.....001274

Planning and Economic Development, Office of the Deputy Mayor for -
Request for Qualifications - Master Development Services at the Former
Walter Reed Army Medical Center.....001275

Sentencing and Criminal Code Revision Commission -
Appointments of :
Jessica Peterson as Law Clerk.....001276
Leah Branch as Law Clerk.....001277
Michael Serota as Attorney Advisor.....001278
Rachel Redfern as Attorney Advisor.....001279
Commission Meeting - February, 26, 2013.....001280

Taxicab Commission , DC -
Invitation to Manufacturers to become approved
Taxicab Dome Light Producers..... 001281 - 001282

Zoning Adjustment – Orders
18445 Ana Maria Lora-Garcia - ANC 4A - Order..... 001283 - 001285
18486 AG Georgetown Park Holding I LLC - ANC 2E - Order.....001286 - 001290

Zoning Commission -
12-06 11 DCMR - Text Amendment to Eliminate the
Requirement of an Office of Planning Report for
Certain Types of Antenna Modifications –
Notice of Final Rulemaking & Order.....001291

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 7, 2013

Codification
 District of Columbia
 Official Code
 2001 Edition

Winter 2013

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to abolish the voter-registration and residency requirements for circulators of petitions for the purposes of placing initiative and referendum measures on the ballot, nominating candidates for elected office, and recalling elected officials, and to establish in their place a requirement that circulators of petitions for these purposes be at least 18 years of age and residents of the relevant jurisdictions in the District of Columbia or registered as petition circulators with the Board of Elections, such registration to include the person's consent to being subject to the subpoena power of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Elections Petition Circulation Requirements Emergency Amendment Act of 2012".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 8(b)(2) (D.C. Official Code § 1-1001.08 (b)(2)) is amended to read as follows:

Note,
 § 1-1001.08

“(2) The nominating petition of any candidate for elected office, pursuant to this act shall be circulated by persons who are at least 18 years of age. A petitioner circulator need not be a resident of the District of Columbia but otherwise shall be qualified to register to vote in the District of Columbia pursuant to section 2(2) and, if not a resident of the District of Columbia, shall register as a petition circulator with the Board, such registration to include the person's consent to being subject to the subpoena power of the District of Columbia. By registering and circulating a nominating petition, the petition circulator voluntarily consents to and subjects herself or himself to the Board's subpoena powers and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas without regard to her or his place of residence. The Board shall consider invalid the signatures on any petition sheet which was circulated by a person who, at the time of circulation, was not at least 18 years of age and a resident of the District of Columbia or was not at least 18 years of age and a registered petition circulator pursuant to this paragraph. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated

ENROLLED ORIGINAL

by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the subpoena.”

(b) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

(1) Subsection (h)(5) is amended to read as follows:

“(5) That the petition circulator of an initiative or a referendum petition sheet is at least 18 years of age and a resident of the District of Columbia or at least 18 years of age and a registered petition circulator pursuant to section 8(b)(2). By registering as a petition circulator and circulating an initiative or referendum petition, the petition circulator voluntarily consents to and subjects herself or himself to the Board’s subpoena powers and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas without regard to her or his place of residence. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the subpoena.”

(2) Subsection (k)(E) is amended to read as follows:

“(E) The petition was circulated by persons who were not at least 18 years of age and residents of the District of Columbia or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation. By registering as a petition circulator and circulating an initiative or referendum petition, the petition circulator voluntarily consents to and subjects herself or himself to the Board’s subpoena powers and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas without regard to her or his place of residence. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the subpoena.”

(c) Section 17(i)(6) (D.C. Official Code § 1-1001.17(i)(6)) is amended to read as follows:

“(6) The petition was circulated by persons who, if the officer sought to be recalled was elected at-large, were not at least 18 years of age and residents of the District of Columbia or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation, or if the officer sought to be recalled was elected from a ward, were not at least 18 years of age and residents of that ward or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation, or if the officer sought to be recalled was elected from an Advisory Neighborhood Commission SMD, were not at least 18 years of age and residents of that SMD or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the

Note,
§ 1-1001.16

Note,
§ 1-1001.17

ENROLLED ORIGINAL

subpoena.”

Sec. 3. Fiscal impact statement.

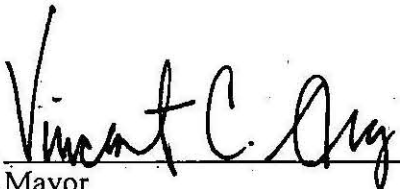
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 7, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-588

Codification
District of Columbi
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 7, 2013

To amend the District of Columbia Public Postsecondary Education Reorganization Act to reduce the minimum number of required meetings for the University of the District of Columbia Board of Trustees from 6 to 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "UDC Board Meeting Amendment Act of 2012".

Sec. 2. Section 401(a)(1) of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1429; D.C. Official Code § 38-1204.01(a)(1)), is amended by striking the phrase "at least 6 meetings" and inserting the phrase "at least 4 meetings" in its place.

Amend
§ 38-1204.01

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

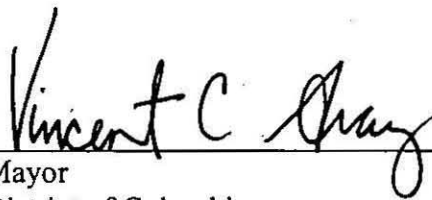
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 7, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-589

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 14, 2013

Codification
 District of Columbia
 Official Code
 2001 Edition

Winter 2013

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by The Elizabeth Ministry, Inc., which is to be used to provide affordable housing for teen mothers in foster care or who are homeless, and to provide equitable real property tax relief for The Elizabeth Ministry, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "The Elizabeth Ministry, Inc. Affordable Housing Initiative Real Property Tax Relief Act of 2012".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation 47-4657 to read as follows:

"47-4657. The Elizabeth Ministry, Inc. Affordable Housing Initiative; Lots 140 and 141, Square 5252."

(b) A new section 47-4657 is added to read as follows:

"§ 47-4657. The Elizabeth Ministry, Inc. Affordable Housing Initiative; Lots 140 and 141, Square 5252.

"(a) The real property described as Lots 140 and 141 in Square 5252, shall be exempt from the taxation imposed under Chapter 8 of this title during the time that the real property is subject to, and in compliance with, a restrictive covenant or regulatory agreement associated with an affordable housing program that is fully or partially funded by the District or an instrumentality of the District, including the Department of Housing and Community Development, restricting the use of the real property to affordable housing for low-income residents and a child development center; provided, that at the beginning of the 31st real property tax year following the commencement of the exemption, the tax shall be abated to the extent it exceeds 10 % of the tax otherwise levied under Chapter 8 of this title, with the tax liability increasing 10 percentage points in each subsequent real property tax year until the tax equals 100 % of the tax levied under Chapter 8 of this title.

"(b) The exemption provided by subsection (a) of this section shall be subject to §§ 47-1005, 47-1007, and 47-1009 as if it had been granted administratively."

New
 § 47-4657

ENROLLED ORIGINAL

Sec. 3. Equitable real property tax relief.

The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed against The Elizabeth Ministry, Inc., or an entity controlled, directly or indirectly, by The Elizabeth Ministry, Inc., on the real property described as Lots 140 and 141 in Square 5252, since July 1, 2007, through the first day of the month following the effective date of this act, be forgiven and any payments already made for this period be refunded.

Sec. 4. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 10, 2013Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To require the District Department of Transportation to implement a daytime parking permit program for contractors, to establish eligibility criteria, and to require the Mayor to promulgate rules to implement this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Contractor Daytime Parking Permit Act of 2012".

Sec. 2. Contractor daytime parking permit.

(a) The District Department of Transportation ("DDOT") shall establish a contractor daytime parking permit program ("Program") pursuant to the requirements of this section.

(b) Under the Program, a commercial vehicle, as defined by section 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1), shall be able to obtain a contractor daytime parking permit ("CDP permit") allowing the vehicle to be parked at a legal, on-street parking space designated for residential permit parking pursuant to sections 2411, 2412, and 2413 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2411, 2412, 2413) from 7:00 a.m. until 5:00 p.m. for the purposes of construction, maintenance, or repairs conducted at a single-family residence or a residence with fewer than 4 housing units.

(c) Only a contractor with an appropriate business or professional license, whichever is required for the contractor to do business in the District, may purchase a CDP permit.

(d) DDOT shall sell CDP permits to licensed contractors through:

- (1) Electronic or phone-based systems;
- (2) Booklets of tickets registered to a contractor, as opposed to a specific vehicle; and
- (3) Other means selected by DDOT.

(e) A CDP permit shall be valid for one day only and shall expire at 5 p.m. on the date for which the permit is issued.

(f) The fee for a CDP permit shall be \$10 per day, plus applicable service fees; provided, that DDOT may adjust this fee by rule.

New
§ 50-2635

ENROLLED ORIGINAL

(g) Fees collected from the issuance of CDP permits shall be used to administer the program and shall be paid into the DDOT Enterprise Fund for Transportation Initiatives, established under section 9e of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.13).

(h) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed disapproved.

(i) One year from the date that CDP permits are first available for purchase, the Mayor shall transmit a report to the Council evaluating the Program's performance, including an evaluation of possible abuse of the Program.

Sec. 3. Clarification of commercial vehicle definition.

Section 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1) is amended by striking the period in paragraph (b) of the definition of "Commercial Vehicle" and inserting the phrase "; or" in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

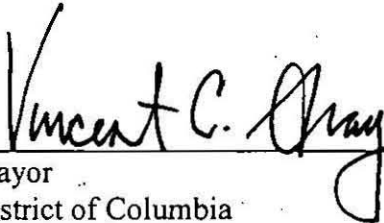
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206:02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 10, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-591

Codification
 District of Columbia
 Official Code
 2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 12, 2013

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to abate the real property taxes on the real property known as the Parkside Parcel E and J Mixed-Income Apartments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Act of 2012".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation 47-4658 to read as follows:

"47-4658. Parkside Parcel E and J Mixed-Income Apartments; Lot 808, Square 5041 and Lot 811, Square 5056."

(b) A new section 47-4658 is added to read as follows:

"§ 47-4658. Parkside Parcel E and J Mixed-Income Apartments; Lot 808, Square 5041 and Lot 811, Square 5056.

"(a) Subject to subsection (b) of this section, the real property described as Lot 808, Square 5041 and Lot 811, Square 5056, which is owned by Parkside Residential, LLC, and known as the Parkside Parcel E and J Mixed-Income Apartments, shall be allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed by Chapter 8 of this title of up to a total maximum amount for both lots of \$600,000 per year for 10 property tax years commencing for Lot 808 and for Lot 811 at the beginning of the first month following the date the lot is issued a final certificate of occupancy ("commencement date") and ending for each lot at the end of the 10th full real property tax year following the lot's commencement date.

"(b) The real property tax abatement authorized by this section shall expire for the lot, or lots, whichever the case may be, that has not been issued a final certificate of

New
 § 47-4658

ENROLLED ORIGINAL

occupancy by September 20, 2018, and an abatement pursuant to this section shall not be allowed.

“(c) Notwithstanding any other provision of law and provided that the final certificate of occupancy is issued on or before September 20, 2018, upon the issuance of a final certificate for Lot 808 or Lot 811, any fees or deposits charged to and paid by Parkside Residential, LLC, related to that lot for the development of Parkside Parcel E and J Mixed-Income Apartments, including private space or building permit fees or public space permit fees (“related fees”), shall be refunded and any prospective related fees forgiven.

“(d) The tax abatements and fees and deposits exemptions provided pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Parkside Parcel E and J Mixed-Income Apartments.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

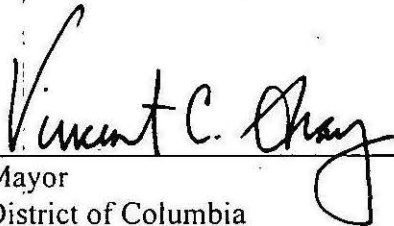
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602 (c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 17, 2013

Codification
 District of Columbi
 Official Code
 2001 Edition

Winter 2013

To establish the hours of the District of Columbia Public Library and the minimum number of staff in the library system.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Library Hours Expansion Act of 2012".

Sec. 2. Hours.

(a) Notwithstanding any other provision of law, all branches of the District of Columbia Public Library, including the Martin Luther King, Jr., Memorial Library, shall be open for at least the following hours:

- (1) Monday through Thursday, from 9:30 a.m. to 9 p.m.;
- (2) Friday and Saturday, from 9:30 a.m. to 5:30 p.m.; and
- (3) Sunday, from 1 p.m. to 5 p.m.

(b) The District of Columbia Public Library shall establish minimum staffing levels to ensure that the minimum library hours set forth in subsection (a) of this section do not adversely affect library operations.

New
 § 39-125

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 10, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-593

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 17, 2013

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide an abatement of real property taxes for the Howard Town Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Howard Town Center Real Property Tax Abatement Act of 2012".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4656. Abatement of real property taxes for Howard Town Center."

(b) A new section 47-4656 is added to read as follows:

"§ 47-4656. Abatement of real property taxes for Howard Town Center.

"(a) Subject to subsection (c) of this section, the tax imposed by Chapter 8 of this title on the real property described as Lots 930 and 933, Square 2877, and any improvements thereon, owned by Howard University and developed by Howard Town Center Developer, LLC, shall be abated for 10 real property tax years in accordance with subsection (b) of this section.

"(b) The abatement provided for in subsection (a) of this section shall:

"(1) Commence with the tax year in which the final certificate of occupancy is issued to the last property developed on the site, but in no case before October 1, 2014; and

"(2) Be in the amount of \$1.1 million per year, not to exceed \$11 million in the aggregate over 10 years.

"(c) To receive the abatement provided for in subsection (a) of this section:

"(1) The development of the real property shall:

"(A) Be a mixed-use development;

"(B) Comply with § 2-219.03 and § 2-218.46;

New
§ 47-4656

ENROLLED ORIGINAL

“(C) Require that at least 51% of construction hours are completed by District residents;

“(D) Require that at least 51% of the permanent jobs in the development are filled by District residents; and

“(E) Reserve all the apprenticeships in the development project for District residents; and

“(2) The Mayor shall certify to the Office of Tax and Revenue that the development project has met each of the conditions set forth in paragraph (1) of this subsection.”

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia

January 16, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 10, 2013

To approve, on an emergency basis, Modification Nos. M0004 and M0005 to Contract Number DCAM-2011-C-0115 to provide biodiesel fuel to designated District fuel sites as needed, and to authorize payment for services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. M0004 and Modification No. M0005 to Contract Number DCAM-2011-C-0115 Approval and Payment Authorization Emergency Act of 2012".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M0004, for the period of October 28, 2012, through December 31, 2012, and Modification No. M0005, for the period of October 1, 2011, through September 30, 2012, to contract DCAM-2011-C-0115 to provide biodiesel fuel to designated District fuel sites and authorizes payment in the amount of \$5,890,730.00 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

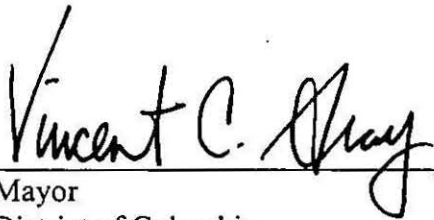
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 10, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-595IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 12, 2013Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To amend, on an emergency basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned or ground leased by Washington Latin Public Charter School or Latin Rudolph QALICB, LLC, nonprofit corporations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Latin Public Charter School Campus Property Tax Exemption Emergency Act of 2012".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1089. Washington Latin Public Charter School property; Lot 0800, Square 3327."

(b) A new section 47-1089 is added to read as follows:

"§ 47-1089. Washington Latin Public Charter School property; Lot 0800, Square 3327.

"(a) The real property located at 5210 2nd Street, N.W., and described as Lot 0800, Square 3327, shall be exempt from real property taxation and possessory interest taxation so long as the real property continues to be owned or occupied under a ground lease by Washington Latin Public Charter School or Latin Rudolph QALICB, LLC.

"(b) Any transfer, assignment, or other disposition of all or any portion of the real property described in subsection (a) of this section, including as assignment of leasehold interest in the real property or a sublease of the real property between Washington Latin Public Charter School and Latin Rudolph QALICB, LLC, or a deed of trust with respect to the real property granted by Washington Public Charter School or Latin Rudolph QALICB, LLC, to a third party lender, shall be exempt from tax imposed under section 303 of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103), and § 47-903.

"(c) The exemptions set forth in this section shall apply to successor corporations or entities organized or incorporated by Washington Latin Public Charter School for the

Note,
§ 47-1089

ENROLLED ORIGINAL

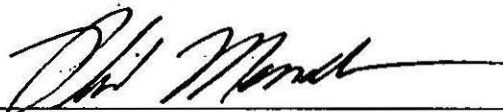
purposes of receiving New Market Tax Credits administered by the U.S. Treasury Department."

Sec. 3. Fiscal impact statement.

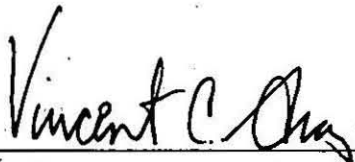
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-596

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 10, 2013

To approve, on an emergency basis, Contract No. NFPHC-MC-002a to provide health benefits to eligible Not-for-Profit Hospital Corporation (NFPHC) employees; Contract No. NFPHC-MC-002b to provide health benefits to eligible NFPHC employees; Contract No. NFPHC-MC-002c to provide health benefits to eligible NFPHC employees; and to authorize payment for the services received and to be received under the contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "NFPHC Omnibus Health Benefits Approval and Payment Authorization Emergency Act of 2012".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the following contracts, and authorizes payment as stated below:

(1) Contract No. NFPHC-MC-002a between the NFPHC and Group Hospitalization and Medical Services, Inc., d/b/a CareFirst BlueCross BlueShield, and CareFirst BlueChoice, Inc. (CareFirst), to provide health benefits to eligible employees and payment in the amount of \$1,933,550.67 for services to be received under this contract from January 1, 2013, through December 31, 2013;

(2) Contract No. NFPHC-MC-002b between the NFPHC and CareFirst to provide health benefits to eligible employees and payment in the amount of \$1,361,766.41 for services received under this contract from January 1, 2012, through December 31, 2012; and

(3) Contract No. NFPHC-MC-002c between the NFPHC and CareFirst to provide health benefits to eligible employees and payment in the amount of \$1,361,766.41 for services received under this contract from January 1, 2011, through December 31, 2011.


ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

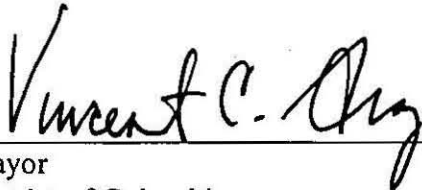
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

January 10, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-597

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, Title 25 of the District of Columbia Official Code to define the term "miniature"; to define the term "growler"; to clarify what constitutes a nude performance; to define the term "overconcentration"; to increase the wine alcohol percentage that can be sold by retailer's class B licensees from 14% to 15%; to allow full-service grocery stores to sell resealed containers of beer for off-premises consumption; to allow retailer's class C and D licensees to purchase from retailer's class A licensees when District wholesalers are closed; to make it a secondary tier violation to knowingly allow a patron to exit an on-premises establishment with an open container of alcohol; to allow caterers that also hold an on-premises retailer's license to purchase alcoholic beverages from a wholesaler for all catered events; to allow licensed establishments to store books and records on the premises electronically; to clarify that the holder of a temporary license can receive alcoholic beverage deliveries from wholesalers up to 48 hours before a ABC Board-approved weekend or holiday event; to clarify which on-premises retail licensees are eligible to apply for a brew pub permit; to allow brew pubs to sell resealed containers of beer to consumers for off-premises consumption; to create a new wine pub permit that allows for the manufacturing and the sale of wine to consumers; to require ABRA to establish a new licensee orientation class; to require the Board to examine records covering the last 10 years for applicants; to place a moratorium on establishments that permit nude dancing in Ward 5; to permit the issuance of additional retailer's class B licenses if the total number of retailer's class B licenses is less than 300; to clarify the required elements of a security plan; to require notice of certain license applications to citizens associations registered with ABRA; to require that a protest hearing for new license applications be held within 75 days of the end of the protest hearing; to require the Board to issue written decisions for new applications within 60 days after the close of the record; to change the term "voluntary agreement" to "settlement agreement"; to clarify the settlement agreement enforcement penalties available to the Board; to clarify the conditions that are permitted to be in a settlement agreement; to create a stipulated license fee; to delete the term "new owner license renewal"; to require the Board to examine records covering the last 10 years for applicants; to reduce the time period of the notice from 10 days to 7 days; to require ABRA and the Board to provide certain documents to ANCs and citizens associations upon request; to clarify the impact of a

ENROLLED ORIGINAL

settlement agreement submitted by an affected ANC when a protest of a license application is pending; to allow Sunday alcoholic beverage sales by retailer's class A licensees; to eliminate the requirement that on-premises licensees register, pay a registration fee, and provided notice to the Board and the Police for an additional hour of alcohol sales due to daylight saving time on the 2nd Sunday of March starting in Fiscal Year 2014; to clarify that the prohibition of noise from licensed premises does not apply to heating, ventilation, and air conditioning devices; to require ABRA to maintain a complaint program; to require that windows and doors of an establishment be open or closed, as they were at the time a complaint, was made prior to the determination of a noise violation; to establish as an affirmative defense to a violation of the requirement that a licensee refuse to sell alcohol beverages to a person without valid identification that the person served was 21 years of age or older; to create a fee for maintaining licenses in safekeeping; to require that an investigation be conducted before taking summary enforcement action against a licensee; to allow the Board to fine a licensee \$30,000 and suspend a license for 30 consecutive days for a 4th primary tier violation within 4 years; to revoke the license after the 5th violation; to make it a primary tier violation to sell or serve alcoholic beverages on a suspended or expired license or a license held in safekeeping; to make it a primary tier violation for failure to comply with the statutory food requirements; to require ABRA to maintain a noise complaint line and track noise complaints; to amend section 47-2002 of the District of Columbia Official Code to increase the amount of sales tax revenue used to fund the Reimbursable Detail Subsidy Program from \$460,000 annually to \$1,170,000 annually; and to amend Title 23 of the District of Columbia Municipal Regulations to allow a licensee to store books and records on-premise electronically, and to conform the regulations with the new provision allowing certain caterers to purchase alcoholic beverages from a wholesaler.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-101 is amended as follows:

(1) Paragraph (15A) is amended to read as follows:

"(15A) "Cooperative agreement" shall have the same meaning as, and is synonymous with, settlement agreement."

(2) A new paragraph (24B) is added to read as follows:

"(24B) "Growler" means a reusable container that is capable of holding up to 64 fluid ounces of beer and is designed to be filled and sealed on premises for consumption off premises."

(3) A new paragraph (32A) is added to read as follows:

"(32A) "Miniature" means an alcoholic beverage in a sealed container holding 50 milliliters or less."

ENROLLED ORIGINAL

(4) Paragraph (34) is amended by striking the word "buttocks" and inserting the word "anus" in its place.

(5) A new paragraph (35A) is added to read as follows:

"(35A) "Overconcentration" means the existence of several licensed establishments that adversely affect a specific locality, section, or portion of the District of Columbia, including consideration of the appropriateness standards under § 25-313(b)."

(6) Paragraph (49)(B) is amended by striking the phrase "14% alcohol" and inserting the phrase "15% alcohol" in its place.

(7) Paragraph (54) is repealed.

(8) Paragraph (56) is amended by striking the phrase "not more than 14%" and inserting the phrase "not more than 15%" in its place.

(b) The heading to subchapter II of Chapter 1 is amended by striking the word "Licenses" and inserting the phrase "Licenses and Permits" in its place.

(c) Section 25-112 is amended as follows:

(1) Subsection (a) is amended by striking the period at the end and inserting the phrase ", including the sale of growlers by the holder of an off-premise retailer licensee, class A, notwithstanding any other provision or restrictions of this title." in its place.

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

"(a-1)(1) An off-premises retailer's licensee, class B, that is also a full-service grocery store meeting the requirements of § 25-331(d), may also sell beer in growlers.

"(2)(A) The Board shall promulgate rules within 45 days of the effective date of the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, passed on emergency basis on December 18, 2012 (Enrolled version of Bill 19-1101), to provide a definition of "full-service grocery store" as used in this title.

"(B) Notwithstanding subchapter III of Chapter 3 of this title, the Board shall not issue any new full-service grocery store, off-premises retailer's class B licenses for 45 days from the effective date of the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012 or until the rulemaking required by this paragraph has been promulgated and approved by the Council, whichever date is sooner.

"(C) Upon approval by the Council of the regulations promulgated by the Board pursuant to this paragraph, the Council shall incorporate the definition of "full-service grocery store" into §25-101."

(3) Subsection (b) is amended by striking the phrase "shall not be opened," and inserting the phrase "shall not be opened, except for the sale of growlers," in its place.

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

(A) Paragraph (1) is amended by striking the word "and" at the end.

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

"(2A) Licensees under a temporary license or an on-premises retailer's license, class C or D, if the alcoholic beverages were purchased by the off-premises retailer from a licensee under a wholesaler license or brought into the District under a validly issued import permit; provided, that the sales to an on-premises retailer's class C and D license, may be made only on a Saturday, Sunday, or holiday during the hours when licensees under a wholesaler's

ENROLLED ORIGINAL

license are closed; provided further, that an on-premises retailer's licensee shall maintain on the licensed premises for 3 years either a receipt or invoice containing:

“(A) The date of the purchase;

“(B) The quantity and brand name of the alcoholic beverages purchased;

and

“(C) The name of the on-premises licensee to which the sale was made;

and”.

(d) Section 25-113 is amended as follows:

(1) Subsection (a)(2)(A) is amended as follows:

(A) The existing language is designated as sub-subparagraph (i).

(B) A new sub-subparagraph (ii) is added to read as follows:

“(ii) It shall be a secondary tier violation for an on-premises retailer's class C or D licensee, to knowingly allow a patron to exit the licensed establishment with an alcoholic beverage in an open container.”.

(2) Subsection (i)(5) is amended by adding the following sentence at the end: “A caterer that also holds an on-premises retailer's license may purchase alcoholic beverages from wholesalers for use at catered events regardless of the number of persons attending the event.”.

(3) Subsection (j)(3)(B) is amended by adding the following 2 sentences at the end: “A licensee may also store its books and records on the premises electronically. The records stored on the premises electronically shall be made immediately available at the request of ABRA staff.”.

(e) Section 25-115 is amended by adding a new subsection (f) to read as follows:

“(f) The holder of a temporary license shall be permitted to receive deliveries from a wholesaler up to 48 hours before a Board-approved event occurring on a Saturday, Sunday, or holiday. The alcoholic beverages delivered pursuant to this subsection shall not be consumed until the date and time of the event and shall be stored in a secure location.”.

(f) Section 25-117 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “restaurant or tavern” wherever it appears and inserting the phrase “restaurant, tavern, multipurpose facility, hotel, or nightclub” in its place.

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

“(a-1) A brew pub permit shall authorize the licensee to sell beer in growlers.”.

(3) Subsection (b) is amended by striking the phrase “restaurant or tavern” wherever it appears and inserting the phrase “restaurant, tavern, multipurpose facility, hotel, or nightclub” in its place.

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

(A) The lead-in language is amended by striking the word “void” and inserting the phrase “cancelled or revoked” in its place.

(B) Paragraph (1) is amended by striking the phrase “restaurant or tavern” wherever it appears and inserting the phrase “restaurant, tavern, multipurpose facility, hotel, or nightclub” in its place.

(g) A new section 25-124 is added to read as follows:

ENROLLED ORIGINAL

“§ 25-124. Wine pub permit requirements and qualifications.

“(a) A wine pub permit shall authorize the licensee to manufacture wine at one location from grapes or fruit transported from an area that produces wine to the licensed restaurant, tavern, multipurpose facility, hotel, or nightclub for on-premises consumption and for sale to licensed wholesalers for the purpose of resale to other licensees.

“(b) A wine pub permit shall be issued only to the licensee under an on-premises restaurant, tavern, multipurpose facility, hotel, or nightclub license, class C or D, in conjunction with the issuance of an on-premises restaurant, tavern, multipurpose facility, hotel, or nightclub license, class C or D.

“(c) The location used to manufacture wine shall be on or immediately adjacent to the restaurant, tavern, multipurpose facility, hotel, or nightclub licensed to the wine pub owner in accordance with subsection (b) of this section.

“(d) The holder of a wine pub permit may also sell wine to patrons in sealed bottles or other closed containers for off-premises consumption.

“(e) The minimum annual fee of the wine pub permit shall be \$5,000.

“(f) A wine pub permit shall be cancelled or revoked if:

“(1) The restaurant, tavern, multipurpose facility, hotel, or nightclub ceases to be operated as a restaurant, tavern, multipurpose facility, hotel, or nightclub; or

“(2) The licensee’s on-premises retailer’s license, class C or D, is revoked or cancelled.

“(g) A wine pub permit shall be automatically suspended whenever and for the same period that, the licensee’s retailer’s license, class C or D, is suspended.”.

(h) A new section 25-212 is added to read as follows:

“§ 25-212. New licensee and general public orientation class.

“ABRA shall establish a new licensee orientation class that shall be available to licensees and the public at no charge. The class curriculum shall include the following:

“(1) A review of relevant provisions contained in both this title and Title 23 of the District of Columbia Municipal Regulations;

“(2) Noise abatement and sound management; and

“(3) How to work proactively with Advisory Neighborhood Commissions, neighborhood and business groups, and residents.”.

(i) Section 25-301 is amended by adding a new subsection (a-1) to read as follows:

“(a-1) To determine whether an applicant for a new license meets the criteria of subsection (a)(1) of this section, the Board shall examine records, covering the last 10 years from the date of application, maintained by ABRA regarding prior violations of the District’s alcohol laws and regulations by the applicant or establishments owned or controlled by the applicant.”.

(j) Section 25-315(b)(1) is amended by striking the phrase “voluntary agreement” and inserting the phrase “settlement agreement” in its place.

(k) Section 25-332(a) is amended to read as follows:

“(a)(1) After the effective date of the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, the Board may issue new off-premises retailer’s class B licenses, if the Board finds that the number of retailer’s class B licenses is less than the quota set

ENROLLED ORIGINAL

forth in § 25-331(b). A condition of the license shall be that the sale of alcoholic beverages for consumption off-premises shall constitute no more than 25% of the total volume of gross receipts of the licensee on an annual basis.

“(2) No more than one retailer’s license, class B, issued under this subsection shall be issued to the same applicant or to an individual with an ownership interest in another license issued under this subsection.

“(3) The issuance of new retailer’s licenses, class B, under this subsection shall be audited by ABRA and subject to the reporting requirements set forth in § 25-112(e).”

(l) Section 25-374 is amended as follows:

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

“(a-1) On or after January 1, 2013, a class CN license with a nude dancing endorsement under § 25-371(b) shall not be transferred into Ward 5, as defined by section 4 of the Redistricting Procedure Act of 1981, effective March 6, 1982 (D.C. Law 4-87; D.C. Official Code § 1-1041.03); provided, that this section shall not prohibit the transfer of an existing CN license with a nude dancing endorsement within Ward 5.”

(2) Subsection (f) is amended by striking the phrase “voluntary agreement” and inserting the phrase “settlement agreement” in its place.

(m) Section 25-402 is amended as follows:

(1) Subsection (d) is redesignated as paragraph (1) of subsection (d).

(2) Subsection (e) is redesignated as paragraph (2) of subsection (d).

(3) Subsection (f) is redesignated as paragraph (3) of subsection (d).

(4) The new redesignated subsection (d)(3) is amended to read as follows:

“(3) A written security plan filed pursuant to this subsection shall include at least the following elements:

“(A) A statement on the type of security training provided for, and completed by, establishment personnel, including:

“(i) Conflict resolution training;

“(ii) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

“(iii) Procedures for crowd control and preventing overcrowding;

“(B) The establishment’s procedures for permitting patrons to enter;

“(C) A description of how security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;

“(D) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol;

“(E) A description of how the establishment maintains an incident log;

“(F) The establishment’s procedures for preserving a crime scene; and

“(G) In the event that cameras are required to be installed by the Board or in accordance with the establishment’s security plan, the establishment shall ensure the following:

“(i) The cameras utilized by the establishment are operational;

“(ii) Any footage of a crime of violence or a crime involving a gun

ENROLLED ORIGINAL

is maintained for a minimum of 30 days; and

“(iii) The security footage is made available within 48 hours upon the request of ABRA or the Metropolitan Police Department.”

(n) Section 25-403 is amended as follows:

(1) Subsection (e) is redesignated as paragraph (1) of subsection (e).

(2) Subsection (f) is redesignated as paragraph (2) of subsection (e).

(3) Subsection (g) is redesignated as paragraph (3) of subsection (e).

(4) The new redesignated subsection (e)(3) is amended to read as follows:

“(3) A written security plan filed pursuant to this subsection shall include at least the following elements:

“(A) A statement on the type of security training provided for, and completed by, establishment personnel, including:

“(i) Conflict resolution training;

“(ii) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

“(iii) Procedures for crowd control and preventing overcrowding;

“(B) The establishment's procedures for permitting patrons to enter;

“(C) A description of how security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;

“(D) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol;

“(E) A description of how the establishment maintains an incident log;

“(F) The establishment's procedures for preserving a crime scene; and

“(G) In the event that cameras are required to be installed by the Board or in accordance with the establishment's security plan, the establishment shall ensure the following:

“(i) The cameras utilized by the establishment are operational;

“(ii) Any footage of a crime of violence or a crime involving a gun is maintained for a minimum of 30 days; and

“(iii) The security footage is made available within 48 hours upon the request of ABRA or the Metropolitan Police Department.”

(o) Section 25-421(a) is amended as follows:

(1) Paragraph (4) is amended by striking the period at the end and inserting the phrase “; and” in its place.

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

“(5) A citizens association meeting the requirements of § 25-601(3); provided, that the citizens association has, at least 30 days before the Board's receipt of the application, registered with ABRA by providing a copy of its charter, and an e-mail or other electronic address in a form consistent with ABRA's procedures.”

“(p) Section 25-432(b)(1) is amended by inserting the phrase “, to be held within 75 days of the end of the protest period, for new license applications” after the phrase “protest hearing”.

“(q) Section 25-433(c) is amended by adding the sentence “For new license applications

ENROLLED ORIGINAL

the Board shall issue its written decisions accompanied by findings of fact and conclusions of law within 60 days after the close of the record.” after the sentence that reads “Within 90 days after the close of the record, the Board shall issue its written decision accompanied by findings of fact and conclusions of law.”.

(r) Section 25-446 is amended as follows:

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

“§ 25-446. Settlement agreements; approval process; penalties for violations.”.

(2) Strike the phrase “voluntary agreement” wherever it appears and insert the phrase “settlement agreement” in its place.

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

(A) The existing language is designated as paragraph (1).

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

“(2) Except as provided in § 25-446.02, all provisions of a settlement agreement approved by the Board shall be enforceable by ABRA or the Board.

“(3) A settlement agreement not approved by the Board shall not be enforced by ABRA or the Board.”.

(4) Subsection (e) is amended to read as follows:

“(e) Upon a determination that a licensee has violated a settlement agreement, the Board shall penalize the licensee according to the provisions set forth for violations of a license in Chapter 8 of this title.”.

(s) New sections 25-446.01 and 25-446.02 are added to read as follows:

“§ 25-446.01. Settlement agreements – enforceable provisions.

“A settlement agreement enforceable by the Board under this subchapter may include the following:

“(1) Provisions allowing or prohibiting entertainment and the hours that entertainment would be allowed;

“(2) Specific methods to mitigate the level of noise outside the establishment, including:

“(A) Sound attenuation elements;

“(B) Requiring that the doors and windows of the establishment remain closed (except for ingress and egress) during hours of entertainment;

“(C) Restricting indoor entertainment to a specific area of the establishment; and

“(D)(i) Specification of physical attributes to mitigate noise emanating from an outdoor facility.

“(ii) For the purposes of this subparagraph, the term “physical attributes” may include architectural features, sound barriers, and placement of speakers;

“(3) Descriptions of reasonable efforts that the applicant or existing licensee will take to control litter and other debris in the immediate area surrounding the establishment, including the following:

“(A) The frequency that the applicant or existing licensee will monitor the area;

ENROLLED ORIGINAL

“(B) The days and time that the applicant or existing licensee will remove trash; and

“(C) The efforts to be made by the licensee to limit rat and vermin infestation;

“(4) Descriptions of parking arrangements, including the use of valet service contingent on proper permitting by the District Department of Transportation;

“(5) Requirements that the applicant or existing licensee maintain an incident log and that the incident log be made available to ABRA and the Board, upon request;

“(6) A notice to cure provision;

“(7) Restrictions on hours of operation and sales and service for a new or existing licensee’s facilities;

“(8) Descriptions of how the licensee will address specific issues in determining the hours of operation, including:

“(A) The licensee’s history of previous violations;

“(B) The proximity of the establishment to residences; and

“(C) The hours of operation and sales and service of alcohol for other existing licensed establishments in the area;

“(9) Restrictions on the utilization of floors, occupancy, and the number of seats for existing licensees and address specific issues in determining occupancy issues, including:

“(A) The licensee’s history of previous violations;

“(B) The proximity of the establishment to residences; and

“(C) The hours of operation and sales and service of alcohol for other existing licensed establishments in the area; and

“(10) Stipulations that the establishment will comply with existing District statutes and regulations, or will comply with privileges granted by ABRA or any other District agency.

“§ 25-446.02. Settlement agreements – unenforceable provisions.

“The Board shall not enforce the following provisions if included in a settlement agreement covered by this subchapter:

“(1) Restraints on the ability of an applicant or existing licensee to operate its business, including:

“(A) Requirements that the ANC or other community members approve future ownership changes;

“(B) Requirements that the ANC or other community members be notified of intent to transfer ownership;

“(C) Prohibitions against the applicant or existing licensee applying for a change in license class;

“(D) A requirement that the applicant or existing licensee change the license class before selling the license;

“(E) Requirements that prohibit the licensee from applying for changes to licensed operation procedures, including applications for summer gardens, sidewalk cafes, rooftop decks, entertainment endorsements, and changes of hours:

ENROLLED ORIGINAL

“(F) Mandates regarding specific brands of alcohol or pricing for alcohol;

“(G) Restrictions on the age of patrons; and

“(H) Requirements that the applicant or existing licensee use a specific company for services;

“(2) Statements that create administrative procedures in addition to those required by ABRA or any other District agency;

“(3) A requirement that the applicant or existing licensee attend ANC meetings or other community meetings;

“(4) Statements or requirements that the applicant or existing licensee:

“(A) Provide money, special considerations, or other financial benefits to the community;

“(B) Join any group; or

“(C) Hire local individuals; and

“(5) Any requirement that contracts, incident logs, or similar documents, be made available to the ANC or other community groups or members.”

(t) Section 25-501 is amended by adding a new subsection (f) to read as follows:

“(f) The minimum fee for a stipulated license issued by the Board pursuant to section 200 of Title 23 of the District of Columbia Municipal Regulations (23 DCR 200) shall be \$100.”

(u) Section 25-601 is amended as follows:

(1) The lead-in language is amended by striking the phrase “a new owner license renewal,”

(2) Paragraph (3)(B) is amended by striking the phrase “meeting being given at least 10 days before the date of the meeting.” and inserting the phrase “meeting given to the voting body and the applicant at least 7 days before the date of the meeting;” in its place.

(v) A new section 25-601.01 is added to read as follows:

“§ 25-601.01. Certain documents to be made available.

“An ANC, or citizens association meeting the requirements of § 25-601(3), may request from ABRA or the Board a copy of a contract to which a licensee is a party, an incident log kept by a licensee, or similar document, if obtained by ABRA or the Board pursuant to this title.”

(w) Section 25-609 is amended as follows:

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

(2) The newly designated subsection (a) is amended as follows:

(A) Strike the phrase “if any,” and insert the phrase “if any, and serve a copy upon the applicant or licensee,” in its place.

(B) Strike the phrase “Whether or not” and insert the word “Whether” in its place.

(C) Strike the phrase “The applicant” and insert the phrase “The applicant or licensee” in its place.

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

“(b) In the event that an affected ANC submits a settlement agreement to the Board on a protested license application, the Board, upon its approval of the settlement agreement, shall

ENROLLED ORIGINAL

dismiss any protest of a group of no fewer than 5 residents or property owners meeting the requirements of § 25-601(2). The Board shall not dismiss a protest filed by another affected ANC or by a citizens association meeting the requirements of § 25-601(3) upon the Board's approval of an ANC's settlement agreement submission."

(x) Section 25-711(a) is amended by striking the phrase "voluntary agreement" wherever it appears and inserting the phrase "settlement agreement" in its place.

(y) Section 25-722(b) is amended by striking the phrase "class B" and inserting the phrase "class A or B" in its place."

(z) Section 25-723 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "closed miniature containers of alcoholic beverages" and inserting the phrase "miniatures as defined in section 25-101(32A)" in its place.

(2) Subsection (d) is amended by adding a new paragraph (4) to read as follows:

"(4) This subsection shall expire on September 30, 2013."

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

"(f)(1) During the beginning of daylight saving time under § 28-2711, on the 2nd Sunday of March of each year, a licensee under an on-premises retailer's license may sell and serve alcoholic beverages between 3:00 a.m. and 4:00 a.m.

"(2) A licensee operating under an on-premises retailer's license shall not be required to obtain Board approval to sell or serve alcoholic beverages in accordance with paragraph (1) of this subsection.

"(3) This subsection shall take effect on October 1, 2013."

(aa) Section 25-724 is amended by striking the phrase "voluntary agreement" and inserting the phrase "settlement agreement" in its place.

(bb) Section 25-725 is amended as follows:

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

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

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

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

"(5) Heating, ventilation, and air conditioning devices."

(2) New subsections (d) and (e) are added to read as follows:

"(d)(1) ABRA shall maintain a complaint program to receive noise complaints by phone, email, and fax. The complaint program shall be staffed by an ABRA employee until at least one hour after the end time for the legal sale of alcoholic beverages as set forth in § 25-723.

"(2) ABRA shall keep records regarding noise complaints and record the following information at the time the complaint is made:

"(A) The time and date of the complaint;

"(B) The name and address of the establishment that is the subject of the complaint;

"(C) The name and address of the complainant, if available;

"(D) The nature of the noise complaint; and

ENROLLED ORIGINAL

“(E) Whether the complaint was substantiated by ABRA.

“(3) Upon receipt of a noise complaint, ABRA shall attempt to contact the establishment by phone or in person and inform the ABC manager on-duty that a noise complaint has been received and describe the nature of the complaint.

“(4) ABRA shall notify the licensee of the complaint by e-mail, phone, or registered mail within 72 hours of receiving the complaint. ABRA shall notify the licensee of the results of any investigation that may result in a show cause hearing within 90 days as required by § 25-832.

“(e) The windows and doors of an establishment from which noise can be heard shall remain open or closed, as they were at the time the complaint was made, in order for an ABRA investigator or Metropolitan Police Officer to determine whether a violation of subsection (a) of this section exists. The ABRA investigator shall have the authority to direct that windows and doors be closed or opened.”

(cc) Section 25-783 is amended by adding a new subsection (e) to read as follows:

“(e) An affirmative defense to a violation of subsection (a) of this section shall be that the person was at the time of the violation 21 years of age or older.”

(dd) Section 25-791 is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) Except as proved by paragraph (3) of this subsection, the Board shall assess licenses in safekeeping a fee of 25% of the annual license fee for every 6 months that the license remains in safekeeping. The initial 6-month fee shall be paid by the licensee at the time the license is placed in safekeeping. Each additional 6-month safekeeping fee shall be paid in advance by the licensee.

“(2) After 4 consecutive 6-month periods of safekeeping, the safekeeping fee shall be 50% of the annual license fee for every 6 months that the license remains in safekeeping.

“(3) The safekeeping fee required by this subsection shall not apply to a licensee serving a suspension.”

(ee) Section 25-823(6) is amended by striking the phrase “voluntary agreement” and inserting the phrase “settlement agreement” in its place.

(ff) Section 25-826(b) is amended by striking the phrase “may summarily” and inserting the phrase “may, after investigation, summarily”.

(gg) Section 25-830 is amended as follows:

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

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

“(3) A licensee found in violation of a primary tier offense for the 4th time within 4 years shall have the license either revoked or fined no less than \$30,000 and suspended for 30 consecutive days.”

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

“(4) A licensee found in violation of a primary tier offense for the 5th time within 4 years shall have the license revoked.”

(2) New subsections (i) and (j) are added to read as follows:

“(i) It shall be a primary tier violation for a licensee to sell or serve alcohol on a suspended or expired license or a license held in safekeeping.

ENROLLED ORIGINAL

“(j) It shall be a primary tier violation for a licensee to fail to comply with either of the statutory food requirements in § 25-113(b)(3)(B).”

Sec. 3. Conforming amendments.

(a) Section 47-2002(b) of the District of Columbia Official Code is amended by striking the phrase “\$460,000 annually” and inserting the phrase “\$1,170,000 annually” in its place.

(b) Title 23 of the District of Columbia Municipal Regulations is amended as follows:

(1) Section 1208 is amended by adding a new subsection 1208.6 to read as follows:

“1208.6 The holder of a Retailer’s, Manufacturer’s, or Wholesaler’s license may store books and records on the licensed premises electronically; provided that the records are made immediately available at the request of ABRA staff.”

(2) Subsection 2002.1 is amended by adding the phrase “, other than one also holding an on-premises retailer’s license under D.C. Official Code § 25-113(a)-(e),” after the phrase “licensed under § 2000.1,”

(3) A new subsection 2002.3 is added to read as follows:

“2002.3 Any caterer that also holds an on-premises retailer’s license under D.C. Official Code § 25-113(a)-(e) shall be exempt from the provisions of this section.”

(4) Subsection 2003.1 is amended by adding the following sentence at the end: “Specific approval shall not be required for any caterer that also holds an on-premises retailer’s license under D.C. Official Code § 25-113 (a)-(e).”

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Omnibus Alcoholic Beverage Regulation Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-824), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

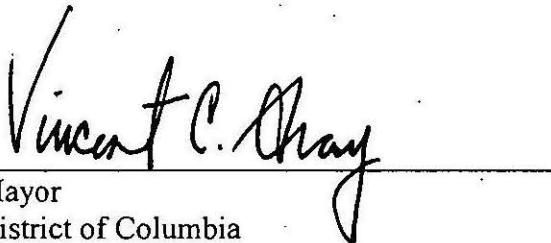
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-598

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 17, 2013

Codification
District of Colum
Official Code
2001 Edition

Winter 2013

To require, on an emergency basis, that the District of Columbia Board of Elections schedule the District of Columbia Democratic State Committee elections to take place during the April 23, 2013 special election to fill the at-large Council seat.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Democratic State Committee Elections Emergency Amendment Act of 2012".

Sec. 2. Section 10 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.10), is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 1-1001.10

"(a-1) Notwithstanding subsection (a)(1) of this section, the election in 2013 of the officials listed in section 1(1), (2), (3), and (4) shall be held on April 23, 2013."

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

ENROLLED ORIGINAL

Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia

January 16, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-599

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, the Omnibus Public Safety and Justice Amendment Act of 2009 to clarify that intentionally failing to charge a detection device is considered tampering for purposes of the offense; to amend An Act For the preservation of the public peace and the protection of property within the District of Columbia to return prosecutorial authority on certain matters to the Office of the Attorney General, and to permit a charge for a less serious offense where one or more persons demonstrate in an area where it is not permitted and remain or return to the area after receiving a warning from law enforcement; to amend the District of Columbia Law Enforcement Act of 1953 in order to prohibit excessive noise and disruptive conduct in public buildings and to return prosecutorial authority on certain matters to the Office of the Attorney General; to amend An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia to increase the felony threshold for a "bad check" to \$1,000; to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to clarify a provision related to escape from an institution or officer; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to designate the Criminal Justice Coordinating council as a criminal justice agency for purposes of accessing criminal justice-related data and information; to amend Title 23 of the District of Columbia Official Code to conform the District's Crime Victim's Rights statute with the federal statute on crime victims restitution, to modify the list of offenses for which pre-trial detention is authorized, and to allow law enforcement officers to arrest, without a warrant, an individual that he or she has probable cause to believe has committed a misdemeanor offense outside of the officer's presence; to amend the Federal Law Enforcement Officer Cooperation Act of 1999 to make conforming changes related to amendments in Title 23 related to law enforcement officers' ability to arrest without a warrant; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to clarify the Mayor's authority to schedule substances, and to add to the list of controlled substances those substances that have recently been added to the federal controlled substances act;

ENROLLED ORIGINAL

to amend An Act To establish a code of law for the District of Columbia to create an offense for assault on a public vehicle-for-hire inspector; to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to create an offense for fleeing from a public vehicle-for-hire inspector; to amend the District of Columbia Comprehensive Merit Personnel Act to approve the compensation for the Director of the Department of Forensic Sciences; to amend The District of Columbia Health Occupations Revision Act of 1985 to clarify the regulation of massage therapists; to amend the Motor Vehicle Theft Prevention Act of 2008 to incorporate technical corrections; to amend the Access to Justice Initiative Establishment Act of 2010 in order to enlarge the number of eligible participants and improve civil legal services to low-income residents; to amend the Omnibus Police Reform Amendment Act of 2000 to clarify the duties of the Police Officers Standards and Training Board; to amend the Arson Investigators Amendment Act of 1988 regarding the authority related to ensuring compliance with the fire code; to amend the Department of Forensic Sciences Establishment Act of 2011 in order to clarify the membership of the Science Advisory Board; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to change the terms of commission members; to amend section 16-914 of the District of Columbia Official Code to prohibit a person convicted of rape from obtaining legal custody, physical custody, or any visitation rights with a child that has been conceived as a result of that rape;; to amend the Innocence Protection Act of 2001 to amend the definition of "Biological material"; to repeal section 47-2811(b) of the District of Columbia Official Code; to amend the Driver Privacy Protection Amendment Act of 2012 to make technical corrections; to require the Office of the Attorney General to develop and submit a report on drug screening and drug treatment programs for youth arrested for possession of a controlled substance; and to repeal section 401 of An Act To provide for the more effective prevention, detection, and punishment of crime in the District of Columbia; the Criminal Justice Supervisory Board Act of 1978; and Chapter 10 of Title 28 of the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Criminal Code Amendments Emergency Amendment Act of 2012".

TITLE I -- CRIMINAL CODE AMENDMENTS

Sec. 101. Section 103(a)(1) of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1211(a)(1)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase "device; or" and inserting the phrase "device;" in its place.

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

ENROLLED ORIGINAL

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

“(C) Intentionally fail to charge the power for the device or otherwise maintain the device’s battery charge or power.”

Sec. 102. Section 6 of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 323; D.C. Official Code § 22-1307), is amended to read as follows:

“Sec. 6. Crowding, obstructing, or incommoding.

“(a) It is unlawful for a person, alone or in concert with others:

“(1) To crowd, obstruct, or incommode:

“(A) The use of any street, avenue, alley, road, highway, or sidewalk;

“(B) The entrance of any public or private building or enclosure;

“(C) The use of or passage through any public building or public

conveyance; or

“(D) The passage through or within any park or reservation; and

“(2) To continue or resume the crowding, obstructing, or incommoding after being instructed by a law enforcement officer to cease the crowding, obstructing, or incommoding.

“(b)(1) It is unlawful for a person, alone or in concert with others, to engage in a demonstration in an area where it is otherwise unlawful to demonstrate and to continue or resume engaging in a demonstration after being instructed by a law enforcement officer to cease engaging in a demonstration.

“(2) For the purposes of this subsection, the term “demonstration” means marching, congregating, standing, sitting, lying down, parading, demonstrating, or patrolling by one or more persons, with or without signs, for the purpose of persuading one or more individuals, or the public, or to protest some action, attitude, or belief.

“(c) A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned for not more than 90 days, or both.”

Sec. 103. Section 211 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 98; D.C. Official Code § 22-1321), is amended as follows:

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

“(c) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct with the intent and effect of impeding or disrupting the lawful use of a public conveyance by one or more other persons.”

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

“(c-1) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct in a public building with the intent and effect of impeding or disrupting the orderly conduct of business in that public building.”

ENROLLED ORIGINAL

Sec. 104. An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code § 22-1510), is amended as follows:

(a) Strike the phrase "instrument is \$100 or more" and insert the phrase "instrument is \$1,000 or more" in its place.

(b) Strike the phrase "is less than \$100" and insert the phrase "has some value" in its place.

Sec. 105. Section 8(a)(1) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 698; D.C. Official Code § 22-2601(a)(1)), is amended as follows:

(a) Strike the word "penal" and insert the phrase "penal or correctional" in its place.

(b) Strike the phrase ", judge, or commissioner".

Sec. 106. Section 1504 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4233), is amended as follows:

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

(1) Paragraph (7) is amended by striking the phrase "Corporation Counsel for the District of Columbia" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(2) Paragraph (8) is amended by striking the phrase "Human Services' Youth Services Administration" and inserting the phrase "Youth Rehabilitation Services" in its place.

(3) Paragraphs (13), (16), and (17) are repealed.

(4) Paragraph (15) is amended by adding the word "and" at the end.

(5) A new paragraph (18) is added to read as follows:

"(18) The United States Marshal, Superior Court of the District of Columbia."

(b) Subsection (b) is repealed.

Sec. 107. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1331 is amended as follows:

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

(A) Subparagraph (H) is amended by striking the phrase "abuse; or" and inserting the phrase "abuse;" in its place.

ENROLLED ORIGINAL

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

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

"(J) Fleeing from an officer in a motor vehicle (felony)."

(2) Paragraph (4) is amended as follows:

(A) Strike the phrase "assault with intent to commit any other offense" and insert the phrase "assault with significant bodily injury; assault with intent to commit any other offense" in its place.

(B) Strike the phrase "or an attempt or conspiracy" and insert the phrase "or an attempt, solicitation, or conspiracy" in its place.

(b) Section 23-1905(2)(A)(i) is amended by striking the word "violent".

(c) Section 23-1322(c)(7) is amended by striking the phrase "§ 22-4503 (unlawful possession of a firearm) or [§ 22-2511] (presence in a motor vehicle containing a firearm)" and inserting the phrase "or § 22-4503 (unlawful possession of a firearm)" in its place.

TITLE II -- PROBABLE CAUSE MISDEMEANOR ARREST

Sec. 201. Section 2(a) of the Federal Law Enforcement Officer Cooperation Act of 1999, effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-301(a)), is amended as follows:

(a) The lead-in language is amended by striking the phrase "the Department" and inserting the phrase "MPD" in its place.

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

(1) Strike the phrase "reasonably believes" and insert the phrase "has probable cause to believe" in its place.

(2) Strike the phrase "in his presence" at the end.

Sec. 202. Section 23-581 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a-7) is amended to read as follows:

"(a-7) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of misdemeanor sexual abuse, misdemeanor sexual abuse of a child or minor, or lewd, indecent, or obscene acts, or sexual proposal to a minor, as provided in sections 205 and 209a of the Anti Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §§ 22-3006 and 22-3010.01), and section 9 of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22-1312)."

(b) New subsections (a-8) and (a-9) are added to read as follows:

"(a-8) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of stalking as provided in section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133).

"(a-9) A law enforcement officer may arrest a person without a warrant if the

ENROLLED ORIGINAL

officer has probable cause to believe the person has committed the offense of presenting a fraudulent identification document for the purpose of entering an establishment possessing an on-premises retailer's license, an Arena C/X license, or a temporary license as provided in D.C. Official Code § 25-1002(b)(2)).”.

TITLE III -- CONTROLLED SUBSTANCES

Sec. 301. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended as follows:

(a) Section 201(d) (D.C. Official Code § 48-902.01(d)) is amended to read as follows:

“(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law, the Mayor may similarly designate, reschedule, or delete the controlled substance under this title, or may otherwise designate, reschedule or delete as a controlled substance pursuant to subsections (a) and (b) of this section.”.

(b) Section 204 (D.C. Official Code § 48-902.04) is amended as follows:

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

(A) Subparagraph (X) is amended by striking the word “and”.

(B) New subparagraphs (Z) through (KK) are added to read as follows:

“(Z) Alpha-methyltryptamine (other name: AMT);

“(AA) 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-

DIPT);

“(BB) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-

T-7);

“(CC) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

“(DD) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

“(EE) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

“(FF) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

“(GG) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

“(HH) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

“(II) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

“(JJ) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and

“(KK) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);”.

(2) Paragraph (4) is amended as follows:

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

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

“(C) Gamma-hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate); and”.

(3) Paragraph (5) is amended as follows:

(A) The lead-in language is amended by striking the word “including” and inserting the phrase “including their analogues or derivatives and” in its place.

ENROLLED ORIGINAL

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

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

(D) Subparagraphs (D) through (H) are added to read as follows:

"(D) N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

"(E) Methcathinone (Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers, as well as synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to methcathinone;

"(F) 4-methyl-N-methylcathinone (other name: mephedrone);

"(G) 3,4-methylenedioxypropylvalerone (other name: MDPV); and

"(H) 3,4-methylenedioxy-N-methylcathinone (other name: methylone)."

(c) Section 206(4)(G) (D.C. Official Code § 48-902.06(4)(G)) is amended by striking the word "Dronabianol" and inserting the word "Dronabinol" in its place.

(d) Section 208(a) (D.C. Official Code § 48-902.08(a)) is amended as follows:

(1) Paragraph (5)(BB) is amended by striking the word "and" at the end.

(2) Paragraph (6) is amended by striking the phrase "Cannabis." and inserting the phrase "Cannabis; and" in its place.

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

"(7)(A) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

"(B)(i) For purposes of this paragraph, the term "cannabimimetic agents" means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

"(I) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

"(II) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

"(III) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

"(IV) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

ENROLLED ORIGINAL

“(V) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

“(ii) This term “cannabimimetic agents” includes:

“(I) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol (HU-210);

“(II) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

“(III) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

“(IV) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

“(V) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

“(VI) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

“(VII) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

“(VIII) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

“(IX) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

“(X) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

“(XI) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

“(XII) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

“(XIII) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

“(XIV) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

“(XV) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

“(XVI) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).”

(e) Section 210(a) (D.C. Official Code § 48-902.10(a)) is amended as follows:

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

(A) Subparagraph (UU) is amended by striking the word “and”.

(B) Subparagraph (VV) is amended by striking the phrase “Triazolam;” and inserting the phrase “Triazolam; and” in its place.

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

“(WW) Fospropofol;”

ENROLLED ORIGINAL

(2) Paragraph (3)(D) is amended by striking the word "Cathine" and inserting the word "Cathine" in its place.

(f) Section 408 (D.C. Official Code § 48-904.08) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "convicted of a second or subsequent offense under this act" and inserting the phrase "convicted under this act of a second or subsequent offense" in its place.

(2) Subsection (b) is amended by striking the phrase "narcotic drugs, depressants, stimulants, or hallucinogenic drugs" and inserting the phrase "a controlled substance" in its place.

TITLE IV -- ASSAULT ON PUBLIC VEHICLE FOR HIRE INSPECTORS

Sec. 401. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; codified in scattered cites of the D.C. Official Code), is amended by adding new sections 806b and 806c to read as follows:

"Sec. 806b. Assault on a public vehicle inspection officer.

"(a) A person commits the offense of assault on a public vehicle inspection officer if that person assaults, impedes, intimidates, or interferes with a public vehicle inspection officer while that officer is engaged in or on account of the performance of his or her official duties.

"(b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall:

"(1) Be fined not more than \$1,000, or be imprisoned for not more than 180 days; and

"(2) Have his or her license or licenses for operating a public vehicle-for-hire, as required by the Commission pursuant to the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), revoked without further administrative action by the Commission.

"(c) It is neither justifiable nor excusable for a person to use force to resist the civil enforcement authority exercised by an individual believed to be a public vehicle inspection officer, whether or not such enforcement action is lawful.

"(d) For the purposes of this section, the term:

"(1) "Commission" shall have the same meaning as provided in section 4(6) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(6)).

"(2) "Public vehicle-for-hire" shall have the same meaning as provided in section 4(17) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(17)).

"(3) "Public vehicle inspection officer" shall have the same meaning as provided in section 4(19) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(19)).

"Sec. 806c. Aggravated assault on a public vehicle inspection officer.

"(a) A person commits the offense of aggravated assault on a public vehicle inspection officer if that person assaults, impedes, intimidates, or interferes with a public vehicle inspection

ENROLLED ORIGINAL

officer while that officer is engaged in or on account of the performance of his or her official duties, and:

“(1) By any means, that person knowingly or purposely causes serious bodily injury to the public vehicle inspection officer; or

“(2) Under circumstances manifesting extreme indifference to human life, that person intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury to another person, and thereby causes serious bodily injury.

“(b) A person who violates this section shall be guilty of a felony and, upon conviction, shall:

“(1) Be fined not more than \$25,000, or be imprisoned for not more than 10 years, or both; and

“(2) Have his or her license or licenses for operating a public vehicle-for-hire, as required by the Commission pursuant the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), revoked without further administrative action by the Commission.

“(c) It is neither justifiable nor excusable for a person to use force to resist the civil enforcement authority exercised by an individual believed to be a public vehicle inspection officer, whether or not such enforcement action is lawful.

“(d) For the purposes of this section, the term:

“(1) “Commission” shall have the same meaning as provided in section 4(6) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(6)).

“(2) “Public vehicle-for-hire” shall have the same meaning as provided in section 4(17) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(17)).

“(3) “Public vehicle inspection officer” shall have the same meaning as provided in section 4(19) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(19)).”

Sec. 402. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), is amended by adding new section 20o to read as follows:

“Sec. 20o. Fleeing from a public vehicle inspection officer in a public vehicle-for-hire.

“(a)(1) An operator of a public vehicle-for-hire who knowingly fails or refuses to bring the public vehicle-for-hire to an immediate stop, or who flees or attempts to elude a public vehicle inspection officer, following the public vehicle inspection officer’s signal to bring the public vehicle-for-hire to a stop, shall be fined not more than \$1,000, or be imprisoned for not more than 180 days.

“(2) An operator of a public vehicle-for-hire who violates paragraph (1) of this subsection and while doing so drives the public vehicle-for-hire in a manner that would constitute reckless driving under section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.04(b)), or cause property

ENROLLED ORIGINAL

damage or bodily injury, shall be fined not more than \$12,500, or be imprisoned for not more than 5 years.

“(b) It is an affirmative defense under this section if the operator of a public vehicle-for-hire can show, by a preponderance of the evidence, that his or her failure to stop immediately was based upon a reasonable belief that his or her personal safety or the safety of passengers was at risk. In determining whether the operator has met this burden, the court may consider the following factors:

“(1) The time and location of the event;

“(2) Whether the public vehicle inspection officer was in a vehicle clearly identifiable by its markings, or if unmarked, was occupied by a public vehicle inspection officer in uniform or displaying a badge or other sign of authority;

“(3) The conduct of the public vehicle-for-hire operator while being followed by the public vehicle inspection officer;

“(4) Whether the public vehicle-for-hire operator stopped at the first available reasonably lighted or populated area; and

“(5) Any other factor the court considers relevant.

“(c)(1)(A) The Chairperson of the Commission shall suspend the license or licenses for operating a public vehicle-for-hire, as required by the Commission pursuant to this act, of a person convicted under subsection (a)(1) of this section for a minimum of 30 days, but no more than 180 days, without further administrative action by the Commission.

“(B) The Chairperson of the Commission may suspend the license or licenses for operating a public vehicle for hire, as required by the Commission pursuant to this act, of a person convicted under subsection (a)(2) of this section for a period of no more than one year without further administrative action by the Commission.

“(2) A suspension of a public vehicle-for-hire operator’s license or licenses under paragraph (1) of this subsection for a person who has been sentenced to a term of imprisonment for a violation of subsection (a)(1) or (2) of this section shall begin following the person’s release from incarceration.”.

TITLE V -- MISCELLANEOUS PROVISIONS

Sec. 501. Section 1052(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52(b)), is amended as follows:

(a) Strike the phrase “paragraph (2)” wherever it appears and insert the phrase “paragraphs (2) and (2A)” in its place.

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

“(2A) Notwithstanding paragraph (1) of this subsection, the Council approves the existing level of compensation for the position of Director of the Department of Forensic Sciences Max M. Houck (\$203,125).”.

(c) Paragraph (4) is amended by striking the phrase “February 24, 2012.” and inserting the phrase “February 24, 2012, or in the position of Director of the Department of Forensic Sciences, who takes office after the effective date of the Omnibus Criminal Code Amendments

ENROLLED ORIGINAL

Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-645)." in its place.

502. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02 *et seq.*), is amended by adding a new section 524 to read as follows:

"Sec. 524. Council approval of massage therapy regulations directed at licensed therapist facilities.

"There shall be no regulation of massage therapy that is directed at regulating a licensed therapist facility without affirmative approval by the Council of the District of Columbia."

Sec. 503. The Motor Vehicle Theft Prevention Act of 2008, effective July 18, 2008 (D.C. Law 17-197; D.C. Official Code § 3-1351 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 3-1354) is amended as follows:

(1) Paragraph (8) is amended by striking the phrase ", subject to the financial limit in section 9(a)(2)".

(2) Paragraph (9) is amended by striking the phrase "funds in the Fund to effectuate the purposes of the Commission, except as restricted by section 9" and inserting the phrase "its authorized budget to effectuate the purposes of the Commission" in its place.

(3) Paragraph (10) is amended by striking the phrase "for deposit into the Fund".

(4) Paragraph (11) is amended by striking the phrase "provided, that non-monetary contributions shall not be included in the costs of administration limitation prescribed by section 9(a)(2);".

(b) Section 8 (D.C. Official Code § 3-1357) is repealed.

(c) Section 9 (D.C. Official Code § 3-1358) is amended as follows:

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

"Sec. 9. Use of budget authority."

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

(A) The lead-in language is amended by striking the phrase "expend money in the Fund" and inserting the phrase "use its budget authority" in its place.

(B) Paragraph (2) is amended by striking the phrase "and the Fund; provided, that money expended for this purpose shall not in any fiscal year exceed 15% of the amount of funds deposited in the Fund during the same fiscal year".

Sec. 504. The Access to Justice Initiative Establishment Act of 2010, effective September 14, 2011 (D.C. Law 18-223; D.C. Official Code § 4-1701.01 *et seq.*), is amended as follows:

(a) Section 101(9) (D.C. Official Code § 4-1701.01(9)) is amended to read as follows:

"(9) "Eligible employment" means those areas of legal practice certified by the Administrator to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding, but does not include employment with the District of Columbia government or federal government or with or as the Administrator; and

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“(A) Working not less than 35 hours per week where such hours are fully devoted to eligible employment, hereinafter “full-time employment”; or

“(B) Working not less than 17 hours per week where such hours are fully devoted to eligible employment, hereinafter “part-time employment.”

(b) Section 403(a)(4) (D.C. Official Code § 4-1704.03(a)(4)) is amended by striking the phrase “\$65,000” and inserting the phrase “\$75,000, subject to a 3% annual increase beginning on October 1, 2013;”.

Sec. 505. Section 205 of the Omnibus Police Reform Amendment Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.04), is amended to read as follows:

“Sec. 205. Duties of the Board.

“(a) The Board shall establish minimum application and appointment criteria for the Metropolitan Police Department that include the following:

“(1) That an applicant be a citizen of the United States at the time of application;

“(2) Age limits;

“(3) Height and weight guidelines;

“(4) Physical fitness and health standards;

“(5) Psychological fitness and health standards;

“(6) The completion of a criminal background investigation;

“(7) The consideration to be placed on an applicant's participation in court-ordered community supervision or probation for any criminal offense at any time from application through appointment;

“(8) The consideration to be placed on an applicant's criminal history, including juvenile records;

“(9) The completion of a background investigation;

“(10) Military discharge classification information; and

“(11) Information on prior service with the Metropolitan Police Department.

“(b) Notwithstanding the minimum standards established by the Board in accordance with subsection (a) of this section, the Chief of Police may deny employment to any applicant based upon conduct occurring while the applicant was a minor if, considering the totality of the circumstances, the Chief of Police determines that the applicant has not displayed the good moral character or integrity necessary to perform the duties of a sworn member of the Metropolitan Police Department.

“(c) Each applicant selected for appointment as a sworn member of the Metropolitan Police Department shall successfully complete an initial training program and initial firearms training program before deployment, including minimum requirements developed by the Board, unless the applicant receives a waiver pursuant to subsection (e) of this section.

“(d) The Board shall determine minimum requirements for the initial training program and firearms training program for Metropolitan Police Department recruits, including the appropriate sequence, content, and duration of each program, and:

“(1) The minimum number of hours required;

ENROLLED ORIGINAL

"(2) If and under what circumstances the initial training program will include temporary deployment of the applicant before regular deployment as a sworn member; and

"(3) The subjects to be included as part of every applicant's initial training.

"(e) The Chief of Police may modify or waive the initial training program and initial firearms training program requirements for either of the following:

"(1) Any applicant who is a former sworn member of the Metropolitan Police Department who has been separated from employment with the Metropolitan Police Department for less than 3 years; or

"(2) Any former member of a federal, state, or local law enforcement agency who has completed training similar to the Metropolitan Police Department's initial training program and initial firearms training program and who has been separated from employment with a federal, state, or local law enforcement agency for less than 3 years.

"(f) The Board shall determine minimum requirements for a continuing education program for sworn members of the Metropolitan Police Department, including:

"(1) Requirements for a continuing education firearms training program; and

"(2) The appropriate consequence, including ineligibility for promotion, if a member fails to satisfy the continuing education requirement.

"(g) The Metropolitan Police Department may utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel to satisfy any portion of the initial training program, the initial firearms training program, or the continuing education program pursuant to this section.

"(h) The Board shall establish the minimum requirements for any instructor of any component of the Metropolitan Police Department's initial training program, continuing education program, or firearms training program.

"(i) The Board shall establish minimum selection and training standards for members of the District of Columbia Housing Authority Police Department.

"(j) The Board shall also review and make recommendations to the Chief of Police, the Mayor, and the Council, regarding:

"(1) The Metropolitan Police Department's tuition assistance program;

"(2) The optimal probationary period for new members of the Metropolitan Police Department pursuant to subsection (q) of this section;

"(3) The issue of creating separate career tracks for patrol and investigations;

"(4) Minimum standards for continued level of physical fitness for sworn members of the Metropolitan Police Department; and

"(5) The Metropolitan Police Department Reserve Corps program's training and standards.

"(k) The minimum standards set by the Board pursuant to subsections (a), (d), (f), and (h) of this section shall not preclude the Metropolitan Police Department from establishing higher standards, including standards regarding its application, initial training, and continuing education programs at the department.

ENROLLED ORIGINAL

“(l) The minimum standards set by the Board pursuant to subsection (i) of this section shall not preclude the District of Columbia Housing Authority Police Department from establishing higher standards.

“(m) The Board shall, through the Chief of Police, not later than December 31 of each year, deliver a report to the Mayor and the Council concerning the Metropolitan Police Department's initial training program, continuing education program, and firearms training program. The report shall include:

“(1) The number of:

“(A) Applicants who have successfully completed the application process;

“(B) Applicants who have completed the initial training program;

“(C) Sworn members who have completed the continuing education and firearms training programs;

“(2) An assessment of the Metropolitan Police Department's compliance with the Board's prescribed minimum standards for each of its application and training programs pursuant to this section;

“(3) Recommendations where the Board believes that the Metropolitan Police Department's current standards for applicants, initial training including firearms training, and continuing education can be improved; and

“(4) An overall assessment of the Metropolitan Police Department's current and planned recruiting efforts in light of public safety needs in the District.

“(n) The administrative work of the Board shall be carried out by members of the Metropolitan Police Department as appointed by the Chief of Police.

“(o) Any applicant who met the age requirement at the time of application and who was denied appointment on the basis of racial discrimination, as determined by the Director of the Office of Human Rights, may be appointed notwithstanding the applicant's age at the time of that determination.

“(p) Applications for appointment to the Metropolitan Police Department shall be made on forms furnished by the Metropolitan Police Department.

“(q) Appointments to the Metropolitan Police Department shall be for a probationary period to be determined by the Chief of Police. Continuation of service after the expiration of that period shall be dependent upon the conduct of the appointee and his or her capacity for the performance of the duties to which assigned, as indicated by reports of superior officers. The probationary period shall be an extension of the examination period.

“(r) If the Police and Fire Clinic shall find any probationer physically or mentally unfit to continue his or her duties, that probationer shall be required to appear before the Police and Firefighter's Retirement and Relief Board. That Board shall make any findings as are required pursuant to section 12(i) 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 seventeen, and for other purposes, approved September 1, 1916 (71 Stat. 718; D.C. Official Code § 5-713), and those findings shall be incorporated in a recommendation submitted to the Mayor.

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“(s) Each police officer appointed shall maintain a level of physical fitness to be determined by the Chief of Police. The final determination with respect to inappropriate fitness levels shall be made by the Medical Director of the Police and Fire Clinic.

“(t)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.

“(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within this 45-day review period, the proposed rules shall be deemed approved.”

Sec. 506. The Arson Investigators Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-176; D.C. Official Code § 5-417.01 *et seq.*), is amended by adding a new section 2a to read as follows:

“Sec. 2a. Compliance with fire code and occupancy requirements -- Authority, generally; authority to enter and examine; sanctions.

“(a) The Fire Chief, the Fire Marshal, or his or her authorized representative shall have the authority to enter upon or examine any area, building or premises, vehicle or other thing during normal business hours to inspect for compliance with the District fire code, or enter any building at any time when there is probable cause to believe that the premises may be overcrowded.

“(b) The Fire Chief, the Fire Marshal, or his or her authorized representative shall have the authority to sanction a restaurant or other public venue for failure to post a seating or occupancy capacity placard; provided, that no restaurant or public venue shall be liable for the resulting fine or penalty unless the Mayor has provided the seating or occupancy capacity placard to the owner of the premises.”

Sec. 507. Section 12(a)(1) of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.11(a)(1)), is amended by striking the word “journals” and inserting the phrase “journals, and who are not currently employed by the Department or by a law enforcement laboratory or agency” in its place.

Sec. 508. Section 202(b)(1) of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2271.02(b)(1)), is amended to read to as follows:

“(b)(1) Commission members shall be nominated by the Mayor and confirmed by the Council for terms of 3 years, in accordance with section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), except that initially 4 Commission members shall be appointed to a 3-year term and 3 Commission members shall be appointed to a 2-year term.”

ENROLLED ORIGINAL

Sec. 509. Section 16-914 of the District of Columbia Official Code is amended by adding a new subsection (k) to read as follows:

“(k) Notwithstanding any other provision of this section, no person shall be granted legal custody or physical custody of, or visitation with, a child if the person has been convicted of first degree sexual abuse, second degree sexual abuse, or child sexual abuse, and the child was conceived as a result of that violation. Nothing in this subsection shall be construed as abrogating or limiting the responsibility of a person described herein to pay child support.”

Sec. 510. Section 2(2) of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C. Law 14-134; D.C. Official Code § 22-4131(2)), is amended as follows:

(a) Strike the phrase “a sexual assault forensic examination kit, semen, vaginal fluid, blood, saliva, visible skin tissue, or hair” and insert the phrase “the contents of a sexual assault examination kit, bodily fluids (including, but not limited to, blood, semen, saliva, and vaginal fluid), hair, skin tissue, fingernail scrapings, bone, or other human DNA source matter” in its place.

(b) Add the following sentence at the end:

“This definition applies equally to material that is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, or cigarettes, and to material that is recovered from evidence and thereafter maintained separately from that evidence, including, but not limited to, on a slide, on a swab, in cuttings, or in scrapings.”

Sec. 511. Section 47-2811(b) of the District of Columbia Official Code is repealed.

Sec. 512. Section 7b of the District of Columbia Traffic Act, 1925, signed by the Mayor on October 23, 2012 (D.C. Act 19-487; 59 DCR 12507), is amended as follows:

(a) Subsection (a)(3)(A) is amended by striking the phrase “name address” and inserting the phrase “name, address” in its place.

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

(1) Strike the phrase “obtained by the Department of Motor Vehicles” and insert the phrase “obtained by the Department” in its place.

(2) Strike the phrase “motor-vehicle” and insert the phrase “motor vehicle” in its place.

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

(1) Paragraph (4)(A) is amended to read as follows:

“(A) For use by a person involved in the accident and listed on the accident report;”

(2) Paragraph (12) is amended by striking the phrase “revoked by the person who is the subject of the motor vehicle record” and inserting the phrase “revoked by the person who is the subject of the motor vehicle record or accident report” in its place.

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

(1) Strike the phrase “of Motor Vehicles” wherever it appears.

ENROLLED ORIGINAL

(2) Paragraph (1) is amended by striking the phrase “made confidential and prohibited from disclosure” and inserting the phrase “prohibited from disclosure by subsection (b) of this section” in its place.

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

(i) Strike the phrase “However only authorized” and insert the phrase “Authorized” in its place.

(ii) Strike the phrase “pursuant to” and insert the phrase “only in accordance with” in its place.

(e) Subsection (f) is amended by striking the phrase “of Motor Vehicles.”

Sec. 513. Juvenile drug screening and treatment diversion plan.

(a) The Office of the Attorney General for the District of Columbia (“OAG”), in cooperation with relevant stakeholders, shall develop a report on drug screening and drug treatment programs for youth arrested for possession of a substance in violation of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*) (“Uniform Controlled Substance Act”). The report shall include:

(1) A review of existing diversion programs available for juveniles that have been found delinquent in violation of the Uniform Controlled Substances Act, and a proposal to improve or enhance such programs;

(2) A review of existing wraparound services for juveniles that are arrested for or found delinquent in violation of the Uniform Controlled Substances Act, and a proposal to improve or enhance such services;

(3) A proposal to enhance the availability of, as well as the use of, diversion programs or wraparound services for juveniles arrested for violating the Uniform Controlled Substances Act, but for which the OAG has determined not to paper the case; and

(4) An identification of any perceived fiscal issues or other implementation issues with any of the above.

(b) For the purposes of this section, the term “wraparound services” means an intensive, individualized care management process for youths with serious or complex needs. During the wraparound process, a team of individuals who are relevant to the well-being of the child or youth (e.g., family members, other natural supports, services providers, and agency representatives) collaboratively develop an individualized plan of care, implement this plan, and evaluate success over time. The wraparound plan typically includes formal services and interventions, together with community services and interpersonal support and assistance provided by friends, kin, and other people drawn from the family’s social networks.

(c) The report required under this section shall be submitted by the OAG to the Council of the District of Columbia no later than March 4, 2013.

Sec. 514. Section 401 of An Act To provide for the more effective prevention, detection, and punishment of crime in the District of Columbia, approved June 29, 1953 (67 Stat. 101; D.C. Official Code § 3-801), is repealed.

ENROLLED ORIGINAL

Sec. 515. The Criminal Justice Supervisory Board Act of 1978, effective September 13, 1978 (D.C. Law 2-107; D.C. Official Code § 3-901 *et seq.*), is repealed.

Sec. 516. Chapter 10 of Title 28 of the District of Columbia Municipal Regulations is repealed.

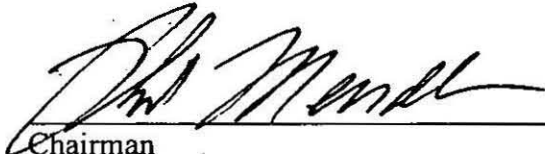
TITLE VI -- FISCAL IMPACT AND EFFECTIVE DATE

Sec. 601. Fiscal impact statement.

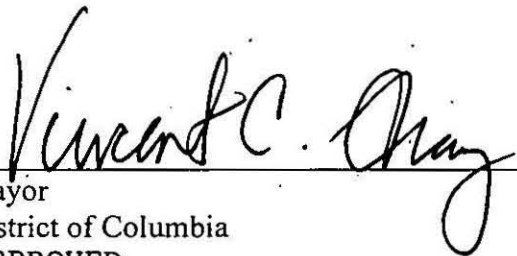
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 602. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, section 47-859.02 of the District of Columbia Official Code to remove the statutory limit on the number of residential units that may be approved for a tax abatement, and to extend the deadline to apply until December 31, 2013.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "NoMA Residential Development Tax Abatement Emergency Act of 2012".

Sec. 2. Section 47-859.02 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by striking the phrase "subsections (b) and (c) of this section" and inserting the phrase "subsection (b) of this section" in its place.

(b) Subsection (b)(1) is amended by striking the date "December 31, 2012" and inserting the date "December 31, 2013" in its place.

(c) Subsection (c) is repealed.

Sec. 3. Applicability.

This act shall apply as of December 30, 2012 or upon the effective date of this act, whichever occurs earlier.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the NoMA Residential Development Tax Abatement Act of 2012, passed on 2nd reading on November 15, 2012 (Enrolled version of Bill 19-670), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

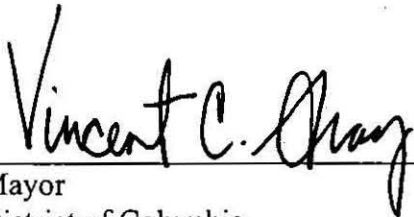
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, due to Congressional review, section 47-1812.08 of the District of Columbia Official Code to require an employer or a payor required to withhold income tax for an employee or person who receives a payment subject to withholding to submit a statement of information as required by the Chief Financial Officer pertaining to each employee or person by January 31 of each year, and to require that an employer or payor submitting 25 or more such statements submit them electronically.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Income Tax Withholding Statements Electronic Submission Congressional Review Emergency Act of 2012".

Sec. 2. Section 47-1812.08 of the District of Columbia Official Code is amended as follows:

(a) Subsection (g)(1)(B) is amended by striking the last sentence.

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

"(n)(1) Beginning for statements due after December 31, 2011, each employer or payor required under this section to withhold income tax for an employee or a person who receives a payment subject to withholding ("payee") shall prepare a statement for each employee or payee that shows for the previous calendar year any information that the Chief Financial Officer requires by regulation or guidance.

"(2)(A) An employer or payor required to submit the statements pursuant to paragraph (1) of this subsection shall submit one copy of the statement for each employee or payee to the Chief Financial Officer by January 31 of each year.

"(B) Except as provided by subparagraph (C) of this paragraph, if the number of statements that an employer or payor is required to submit is 25 or more, the employer or payor shall submit the statements in an electronic format, as prescribed by the Chief Financial Officer.

"(C) The Chief Financial Officer may waive the requirement that an employer or payor submit statements in electronic format if the Chief Financial Officer determines that the requirement will result in undue hardship to the employer or payor."

ENROLLED ORIGINAL

Sec. 3. Applicability.


This act shall apply as of January 4, 2013.

Sec. 4. Fiscal impact statement.

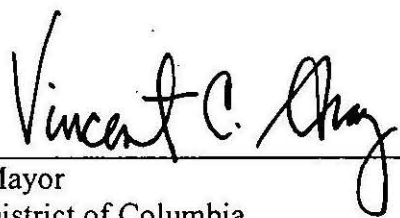
The Council adopts the fiscal impact statement of the Chief Financial Officer for the Income Tax Withholding Statements Electronic Submission Temporary Amendment Act of 2012, signed by the Mayor on November 2, 2012 (D.C. Act 19-521; 59 DCR 13311), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-602

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, due to Congressional review, Chapter 46 of Title 47 of the District of Columbia Official Code to clarify that Lot 0218, Square 5730, which was consolidated from portions of Lots 0038, 0923, and 0924, Square 5730, will continue to be exempt from real property taxation, and to provide that the tax exemption will apply to any subsequent owner or assignee or successor in interest of the Alabama Ave. Affordable Housing, L.P., as long as the property is used as an affordable housing rental project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption Clarification Congressional Review Emergency Act of 2012".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "0215, 0923" and inserting the phrase "0215, 0218, 0923" in its place.

(b) Section 47-4641 is amended as follows:

(1) The heading is amended by striking the phrase "0215, 0923" and inserting the phrase "0215, 0218, 0923" in its place.

(2) The existing text is designated as subsection (a).

(3) New subsections (b), (c), and (d) are added to read as follows:

"(b) The real property described as Lot 0218, Square 5730, including any improvements on the property, which was consolidated from portions of Lots 0038, 0923, and 0924, Square 5730 and which has been transferred from Allen Chapel African Methodist Episcopal Church, Inc., to the Alabama Ave. Affordable Housing, L.P., shall be exempt from the tax imposed by Chapter 8 of this title so long as the real property is used as an affordable rental housing project and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009.

"(c) The exemption provided in subsection (b) of this section shall run with Lot 0218, Square 5730 and shall apply to any subsequent owner or assignee or successor in interest of the Alabama Ave. Affordable Housing, L.P.; provided, that the property is used as an affordable rental housing project and is not used for commercial purposes.

"(d) For the purposes of this section, the term:

ENROLLED ORIGINAL

“(1) “Affordable rental housing project” means a housing development, including tenant services, medical services to tenants and community residents, improvements, and facilities related to the housing development, in which units are primarily rented to households with incomes that are not more than 60% of area median income (adjusted for household size), as defined by the U.S. Department of Housing and Urban Development for households in the District of Columbia, or that is otherwise in compliance with applicable use restrictions during a federal low-income housing tax credit compliance period or other federal program governing income and use restrictions.

“(2) “Alabama Ave. Affordable Housing, L.P.” means the entity established by Allen Chapel African Methodist Episcopal Church, Inc., to develop the Alabama Avenue Affordable Rental Housing Project; which entity is comprised of Vision of Victory CDC, a subsidiary of Allen Chapel African Methodist Episcopal Church, Inc., which holds a 51% interest in the entity, and the NHP Foundation, a nonprofit affordable housing developer/owner, which owns a 49% interest in the entity.

“(3) “Alabama Avenue Affordable Rental Housing Project” means the acquisition, construction, rehabilitation, equipping, including the financing, refinancing, or reimbursing of costs of an affordable rental housing project, including for any related tenant services, medical services to tenants and community residents, improvements, or facilities, located on the real property described as Lot 0218, Square 5730.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, section 47-1086 of the District of Columbia Official Code to restore the applicability provision of the real-property-tax exemption granted to the United House of Prayer for All People.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "United House of Prayer for All People Real Property Tax Exemption Technical Emergency Act of 2012".

Sec. 2. Section 47-1086 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

"(c) This section shall apply as of March 1, 2011."

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

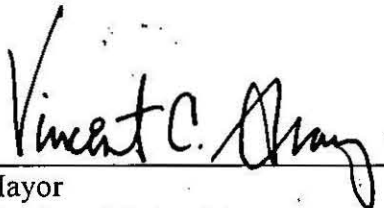
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, due to Congressional review, the Fiscal Year 2013 Budget Support Act of 2012 to rename a fund and to make a technical correction; to amend section 47-1005.02 of the District of Columbia Official Code to clarify the application of the affordable housing property tax exemption; to amend the District of Columbia Deed Recordation Tax Act to make a conforming amendment; to amend section 47-902 of the District of Columbia Official Code to make a conforming amendment related to the deed transfer tax for affordable housing properties; to amend section 47-1812.08 of the District of Columbia Official Code to exclude the standard deduction from withholding calculations for employers, and to clarify the formula to be applied when an employee is entitled to additional withholding exemptions; to amend section 47-2202 of the District of Columbia Official Code to remove a sunset on the use tax rate, and to apply a 10% rate to the use tax for off-premises consumption of alcohol; to amend section 47-3802 of the District of Columbia Official Code to reduce the scope of a subject-to-appropriations provision; to amend Chapter 47 of Title 47 of the District of Columbia Official Code to set forth annual certification requirements of continuing eligibility for exemptions and abatements from real property tax; to amend the Families Together Amendment Act of 2010 and the Adoption Reform Amendment Act of 2010 to repeal subject-to-appropriations provisions for acts that have been funded; to approve the salary schedule for members of the Real Property Tax Appeals Commission; and to amend Chapter 18 of Title 47 of the District of Columbia Official Code to make certain clarifying changes to the procedures for combined reporting.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2013 Budget Support Technical Clarification Congressional Review Emergency Amendment Act of 2012".

TITLE I. BUDGET RELATED AMENDMENTS.

Sec. 101. The Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is amended as follows:

(a) Section 4021 is amended by striking the phrase "Books and Other Library Materials" and inserting the phrase "Library Collections" in its place.

ENROLLED ORIGINAL

(b) Section 4022 is amended by striking the phrase "Books and Other Library Materials" wherever it appears and inserting the phrase "Library Collections" in its place.

(c) Section 9032 is amended by striking the phrase "\$22,243,741" in Table A and inserting the phrase "\$22,243,751" in its place.

Sec. 102. Section 47-1005.02(a)(1) of the District of Columbia Official Code is amended to read as follows:

"(a)(1) Property eligible for the low-income housing tax credit provided by section 42 of the Internal Revenue Code, ("affordable housing") that is owned by an organization that is not organized or operated for private gain, or that is owned by an entity controlled, directly or indirectly, by such an organization, shall be exempt from the tax imposed by Chapter 8 of this title and from a payment in lieu of tax imposed under § 47-1002(20) during the time that the real property is being developed for or being used as affordable housing and is subject to restrictive covenants governing income during the federal low-income housing tax credit compliance period, including any extended use period."

Sec. 103. Section 302(32) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(32)), is amended to read as follows:

"(32) A deed to property if the Mayor has certified that the property and purchaser are eligible for exemption from property taxation pursuant to D.C. Official Code § 47-1005.02."

Sec. 104. Section 47-902 of the District of Columbia Official Code is amended by adding a new paragraph (25) to read as follows:

"(25) Transfers of property if the Mayor has certified that the property and purchaser are eligible for exemption from property taxation pursuant to § 47-1005.02."

Sec. 105. Section 47-1812.08 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b)(1) is amended by adding a new subparagraph (E) to read as follows:

"(E) For the method of withholding after December 31, 2011, no allowance for the standard deduction shall be permitted."

(b) Subsection (e)(8) is amended to read as follows:

"(8) For periods beginning after December 31, 2011, an employee shall be entitled to additional withholding exemptions under this subsection with respect to payment of wages equal to a number determined by dividing by the personal exemption provided under §47-1806.02(i) the excess of:

"(A) His or her estimated itemized deductions; over

"(B) The applicable standard deduction amount specified in § 47-1801.04(26)."

Sec. 106. Section 47-2202 of the District of Columbia Official Code is amended as follows:

ENROLLED ORIGINAL

(a) The lead-in text is amended by striking the phrase "shall be 5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%," and inserting the phrase "shall be 6%" in its place.

(b) Paragraph (3A) is amended by striking the phrase "The rate of the tax shall be 9%" and inserting the phrase "Effective October 1, 2011, the rate of the tax shall be 10%" in its place.

Sec. 107. Section 47-3802(b) of the District of Columbia Official Code is amended by striking the phrase "a qualified supermarket, qualified restaurant, or retail store" and inserting the phrase "a qualified restaurant or retail store" in its place.

Sec. 108. Chapter 47 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4704. Applicability."

(b) Section 47-4702 is amended to read as follows:

"§ 47-4702. Annual certification of continuing eligibility for exemptions and abatements from real property tax.

"(a) To the extent allowable by law, on or before April 1 of each year, beginning in 2012, and every year thereafter, any nonprofit organization or business entity owning property receiving a real property tax exemption or abatement pursuant to Chapter 10 (other than property exempt under § 47-1002(1), (2), (3), or (21)) or Chapter 46 of this title, regardless of when the exemption or abatement was received, shall be required to file an annual report, under oath, with the Office of the Chief Financial Officer providing:

"(1) The lot and square, parcel, or reservation number of the real property and certifying that the real property has been used during the preceding real property tax year for the purpose for which the exemption or abatement was granted; and

"(2) A description of the community benefits provided pursuant to the provisions of the act granting the tax exemption or abatement, or an update on the progress of the community benefits identified in the act granting the tax exemption or abatement.

"(b) Failure to certify that the property was still eligible for the exemption or abatement based on the use of the property as required by subsection (a)(1) of this section shall result in a termination of the exemption or abatement as of the beginning of the tax year in which the report is required to be filed. If the report is not filed timely, the Office of the Chief Financial Officer shall assess a penalty of \$250. This section shall not apply to a property owner that is required to file an annual report pursuant to § 47-1007.

"(c) Upon written application by the property owner filed on or before April 1 of any year, the Office of the Chief Financial Officer may grant a reasonable extension of time for filing the report required under subsection (a) of this section. For reasonable cause, the Office of the Chief Financial Officer may abate the penalty provided under subsection (b) of this section as well as the tax, penalty, and interest resulting from the failure to file the report timely."

(c) A new section 47-4704 is added to read as follows:

"§ 47-4704. Applicability.

ENROLLED ORIGINAL

"This chapter shall apply as of October 1, 2011."

Sec. 109. Section 3 of the Families Together Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-228; 57 DCR 6926), is repealed.

Sec. 110. Section 701 of the Adoption Reform Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-230; 57 DCR 6951), is repealed.

TITLE II. REAL PROPERTY TAX APPEALS COMMISSION COMPENSATION.

Sec. 201. Pursuant to section 47-825.01a(a)(5) of the District of Columbia Official Code and sections 1104 and 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-611.04 and 1-611.06), the Council approves the proposed compensation system change to add a new salary schedule for the Real Property Tax Appeals Commission, as recommended by the Mayor, as follows:



District of Columbia Government Salary Schedule: Real Property Tax Appeals Commission



Fiscal Year: 2012

Service Code Definition: Non Union Career Service

Effective Date:

Affected CBU/Service Code(s): XXA A01, XAA A06

Union/Non-union: Non-Union

Pay Plan/Schedule: CS

PeopleSoft Schedule:

%Increase:

Resolution Number:

Date of Resolution:

ENROLLED ORIGINAL

Effective Date:

<i>GRADE</i>	<i>Minimum</i>	<i>Midpoint</i>	<i>Maximum</i>
15	\$85,105	\$102,126	\$119,147
16	\$105,869	\$127,043	\$148,217
17	\$117,476	\$140,972	\$164,467

ENROLLED ORIGINAL

Sec. 202. The compensation system changes set forth in section 201 shall be effective as of the first full pay period beginning in fiscal year 2013.

TITLE III. COMBINED REPORTING.

Sec. 301. Short title.

This title may be cited as the "Combined Reporting Temporary Act of 2012".

Sec. 302. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the designation "§47-1810.06. Designation of surety." and inserting the designation "§ 47-1810.06. Designation of agent." in its place.

(b) Section 47-1801.04 is amended to read as follows:

"§ 47-1801.04. General definitions.

"For the purposes of this chapter, unless otherwise required by the context, the term:

"(1) "Affiliated group" means an affiliated group as defined in section 1504 of the Internal Revenue Code of 1986; provided, that the affiliated group shall not include any corporation that does not have gross income derived from sources within the District.

"(2) "Aggregated effective tax rate" means the sum of the effective rates of tax imposed by the District of Columbia, states, or possessions of the United States, and foreign nations that have entered into comprehensive tax treaties with the United States government, where a related member receiving a payment of interest expense or intangible expense is subject to tax and where the measure of the tax imposed included the payment.

"(3) "Apportioned net operating loss" means the net operating loss generated in the year of the loss multiplied by the District of Columbia's apportionment formula for the loss year.

"(4) "Blind" means a taxpayer whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

"(5) "Business income" means all income that is apportionable under the Constitution of the United States.

"(6)(A) "Capital asset" means property defined or treated as a capital asset under the Internal Revenue Code of 1986.

"(B) For the purpose of computing for any taxable year, the tax imposed under this chapter with respect to sales or other dispositions of property referred to in subparagraph (A) of this paragraph, the provisions of the Internal Revenue Code of 1986 relating to the treatment of gains and losses (other than the alternative tax imposed by section 1201 of the Internal Revenue Code of 1986) shall apply.

ENROLLED ORIGINAL

“(7) “Combined group” means the group of all persons whose income and apportionment factors are required to be taken into account pursuant to § 47-1805.02a(a) and (b) and the pertinent regulations in determining the taxpayer’s share of the net business income or loss apportionable to the District.

“(8) “Commercial domicile” means the principal place from which the trade or business of the taxpayer is directed or managed.

“(9) “Compensation” means wages, salaries, commissions, and any other form of remuneration paid to an employee for personal services.

“(10) “Corporation” means:

“(A) Any corporation as defined by the laws of the District or organization of any kind treated as a corporation for tax purposes under the laws of the District, wherever located, which, were it doing business in the District, would be subject to the tax imposed by this chapter;

“(B) The business conducted by a partnership within the meaning of § 47-1808.06, that is directly or indirectly held by a corporation shall be considered the business of the corporation to the extent of the corporation’s distributive share of the partnership income, inclusive of guaranteed payments to the extent prescribed by regulation; and

“(C) A joint-stock company, trust, association and S corporation as defined in section 1361(a) of the Internal Revenue Code of 1986, or other organization that is taxable as a corporation under federal income tax law.

“(11)(A) “Cost-of-living adjustment” means an amount, for any calendar year, equal to the dollar amount set forth in paragraph (44)(A) and (B) of this section or § 47-1806.02(f)(1)(A) and (i) multiplied by the percentage that the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year beginning January 1, 2007.

“(B) For the purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.

“(12) “Deficiency” with respect to any tax imposed by this chapter means:

“(A) The amount or amounts by which the tax imposed by this chapter, as determined by the Chief Financial Officer, exceeds the amount shown as the tax by the taxpayer upon his return; or

“(B) The amount assessed as a tax by the Chief Financial Officer if no return is filed by the taxpayer.

“(13) “Dependent” means a dependent as defined in section 152 of the Internal Revenue Code of 1986.

ENROLLED ORIGINAL

“(14) “Dividend” means any distribution made by a corporation or financial institution (domestic or foreign) to its stockholders or members, out of its earnings, profits, or surplus, other than paid-in surplus, whenever earned by the corporation or financial institution and whether made in cash or in any other property (other than stock of the same class in the corporation or financial institution, if the recipient of the stock dividend has neither received nor exercised an option to receive the dividend in cash or in property other than stock instead of stock) and whether distributed before, during, upon, or after liquidation or dissolution of the corporation or financial institution; except, that in the case of any such distribution, any part of which for purposes of the income tax imposed under the Internal Revenue Code of 1986 is deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for purposes of the tax imposed by this chapter; provided, that in the case of any dividend that is distributed other than in cash or stock in the same class in the corporation or financial institution and not exempted from tax under this chapter, the basis of tax to the recipient shall be the market value of the property at the time of the distribution; provided further, that a dividend shall not include any dividend paid by a mutual life insurance company to its shareholders.

“(15) “Doing business” means any activity of a corporation or financial institution that enjoys the benefits and protection of the government and laws of the District.

“(16) “Domestic partners” means persons who have registered their relationship with the District pursuant to § 32-702.

“(17) “Employee” means an individual having a place of abode or residing or domiciled within the District at the time the tax is required to be withheld in respect to the individual's employment by another, and to every other individual who maintains a place of abode within the District for an aggregate of 183 days or more during the taxable year, whether domiciled in the District or not, including an officer of a corporation, but excluding any elective officer of the government of the United States or any officer or employee in the legislative branch of the government of the United States whose compensation is paid by the Secretary of the Senate or Clerk of the House of Representatives, any officer of the executive branch of the government of the United States whose appointment was made by the President of the United States, subject to confirmation by the Senate of the United States, and whose tenure of office is at the pleasure of the President of the United States, or any Justice of the Supreme Court of the United States, unless the officer, employee, or justice is domiciled within the District of Columbia at any time during the taxable year.

“(18) “Employer” means an employer as defined in section 3401(d) of the Internal Revenue Code of 1986.

“(19) “Fiduciary” means a guardian, trustee, executor, committee, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any person.

ENROLLED ORIGINAL

“(20) “Financial institution” means any bank or trust company incorporated or required to be incorporated and doing business under the laws of the United States, the District of Columbia, or any state, a substantial part of the business of which consists of receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those permitted to national banks under authority of the Comptroller of the Currency and which is subject by law to supervision and examination by the District or by any state, territorial, or federal authority having supervision over the financial institution, including:

“(A) Any savings and loan associations; and

“(B) Any company, a substantial part of the business of which consists of receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those permitted to national banks under authority of the Comptroller of the Currency, which is organized or created under the laws of a foreign country and which maintains an office or branch in the District.

“(21) “Fiscal year” means an accounting period of 12 months ending on any day other than the last day of December and on the basis of which the taxpayer is required to report for federal income tax purposes.

“(22) “Head of household” shall have the same meaning as defined in section 2(b) of the Internal Revenue Code of 1986.

“(23) “Individual” means all natural persons (other than fiduciaries), whether married, domestic partners, or unmarried.

“(24) “Intangible expense” means:

“(A) An expense, loss, or cost for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property, to the extent the expense, loss, or cost is allowed as a deduction or cost in determining taxable income for the taxable year under the Internal Revenue Code of 1986;

“(B) A loss related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

“(C) A royalty, patent, technical, or copyright and licensing fee; or

“(D) Any other similar expense or cost.

“(25) “Intangible property” means patents, patent applications, trade names, trademarks, service marks, copyrights, and similar types of intangible assets.

“(26) “Interest expense” means an amount directly or indirectly allowed as a deduction under section 163 of the Internal Revenue Code of 1986 for purposes of determining taxable income under the Internal Revenue Code of 1986.

“(27) “Internal Revenue Code of 1954” means the Internal Revenue Code of 1954, approved April 6, 1954 (68A Stat. 3; 26 U.S.C. § 1 *et seq.*), as amended through May 24, 1985.

ENROLLED ORIGINAL

“(28) “Internal Revenue Code of 1986” means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 et seq.); which provisions shall apply on the same dates that they are effective for federal tax purposes.

“(29) “International banking facility” or “IBF” shall have the same meaning as provided in section 204.8(a)(1) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(1)).

“(30) “International banking facility extension of credit” or “IBF loan” shall have the same meaning as provided in section 204.8(a)(3) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(3)).

“(31) “International Banking Facility time deposit” or “IBF time deposit” shall have the same meaning as provided in section 204.8(a)(2) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(2)).

“(32) “Net operating loss” shall have the same meaning as provided in section 172(c) of the Internal Revenue Code of 1986, subject to limitations and modifications provided in this section.

“(33) “Net operating loss deduction” means the aggregate of the apportioned net operating loss carryovers to the taxable year.

“(34) “Nonbusiness income” means all income other than business income.

“(35) “Nonresident” means every individual other than a resident.

“(36) “Ownership” in determining the ownership of stock, assets, or net profits of any person, means the constructive ownership of section 318(a) of the Internal Revenue Code of 1986 as modified by section 856(d)(5) of the Internal Revenue Code of 1986.

“(37) “Partnership” means a general or limited partnership or organization of any kind that is treated as a partnership for tax purposes under the laws of the District of Columbia.

“(38) “Payroll period” means a payroll period as defined in section 3401(b) of the Internal Revenue Code of 1986.

“(39) “Person” means any individual, firm, partnership, general partner of a partnership, limited liability company, registered limited liability partnership, foreign limited liability partnership, association, corporation (whether or not the corporation is, or would be if doing business in the District, subject to this chapter), unincorporated business, company, syndicate, estate, trust, business trust, trustee, trustee in bankruptcy, receiver, executor, administrator, assignee, fiduciary, or organization of any kind.

“(40) “Related entity” means a person that under the attribution rules of section 318 of the Internal Revenue Code of 1986 is:

ENROLLED ORIGINAL

“(A) A stockholder who is an individual, or a member of the stockholder's family as enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;

“(B) A stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; or

“(C) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986 (“party related to the corporation”), if the corporation or party related to the corporation owns, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

“(41) “Related member” means:

“(A) A person that, with respect to the taxpayer is, at any time during the year, a related entity;

“(B) A component member as defined in section 1563(b) of the Internal Revenue Code of 1986;

“(C) A controlled group of which the taxpayer is also a component; or

“(D) A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.

“(42) “Resident” means an individual domiciled in the District at any time during the taxable year, and every other individual who maintains a place of abode within the District for an aggregate of 183 days or more during the taxable year, whether or not the individual is domiciled in the District, excluding any elective officer of the government of the United States or any employee on the staff of an elected official in the legislative branch of the government of the United States if the employee is a bona fide resident of the state of residence of the elected officer, or any officer of the executive branch of the government whose appointment was made by the President of the United States and subject to confirmation by the Senate of the United States and whose tenure of office is at the pleasure of the President of the United States, or any Justice of the Supreme Court of the United States, unless the officer, employee, or justice is domiciled within the District at any time during the taxable year. In determining whether an individual is a resident, an individual's absence from the District for temporary or transitory purposes shall not be regarded as changing his domicile or place of abode.

ENROLLED ORIGINAL

“(43) “Sales” means all gross receipts of the taxpayer that are business income, as that term is defined in this section.

“(44) “Standard deduction” means:

“(A) The amount of \$4,000, increased annually, beginning January 1, 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), in the case of a return filed by a single individual, by a head of household, by a surviving spouse, or jointly by husband and wife (or domestic partner);

“(B) The amount of \$2,000, increased annually, beginning January 1, 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), in the case of a married person filing separately; or

“(C) In the case of an individual who is a resident, as defined in paragraph (42) of this section, for less than a full 12-month taxable year, the amounts specified in subparagraphs (A) and (B) of this paragraph prorated by the number of months that the individual was a resident.

“(45) “State” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory, or possession of the United States and any foreign country or political subdivision thereof.

“(46) “Subpart F income” shall have the same meaning as provided in section 952 of the Internal Revenue Code of 1986.

“(47) “Surviving spouse” shall have the same meaning as provided in section 2(a) of the Internal Revenue Code of 1986; except, that in applying section 2(a) of the Internal Revenue Code of 1986, the term spouse shall be deemed to include a domestic partner.

“(48) “Tax” or “tax liability” includes the liability for all amounts owing by a taxpayer to the District under this chapter.

“(49) “Tax haven” means a jurisdiction that:

“(A) For a particular tax year in question has no, or nominal, effective tax on the relevant income and has laws or practices that prevent effective exchange of information for tax purposes with other governments regarding taxpayers benefitting from the tax regime;

“(B) Lacks transparency, which for the purposes of this definition means that the details of legislative, legal, or administrative provisions are not open to public scrutiny and apparent or are not consistently applied among similarly situated taxpayers;

“(C) Facilitates the establishment of foreign-owned entities without the need for a local substantive presence or prohibits these entities from having any commercial impact on the local economy;

ENROLLED ORIGINAL

“(D) Explicitly or implicitly excludes the jurisdiction's resident taxpayers from taking advantage of the tax regime's benefits or prohibits enterprises that benefit from the regime from operating in the jurisdiction's domestic market; or

“(E)(i) Has created a tax regime that is favorable for tax avoidance, based upon an overall assessment of relevant factors, including whether the jurisdiction has a significant untaxed offshore financial or other services sector relative to its overall economy.

“(ii) For the purposes of this definition, the term “tax regime” means a set or system of rules, laws, regulations, or practices by which taxes are imposed on any person, corporation, or entity, or on any income, property, incident, indicia, or activity pursuant to governmental authority.

“(50) “Taxable income” means as required by the context set forth in § 47-1807.01(2) or § 47-1808.02(1).

“(51) “Taxable year” means the calendar year or the fiscal year, whichever is the basis upon which the net income of the taxpayer is computed under this section; if no fiscal year has been established by the taxpayer, it means the calendar year. The term “taxable year” includes, in the case of a return made for a fractional part of a calendar or fiscal year under the provisions of this section or under regulations prescribed by the Chief Financial Officer, the period for which the return is made; provided, that no taxpayer shall change from a calendar year to a fiscal year or from a fiscal year to a calendar year within any taxable year without the written authorization of the Chief Financial Officer.

“(52) “Taxpayer” means any person subject to the tax imposed by this chapter.

“(53) “Trade or business” means the engaging in or carrying on of any trade, business, profession, vocation, or calling, or commercial activity in the District of Columbia, including activities in the District that benefit an affiliated entity of the taxpayer, the performance of functions of a public office, and the leasing of real or personal property in the District of Columbia by any person whether or not the property is leased directly by the person or through an agent, and whether or not the person or agent performs any services in connection with the property.

“(54) “United States” means the United States of America and includes all of the states of the United States, the District of Columbia, and United States' territories and possessions.

“(55)(A) “Unitary business” means a single economic enterprise that is made up either of separate parts of a single business entity or of a commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts.

ENROLLED ORIGINAL

“(B) For the purposes of this chapter, any business conducted by a partnership within the meaning of § 47-1808.06 shall be treated as conducted by its partners, whether directly held or indirectly held through a series of partnerships, to the extent of the partner's distributive share of the partnership's income, regardless of the percentage of the partner's ownership interest or its distributive or any other share of partnership income. A business conducted directly or indirectly by one person is unitary with that portion of a business conducted by another person through its direct or indirect interest in a partnership if there is a synergy and exchange and flow of value between the 2 parts of the business and the 2 persons are members of the same commonly controlled group.

“(56) “Wages” means wages as defined in section 3401(a) of the Internal Revenue Code of 1986.

“(57) “Water's-edge combined group” is comprised of all entities includible in the combined report, as determined pursuant to § 47-1810.07(a).

“(58) “Worldwide combined report” means the combination of the income and activities of all members of a unitary group irrespective of the country in which the corporations are incorporated or conduct business activity.”

(c) Section 47-1805.02a is amended to read as follows:

“§ 47-1805.02a. Combined reporting required.

“(a) For tax years beginning on and after December 31, 2010, a taxpayer engaged in a unitary business with one or more other persons that are part of a water's-edge combined group reporting pursuant to § 47-1810.07(a) shall file a combined report, which includes the income, determined under § 47-1810.04 and § 47-1810.05 and the allocation and apportionment factors determined under § 47-1810.02 and the pertinent regulations of all such persons that are members of the unitary business, and other information as required by the Chief Financial Officer. If a worldwide combined reporting election has been made, the taxpayer shall file a combined report that includes such income and factors of all the persons that are members of the unitary business, and any other information as required by the Chief Financial Officer.

“(b) The Chief Financial Officer may, by regulation, require a combined report to include the income and associated apportionment factors of any persons that are not included pursuant to subsection (a) of this section but that are members of a unitary business to reflect proper apportionment of income of the entire unitary business.

“(c) If the Chief Financial Officer determines that the reported income or loss of a taxpayer engaged in a unitary business with any person not included represents an avoidance or evasion of tax by the taxpayer, the Chief Financial Officer may, on a case-by-case basis, require that all or any part of the income and associated apportionment factors be included in the taxpayer's combined report.

“(d) With respect to inclusion of associated apportionment factors pursuant to this section, the Chief Financial Officer may require the exclusion of any one or more of the

ENROLLED ORIGINAL

factors, the inclusion of one or more additional factors, which will fairly represent the taxpayer's business activity in the District, or the employment of any other method to effectuate a proper reflection of the total amount of income subject to apportionment and an equitable allocation and apportionment of the taxpayer's income.

“(e) The Chief Financial Officer shall adopt regulations as necessary to ensure that the tax liability or net income of any taxpayer whose income derived from or attributable to sources within the District that is required to be determined by a combined report pursuant to § 47-1810.02 or § 47-1810.07 and of each entity included in the combined report, both during and after the period of inclusion in the combined report, is properly reported, determined, computed, assessed, collected, or adjusted.

“(f) The Chief Financial Officer shall adopt regulations as necessary prescribing the form and manner of all returns and reports required under § 47.1805.02a, including the time, place and extension of such returns and reports.

“(g) Any taxpayer election made under § 47.1805.02(5)(C) and the pertinent regulations to file a consolidated return is revoked for tax years beginning after December 31, 2010.”

(d) Sections 47-1810.04, 47-1810.05, 47-1810.06, 47-1810.07, and 47-1810.08 are amended to read as follows:

“§ 47-1810.04. Determination of taxable income or loss using combined report; components of income subject to tax in the District, application of tax credits and post-apportionment deductions; determination of taxpayer's share of the business income of a combine group apportionable to the District.

“(a) The use of a combined report does not disregard the separate identities of the taxpayer members of the combined group. Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to the District, which shall include, in addition to other types of income, the taxpayer member's apportioned share of business income of the combined group, where business income of the combined group is calculated as a summation of the individual net business incomes of all members of the combined group. A member's net business income is determined by removing all but business income, expense, and loss from that member's total income, as provided in this section and § 47-1810.05.

“(b)(1) Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to the District, which shall include its:

“(A) Share of any business income apportionable to the District of each of the combined groups of which it is a member, as determined under subsection (c) of this section;

“(B) Share of any business income apportionable to the District of a distinct business activity conducted within and without the District wholly by the taxpayer

ENROLLED ORIGINAL

member, as determined under the provisions for apportionment of business income set forth in this chapter;

“(C) Income from a business conducted wholly by the taxpayer member entirely within the District;

“(D) Income sourced to the District from the sale or exchange of capital or assets, and from involuntary conversions, as determined under § 47-1810.05(b)(8);

“(E) Nonbusiness income or loss allocable to the District as determined under the provisions for allocation of nonbusiness income set forth in this chapter;

“(F) Income or loss allocated or apportioned in an earlier year required to be taken into account as District source income during the income year, other than a net operating loss; and

“(G) Net operating loss carryover.

“(2) If the taxable income computed pursuant to this section and § 47-1810.05 results in a loss for a taxpayer member of the combined group, that taxpayer member has a District net operating loss, subject to the net operating loss limitations and carryover provisions of this chapter. The District net operating loss shall be applied as a deduction in the subsequent year only if that taxpayer has District source positive net income, whether or not the taxpayer is a member of a combined reporting group in the subsequent year.

“(3) Except where otherwise provided, no tax credit or post-apportionment deduction earned by one member of the group, but not fully used by or allowed to that member, may be used, in whole or in part, by another member of the group or applied, in whole or in part, against the total income of the combined group. A post-apportionment deduction carried over into a subsequent year as to the member that incurred it, and available as a deduction to that member in a subsequent year, will be considered in the computation of the income of that member in the subsequent year regardless of the composition of that income as apportioned, allocated, or wholly within the District.

“(c)(1) The taxpayer's share of the business income apportionable to the District of each combined group of which it is a member shall be the product of the:

“(A) Business income of the combined group, determined under § 47-1810.05; and

“(B) Taxpayer member's apportionment percentage, determined in accordance with this chapter, including in the property, payroll, and sales factor numerators of the taxpayer's property, payroll, and sales, respectively, associated with the combined group's unitary business in the District and including in the denominator the property, payroll, and sales of all members of the combined group, including the taxpayer, which property, payroll, and sales are associated with the combined group's unitary business wherever located.

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“(2) If any member owns an interest in a partnership that is not an unincorporated business, as defined by § 47-1808.01, the income or loss of such partnership shall be apportioned to the District using the apportionment factor of the partnership, and the combined group member-partner’s distributive share of such income shall be added to the combined group member-partner’s income.

“§ 47-1810.05. Determination of the business income of the combined group.

“(a) The business income of a combined group is determined as follows:

“(1) From the total income of the combined group as determined under paragraph (2) of this subsection and subsection (b) of this section, subtract any income and add any expense or loss, other than the business income, expense, or loss of the combined group.

“(2) Except as otherwise provided, the total income of the combined group is the sum of the income of each member of the combined group determined under federal income tax laws, as adjusted for District purposes, as if the member were not consolidated for federal purposes.

“(3) Notwithstanding any other provision of this chapter or the combined reporting regulations, if the combined group includes or any member owns an unincorporated business that would be subject to the tax imposed under § 47-1808.03, the income or loss of such unincorporated business shall be apportioned to the District using the apportionment factor of the unincorporated business, and the combined group member-partner’s distributive share of such income shall be added to the combined group member-partner’s income. A combined group member-partner’s distributive share of an unincorporated business’s income that was actually taxed under § 47-1808.03 shall be subtracted from the combined group member-partner’s income.

“(b) The income of each member of the combined group shall be determined as follows:

“(1) For any member incorporated in the United States, or included in a consolidated federal corporate income tax return, the income to be included in the total income of the combined group shall be the taxable income for the corporation after making appropriate adjustments under this chapter.

“(2) For any member not included in paragraph (1) of this subsection, the income to be included in the total income of the combined group shall be determined as follows:

“(A) A profit and loss statement shall be prepared for each foreign branch or corporation in the currency in which the books of account of the branch or corporation are regularly maintained.

“(B) Adjustments shall be made to the profit and loss statement to conform it to the accounting principles generally accepted in the United States for the preparation of such statements, except as modified by regulation.

ENROLLED ORIGINAL

“(C) Adjustments shall be made to the profit and loss statement to conform it to the tax accounting standards required by this chapter.

“(D) Except as otherwise provided by regulation, the profit and loss statement of each member of the combined group, and the apportionment factors related thereto, whether United States or foreign, shall be translated into the currency in which the parent company maintains its books and records.

“(E) Income apportioned to the District shall be expressed in United States dollars.

“(3)(A) In lieu of the procedures set forth in paragraph (2) of this subsection, and subject to the determination of the Chief Financial Officer that it reasonably approximates income as determined under this chapter, any member not subject to paragraph (1) of this subsection may determine its income on the basis of the consolidated profit and loss statement that includes the member and that is prepared for filing with the Securities and Exchange Commission by related corporations:

“(B) If the member is not required to file with the Securities and Exchange Commission, the Chief Financial Officer may allow the use of the consolidated profit and loss statement prepared for reporting to shareholders and subject to review by an independent auditor.

“(C) If the statements described in subparagraphs (A) or (B) of this paragraph do not reasonably approximate income as determined under this chapter, the Chief Financial Officer may accept those statements with appropriate adjustments to approximate that income.

“(4) If a unitary business includes income from a partnership, the income to be included in the total income of the combined group shall be the member of the combined group's direct and indirect distributive share of the partnership's unitary business income.

“(5)(A) All dividends paid by one to another of the members of the combined group shall, to the extent those dividends are paid out of the earnings and profits of the unitary business included in the combined report, in the current or an earlier year, be eliminated from the income of the recipient.

“(B) Except as otherwise provided, this paragraph shall not apply to dividends received from members of the unitary business that are not a part of the combined group. Except when specifically required by the Chief Financial Officer to be included, all dividends paid by an insurance company directly or indirectly to a corporation that is part of a unitary business with the insurance company shall be deducted or eliminated from the income of the recipient of the dividend.

“(6)(A) Except as otherwise provided by regulation, business income from an inter-company transaction between members of the same combined group shall be deferred in a manner similar to 26 C. F. R. § 1.1502-13.

ENROLLED ORIGINAL

“(B) Upon the occurrence of any of the following events, deferred business income resulting from an inter-company transaction between members of a combined group shall be restored to the income of the seller and shall be apportioned as business income earned immediately before the event:

“(i) The object of a deferred inter-company transaction is:

“(I) Resold by the buyer to an entity that is not a member of the combined group;

“(II) Resold by the buyer to an entity that is a member of the combined group for use outside the unitary business in which the buyer and seller are engaged; or

“(III) Converted by the buyer to a use outside the unitary business in which the buyer and seller are engaged; or

“(ii) The buyer and seller are no longer members of the same combined group, regardless of whether the members remain unitary.

“(7)(A) A charitable expense incurred by a member of a combined group shall, to the extent allowable as a deduction pursuant to section 170 of the Internal Revenue Code of 1986, be subtracted first from the business income of the combined group, subject to the income limitations of that section applied to the entire business income of the group, and any remaining amount shall then be treated as a nonbusiness expense allocable to the member that incurred the expense, subject to the income limitations of that section applied to the nonbusiness income of that specific member.

“(B) Any charitable deduction disallowed under subparagraph (A) of this paragraph, but allowed as a carryover deduction in a subsequent year, shall be treated as originally incurred in the subsequent year by the same member, and the rules set forth in this section shall apply in the subsequent year in determining the allowable deduction in that year.

“(8) Gain or loss from the sale or exchange of capital assets, property described by section 1231(a)(3) of the Internal Revenue Code of 1986, and property subject to an involuntary conversion shall be removed from the total separate net income of each member of a combined group and shall be apportioned and allocated as follows:

“(A) For each class of gain or loss (short-term capital, long-term capital, section 1231 of the Internal Revenue Code of 1986, and involuntary conversions) all members' business gain and loss for the class shall be combined without netting between classes and each class of net business gain or loss separately apportioned to each member using the member's apportionment percentage determined under § 47-1810.04.

“(B) Each taxpayer member shall then net its apportioned business gain or loss for all classes, including any such apportioned business gain and loss from other combined groups, against the taxpayer member's nonbusiness gain and loss for all classes allocated to the District, using the rules of sections 1222 and 1231 of the Internal Revenue

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Code of 1986, without regard to any of the taxpayer member's gains or losses from the sale or exchange of capital assets, section 1231 of the Internal Revenue Code of 1986 property, and involuntary conversions that are nonbusiness items allocated to another state.

“(C) Any resulting District source income or loss, if the loss is not subject to the limitations of section 1211 of the Internal Revenue Code of 1986, of a taxpayer member produced by the application of the preceding subparagraphs shall then be applied to all other District source income or loss of that member.

“(D) Any resulting District source loss of a member that is subject to the limitations of section 1211 of the Internal Revenue Code of 1986 shall be carried over by that member and shall be treated as District source short-term capital loss incurred by that member for the year for which the carryover applies.

“(9) Any expense of one member of the unitary group that is directly or indirectly attributable to the nonbusiness or exempt income of another member of the unitary group shall be allocated to that other member as a corresponding nonbusiness or exempt expense, as appropriate.

“§ 47-1810.06. Designation of agent.

“As a filing convenience, and without changing the respective liability of group members, members of a combined reporting group shall designate one taxpayer member of the combined group to file a single return, in the form and manner prescribed by the Chief Financial Officer, in lieu of filing their own respective returns; provided, that the taxpayer designated to file the single return consents to act as surety with respect to the tax liability of all other taxpayers properly included in the combined report and agrees to act as agent on behalf of those taxpayers for tax matters relating to the combined report. If for any reason the agent is unwilling or unable to perform its responsibilities, tax liability may be assessed against the taxpayer members.

“§ 47-1810.07. Water's-edge reporting; initiation and withdrawal election.

“(a)(1) Absent an election under subsection (b) of this section to report based upon a worldwide unitary combined reporting basis, taxpayer members of a unitary group shall determine each of their apportioned shares of the net business income or loss of the combined group on a water's-edge unitary combined reporting basis.

“(2) In determining tax under this chapter on a water's-edge unitary combined reporting basis, taxpayer members shall take into account all or a portion of the income and apportionment factors of only the following members otherwise included in the combined group pursuant to § 47-1805.02a:

“(A) The entire income and apportionment factors of any member incorporated in the United States or formed under the laws of any state, the District, or any territory or possession of the United States;

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“(B) The entire income and apportionment factors of any member, regardless of the place incorporated or formed, if the average of its property, payroll, and sales factors within the United States is 20% or more;

“(C) The entire income and apportionment factors of any member that is a domestic international sales corporation, as described in sections 991 through 994 of the Internal Revenue Code of 1986, inclusive, a foreign sales corporation, as described in sections 921 through 927 of the Internal Revenue Code of 1986, inclusive, or any member that is an export trade corporation, as described in sections 970 through 971 of the Internal Revenue Code of 1986, inclusive;

“(D) Any member not described in subparagraphs (A), (B), or (C) of this paragraph shall include its business income that is effectively connected, or treated as effectively connected under the provisions of the Internal Revenue Code of 1986 with the conduct of a trade or business within the United States and, for that reason, subject to federal income tax;

“(E) Any member that is a resident of a country that does not have a comprehensive income tax treaty with the United States and earns more than 20% of its income, directly or indirectly, from intangible property or service-related activities that are deductible against the business income of other members of the water's-edge group, to the extent of that income and the apportionment factors related thereto; and

“(F)(i) The entire income and apportionment factors of any member that is doing business in a tax haven defined as being engaged in activity sufficient for that tax haven jurisdiction to impose a tax under United States constitutional standards.

“(ii) If the member's business activity within a tax haven is entirely outside the scope of the laws, provisions, and practices that cause the jurisdiction to meet the criteria of a tax haven, as that term is defined in § 47-1801.04(49), the activity of the member shall be treated as not having been conducted in a tax haven:

“(b) An election to report District tax based on worldwide unitary combined reporting is effective only if made on a timely filed original return for a tax year by every member of the unitary business subject to tax under this chapter.

“(c) At the discretion of the Chief Financial Officer:

“(1) A worldwide unitary combined reporting election may be disregarded, in part or in whole, and the income and apportionment factors of any member of the taxpayer's unitary group may be included in or excluded from the combined report without regard to the provisions of this section, if any member of the unitary group fails to comply with any provision of this chapter; and

“(2) Worldwide unitary combined reporting may be mandated, in part or in whole, and the income and apportionment factors of any member of the taxpayer's unitary group may be included in or excluded from the combined report without regard to the provisions of this section, if any member of the unitary group fails to comply with any

ENROLLED ORIGINAL

provision of this chapter, or if a person otherwise not included in the water's-edge combined group was availed of with a substantial objective of avoiding state income tax.

“(d)(1) A worldwide unitary combined reporting election is binding for and applicable to the tax year it is made and all tax years thereafter for a period of 10 years. It may be withdrawn or reinstated after withdrawal, before the expiration of the 10-year period, only upon written request for reasonable cause based on extraordinary hardship due to unforeseen changes in state tax statutes, law, or policy, and only with the written authorization of the Chief Financial Officer.

“(2) An election shall constitute consent to the reasonable production of documents and taking of depositions in accordance with District law.

“(3) If the Chief Financial Officer grants a withdrawal of election pursuant to paragraph (1) of this subsection, he or she shall impose reasonable conditions necessary to prevent the evasion of tax or to clearly reflect income for the election period before or after the withdrawal.

“(4) Upon the expiration of the 10-year period, a taxpayer may withdraw from the worldwide unitary combined reporting election. Withdrawal must be made in writing within one year of the expiration of the election and is binding for a period of 10 years, subject to the same conditions as applied to the original election.

“(e) The Chief Financial Officer shall develop rules governing the impact, if any, on the scope or application of a worldwide unitary combined reporting election, including termination or deemed election, resulting from a change in the composition of the unitary group, the combined group, the taxpayer members, and any other similar change.

“§ 47-1810.08. Accounting rules; future deductions.

“(a) If the enactment of combined reporting requirements for unitary businesses results in an increase to a combined group's net deferred tax liability, the combined group shall be entitled to a deduction to the extent determined under subsection (b) of this section. Only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with generally accepted accounting principles, as of September 14, 2011 shall be eligible for this deduction. To the extent the deduction would produce a net operating loss in any tax year, the unused deduction may be carried forward to each succeeding tax year indefinitely by the combined group and deducted without regard to any limitation.

“(b) For the 7-year period beginning with the 5th year of the combined filing, a combined group shall be entitled to a deduction equal to 1/7th of the net increase in the taxable temporary differences that caused the increase in the net deferred tax liability, as computed at the time of enactment in accordance with generally accepted accounting principles, that would result from the imposition of the combined reporting requirements but for the deduction provided under this section. The amount of the deduction shall in no case exceed the amount necessary to offset any increase in net deferred tax liability, as computed

ENROLLED ORIGINAL

in accordance with generally accepted accounting principles, that would result from the imposition of all of the provisions of combined reporting but for the deduction provided under this section.

“(c) For the purposes of this section, the term “net deferred tax liability” shall mean the net increase, if any, in deferred tax liabilities minus the net increase, if any, in deferred tax assets of the combined group, as computed in accordance with generally accepted accounting principles.”.

Sec. 303. Applicability.

This title shall apply for taxable years beginning after December 31, 2010.

TITLE IV. GENERAL PROVISIONS.

Sec. 401. Applicability.

This act shall apply as of January 10, 2013.

Sec. 402. Fiscal impact statement.


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

Sec. 403. Effective date.

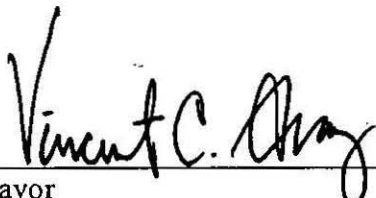
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall continue in effect for no

ENROLLED ORIGINAL

longer than 90 days as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To approve, on an emergency basis, Contract No. DCGO-2011-C-0008-M01 to provide school bus maintenance services, and to authorize payment for the services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCGO-2011-C-0008-M01 Approval and Payment Authorization Emergency Act of 2012".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCGO-2011-C-0008-M01 with Precision Truck Repair, Inc., to provide school bus maintenance services and authorizes payment in the amount of \$1,559,212 for services received under that contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

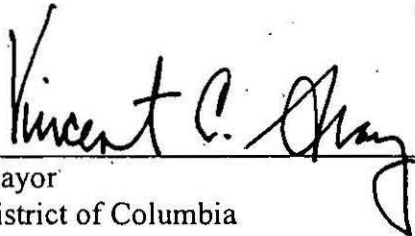
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-606

IN THE COUNCIL FOR THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To authorize, on an emergency basis, the Office of the State Superintendent of Education to solicit sponsorships from individuals or organizations to generate revenue for state athletic programs and activities in exchange for advertisements in agency publications, on the website, or in public at state athletic events.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "State Athletic Activities, Programs, and Office Revenue Generation and Sponsorship Emergency Act of 2012".

Sec. 2. (a) Notwithstanding any other provision of law, the Mayor, through the Office of the State Superintendent of Education ("OSSE"), may enter into written agreements for advertisements and sponsorships for state athletic office and athletic activities and programs, including those organized or directed by the State Athletic Office of OSSE or the District of Columbia State Athletic Association ("DCSAA") to supplement local funding of the DCSAA.

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

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

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

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

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

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

(h) The Chief Financial Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant to this section to the credit of OSSE in the

ENROLLED ORIGINAL

State Athletics Activities, Programs, and Office Fund in the same manner as that used for donations under section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (117 Stat. 123; D.C. Official Code § 1-329.01).

Sec. 3. Rules.

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

(b) The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of the Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 30-day period, the proposed rules shall be deemed approved.

Sec. 4. Fiscal impact statement.

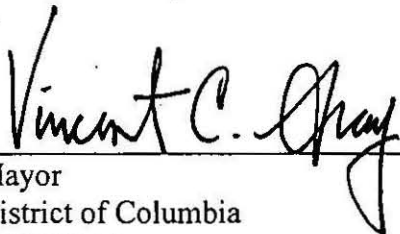
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-607

IN THE COUNCIL FOR THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To establish, on an emergency basis, the State Athletic Activities, Programs, and Office Fund within the Office of the State Superintendent of Education for the deposit of funds generated by sponsorships, advertisements, and fees related to state athletic activities and programs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "State Athletic Activities, Programs, and Office Fund Emergency Act of 2012".

Sec. 2. (a) There is established as a nonlapsing fund the State Athletic Activities, Programs, and Office Fund ("Fund"), which shall be used solely for the purposes as set forth in subsection (b) of this section. The Fund shall be administered by the State Superintendent of Education ("Superintendent") through the Office of State Superintendent of Education ("OSSE"). The Superintendent may designate or assign the authority to administer the Fund to entities within OSSE, including the State Athletic Office.

(b)(1) The Fund shall be used to enhance the development of state interscholastic athletic programs and competitions, and to supplement the operations budget of the District of Columbia State Athletic Association ("DCSAA").

(2) The Statewide Director of Athletics shall prioritize resources from the Fund to ensure well designed and effective interscholastic athletic programs and competitions throughout the District of Columbia.

(3) The Fund may be used for the financial support of state athletic programs and competitions, including for championship events, equipment, memorabilia, training, security, awards, and related operations to ensure well designed and effective state athletic programs and events that comply with the standards of the National Federation of State High School Associations and with District of Columbia laws and regulations.

(c) The Fund shall be funded by annual appropriations, which shall be deposited into the Fund, and any proceeds from sponsorships or advertisements, ticket or merchandise sales, fundraising activities, competitions, or other athletic programs and activities organized or directed by the State Athletic Office or the DCSAA, or both.

(d) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and

ENROLLED ORIGINAL

purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

Sec. 3. Rules.

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


(b) The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of the Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 30-day period, the proposed rules shall be deemed approved.

Sec. 4. Fiscal impact statement.

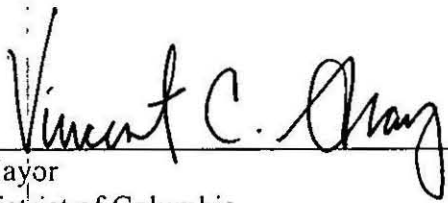
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act; approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 12, 2013

To approve, on an emergency basis, multiyear Contract No. DCHC-2012-C-0526 with Washington Humane Society, Inc., to operate the District's animal care and control facility.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHC-2012-C-0526 Emergency Approval Act of 2012".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCHC-2012-C-0526.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

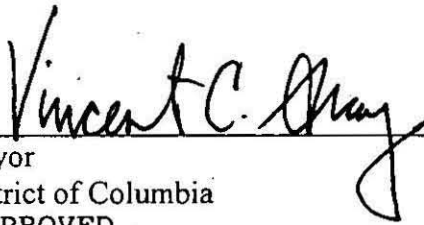
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 10, 2013

To approve, on an emergency basis, Modification Nos. M0009 and M0010 to Contract DCTO-2009-C-0253 with Northrop Grumman Systems Corporation to continue to provide technical assistance and support services for the Department of Employment Services Unemployment Tax Accounting System and to authorize payment for the services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract DCTO-2009-C-0253 Modification Nos. M0009 and M0010 Approval and Payment Authorization Emergency Act of 2012".

Sec. 2. Pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)(1)), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. M0009 and M0010 to Contract Number DCTO-2009-C-0253 with Northrop Grumman Systems Corporation to provide technical assistance and support services for the Department of Employment Services Unemployment Tax Accounting System and authorizes payment not to exceed \$1,064,469 for Option Year Four for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

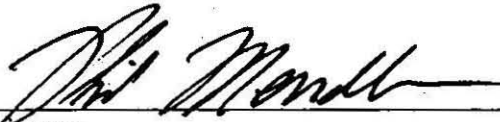
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

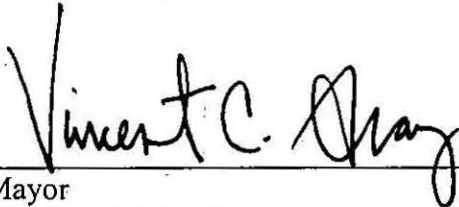
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
JANUARY 10, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-610

Codification
District of Colum
Official Code
2001 Edition
Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 9, 2013

To amend the District of Columbia Traffic Act, 1925 to establish a program for installation by the Mayor or the Mayor's designated agent of an ignition interlock device for specified alcohol or drug-related offenses or upon revocation of an operator's permit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ignition Interlock Amendment Act of 2012".

Sec. 2. Section 10a(a) of the District of Columbia Traffic Act, 1925, effective April 3, 2001 (D.C. Law 13-238; D.C. Official Code § 50-2201.05a(a)), is amended to read as follows:

Amend
§ 50-2201.05a

“(a) Within 180 days of the effective date of the Ignition Interlock Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-673), the Mayor shall establish an Ignition Interlock Device Program applicable to persons who have been convicted of an offense pursuant to sections 3b, 3c, or 3e of Subtitle B of Title I of the Anti-Drunk Driving Act of 1982, effective October 26, 2012 (D.C. Act 19-508; 59 DCR 12774), or any succeeding emergency act establishing those sections in substantially similar language, or pursuant to sections 3b, 3c, or 3e of Subtitle B of Title I of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), or whose operator's permit has been revoked pursuant to section 13(a) for driving while the person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor.”

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

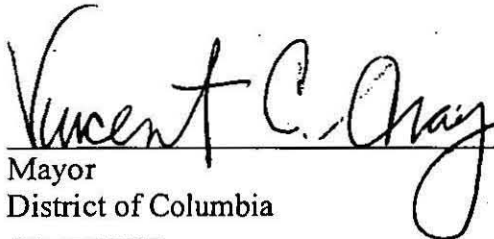
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional

ENROLLED ORIGINAL

review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 9, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-611

Codification
District of Columb
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 10, 2013

To designate the western side of Langdon Park, between 18th Street, N.E., and 20th Street, N.E., in Ward 5, as Chuck Brown Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Chuck Brown Park Designation Act of 2012".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding sections 405 and 407 of the Act, the Council designates the western side of Langdon Park, between 18th Street, N.E., and 20th Street, N.E., in Ward 5, as "Chuck Brown Park".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Department of General Services and the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date:

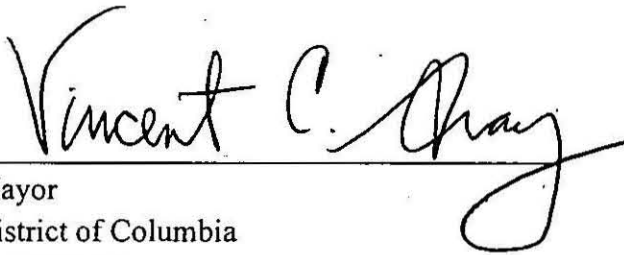
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 10, 2013

COUNCIL OF THE DISTRICT OF COLUMBIA

PROPOSED LEGISLATION

BILLS cont'd

B20-75 District Contracting Price Reasonableness Assurance Amendment Act of 2013

Intro. 01-22-13 by Councilmember Cheh and referred to the Committee of the Whole

B20-76 Campaign Finance Training Amendment Act of 2013

Intro. 01-22-13 by Councilmembers McDuffie, Wells, Bowser and Grosso and referred to the Committee on Government Operations

B20-77 Rental Housing Consumer Protection Act of 2013

Intro. 01-22-13 by Councilmembers Graham, Alexander and Cheh and referred to the Committee on Business, Consumer and Regulatory Affairs

B20-78 Senior Housing Modernization Grant Fund Amendment Act of 2013

Intro. 01-22-13 by Councilmember Bowser and referred to the Committee on Economic Development

B20-79 Office of the Jobs Czar Establishment Act of 2013

Intro. 01-22-13 by Councilmember Orange and referred to the Committee on Business, Consumer and Regulatory Affairs

B20-80 Basilica of the National Shrine of the Immaculate Conception Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013

Intro. 01-23-13 by Councilmember Orange and referred to the Committee on Finance and Revenue

B20-81 Trash Compactor Tax Incentive Act of 2013

Intro. 01-24-13 by Councilmember Evans and referred to the Committee on Finance and Revenue

PROPOSED RESOLUTIONS

PR20-56 Contract No. DCHT-2012-C-0014 Approval Resolution of 2013

Intro. 01-17-13 by Chairman Mendelson at the request of the Mayor and retained by the Council

PR20-57 Lowell School, Inc. Revenue Bonds Project Approval Resolution of 2013

Intro. 01-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR20-58 The Field School, Inc. Revenue Bonds Project Approval Resolution of 2013

Intro. 01-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR20-59 Director of the District Department of the Environment Keith A. Anderson Confirmation Resolution of 2013

Intro. 01-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR20-60 Board of Zoning Adjustment Mr. Lloyd J. Jordan, Esquire Confirmation Resolution of 2013

Intro. 01-23-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE AND COMMITTEE ON
EDUCATION

NOTICE OF JOINT PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

Corrected/Abbreviated

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
COUNCILMEMBER DAVID A. CATANIA
CHAIRMAN, COMMITTEE ON EDUCATION
ANNOUNCE A JOINT PUBLIC HEARING

on

Bill 20-072, The Attendance Accountability Amendment Act of 2013

on

Tuesday, February 12, 2013 at 11:00 a.m.
Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson and Councilmember David A. Catania, Chairman of the Committee on Education, announce the scheduling of a joint Public Hearing by the Committee of the Whole and the Committee on Education on Bill 20-072, the Attendance Accountability Amendment Act of 2013. The public hearing will take place at 10:00 a.m. in room 412 of the John A. Wilson Building. This notice is abbreviated to provide timely notice to the public and to correct the date originally published for this hearing from February 12, 2012 to February 12, 2013.

The purpose of the hearing is to provide the public and government witnesses an opportunity to testify on the bill which would amend the District's compulsory school attendance laws. The bill would require all students up to age 17 be referred to the Child and Family Services Agency after the student's 10th unexcused absence; allow parents or guardians to raise an affirmative defense when a minor is older than 13 years old and the parent cannot compel the minor to attend school; standardize the number of days a child is considered truant under the compulsory education law and District of Columbia Municipal Regulations by changing the offense from 2 unexcused absences within a school month to 10 unexcused absences within a school year; require that the Office of the State Superintendent of Education (OSSE) and the Office of the Attorney General of the District of Columbia (OAG) are notified within 3 school days that a student has accumulated 10 unexcused absences within one school year; require that the OAG issue a letter to the parent or guardian of a minor that he or she is in violation of District laws regarding compulsory school attendance, truancy, and educational neglect within 3 days of receiving notice from the school administrator; require OSSE to send a letter to the parent or guardian and the Healthy Families/Safe Communities Collaborative regarding a minor's 10 unexcused absences and the services available through the collaborative within 3 days of receiving notice from the school administrator; require that the OAG initiate proceedings against a parent or guardian of a minor for educational neglect when a minor has accumulated 20 or more unexcused absences in a school year; and enhance penalties against the parent or guardian for violations of the act by requiring community service, parenting classes, and/or a fine.

Those who wish to testify are asked to telephone Ms. Erika Wadlington, Deputy Committee Director for the Committee on Education, (202) 724-8124, or via email at EWadlington@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business on Friday February 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 February 8, 2013 the testimony will be distributed to Councilmembers before the hearing. 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 the Committee on Education, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, February 26, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

PR 20-27, Historic Preservation Review Board Charles E. Wilson Confirmation Resolution of 2012

on

Friday, February 22, 2013
12:00 p.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of the Whole on PR 20-27, the "Historic Preservation Review Board Charles E. Wilson Confirmation Resolution of 2012." The public hearing will be held Friday, February 22, 2013, at 12:00 p.m. in Hearing Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. **This hearing notice has been revised to reflect a different location.**

The stated purpose of PR 20-27 is to confirm the appointment of Charles E. Wilson as a public member of the Historic Preservation Review Board. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of this nominee for the Historic Preservation Review Board. PR 20-27 was introduced by Mayor Gray on November 30, 2012 and originally designated as PR 19-1144.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Jessica Jacobs, Legislative Counsel, at jjacobs@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Wednesday, February 20, 2012. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on February 20, 2012, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five 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 the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 9:00 a.m. on Monday, March 4, 2013.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

B20-0003 THE "COMPREHENSIVE CAMPAIGN FINANCE REFORM AMENDMENT ACT OF 2013"

B20-0025 THE "CAMPAIGN FINANCE REFORM AMENDMENT ACT OF 2013"

B20-0028 THE "MONEY ORDER TIERED CONTRIBUTION LIMIT AMENDMENT ACT OF 2013"

B20-0037 THE "CAMPAIGN FINANCE REFORM, TRANSPARENCY, AND ACCOUNTABILITY AMENDMENT ACT OF 2013"

B20-0043 THE "MONEY ORDER CONTRIBUTION LIMIT AMENDMENT ACT OF 2013"

**Friday, March 1, 2013, 11:00 AM
Room 120 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On March 1, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0003 The "Comprehensive Campaign Finance Reform Amendment Act of 2013"; B20-0025 The "Campaign Finance Reform Amendment Act of 2013"; B20-0028 The "Money Order Tiered Contribution Limit Amendment Act of 2013"; B20-0037 The "Campaign Finance Reform, Transparency and Accountability Amendment Act of 2013"; and, B20-0043 The "Money Order Contribution Limit Amendment Act of 2013." This public hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

Though the measures being considered encompass more topics, this hearing will only focus on the following issues: What, if any, appropriate restrictions should be placed on campaign contributions from Limited Liability Companies and their owners / officers; What reforms are necessary to address the issue of aggregated contributions (some have also referred to this as bundled contributions); and, what, if any, restrictions should be placed on money-order contributions.

The purpose of this hearing is to give the public the opportunity to comment on the aforementioned issues. There will be an opportunity to discuss other topics covered in the above listed measures on later dates.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Wenesday February 27, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on March 11, 2013.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

B20-0042 THE "CONSTITUENT-SERVICE PROGRAM AMENDMENTS ACT OF 2013"

B20-0076 THE "CAMPAIGN FINANCE TRAINING AMENDMENT ACT OF 2013"

**Thursday, March 7, 2013, 11:00 AM
Room 120 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On March 7, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0042 The "Constituent-Service Program Amendments Act of 2013"; and, B20-0076 The "Campaign Finance Training Amendment Act of 2013." This public hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on these measures. The stated purpose of B20-0042 The "Constituent-Service Program Amendments Act of 2013" is to prohibit the use of funds from constituent-service programs to purchase tickets to professional sporting events, concerts, 21 theatrical performances, or cultural events. The stated purpose of B20-0076 The "Campaign Finance Training Amendment Act of 2013" is to require a candidate for public office and the treasurer of any political, exploratory, inaugural, transition, and legal defense committee to attend a training program conducted by the Office of Campaign Finance; and to prohibit contributions and expenditures from being accepted or made by or on behalf of any candidate, political, exploratory, inaugural, transition, or legal defense committee prior to covered persons completing the required training.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday March 5, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on March 18, 2013.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

B20-0003 THE "COMPREHENSIVE CAMPAIGN FINANCE REFORM AMENDMENT ACT OF 2013"

B20-0037 THE "CAMPAIGN FINANCE REFORM, TRANSPARENCY, AND ACCOUNTABILITY AMENDMENT ACT OF 2013"

**Thursday, March 21, 2013, 11:00 AM
Room 412 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On March 21, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0003 The "Comprehensive Campaign Finance Reform Amendment Act of 2013; and, B20-0037 The "Campaign Finance Reform, Transparency and Accountability Amendment Act of 2013." This public hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

Though the measures being considered encompass more topics, this hearing will only focus on the following issue: What, if any, appropriate restrictions should be placed on campaign contributions from contractors.

The purpose of this hearing is to give the public the opportunity to comment on the aforementioned issue. There will be an opportunity to discuss other topics covered in the above listed measures on a later date.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday March 19, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on April 1, 2013.

Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, DC 20004

COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS

ANNOUNCES A PUBLIC HEARING ON

B20-0003 THE "COMPREHENSIVE CAMPAIGN FINANCE REFORM AMENDMENT ACT OF 2013"

B20-0025 THE "CAMPAIGN FINANCE REFORM AMENDMENT ACT OF 2013"

B20-0028 THE "MONEY ORDER TIERED CONTRIBUTION LIMIT AMENDMENT ACT OF 2013"

B20-0037 THE "CAMPAIGN FINANCE REFORM, TRANSPARENCY AND ACCOUNTABILITY AMENDMENT ACT OF 2013"

B20-0042 THE "CONSTITUENT-SERVICE PROGRAM AMENDMENTS ACT OF 2013"

B20-0043 THE "MONEY ORDER CONTRIBUTION LIMIT AMENDMENT ACT OF 2013"

B20-0076 THE "CAMPAIGN FINANCE TRAINING AMENDMENT ACT OF 2013"

Thursday, March 28, 2013, 11:00 AM
Room 412 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004

On March 28, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0003 The "Comprehensive Campaign Finance Reform Amendment Act of 2013"; B20-0025 The "Campaign Finance Reform Amendment Act of 2013"; B20-0028 The "Money Order Tiered Contribution Limit Amendment Act of 2013"; B20-0037 The "Campaign Finance Reform, Transparency and Accountability Amendment Act of 2013"; B20-0042 The "Constituent-Service Program Amendments Act of 2013"; B20-0043 The "Money Order Contribution Limit Amendment Act of 2013"; and, B20-0076 The "Campaign Finance Training Amendment Act of 2013." This public hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on any issue in the aforementioned bills that has not already been covered in one of the previous public hearings on these bills.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at

rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday March 26, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on April 8, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS
FISCAL YEAR 2014 PROPOSED BUDGET AND FINANCIAL PLAN,
FISCAL YEAR 2014 BUDGET SUPPORT ACT OF 2013,
FISCAL YEAR 2014 BUDGET REQUEST ACT OF 2013, AND
COMMITTEE MARK-UP SCHEDULE**

(01-30-13)

SUMMARY

March 28, 2013	Mayor Transmits the FY 2014 Proposed Budget and Financial Plan
April 8, 2013	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2014 Proposed Budget and Financial Plan
April 10, 2013 to May 2, 2013	Committee Public Hearings on the "Fiscal Year 2014 Budget Request Act of 2013." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2014 Budget Support Acts that affect the agencies under each Committee's purview)
May 3, 2013	Committee of the Whole Public Hearing on the "Fiscal Year 2014 Budget Request Act of 2013" and the "Fiscal Year 2014 Budget Support Act of 2013"
May 6, 8, and May 9	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2014
May 22, 2013	Committee of the Whole and Council consideration of the "Fiscal Year 2014 Budget Request Act of 2013", and the "Fiscal Year 2014 Budget Support Act of 2013"
TBD	Council considers the "Fiscal Year 2014 Budget Support Act of 2013" for second reading

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2014 Proposed Budget and Financial Plan, the "Fiscal Year 2012 Budget Request Act of 2013", and the "Fiscal Year 2012 Budget Support Act of 2013". The hearings will begin Wednesday, April 10, 2013 and conclude on Thursday, May 2, 2013 and will take place in the Council Chamber (Room 500), Room 412, Room 120, or Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

The Committee mark-ups will begin Monday, May 6, 2013 and conclude on Thursday, May 9, 2013 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 20 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearing and mark-up schedule please contact the Council's Office of the Budget Director at (202) 724-8139.

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

CHAIRMAN Phil Mendelson

THURSDAY, APRIL 8, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2013 Proposed Budget

COMMITTEE ON THE JUDICIARY

Chairperson Tommy Wells

WEDNESDAY, APRIL 10, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:30 a.m. - End	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	Sentencing and Criminal Code Revision Commission
	Corrections Informations Council
	Office on Ex-Offender Affairs
	Department of Corrections
	Office of Administrative Hearings

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawana Shuford-Thomas, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

WEDNESDAY, APRIL 10, 2013; ROOM 412	
Time	Agency
2:00 p.m. - End	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

WEDNESDAY, APRIL 10, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library
	Deputy Mayor for Education

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

WEDNESDAY, APRIL 10, 2013; ROOM 120	
TIME	AGENCY
	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, APRIL 11, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - 2:30 p.m.	Metropolitan Washington Council of Governments
	District of Columbia Auditor
	Office of Labor Relations and Collective Bargaining
	Office of Budget and Planning
	Council of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: rjohnson@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

THURSDAY, APRIL 11, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, APRIL 11, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Department of Human Resources
	District of Columbia Board of Elections
	Disability Compensation Fund
	Office of Employee Appeals
	Office of Risk Management
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, APRIL 12, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, APRIL 12, 2013; ROOM 412	
Time	Agency
12:00 p.m. - End	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

MONDAY, APRIL 15, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - 3:00 p.m.	Children and Youth Investment Trust Corporation
3:00 p.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

WEDNESDAY, APRIL 17, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON THE JUDICIARY AND PUBLIC

Chairperson Tommy Wells

WEDNESDAY, APRIL 17, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Fire & Emergency Medical Services Department
	Office of Unified Communications
	National Guard
	Office of Victim Services
	Justice Grants Administration
	Criminal Justice Coordinating Council
	Deputy Mayor for Public Safety & Justice

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawana Shuford-Thomas, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

THURSDAY, APRIL 18, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Mental Health
	Office of the Deputy Mayor for Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, APRIL 18, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Retirement Board
	Contract Appeals Board
	Office of Contracting and Procurement

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, APRIL 19, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
1:00 p.m. - End	University of the District of Columbia
	DC Community College

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

FRIDAY, APRIL 19, 2013; ROOM 412	
Time	Agency
11:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

FRIDAY, APRIL 19, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Not-For-Profit Hospital Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY

Chairperson Marion Barry

FRIDAY, APRIL 19, 2013; ROOM 120	
Time	Agency
10:00 a.m. - End	Office of Latino Affairs
	Commission on Latino Community Development
	Office of Asian and Pacific Islander Affairs
	Office of Veteran Affairs
	Office of Human Rights
	Commission on Human Rights
	Office of African Affairs
	Commission for Women
	Office of GLBT Affairs
Office of Religious Affairs/Interfaith Council	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

MONDAY, APRIL 22, 2013; COUNCIL CHAMBERS (ROOM 500)	
Time	Agency
10:00 a.m. - End	Washington Area Metropolitan Transit Authority
	Housing Finance Agency
	District of Columbia Housing Authority
	Office of Cable Television

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or email: rhawkins@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

MONDAY, APRIL 22, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Advisory Neighborhood Commissions
	Board of Ethics and Government Accountability
	Office of Campaign Finance
	Office of the Inspector General

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

MONDAY, APRIL 22, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent of Education
	State Board of Education
	Bullying Prevention Task Force
	Healthy Youth and Schools Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or e-mail: bwilliamskief@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, APRIL 22, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	District Department of the Environment
	District of Columbia Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, APRIL 24, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Washington Convention and Sports Authority/Events DC
	Destination DC
	Commission on Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee on Finance and Revenue at 727-8206 or e-mail: sloy@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

WEDNESDAY, APRIL 24, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of the Deputy Mayor for Planning and Economic Development
	Department of Housing and Community Development

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or email: rhawkins@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

WEDNESDAY, APRIL 24, 2013; ROOM 123	
Time	Agency
11:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

THURSDAY, APRIL 25, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Consumer and Regulatory Affairs
	Department of Insurance, Securities and Banking
	Office of Motion Picture and Television Development
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON THE JUDICIARY AND PUBLIC

Chairperson Tommy Wells

THURSDAY, APRIL 25, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Metropolitan Police Department
	Office of Police Complaints
	Office of the Chief Medical Examiner
	Department of Forensic Sciences
	Office of the Attorney General
	Access to Justice Initiative

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawana Shuford-Thomas, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, APRIL 25, 2012; ROOM 123	
Time	Agency
10:00 a.m. - End	Department of General Services
	Office of Partnerships and Grants Services
	Office of People's Counsel
	Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, APRIL 26, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

FRIDAY, APRIL 26, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Boxing and Wrestling Commission
	Commission on Fashion Arts and Events
	Real Estate Commission
	Emancipation Commemoration Commission
	Public Access Corporation
	Financial Literacy Council
	Securities Advisory Committee
	Board of Consumer Claims Arbitration for the District of Columbia
Construction Codes Coordinating Council	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

FRIDAY, APRIL 26, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

MONDAY, APRIL 29, 2013; COUNCIL CHAMBER (ROOM 500).	
Time	Agency
11:00 a.m. - 2:00 p.m.	Office of Disability Rights
2:00 p.m. - End	Department on Disability Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Marry

MONDAY, APRIL 29, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office on Aging
	Commission on Aging
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, APRIL 29, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Board of Accountancy
	Board of Architecture and Interior Designers
	Board of Barber and Condemnation and Insanitary Buildings
	Board of Funeral Directors
	Board of Industrial Trades
	Board of Professional Engineering
	Board of Real Estate Appraisers

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

TUESDAY, April 30, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. -	District of Columbia Public Schools (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

TUESDAY, APRIL 30, 2013; ROOM 412	
Time	Agency
10:00 a.m - End	Office of the Chief Financial Officer
	Office of Finance and Treasury
	Office of Financial Management
	Office of Financial Operations
	Office of Tax and Revenue
	District of Columbia Lottery and Charitable Games Control Board
	Real Property Tax Appeals Commission for the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee on Finance and Revenue at 727-8206 or e-mail: sloy@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

WEDNESDAY, MAY 1, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Workforce Investment Council
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Kenyan McDuffie**

THURSDAY, MAY 2, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of Policy and Legislative Affairs
	Serve DC
	Office of Community Affairs
	Office of the City Administrator
	Office of the Chief Technology Officer
	Secretary of the District of Columbia
	Notaries Public Board of Review

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, MAY 3, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Hearing on the "Fiscal Year 2014 Budget Request Act of 2013" and the "Fiscal Year 2014 Budget Support Act of 2013"

COMMITTEE MARK-UP SCHEDULE

MONDAY, MAY 6, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Committee
10:00 a.m. - 12:00 p.m.	Economic Development
12:00 p.m. - 2:00 p.m.	Health
2:00 p.m. - 4:00 p.m.	Human Services

WEDNESDAY, MAY 8, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Committee
10:00 a.m. - 12:00 p.m.	Business, Consumer & Regulatory Affairs
12:00 p.m. - 2:00 p.m.	Workforce & Community Affairs
2:00 p.m. - 4:00 p.m.	Finance & Revenue
5:00 p.m. - End	Judiciary & Public Safety

THURSDAY, MAY 9, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Committee
10:00 a.m. - 12:00 p.m.	Education
12:00 p.m. - 2:00 p.m.	Transportation and the Environment
2:00 p.m. - 4:00 p.m.	Government Operations
4:00 p.m. - End	Committee of the Whole

Addendum of Changes to Schedule:

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
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**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC OVERSIGHT HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

ABBREVIATED NOTICE

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC OVERSIGHT HEARING**

on

“Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR)”

on

**Wednesday, February 6, 2013
9:30 a.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public oversight hearing of the Committee of the Whole on the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR). The public oversight hearing will be held Wednesday, February 6, 2013, at 9:30 a.m. in the Council Chamber, room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. This notice of an oversight hearing is abbreviated pursuant to Council Rule 421(c)(3).

The purpose of this public oversight hearing is to receive testimony from government witnesses, including the Mayor, Chief Financial Officer, and Inspector General, regarding the results of the Fiscal Year 2012 CAFR, as conducted by the independent auditing firm KPMG. The CAFR will be released on Friday, February 1, 2013 and can be obtained from the Office of the Chief Financial Officer anytime thereafter.

This hearing is the first in a series of hearings to be held by the Council and its committees in connection with its oversight of Fiscal Year 2012 and 2013 agency performance. The full schedule of hearings is available on the Council's website (<http://www.dccouncil.us>) and will be published separately in the D.C. Register.

While this roundtable will include oral testimony only from government witnesses, written statements from the public will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, February 20, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC OVERSIGHT HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
AND
COUNCILMEMBER DAVID CATANIA
COMMITTEE OF THE WHOLE AND THE COMMITTEE ON EDUCATION
ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING**

on

TRUANCY REDUCTION IN THE D.C. PUBLIC SCHOOL SYSTEM

on

**Thursday, February 21, 2013
1:00 p.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember David Catania announce the scheduling of a Joint Public Oversight Hearing of the Committee of the Whole and the Committee on Education to discuss truancy reduction in the District of Columbia Public School System (DCPS). The public oversight hearing is scheduled for Thursday, February 21, 2013 at 1:00 p.m., in hearing room 123 of the John A. Wilson Building.

The purpose of this public oversight hearing is to hear testimony regarding the progress of DCPS and supporting agencies in responding to the problem of truancy, and to ascertain what the government ought to do to reduce truancy. Experience shows that many of the District's students with high rates of truancy will never finish school and, as a result, will most likely struggle to be productive adults. A similar hearing was held on July 12 and November 8, 2012, and the Committees will continue to hold these oversight hearings. Even though truancy is not exclusive to DCPS, this hearing will focus on efforts regarding DCPS students.

Testimony at this hearing is by invitation only. Questions may be directed to Ms. Renee Johnson, Legislative Assistant, at (202) 724-8092, by fax at (202) 724-7139, or via e-mail at rjohnson@dccouncil.us.

Written comments are encouraged and should be submitted to either Ms. Johnson, or to Ms. Nyasha Smith, Secretary to the Council, Room 5 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. To be most useful, written comments should be submitted no later than 5pm, on Tuesday February 19, 2013. Regardless, all statements will be made part of the official record. The record will close at 5:00 p.m. on Thursday, March 6, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS
AGENCY PERFORMANCE OVERSIGHT HEARINGS
FISCAL YEAR 2012-2013

(1-30-2013)

SUMMARY

January 29, 2013	Fiscal Year 2013 Comprehensive Annual Financial Report (CAFR) Released.
February 6, 2013	Committee of the Whole Public Briefing on the Fiscal Year 2013 Comprehensive Annual Financial Report (CAFR) 9:30 a.m. in Room 500
February 11, 2013 to March 15, 2013	Agency Performance Oversight Hearings on Fiscal Year 2012-2013

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2012 and FY 2013. The hearings will begin Monday, February 11, 2013 and conclude on Friday, March 15, 2013 and will take place in the Council Chamber (Room 500), Room 412, Room 120, and Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 20 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule please contact the Council's Office of the Budget Director at (202) 724-8139.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 6, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Subject
9:30 a.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2013 Comprehensive Annual Financial Report (CAFR)

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, FEBRUARY 11, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Consumer and Regulatory Affairs
	Department of Insurance, Securities and Banking
	Office of Motion Picture and Television Development
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

TUESDAY, FEBRUARY 12, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Human Resources
	Disability Compensation Fund
	Office of Employee Appeals
	Office of Risk Management
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

TUESDAY, FEBRUARY 12, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of Latino Affairs and Commission on Latino Community Development
	Office of Asian and Pacific Islander Affairs
	Office of Veteran Affairs
	Office of Human Rights
	Commission on Human Rights
	Office of Community Affairs
	Office of African Affairs
	Commission for Women's Policy and Initiative
	Office of Gay, Lesbian, Bisexual & Transgender (GLBT) Affairs
	Office of Religious Affairs/Interfaith Council
	DC Youth Advisory Council
DC Mayors One Neighborhood Engagement	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON EDUCATION

Chairman David Catania

WEDNESDAY, FEBRUARY 13, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Tommy Wells

THURSDAY, FEBRUARY 14, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Judicial Nomination Commission
	Commission on Judicial Disabilities & Tenure
	Sentencing & Criminal Code Revision Commission
	Corrections Information Council
	Office on Ex-Offender Affairs
	Department of Corrections
	Office of Administrative Hearings
Homeland Security & Emergency Management Agency	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawana Shuford-Thomas, Committee on the Judiciary and Public Safety at 724-7808 or e-mail:

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Tommy Wells

WEDNESDAY, FEBRUARY 20, 2013; COUNCIL CHAMBER ROOM 500	
Time	Agency
11:00 a.m. - End	Fire & Emergency Medical Services Department
	Office of Unified Communications
	National Guard
	Office of Victim Services
	Justice Grants Administration
	Criminal Justice Coordinating Council
	Deputy Mayor for Public Safety & Justice

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawana Shuford-Thomas, Committee on the Judiciary & Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

WEDNESDAY, FEBRUARY 20, 2013; ROOM 412	
Time	Agency
2:00 p.m. - End	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

THURSDAY, FEBRUARY 21, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Office on Aging
	Commission on Aging
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

WEDNESDAY, FEBRUARY 21, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Advisory Neighborhood Commissions
	Board of Ethics and Government Accountability
	District of Columbia Board of Elections
	Office of Campaign Finance
	Office of Inspector General

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

FRIDAY, FEBRUARY 22, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Housing and Community Development
	Housing & Finance Agency
	Office of Cable Television

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or email: rhawkins@dccouncil.us.

COMMITTEE ON EDUCATION

Chairman David Catania

FRIDAY, FEBRUARY 22, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witness Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, FEBRUARY 22, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	Water And Sewer Authority
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation & the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, FEBRUARY 25, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	District Department of the Environment
	District of Columbia Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation & the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, FEBRUARY 25, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Boxing and Wrestling Commission
	Commission on Fashion Arts and Events
	Real Estate Commission
	Emancipation Commemoration Commission
	Public Access Corporation
	Financial Literacy Council
	Securities Advisory Committee
	Board of Consumer Claims Arbitration for the District of Columbia
Construction Codes Coordinating Council	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer & Regulatory Affairs at 727-6683 or e-mail: gfisher@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

TUESDAY, FEBRUARY 26, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m.	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

TUESDAY, FEBRUARY 26, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Board of Accountancy
	Board of Architecture and Interior Designers
	Board of Barber and Cosmetology
	Board of Condemnation and Insanitary Buildings
	Board of Funeral Directors
	Board of Industrial Trades
	Board of Professional Engineering
	Board of Real Estate Appraisers

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer & Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON EDUCATION

Chairman David Catania

WEDNESDAY, FEBRUARY 27, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Tommy Wells

WEDNESDAY, FEBRUARY 27, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Metropolitan Police Department
	Office of Police Complaints
	Office of the Chief Medical Examiner
	Department of Forensic Sciences
	Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawana Shuford-Thomas, Committee on the Judiciary and Public Safety at 724-8191 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON FINANCE AND REVENUE

Chairperson Jack Evans

THURSDAY, FEBRUARY 28, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
9:00 a.m. - End	Washington Convention and Sports Authority/Events DC
	Destination DC
	Commission on Arts & Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee on Finance and Revenue at 727-8206 or e-mail: sloy@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, FEBRUARY 28, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of General Services
	Office of Partnerships and Grants Services
	Office of People's Counsel
	Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

FRIDAY, MARCH 1, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Office of the Deputy Mayor for Planning and Economic Dev.
	Washington Area Metropolitan Transit Authority
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or e-mail: rhawkins@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

FRIDAY, MARCH 1, 2013; ROOM 412	
Time	Agency
11:00 a.m. - End	District of Columbia Public Schools (Government Witnesses)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

MONDAY, MARCH 4, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Workforce Investment Council
	Department of Employment Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

MONDAY, MARCH 4, 2013; ROOM 412	
Time	Agency
10:00 a.m. - 3:00 p.m.	Children and Youth Investment Trust Corporation
3:00 p.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT Chairperson Mary Cheh

MONDAY, MARCH 4, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	Pedestrian Advisory Council
	Bicycle Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON HEALTH Chairperson Yvette Alexander

WEDNESDAY, MARCH 6, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE OF THE WHOLE Chairman Phil Mendelson

WEDNESDAY, MARCH 6, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON EDUCATION Chairman David Catania

WEDNESDAY, MARCH 6, 2013; Room 123	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent of Education
	State Board of Education
	Bullying Prevention Task Force
	Health Youth and Schools Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON FINANCE & REVENUE Chairperson Jack Evans

THURSDAY, MARCH 7, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
9:00 a.m. - End	Office of the Chief Financial Officer
	Office of Finance & Treasury
	Office of Financial Management
	Office of Financial Operations
	Office of Tax and Revenue
	District of Columbia Lottery & Charitable Games Control Board
	Real Property Tax Appeals Commission for the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee of Finance and Revenue at 727-8206 or e-mail: sloy@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, MARCH 7, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	TBD

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

THURSDAY, MARCH 7, 2012; ROOM 123	
Time	Agency
11:00 a.m. - 2:00 p.m.	Office of Disability Rights
2:00 p.m. - End	Department on Disability Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

FRIDAY, MARCH 8, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

MONDAY, MARCH 11, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of Policy and Legislative Affairs
	Serve DC
	Office of Community Affairs
	Office of the City Administrator
	Office of the Chief Technology Officer
	Secretary of the District of Columbia
	Notaries Public Board of Review

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

TUESDAY, MARCH 12, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	University of the District of Columbia
	Community College of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: rjohnson@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

TUESDAY, MARCH 12, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of Mental Health
	Office of The Deputy Mayor for Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT Chairperson Mary Cheh

TUESDAY, MARCH 12, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail abenjamin@dccouncil.us.

COMMITTEE ON HUMAN SERVICES Chairperson Jim Graham

WEDNESDAY, MARCH 13, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE OF THE WHOLE Chairman Phil Mendelson

THURSDAY, MARCH 14, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:30 a.m. - 2:00 p.m.	Metropolitan Washington Council of Governments
	District of Columbia Auditor
	Office of Labor Relations and Collective Bargaining
	Office of Budget and Planning
	Metropolitan Washington Airports Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: rjohnson@dccouncil.us.

COMMITTEE ON EDUCATION Chairman David Catania

THURSDAY, MARCH 14, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON HEALTH Chairperson Yvette Alexander

THURSDAY, MARCH 14, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Board of Allied Health
	Board of Audiology and Speech-Language Pathology
	Board of Behavioral Health
	Board of Chiropractic
	Board of Dentistry
	Board of Dietetics and Nutrition
	Board of Marriage and Family Therapy
	Board of Massage
	Board of Medicine
	Board of Nursing
	Board of Nursing Home Administration
	Board of Occupational Therapy
	Board of Optometry
	Board of Pharmacy
	Board of Physical Therapy
	Board of Podiatry
	Board of Professional Counseling
	Board of Psychology
Board of Respiratory Care	
Board of Veterinary Examiner	
Not-For-Profit Hospital Corporation	
Department of Health and Boards	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, MARCH 15, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m - End	District of Columbia Retirement Board
	Contract Appeals Board
	Office of Contracting & Procurement

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacob, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 6, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Show Cause Hearing (Status)	9:30 AM
Case # 12-251-00282; La Morenita Restaurant, LLC, t/a La Morenita 3539 Georgia Ave NW, License #86595, Retailer CR, ANC 1A No ABC Manager on Duty, Provided "Back-up Drinks", Failed to Make Copy of Voluntary Agreement Accessible,	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00215(a); Justin's Café, LLC, t/a Justin's Café 1025 1st Street SE, License #83690, Retailer CR, ANC 6D Violation of Voluntary Agreement, No ABC Manager on Duty	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00265; DC Two Lessee, LLC, t/a Hotel Madera 1310 New Hampshire Ave NW, License #79237, Retailer CH, ANC 2B No ABC Manager on Duty	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00473; Dennis S. Hodge, t/a Family Liquors, 710 H Street NE License #21877, Retailer A, ANC 6A Sold Go-Cups	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00394; Albo Corp, t/a Eleven Market, 1936 11th Street NW License #60236, Retailer B, ANC 1B Violation of Voluntary Agreement, Failed to Make a Copy of Voluntary Agreement Immediately Accessible	
Show Cause Hearing (Status)	9:30 AM
Case # 12-AUD-00044; Glover Park F & B, LLC, t/a Breadsoda 2233 Wisconsin Ave NW, License #78085, Retailer CR, ANC 3B Failed to File Quarterly Statements (2nd Quarter 2012)	

Board's Calendar

Page -2- February 6, 2013

Show Cause Hearing (Status) 9:30 AM

Case # 12-CMP-00250; Burger 1300 Connecticut Avenue, LLC, t/a Black and Orange (formerly-Rogue States), 1300 Connecticut Ave NW, License #83378 Retailer CR , ANC 2B

No ABC Manager on Duty

Show Cause Hearing 10:00 AM

Case # 11-251-00204, 11-251-00204(a) and 11-251-00216
Inner Circle 1420, LLC, t/a Lotus, 1420 K Street NW, License #75162
Retailer CN, ANC 2F

Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Failed to Follow Security Plan

Show Cause Hearing 10:00 AM

Case # 11-251-00372; De Amigo, LLC, t/a Sesto, enso/Andulo/Spot/Lupe/MIA 1214 18th Street NW, License #81092, Retailer CT, ANC 2B

Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Failed to Follow Security Plan

Show Cause Hearing 10:00 AM

Case # 12-CMP-00051; Green Island Café/Heaven & Hell, Inc., t/a Green Island Café Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT ANC 1C

Violation of Voluntary Agreement

Show Cause Hearing 11:00 AM

Case # 11-251-00353; Mad Hatter CT Avenue, LLC, t/a Mad Hatter 1321 Connecticut Ave NW, License #82646, Retailer CT, ANC 2B

Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose

**BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM**

Protest Hearing 1:30 PM

Case # 12-PRO-00051; Sun Ok Kim t/a Strand Liquors, 605 Division Ave NE License #9272, Retailer A, ANC 7C

Renewal Application

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 1, 2013
Petition Date: March 18, 2013
Hearing Date: April 1, 2013
License No.: ABRA-089718
Licensee: Hanks on the Hill, LLC
Trade Name: Hanks Oyster Bar
License Class: Retailer's Class "C" Restaurant
Address: 633 Pennsylvania Avenue SE
Phone: Andrew Kline 202-686-7600

WARD 6 ANC 6B SMD 6B04

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, NW, Washington, DC, 20009. A petition or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO THE HOURS OF PREMISES AND SIDEWALK CAFÉ:

Change of Hours to extend the Hours of Operations to the interior and the Sidewalk Cafe.

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION INTERIOR AND THE SIDEWALK CAFE:

Sunday through Saturday 11:30 am – 12 am

PROPOSED HOURS OF OPERATIONS/AND HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION INTERIOR AND SIDEWALK:

Sunday through Thursday 11:00 am to 2: 00 am Friday & Saturday 11:00 am to 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 1, 2013
Petition Date: March 18, 2013
Hearing Date: April 1, 2013

License No.: ABRA-086298
Licensee: Tas, LLC
Trade Name: Libertine
License Class: Retailer's Class "C" Restaurant
Address: 2435 18th Street, NW
Contact: Thomas Knott, Owner 202-450-3106

WARD 1 ANC 1C SMD 1C07

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

Change of Hours for Premise and Sidewalk Cafe

CURRENT HOURS OF OPERATION AND ALCOHOL SALES/SERVICE/CONSUMPTION FOR PREMISE

Sunday 10:00 am - 2:00 am, Monday through Thursday 5:00pm - 1:30am Friday 5:00pm - 3:00am and Saturday 10:00am - 3:00am.

CURRENT SIDEWALK CAFE HOURS OF OPERATION AND ALCOHOL SALES/SERVICE/CONSUMPTION

Sunday 12:00 pm -10:00 pm, Monday through Thursday 5:00pm - 1:30am Friday and Saturday 5:00pm - 2:00am.

PROPOSED PREMISE AND SIDEWALK CAFE HOURS OF OPERATION AND ALCOHOL SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8:00am - 2:00am, Friday and Saturday 8:00am - 3:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 1, 2013
Petition Date: March 18, 2013
Roll Call Hearing Date: April 1, 2013
Protest Hearing Date: May 22, 2013

License No.: ABRA-091361
Licensee: Rosery Entertainment, LLC
Trade Name: Mama Put
License Class: Retailer's Class "C" Tavern
Address: 3214 Georgia Avenue NW
Contact: Henry Akinuoye 202-596-9949

WARD 1 ANC 1A SMD 1A09

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 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. The Protest Hearing Date is scheduled for 1:30pm on May 22, 2013.

NATURE OF OPERATION

A new full scale restaurant serving Asian & African inspired food, with an atmosphere for lounging and listening to DJ music or Live Bands. Entertainment with a cover charge. Total number of seats is 99. Summer Garden seating is 18.

HOURS OF OPERATION/SALES/SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES FOR PREMISE AND SUMMER GARDEN

Sunday through Thursday 11 am to 2 am, Friday & Saturday 11 am to 3 am

HOURS OF LIVE ENTERTAINMENT FOR THE PREMISE AND THE SUMMER GARDEN

Sunday through Thursday 4 pm to 2 am, Friday & Saturday 12 pm to 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 1, 2013
Petition Date: March 18, 2013
Hearing Date: April 1, 2013

License No.: ABRA-075297
Licensee: Tonic at Quigley’s, LLC
Trade Name: Tonic
License Class: Retailer’s Class “C” Restaurant
Address: 2036 G Street, NW
Contact: Erin Sharkey, Agent 202-986-7661

WARD 2

ANC 2A

SMD 2A08

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

Summer Garden w/72 Seats

PROPOSED SUMMER GARDEN HOURS OF OPERATION

Sunday 10:00 am – 12:00 am, Monday through Thursday 7:00am – 12:00am, Friday and Saturday 7:00am–1:00am.

PROPOSED SUMMER GARDEN HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday 10:00 am – 12:00 am, Monday through Thursday 8:00am – 12:00am, Friday and Saturday 8:00am–1:00am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

Wednesday, February 28, 2013

1:30 p.m. – 3:30 p.m.

2000 14th Street NW
Board Hearing Room, 4th Floor South
Washington, D.C. 20009

The Alcoholic Beverage Control Board (Board) will conduct a public hearing at the above-stated date and time to receive comment on a proposed rulemaking that would add a definition to section 199 of Title 23 of the District of Columbia Municipal Regulations to define what constitutes a full service grocery store, in order to effectuate the purpose of the full-service grocery store exception to the existing moratorium on the issuance of new off-premises Class B retailer's licenses.

Individuals and representatives of organizations who wish to testify should contact Martha Jenkins at 202/442-4456 or by e-mail at martha.jenkins@dc.gov by February 22, 2013. E-mail contacts should include the full name, title, and affiliation, if applicable, of the person(s) testifying. Testimony may be limited to five (5) minutes in order to permit each person an opportunity to be heard. Witnesses should bring seven (7) copies of their written testimony to the hearing.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements must be submitted to the Office of the General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street NW, Suite 400 South, Washington, D.C. 20009, no later than 4:00 p.m., Friday, March 1, 2013.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

Wednesday, February 28, 2013

3:30 p.m. – 4:30 p.m.

2000 14th Street NW
Board Hearing Room, 4th Floor South
Washington, D.C. 20009

The Alcoholic Beverage Control Board (Board) will conduct a public hearing at the above-stated date and time to receive comment on a emergency and proposed rules that make clear that the sale of beer in growlers by brew pub permit holders, and the sale of wine by wine pub permit holders, for off-premises consumption is limited to the hours between 7:00 A.M. and midnight seven days a week.

Individuals and representatives of organizations who wish to testify should contact Martha Jenkins at 202/442-4456 or by e-mail at martha.jenkins@dc.gov by February 22, 2013. E-mail contacts should include the full name, title, and affiliation, if applicable, of the person(s) testifying. Testimony may be limited to five (5) minutes in order to permit each person an opportunity to be heard. Witnesses should bring seven (7) copies of their written testimony to the hearing.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements must be submitted to the Office of the General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street NW, Suite 400 South, Washington, D.C. 20009, no later than 4:00 p.m., Friday, March 1, 2013.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

Wednesday, February 28, 2013

11:00 a.m. – 12:00 noon

2000 14th Street NW
Board Hearing Room, 4th Floor South
Washington, D.C. 20009

The Alcoholic Beverage Control Board (Board) will conduct a public hearing at the above-stated date and time to receive comment on a proposed rulemaking that creates new section 720 of Title 23 of the District of Columbia Municipal Regulations to set forth the requirements of what information is required in a Safety Plan for on-premise licensed establishments.

Individuals and representatives of organizations who wish to testify should contact Martha Jenkins at 202/442-4456 or by e-mail at martha.jenkins@dc.gov by February 22, 2013. E-mail contacts should include the full name, title, and affiliation, if applicable, of the person(s) testifying. Testimony may be limited to five (5) minutes in order to permit each person an opportunity to be heard. Witnesses should bring seven (7) copies of their written testimony to the hearing.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements must be submitted to the Office of the General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street NW, Suite 400 South, Washington, D.C. 20009, no later than 4:00 p.m., Friday, March 1, 2013.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

Wednesday, February 28, 2013

4:30 p.m. – 5:30 p.m.

2000 14th Street NW
Board Hearing Room, 4th Floor South
Washington, D.C. 20009

The Alcoholic Beverage Control Board (Board) will conduct a public hearing at the above-stated date and time to receive comment on proposed rules that would make such technical amendments to title 23 to conform to the changes contained in the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, D.C. Act 19-597.

Individuals and representatives of organizations who wish to testify should contact Martha Jenkins at 202/442-4456 or by e-mail at martha.jenkins@dc.gov by February 22, 2013. E-mail contacts should include the full name, title, and affiliation, if applicable, of the person(s) testifying. Testimony may be limited to five (5) minutes in order to permit each person an opportunity to be heard. Witnesses should bring seven (7) copies of their written testimony to the hearing.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements must be submitted to the Office of the General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street NW, Suite 400 South, Washington, D.C. 20009, no later than 4:00 p.m., Friday, March 1, 2013.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, APRIL 9, 2013
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD THREE

18532 **Application of Michelle B. Hassine**, pursuant to 11 DCMR §§ 3104.1
ANC-3C and 3103.2, for a special exception and variance to allow an accessory
apartment under section 202.10, in the R-2 District at premises 2919 39th
Street, N.W. (Square 1814, Lot 76).

WARD FOUR

18529 **Application of Maria B. Medrano**, pursuant to 11 DCMR § 3104.1, for a
ANC-4D special exception for a child development center (12 children and 2 staff)
under section 205, in the R-3 District at premises 4910 Kansas Avenue,
N.W. (Square 3213, Lot 98).

WARD SIX

18531 **Application of The Heritage Foundation**, pursuant to 11 DCMR §§
ANC-6C 3104.1, 3103.2 and 1202.1, for a variance from the floor area ratio
requirements under section 771, a variance from the roof structure height
provisions under subsection 1203.2(b), a variance from the nonconforming
structure provisions under subsection 2001.3, a variance from the vehicle
location and lot line requirements for a parking garage under subsection
2303.1(b), and a special exception for accessory parking under section
214, to allow a commercial and residential project with below-grade
parking in the CAP/CHC/C-2-A and CAP/R-4 Districts at premises 208,
214 and 236 Massachusetts Avenue, N.E., and 426-430 3rd Street, N.E.
(Square 755, Lots 3, 26, 36, 836, 838 and 849).

WARD ONE

BZA PUBLIC HEARING NOTICE

APRIL 9, 2013

PAGE NO. 2

18533 **Application of Perseus 1827 Adams Mill Investments LLC**, pursuant to
ANC-1C 11 DCMR §§ 3104.1 and 3103.2, for a variance from the number of
required parking spaces under subsection 2101.1, a variance from the of
parking space location requirements under subsection 2116.4(a), and a
special exception from the roof structure requirements under subsection
411.11, to allow the construction of a mixed-use retail, service and
residential building in the C-2-A District at premises 1827 Adams Mill
Road, N.W. (Square 2580, Lot 853).

WARD TWO**THIS APPEAL WAS POSTPONED FROM THE FEBRUARY 12, 2013, PUBLIC HEARING SESSION:**

18497 **Appeal of 2115 N Street Condominium Association**, pursuant to 11
ANC-2B DCMR §§ 3100 and 3101, from a decision by the Department of
Consumer and Regulatory Affairs to issue Building Permit No. B1211248,
dated September 7, 2012, approving the construction of a new rooftop
deck with railing, access hatch and access stairs for an apartment building
in the DC/R-5-B District at premises 2117 N Street, N.W. (Square 69, Lot
2108).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE

APRIL 9, 2013

PAGE NO. 3

441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

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

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

TIME AND PLACE: **Thursday, April 18, 2013, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 12-18 (USL WDC H Street LLC & H Street Self Storage, LLC - Consolidated PUD & Related Map Amendment @ Square 858)

THIS CASE IS OF INTEREST TO ANC 6C

On September 11, 2012, the Office of Zoning received an application from USL WDC H Street, LLC and H Street Self Storage, LLC (collectively, the "Applicant"). The Applicant is requesting approval of a Consolidated PUD and a related zoning map amendment for portions of the property. The Office of Planning provided its report on November 9, 2012, and the case was set down for hearing on November 19, 2012. The Applicant provided its prehearing statement on December 28, 2012.

The property that is the subject of this application is located in Square 858, bounded by 6th Street, N.E., to the west, I Street, N.E., to the north, 7th Street, N.E., to the east, and H Street, N.E., to the south, and consists of Lots 860, 861, 862, 864 and portions of a public alley system to be closed in Square 858 (the "Site"). The Site contains approximately 101,110 square feet of land area. The Site is currently split zoned C-2-B and R-4 with the C-2-B portion being located within the H Street Overlay District. The Applicant is requesting a rezoning of portions of the Site, including a request to rezone the northern R-4 portion of the Site fronting I Street to R-5-B and two smaller areas of R-4 zoned land fronting on 6th and 7th Streets to HS/C-2-B.

The Applicant proposes the construction of a mixed-use development having a combined gross floor area of approximately 490,000 square feet, with approximately 416,000 square feet being devoted to residential use (approximately 450 units) and approximately 74,000 square feet devoted to retail use (the "Project"). The maximum height of the building will be 90 feet, with steps down in height on I Street and 7th Street. The Project will include approximately 442 parking spaces, with access to the parking garage being both from 6th Street and from the alley access off 7th Street. Loading for the Project will be taken from the alley to be dedicated as part of the alley closing process off 6th Street as well as from the existing alley off 7th Street. The Project will be developed in one or two phases.

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

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 12-18
PAGE 2

How to participate as a witness.

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

How to participate as a party.

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

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

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

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

Time limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

**Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 12-18
PAGE 3**

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

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

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF FINAL RULEMAKING

The Chief Procurement Officer of the District of Columbia (CPO), pursuant to the authority set forth in sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06) (2011 Repl.) (Act), hereby gives notice of the intent to adopt final rulemaking to replace Chapter 16 (Procurement by Competitive Sealed Proposals), of Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR).

The rulemaking updates Chapter 16 and implements the provisions in the Act that apply to procurements under the competitive sealed proposal process.

The CPO gave notice of his intent to adopt these rules on November 15, 2012, and the proposed rules were published in the *D.C. Register* on December 7, 2012, at 59 DCR 14039. No changes have been made to the text of the rules as published. The CPO took final action to adopt these rules on January 22, 2013.

The rulemaking will become effective upon publication in the *D.C. Register*.

Chapter 16, PROCUREMENT BY COMPETITIVE SEALED PROPOSALS, of Title 27, CONTRACTS AND PROCUREMENTS, of the DCMR is amended as follows:

Section 1600, USE OF COMPETITIVE SEALED PROPOSALS, is amended to read as follows:

1600 USE OF COMPETITIVE SEALED PROPOSALS

1600.1 If the contracting officer determines competitive sealed bidding is not practicable or advantageous to the District, a procurement may be conducted using the competitive sealed proposal (CSP) method.

1600.2 Proposals shall be solicited from the maximum number of qualified sources, and in a manner consistent with the nature of, and the need for, the goods or services being acquired.

Section 1601, NEGOTIATION AFTER CANCELLATION OF INVITATION FOR BIDS, is repealed and replaced with:

1601 SOLICITATIONS FOR INFORMATION AND PLANNING PURPOSES

1601.1 When information necessary for planning purposes cannot be obtained from potential sources by more economical and less formal means, the contracting officer may use a solicitation for information or planning.

- 1601.2 A request for information (RFI) shall include the following:
 - (a) A description of the information to be furnished in the response;
 - (b) An indication of whether the notice will be followed by a conference and a formal solicitation; and
 - (c) A request that parties interested in the contemplated procurement respond by a specified date.
- 1601.3 The contracting officer shall safeguard all information received in response to an RFI from unauthorized disclosure.

Section 1602, SOLICITATION OF PROPOSALS, is repealed and replaced with:

1602 PRESOLICITATION NOTICES AND CONFERENCES

- 1602.1 The contracting officer may use presolicitation notices and conferences as preliminary steps in procurements by CSP in order to accomplish any of the following:
 - (a) Develop or identify interested sources;
 - (b) Request preliminary information based on a general description of the goods or services involved;
 - (c) Obtain comments on a draft request for proposals (RFP);
 - (d) Explain complicated specifications and requirements to interested sources; or
 - (e) Aid prospective offerors in later submitting proposals without undue expenditure of effort, time, and money.
- 1602.2 If presolicitation notices are used, the contracting officer shall publicize the notice on the OCP Internet and, if the Director deems appropriate, in newspapers of general circulation and trade publications.
- 1602.3 At a minimum, the notice shall contain sufficient information to permit a potential offeror to make an informed decision about whether to participate in the acquisition.
- 1602.4 In complex procurements, the presolicitation notice may request information pertaining to management, engineering, or production capabilities.

Section 1603, SOLICITATIONS FOR INFORMATION AND PLANNING PURPOSES, is repealed and replaced with:

1603 [RESERVED]

Section 1604, PRESOLICITATION NOTICES AND CONFERENCES, is repealed and replaced with:

1604 SOLICITATION OF PROPOSALS

1604.1 A request for proposals (RFP) shall be the solicitation used to communicate the District's requirements to prospective contractors when the CSP method is used.

1604.2 The contracting officer shall issue solicitations which contain all information necessary to enable prospective contractors to prepare proposals properly.

1604.3 The contracting officer shall furnish identical information concerning a proposed procurement to all prospective contractors.

1604.4 District personnel shall not provide advance knowledge or information about a future solicitation to any prospective contractor.

1604.5 Except for solicitations for information or planning purposes, the contracting officer shall not solicit proposals unless there is a definite intention to award a contract.

1604.6 Each RFP shall be publicized in accordance with the provisions of chapter 13 of this title.

1604.7 An RFP shall not be used as a solicitation for information or planning purposes.

Section 1605, PRE-PROPOSAL CONFERENCES, is repealed and replaced with:

1605 REQUESTS FOR PROPOSALS IN THE SET-ASIDE MARKET

1605.1 Before the contracting officer restricts a CSP procurement to the small business set-aside market, the contracting officer shall determine that:

(a) There is a reasonable expectation that proposals will be obtained from at least two (2) responsible small business enterprises certified by the Department of Small and Local Business Development (DSLBD); and

(b) An award will be made at reasonable prices.

1606 [RESERVED]

Section 1607, AMENDMENT OF SOLICITATIONS BEFORE CLOSING DATE, is repealed and replaced with:

1607 [RESERVED]

Section 1608, RECEIPT OF PROPOSALS, is repealed and replaced with:

1608 UNSOLICITED PROPOSALS

1608.1 Unsolicited proposals may be considered by agencies in order to obtain innovative or unique methods or approaches to accomplishing their missions from sources outside the District.

1608.2 A valid unsolicited proposal shall meet all of the following criteria:

- (a) Be innovative or unique;
- (b) Be independently originated and developed by the offeror;
- (c) Be prepared without District supervision;
- (d) Include sufficient detail to permit a determination that District support would be worthwhile; and
- (e) Show that the proposed work could benefit the mission of the agency.

1608.3 Unsolicited proposals shall contain the following information to permit consideration in an objective and timely manner:

- (a) Offeror's name, address, and type of organization, such as profit, non-profit, educational or certified business enterprise;
- (b) Names of and contact information for technical and business personnel to be contacted for evaluation or negotiation purposes;
- (c) Identification of proprietary data to be used only for evaluation purposes;
- (d) Signature of a person authorized to represent and contractually obligate the offeror;
- (e) Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation;
- (f) The period of time for which the proposal is valid;
- (g) The type of contract preferred; and

- (h) The proposed duration of effort.

Section 1609, LATE PROPOSALS, LATE MODIFICATIONS, AND LATE WITHDRAWALS, is repealed and replaced with:

1609 EVALUATION OF UNSOLICITED PROPOSALS

- 1609.1 The agency shall consider the following factors when evaluating a valid unsolicited proposal:
 - (a) Unique or innovative methods, approaches, or concepts demonstrated by the proposal;
 - (b) Overall scientific, technical, or socio-economic merits of the proposal;
 - (c) Potential contribution of the effort to the agency's specific mission;
 - (d) The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives; and
 - (e) Qualifications, capabilities, and experience of the proposed team leader or key personnel who are critical to achieving the proposal objective.

- 1609.2 An agency shall return an unsolicited proposal to an offeror, citing reasons, when its substance meets any of the following criteria:
 - (a) It is available to the District without restriction from another source;
 - (b) It closely resembles a pending competitive requirement; or
 - (c) It does not demonstrate an innovative or unique method, approach, or concept.

- 1609.3 A favorable evaluation of an unsolicited proposal shall not, by itself, justify awarding a contract without full and open competition.

- 1609.4 The contracting officer may commence negotiations only when all of the following conditions are met:
 - (a) The unsolicited proposal has received a favorable comprehensive evaluation;
 - (b) The unsolicited proposal is not disqualified under the provisions of § 1609.2;

- (c) The agency supports its recommendations with facts and circumstances that preclude competition, and has the necessary funds;
- (d) The agency has obtained written approval from the Director; and
- (e) The contracting officer has publicized the requirement in accordance with chapter 13 of this title.

Section 1610, DISCLOSURE AND USE OF INFORMATION BEFORE AWARD, is repealed and replaced with:

1610 PRICES FOR SERVICES PROVIDED UNDER THE DISTRICT’S TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM

1610.1 Notwithstanding the requirements of § 1612.1, for services provided under the District’s Temporary Assistance to Needy Families (TANF) Program, implementing the Self-sufficiency Promotion Amendment Act of 1998 (D.C. Law 12-241), the Director sets the following prices to be paid to contractors selected through the solicitation, and no price evaluation factor will be required for procurement of these services:

(a) **Work Readiness and Placement Services**

- (1) **Base compensation** - The District shall make the monthly base payments set out in the table below depending on the contractor’s number of not-employed Point-In-Time (PIT) caseload:

Not-employed PIT	Monthly Base Compensation
150	\$34,000
300	\$54,000
450	\$75,000
600	\$82,000
750	\$103,000
900	\$110,000

- (2) **Outcome-based compensation** - The District shall pay the outcome-based compensation set out in the following table based on the contractor’s achievement of specific outcomes:

Outcomes	Performance Standard	Incentive
<i>Payment Point 1: Education or training program completion payment</i>	A not-employed customer completes the education or training program(s) specified in the customer’s Individual Responsibility Plan (IRP). Upon verification of the successful completion of the education or training program(s), the contractor determines that the customer is employable and is eligible to receive Job Placement Services.	\$400 per customer who meets the performance standard for Payment Point 1. The District shall pay the contractor a maximum of one education or training program completion payment per customer who meets the performance standard per 12-month calendar period.
<i>Payment Point 2: Participation payment</i>	A not-employed customer meets his or her full monthly participation requirements, through a combination of approved core and non-core TANF activities.	\$200 per month per customer who meets the performance standard for Payment Point 2.
<i>Payment Point 3: Work placement payment</i>	The contractor places a customer in unsubsidized employment. Payment shall be made to the contractor when the customer successfully completes two weeks of work and has fully met his or her work participation requirements for those two weeks. Participation weeks do not have to be consecutive.	\$400 per customer who obtains unsubsidized work either within four months of the education and work slot completion date or while still engaged in an education or work slot. \$200 per customer who obtains unsubsidized work more than four months after the education and work slot completion date. The District shall pay the contractor a maximum of two work placement payments per customer per 12-month calendar period; however, should the contractor be eligible for two work placement payments of \$400 each in a 12-month calendar period, the contractor shall be limited to only one \$400 payment, with the second one being a \$200 payment.

Outcomes	Performance Standard	Incentive
<i>Payment Point 4: Higher wage payment</i>	<p>The contractor places a customer in unsubsidized employment, where the customer’s wages exceed an amount equal to \$2.50 per hour less than the District’s Living Wage rate.</p> <p>Payment shall be made to the contractor when the customer successfully completes two weeks of work and has fully met his or her work participation requirements for those two weeks.</p> <p>Participation weeks do not have to be consecutive.</p>	<p>\$300 per customer who meets the performance standard for Payment Point 4.</p> <p>The District shall pay the contractor a maximum of two higher wage payments per customer per 12-month calendar period.</p>
<i>Payment Point 5: Employment retention payment</i>	<p>A customer who is placed in unsubsidized employment by the contractor meets his or her full monthly participation requirements through a combination of core and non-core TANF activities.</p>	<p>\$400 per month per customer who meets performance standard for Payment Point 5.</p> <p>The District shall pay the contractor a maximum of six employment retention payments (six months of full participation) per customer per 12-month calendar period. Participation months do not have to be consecutive.</p>

- (3) **Reimbursable costs** - The District shall reimburse the contractor the following amounts for allowable incentives, stipends and discrete work-related expenses for which the contractor can provide documentation:
 - (i) **Education or training program(s) completion incentives: Three hundred dollars (\$300)** per customer who completes the education or training program(s) specified in the customer’s IRP, is subsequently determined employable by the contractor, and becomes eligible to receive Job Placement Services; limited to **one** (1) such incentive per customer per twelve (12)-month calendar period.
 - (ii) **Employment retention incentives:** A total incentive payment **not to exceed one thousand two hundred fifty**

dollars (\$1,250) per customer per twelve (12)-month calendar period; for a customer who enters unsubsidized employment, and retains the unsubsidized job for **six (6)** months. The employment retention incentives shall be calculated as follows:

- a. Two (2)-week employment retention incentive:
One hundred fifty dollars (\$150) when the customer enters an unsubsidized job and works for at least two (2) weeks and has met his or her full work participation requirements over these two (2) weeks. Participation weeks do not have to be consecutive.
- b. One (1)-month employment retention incentive:
One hundred twenty dollars (\$120) when the customer retains the unsubsidized job and has met his or her full work participation requirements for one (1) month.
- c. Two (2)-month employment retention incentive:
One hundred twenty dollars (\$120) when the customer retains the unsubsidized job and has met his or her full work participation requirements for two (2) months. Participation months do not have to be consecutive.
- d. Three (3)-month employment retention incentive:
One hundred twenty dollars (\$120) when the customer retains the unsubsidized job and has met his or her full work participation requirements for three (3) months. Participation months do not have to be consecutive.
- e. Four (4)-month employment retention incentive:
One hundred twenty dollars (\$120) when the customer retains the unsubsidized job and has met his or her full work participation requirements for four (4) months. Participation months do not have to be consecutive.
- f. Five (5)-month employment retention incentive:
One hundred twenty dollars (\$120) when the customer retains the unsubsidized job and has met his or her full work participation requirements for five (5) months. Participation months do not have

to be consecutive.

g. Six (6)-month employment retention incentive: **Five hundred dollars (\$500)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for six (6) months. Participation months do not have to be consecutive.

(iii) **Stipends: Fifteen dollars (\$15)** per day per customer who participates in approved core and non-core TANF activities for at least four (4) hours per day. Stipends shall not be reimbursed for a customer once he or she enters unsubsidized employment and has received his or her first paycheck.

(iv) **Discrete work-related expenses:** No more than **two hundred fifty dollars (\$250)** per customer per twelve (12)-month calendar period for actual allowable costs to enable the customer to defray significant, discrete customer work-related expenses such as obtaining a medical test not covered by Medicaid or purchasing uniforms for customers who have a firm job offer. The total discrete work-related expense shall not exceed two hundred fifty dollars (\$250) per customer per twelve (12)-month calendar period, unless pre-approved in writing by DHS.

(b) **Job Placement Services**

(1) **Base compensation** - The District shall make the monthly base payments set out in the table below depending on the contractor’s not-employed PIT:

Not-employed PIT	Monthly Base Compensation
150	\$18,000
300	\$19,000
450	\$19,000
600	\$12,000
750	\$12,000
900	\$6,000

(2) **Outcome-based compensation** - The District shall pay the outcome-based compensation set out in following table based on the contractor’s achievement of specific outcomes:

Outcomes	Performance Standard	Incentive
<i>Payment Point 1: Education or training program completion payment</i>	This payment point is not applicable to the Job Placement Services solicitation.	This payment point is not applicable to the Job Placement Services solicitation.
<i>Payment Point 2: Participation payment</i>	A not-employed customer meets his or her full monthly participation requirements, through a combination of approved core and non-core TANF activities.	\$150 per month per customer who meets the performance standard for payment point 2.
<i>Payment Point 3: Work placement payment</i>	<p>The contractor places a customer in unsubsidized employment.</p> <p>Payment shall be made to the contractor when the customer successfully completes two weeks of work and has fully met his or her work participation requirements for those two weeks.</p> <p>Participation weeks do not have to be consecutive.</p>	<p>\$400 per customer who obtains unsubsidized work within three months of the date DHS referred the customer to the contractor.</p> <p>\$200 per customer who obtains unsubsidized work more than three months after the date DHS referred the customer to the contractor.</p> <p>The District shall pay the contractor a maximum of two work placement payments per customer per 12-month calendar period; however, should the contractor be eligible for two work placement payments of \$400 each in a 12-month calendar period, the contractor shall be limited to only one \$400 payment, with the second one being a \$200 payment.</p>

Outcomes	Performance Standard	Incentive
<i>Payment Point 4: Higher wage payment</i>	<p>The contractor places a customer in unsubsidized employment, where the customer’s wages exceed an amount equal to the District’s Living Wage rate.</p> <p>Payment shall be made to the contractor when the customer successfully completes two weeks of work and has fully met his or her work participation requirements for those two weeks.</p> <p>Participation weeks do not have to be consecutive.</p>	<p>\$300 per customer who meets the performance standard for Payment Point 4.</p> <p>The District shall pay the Contractor a maximum of two higher wage payments per customer per 12-month calendar period.</p>
<i>Payment Point 5: Employment retention payment</i>	<p>A customer who is placed in unsubsidized employment by the contractor meets his or her full monthly participation requirements through a combination of core and non-core TANF activities.</p>	<p>\$300 per month per customer who meets the performance standard for Payment Point 5.</p> <p>The District shall pay the Contractor a maximum of six employment retention payments (six months of full participation) per customer per 12-month calendar period. Participation months do not have to be consecutive.</p>

(3) **Reimbursable costs** - The District shall reimburse the contractor the following amounts for allowable incentives, stipends and discrete work-related expenses for which the contractor can provide documentation:

(i) **Employment retention incentives:** A total incentive payment **not to exceed one thousand two hundred fifty dollars (\$1,250)** per customer per twelve (12)-month calendar period; for each customer who enters unsubsidized employment, and retains the unsubsidized job for six (6) months. The employment retention incentives shall be calculated as follows:

a. Two (2)-week employment retention incentive:

- one hundred fifty dollars (\$150)** when the customer enters an unsubsidized job and works for at least two (2) weeks and has met his or her full work participation requirements over these two (2) weeks. Participation weeks do not have to be consecutive.
- b. One (1)-month employment retention incentive: **one hundred twenty dollars (\$120)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for one (1) month.
- c. Two (2)-month employment retention incentive: **one hundred twenty dollars (\$120)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for two (2) months. Participation months do not have to be consecutive.
- d. Three (3)-month employment retention incentive: **one hundred twenty dollars (\$120)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for three (3) months. Participation months do not have to be consecutive.
- e. Four (4)-month employment retention incentive: **one hundred twenty dollars (\$120)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for four (4) months. Participation months do not have to be consecutive.
- f. Five (5)-month employment retention incentive: **one hundred twenty dollars (\$120)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for five (5) months. Participation months do not have to be consecutive.
- g. Six (6)-month employment retention incentive: **five hundred dollars (\$500)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for six (6) months. Participation months do not have to

be consecutive.

- (ii) **Stipends: Fifteen dollars (\$15)** per day per customer who participates in approved core and non-core TANF activities for at least four (4) hours per day. Stipends shall not be reimbursed for customers once he or she enters unsubsidized employment and has received his or her first paycheck.
- (iii) **Discrete work-related expenses:** No more than **two hundred fifty dollars (\$250)** per customer per twelve (12)-month calendar period for actual allowable costs to enable the customer to defray significant, discrete customer work-related expenses such as obtaining a medical test not covered by Medicaid or purchasing uniforms for customers who have a firm job offer. The total discrete work-related expense shall not exceed two hundred fifty dollars (\$250) per customer per twelve (12)-month calendar period, unless pre-approved in writing by DHS.

Section 1611, SOLICITATIONS FOR THE DEVELOPMENT, CONSTRUCTION AND MANAGEMENT OF THE ANACOSTIA GATEWAY GOVERNMENT CENTER, is repealed and replaced with:

1611 [RESERVED]

Section 1612, UNSOLICITED PROPOSALS, is repealed and replaced with:

1612 SOURCE SELECTION

1612.1 Selection of a contractor through the use of CSPs shall be based on the following:

- (a) Cost or price competition among proposals that meet the District's minimum requirements stated in the solicitation; or
- (b) Competition involving an evaluation and comparison of cost or price and other factors.

1612.2 The contracting officer shall be responsible for source selection.

1612.3 The contracting officer shall be responsible for contractual actions related to the CSP process, including, but not limited to, the following:

- (a) Issuing solicitations in accordance with the provisions of this chapter;

- (b) Conducting or controlling all negotiations concerning cost or price, technical requirements, and other terms and conditions; and
- (c) Selecting the contractor for contract award.

Section 1613, EVALUATION OF UNSOLICITED PROPOSALS, is repealed and replaced with:

1613 EVALUATION FACTORS OF PROPOSALS

- 1613.1 The evaluation factors that will be considered in evaluating proposals shall be tailored to each procurement and shall include only those factors that will have an impact on the source selection decision.
- 1613.2 The contracting officer shall include in the solicitation the evaluation factors, including price or cost, and any significant subfactors. The solicitation shall include the minimum requirements that apply to particular evaluation factors or significant subfactors.
- 1613.3 The contracting officer shall include in the solicitation the numerical weights that will be used in the evaluation of the proposals.
- 1613.4 Evaluation factors shall be stated in descending order of importance.
- 1613.5 While the lowest price or lowest total cost to the District may be an important or even a deciding factor in most source selections, the District may select the source whose proposal is more advantageous to the District in terms of technical merit and other factors.

Section 1614, SOURCE SELECTION, is repealed and replaced with:

1614 [RESERVED]

Section 1615, CHANGES IN DISTRICT REQUIREMENTS, is repealed and replaced with:

1615 REQUEST FOR QUALIFICATIONS BEFORE ISSUING A REQUEST FOR PROPOSALS

- 1615.1 The contracting officer may issue a request for qualifications (RFQ) before an RFP when the contracting officer determines that the RFQ process will be the most advantageous to the District. This selection process will determine which prospective contractors are qualified to receive RFPs and submit responses to the RFPs, based on financial and professional responsibility criteria established by the contracting officer for pre-qualification of a prospective contractor.

- 1615.2 The District shall issue an RFQ to firms to determine whether they have the expertise, ability, and entrepreneurship to:
- (a) Assemble the labor and capital necessary for the completion of the procurement;
 - (b) Manage all components of the procurement; and
 - (c) Complete the procurement in a timely manner while serving the District's stated policy objectives.
- 1615.3 The contracting officer shall give public notice of the RFQ in accordance with chapter 13 of this title.
- 1615.4 The RFQ shall invite interested prospective contractors to respond in writing with a statement of their qualifications to perform the required services, including financial and professional responsibility information. The RFQ shall provide, at a minimum:
- (a) A detailed description of the statement of work;
 - (b) The District's intent of the project;
 - (c) The selection process, schedule, and criteria to be used by the District in determining which prospective contractors are qualified;
 - (d) Submission requirements and evaluation criteria that will be used to determine whether each prospective contractor is qualified;
 - (e) The deadline for submission of information; and
 - (f) A statement of the number of the highest ranked offerors determined to be most qualified that will be selected to submit proposals in the subsequent RFP.
- 1615.5 The contracting officer may conduct oral or written discussions with prospective contractors who submitted responses to the RFQ. If the contracting officer conducts discussions, he or she shall conduct discussions with all prospective contractors who submitted responses to the RFQ.
- 1615.6 The contracting officer may provide the information submitted by all prospective contractors in response to the RFQ to an evaluation panel who may recommend to the contracting officer, based upon the panel's analysis of the information according to the criteria set forth in the RFQ, whether or not a prospective contractor should be among the highest ranked offerors to proceed to the second step.

1615.7 The contracting officer shall determine the financial and professional responsibility of each prospective contractor and rank them in writing from the most qualified to the least qualified on the basis of the information provided.

1615.8 The contracting officer shall then issue an RFP in accordance with the provisions of section 1612 to at least three (3) of the highest-ranked offerors who have been determined most qualified. The RFP shall not be advertised in newspapers or publicly posted.

1615.9 If there are fewer than three (3) offerors, the contracting officer may issue the RFP to the highest-ranked offeror(s).

1615.10 The contracting officer’s decision regarding how many proposals to solicit shall not be subject to review.

Section 1616, DISCLOSURE OF MISTAKES BEFORE AWARD, is repealed and replaced with:

1616 [RESERVED]

Section 1617, EVALUATION FACTORS OF PROPOSALS, is repealed and replaced with:

1617 [RESERVED]

Section 1618, PROPOSAL EVALUATION, is repealed and replaced with:

1618 [RESERVED]

Section 1619, DISCUSSIONS WITH OFFERORS, is repealed and replaced with:

1619 [RESERVED]

Section 1620, DETERMINATION OF COMPETITIVE RANGE, is repealed and replaced with:

1620 [RESERVED]

Section 1621, CONDUCT OF DISCUSSIONS WITH OFFERORS, is repealed and replaced with:

1621 PRE-PROPOSAL CONFERENCES

1621.1 The contracting officer may conduct a pre-proposal conference to brief prospective offerors after a solicitation has been issued but before offers are submitted.

- 1621.2 The contracting officer or designated representative shall:
- (a) Conduct the pre-proposal conference;
 - (b) Furnish all prospective offerors identical information concerning the proposed procurement;
 - (c) Make a complete record of the conference; and
 - (d) Promptly publish a copy of that record to all prospective offerors.
- 1621.3 The contracting officer shall inform all pre-proposal conference attendees that:
- (a) Remarks and explanations at the conference do not qualify or amend the terms of the solicitation; and
 - (b) Nothing stated at the pre-proposal conference shall change an RFP unless a change is made by the contracting officer by written amendment.

Section 1622, BEST AND FINAL OFFERS, is repealed and replaced with:

1622 CHANGES IN DISTRICT REQUIREMENTS

- 1622.1 When, either before or after receipt of proposals, the District increases, decreases or otherwise changes its requirements, the contracting officer shall issue a written amendment to the solicitation in accordance with § 1623.
- 1622.2 In deciding which firms to notify of a change, the contracting officer shall consider the state in the procurement cycle at which the change occurs and the magnitude of the change, as follows:
- (a) If proposals are not yet due, the amendment shall be published in the same manner as the solicitation;
 - (b) If the time for receipt of proposals has passed but proposals have not yet been evaluated, the amendment shall be sent only to the responding offerors; and
 - (c) If a competitive range has been established, the amendment shall be sent only to those offerors within the competitive range.
- 1622.3 If a change is so substantial that it warrants complete revision of a solicitation, the contracting officer shall cancel the original solicitation and issue a new one, regardless of the state of the procurement. The new solicitation shall be advertised in accordance with the requirements of chapter 13 of this title.

- 1622.4 If the proposal considered to be most advantageous to the District (as determined by using the established evaluation criteria and selection procedure) involves a departure from the stated requirements, the contracting officer shall provide all offerors an opportunity to submit new or amended proposals on the basis of the revised requirements, if this can be done without revealing to the other offerors the solution proposed in the original departure or any other information that is entitled to protection.

Section 1623, PRICE NEGOTIATION, is repealed and replaced with:

1623 AMENDMENT OF SOLICITATION BEFORE CLOSING DATE

- 1623.1 After the issuance of a solicitation, but before the date set for receipt of proposals, the contracting officer may make changes in the solicitation to reflect any of the following:
- (a) Significant changes in quantity, specifications, or delivery schedules;
 - (b) The correction of defects or ambiguities;
 - (c) A change in the closing date and time for receipt of proposals; or
 - (d) Any other appropriate purpose affecting the procurement.
- 1623.2 The contracting officer shall determine if the closing date and time needs to be changed when amending a solicitation, and shall notify all prospective offerors of any change in the closing date necessitated by an amendment.
- 1623.3 The contracting officer shall not award a contract unless all amendments made to the RFP have been issued in sufficient time to be considered by prospective offerors.

Section 1624, COST AND PRICING DATA, is repealed and replaced with:

1624 PROPOSAL SUBMISSION REQUIREMENTS

- 1624.1 The procedures for submitting proposals shall be in accordance with the RFP and requirements of § 1521 of this title.

Section 1625, PRICE ANALYSIS, is repealed and replaced with:

1625 RECEIPT AND SAFEGUARDING OF PROPOSALS

- 1625.1 The procedures for receipt and handling of proposals shall be in accordance with the requirements of § 1526 of this title.

Section 1626, COST ANALYSIS, is repealed and replaced with:

1626 [RESERVED]

Section 1627, PRE-NEGOTIATION OBJECTIVES, is repealed and replaced with:

1627 LATE PROPOSALS, LATE MODIFICATIONS, AND LATE WITHDRAWALS

1627.1 Any proposal or modification to proposal received at the location designated in the RFP after the time and date set for receipt of proposals shall be considered "late" unless it was received prior to the contract award and any of the following applies:

- (a) It was sent by registered or certified mail not later than five (5) calendar days before the date and time specified for receipt of offers;
- (b) It was sent by mail and the contracting officer determines that the late receipt was due solely to mishandling by the District after receipt at the location specified in the RFP;
- (c) It was sent electronically by the offeror prior to the time and date specified and there is objective evidence in electronic form confirming that the offer was received prior to the date and time specified for receipt; or
- (d) It was the only proposal received.

1627.2 Any request for withdrawal or request for modification of an offer received after the time and date set for receipt of proposals is late.

1627.3 A late proposal, late request for modification, or late request for withdrawal shall not be considered, except as provided in this section.

1627.4 A late modification of a successful proposal which makes its terms more favorable to the District shall be considered at any time it is received and may be accepted.

1627.5 A late proposal, late modification of offer, or late withdrawal of offer that is not considered shall be held unopened, unless opened for identification, until after award and then retained with unsuccessful offers.

1627.6 If any information received electronically is unreadable, the contracting officer immediately shall notify the offeror and permit the offeror to resubmit the unreadable portion of the information. The method and time for resubmission shall be prescribed by the contracting officer after consultation with the offeror,

and documented in the contract file. The resubmission shall be considered as if it were received at the date and time of the original unreadable submission for the purpose of determining timeliness, provided the offeror complies with the time and format requirements for resubmission prescribed by the contracting officer.

Section 1628, PRICE NEGOTIATION MEMORANDUM, is repealed and replaced with:

1628 [RESERVED]

Section 1629, PROFIT OR FEES, is repealed and replaced with:

1629 DISCLOSURE AND USE OF INFORMATION BEFORE AWARD

1629.1 After receipt of proposals, the information contained in them and the number or identity of offerors shall not be made available to the public or to anyone in the District not required to have access to the information in the performance of his or her duties.

1629.2 During the pre-award period of a CSP procurement, only the contracting officer and others specifically authorized may transmit technical or other information and conduct discussions with prospective contractors.

1629.3 No District employee or agent shall furnish information to a prospective contractor if, alone or together with other information, it might give the prospective contractor an advantage over others. However, general information that is not prejudicial to others may be furnished upon request.

1629.4 The contracting officer may release proposals outside the District for evaluation, consistent with the following requirements:

- (a) The outside evaluator shall provide a written agreement stating that the information contained in the qualifications or proposal will be used only for evaluation purposes and will not be further disclosed; and
- (b) Any authorized restrictive legends placed on the proposal by the prospective contractor or subcontractor, or by the District, shall be affixed to any reproduction or abstracted information made by the evaluator.

Section 1630, NOTIFICATIONS, PROTESTS, AND MISTAKES, is repealed and replaced with:

1630 PROPOSAL EVALUATION

1630.1 The contacting officer shall evaluate each proposal using only the evaluation criteria stated in the RFP and in accordance with the weightings provided in the RFP.

- 1630.2 The contracting officer shall evaluate the cost estimate or price, not only to determine whether it is reasonable, but also to determine the offeror's understanding of the work and ability to perform the contract.
- 1630.3 If any technical evaluation is necessary beyond ensuring that the proposal meets the minimum requirements in the solicitation, the contracting officer shall forward the proposals to the appropriate technical official for technical evaluation.
- 1630.4 If a technical evaluation is done, a technical evaluation report shall be prepared by the technical official and shall contain the following:
- (a) The basis for evaluation;
 - (b) An analysis of the technically acceptable and unacceptable proposals, including an assessment of each offeror's ability to accomplish the technical requirements;
 - (c) A summary, matrix, or quantitative ranking of each technical proposal in relation to the best rating possible; and
 - (d) A summary of findings.
- 1630.5 When evaluating a cost-reimbursement contract, the cost proposal shall not be controlling. The contracting officer shall consider which offeror can perform the contract in a manner most advantageous to the District as determined by evaluation of proposals according to the established evaluation criteria.
- 1630.6 The contracting officer may reject all proposals received in response to a solicitation by a written determination that to do so would be in the best interest of the District. The contracting officer's determination shall be approved by the Director.
- 1630.7 The reasons given for rejection may include, but are not limited to, the following:
- (a) All otherwise acceptable proposals received are at unreasonable prices; or
 - (b) The proposals were not independently arrived at in open competition, were collusive or were submitted in bad faith.
- 1630.8 When all proposals are rejected and no award will be made as a result of the RFP, the contracting officer shall cancel the RFP.
- 1630.9 The contracting officer shall prepare supporting documentation for the selection decision that shows the relative differences among the proposals and their

strengths, weaknesses, and risks in terms of the evaluation factors. The supporting documentation shall include the basis for the selection.

Section 1631, SOLICITATIONS FOR DESIGN AND CONSTRUCTION OF THE 11TH STREET BRIDGE PROJECT, is repealed and replaced with:

1631 DISCLOSURE OF MISTAKES BEFORE AWARD

1631.1 The contracting officer shall examine all proposals before award for minor informalities or irregularities and apparent clerical mistakes.

1631.2 Limited exchanges to clarify or resolve ambiguities, apparent minor mistakes or irregularities shall be only for clarification, not discussion. If the resulting communication prejudices the interest of other offerors, and the contracting is proceeding under § 1632.1(c), the contracting officer shall not make award without discussions with all offerors within the competitive range.

Section 1632, TWO-STEP SOLICITATIONS, is repealed and replaced with:

1632 SELECTION OF NEGOTIATION PROCESS

1632.1 After evaluation of the proposals using only the criteria stated in the RFP and in accordance with weightings provided in the RFP, the contracting officer may elect to proceed with:

- (a) Award of the contract without negotiations or discussions in accordance with § 1633;
- (b) Negotiations with the highest ranked offeror in accordance with § 1634;
- (c) Discussions with all offerors in the competitive range in accordance with §§ 1636, 1637, 1638 and 1639; or
- (d) Negotiations with the highest ranked offeror after discussions with offerors in the competitive range or after receipt of best and final offers in accordance with § 1634.

Section 1633, DEBRIEFINGS, is repealed and replaced with:

1633 AWARD WITHOUT DISCUSSIONS

1633.1 Discussions are not necessary:

- (a) If prices are fixed by law or regulation; or

- (b) It can be clearly demonstrated from the existence of full and open competition or prior cost experience with the goods or services that acceptance of the most advantageous initial proposal without discussion would result in a fair and reasonable price.

1633.2 If discussions are not held pursuant to § 1633.1(b), the contracting officer may elect to award the contract to the highest ranked offeror, provided that:

- (a) All offerors have been notified of the possibility that an award might be made without discussions; and
- (b) The terms of the contract are within the scope of the RFP; and
- (c) The award must be made without any written or oral discussions with any offeror.

Section 1634 is added to read as follows:

1634 NEGOTIATIONS WITH THE HIGHEST RANKED OFFEROR

1634.1 Pursuant to § 1632.1(b) or § 1632.1(d), the contracting officer may elect to proceed with negotiations with the highest-ranked offeror on price or technical matters within the scope of the RFP.

1634.2 During negotiations the contracting officer shall do the following:

- (a) Control all negotiations;
- (b) Advise the offeror of deficiencies in its proposal so that the offeror is given an opportunity to satisfy the District's requirements;
- (c) Attempt to resolve any uncertainties concerning the technical proposal and other terms and conditions of the proposal;
- (d) Resolve any suspected mistakes by calling them to the offeror's attention as specifically as possible; and
- (e) Provide the offeror a reasonable opportunity to submit any cost or price, technical, or other revisions to its proposal that may result from the negotiations.

1634.3 If a satisfactory contract cannot be negotiated with the highest-ranked offeror, the contracting officer may enter negotiations on price or technical matters within the scope of the RFP, as provided under §§ 1634.2 and 1634.3, with the lower-ranked offerors in order of ranking until a satisfactory contract can be awarded.

- 1634.4 If a contract cannot be negotiated, the contracting officer may reopen negotiations with any offeror with whom negotiations were terminated.
- 1634.5 If the contracting officer makes changes to the general scope of the RFP after negotiations, the contracting officer shall issue a request for best and final offers to all of the offerors which submitted proposals to the RFP.
- 1634.6 After evaluation of the best and final offers under §1634.5, the contracting officer shall award to the highest-ranked offeror whose best and final offer is most advantageous to the District, considering only price and other factors included in the solicitation. The contracting officer may negotiate further with the highest-ranked offeror prior to award, provided that the terms of the contract are within the scope of the RFP.

Section 1635 is added to read as follows:

1635 [RESERVED]

Section 1636 is added to read as follows:

1636 DISCUSSIONS WITH OFFERORS WITHIN THE COMPETITIVE RANGE

- 1636.1 If the contracting officer elects not to award without discussions under § 1633, or not to negotiate with the highest ranked offeror before determining a competitive range under § 1634, the contracting officer may choose to conduct written or oral discussions with all offerors in the competitive range pursuant to § 1632.1(c).
- 1636.2 If this process is chosen, the contracting officer shall determine which proposals are in the competitive range, and shall conduct written or oral discussions with the offerors which submitted those proposals.

Section 1637 is added to read as follows:

1637 DETERMINATION OF THE COMPETITIVE RANGE

- 1637.1 The competitive range shall be determined on the basis of price and other factors, in accordance with the evaluation criteria that were stated in the RFP, and shall include all of the most highly rated proposals.
- 1637.2 If all offerors have been notified in the solicitation of the possibility that the competitive range can be limited for purposes of efficiency, the contracting officer may determine to limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

- 1637.3 If the contracting officer decides that an offeror's proposal should no longer be included in the competitive range, the proposal shall be eliminated from consideration for award.
- 1637.4 The contracting officer shall notify, in writing, an unsuccessful offeror at the earliest practicable time that its proposal is no longer being considered for award.

Section 1638 is added to read as follows:

1638 CONDUCT OF DISCUSSIONS WITH OFFERORS WITHIN THE COMPETITIVE RANGE

- 1638.1 The contracting officer shall ensure that, if discussions are held with any offeror within the competitive range pursuant to § 1636, discussions are held with all offerors in the competitive range.
- 1638.2 During discussions with offerors, the contracting officer shall do the following:
- (a) Control all discussions;
 - (b) Advise each offeror of weaknesses and deficiencies in its proposal so that the offeror is given an opportunity to revise its proposal to satisfy the District's requirements;
 - (c) Attempt to resolve any uncertainties concerning the technical proposal and other terms and conditions of the proposal;
 - (d) Resolve any suspected mistakes by calling them to the offeror's attention as specifically as possible without disclosing information concerning other offerors' proposals or the evaluation process; and
 - (e) Provide each offeror a reasonable opportunity to submit any price, technical, or other revisions to its proposal that may result from the discussions.
- 1638.3 The contracting officer shall not assist an offeror to bring its proposal up to the level of other proposals through successive rounds of discussion, such as pointing out weaknesses resulting from the offeror's lack of diligence, competence, or inventiveness in preparing the proposal.
- 1638.4 The contracting officer shall not disclose technical information pertaining to a proposal that results in improvement of a competing proposal.
- 1638.5 The contracting officer shall not indicate to an offeror a price it must meet to obtain further consideration, advise an offeror of its standing relative to another offeror, or otherwise furnish information about any other offeror's prices.

1638.6 If, after discussions have begun, an offeror originally in the competitive range is no longer considered to be among the most highly rated offerors being considered for award, that offeror may be eliminated from the competitive range whether or not all material aspects of the proposal have been discussed, or whether or not the offeror has been afforded an opportunity to submit a proposal revision.

Section 1639 is added to read as follows:

1639 BEST AND FINAL OFFERS OF OFFERORS WITHIN THE COMPETITIVE RANGE

1639.1 Upon completion of discussions, the contracting officer shall issue to all offerors within the competitive range a request for best and final offers.

1639.2 The request for best and final offers shall include the following:

- (a) Notice that discussions are concluded;
- (b) Notice that this is the opportunity to submit a best and final offer;
- (c) A common cut-off date and time that allows a reasonable opportunity for submission of written best and final offers; and
- (d) Notice that if any modification is submitted, it must be received by the date and time specified and is subject to the provisions of this chapter covering late proposals.

1639.3 After evaluation of the best and final offers, the contracting officer may award the contract to the highest-ranked offeror, considering only price and other factors included in the solicitation. The contracting officer may negotiate further with the highest-ranked offeror prior to award in accordance with §1634.

Section 1640 is added to read as follows:

1640 [RESERVED]

Section 1641 is added to read as follows:

1641 PRICE NEGOTIATION WITH OFFERORS

1641.1 Among other areas of negotiations under § 1634 and discussions under §1638, the contracting officer may enter into price negotiations with the offeror with the intent of agreeing on a fair and reasonable price.

1641.2 The contracting officer shall not be required to reach agreement on every element of cost, and may make reasonable compromises if necessary.

Section 1642 is added to read as follows:

1642 SUBSTANTIATING OFFERED PRICES

1642.1 The contracting officer shall select whatever price or cost analysis techniques will ensure a fair and reasonable price.

1642.2 The contracting officer may request factual information reasonably available to the offeror to substantiate that the price or cost offered, or some portion of it, is reasonable, if:

- (a) The price is not:
 - (i) Based on adequate price competition;
 - (ii) Based on an established catalogue or market prices; or
 - (iii) Set by law or regulation; or
- (b) The price or cost exceeds an amount established by law or regulation.

1642.3 The offeror shall submit the requested factual information at the time and in the manner specified by the contracting officer.

1642.4 If an offeror refuses to supply the requested information, the contracting officer may disqualify the offeror, or delay the award pending further analysis.

Section 1643 is added to read as follows:

1643 [RESERVED]

Section 1644 is added to read as follows:

1644 CANCELLATION OF REQUESTS FOR PROPOSALS

1644.1 An RFP shall not be canceled unless the Director determines in writing that cancellation is in the best interest of the District.

1644.2 If an RFP is canceled before the date and time set for receipt of proposals, the contracting officer shall:

- (a) Return to the offerors unopened proposals that have been received via mail or hand-delivery; or
- (b) Purge all bids that have been received electronically from primary and

backup data storage systems.

- 1644.4 If an RFP is canceled after opening of proposals, the proposals shall be retained in the procurement file.
- 1644.5 The contracting officer shall post on the Internet a notice of cancellation which shall briefly explain the reason the RFP is being canceled.

Section 1645 is added to read as follows:

1645 PAYMENT OF STIPENDS

- 1645.1 Agencies may pay stipends to compensate one or more unsuccessful offerors for a portion of proposal development costs, the use of information contained in their proposals, and to encourage competition.
- 1645.2 Stipends shall be paid only to offerors which have submitted acceptable proposals complying with the conditions of the RFP.
- 1645.3 The solicitation must include a provision describing the amount, conditions, and the process of distribution for stipends. The stipend provision must include the following at a minimum:
 - (a) The agency’s commitment to pay a stipend;
 - (b) The amount and timing of stipend payment;
 - (c) Conditions to qualify for a stipend;
 - (d) A requirement that the offeror submit an acceptable proposal complying with the conditions of the RFP;
 - (e) A requirement that the proposal meet a minimum quality;
 - (f) A statement that the District may retain the right to use ideas from unsuccessful offerors if they accept the stipends;
 - (g) An agreement form; and
 - (h) A statement advising the offerors that the acceptance of a stipend is optional on the part of the unsuccessful offeror.

Section 1646 is added to read as follows:

1646 NOTIFICATIONS

- 1646.1 The contracting officer shall notify each offeror whose proposal is determined to be unacceptable before award unless disclosure might prejudice the best interest of the District.
- 1646.2 The contracting officer shall award a contract by transmitting written notice of the award with reasonable promptness to the responsible offeror whose proposal will be the most advantageous to the District.
- 1646.3 Promptly after the award of each contract, the contracting officer shall notify unsuccessful offerors in writing, unless notice was given before award.

Section 1647 is added to read as follows:

1647 [RESERVED]

Section 1648 is added to read as follows:

1648 DEBRIEFINGS

- 1648.1 If a contract is awarded on a basis other than price alone, the contracting officer shall provide a debriefing for any unsuccessful offeror that submits a written request for a debriefing, unless the Director determines that to do so is not in the best interest of the District.
- 1648.2 If a debriefing is held, the information provided shall include, at a minimum:
 - (a) The District’s evaluation of the significant weak or deficient factors in the unsuccessful offeror’s proposal;
 - (b) The overall evaluated cost or price (including unit prices), the numeric technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror;
 - (c) The overall numeric ranking of all offerors, if any ranking was developed by the procuring agency during the evaluation;
 - (d) A summary of the rationale for award; and
 - (e) Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations and other applicable authorities were followed.
- 1648.3 The debriefing shall not:
 - (a) Include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors; or

- (b) Reveal any information prohibited from disclosure by subsection 417 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.17) (2011 Repl.) or exempt from release under the District of Columbia Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531 *et seq.*) (2011 Repl.), including:
- (1) Information which has been designated as confidential and proprietary by an offeror;
 - (2) Trade secrets and commercial or financial information where disclosure would impair the competitive position of an offeror, including cost breakdowns, profit, indirect cost rates, and similar information;
 - (3) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency, including the names and written comments of the members of the evaluation panel;
 - (4) Information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy, including offerors' employees' names, résumés, contact information, the names of offerors' partners and the names of individuals providing reference information about an offeror's past performance; and
 - (5) Federal tax identification numbers or other information specifically exempted from disclosure by statute.

Section 1699, DEFINITIONS, is amended to read as follows:

1699 DEFINITIONS

1699.1 When used in this chapter, the following words have the meanings ascribed:

Base compensation: A fixed monthly payment that the District pays the providers of employment services in support of the District's TANF Employment Program for performing specific duties and delivering specific services. Base compensation varies depending on the size of the provider's not-employed PIT.

Clarification - communication with an offeror for the sole purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the proposal. It is achieved by explanation or substantiation, either in response to District inquiry or as initiated by the offeror.

Deficiency - a material failure of a proposal to meet a District requirement or a combination of significant weaknesses in a proposal that increase the risk of unsuccessful contract performance to an unacceptable level.

Director - the Director of the Office of Contracting and Procurement (OCP) or the District of Columbia Chief Procurement Officer (CPO).

Discussion - any oral or written communication between the District and an offeror (other than communications conducted for the purpose of minor clarification) whether or not initiated by the District, that involves information essential for determining the acceptability of a proposal, or provides the offeror an opportunity to revise or modify its proposal.

Individual Responsibility Plans (IRP): A written agreement developed jointly by a TANF customer and the providers of employment services in support of the District's TANF Employment Program that acts as the customer's roadmap to securing employment and becoming self-sufficient. The IRP outlines specific steps that the customer agrees and commits to take in order to address and remove barriers, and find and retain employment.

Outcome-based compensation: A variable monthly payment that the District pays the providers of employment services in support of the District's TANF Employment Program for achieving outcomes defined by the District. The outcome-based payment varies depending on the number of payment points that the provider achieves and the volume of outcomes within each payment point.

Payment point: Payment point refers to elements of the TANF employment services provider's incentive compensation. The compensation is structured to encourage the provider to deliver distinct results or outcomes. Achievement of each outcome triggers a specific payment amount. Payments points are independent of each other. Consequently, it is feasible for the provider to achieve more than one (1) payment point for a given customer in any given month.

Point-In-Time caseload (PIT): Also referred to as caseload, is the number of TANF customers (or cases) that the provider of employment services in support of the District's TANF Employment Program is serving in a given period or at any given time. The provider shall be managing two (2) types of PIT:

- (a) A not-employed PIT (such as a caseload of not-employed TANF customers); and
- (b) An employed PIT (such as a caseload of employed customers).

Price - cost plus any fee or profit applicable to the contract type.

Solicitation – request for proposals (RFP), except as provided otherwise in § 1601.

Technical analysis - the examination and evaluation by personnel having specialized knowledge, skills, experience, or capability in factors set forth in a proposal.

Unsolicited proposal – a written proposal that is submitted to an agency on the initiative of the submitter for the purpose of obtaining a contract with the District that is not in response to a solicitation.

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Section 3 of the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code §§ 44-552 and 44-554 (2005 Repl.)) and Mayor's Order 2000-9, dated January 21, 2000, hereby gives notice of intent to take final rulemaking action to adopt the following amendments to Chapter 47 (Health-Care Facility Unlicensed Personnel Criminal Background Checks) of subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

These regulations were previously published in the *D.C. Register* as a Fourth Proposed Rulemaking on November 23, 2012 at 59 DCR 013367.

Prior to publication of these regulations as a Fourth Proposed Rulemaking, in response to comments received from the D.C. Hospital Association, the term "acute care facility" was removed from the introductory paragraph for Section 4701.1. However, the term was inadvertently included in Section 4799 under the definition of "direct patient, resident, or client access." The oversight has been corrected in this Final Rulemaking.

Since no substantive changes have been made to this rulemaking, it will become effective upon publication of this notice in the *D.C. Register*.

Chapter 47, HEALTH-CARE FACILITY UNLICENSED PERSONNEL CRIMINAL BACKGROUND CHECKS, of Subtitle B, PUBLIC HEALTH AND MEDICINE, of Title 22, HEALTH, of the DCMR is amended as follows:

Section 4701, BACKGROUND CHECK REQUIREMENT, is amended as follows:

Subsection 4701.1 is amended to read as follows:

- 4701.1 A facility, long-term care facility or provider, shall not offer to employ or contract with any unlicensed person having direct patient, resident, or client access, or person licensed, registered, or certified under chapter 12 of title 3 of the D.C. Official Code unless within a forty-five (45) day period immediately preceding the date of initial employment or initial commencement of contract services the following has occurred:
- (a) Pursuant to § 4701.2 and 4701.3, the person has undergone fingerprinting or live scan performed in the District of Columbia which has resulted in a criminal history, that reveals all convictions that have occurred within the District of Columbia and the fifty (50) states;

- (b) The Department of Health verifies that the person has not been convicted, within the seven (7) years before the criminal background check, of any of the offenses listed in § 4705.1;
- (c) The Department of Health and those facilities identified pursuant to § 4701.1 verify by means of a check, that the person's name is not on the Dru Sjodin National Sex Offender Public Website coordinated by the United States Department of Justice, or the Nurse Aide Abuse Registry of the District of Columbia or such registry in the state or states in which the person has lived or worked; and
- (d) The person provides a sworn statement affirming that there are no criminal matters pending against him or her.

Subsection 4701.2 is amended to read as follows:

4701.2 Each facility, long-term care facility or provider, identified in § 4701.1 shall cause each prospective employee or contract worker who will have, or foreseeably may have direct patient, resident, or client access, to undergo a criminal background check that shall reveal the criminal history, if any, in the District of Columbia and the fifty (50) states. Fingerprinting or live scan shall be performed in the District of Columbia utilizing the Metropolitan Police Department (MPD) or a private agency. The criminal background check shall be performed, following fingerprinting or live scan, by the MPD and Federal Bureau of Investigation (FBI) in an FBI-approved environment. The results of the criminal background checks shall be forwarded to the Department of Health.

Subsection 4701.3 is amended to read as follows:

4701.3 The results of the criminal background check shall disclose the criminal history, if any, of the prospective employee or contract worker for the previous seven (7) years before the check.

Subsection 4701.4 is amended to read as follows:

4701.4 An employee or a contract worker shall be required to undergo a subsequent criminal background check every four (4) years after the date of his or her initial background check, provided that if the name of the employee appears in the FBI databank when the "rap back" system is implemented, the employee shall not be required to have a subsequent criminal background check performed.

Subsection 4701.5 is amended to read as follows:

4701.5 The Department of Health shall notify a facility, long-term care facility or provider that employs the subject of a criminal background check which returns positive results for any of the offenses listed in § 4705.1 within forty-five (45) days prior to the commencement of the subjects employment.

Subsection 4701.6 is amended to read as follows:

4701.6 A facility, long-term care facility or provider shall inform the Department of Health within ten (10) days of the resignation or termination of any employee subject to criminal background checks under this chapter whose resignation or termination was for criminal, unprofessional, or unethical conduct.

Subsection 4701.7 is amended to read as follows:

4701.7 A contract worker shall not be considered resigned or terminated for purposes of §4701.6 as long as the employment contract with the facility is renewed within forty-five (45) days of its satisfaction.

Subsection 4701.9 is repealed.

Section 4702, FEES, subsection 4702.1 is amended to read as follows:

4702.1 In order to obtain the criminal background check, the facilities or provider identified in § 4701.1, prospective employee, or contract worker shall pay the fee that is established to have the criminal background check performed by the Metropolitan Police Department and the Federal Bureau of Investigation (FBI), or a private agency.

Section 4706, PENALTIES, is amended by adding a new subsection 4706.3 to read as follows:

4706.3 Any person who makes a false statement concerning a material matter required by this chapter shall be subject to prosecution.

Section 4799, DEFINITIONS, subsection 4799.1 is amended by inserting the following definitions in alphabetical order:

Direct patient, resident, or client access –access to a patient, resident, or client of a facility, long-term care facility or provider, that involves, or may foreseeably involve, presence in a room occupied by a patient, client, or resident while not under the immediate and contemporaneous supervision of a licensed health care professional employed by the facility. However, the term does not include a volunteer unless the

volunteer has duties that are equivalent to the duties of a direct patient, resident, or client access employee and those duties involve, or may involve, presence in a room occupied by a patient, resident, or client of the long-term care facility, or other facility while not under the immediate and contemporaneous supervision of a licensed health care professional employed by the facility.

Long-term care facility or provider – means the following facilities or providers which receive payment for services under title XVIII or XIX of the Social Security Act:

- (a) A provider of hospice care (as defined in § 1861(dd) (1) of 42 U.S.C. 1395x (dd) (1);
- (b) A long-term care hospital as described in § 1886(d) (1) (B) (iv) of 42 U.S.C. 1395ww (d) (1) (B) (iv);
- (c) A residential care provider that arranges for, or directly provides, long-term care services, including an assisted living facility that provides a level of care established by the Secretary; and
- (d) Any other facility or provider of long-term care services under such titles as the District of Columbia deems appropriate.

DISTRICT OF COLUMBIA TAXICAB COMMISSION**NOTICE OF FINAL RULEMAKING**

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(c)(2) (3), (4), (5), (7), (11), (18), (19), 14, 20 and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2), (3), (4), (5), (7), (11), (18), (19), 50-313, 50-319 and 50-320 (2009 Repl.; 2012 Fall Supp.)); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2005 Repl; 2012 Supp.), hereby gives notice of its adoption of amendments to Chapter 6 (Taxicab Parts and Equipment), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments: (1) establish a new dome light mandate and (2) update penalties and fines.

The Emergency and Proposed Rulemaking was originally adopted on July 18, 2012, became effective on July 25, 2012 and was published in the *D.C. Register* on July 27, 2012, at 59 DCR 8851. The Commission held a public hearing on August 22, 2012 to receive oral comments on the Commission's proposed amendments to Chapter 6. The Commission received valuable comments from the public and revised the proposed rules in light of the suggestions and comments received at the public meeting and during the written comment period, which expired on August 25, 2012. The Emergency and Proposed Rulemaking was adopted on October 2, 2012, published for a second time on October 5, 2012, at 59 DCR 11594 and took effect immediately. The comment period expired November 3, 2012. The Commission received no further comments on the proposed rulemaking.

The Commission adopted the rulemaking as final on November 14, 2012. Deletions were made to the proposed rulemaking in subsections 604 and 605. These deletions clarify the original intent of the proposed rulemaking and prevent the imposition of requirements with which taxicab owners and operators would be unable to comply; no substantive changes have been made to the proposed rulemaking.

These final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 600, APPLICATION AND SCOPE, is amended as follows:

Subsection 600.3 is amended to read as follows:

600.3 Each motor vehicle licensed as a public vehicle for hire in the District shall comply with the regulations governing the equipment requirements, inspection of passenger vehicles for hire and standards established by the Commission.

Section 601, PARTS AND EQUIPMENT, is amended as follows:

Subsections 601.9 through 601.12 are repealed.

Section 605, CRUISING LIGHTS, is amended as follows:

The section heading is amended to read as follows:

605 DOME LIGHTS AND TAXI NUMBERING SYSTEM

Subsections 605.1 through 605.10 are amended to read as follows:

605.1 No later than April 30, 2013, all licensed taxicabs in the District of Columbia shall be equipped with the Commission-approved Dome Lights and Taxi Number System that meets the specifications listed below and any further specifications provided by the Commission:

- (a) The Dome Light shall display the public vehicle identification number (“PVIN”) assigned by the Commission on the left side of the Dome Light when viewed from the front and the right side of the Dome Light when viewed from the rear of the dome light;
- (b) The Dome Light shall be connected to the engine and that portion of the Dome Light that displays the PVIN shall remain on at all times when the car’s engine is on; provided, however, that the Dome Light may contain a driver activated switch located on the side of the Dome Light that will allow the complete Dome Light to remain dark when the vehicle is either off-duty or is being utilized for personal use;
- (c) Roof Light Housing shall be aluminum or silver colored acrylic
- (d) The left part of the Dome Light shall be silver in color with the PVIN etched in white plastic acrylic letters and housing a bulb to illuminate the PVIN, with further specifications to be provided by the Commission;
- (e) The right portion of the Dome Light shall be silver in color with a clear acrylic cover that shall contain a single line LED programmable moving display that scrolls “TAXI FOR HIRE”;
- (f) The base shall be constructed of aluminum with a continuous neoprene base that surrounds the entire base with several rubber gaskets to allow for drainage of water and condensation.
- (g) A visual depiction of the dome light is shown below:



- 605.2 The required dome light shall only be installed by Dome Light Installation businesses authorized by the Commission to install the approved dome light pursuant to Chapter 15 of this title.
- 605.3 The Dome Light shall be fully visible to a person of average height at all times when the vehicle is cruising. Vehicles of greater length or height shall be required to have two (2) fully functioning dome lights. Vehicles that contain advertising signs on the roof shall have a fully functioning dome light on the front and rear of the advertising sign.
- 605.3 Each new Dome Light will identify the newly assigned taxicab vehicle identification number assigned by the Commission to that specific taxicab vehicle.
- 605.4 The PVIN does not replace a taxicab company's, association's, or fleet's taxicab fleet numbering system provided in § 503.10 of this title. However, the PVIN on the Dome Light will replace the current vehicle identification numbers assigned to independently operated taxicabs pursuant to § 505.7 of this title.

- 605.5 The LED portion of the Dome Light shall display "Taxi For Hire" at all times when the taxicab is available for hire and the LED portion of the Dome Light shall go "dark" when the taxicab is not available for hire because the taxicab is carrying a passenger, is on call, or is off duty not intending to take on passengers. The Dome Light may contain a driver activated switch on the side of the Dome Light that will allow the complete Dome Light to remain dark when the vehicle is either off-duty or is being utilized for personal use.
- 605.6 Whenever a taxicab operator removes his or her vehicle from service and is proceeding to a place of his or her choosing without intending to take on passengers, the "Taxi For Hire" light shall go "dark."
- 605.7 Whenever a taxicab is responding to a dispatch call or proceeding to a prior arranged transport, the "Taxi For Hire" light shall go "dark."
- 605.8 No taxicab shall be operated unless its Dome Light is in proper working condition. The operation of a taxicab with a broken Dome Light shall give rise to a rebuttable presumption that the driver knew of the condition and operated the taxicab with such knowledge.

Section 608, INSPECTION OF TAXICABS, is amended as follows:

Subsections 608.1 through 608.4 are amended to read as follows:

- 608.1 All taxicab vehicles shall be inspected annually or at other times as required by the Commission for the following:
- (a) Safe operating condition and compliance with District of Columbia motor vehicle regulations with respect to the condition of the body and fenders, cleanliness, repairs, and other mechanical parts relating to both the exterior and interior condition of the taxi vehicle; and
 - (b) Broken or damaged taximeters or Taxi Smart Meter System.
- 608.2 Any Hack Inspector, police officer, or other authorized agent of the District may inspect and test the meter and Taxi Smart Meter System, lights, brakes, steering assembly, tires, equipment, horn, or any other device required by Title 18 DCMR and the Commission's rules and regulations at any time a taxicab is on the public streets or public space.
- 608.3 Any Hack Inspector, police officer, or other authorized agent of the District may order the removal of an unsafe or improperly equipped taxicab from any public street or space to one of the official District Inspection Stations for re-inspection, notwithstanding the fact that the taxicab displays an approved inspection sticker,

or to an authorized Meter or Taxi Smart Meter System installation vendor/business authorized by the Commission for inspection or repairs.

- 608.4 No person shall drive, move, or permit the operation or use of any taxicab which is mechanically unsafe, improperly equipped, or otherwise unfit to be operated, including failure to have an operating meter and Taxi Smart Meter System. Such vehicles shall be towed off the public streets and impounded pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331(a)(6) (2009 Repl.; 2012 Supp.)).

DISTRICT OF COLUMBIA TAXICAB COMMISSION**NOTICE OF FINAL RULEMAKING**

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(c)(2) (3), (4) and (5) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2), (3), (4) and (5) (2009 Repl.; 2012 Fall Supp.)); and Section 20g(a)(3) of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-0184, 59 DCR 9431) hereby gives notice of its adoption of amendments to Chapter 6 (Taxicab Parts and Equipment), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments: (1) limit the ability to place a new vehicle into service during the implementation of the Taxicab Service Improvement Amendment Act of 2012 (“Act”), which requires the modernization of taxicabs by making vehicle and equipment improvements including uniform color, (2) establish a procedure for granting a waiver for accidents and mechanical failures, (3) establish a procedure for an exemption in other cases, and (4) would allow a vehicle otherwise required by this section to be removed from service to remain in service without interruption.

The emergency and proposed rule was adopted on December 12, 2012, and became effective on December 21, 2012. The rule was originally published on December 21, 2012, at 59 DCR 14993. The comment period expired on January 19, 2013, without any comments having been received by the Commission. The Commission adopted the rulemaking as final on January 30, 2013. This rule will become effective upon publication of notice in the *D.C. Register*.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

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

New subsections 609.6 through 609.10 are added to read as follows:

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

609.7 Effective immediately, and notwithstanding any other requirement of Title 31 of the DCMR, no vehicles shall be placed into service until July 1, 2013.

609.8 An exemption to subsection 609.7 will be granted by the Office of Taxicabs upon execution of a written agreement in a form incorporating such terms as are required by the Commission, including but not limited to:

- (a) The vehicle shall be repainted at the sole expense of the vehicle owner and/or operator;
- (b) The vehicle repainting shall comply with such rules concerning a uniform color scheme as may be promulgated by the Commission in the future;
- (c) The repainting shall occur no later than the deadline stated in the agreement; and
- (d) The repainting shall be done to the satisfaction and subject to the approval of the Commission.

609.9 A waiver to subsection 609.7 in cases of accidents and mechanical failures will be granted by the Office of Taxicabs only in response to a formal, written request by the owner or operator of the vehicle that includes:

- (a) Execution of a written agreement pursuant to subsection 609.8, and
- (b) Any and all documentary evidence of the accident or need for an equipment change, including but not limited to:
 - (1) Any police and/or accident reports; or notarized proof of mechanical vehicle failure;
 - (2) A notarized proof of vehicle purchase after December 12, 2012, and

(3) Proof of insurance.

609.10

An exemption or waiver granted pursuant to this section may be revoked by the Commission upon a finding that the vehicle was not properly or timely repainted to the uniform color scheme rules. If an exemption or waiver is revoked, the vehicle shall immediately be removed from service, and the owner and operator of such vehicle also will be subject to any applicable fines and penalties listed in section 825.

DISTRICT OF COLUMBIA TAXICAB COMMISSION**NOTICE OF FINAL RULEMAKING**

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in D.C. Official Code § 47-2829(b), (d), (e)(1) and (i), Sections 8(c)(3), (4), (7), (18), (19), 14 and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(3), (4), (7), (18), (19), 50-313 and 50-319 (2009 Repl.; 2012 Fall Supp.)), hereby gives notice of its adoption of amendments to Chapter 10 (Public Vehicles for Hire), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendment will amend Section 1016.1 by extending the period for which a special event vehicle-for-hire permit may be issued by the Office of Taxicabs from thirty (30) days to forty-five (45) days.

The emergency and proposed rule was adopted on November 14, 2012, and became effective on that day. The rule was originally published on November 23, 2012, at 59 DCR 13448. The comment period expired on December 22, 2012, without any comments having been received by the Commission. The Commission adopted the rulemaking as final on January 30, 2013. This rule will become effective upon publication of this notice in the *D.C. Register*.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 1016 is amended to read as follows:

1016 SPECIAL EVENT VEHICLE FOR HIRE PERMIT

1016.1 The Office of Taxicabs may issue a special event vehicle-for-hire permit that authorizes a limousine or sedan licensed in another jurisdiction as a public vehicle-for-hire, to operate for hire in the District of Columbia for a period of not more than forty-five (45) days during a particular special event. Only a vehicle properly registered as a public vehicle-for-hire in another jurisdiction is eligible for a special event vehicle-for-hire permit.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF FINAL RULEMAKING**

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 5(3)(A) (providing for a safe transportation system), 6(b) (transferring to the Department the traffic management function previously delegated to the Department of Public Works (DPW) under Section III (H) of Reorganization Plan No. 4 of 1983), and 7 (making Director of DDOT the successor to transportation related authority delegated to the Director of DPW) 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(3), 50-921.05(b), and 50-921.06 (2009 Repl. & 2012 Supp.)), Mayor's Order 77-127, dated August 3, 1977, and 18 DCMR 2200.2, hereby gives notice of this final action to adopt the following rules to amend Chapter 40 of the Vehicle and Traffic Regulations in Title 18 of the District of Columbia Municipal Regulations (DCMR). The rulemaking sets new speed limits on DC Route 295 in both directions of travel from 45 mph to 50 mph and Benning Road, NE between Oklahoma Avenue, NE and 36th Street, NE in both directions of travel from 30 mph to 35 mph.

The rulemaking specifically removes Benning Road, NE between Oklahoma Avenue, NE and 36th Street, NE from the subsection that lists those streets with a speed limit of 30 mph and adds that road to the subsection that lists the streets with a speed limit of 35 mph. It also specifically removes DC Route 295 from the subsection that lists those streets with a speed limit of 45 mph and adds that road to the subsection that lists the streets with a speed limit of 50 mph.

Proposed Regulations were published in a Notice of Emergency and Proposed Rulemaking on December 14, 2012, in the D.C. Register at 59 DCR 14842. DDOT received no comments in response to this rulemaking. No substantive changes were made to the text of the proposed rulemaking.

DDOT adopted the rules as final on February 1, 2013. The rules will go into effect upon the date of publication of this Notice of Final Rulemaking in the D.C. Register.

Title 18 DCMR, Section 4011, SPEED LIMITS, is amended as follows:

Subsection 4011.2 is amended by striking Benning Road, NE between Oklahoma Avenue, NE and 36th Street, NE from the list.

Subsection 4011.3 is amended by adding Benning Road, NE between Oklahoma Avenue, NE and 36th Street, NE to the list.

Subsection 4011.5 is amended by striking DC Route 295 from the list.

Subsection 4011.6 is amended by adding DC Route 295 to the list.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF FINAL RULEMAKING**

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 5(3)(A) (providing for a safe transportation system), 6(b) (transferring to the Department the traffic management function previously delegated to the Department of Public Works (DPW) under Section III (H) of Reorganization Plan No. 4 of 1983), and 7 (making Director of DDOT the successor to transportation related authority delegated to the Director of DPW) 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(3), 50-921.05(b), and 50-921.06 (2009 Repl. & 2012 Supp.)), Mayor's Order 77-127, dated August 3, 1977, and 18 DCMR 2200.2, hereby gives notice of this final action to adopt the following rules to amend Chapter 40 of the Vehicle and Traffic Regulations in Title 18 of the District of Columbia Municipal Regulations (DCMR).

The rulemaking increases the speed limit on the eastbound side of New York Avenue, NE, between Bladensburg Rd., NE and the State of Maryland-District of Columbia Boundary Line from 40 mph to 45 mph and on the westbound side of New York Avenue, NE between the State of Maryland-District of Columbia Boundary Line and Bladensburg Road, NE from 35 mph to 40 mph. The rulemaking also increases the speed limit in both directions on Bladensburg Road, NE between Mt. Olivet Road, NE and New York Avenue, NE from 25 mph to 30 mph, on North Capitol Street between Michigan Avenue, NE and Harewood Road, NE from 35 mph to 40 mph and on Canal Road, NW, between Chain Bridge Road, NW and Foxhall Road, NW from 35 mph to 40 mph.

The final rulemaking specifically removes the eastbound side of New York Avenue, NE, between Bladensburg Rd., NE and the State of Maryland-District of Columbia Boundary Line from the subsection that lists those streets with a speed limit of 40 mph and adds that road to the subsection that lists the streets with a speed limit of 45 mph. It also specifically removes: (a) the westbound side of New York Avenue, NE between the State of Maryland-District of Columbia Boundary Line and Bladensburg Road, NE, (b) North Capitol Street between Michigan Avenue, NE and Harewood Road, NE, and (c) Canal Road, NW, between Chain Bridge Road, NW and Foxhall Road, NW from the subsection that lists those streets with a speed limit of 35 mph and adds those roads to the subsection that lists the streets with a speed limit of 40 mph. Finally, the rulemaking adds Bladensburg Road, NE between Mt. Olivet Road, NE and New York Avenue to the list of streets with a speed limit of 30 mph.

Proposed Regulations were published in a Notice of Emergency and Proposed Rulemaking on December 28, 2012, in the D.C. Register at 59 DCR 15109. DDOT received no comments in response to this rulemaking. No substantive changes were made to the text of the proposed rulemaking.

DDOT adopted the rules as final on February 1, 2013. The rules will go into effect upon the date of publication of this Notice of Final Rulemaking in the D.C. Register.

Title 18 DCMR, Section 4011, SPEED LIMITS, is amended as follows:

Subsection 4011.2 is amended by adding Bladensburg Road, NE between Mt. Olivet Road, NE and New York Avenue, NE to the list.

Subsection 4011.3 is amended by striking the following streets from the list:

- (a) The westbound side of New York Avenue, NE between the State of Maryland-District of Columbia Boundary Line and Bladensburg Road, NE,
- (b) North Capitol Street between Michigan Avenue, NE and Harewood Road, NE, and
- (c) Canal Road, NW, between Chain Bridge Road, NW and Foxhall Road, NW

Subsection 4011.4 is amended as follows:

- (a) The eastbound side of New York Avenue, NE, between Bladensburg Rd., NE and the State of Maryland-District of Columbia Boundary Line is stricken from the list.
- (b) The following streets are added to the list:
 - (1) The westbound side of New York Avenue, NE between the State of Maryland-District of Columbia Boundary Line and Bladensburg Road, NE,
 - (2) North Capitol Street between Michigan Avenue, NE and Harewood Road, NE, and
 - (3) Canal Road, NW, between Chain Bridge Road, NW and Foxhall Road, NW

Subsection 4011.5 is amended by adding the eastbound side of New York Avenue, NE, between Bladensburg Rd., NE and the State of Maryland-District of Columbia Boundary Line to the list.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND**

Z.C. ORDER NO. 12-06

Z.C. Case No. 12-06

(Text Amendment – 11 DCMR)

**(Amendment to Eliminate the Requirement of an Office of Planning Report for Certain
Types of Antenna Modifications)**

December 10, 2012

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia, at Title 11 of the District of Columbia Municipal Regulations (DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012 at 59 DCR 12387. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

These amendments concern a provision in the Zoning Regulations that requires the Zoning Administrator to first receive a report from the District of Columbia Office of Planning (OP) or wait thirty (30) days, whichever occurs first, before taking final action on an application pertaining to the installation of antenna towers, monopoles, or non-exempted antennas. The first amendment amends § 2711.1 to also require reports for applications to modify such installations. The second adds a new § 2711.4 to identify those modification for which no report is needed.

Procedures Leading to Adoption of Amendments

On June 29, 2012, OP submitted a memorandum that served as a petition requesting amendments to the regulations. The Commission voted to set down the proposal for hearing at its July 9, 2012 public meeting. The Commission also expressed concern about the prevalence of consumer dish antennas mounted on the front of residential buildings, and requested that the OP address the issue in its hearing report.

OP submitted a final report dated October 1, 2012. The report recommended approval of the amendments, with two proposed revisions. The first proposed revision would clarify that an OP report was not only required for new installations, but also for modifications of existing installations, subject to specified exemptions. In addition, OP proposed to increase the maximum number of antennas per mount or sector that could be replaced without triggering the requirement of an OP report from four (4) to five (5).

The OP report also responded to the Commission's inquiry regarding the mounting of consumer dish antennas on residential buildings. The report indicated that the Federal Communications Commission had adopted rules that prohibit restrictions by local governments on the installation

of dish antennas of less than one (1) meter in diameter, except for restrictions related to public safety or to historic preservation.

Advisory Neighborhood Commission (ANC) 6B submitted a report dated September 14, 2012 indicating that it had no objections to the text amendment.

Verizon Wireless submitted a letter dated October 11, 2012 through counsel. The letter stated that Verizon supported the proposed amendments. The letter also suggested three (3) further refinements to the text. Verizon first suggested increasing the number of antennas permitted per mount or sector without triggering an OP report from four (4) to five (5). In addition, Verizon recommended that no OP report should be required for: (1) a modification that does not increase the total area of the previously approved array; and (2) a re-installation of antenna mounts or sectors that were approved and installed within the last five (5) years, provided the re-installation does not increase the antenna area and there are no more than five antennas.

The Commission also received comments from Edward L. Donahue of the law firm of Donahue and Stearns PLC through a letter dated October 11, 2012¹. Mr. Donahue's letter concerned a recent modification to the federal Telecommunications Act of 1996 that prohibits local jurisdictions from denying building permits for the collocation or replacement of antennas if the modification does not substantially change the physical dimensions of such tower or base station. Mr. Donahue recommended incorporating that prohibition into the Zoning Regulations along with a definition of "substantially change." He also suggested revisions to clarify that the new § 2711.4 applies to providers with antennas already installed on a facility as well as new carriers proposing to collocate. He also recommended that the language of proposed § 2711.4 include specific parameters, such a percentage increases for modifications not requiring an OP report. Finally, the letter also expressed concerns over existing § 2713.7, which provides that "[a]ny antenna tower or monopole with a proposed height in excess of that permitted by the [Height Act] shall not be permitted, unless the height is approved by the Mayor or his or her designee." Mr. Donahue stated his view that the Height Act only applies to "habitable spaces" and therefore the Zoning Regulation should not require Height Act waivers for monopoles.

A public hearing was scheduled for and held on October 11, 2012. The only witness was Tracy Anderson of the law firm of Donahue and Stearns PLC. Ms. Anderson indicated that she was representing Mr. Donahue, who could not be present, and that she was testifying on behalf of T-Mobile and AT&T. Ms. Anderson essentially repeated the points made by Mr. Donahue in his two (2) letters.

In response to Mr. Donahue's concern over Height Act waivers, the Commission pointed out that it did not dictate which structures are governed by the Height Act, but that provisions such as § 2713.7 only reflect the traditional interpretation of the statute as also applying to stand-alone towers, such as monopoles. As to the need for the District to define which facilities and modifications are protected by the amendments to the Telecommunications Act, the Commission concluded that the issue was beyond the scope of the hearing.

¹ Mr. Donahue's letter referred to previous letters dated July 9, and 24, 2012 offering comments on this case. His July 9th letter was not filed into the record because the case had not yet been set down for hearing. There is no evidence of that any letter dated July 24, 2012 was provided to the Office of Zoning.

At the close of the hearing, the Commission authorized the publication of a notice of proposed rulemaking in the *D.C. Register* and a referral to the National Capital Planning Commission (NCPC) for the thirty (30)-day period of review required under § 492 of the District Charter of the proposed amendments as revised in OP's October 1, 2012 report. More than thirty (30) days has elapsed since the NCPC referral and no NCPC report has been received.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012 at 59 DCR 12387. No comments were received.

At a properly noticed public meeting held on December 10, 2012, the Commission took final action to adopt the text amendments, making no changes to the text as proposed, except to change the reference to "roof tops" in § 2714.4 (a) to "roofs." Because the change is not substantive, no republication of the notice of proposed rulemaking is required.

Title 11 DCMR, **ZONING**, is amended as follows:

Title 11 DCMR, Chapter 27, **REGULATIONS OF ANTENNAS, ANTENNA TOWERS, AND MONOPOLES**, § 2711.1, **OFFICE OF PLANNING REPORT**, is amended as follows:

By amending § 2711.1 to insert the phrase "or modify" after the phrase "to permit" and to add a new second sentence so that the entire subsection reads as follows:

2711.1 The Zoning Administrator shall not take final action on an application to permit or modify an antenna tower, a monopole, or an antenna not exempted by § 2707, until a report is received from the Office of Planning or thirty (30) days have passed since the application was submitted to the director of the Office of Planning, whichever occurs first. This requirement does not apply to the modification described in § 2711.4.

By adding a new § 2711.4 to read as follows:

2711.4 A report from the Office of Planning is not required for the:

- (a) Modification of an existing antenna site, that involves a one-to-one replacement of antennas or an increase in the number of antennas for no more than five (5) antennas per mount or sector; provided that there would be no change to the permitted locations on roofs or increase in the height of the antennas; or
- (b) Installation or maintenance of antenna-related equipment cabinets and shelters consistent with the roof structure regulation.

On October 11, 2012, upon the motion of Commissioner May, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** this petition at the conclusion of the public

hearing by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to approve; Michael G. Turnbull, not present, not voting).

On December 10, 2012, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Marcie I. Cohen (absentee ballot), Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is, on February 1, 2013.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF PROPOSED RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §§ 3-1306 and 3-1321 (2007 Repl.); District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of its intent to amend Chapters 9 and 99 of Title 30 of the District of Columbia Municipal Regulations (DCMR), "Lottery and Charitable Games." These amendments are necessary to standardize all TAP & PLAY on-line games. DC TAP & PLAY GAMES rules, prizes, and odds of winning shall be made available on the District of Columbia Lottery and Charitable Games Control Board (Agency) website.

The Executive Director gives notice of the intent to take final rulemaking action to adopt the amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 9, DESCRIPTION OF ON-LINE GAMES, of Title 30 of the DCMR is amended to read as follows:

Amend Section 959, "RESERVED" to "DESCRIPTION OF DC TAP & PLAY GAMES"

Subsection 959 is amended to read as follows:

959 DESCRIPTION OF DC TAP & PLAY GAMES

959.1 The Agency shall conduct DC Tap & Play games to the public and for such time periods as the Executive Director determines. DC Tap & Play touch screen games are interactive lotto type games played on the Agency's retailer online Coronis MP terminals. Each game delivers a printed game ticket. DC Tap & Play games have various themes and individual play is predetermined. DC Tap & Play games' cost and prizes vary per game played. Prizes are paid on fixed payout levels.

959.2 All DC Tap & Play games are located on the Agency's gaming system and played on the Coronis MP terminals. Games may be validated by the Photon terminal, Coronis MP and Winstation terminals. Each Tap & Play Game play will produce a printed ticket showing the amount won and a barcode.

959.3 The Executive Director will set the cost of DC Tap & Play for each game. Some DC Tap & Play games' costs may vary depending on the game. Tap & Play Game cost shall

be made available on the Agency’s website found at <http://www.dclottery.com>. Please refer to each specific game’s cost per play.

- 959.4 DC Tap & Play’s how to play including basic game rules and prizes are accessible by tapping “Help” at the bottom of the Coronis screen.
- 959.5 DC Tap & Play rules, prize structure and probability shall be made available on the Agency’s website found at <http://www.dclottery.com>. DC Tap & Play rules, prizes, and prize schedule payouts vary depending on the game. Please refer to each specific game’s rule and its prize structure and prize probability.
- 959.6 DC Tap & Play have a variety of games and each game outcome is selected by a computer-driven random number generator which displays the individual game results on the screen and on the printed ticket.
- 959.7 The total number of outcomes varies from game to game and is stated in the individual game prizes and or prize schedule payout section for each specific DC Tap & Play games on the Agency’s website.
- 959.8 The determination of DC Tap & Play winners are subject to all applicable Agency rules and regulations including but not limited to the ticket validation requirements of chapter 6 (Claims and Prize Payments) of title 30 of the DCMR.
- 959.9 A player is only entitled to the highest prize won from any single DC Tap & Play game ticket unless specifically stated in the game rules.
- 959.10 A DC Tap & Play game ticket may not be voided or cancelled by returning the ticket to the Agency or the selling Agency’s retailer, including tickets that are printed in error.

Amend Section 960, “RESERVED” to “DESCRIPTION OF DC TAP & PLAY TICKET VALIDATION REQUIREMENTS”

Subsection 960 are amended to read as follows:

960 DC TAP & PLAY TICKET VALIDATION REQUIREMENTS

- 960.01 A DC Tap & Play game ticket, must meet the following conditions to be valid:

- (a) The ticket validation number must be present in its entirety and shall correspond, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket;
- (b) The ticket must be intact;
- (c) The ticket may not be mutilated, altered, reconstituted, or tampered with;
- (d) The ticket may not be counterfeit or an exact duplicate of another winning ticket;
- (e) The ticket must have been issued by the Agency in an authorized manner;
- (f) The ticket must not have been stolen;
- (g) The ticket data must have been recorded on the Agency's central computer system and the ticket data must match this computer record in every respect;
- (h) The validation number data of an apparent winning ticket must appear on the official file of winning tickets and a ticket with that exact data may not have been previously paid;
- (i) The ticket must not be misregistered, defectively printed, or produced in error to an extent that it cannot be processed by the Agency; and
- (j) The ticket must pass other confidential security checks by the Agency.

960.2 A DC Tap & Play ticket not passing the validation requirements and checks specified in §960.01 will be considered invalid and a prize will not be paid for that ticket.

960.3 In cases of doubt regarding the validity of a ticket, the determination of the Executive Director is final and binding.

960.4 If a defective ticket is purchased or if the Executive Director determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous ticket with a ticket of equivalent sale price from a current lottery game.

960.5 The Agency shall not be responsible for lost or stolen tickets.

960.6 DC Tap & Play prizes claims must be claimed within one hundred eighty (180) days from the date that appears on the DC Tap & Play game ticket.

960.7 All applicable Agency rules and regulations apply to DC Tap & Play games and tickets including but not limited to the general lottery ticket provisions in Chapter 5 (General Provisions) of Title 30 of the DCMR.

Chapter 99, DEFINITIONS, of Title 30 of the DCMR is amended as follows:

Section 9900, DEFINITIONS, is amended by adding the following terms and definitions:

DC Tap & Play - Touch screen games that are interactive lotto type games, which are played on the Agency's Coronis MP terminals. Each game delivers a printed game ticket.

DC Tap & Play Ticket - A ticket produced by an Agency's terminal which displays the results of playing a DC Tap & Play game.

All persons desiring to comment on the subject matter of this amended proposed rulemaking should file comments in writing no later than thirty (30) days from the date of publication of this notice in the *D.C. Register*. Comments should be directed to the Executive Director, District of Columbia Lottery and Charitable Games Control Board, at 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020, or antar.johnson@dc.gov. Questions regarding these rules may be directed to email or phone at (202) 645-8026. Copies of these proposed rules may be obtained at the address stated above.

OFFICE OF TAX AND REVENUE**NOTICE OF PROPOSED RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code §§ 42-1117 and 47-916, Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019; P.L. 109-356, D.C. Official Code § 1-204.24d (2012 Supp.)) of the Home Rule Act, and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 5, TAX ON RECORDATION OF DEEDS, of Title 9 of the District of Columbia Municipal Regulations (DCMR), by adding a new Section 527, Residential Properties, and Chapter 6, REAL PROPERTY TRANSFER TAX, of Title 9 of the DCMR, by adding a new Section 612, Residential Properties.

The proposed amendments will provide needed clarification on the District's position and consistent interpretation of the phrase "residential properties" as referenced by D.C. Code § 42-1103(a-4) and D.C. Code § 47-903(a-4). The sections will clearly identify what types of properties shall be considered residential properties for purposes of imposing the recordation tax pursuant to D.C. Official Code § 42-1103 and the transfer tax pursuant to D.C. Official Code § 47-903.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 5 of Title 9 DCMR is amended as follows:**A new Section 527, Residential Properties, is added to read as follows:**

527 The phrase "residential properties" as referenced in D.C. Official Code § 42-1103(a-4) shall have the same meaning as Class 1 Property, as defined by D.C. Official Code § 47-813(c-8)(2), or such other section under D.C. Official Code § 47-813 as may supersede D.C. Official Code § 47-813(c-8)(2).

Chapter 6 of Title 9 DCMR is amended as follows:**A new Section 612, Residential Properties, is added to read as follows:**

612 The phrase "residential properties" as referenced in D.C. Official Code § 47-903(a-4) shall have the same meaning as Class 1 Property, as defined by D.C. Official Code § 47-813(c-8)(2), or such other section under D.C. Official Code § 47-813 as may supersede D.C. Official Code § 47-813(c-8)(2).

Comments on this proposed rulemaking should be submitted to Sonia Kamboh, Assistant

General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Sonia Kamboh may be contacted by: mail at DC Office of Tax and Revenue, 1101 4th Street, SW, Suite 750, Washington, DC 20024; telephone at (202) 442-4063; or, email at sonia.kamboh@dc.gov. Copies of this rule and related information may be obtained by contacting Sonia Kamboh as stated above.

DEPARTMENT OF HEALTH CARE FINANCE**NOTICE OF SECOND 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. 744; D.C. Official Code § 1-307.02 (2006 Repl.; 2012 Supp.)) and Section 6 (6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), hereby gives notice of the adoption, on an emergency basis, of an amendment to repeal Sections 968 through 982 of Title 29, Public Welfare, of the District of Columbia Municipal Regulations (DCMR), and to add a new Chapter 41, to be entitled “Medicaid Reimbursement for Intermediate Care Facilities for Individuals with Intellectual Disabilities,” of Title 29, Public Welfare, of the DCMR.

The primary effect of these rules is to update the methodology used to calculate reimbursements for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID). The District last updated this reimbursement model in 1997 and, with the exception of the one-to-one services, it has not been updated since that time. Under these proposed rules, a uniform per diem reimbursement rate for all ICFs/IID is established which shall include payment for: (1) residential services provided to each beneficiary based upon the beneficiary’s level of need and facility classification; (2) active treatment services; (3) other health care and programs; (4) transportation; (5) capital; (6) non-personnel operations; and (7) administrative costs. The new rate methodology authorizes adjustments for inflation beginning in Fiscal Year (FY) 2014 and annually thereafter. In addition to the per diem rate, each facility may receive a supplemental payment for training pursuant to the requirements set forth in the Stevie Sellows Intermediate Care Facility Mentally Retarded Quality Improvement Act of 2005, effective March 8, 2006 (D.C. Law 16-68; D.C. Official Code § 47-1270 *et seq.* (2006 Repl.; 2012 Supp.)). Providers are also required to spend a certain percentage of the various cost centers on service delivery to Medicaid beneficiaries. Failure to comply with the requirements governing Fiscal Accountability will result in DHCF seeking repayment from the provider. The Medicaid program projects approximately \$20 million dollars in additional expenditures in FY13 as a result of this new rate methodology.

Secondarily, this rulemaking incorporates alternative sanctions that will enhance the District’s authority to monitor ICFs/IID’s compliance with the conditions of participation (CoP) in Medicaid, and where necessary, institute corrective actions. Provided the residents of the ICF/IID are not in immediate jeopardy of harm, a CoP violation may be addressed through one or more of the following: (1) denial of payment for all new admissions; (2) directed plan of correction; (3) directed in-service training; or (4) state monitoring. DHCF will administer these alternative sanctions in conjunction with the Department of Health (DOH) and the Department on Disability Services (DDS).

This second emergency rulemaking is necessitated by the immediate need to create new levels of need that better align with the needs of individuals with intellectual disabilities. The new levels of need are linked to a new reimbursement structure that will offer providers payments that will allow them to better support these individuals. Emergency action is necessary for the immediate preservation of the health, safety, and welfare of persons who are in need of services provided in an ICF/IID.

The District of Columbia Medicaid Program is also amending the District of Columbia State Plan for Medical Assistance (State Plan) to reflect these changes. The Council of the District of Columbia (Council) has approved the corresponding State Plan amendment. The State Plan amendment has been submitted to the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for approval.

A notice of emergency and proposed rulemaking was published in the DC Register on September 28, 2012 at 59 DCR 011226. No comments were received and no substantive changes have been made. The second emergency and proposed rulemaking was adopted on January 11, 2013 and became effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days or until May 10, 2013, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt this proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 29, PUBLIC WELFARE, of the District of Columbia Municipal Regulations is amended as follows:

Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) DCMR is amended by deleting Sections 968 through 970 and Sections 972 through 982 in their entirety.

A new Chapter 41 of Title 29 (Public Welfare) DCMR is added to read as follows:

CHAPTER 41 MEDICAID REIMBURSEMENT FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES

4100 GENERAL PROVISIONS

- 4100.1 This Chapter shall establish principles of reimbursement that shall apply to each intermediate care facility for individuals with intellectual disabilities (ICF/IID) participating in the District of Columbia Medicaid program.
- 4100.2 For an ICF/IID to be eligible to receive reimbursement under this chapter, it shall be certified as an Intermediate Care Facility by the Health Regulation and Licensing Administration (HRLA) in the Department of Health (DOH), pursuant to 22 DCMR §§ 3100 *et seq.* for a period up to fifteen (15) months.

- 4100.3 Medicaid reimbursement to ICFs/IID for services provided beginning on or after October 1, 2012, shall be on a prospective payment system consistent with the requirements set forth in this Chapter.
- 4100.4 The Department of Health Care Finance (DHCF) shall pay for ICF/IID services through the use of rates that are reasonable and adequate to meet the costs that are incurred by efficiently, economically operated facilities in order to provide services in conformity with applicable District and federal laws, regulations, and quality and safety standards. DHCF used the following financial principles in developing the reimbursement methodology described in this chapter:
- (a) Basing payment rates on the acuity of each individual;
 - (b) Establishing uniform reimbursement of services constituting the active treatment program for individuals who meet the requirements of 42 C.F.R. § 483.440(a);
 - (c) Establishing consistent payment rates for the same classes of facilities serving individuals with comparable levels of need; and
 - (d) Establishing one (1) day, inclusive of residential care and active treatment, as the unit of service.
- 4100.5 The reimbursement rates paid to ICFs/IID for Medicaid individuals residing in the facility shall be equal to one hundred percent (100%) of the following components:
- (a) Residential component base rate determined by acuity level, as defined in § 4101 of this chapter, and inclusive of the following:
 - (1) Direct service;
 - (2) All other health care and program related expenses;
 - (3) Non-personnel operations;
 - (4) Administration;
 - (5) Non-Emergency Transportation;
 - (6) Capital; and
 - (7) Allowable share of the Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Fund Assessment.

- (b) Services constituting an active treatment program, described in § 4103, as set forth in the individual's Individual Service Plan (ISP); and
- (c) Payments associated with participation in quality improvement initiatives, as set forth in § 4104.

4100.6 The reimbursement rates paid to ICFs/IID shall exclude all of the following services that are provided outside of the ICF/IID:

- (a) Inpatient and outpatient hospital visits;
- (b) Physician and specialty services;
- (c) Clinic services;
- (d) Emergency department services;
- (e) Services delivered by any other long-term care facility;
- (f) Custom durable medical equipment that shall be solely for the use of one (1) individual (such as a specialized wheelchair); and
- (g) Prescription drug costs, excluding copays for individuals who are also subject to the *Evans* court order.

4100.7 Medicaid reimbursement to each ICF/IID shall comply with the "Policy on Reserved Beds," as set forth on page 2 of Attachment 4.19C of the State Plan for Medical Assistance.

4100.8 An organization related to an enrolled ICF/IID ("related organization") may furnish services and supplies under the prudent buyer concept, provided the costs of such services and supplies are consistent with costs of such items furnished by independent third party providers in the same geographic area. These requirements shall apply to the sale, transfer, leaseback, or rental of property, plant, or equipment or purchase of services of any facility or organization.

4100.9 In accordance with 42 C.F.R. § 456.360, the District of Columbia Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), and implementing rules, a qualified physician shall certify that an individual needs ICF/IID services. The certification shall be made at the time of admission for current Medicaid individuals, or for individuals who apply for Medicaid while residing in an ICF/IID, before any payment is made to the facility.

4100.10 Recertification of an individual’s need for continued ICF/IID services is required, at minimum, twelve (12) months following the date of the previous certification, pursuant to 42 C.F.R. § 456.360(b).

4100.11 A Medicaid individual shall be assessed by an interdisciplinary team within thirty (30) days of admission to an ICF/IID. This determination shall provide the foundation for requests to elevate an acuity level assignment beyond Acuity Level 1.

4101 ACUITY LEVEL ASSIGNMENTS

4101.1 Reimbursement rates shall be differentiated based on the individual’s acuity level, as recommended by DDS, through the Level of Need Assessment and Risk Screening Tool (LON), and interdisciplinary teams of health and habilitation professionals, pursuant to the Individual Service Plan (ISP).

4101.2 Acuity levels higher than Acuity Level 1 (Base), specific to the medical and health needs of each qualified individual, shall be requested by the ICF/IID, recommended by DDS, and approved by DHCF.

4101.3 Reimbursement under this Chapter shall be governed according to the following acuity levels:

(a) Acuity Level 1 (Base) shall represent the health, habilitation, and support needs of a beneficiary whose level of care determination (LOC) reflects a need for ICF/IID services. Acuity Level 1 shall be the base acuity level.

(b) Acuity Level 2 (Moderate) shall represent the health, habilitation, and support needs of a beneficiary who:

(1) Meets the requirements of § 4101.3(a); and

(2) Requires moderate levels of services in order to effectively support functional impairments, as described in § 4101.7.

(c) Acuity Level 3 (Extensive – Behavioral) shall represent the health, habilitation, and support needs of a beneficiary who:

(1) Meets the requirements of § 4101.3(a); and

(2) Requires services and interventions that can address conditions associated with an extensive intellectual and developmental disability and significant behavioral challenges as described in § 4101.8.

- (d) Acuity Level 4 (Extensive – Medical) shall represent the health, habilitation, and support needs of a beneficiary who:
- (1) Meets the requirements of § 4101.3(a); and
 - (2) Requires services and interventions that can address conditions associated with a significant intellectual and developmental disability and significant medical and support challenges as described in § 4101.9.
- (e) Acuity Level 5 (Pervasive) shall represent the health, habilitation, and support needs of a beneficiary who:
- (1) Meets the requirements of § 4101.3;
 - (2) Requires services and interventions that can address conditions associated with a significant intellectual and developmental disability; and
 - (3) Exhibits dangerous behaviors or conditions that require one-to-one (1:1) supervision for twenty-four (24) hours per day or less, as described in § 4101.10.
- (f) Acuity Level 6 (Pervasive Plus Skilled Nursing) shall represent the health, habilitation, and support needs of a beneficiary who:
- (1) Meets the requirements of § 4101.3(a);
 - (2) Requires services and interventions that can address conditions associated with a pervasive level of care to accommodate individuals with dangerous behaviors or conditions that require one to one (1:1) supervision twenty-four (24) hours per day; and
 - (3) Requires extensive skilled nursing services as described in § 4101.11.

4101.4 For purposes of reimbursement, a beneficiary admitted on or after October 1, 2012, shall be assumed to be at Acuity Level 1 (Base). An ICF/IID may request through, and with supporting documentation by, DDS that DHCF assign a beneficiary to an enhanced level, above Acuity Level 1. This request must be accompanied by documentation submitted by the ICF/IID that justifies the enhanced acuity level.

4101.5 In order for a beneficiary to qualify at an acuity level beyond Acuity Level 1 (Base), the ICF/IID shall ensure that qualified health and habilitation practitioners assess each beneficiary using the LON.

4101.6 Acuity level assignments shall be recertified annually.

4101.7 A beneficiary shall qualify for Acuity Level 2 (Moderate) when assessed to have at least one (1) of the following characteristics:

- (a) Is unable to perform two (2) or more activities of daily living (ADL);
- (b) Is non-ambulatory;
- (c) Is unable to evacuate self without assistance in the event of a fire or other emergency situation;
- (d) Is assessed to lack life safety skills to ensure self-preservation; or
- (e) Has a diagnosis of one (1) of the following conditions:
 - (1) Blindness;
 - (2) Deafness;
 - (3) Autism Spectrum Disorder; or
 - (4) Epilepsy.

4101.8 A beneficiary shall qualify for Acuity Level 3 (Extensive – Behavioral) when he or she is dually diagnosed with an intellectual and developmental disability and with one (1) or more behavioral disorders that:

- (a) Are assaultive, self-abusive, including pica, or aggressive;
- (b) Require a Behavior Support Plan (BSP) which shall be based on current data and targets the identified behaviors; and
- (c) Require intensive staff intervention and additional staff resources to manage the behaviors set forth in § 4101.8(a).

4101.9 A beneficiary shall qualify for Acuity Level 4 (Extensive – Medical) when he or she requires skilled nursing and extensive health and habilitation supports on a daily basis. Skilled nursing and extensive health and habilitation supports shall be prescribed by the individual’s primary care physician or advanced practice registered nurse (APRN).

4101.10 A beneficiary shall qualify for Acuity Level 5 (Pervasive) when he or she requires one-to-one (1:1) staffing and exhibits one (1) or more of the following characteristics:

- (a) Has a history of, or is at high risk for, elopement resulting in risk to the beneficiary or others;
- (b) Exhibits behavior that is life-threatening to the beneficiary or others;
- (c) Exhibits destructive behavior that poses serious property damage, including fire-setting;
- (d) Is a sexual predator; or
- (e) Has a history of, or is at high risk for, falls with injury and a primary care physician or advanced practice registered nurse order for one-to-one (1:1) supervision.

4101.11 A beneficiary shall qualify for Level 6 (Pervasive Plus Skilled Nursing) if the beneficiary requires at least one (1) type of skilled nursing that shall be ordered by a primary care physician or advanced practice registered nurse and provided, at a minimum, on an hourly basis.

4101.12 For a beneficiary who requires services at or above Acuity Level 4, the prescription of the physician or advanced practice registered nurse, shall specify the type, frequency, scope, and duration of the skilled nursing and health and habilitation support services required.

4101.13 The number of one-to-one (1:1) staffing hours shall be approved by DHCF using results from assessments conducted by ICFs/IID. Under Levels 5 and 6 (Pervasive and Pervasive Plus Skilled Nursing), DHCF's approval shall be based on having staff member(s) assigned to the beneficiary who have no other duties while assigned to the beneficiary.

4101.14 Each ICF/IID shall have responsible direct care staff on duty and awake on a twenty-four (24) hour basis when residents are present in the facility to ensure prompt, appropriate action in the event of injury, illness, fire, or other emergency.

4101.15 Each ICF/IID shall be responsible for requesting renewal of the beneficiary's acuity level assignment by compiling the beneficiary's information in the required format(s) at least twenty (20) days before the ISP effective date. Each ICF/IID shall ensure that the individual has an approved acuity level assignment by the ISP effective date. At minimum, the ICF/IID shall provide the following:

- (a) Level of Need Assessment and Risk Screening Tool (LON); and
- (b) Current ISP document including medical, psychological, occupational or physical therapy assessment.

4101.16 Additional documentation shall be required to support the acuity level assignment for a beneficiary. Depending on acuity level, additional documentation shall be required as follows:

- (a) For Acuity Level 3 (Extensive – Behavioral) the following additional documentation is required:
 - (1) A BSP addressing the targeted behaviors;
 - (2) A written behavior plan that shall be based on current data and which targets the identified behaviors; and
 - (3) A concise statement that summarizes thirty (30) days of behavioral data prior to the date of the request and justification of the need for intensive staff intervention and additional staff resources to manage targeted behaviors.
- (b) For Acuity Level 4 (Extensive – Medical) documentation that includes an order for daily skilled nursing and extensive health supports prepared by the beneficiary’s primary care physician or an advance practice registered nurse is required.
- (c) For Acuity Level 5 (Pervasive) the following additional documentation is required:
 - (1) A concise statement setting forth the presenting problem that necessitates one to one (1:1) supervision and the number of requested one to one (1:1) hours;
 - (2) Evidence of a history or risk of elopement that results in risk to the beneficiary and/or others;
 - (3) Evidence of behavior that is life threatening to self and/or others;
 - (4) Evidence of destructive behavior causing serious property damage, including fire starting;
 - (5) Evidence of sexually predatory behavior;
 - (6) Evidence of a history of, or risk of, falls with injury, and an order from the beneficiary’s primary care physician or APRN;
 - (7) A BSP that shall be based on current data and targets the behaviors identified;

- (8) A job description for one to one (1:1) staff based on the beneficiary's individual needs; and
 - (9) Thirty (30) days of behavioral data prior to the date of the request in support of the targeted behaviors.
- (d) For Acuity Level 6 (Pervasive plus Skilled Nursing) the following additional documentation is required:
- (1) An order for skilled nursing services prepared by the beneficiary's primary care physician or APRN;
 - (2) A concise statement setting forth the presenting problem that necessitates one to one (1:1) supervision and skilled nursing and the number of requested one to one (1:1) hours; and
 - (3) A job description for one to one (1:1) staff based on the beneficiary's individual needs.

4101.17 Documentation required to review a beneficiary's acuity level shall be submitted to DHCF within sixty (60) days of the event that necessitates assignment to a higher acuity level.

4101.18 On a case-by-case basis, DHCF shall consider requests for retroactive adjustment to a beneficiary's acuity level that may result in a change to the reimbursement rate. DHCF decisions shall be based on the facility's submission of required documentation as set forth below:

- (a) A concise statement setting forth the situation that necessitates retroactive adjustment;
- (b) Evidence of the higher acuity level for the specified period of time for which the change in acuity level is requested. This evidence shall include the LON and other clinical and professional documentation such as discharge planning notes, physician's notes, other clinician's notes, interdisciplinary team meeting notes, and healthcare reports for the same defined period of time; and
- (c) Evidence that a higher level of service was delivered for the defined period and that the higher level of service delivered is that required for the higher acuity level. This evidence shall include documentation of staffing levels detailing hours and types of services delivered for each day in the defined period of time. Evidence shall also include the identity of the specific staff delivering the higher acuity services and an attestation from the staff of the higher acuity service they delivered.

4101.19 Any retroactive adjustment based on § 4101.18 shall be limited to the time that has lapsed since the date of the beneficiary’s last continuous stay review, as set forth in § 4109.

4101.20 Each ICF/IID shall notify DHCF of the transfer or death of a beneficiary at least seven (7) business days after the date of the event.

4102 REIMBURSEMENT METHODOLOGY

4102.1 The rates for ICF/IID services were developed based on Fiscal Year (FY) 2010 cost data reported by providers of different sizes serving individuals at varying acuity levels. The rates shall vary based on staffing ratios, facility size, and beneficiary acuity level.

4102.2 For the purposes of rate-setting, and independent of the classification used by the Department of Health for licensing, DHCF shall classify ICFs/IID as follows:

- (a) Class I - A facility with five (5) or fewer licensed beds; and
- (b) Class II - A facility with six (6) or more licensed beds.

4102.3 The residential component of the rate, as described in § 4100.5(a), shall be based on a model that includes the following seven (7) cost centers:

- (a) The “Direct Service” cost center shall include expenditures as follows:
 - (1) Nurses, including registered nurses (RNs), licensed practical nurses (LPNs), and certified nursing assistants (CNAs);
 - (2) Qualified Mental Retardation Professionals (QMRPs);
 - (3) House managers;
 - (4) Direct Support Personnel;
 - (5) Allocated time of staff with administrative duties and who are also utilized in direct service support, subject to the results of a time study or time sheet process that has been approved by DHCF; and
 - (6) Fringe benefits, including but not limited to required taxes, health insurance, retirement benefits, vacation days, paid holidays, and sick leave.
- (b) The “All Other Health Care and Program Related” cost center shall include expenditures for:

- (1) Pharmacy co-pays and over-the-counter medications;
 - (2) Medical supplies;
 - (3) Therapy costs, including physical therapy, occupational therapy, and speech therapy;
 - (4) Physician services;
 - (5) Behavioral health services provided by psychologists or psychiatrists;
 - (6) Nutrition and food;
 - (7) Medical record maintenance and review;
 - (8) Insurance for non-direct care health staff;
 - (9) Program materials excluding active treatment;
 - (10) Training for direct care staff;
 - (11) Program development and management, including recreation;
 - (12) Incident management;
 - (13) Clothing for beneficiaries; and
 - (14) Quality Assurance.
- (c) The “Non-Personnel Operations” cost center shall include expenditures for:
- (1) Food service and supplies related to food service;
 - (2) Laundry;
 - (3) Housekeeping and linen; and
 - (4) Non-capital repair and maintenance.
- (d) The “Administration” cost center shall include expenditures for:
- (1) Payroll taxes;
 - (2) Salaries and consulting fees to non-direct care staff;

- (3) Insurance for administrators and executives;
 - (4) Travel and entertainment;
 - (5) Training costs;
 - (6) Office expenses;
 - (7) Office space rent or depreciation;
 - (8) Clerical staff;
 - (9) Interest on working capital;
 - (10) Staff transportation; and
 - (11) Licenses.
- (e) The “Non-Emergency Transportation” cost center shall include expenditures for:
- (1) Vehicle license, lease, and fees;
 - (2) Vehicle maintenance;
 - (3) Depreciation of vehicle;
 - (4) Staffing costs for drivers and aides not otherwise covered by, or in excess of costs for, direct support personnel;
 - (5) Fuel; and
 - (6) Vehicle insurance.
- (f) The “Capital” cost center shall include expenditures, less all amounts received for days reimbursed pursuant to the “Policy on Payment for Reserved Beds in Intermediate Care Facilities for the Intellectually Disabled,” page 2 of Attachment 4.19C of the State Plan, for the following:
- (1) Depreciation and amortization;
 - (2) Interest on capital debt;
 - (3) Rent;

- (4) Minor equipment;
 - (5) Real estate taxes;
 - (6) Property insurance;
 - (7) Other capital; and
 - (8) Utilities, including electricity, gas, telephone, cable, and water.
- (g) The “Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Fund Assessment” cost center shall include only the allowable share of the Assessment expenditure consistent with 42 U.S.C. § 1396(b)(w) and 42 C.F.R. §§ 433.68, 433.70 and 433.72.

4102.4 Fiscal Year (FY) 2013 rates shall be based on Fiscal Year (FY) 2010 cost data reported by providers, legal requirements, and industry standards, and shall be paid for services delivered beginning on October 1, 2012, through September 30, 2013. FY 2013 rates, and all rates thereafter, shall be set forth in this Chapter. FY 2013 rates were developed based upon the following assumptions:

- (a) FY 2013 Non-Personnel Operations per diem rates shall be based on FY 2010 costs, inflated twelve percent (12%);
- (b) FY 2013 Capital per diem rates shall be based on FY 2010 costs, inflated fifteen percent (15%);
- (c) FY 2013 rates for the cost centers described in § 4102.4(a) and (b) shall be calculated as the quotient of total industry expenditures divided by the total number of industry licensed bed days as reported for FY 2010;
- (d) The FY 2013 rate for Non-Emergency Transportation shall be eighteen dollars (\$18) per person, per day; and
- (e) Capital expenditures for Class I and Class II facilities shall be calculated separately.

4102.5 FY 2014 rates shall be based on the reported FY 2013 cost reports. In establishing the rates for FY 2014, DHCF shall use FY 2013 rates as a baseline comparison to the FY 2013 cost reports. DHCF shall make appropriate adjustments to each cost center rate based on the actual reported costs. These adjustments may increase or decrease the per diem rates for each cost center. The resulting rates shall be inflated annually, beginning in FY 2014, in accordance with the index described in this chapter.

- 4102.6 For dates of service on or after October 1, 2016, final reimbursement rates for the residential component will be based on providers' FY 2014 cost reports subject to audit and adjustment by DHCF.
- 4102.7 Direct Service cost center reimbursement rates shall be calculated based on staffing ratios, facility size, and individuals' acuity levels. All rates shall accommodate the following staffing patterns:
- (a) Two (2) Direct Support Personnel (DSP) at three (3) shifts per day for three hundred sixty-five (365) days per year, at the following staffing ratios:
 - (1) Class I Facilities: One (1) DSP to every two (2) individuals (1:2); and
 - (2) Class II Facilities: One (1) DSP to every three (3) individuals (1:3).
 - (b) One (1) LPN for each facility at one (1) shift per day for three hundred sixty-five (365) days per year, for all ICFs/IID.
 - (c) One (1) additional LPN for each ICF/IID at one (1) shift per weekend day (Saturday and Sunday) for fifty-two (52) weeks per year. This staffing pattern shall apply only to Class II facilities.
 - (d) One (1) RN, one (1) QMRP, and one (1) house manager, each at one (1) shift per day for two hundred forty-nine (249) days per year, at a ratio of one (1) staff person to every twelve (12) individuals (1:12) for all ICFs/IID.
 - (e) For services provided to individuals assigned to acuity levels higher than Acuity Level I, an ICF/IID shall be paid rates that can accommodate additional staffing needs as follows:
 - (1) Acuity Level 2 (Moderate) rates shall also include one (1) additional DSP at three (3) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP for every two (2) individuals (1:2) for all ICFs/IID.
 - (2) Acuity Level 3 (Extensive – Behavioral) rates shall also include costs associated with two (2) additional DSPs. The rates for Acuity Level 3 shall include one (1) DSP at three (3) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP staff member for every two (2) individuals for all ICFs/IID. The rate shall also include one (1) DSP at two (2) shifts per day for three hundred sixty-five (365) days per year, at a

- staffing ratio of one (1) DSP staff member for every two (2) individuals for all ICFs/IID.
- (3) Acuity Level 4 (Extensive – Medical) rates shall also include costs associated with one (1) additional LPN at two (2) shifts per day for three hundred sixty-five (365) days per year, for all ICFs/IID. Class II facilities shall also receive a rate that includes one (1) certified nurse aide (CNA) at two (2) shifts per day for three hundred sixty-five (365) days per year.
 - (4) Acuity Level 5 (Pervasive) rates shall vary based on the number of one-to-one services prescribed for a beneficiary. Acuity Level 5 rates shall also include one (1) DSP at two (2) or three (3) shifts per day, for five (5) or seven (7) days per week for fifty-two (52) weeks per year, at a staffing ratio of one (1) DSP to one (1) beneficiary (1:1).
 - (5) Acuity Level 6 (Pervasive Plus Skilled Nursing) rates shall vary based on the number of one-to-one services prescribed for a beneficiary. Acuity Level 6 rates shall also include one (1) LPN at one (1), two (2), or three (3) shifts per day for seven (7) days per week for fifty-two (52) weeks per year, at a staffing ratio of one (1) LPN to one (1) beneficiary (1:1).
- (f) The base salaries used in the development of FY 2013 rates for direct care staff wages and salaries shall be as follows:
- (1) DSP: \$12.50 per hour;
 - (2) LPN: \$21.00 per hour;
 - (3) CNA: \$16.83 per hour;
 - (4) House Manager: \$45,000 per year;
 - (5) RN: \$70,000 per year; and
 - (6) QMRP: \$60,000 per year.
- (g) Salaries set forth in Section 4102.7(f) shall be treated as follows:
- (1) “Paid time off” shall include the addition of eighty (80) hours of paid leave. Holiday pay shall include the addition of forty-four (44) hours to ensure that the rate includes the rate of pay plus one-half (1/2) the rate of pay (time and one-half) for holidays worked;

- (2) Salaries shall be inflated by twenty percent (20%) and paid leave and holiday pay shall be inflated by twelve percent (12%), to accommodate fringe benefits; and
- (3) All rates shall include paid time off and holiday pay for all hourly full-time equivalents (FTEs).
- (h) Beginning in FY 2014 and each fiscal year thereafter, Direct Care Staff Compensation shall be inflated by the greater of any adjustment to the living wage or the associated costs of benefits and inflation based on the Centers for Medicare and Medicaid Services (CMS) Skilled Nursing Facility Market Basket Index or other appropriate index if the CMS Skilled Nursing Facility Market Basket Index is discontinued.

4102.8 All Other Health Care and Program Related Expenses cost center reimbursement rates shall be calculated based on the facility size and the direct care cost center rate, which varies by staffing ratios and individuals' acuity levels. The rate for this cost center shall be calculated as a fixed percentage of the rate for direct services, at twelve percent (12%) for Class I facilities and at seventeen percent (17%) for Class II facilities.

4102.9 The Non-Personnel Operations cost center reimbursement rates shall be calculated based on industry average reported costs. The Non-Personnel Operations reimbursement rate shall be equal to the industry average reported expenses per licensed bed day for the line items included in the cost center, and shall be uniformly set for all providers.

4102.10 The Administration cost center reimbursement rates shall be calculated based on the staffing ratios, facility size, and individuals' acuity levels. The Administration reimbursement rate shall vary based on the nature of ownership of the physical premises where the ICF/IID is housed. The Administration rate shall be a uniform percentage of the sum of the rates for all other cost centers and acuity levels.

4102.11 The Non-Emergency Transportation cost center reimbursement rates shall be based on the industry average expenses divided by the total number of licensed bed days.

4102.12 The Capital cost center reimbursement rates shall be determined in accordance with 42 C.F.R. § 413.130 and based on the industry average reported expenses per licensed bed day for the line items included in this cost center as described in section § 4102.3. The rate shall vary based on the nature of ownership of the physical premises where the ICF/IID is housed. The Capital rate for leased premises shall be equal to the industry average reported expenses per licensed bed day for the line items included. The Capital rate for provider-owned premises

shall be equal to fifty percent (50%) of the rate for leased premises. The Capital rate shall also be subject to the following principles:

- (a) When a sale/leaseback of an existing ICF/IID facility occurs, the ICF/IID's allowable capital related cost may not exceed the amount that the seller/lessor would have recorded had the seller/lessor retained legal title;
- (b) When depreciated buildings and building improvements are acquired, the cost basis of the depreciable asset shall be the lesser of the cost or acquisition value of the previous owner(s) less all reimbursement attributable to the asset as determined by DHCF or the fair market value of the asset at time of acquisition. Notwithstanding, if the seller makes the full payback in accordance with paragraph (e) below, the cost basis to the new owner shall be the lesser of the fair market value or the purchase price;
- (c) Facilities shall employ the straight-line method for calculating depreciation subject to the limits set forth in paragraphs (d) and (e) below. Accelerated methods for calculating depreciation shall not be allowed. Subject to the limits set forth in paragraphs (d) and (e), the annual depreciation expense of an asset shall be determined by dividing the basis of the asset reduced by any estimated salvage or resale value by the estimated years of useful life of the asset at the time it is placed in service;
- (d) Depreciation expense of buildings and building improvements shall be limited to the basis of each asset and shall not exceed the basis of such assets less the aggregate amount received in reimbursement for such assets in the current and prior years;
- (e) Fully depreciated buildings and building improvements subsequently sold or disposed of shall be subject to payback by the owner to the program of all depreciation expense paid to the owner and all previous owners when such assets are no longer used to provide ICF/IID services or have been transferred to new owners in an arm's length transaction, provided that such payback shall be reduced by all amounts previously paid back, if any, by prior owners;
- (f) ICFs/IID shall estimate assets' years of useful life in accordance with the most recent edition of "Estimated Useful Lives of Depreciable Hospital Assets" published by the American Hospital Association, or if not applicable, relevant guidance issued by the U.S. Internal Revenue Service. Subject to the limits set forth in paragraphs (d) and (e), depreciation expense for the year of disposal can be computed by using either the half-year method or the actual time method;

- (g) Assets shall be recorded using historical cost, except for donated assets which shall be recorded at fair market value at the time received and based on the lesser of at least two (2) bona fide appraisals. Costs during the construction of an asset, consulting and legal fees, interest, and fund raising, should be capitalized as a part of the cost of the asset;
- (h) When an asset is acquired by a trade-in, the cost of the new asset shall be the sum of the book value of the old asset and any cash or issuance of debt as consideration paid;
- (i) Facilities that previously did not maintain fixed asset records and did not record depreciation in prior years shall be entitled to any straight-line depreciation of the remaining useful life of the asset. The depreciation shall be based on the cost of the asset or fair market value of a donated asset at the time of purchase, construction or donation over its normal useful life. No depreciation may be taken on an asset that would have been fully depreciated if it had been properly recorded at the time of acquisition;
- (j) Leasehold improvements made to rental property by the lessor shall be depreciated over the lesser of the asset's useful life or the remaining life of the lease;
- (k) On a case by case basis, DHCF may reimburse an ICF/IID by providing an offset to capital costs that shall be equal to the daily amount computed under this subsection in situations when DDS has not filled vacant bed space(s). The ICF/IID shall receive the product of the capital cost multiplied by the administrative rate anytime this payment is made;
- (l) The daily cost described in paragraph (k) shall be computed as the capital component of the daily per-diem rate, multiplied by the number of vacant bed space(s); and
- (m) ICFs/IID shall incur costs and provide DHCF with proof of the vacant bed space, in order to be eligible.

4102.13 Effective October 1, 2013, and annually thereafter, the per diem rates for Non-Personnel Operations, Non-Emergency Transportation, Capital, and Active Treatment shall be adjusted for inflation in accordance with the Centers for Medicare and Medicaid Services (CMS) Skilled Nursing Facility Market Basket Index or other appropriate index if the CMS Skilled Nursing Facility Market Basket Index is discontinued.

4102.14 The Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Fund Assessment shall be a broad based assessment on all ICF/IID providers in the District of Columbia at a

uniform rate of five and one-half percent (5.5%) of each ICF/IID's gross revenue. The allowable cost of the Assessment shall be calculated consistently with 42 U.S.C. § 1396(b)(w) and 42 C.F.R. §§ 433.68, 433.70, and 433.72.

4102.15 For Fiscal Year 2013, ICF/IID reimbursement rates shall be as follows:

	Beds	Facility	Direct care staffing	Other health care & program	Non-Personnel Opers.	Trans	Capital	Admin	Active Treatment	Total Rate	Tax	Total rate paid
Base	4 – 5	Leased	\$291.16	\$34.94	\$18.87	\$18.00	\$58.51	\$54.79	\$82.39	\$558.67	\$30.73	\$589.40
		Owned	\$291.16	\$34.94	\$18.87	\$18.00	\$29.26	\$50.99	\$82.39	\$525.61	\$28.91	\$554.52
	6	Leased	\$220.23	\$37.44	\$18.87	\$18.00	\$53.44	\$45.24	\$82.39	\$475.60	\$26.16	\$501.76
		Owned	\$220.23	\$37.44	\$18.87	\$18.00	\$26.72	\$41.76	\$82.39	\$445.41	\$24.50	\$469.91
Moderate	4 – 5	Leased	\$291.16	\$34.94	\$18.87	\$18.00	\$58.51	\$54.79	\$82.39	\$558.67	\$30.73	\$589.40
		Owned	\$291.16	\$34.94	\$18.87	\$18.00	\$29.26	\$50.99	\$82.39	\$525.61	\$28.91	\$554.52
	6	Leased	\$283.56	\$48.21	\$18.87	\$18.00	\$53.44	\$54.87	\$82.39	\$559.34	\$30.76	\$590.11
		Owned	\$283.56	\$48.21	\$18.87	\$18.00	\$26.72	\$51.40	\$82.39	\$529.15	\$29.10	\$558.25
Extensive behavioral	4 – 5	Leased	\$354.50	\$42.54	\$18.87	\$18.00	\$58.51	\$64.02	\$82.39	\$638.83	\$35.14	\$673.97
		Owned	\$354.50	\$42.54	\$18.87	\$18.00	\$29.26	\$60.21	\$82.39	\$605.77	\$33.32	\$639.09
	6	Leased	\$325.79	\$55.38	\$18.87	\$18.00	\$53.44	\$61.29	\$82.39	\$615.17	\$33.83	\$649.00
		Owned	\$325.79	\$55.38	\$18.87	\$18.00	\$26.72	\$57.82	\$82.39	\$584.98	\$32.17	\$617.15
Extensive medical	4 – 5	Leased	\$397.57	\$47.71	\$18.87	\$18.00	\$58.51	\$70.29	\$82.39	\$693.34	\$38.13	\$731.47
		Owned	\$397.57	\$47.71	\$18.87	\$18.00	\$29.26	\$66.48	\$82.39	\$660.28	\$36.32	\$696.60
	6	Leased	\$348.01	\$59.16	\$18.87	\$18.00	\$53.44	\$64.67	\$82.39	\$644.54	\$35.45	\$679.99
		Owned	\$348.01	\$59.16	\$18.87	\$18.00	\$26.72	\$61.20	\$82.39	\$614.35	\$33.79	\$648.14
Pervasive DSP 1:1 8 h / 7 d	4 – 5	Leased	\$417.84	\$50.14	\$18.87	\$18.00	\$58.51	\$73.24	\$82.39	\$718.99	\$39.54	\$758.54
		Owned	\$417.84	\$50.14	\$18.87	\$18.00	\$29.26	\$69.43	\$82.39	\$685.93	\$37.73	\$723.66
	6	Leased	\$346.90	\$58.97	\$18.87	\$18.00	\$53.44	\$64.50	\$82.39	\$643.08	\$35.37	\$678.45
		Owned	\$346.90	\$58.97	\$18.87	\$18.00	\$26.72	\$61.03	\$82.39	\$612.89	\$33.71	\$646.60

	Beds	Facility	Direct care staffing	Other health care & program	Non-Personnel Oper.	Trans	Capital	Admin	Active Treatment	Total Rate	Tax	Total rate paid
Pervasive DSP 1:1 8 h / 5 d	4 – 5	Leased	\$377.58	\$45.31	\$18.87	\$18.00	\$58.51	\$67.38	\$82.39	\$668.04	\$36.74	\$704.78
		Owned	\$377.58	\$45.31	\$18.87	\$18.00	\$29.26	\$63.57	\$82.39	\$634.98	\$34.92	\$669.91
	6	Leased	\$306.64	\$52.13	\$18.87	\$18.00	\$53.44	\$58.38	\$82.39	\$589.86	\$32.44	\$622.30
		Owned	\$306.64	\$52.13	\$18.87	\$18.00	\$26.72	\$54.91	\$82.39	\$559.66	\$30.78	\$590.44
Pervasive DSP 1:1 16 h	4 – 5	Leased	\$544.52	\$65.34	\$18.87	\$18.00	\$58.51	\$91.68	\$82.39	\$879.31	\$48.36	\$927.68
		Owned	\$544.52	\$65.34	\$18.87	\$18.00	\$29.26	\$87.88	\$82.39	\$846.26	\$46.54	\$892.80
	6	Leased	\$473.58	\$80.51	\$18.87	\$18.00	\$53.44	\$83.77	\$82.39	\$810.56	\$44.58	\$855.14
		Owned	\$473.58	\$80.51	\$18.87	\$18.00	\$26.72	\$80.30	\$82.39	\$780.37	\$42.92	\$823.29
Pervasive DSP 24 h	4 – 5	Leased	\$671.20	\$80.54	\$18.87	\$18.00	\$58.51	\$110.13	\$82.39	\$1,039.64	\$57.18	\$1,096.82
		Owned	\$671.20	\$80.54	\$18.87	\$18.00	\$29.26	\$106.32	\$82.39	\$1,006.58	\$55.36	\$1,061.94
	6	Leased	\$600.26	\$102.04	\$18.87	\$18.00	\$53.44	\$103.04	\$82.39	\$978.04	\$53.79	\$1,031.84
		Owned	\$600.26	\$102.04	\$18.87	\$18.00	\$26.72	\$99.57	\$82.39	\$947.85	\$52.13	\$999.98
Nursing 1:1 8 h / 7 d	4 – 5	Leased	\$503.98	\$60.48	\$18.87	\$18.00	\$58.51	\$85.78	\$82.39	\$828.01	\$45.54	\$873.55
		Owned	\$503.98	\$60.48	\$18.87	\$18.00	\$29.26	\$81.98	\$82.39	\$794.95	\$43.72	\$838.67
	6	Leased	\$433.04	\$73.62	\$18.87	\$18.00	\$53.44	\$77.61	\$82.39	\$756.97	\$41.63	\$798.60
		Owned	\$433.04	\$73.62	\$18.87	\$18.00	\$26.72	\$74.13	\$82.39	\$726.77	\$39.97	\$766.75
Nursing 1:1 8 h / 5 d	4 – 5	Leased	\$436.35	\$52.36	\$18.87	\$18.00	\$58.51	\$75.93	\$82.39	\$742.41	\$40.83	\$783.25
		Owned	\$436.35	\$52.36	\$18.87	\$18.00	\$29.26	\$72.13	\$82.39	\$709.35	\$39.01	\$748.37
	6	Leased	\$365.41	\$62.12	\$18.87	\$18.00	\$53.44	\$67.32	\$82.39	\$667.55	\$36.72	\$704.26
		Owned	\$365.41	\$62.12	\$18.87	\$18.00	\$26.72	\$63.85	\$82.39	\$637.35	\$35.05	\$672.41
Nursing 1:1 16 hours	4 – 5	Leased	\$716.80	\$86.02	\$18.87	\$18.00	\$58.51	\$116.77	\$82.39	\$1,097.35	\$60.35	\$1,157.71
		Owned	\$716.80	\$86.02	\$18.87	\$18.00	\$29.26	\$112.96	\$82.39	\$1,064.29	\$58.54	\$1,122.83
	6	Leased	\$645.86	\$109.80	\$18.87	\$18.00	\$53.44	\$109.98	\$82.39	\$1,038.34	\$57.11	\$1,095.44
		Owned	\$645.86	\$109.80	\$18.87	\$18.00	\$26.72	\$106.50	\$82.39	\$1,008.14	\$55.45	\$1,063.59

	Beds	Facility	Direct care staffing	Other health care & program	Non-Personnel Opers.	Trans	Capital	Admin	Active Treatment	Total Rate	Tax	Total rate paid
Nursing 1:1 24 hours	4 – 5	Leased	\$929.62	\$111.55	\$18.87	\$18.00	\$58.51	\$147.75	\$82.39	\$1,366.69	\$75.17	\$1,441.86
		Owned	\$929.62	\$111.55	\$18.87	\$18.00	\$29.26	\$143.95	\$82.39	\$1,333.64	\$73.35	\$1,406.99
	6	Leased	\$858.68	\$145.98	\$18.87	\$18.00	\$53.44	\$142.35	\$82.39	\$1,319.70	\$72.58	\$1,392.28
		Owned	\$858.68	\$145.98	\$18.87	\$18.00	\$26.72	\$138.87	\$82.39	\$1,289.51	\$70.92	\$1,360.43

4103 ACTIVE TREATMENT SERVICES

- 4103.1 An individual residing in an ICF/IID shall receive continuous active treatment services, consistent with the requirements set forth in 42 CFR § 483.440. Active treatment services shall vary depending on the needs of the beneficiary, as determined by the interdisciplinary team.
- 4103.2 An ICF/IID shall ensure that a beneficiary receives active treatment services on a daily basis. The ICF/IID may affiliate with outside resources to assist with program planning and service delivery or the facility may provide active treatment services directly.
- 4103.3 A program of active treatment services shall include aggressive, consistent implementation of a program of specialized training, treatment, health services, and other related services that is directed towards:
- (a) The acquisition of the behaviors necessary for the individual to function with as much self-determination and independence as possible; and
 - (b) The prevention or deceleration of regression or loss of current optimal functional status.
- 4103.4 In accordance with 42 C.F.R. §§ 483.440(c) - (d), an interdisciplinary team shall determine the type of active treatment services that a beneficiary needs based on preliminary evaluations, assessments, and re-assessments. Each beneficiary's active treatment requirements shall be described in his Individual Program Plan (IPP), pursuant to 42 C.F.R. § 483.440(c). The ICF/IID shall ensure that each beneficiary receives all of the services described in the IPP.
- 4103.5 The per diem reimbursement rate for active treatment shall equal the average of FY12 active treatment rates multiplied by two hundred forty-nine (249) days of service, to account for the maximum days of service provided, and divided by three hundred sixty-five (365).

4104 SUPPLEMENTAL PAYMENT FOR QUALITY OF CARE IMPROVEMENTS

- 4104.1 Consistent with the requirements set forth in the Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Act of 2005, effective March 8, 2006 (D.C. Law 16-68; D.C. Official Code § 47-1270 *et seq.*), implementing rules, and subsequent amendments, beginning in FY 2014 an ICF/IID that meets the criteria in this section shall be eligible to receive a supplemental payment based on the cost of training provided to employees other than managers, administrators, and contract employees.

- 4104.2 In addition to the aggregate per diem described in § 4102, an ICF/IID may receive an additional payment for participation in quality improvement initiatives that are intended to increase the qualifications of employees by making available educational opportunities.
- 4104.3 To qualify for a supplemental payment for quality improvements under this Section for a fiscal year, an ICF/IID shall, by June 30 of the preceding fiscal year, provide DHCF with documentation verifying that it:
- (a) Has a legally binding written agreement with its employees to fund quality of care improvements through measurable efforts to develop and improve staff skills by increasing staff training and educational opportunities;
 - (b) Has written procedures outlining the process, such as arbitration, for employees to follow to enforce this agreement. The process shall:
 - (1) Be expeditious;
 - (2) Be economical for the employees; and
 - (3) Provide for a neutral decision maker to resolve disputes; and
 - (c) Has provided copies of the agreement and the written procedures to its employees and their representatives.
- 4104.4 To establish the cost amount for purposes of determining the facility's supplemental payment amount, an ICF/IID shall provide DHCF with documentation verifying the amount of training costs no later than June 30 of the preceding fiscal year.
- 4104.5 The training cost amount shall include the cost of providing training for employees other than managers, administrators, and contractors, and shall be the actual costs incurred by the facility in providing training to these employees. For training costs to be included, the training shall be:
- (a) Related to patient care;
 - (b) Related to improving the skills, competency, and qualifications of employees in providing care; and
 - (c) Approved by DHCF.
- 4104.6 In order to be eligible for the supplemental payment, an ICF/IID shall incur costs and provide DHCF with evidence that payment has been made in full. Acceptable forms of evidence shall include a copy of any invoice(s) for training costs and cancelled check(s) reflecting the facility's payment of the invoice(s).

- 4104.7 All supplemental payments shall be subject to a uniform percentage of thirteen percent (13%) for administrative costs for FY 2013. The administrative cost percentage may be adjusted in subsequent fiscal years. Adjusted rates will be set forth in the D.C. Register.
- 4104.8 Supplemental payments associated with the costs of implementing quality improvement initiatives shall be recorded as an offset to the costs incurred, and shall be included in the cost report submitted annually.
- 4104.9 The supplemental payments described in this § shall not be used to enhance training or educational opportunities for management, administration, and contractual staff.
- 4104.10 The amount and availability of the supplemental payment shall be contingent upon the availability of funding from DHCF. If the total amount of payments to be made to all eligible providers exceeds the amount of available funds, then payments made to all eligible facilities shall be proportionately reduced.
- 4104.11 DHCF shall issue a Notice of Eligibility and Proposed Reimbursement to each provider within sixty (60) days of receipt of all required information. The written notice shall contain at a minimum all of the following information:
- (a) A determination indicating whether the provider is eligible or ineligible to receive the supplemental payment;
 - (b) If a provider is determined to be ineligible to receive the supplemental payment, a written statement explaining why the facility is ineligible; and
 - (c) Language describing the procedures and timeframes for requesting an administrative review with DHCF.
- 4104.12 A provider who disagrees with the Notice of Eligibility and Proposed Reimbursement may request an administrative review by submitting a written request for an administrative review to DHCF within thirty (30) days after the date of the Notice of Eligibility and Proposed Reimbursement.
- 4104.13 The written request for an administrative review shall include:
- (a) The reason(s) for the request, including an identification of the specific item(s) to be reviewed; and
 - (b) Supporting documentation.
- 4104.14 No later than ninety (90) days after receipt of all requests for administrative review DHCF shall issue a Final Notice of Eligibility and Reimbursement to each

provider that has applied for the supplemental payment. The notice shall contain at a minimum the following information:

- (a) A final determination indicating whether the provider is eligible to receive the supplemental payment. If ineligible, the notice shall contain a written statement explaining why the provider is ineligible;
- (b) The total amount of the supplemental payment, including the annual salary, benefit, and training cost amounts;
- (c) The annual number of employee hours excluding managers, administrators, and contract employees;
- (d) The timeframe for payment of the supplemental payment; and
- (e) Language describing the procedures and timeframes for requesting an appeal with the Office of Administrative Hearings (OAH).

4104.15 A provider who disagrees with the Final Notice of Eligibility and Reimbursement may file an appeal with the OAH within forty-five (45) days of the date of the Final Notice of Eligibility and Reimbursement.

4104.16 Any adjustments to the supplemental payment as a result of a decision rendered by the OAH shall be offset against payments the following fiscal year.

4105 REBASING

4105.1 Effective October 1, 2016, final reimbursement rates for the residential component will be based on providers’ FY 2014 cost reports subject to audit and adjustment by DHCF. Subsequent rebasing to adjust the residential component will occur every three (3) years thereafter.

4106 COST REPORTING AND RECORD MAINTENANCE

4106.1 Each ICF/IID shall report costs annually to DHCF no later than ninety (90) days after the end of the provider’s cost reporting period, which shall correspond to the fiscal year used by the provider for all other financial reporting purposes, unless DHCF has approved an exception. All cost reports shall cover a twelve (12) month cost reporting period unless the facility obtains advance permission from DHCF to allow an alternative reporting period, for good cause.

4106.2 In accordance with instructions from DHCF, providers shall file an initial interim cost report.

4106.3 A cost report that is not completed in accordance with the requirements of this section shall be considered an incomplete filing, and DHCF shall notify the

ICF/IID within thirty (30) days of the date on which DHCF received the incomplete cost report.

- 4106.4 DHCF shall issue a delinquency notice if the ICF/IID does not submit the cost report as specified in § 4106.1 and has not previously received an extension of the deadline for good cause.
- 4106.5 Late submission of cost reports shall result in a refundable withholding of an amount equal to seventy-five percent (75%) of the facility's total payment for the month that the cost report was due, and the same amount shall be withheld each month until the cost report is received.
- 4106.6 The costs described in § 4102 shall be reported on a cost report template developed by DHCF. The cost report shall be completed in accordance with accompanying instructions. The cost report instructions shall include, at minimum, guidelines and standards for determining and reporting allowable costs.
- 4106.7 If the ICF/IID utilizes outside resources pursuant to § 4103.2, the ICF/IID shall submit the cost reports or invoices provided by the outside resources as an attachment to the submitted cost report required under § 4106.6. Where the active treatment program is provided in house, the provider shall provide its own cost report in the active treatment section of the cost report.
- 4106.8 In the absence of specific instructions or definitions contained in the accompanying regulations, cost report forms, and instructions, the treatment and allowability of costs shall be determined in accordance with the Medicare Principles of Reimbursement, 42 C.F.R. Part 413, and the interpretation found in the relevant Provider Reimbursement Manual.
- 4106.9 Any allocated time claimed under § 4102.3(a)(5) shall be supported by contemporaneous time sheets attested to by the persons concerned, or a random moment time study designed and reviewed by an independent firm. Such documentation shall be submitted with the cost report in support of all amounts claimed.
- 4106.10 All of the facility's accounting and related records, including the general ledger and records of original entry, and all transaction documents and statistical data, shall be permanent records and be retained for a period of not less than five (5) years after the filing of a cost report.
- 4106.11 If the records relate to a cost reporting period under audit or appeal, records shall be retained until the audit or appeal is complete.
- 4106.12 In accordance with § 4100.9, the ICF/IID shall disclose a list of related organizations, associated amounts, and the reason(s) for payment to each related organization in the cost report.

4106.13 Costs incurred during a period when an ICF/IID is subject to denial of payment for new admissions, described in § 4112, shall be included on the cost report for the period during which payment was denied, in order to accurately determine rates in subsequent periods.

4107 FISCAL ACCOUNTABILITY

4107.1 Beginning in FY 2014, except for the Administration cost center, each facility shall spend at least ninety-five percent (95%) of the rate under each cost center on service delivery to Medicaid individuals. Facilities expending less than ninety-five percent (95%) of each cost center shall be subject to repayment requirements.

4107.2 Beginning in FY 2014, each ICF/IID shall spend one hundred percent (100%) of the rate for Active Treatment on service delivery to Medicaid individuals. Facilities expending less than one hundred percent (100%) of the rate for Active Treatment shall be subject to repayment requirements.

4107.3 DHCF shall evaluate expenditures subject to the requirements in this section through annual review of cost reports.

4107.4 The repayment amount described in § 4107.1 shall be the difference between ninety-five percent (95%) of the rate component and reported expenses plus the administrative percentage of thirteen percent (13%). The repayment amount described in § 4107.2 shall be the difference between one hundred percent (100%) of the payments made for active treatment services and reported expenses for active treatment services.

4107.5 DHCF, or its designee, shall review each cost report for completeness, accuracy, compliance, and reasonableness through a desk audit.

4107.6 On-site audits shall be conducted not less than once every three (3) years. Each ICF/IID shall allow access, during on-site audits or review by DHCF or U.S. Department of Health and Human Services auditors, to relevant financial records and statistical data to verify costs previously reported to DHCF.

4107.7 DHCF shall issue a notice to each ICF/IID that is required to repay as set forth in this section. The notice shall set forth the repayment amount and include language describing the procedure and timeframes for requesting an appeal before OAH. Filing an appeal with OAH shall not stay any action to recover the amounts prescribed in this section.

4108 RIGHT TO APPEAL

- 4108.1 DHCF shall issue a notice to each beneficiary when DHCF disapproves the acuity level assignment submitted by the provider. The notice shall comply with District and federal law and rules. A copy of the notice shall also be sent to the provider. If the beneficiary consents, a provider may appeal the determination described in this section on behalf of the beneficiary.
- 4108.2 For Fiscal Years 2013 and after, DHCF shall send a transmittal to all providers notifying them of the rates.
- 4108.3 Provider appeals shall be limited to challenges based on acuity level assignments and audit adjustments.
- 4108.4 At the conclusion of each rebasing year audit or any other required audit, an ICF/IID facility shall receive an audited cost report including a description of each audit adjustment and the reason for each adjustment. An ICF/IID facility that disagrees with the audited cost report may request an administrative review of the audited cost report by sending a written request for administrative review to DHCF within thirty (30) days of the date of receipt of the audited cost report.
- 4108.5 For annual cost reports submitted by the ICF/IID facility, any determinations made following reviews conducted by DHCF shall be communicated to the ICF/IID Facility within thirty (30) days. Within thirty (30) days of the date of receipt of the DHCF communication on the submitted annual cost report, an ICF/IID facility that disagrees with the determination may request an administrative review by sending a written request for administrative review to DHCF.
- 4108.6 The written request for an administrative review shall include an identification of the specific audit adjustment to be reviewed, the reason for the request for review of each audit adjustment and supporting documentation.
- 4108.7 DHCF shall mail a formal response to the ICF/IID facility no later than forty-five (45) days from the date of receipt of the written request for administrative review.
- 4108.8 Decisions made by DHCF and communicated in the formal response may be appealed, within thirty (30) days of the date of DHCF's letter notifying the facility of the decision, to OAH.
- 4108.9 Filing an appeal with OAH pursuant to this section shall not stay any action to recover any overpayment to the ICF/IID, and the provider shall be immediately liable to the program for overpayments set forth in the Department's decision.

4109 UTILIZATION REVIEW REQUIREMENTS

- 4109.1 In accordance with 42 C.F.R. § 456.401, each ICF/IID shall develop, implement, and maintain a written Utilization Review Plan (URP) for each Medicaid beneficiary receiving services furnished by the ICF/IID. The URP shall provide for a review of each beneficiary's need for the services that the ICF furnished him or her.
- 4109.2 Utilization review for ICFs/IID enrolled in D.C. Medicaid may be conducted by any of the following:
- (a) The ICF/IID;
 - (b) DHCF or its designee; or
 - (c) Any other approved method.
- 4109.3 The URP shall, at minimum, include the following:
- (a) A description of how utilization review shall be performed;
 - (b) The frequency of utilization review;
 - (c) Assurances and documentation establishing that the personnel who shall perform utilization review meet the requirements of 42 C.F.R. § 456.406;
 - (d) Administrative staff responsibilities related to utilization review;
 - (e) The types of records maintained by the utilization review team;
 - (f) The types and frequency of any reports developed by the utilization review team, and related plan for dissemination; and
 - (g) The procedures that shall be used when corrective action is necessary.
- 4109.4 In accordance with 42 C.F.R. §§ 456.431 - 456.438, each URP shall establish a process whereby each individual residing in the ICF/IID receives continued stay reviews, at minimum, every six (6) months.
- 4109.5 The URP shall establish written methods and criteria used to conduct continued stay reviews. The URP shall also set forth enhanced criteria used to assess a case if the individual's circumstances reflect any of the following associations:
- (a) High costs;
 - (b) Frequent and excessive services; or

- (c) Attended by a physician or other practitioner whose practices reflect questionable billing patterns or misrepresentation of facts needed in order to secure claims reimbursement, including but not limited to ordering and/or providing services that are not medically necessary or that fail to meet professionally recognized standards of care.

**4110 TERMINATION AND ALTERNATIVE SANCTIONS FOR ICF/IID
NONCOMPLIANCE**

4110.1 In order to qualify for Medicaid reimbursement, intermediate care facilities for persons with intellectual and developmental disabilities (ICFs/IID) shall comply with federal conditions of participation (CoPs), pursuant to 42 C.F.R. §§ 483.400-483.480. The CoPs include adherence to acceptable standards in the following areas:

- (a) Governing body and management;
- (b) Client protections;
- (c) Facility staffing;
- (d) Active treatment services;
- (e) Client behavior and facility practices;
- (f) Health care services;
- (g) Physical environment; and
- (h) Dietetic services.

4110.2 An ICF/IID that fails to maintain compliance with the CoPs may be subject to alternative sanctions and/or termination of its participation in the Medicaid program.

**4111 ALTERNATIVE SANCTIONS FOR ICFs/IID – NON-IMMEDIATE
JEOPARDY**

4111.1 In accordance with section 1902(i)(1)(B) of the Social Security Act, the District of Columbia may impose alternative sanctions against an ICF/IID when that facility fails to meet the CoPs, but the violation does not place beneficiary health or safety in immediate jeopardy.

4111.2 In lieu of terminating the provider agreement, DHCF may impose one (1) or more alternative sanctions against an ICF/IID as set forth below:

- (a) Denial of payment, as described in § 4112;
- (b) Directed Plan of Correction (DPoC), as described in § 4113;
- (c) Directed In-Service Training (DIST), as described in § 4114; or
- (d) State Monitoring, as described in § 4115.

4111.3 DHCF shall determine the appropriateness of alternative sanctions against an ICF/IID upon notification by the Department of Health that an ICF/IID is not in compliance with any of the federal CoPs. A determination to terminate a provider from the Medicaid program, or to impose an alternative sanction shall be made based on the following factors:

- (a) Seriousness of the violation(s);
- (b) Number and nature of the violation(s);
- (c) Potential for immediate and serious threat(s) to ICF/IID residents;
- (d) Potential for serious harm to ICF/IID residents;
- (e) Any history of prior violation(s) and/or sanction(s);
- (f) Actions or recommendations of DDS, developmental disability advocacy groups, or health care entities;
- (g) Mitigating circumstances; and
- (h) Other relevant factors.

4111.4 DHCF shall issue a written notice to each ICF/IID notifying the facility of termination of the Medicaid provider agreement or the imposition of an alternative sanction. The written notice shall comply with District and federal law and rules.

4111.5 All costs associated with the imposition of an alternative sanction against an ICF/IID pursuant to these rules shall be borne by the facility.

4112 DENIAL OF PAYMENT

4112.1 Pursuant to section 1902(i) of the Act and 42 C.F.R. § 442.118, and in lieu of termination in situations where residents are not in immediate jeopardy, DHCF may initiate a one-time denial of payment for claims associated with new admissions at ICFs/IID that fail to comply with one (1) or more of the CoPs for Medicaid enrollment.

- 4112.2 The denial of payment term shall be eleven (11) months in duration, beginning on the first day of the month after DHCF imposes the denial of payments.
- 4112.3 DHCF shall also deny payment to ICFs/IID if DOH previously initiated enforcement actions due to immediate jeopardy, and the facility has failed to mitigate the circumstances that caused immediate jeopardy.
- 4112.4 DHCF, in coordination with DOH, shall notify the ICF/IID that it is subject to denial of payment. The written notification shall indicate the following:
- (a) The ICF/IID has up to sixty (60) days to correct the cited deficiencies; and
 - (b) The procedures that shall commence once the sixty (60) days have lapsed, pursuant to § 4112.5.
- 4112.5 If the ICF/IID does not correct the violations within the sixty (60) day timeframe, DHCF shall notify the facility of its intention to deny payment. This written notification shall include:
- (a) Reasons for denial of payment;
 - (b) Information on the right to request a hearing through OAH, pursuant to 29 DCMR §§ 1300 *et seq.*;
 - (c) Details of public notice; and
 - (d) The effective date for denial of payments.
- 4112.6 If an ICF/IID appeals DHCF's decision to deny payment, DHCF shall notify the provider that the effective date of the sanction, established in § 4112.2, shall be suspended until the appeal is resolved.
- 4112.7 If denial of payment is upheld at the appeal, the DHCF shall notify the facility and the public at least thirty (30) days before the newly established effective date of the sanction.
- 4112.8 DHCF, in coordination with other District agencies, shall monitor the facility's progress in improving cited violation(s) throughout the eleven (11) month period.
- 4112.9 The Director of DHCF shall consider modifying or rescinding denial of payment upon the occurrence of one of the following:
- (a) Circumstances have changed and resulted in alterations of the CoPs violation(s) in such a manner as to immediately jeopardize patient health and safety; or

- (b) The ICF/IID achieves full compliance with the CoPs in fewer than eleven (11) months; or
- (c) The ICF/IID makes significant progress in achieving compliance with the CoPs through good faith efforts.

4112.10 DHCF shall terminate the provider agreement of an ICF/IID that has been unable to achieve compliance with the CoPs during the full eleven (11) month period of denial of payment. Termination shall be effective on the first day following the last day of the denial payment period.

4112.11 An ICF/IID provider agreement that is subject to denial of payment shall be automatically extended for the eleven (11) month period if the provider agreement does not lapse on or before the effective date of denial of payments.

4112.12 ICF/IID provider agreements that are subject to denial of payment may only be renewed when the denial period expires or is rescinded.

4113 DIRECTED PLAN OF CORRECTION (DPoC)

4113.1 In lieu of termination in situations where the ICF/IID is not in compliance with the federal CoPs, and residents are not in immediate jeopardy, DHCF may require an ICF/IID to take prompt, timely action specified by DHCF to achieve and maintain compliance with CoPs and other District of Columbia Medicaid requirements. These actions specified by DHCF shall constitute a Directed Plan of Correction (DPoC).

4113.2 The DPoC shall be developed in coordination with and approved by DOH, DHCF, and DDS, incorporating findings from DDS' Continuous Quality Improvement Plan.

4113.3 The DPoC shall specify:

- (a) How corrective action shall be accomplished for beneficiaries found to have been affected by the deficient practice and include remedies that shall be implemented;
- (b) How the facility shall identify other individuals who may have been affected by the same deficient practice but not previously identified, and how the facility shall act to remedy the effect of the deficient practices for these individuals;
- (c) What measures and actions shall be put into place to ensure that the deficient practice(s) is/are being corrected and future noncompliance prevented;

- (d) Timelines, including major milestones for completion of all corrective action in the DCoP;
- (e) How compliance shall be determined; and
- (f) How the DPoC relates to other alternative sanctions.

4113.4 A state monitor shall oversee implementation of the DPoC and evaluate compliance with the plan.

4113.5 DHCF may terminate the Medicaid provider agreement of an ICF/IID that is unable to meet the timeline for completion of all corrective actions in the DCoP.

4114 DIRECTED IN-SERVICE TRAINING (DIST)

4114.1 In lieu of termination in situations where the ICF/IID is not in compliance with federal CoPs, but residents are not in immediate jeopardy, DHCF may require an ICF/IID to implement Directed In-Service Training (DIST) for deficiencies determined by the District to be correctable through education. This alternative sanction shall require the staff and relevant contractors of the ICF/IID to attend in-service trainings and demonstrate competency in the knowledge and skills presented during the trainings.

4114.2 DHCF, in consultation with DOH and DDS, shall develop the areas for ICF/IID staff and contractor training by incorporating the findings from the Continuous Quality Improvement Plan.

4114.3 Facilities shall use training programs developed by well-established organizations with prior experience and expertise in training, services for individuals with intellectual disabilities, and the operation of ICF/IID to meet training requirements described in this section. All programs and personnel used to deliver the training shall be approved by DHCF prior to their use.

4114.4 The ICF/IID shall bear the expense of the DIST.

4114.5 A state monitor shall oversee implementation of DIST, and shall ensure compliance with the requirements.

4114.6 DHCF may terminate the provider agreement of an ICF/IID that is unable to meet the timeline for full and successful completion of the DIST.

4115 STATE MONITORING

4115.1 State monitoring shall be the District’s oversight of efforts made by the ICF/IID to correct cited deficiencies. State monitoring shall be a safeguard against the facility’s further noncompliance.

4115.2 The following entities may serve as the State Monitor:

- (a) DOH;
- (b) DHCF;
- (c) DDS; or
- (d) A District of Columbia contractor that meets the following requirements:
 - (1) Is not a designee or current contractor of the monitored facility;
 - (2) Does not have an immediate family member who is a resident of the facility;
 - (3) Is not a person who has been terminated for cause by the facility; and
 - (4) Is not a former contractor who has had a contract canceled, for cause, by the facility.

4115.3 State monitoring shall be discontinued under the following circumstances:

- (a) The facility’s provider agreement is terminated;
- (b) The facility has demonstrated to the satisfaction of the District of Columbia that it substantially complies with the CoPs as described in § 4113; or
- (c) The facility has demonstrated to the satisfaction of the District of Columbia that it has substantially implemented the DIST as described in § 4114.

4116 ACCESS TO RECORDS

4116.1 Each ICF/IID shall grant full access to all records during announced and unannounced audits and reviews by DHCF personnel, representatives of the U.S. Department of Health and Human Services, and any authorized agent(s) or official(s) of the federal or District of Columbia government.

4199 DEFINITIONS

4199.1 For purposes of this chapter, the following terms shall have the meanings ascribed:

Active Treatment - A program of specialized and generic training, treatment, health services, and related services designed toward the acquisition of the behaviors necessary for the individual to function with as much self-determination and independence as possible, and the prevention or deceleration of regression or loss of current optimal functional status. These services shall be provided consistent with Federal standards.

Activities of Daily Living - The ability to bathe, transfer, dress, eat and feed oneself, engage in toileting, and maintain bowel and bladder control (continence).

Acuity Level - The intensity of services required for a Medicaid beneficiary residing in an ICF/IID. Individuals with a high acuity level require more care; those with lower acuity levels require less care.

Administrator - An individual responsible for the administration or implementation of ICF/IID policies or procedures, and other roles other than delivering services directly related to resident treatment and care, food service, or maintenance of the facility.

Allowable costs - Actual costs, after appropriate adjustments, incurred by an ICF/IID, which are reimbursable under the Medicaid program.

Base year - The standardized year on which rates for all facilities are calculated to derive a prospective reimbursement rate.

Behavior Support Plan - A written document requested by the Individual Support Team that is developed by a psychologist or psychology associate and incorporated into the Individual Support Plan. If developed by a psychology associate, the plan shall be approved by the psychologist.

Current Individual Support Plan (ISP) - An Individual Support Plan with a range of effective dates that includes the date on which the plan is being reviewed.

Depreciation - The systematic distribution of the cost or other basis of depreciable assets, less salvage value, over the estimated useful life of the assets.

Direct service costs - Costs incurred by a provider that are attributable to the operation of providing services to individuals.

Elopement - To run away; abscond.

Employee - A worker in an ICF/IID that does not serve as a manager or administrator, and is not under contract to provide professional services.

Facility - An intermediate care facility for individuals with intellectual disabilities.

Habilitation – The process by which an individual is assisted to acquire and maintain those life skills which enable him or her to cope more effectively with the demands of his or her own person and of his or her own environment, including, in the case of a person committed under D.C. Official Code § 7-1304.06a, to refrain from committing crimes of violence or sex offenses, and to raise the level of his or her physical, intellectual, social, emotional, and economic efficiency.

Holiday pay – The term used in a labor agreement, provider policy, or in the absence of either, by the U.S. Department of Labor.

Individual Support Plan (ISP) - The document produced through coordinated efforts of ICFs/IID and DDS. The ISP is the successor to the Individual Habilitation Plan as defined in the court-approved *Joy Evans* Exit Plan. For purposes of Medicaid reimbursement, the individual program plan, as described in 42 C.F.R. § 483.440(c), shall be included within the ISP.

Industry Average - The sum of total industry expenditures divided by total industry licensed bed days per reported fiscal year costs.

Interdisciplinary team - A group of persons, with special training and experience in the diagnosis and habilitation of individuals with intellectual and developmental disabilities, with the responsibility to perform a comprehensive evaluation of each beneficiary and participating in the development, implementation, and monitoring of the beneficiary's individual habilitation plan. The "core team" shall include the individual, the individual's representative, the service coordinator, and relevant clinical staff.

Level of Care Determination (LOC) - The assessment used by DDS to determine a beneficiary's eligibility for ICF/IID services.

Level of Need Assessment and Risk Screening Tool (LON) - The comprehensive and uniform assessment tool developed by DDS that determines the beneficiary's individual support needs and identifies potential risks to be addressed by the interdisciplinary team.

Licensed bed days - Three hundred and sixty-five (365) days or the number of days of that calendar year.

Life safety skills - An individual's ability to protect oneself from perceived and

apparent risks and life-threatening situations such as fires, evacuation emergencies, traffic, and ingestion of toxic substances.

Manager - An individual who is responsible for the administration of an ICF/IID facility inclusive of human resources, maintenance, and policy management.

Non-ambulatory - A beneficiary who spends all of his or her time out of bed in a wheelchair or a chair.

One-to-One - An altered staffing pattern that allows one staff to provide services to an individual with intellectual disabilities exclusively for an authorized period of time.

Owner - A person who is a sole proprietor, partner, or corporate stockholder-employee owning any of the outstanding stock of the contracted provider.

Per diem rate - The rate per day established by DHCF.

Professional services - Services provided pursuant to any legal arrangement, which include occupational and speech therapies and nursing care services provided by an individual or a corporation.

Quality of care improvements - The same definition as set forth in D.C. Official Code § 47-1270, and any subsequent amendments thereto.

Related organization - In accordance with 42 C.F.R. § 413.17(b)(1), an organization is related to an ICF/IID when the ICF/IID, to a significant extent, is associated or affiliated with, or has control over, or is controlled by the organization furnishing the services, facilities, or supplies.

Comments on the proposed rules shall be submitted in writing, via email at DHCFPubliccomments@dc.gov, online at www.dcregs.dc.gov, or by telephone at 202.442.9115, Attention: Linda Elam, Ph.D., Deputy Director/Medicaid Director, Department of Health Care Finance, 899 N. Capitol St, NE, 6th Fl. Washington, DC, 20011, within thirty (30) day from the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the same address.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Human Services (Department), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005 (HSRA), effective October 22, 2005 (D.C. Law 16-35, D.C. Official Code § 4-756.02 (2008 Repl.)), and Mayor's Order 2006-20, dated February 13, 2006, hereby gives notice of its intent to amend Chapter 25, Shelter and Supportive Housing for Individuals and Families, of Title 29 of the District of Columbia Municipal Regulations (DCMR) as an emergency rulemaking, to become effective upon adoption. The Department also gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days after the publication of this notice in the *D.C. Register* and upon Council approval or upon expiration of the forty-five (45)-day Council review period, whichever occurs first.

The purpose of the amended chapter is to establish criteria by which families will be determined eligible and prioritized for referral to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the tenant-based Local Rent Supplement Vouchers Program as authorized by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025). In accordance with Section 31 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-756.02), these rules will be transmitted to the Council for the District of Columbia for a forty-five (45)-day Council review.

Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2011 Repl.)), is necessary for the immediate preservation of the health, safety and welfare of District residents who are homeless. It is essential that the Department identify and refer eligible families to DCHA expeditiously in order to ensure that shelter resources are made available for new families seeking shelter who have no other housing accommodations. The emergency rulemaking was adopted on December 10, 2012, and became effective at that time. The emergency rules shall remain in effect for one hundred twenty (120) days after adoption, expiring on April 8, 2013, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 25, SHELTER AND SUPPORTIVE HOUSING FOR INDIVIDUALS AND FAMILIES, of Title 29, PUBLIC WELFARE, of the DCMR is amended by adding new Sections 2556 through 2558 to read as follows:

2556 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – PURPOSE AND SCOPE

2556.1 The purpose of §§ 2556 - 2558 is to establish the special eligibility criteria by which families will be determined eligible and prioritized for referral to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the tenant-based Local Rent Supplement Vouchers Program as authorized and funded by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of

2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025) (hereinafter “LRSP vouchers”).

2556.2 Sections 2556 through 2558 govern only the initial eligibility, prioritization, and referral of families to the DCHA for the LRSP vouchers and no other provisions of this chapter shall apply to the families once referred, unless otherwise and explicitly provided in §§ 2556 - 2558.

2556.3 The DCHA shall make the final determination of a family’s eligibility for a LRSP voucher. Families referred to the DCHA for the LRSP vouchers are subject to all applicable eligibility and other requirements of the applicable Local Rent Supplement Program, as promulgated and administered by the DCHA, and in accordance with Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025).

2556.3 Nothing in these rules shall be construed to create an entitlement either direct or implied on the part of any individual or family to referral to or participation in the Local Rent Supplement Program.

2557 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – ELIGIBILITY REQUIREMENTS

2557.1 An applicant unit shall be eligible for referral to the DCHA for the LRSP vouchers if the applicant unit is a family, as defined in § 2599, that:

- (a) Is currently homeless, because the applicant unit:
 - (1) Lacks a fixed, regular residence that provides safe housing, and lacks the financial means to acquire such a residence immediately, including victims of domestic violence who cannot remain in their present housing for safety reasons;
 - (2) Has a primary nighttime residence that is a supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations governed by this chapter or is currently receiving a rental subsidy through the Family Re-Housing and Stabilization Program governed by chapter 28 of title 29 of the District of Columbia Municipal Regulations; or
 - (3) Has no other housing options identified;
- (b) Is a resident of the District of Columbia as defined by D.C. Official Code § 4-751.01(32) (2008 Repl. & 2012 Supp.); and

- (c) Has significant barriers to increasing income or achieving housing stability as demonstrated by having at least one (1) of the following household characteristics:
- (1) Head of household, or both heads of household if a two (2)-parent household, is disabled and unable to work, as demonstrated by receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits, or other medical documentation;
 - (2) Household include a child or children with a moderate to severe physical, behavioral, developmental, or mental health disability that is a barrier to housing stability;
 - (3) Head of household, particularly youth head of household defined as twenty-four (24) years of age or younger, in which at least one (1) parent has aged out of foster care, experienced significant involvement with child welfare as a minor child, or experienced significant involvement with the youth rehabilitation or correctional systems as a minor child;
 - (4) Head of household is a victim of an intrafamily offense, domestic violence, dating violence, or stalking that is a barrier to work either because working places the person at further risk of violence or the family violence has resulted in creating barriers to work for the victim; or
 - (5) Large family size, defined as a household with five (5) or more minor children.

2557.2 Families determined to be eligible pursuant to § 2557.1(c), may be prioritized for referral based on the:

- (a) Severity of barrier(s) to achieving housing stability absent a LRSP voucher;
- (b) Length of time on the Public Housing or Housing Choice Voucher Waiting list at the DCHA; or
- (c) Number of episodes or length of time of homelessness.

2558 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM - APPLICATION AND RIGHT TO APPEAL

- 2558.1 An authorized representative may apply on behalf of the applicant, if the applicant provides a written and signed statement stating why the applicant cannot apply in person and the name and address of the person authorized to act on the applicant’s behalf.
- 2558.2 Each application shall be in writing on a form that the Department prescribes and signed by the applicant or authorized representative under penalty of perjury. If the applicant is married and living with a spouse, both spouses shall sign the application as an applicant unit (hereinafter “applicant”).
- 2558.3 Upon request by an applicant with a disability, or the authorized representative of an applicant with a disability, the Provider shall assist the applicant or authorized representative with any aspect of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.
- 2558.4 The Department shall provide application forms, and the Provider shall accept applications from each applicant who requests assistance.
- 2558.5 At the time of application, each applicant shall be provided with a clear, concise, written notice containing the applicant’s rights and responsibilities and the Provider’s responsibilities with respect to the Local Rent Supplement Program. The Provider shall request that all applicants, personally or through an authorized representative, sign a document acknowledging receipt of this notice.
- 2558.6 As part of the application process, all applicants, personally or through an authorized representative, shall sign a release form authorizing the Provider to obtain or verify information necessary to process the application.
- 2558.7 Each applicant shall cooperate fully in establishing his or her eligibility, including the basis of the applicant’s homelessness and shall provide, to the extent available and relevant, documentation or collateral proof of:
 - (a) Household composition;
 - (b) Employment status and employment history;
 - (c) Education history;
 - (d) Income and assets;
 - (e) Household expenses;

- (f) Facts and circumstances surrounding homelessness, including rental and other relevant housing history;
- (g) Financial and other assets available or obtainable in the short and long term to support housing stability; and
- (h) Facts and circumstances surrounding financial and other barriers to housing stability.

- 2558.8 The Provider shall give to each applicant a written request specifying the information needed to complete the application, and the Provider shall discuss with the applicant how to obtain the information. The application shall be considered complete when all required information is furnished.
- 2558.9 The Provider may use, among other things, documents, telephone conversations, personal and collateral interviews, reports, correspondence, and conferences to verify applicant information.
- 2558.10 An application shall be considered abandoned if the applicant has not obtained and provided to the Provider the required information for eligibility determination within sixty (60) calendar days of the date of application.
- 2558.11 If an interested individual or family submits an application and is found not to be eligible, the Department or its designee shall provide the applicant with a Notice of Denial of Eligibility, which shall include:
- (a) A clear statement of the applicant's eligibility determination;
 - (b) A clear and detailed statement of the factual basis of the denial, including a reference to the eligibility criteria set forth in § 2557 that has not been met;
 - (c) A clear and complete statement of the client's right to request a reconsideration from the Department or the Department's designee if he or she disagrees with the Department's or the Department's designee's decision to deny his or her referral to the Local Rent Supplement Program, or if he or she has questions regarding the Department or its designee's decision to deny his or her referral to the Local Rent Supplement Program; and
 - (d) A clear and complete statement of the client's right to appeal the denial of eligibility through a fair hearing and administrative review including the appropriate deadlines for instituting the appeal.

2558.12 If a family issued a Notice of Denial of Eligibility pursuant to § 2558.11 is successful in their appeal, the family shall be prioritized for referral based on the criteria set forth in § 2557.2.

All persons who desire to comment on these proposed rules should submit their comments in writing to David A. Berns, Director, Department of Human Services, 64 New York Avenue, N.E., Washington, D.C. 20002, **Attn:** Mr. Fred Swan, Administrator, Family Services Administration. All comments must be received by the Department of Human Services not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these rules and related information may be obtained by writing to the above address, calling the Department of Human Services at (202) 671-4200, or by sending an e-mail to Fred Swan at fred.swan@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-018

January 22, 2013

SUBJECT: Appointments and Rescission – District of Columbia Homeland Security Commission**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Supp.)), and in accordance with section 202 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2271.02 (2008 Rep.)), as amended by section 508 of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012, effective January 14, 2013 (D.C. Act 19-599), it is hereby **ORDERED** that:

1. Mayor's Order 2013-006, dated January 4, 2013, is hereby rescinded in its entirety.
2. **DARRELL DARNELL**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1097, on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission ("Commission"), for a term to end three (3) years from the date a majority of the first members are sworn-in as members.
3. **BARBARA CHILDS-PAIR**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1098, on December 18, 2012 is appointed as a member of the Commission, for a term to end two (2) years from the date a majority of the first members are sworn-in as members.
4. **DANIEL KANIEWSKI**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1099 on December 18, 2012 is appointed as a member of the Commission, for a term to end two (2) years from the date a majority of the first members are sworn-in as members.
5. **JOSEPH CONTESTABILE**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia,

pursuant to Proposed Resolution 19-1100 on December 18, 2012 is appointed as a member of the Commission, for a term to end three (3) years from the date a majority of the first members are sworn-in as members.

6. **J. MICHAEL BARRETT**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1102 on December 18, 2012 is appointed as a member of the Commission, for a term to end three (3) years from the date a majority of the first members are sworn-in as members.
7. **GLENN GERSTELL**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1103 on December 18, 2012 is appointed as a member of the Commission, for a term to end three (3) years from the date a majority of the first members are sworn-in as members.
8. **ANDREW CUTTS**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1104 on December 18, 2012 is appointed as a member of the Commission, for a term to end two (2) years from the date a majority of the first members are sworn-in as members.
9. **EFFECTIVE DATE**: This Order shall be effective on the date a majority of the first appointed members are sworn in, which shall become the anniversary date for all subsequent appointments.

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 2013-019
January 22, 2013

SUBJECT: Appointments - District of Columbia Police and Firefighters' Retirement and Relief Board

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.)), and in accordance with section 122 of An Act To increase compensation for District of Columbia policemen, firemen, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, Pub. L. 93-407, D.C. Official Code § 5-722 (2008 Repl.), it is hereby **ORDERED** that:

1. **ANDREA G. COMENTALE**, is appointed, as an alternate member of the Board, representing the District of Columbia Office of the Attorney General (Corporation Counsel), replacing Ross Buchholz, and shall serve at the pleasure of the Mayor.
2. **JUSTIN I. ZIMMERMAN**, is appointed, as an alternate member of Board, representing the District of Columbia Office of the Attorney General (Corporation Counsel), and shall serve at the pleasure of the Mayor.
3. **MARK J. WYNN**, is appointed, as an alternate member of the District of Columbia Police and Firefighters' Retirement and Relief Board (hereinafter referred to as "Board"), representing the District of Columbia Fire and Emergency Medical Services, and shall serve at the pleasure of the Mayor.

4. **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 2013-020
January 24, 2013

SUBJECT: Appointment – Acting Director, District Department of the Environment


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code §§ 1-204.22(2) and (11) (2012 Supp.), and by section 104 of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51, D.C. Official Code § 8-151.04) (2008 Repl.), it is hereby **ORDERED** that:

1. **KEITH A. ANDERSON**, is appointed Acting Director of the District Department of the Environment, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2012-140, dated September 6, 2012.
3. **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 2013-021
January 24, 2013

SUBJECT: Delegation of Authority to Enter into a Border Agreement for the Placement of Foster Children with the State of Maryland

ORIGINATING AGENCY: Child and Family Services Agency

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Supp.), it is hereby **ORDERED** that:

I. PURPOSE AND SCOPE

The purpose of this Order is to facilitate and expedite the interstate placement of foster children who may need to cross borders in the Metropolitan DC area for foster care placement by delegating, to the Director of the Child and Family Services Agency (CFSA), the authority to enter into an interstate agreement with the State of Maryland. CFSA and the Maryland Department of Human Resources, CFSA's counterpart in the State of Maryland, are prepared to enter into a "Border Agreement Between the State of Maryland, Department of Human Resources and the District of Columbia, Child and Family Services Agency" (Border Agreement) that furthers this purpose by creating interstate placement procedures that supplement procedures required by the Interstate Compact on the Placement of Children Authorization Act of 1989, effective September 20, 1989, D.C. Law 8-30, D.C. Official Code § 4-1421 *et seq.* (2008 Rpl.).

II. DELEGATION

The Director of CFSA is hereby delegated the Mayor's authority to enter into an interstate agreement for the purpose of executing the Border Agreement on behalf of the District with the State of Maryland.


III. INCONSISTENCY

This Order shall supersede all pre-existing Orders to the extent of any inconsistency.

IV. **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 2013-022
January 25, 2013

SUBJECT: Appointment - District of Columbia Emergency Medical Services Advisory Committee


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Supp.)), and pursuant to section 23 of the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.22 (2012 Supp.)), it is hereby **ORDERED** that:

1. **SONIA NAGDA**, is appointed as an *ex officio* member, replacing Heather B. McCabe, to the Emergency Medical Services Advisory Committee, as the designee representative for the Mayor's Policy Advisor on Health and Human Services, and shall serve in that capacity at the pleasure of the Mayor, so long as she continues in her official capacity with the District.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-023
January 29, 2013

SUBJECT: Delegation of Authority to Establish Certain Fees, Including Construction Permit Fees, to the Director of the Department of Consumer and Regulatory Affairs

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(6) and (11) (2012 Supp.), and pursuant to the seventh unnumbered paragraph, captioned "Fees, building inspection," of the division entitled "General Expenses" in section 1 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 ("Act"), approved March 3, 1909, 35 Stat. 689, D.C. Official Code § 6-661.01 (2008 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by the seventh unnumbered paragraph of the division entitled "General Expenses" in section 1 of the Act, D.C. Official Code § 6-661.01 (2008 Repl.), to prescribe certain fees is delegated to the Director of the Department of Consumer and Regulatory Affairs ("Director").
2. The Director may further delegate this authority to subordinates under his or her jurisdiction.
3. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.

4. **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
CHANGE OF HOURS AGENDA

WEDNESDAY, FEBRUARY 6, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Change of Hours Application to change Hours of Alcoholic Beverage Sales. Proposed Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No conflict with Voluntary Agreement. ANC 6B. **Safeway**, 415 14th Street, SE, Retailer's A, Lic.#: 002195.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 11am-7pm, Monday through Saturday 7am-12am. No conflict with Voluntary Agreement. ANC 6C. **Kogod Liquors**, 441 New Jersey Avenue, NW, Retailer's A, Lic.#: 024868.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-12am. No conflict with Voluntary Agreement. ANC 8A. **Union Liquors**, 1537 Good Hope Road, SE, Retailer's A, Lic.#: 079922.
4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-10pm. No voluntary agreement. ANC 3B. **Pearson's Liquor Annex**, 2436 Wisconsin Avenue, NW, Retailer's A, Lic.#: 082079.
5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No conflict with Voluntary Agreement. ANC 5E. **Big Ben Liquors**, 1300 North Capitol Street, NW, Retailer's A, Lic.#: 060652.
6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 8am-10pm. No voluntary agreement. ANC 7A. **Greenway Liquors**, 3700 Minnesota Avenue, NW, Retailer's A, Lic.#: 75614.
7. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-10pm. No voluntary agreement. ANC 1C. **AM Wine Shoppe**, 2122 18th Street, NW, Retailer's A, Lic.#: 082962.

8. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation: Sunday through Thursday 6am-10pm, Friday and Saturday 6am-12am. Proposed Hours of Alcoholic Beverage Sales: Sunday through Thursday 7am-10pm, Friday and Saturday 7am-12am. No voluntary agreement. ANC 3D. **Mac Market & Deli**, 5185 MacArthur Blvd, NW, Retailer's A, Lic.#: 072037.
9. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-10pm. No conflict with Voluntary Agreement. ANC 6E. **Good Libation**, 1201 5th Street, NW, Retailer's A, Lic.#: 073063.
10. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-12am. No conflict with Voluntary Agreement. ANC 2B. **1 West Dupont Circle Wine & Liquor**, 2012 P Street, NW, Retailer's A, Lic.#: 074429.
11. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation: Sunday 8am-7pm, Monday through Saturday 8am-9pm. Proposed Hours of Alcoholic Beverage Sales: Sunday 8:30am-7pm, Monday through Saturday 8:30am-9pm. No voluntary agreement. ANC 3F. **Calvert Woodley Wine & Liquor**, 4339 Connecticut Avenue, NW, Retailer's A, Lic.#: 003730.
12. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 10am-6pm, Monday through Saturday 7:30am-9pm. No voluntary agreement. ANC 3E. **Paul's Discount Wine & Liquor**, 5205 Wisconsin Avenue, NW, Retailer's A, Lic.#: 000010.
13. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation: Sunday 9am-12am, Monday through Saturday 7am-12am. Proposed Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 6B. **S&J Liquors**, 1500 Massachusetts Avenue, SE, Retailer's A, Lic.#: 009122.
14. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday through Thursday 9am-10pm, Friday and Saturday 9am-11pm. No conflict with Voluntary Agreement. ANC 1D. **Irving Liquor**, 3100 Mount Pleasant Street, NW, Retailer's A, Lic.#: 000301.
15. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 6E. **Capitol City Wine & Spirits**, 500 K Street, NW, Retailer's A, Lic.#: 060423.

16. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 5C. **Costco Wholesale #1120**, 2441 Market Street, NE, Retailer's A, Lic.#: 089498.
17. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 10am-10pm, Monday through Saturday 9am-12am. No voluntary agreement. ANC 2B. **Virginia Market**, 1776 U Street, NW, Retailer's A, Lic.#: 080800.
18. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 4C. **M&S Market**, 213 Upshur Street, NW, Retailer's A, Lic.#: 079795.
19. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 1B. **Florida Liquors**, 2222 14th Street, NW, Retailer's A, Lic.#: 019710.
20. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Thursday 9am-9pm, Friday through Sunday 9am-10pm. No voluntary agreement. ANC 7D. **Big D Liquors**, 4173 Minnesota Avenue, NE, Retailer's A, Lic.#: 000214.
21. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 11am-7pm, Monday through Saturday 9am-9pm. No conflict with Voluntary Agreement. ANC 4A. **Morris Miller Liquors**, 7804 Alaska Avenue, NW, Retailer's A, Lic.#: 090132.
22. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 4B. **Kennedy Liquors**, 5501 1st Street, NW, Retailer's A, Lic.#: 076574.
23. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Thursday 9am-10pm, Friday through Sunday 9am-12am. No voluntary agreement. ANC 5A. **University Wine & Spirit**, 333 Hawaii Avenue, NE, Retailer's A, Lic.#: 089532.
24. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage

Sales: Monday through Sunday 9am-12am. No conflict with Voluntary Agreement. ANC 2B. **Universal Liquors**, 2018 Florida Avenue, NW, Retailer's A, Lic.#: 072213.

25. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 4D. **Roha Liquors**, 620 Kennedy Street, NW, Retailer's A, Lic.#: 060496.
26. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 7am-12am, Monday through Saturday 9am-12am. No voluntary agreement. ANC 2C. **The Local Vine Cellar Wine & Spirits**, 425 11th Street, NW, Retailer's A, Lic.#: 087410.
27. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Friday 8am-8pm, Saturday and & Sunday 9am-8pm. No voluntary agreement. ANC 3E. **Wagshalls Liquor & Deli**, 4855 Massachusetts Avenue, NW, Retailer's A, Lic.#: 015699.
28. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 4C. **Uptown Wine & Spirits**, 4704 14th Street, NW, Retailer's A, Lic.#: 024362.
29. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 1A. **Lion's Fine Wine & Spirits**, 3614 Georgia Avenue, NW, Retailer's A, Lic.#: 088221.

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 6, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On February 6, 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#12-CMP-00705 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

2. Case#13-CMP-00015 Queen of Sheba, 1503 9TH ST NW Retailer C Restaurant, License#: ABRA-073644

3. Case#12-251-00369 Capitale, 1301 K ST NW Retailer C Nightclub, License#: ABRA-072225

4. Case#12-251-00351 The Front Page Restaurant & Grille, 1333 NEW HAMPSHIRE AVE NW Retailer C Restaurant, License#: ABRA-001910

5. Case#12-251-00387 18th Street Lounge, 1212 18TH ST NW Retailer C Tavern, License#: ABRA-021211

6. Case#12-251-00358 S & P Wine & Liquors, 2316 PENNSYLVANIA AVE SE Retailer A Retail - Liquor Store, License#: ABRA-017108

7. Case#12-CMP-00676 Spaghetti Garden Brass Monkey Peyote Roxanne, 2317 - 2319 18th ST NW Retailer C Restaurant, License#: ABRA-010284

8. Case#12-CMP-00703 Rendezvous Lounge, 2226 18TH ST NW Retailer C Tavern, License#: ABRA-014272

9. Case#12-CMP-00685 Uptown Ethiopian Fusion Cuisine, 1608 7TH ST NW Retailer C Restaurant, License#: ABRA-081849

10. Case#12-251-00359 Corina's Restaurant, 831 KENNEDY ST NW Retailer C Restaurant, License#: ABRA-079873

11. Case#12-251-00388 Sabor Latino Bar & Grill, 3910 14TH ST NW Retailer C Restaurant, License#: ABRA-084113

12. Case#12-CMP-00696 11th & M Corner Market, 1133 11TH ST NW Retailer Retail - Grocery, License#: ABRA-086606

13. Case#12-CMP-00734 Bistro 18, 2420 18TH ST NW Retailer C Restaurant, License#: ABRA-086876

14. Case#12-CMP-00687 Taan, 1817 COLUMBIA RD NW Retailer C Restaurant, License#: ABRA-087585

15. Case#12-CMP-00677 Tangier Lounge, 2305 18TH ST NW 00303 Retailer C Restaurant, License#: ABRA-087902

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, FEBRUARY 6, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Safekeeping Application due to store closing. ANC 8A. *Anacostia Warehouse Supermarket*, 1918 14th Street SE Retailer B, Lic.#: 12327.

2. Review of request from Licensee to increase seating capacity from 35 to 69 seats and to increase Occupancy Load to 99. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 6E. *Tel'veh Café & Wine Bar*, 401 Massachusetts Avenue NW Retailer CT01, Lic.#: 87302.

3. Review of letter, dated January 25, 2013, from Pete Hiotis requesting a Safekeeping extension for Legends. *Legends*, 1836 Columbia Road NW Retailer CR02, Lic.#: 86083.

4. Review of letter, dated December 31, 2012, from MaryEva Condon providing an update for the status of the license for Margarita's Mexican Café, which is currently in Safekeeping. *Margarita's Mexican Café*, 2317 Wisconsin Avenue NW Retailer CR01, Lic.#: 16488.

5. Review of letter, dated January 22, 2013, from Bertha Holliday requesting reinstatement for the Group of Five or More that was dismissed at the January 7, 2013 Roll Call Hearing. Board Order No. 2013-021 was sent to the parties on January 10, 2013. *Aroi Thai Cuisine*, 1832 1st Street NW Retailer CR01, Lic.#: 90174.

6. Review of letter, dated January 22, 2013, from Bertha Holliday requesting reinstatement for the Group of Five or More that was dismissed at the January 7, 2013 Roll Call Hearing. Board Order No. 2013-020 was sent to the parties on January 10, 2013. *Red Hen*, 1822 1st Street NW Retailer CR01, Lic.#: 90832.

*** 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.**

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS

Janitorial Cleaning Services

AppleTree is seeking janitorial cleaning services inclusive of all the required labor, cleaning equipment, tools, and materials as outlined in the Scope of Work section of the Request for Proposal. AppleTree is seeking services commencing February 20, 2013, or as soon as possible after February 20, 2013.

AppleTree is offering a one-year agreement with two one-year extensions. It is the bidder's responsibility to assess the necessary labor required based on the Scope of Work.

Please email whausfeld@appletreeinstitute.org to request a full copy of the RFP.

Proposals shall be made to:
Wayne Hausfeld at whausfeld@appletreeinstitute.org

Complete responses must be received via e-mail no later than February 8, 2013, to the primary contact below. Proposals received after the time and date specified above will be declined.

Please direct questions about this bid to:

Wayne Hausfeld
Real Estate Development Manager
415 Michigan Avenue NE
Washington, DC 20017
(202) 488-3990
whausfeld@appletreeinstitute.org

DISTRICT OF COLUMBIA TAX REVISION COMMISSION**NOTICE OF PUBLIC MEETING**

The District of Columbia's Tax Revision Commission (the "Commission") will be holding a meeting on Monday, February 4, 2013 from 3:00 p.m. to 6:00 p.m. The meeting will be held in room 412 of the John A. Wilson Building at 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The agenda for the meeting is below.

For additional information, please contact Ashley Lee at (202) 478-9143 or ashley.lee@dc.gov.

AGENDA

- I. Call to Order**
- II. Approval of Minutes from January 7, 2013 Meeting**
- III. Competitiveness of State Tax Systems**
- IV. State Tax Incentives**
- V. History of Economic Development in D.C.**
- VI. Other Business**
- VII. Adjournment**

COMMUNITY ACADEMY PUBLIC CHARTER SCHOOLS (CAPCS)**REQUEST FOR PROPOSALS****Wireless and Network Equipment**

The Dorothy I. Height Community Academy Public Charter Schools (CAPCS) is soliciting proposals from qualified vendors for the purchase and installation of wireless and network equipment at four (4) of its campuses. This solicitation includes the following: 1) purchase and installation of wireless access points, 2) purchase and installation of WLAN infrastructure equipment (including, but not limited to controller modules and switches) 3) cable and wiring of network drops in association with the installation of the wireless access points, and 4) data protection (tape-back-up) and 5) basic maintenance for multiple servers and routers. This RFP is prepared for participation in the E-Rate program and all resultant contracts will receive supplemental funding from the E-Rate program using the Service Provider Invoice (Form 474). Therefore vendors must have an E-Rate SPIN, ability to obtain a SPIN and/or E-Rate experience. The associated Form 470 number is 505910001049191. Proposals should include relevant experience, potential references and project costs. Contact Kyle Williams at kylewilliams@capcs.org or 202-550-3819 for a Scope of Work and site walk-thru. **Final proposals are due Friday, March 1.** CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS**

NOTICE OF SCHEDULED MEETING

The Board for the Condemnation of Insanitary Buildings will be holding a scheduled meeting on Wednesday, February 13, 2013 at 10:40 am. The meeting will be held at 1100 4th Street, SW, room E4302, Washington, D.C. 20024.

Draft board meeting agendas are available on the website of the Department of Consumer and Regulatory Affairs at dcra.dc.gov, by clicking on the “Board for the Condemnation of Insanitary Buildings” tab on the main page.

For inquiries and meeting agenda, please call the Board for the Condemnation of Insanitary Buildings at 202-442-4332 or send an email to vacantproperty@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC MEETINGS -- UPDATED

**D.C. Department on Disability Services, Rehabilitation Services Administration to
Hold Quarterly General Meetings of the Statewide Independent Living Council
(SILC)**

The meetings will be held at:

The Department on Disability Services
Rehabilitation Services Administration
1125 15th St., NW
Conference Room 2B
Washington, DC 20005

All meetings that are open to the public will be held monthly on the fourth Thursday of the selected month with the exception of November 21, 2013 and December 19, 2013. The SILC meeting dates for 2013 are as follows:

- Thursday, January 17, 2013
- Thursday, February 28, 2013
- Thursday, March 28, 2013
- Thursday, April 25, 2013
- Thursday, May 30, 2013
- Thursday, June 25, 2013
- Thursday, July 25, 2013
- Thursday, August 22, 2013
- Thursday, September 26, 2013
- Thursday, October 24, 2013
- Thursday, November 21, 2013
- Thursday, December 19, 2013

The D.C. Department on Disability Services Rehabilitation Services Administration is holding these quarterly meetings to solicit input on Rehabilitation Services Administration, Title VII, State Plan for Independent Living (SPIL). The purpose of the meetings is to solicit suggestions on improvements of services for persons with disabilities.

Individuals who wish to attend and require special accommodation during the meeting should contact Ms. Darnise Henry Bush, RSA SILC Liaison, by email darnise.bush@dc.gov or telephone at (202) 442-8432 at least 2 weeks before the scheduled date.

Other individuals including SILC members must RSVP with Ms. Dahlia Johnson, Administrative Assistant, by email, dahlia.johnson@dc.gov or telephone at (202) 442-8748, seven days prior to the scheduled meeting.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT**

**ANNOUNCES 2013 MEETING SCHEDULE
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 meetings on February 21, 2013, March 21, 2013, April 18, 2013, May 16, 2013, June 20, 2013, July 18, 2013, August 15, 2013, September 19, 2013, October 17, 2013, November 21, 2013, and December 19, 2013 for the District of Columbia Public Charter School Credit Enhancement Fund Committee.

The meetings will take place at 810 First Street, N.E., 9th Floor, Washington, D.C. 20002 from 12:30 pm to 1:30 pm. For additional information, please contact:

Alina Tsanova, Financial Program Specialist
Office of Public Charter School
Financing and Support
810 First Street, NE, 5th Floor,
Washington, DC 20002
Tele: 202-741-5535
Fax: 202-727-2019
alina.tsanova@dc.gov
www.osse.dc.gov

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in seven (7) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2) (2001 & 2006 Repl.)

VACANT: 4A05, 5A04, 6E06, 7D02, 7F07, 8C01 and 8C04

Petition Circulation Period: **Monday, February 4, 2013 thru Monday, February 25, 2013**
Petition Challenge Period: **Thursday, February 28, 2013 thru Wednesday, March 6, 2013**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-636.01(b) (Supp. 2005) (Act)), the Voluntary Cleanup Program in the District Department of the Environment (DDOE), Land Remediation and Development Branch (LRDB), is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real properties addressed as 44 and 88 M Street, NE, is SCD Capitol Plaza, LLC, 1776 Wilson Boulevard, Suite 250, Arlington, Virginia 22209. The application identifies the presence of volatile chlorinated organic solvents and petroleum in the soil and groundwater. The applicant intends to redevelop the subject property for a mixed-use commercial office and residential development.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
District Department of the Environment (DDOE)
1200 1st Street, N.E., 5th Floor,
Washington, DC 20002

Interested parties may also request a copy of the application for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2289.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DDOE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP 2013-024 in any correspondence related to this application.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF FUNDING & PARTNERSHIP AVAILABILITY**

Anacostia “Gateway” Wetland Restoration Project

Request for Applications

The District Department of the Environment (DDOE) announces a request for applications to identify collaborative partners for DDOE’s grant submission to the National Oceanographic and Atmospheric Administration (NOAA), National Marine Fisheries Service, Restoration Center. This is an effort to promote open competition among prospective collaborative partners.

Collaborative partners will support DDOE’s efforts to fulfill the NOAA’s funding opportunity goals and objectives. DDOE will act as the lead agency in an application for grant funding to restore up to twelve acres of wetland and restore hydraulic connectivity to the mainstem of the Anacostia River; monitor the impact of this restoration work on NOAA trust species; control invasive species prior to and after construction; and provide opportunities for community recreation and engagement. Pending the award, DDOE may have available up to approximately five hundred thousand dollars (\$500,000) for invasive control and community engagement work and up to approximately three million (\$3,000,000) for design, permitting and construction work related to the wetland restoration.

For details regarding the National Oceanographic and Atmospheric Administration (NOAA), National Marine Fisheries Service funding opportunity, please visit the following website:
<http://www.habitat.noaa.gov/funding/coastalrestoration.html>

The Request for Applications will be available online at www.dc.ddoe.gov, www.green.dc.gov, and <http://www.opgd.dc.gov> under “District Grants Clearinghouse” beginning February 1st, 2013. You may also request an email version of the application by writing to Peter Hill at: peter.hill@dc.gov.

The deadline for electronic submission of the Co-applicant and Collaborative Partner Application is Friday, February 8, 2013 at 5pm. **NO HARD COPY SUBMISSIONS ARE ELIGIBLE FOR CONSIDERATION AT THIS TIME.** Notifications will be made via email beginning Wednesday, February 13, 2013.

For additional information, please contact Peter Hill at (202) 535-2241.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permits #6629, #6630 and #6631 to Providence Hospital to operate three (3) 2,500 kW (3,634 HP), diesel-fired emergency generators at Providence Hospital located at 1150 Varnum Street NE, Washington DC 20017. The contact person for the facility is Vicki Shockey, Senior Vice President, Behavioral Health and Support Services at (202) 269-7544.

Emissions:

Maximum annual potential emissions from the three units are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Particulate Matter (PM) (Total suspended particulates)	0.36
Sulfur Oxides (SO _x)	0.03
Nitrogen Oxides (NO _x)	24.15
Volatile Organic Compounds (VOC)	0.48
Carbon Monoxide (CO)	1.92

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from each unit shall not exceed those in the following table [40 CFR 60.4205(b), 40 CFR 60.4202(b)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/HP-hr)		
NMHC+NO _x	CO	PM
6.4	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that 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, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. 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 all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after March 4, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

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 permits (#6703, #6704, and #6705) to the George Washington University to install and operate the following listed diesel-fired emergency generator engines located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generators to be Permitted

Equipment Location	Address	Engine Size	Engine Model	Permit No.
Ross Hall	2300 Eye Street NW Washington, DC	1112 kW (1490 hp)	QST30-G5 NR2	6703
Ross Hall	2300 Eye Street NW Washington, DC	1112 kW (1490 hp)	QST30-G5 NR2	6704
Ross Hall	2300 Eye Street NW Washington, DC	1112 kW (1490 hp)	QST30-G5 NR2	6705

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	6.4
CO	3.5
PM	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generators, except that 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, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. 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 estimated emissions from each unit are as follows:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM - Total)	0.359	0.0898
Sulfur Oxides (SO _x)	0.359	0.0898
Nitrogen Oxides (NO _x)	12.9	3.22
Volatile Organic Compounds (VOCs)	1.04	0.261
Carbon Monoxide (CO)	2.15	0.539

The applications to operate the generators and the draft permits are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a 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 permits 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 March 4, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

NOTICE OF MONTHLY MEETINGS FOR 2013

The District of Columbia Board of Ethics and Government Accountability (“BEGA”) will hold its monthly meetings in calendar year 2013 on the dates stated below. Unless otherwise specified, all meetings will be held at 1:00 p.m. in the BEGA Hearing Room at One Judiciary Square, 441 Fourth Street, N.W., Room 830 South, Washington, D.C. 20001. A draft agenda and hearing notice will be included in future editions of the D.C. Register for each meeting and will be posted in the BEGA Office, as well as on the BEGA website at www.bega.dc.gov.

Members of the public are welcome to attend. Questions about meetings may be directed to bega@dc.gov.

January 10, 2013

February 7, 2013

March 7 2013

April 4, 2013

May 2, 2013

June 6, 2013

July 11, 2013

August 1, 2013

September 5, 2013

October 3, 2013

November 7, 2013

December 5, 2013

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

District of Columbia Health Information Exchange Policy Board

The District of Columbia Health Information Exchange Policy Board, pursuant to the requirements of Mayor's Order 2012-24, dated February 15, 2012, hereby announces a public meeting of the Board. The meeting will be held **Wednesday, February 20, 2013** at 2:00 pm in the **6th Floor Conference Room 6130** at 899 North Capitol Street, NE, Washington, DC 20002.

The District of Columbia Health Information Exchange Policy Board meeting is open to the public. The topics to be discussed on the agenda include a Welcome and Introduction, Approval of the Minutes from the January 16, 2013 Meeting, Budget and Funding Considerations for DC HIE, DC HIE Next Phase: Update on Procurement, New Business, and Reports.

If you have any questions, please contact Cleveland Woodson at (202) 724-7342.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLICATION:
REQUEST FOR QUALIFICATIONS FOR MASTER DEVELOPMENT SERVICES
FORMER WALTER REED ARMY MEDICAL CENTER**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), seeks Statements of Qualifications (“SOQs”) from qualified real estate development teams (“Respondents”) to respond to this Request for Qualifications (“RFQ”) for the disposition and development of 66.57 acres (“Site”) located on the property formerly known as the Walter Reed Army Medical Center (“WRAMC”) upon the District’s planned acquisition of the Site from the United States Government.

DMPED invites qualified development team (“Master Developers”) to respond to this RFQ for the redevelopment of the Site in Northwest Washington, D.C., through the adaptive reuse of existing historical structures and new construction. Through this RFQ, the District is seeking to prequalify a limited number of Respondents (“Prequalified Respondents”) who will be invited to participate in a subsequent Request for Proposals (“RFP”) process that is expected to commence in the second quarter of the 2013 calendar year. There will be a Pre-Response Conference and Site Visit held at the Site on Tuesday, February 19, 2013.

For more information and project updates, please visit and register at www.walterreedlra.com.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

PUBLIC NOTICE

**APPOINTMENT OF JESSICA PETERSON AS LAW CLERK OF
THE D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (a)(6C) (2001 ed.) that Jessica Peterson was appointed as Law Clerk for the D.C. Sentencing and Criminal Code Revision Commission on January 14, 2013.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

PUBLIC NOTICE

APPOINTMENT OF LEAH BRANCH AS LAW CLERK OF
THE D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (a)(6C) (2001 ed.) that Leah Branch was appointed as Law Clerk of the D.C. Sentencing and Criminal Code Revision on January 28, 2013.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

PUBLIC NOTICE

APPOINTMENT OF MICHAEL SEROTA AS ATTORNEY ADVISOR OF
THE D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (a)(6C) (2001 ed.) that Michael Serota was appointed as Attorney Advisor for the D.C. Sentencing and Criminal Code Revision Commission on January 14, 2013.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

PUBLIC NOTICE

APPOINTMENT OF RACHEL REDFERN AS ATTORNEY ADVISOR OF
THE D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (a)(6C) (2001 ed.) that Rachel Redfern was appointed as Attorney Advisor for the D.C. Sentencing Criminal Code Revision Commission on January 14, 2013.

**D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION
MEETING**

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice that the Commission will meet at 5:00 p.m. on February 26, 2013, in Suite 430S at 441 Fourth St., N.W. Washington, D.C. Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or Mia.Hebb@dc.gov.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

INVITATION TO MANUFACTURERS
TO BECOME APPROVED TAXICAB DOME LIGHT PRODUCERS

SUMMARY: DCTC is inviting manufacturers to apply to become Approved Dome Light Producers (Approved Producers) of the new District of Columbia taxicab dome lights, required by law to be installed on all District of Columbia taxicabs by May 2013.

There is no application fee. Any interested manufacturer that believes it can meet the Commission's dome light manufacturing specifications, and wishes to become one of the approved sources for dome lights, is encouraged to apply. Any manufacturer whose application demonstrates to the satisfaction of the Commission that it can meet the dome light specifications will be approved, and will be offered the opportunity to execute an agreement allowing it to produce dome lights for at least 12 months. Contact information for Approved Producers will be posted on the Commission's Website at www.dctaxi.dc.gov and distributed to more than 7,000 taxicab operators and 12 installation centers.

BACKGROUND: The Commission regulates over 8,000 drivers, more than 7,000 public vehicles-for-hire, and 12 certified taximeter installation companies. A new dome light incorporating a new taxicab numbering system is required for all taxicabs in the District of Columbia as part of the ongoing modernization of the taxicab industry. On October 22, 2013, all Approved taxicabs are required by law to be equipped with a new dome light, meeting the specifications described on the Commission's website and any further specifications required later by the Commission. DCTC will notify each manufacturer that has demonstrated to its satisfaction that they can meet the dome light specifications, and, at that time, offer them an opportunity to execute an agreement to become Approved Producers. **The agreement will not require payment of monetary consideration by the manufacturer.** By March 8th, 2013, DCTC expects to make a public announcement of Approved Producers, and to list Approved Producers on its Website and distribute their contact information to all taxicab operators and dome light installation centers. The deadline for vehicle owners to install the dome light is April 30th.

NOTICE: A manufacturer that applies to be or that becomes an Approved Producer will not be entering into a contract with the District of Columbia. **This Invitation is not a request for information, bid, or proposal, or other type of procurement action.** The District of Columbia owns all rights, title, and interest in the design of the new dome light, including all intellectual property rights therein. A manufacturer whose application demonstrates to the satisfaction of the Commission that it can meet the dome light manufacturing specifications will be required to execute an agreement allowing it to be one of the manufacturers of the dome light for at least 12 months.

SPECIFICATIONS: An interested manufacturer can obtain specifications from the District of Columbia Taxicab Commission website at www.dctaxi.dc.gov.

APPLICATION: An interested manufacturer must submit: (1) a letter of interest describing its capabilities, production capacity, expected dome light cost, and prior and current relevant manufacturing experience, (2) two reference letters from current clients, and (3) an operable sample dome light that meets the specifications herein. The letter of interest may not exceed five pages in length, with 1” margins all around and in size 12 font. A sample dome light will remain the property of the manufacturer and will be returned following the review process unless the manufacturer and DCTC agree in writing to a donation under the District’s donation procedures.

APPLICATION DEADLINE: February 28th, 2013

LOCATION OF DELIVERY FOR APPLICATIONS (MUST BE DELIVERED IN PERSON):

District of Columbia Taxicab Commission
Attn: Ernest Chrappah
2041 Martin Luther King Ave Jr. S.E., Suite 204
Washington, D.C. 20020-7024

Applications must delivered in-person; applications sent by other means will not be accepted.

If you have questions, please contact Ernest Chrappah at ernest.chrappah3@dc.gov or (855) 484-4966.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18445 of Ana Maria Lora-Garcia, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (eight children and two teachers) under § 205, in the R-1-B District at premises 1353 Tuckerman Street, N.W. (Square 2786, Lot 106).¹

HEARING DATE: November 13, 2012

DECISION DATE: January 15, 2013

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated December 3, 2010, from the Zoning Administrator which stated that the Applicant's home occupancy application for a "Child development home for twelve (12) children" was disapproved due to the need for approval of a special exception by the Board of Zoning Adjustment ("Board" or "BZA") pursuant to 11 DCMR § 302.1 to establish that use in the R-1-B Zone. (Exhibit 4.)

The 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") 4A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application. ANC 4A filed a letter report, dated November 15, 2012, which indicated that at a properly noticed, duly scheduled public meeting held on November 7, 2012, with a quorum present, the ANC voted unanimously to support the application.² (Exhibit 40.) Also submitted for the record was an executed Neighborhood Cooperation Agreement dated January 1, 2013, between the Applicant and ANC 4A. (Exhibit 42.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application, subject to seven conditions. (Exhibit 29.) The District Department of Transportation ("DDOT") submitted a letter of no objection dated September 11, 2012. (Exhibit 20.) By its letter, dated August 22, 2012, the Office of State Superintendent of Education ("OSSE") recommended that the application be approved. (Exhibit 19.)

Twenty-four letters of support for the application from neighbors were submitted for the record. (Exhibits 33 and 41.) Written testimony in opposition from Patience Singleton was submitted for the record. (Exhibit 37.) Also, letters in opposition were submitted for

¹ The application was amended from an original request for 12 children which was subsequently reduced to ten and finally to eight children. The caption has been altered to reflect the amended relief as granted.

² The Board waived the time requirements to accept the ANC's late filing into the record.

BZA APPLICATION NO. 18445**PAGE NO. 2**

the record from Leonard and Mary Dolphin (Exhibit 30), Barbara Robinson (Exhibit 28), Gerri Adams-Simmons (Exhibit 27), and Eric Leifert and Melissa Knutson (Exhibit 25).

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 a special exception under § 205. 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 ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205 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. 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. Approval shall be for a period of TWO YEARS from the final date of the approved order.
2. Enrollment shall not exceed eight children ages six months to five years.
3. The maximum number of staff shall not exceed two staff persons (including the Applicant).
4. The days and hours of operation shall be Monday through Friday from 8:00 a.m. to 6:00 p.m.
5. Pick-up and drop-off periods shall generally be from 7:30 a.m. to 8:30 a.m. and from 5:30 p.m. to 6:30 p.m.
6. A parking area for two vehicles shall be maintained in the rear yard for the use of the staff.
7. Trash collection shall be scheduled at least once a week.

BZA APPLICATION NO. 18445**PAGE NO. 3**

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Nicole C. Sorg (by absentee vote), and Anthony J. Hood (by absentee vote) to APPROVE; the third Mayoral appointee vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 24, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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. 18486 of AG Georgetown Park Holding I LLC, pursuant to 11 DCMR § 3104.1, for a special exception to allow a bowling alley under § 908.1, in the W-1 and W-2 Districts at premises 3222 M Street, N.W. (Square 1200, Lot 868).

HEARING DATE: January 15, 2013
DECISION DATE: January 15, 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 Advisory Neighborhood Commission (“ANC”) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E filed a timely letter report, dated January 4, 2013, which indicated that at a properly noticed, duly scheduled public meeting held on January 2, 2013, with a quorum present, the ANC voted unanimously to oppose the application, unless an agreement was reached between the Applicant and the Board of Directors of the Georgetown Park condominium association. (Exhibit 31.) At the hearing in light of the executed agreement between the Applicant and the condominium association that was reached and submitted for the record, ANC 2E, which was present, changed its position to one of support for the application.

The Office of Planning (“OP”) submitted a timely report recommending approval of the application, subject to all of the consultant’s recommendations as outlined in their December 12, 2012 report being implemented. (Exhibit 34.) The District Department of Transportation (“DDOT”) submitted a letter of no objection dated January 4, 2013. (Exhibit 33.)

The Georgetown Park Unit Owners’ Association (“Association”) requested party status in opposition to the application. (Exhibit 35.) The Board granted the requested party status. The Applicant and party in opposition entered into an agreement which contained conditions to be placed on the application. In light of the executed agreement with the Association, the Association withdrew its request for party status. The Board accepted the executed agreement into the record (Exhibit 37) and the request for withdrawal of the Association’s party status. Fourteen letters of opposition for the application from the Flour Mill of Georgetown Residential Condominium Association (Exhibit 30) and

BZA APPLICATION NO. 18486**PAGE NO. 2**

individual owners of residential units in the Georgetown Park condominium had been submitted for the record. (Exhibits 18, 19, 24, 25, 27, and 32.)

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 a special exception under § 908.1. No parties appeared at the public hearing in opposition to this application.¹ 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 ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 908.1 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 requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and 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 APPROVED PLANS AT EXHIBIT 7 AND THE FOLLOWING CONDITIONS:**

1. No smoking shall be permitted in any portion of the restaurant, including any outdoor patio space.
2. The bowling lanes and other fixtures within the restaurant shall be located substantially as represented in the floor plans submitted to the BZA, although table and seating layout is provided for illustrative purposes only.
3. The restaurant shall not serve alcohol after 12:30 a.m. on Friday and Saturday and it shall not serve alcohol after 11:00 p.m. on Sunday through Thursday.
4. The restaurant shall not open before 8:00 a.m. on any day. The restaurant shall close no later than 1:00 a.m. on Friday and Saturday and it shall close no later than 11:30 p.m. on Sunday through Thursday.
5. All kitchen exhaust from the restaurant shall be vented through a code compliant vertical duct off of the roof, and any maintenance to this system or to the HVAC system requiring access to the roof of the building will be done between 9:00 a.m. and 6:00 p.m.

¹ As discussed herein, the party in opposition withdrew its opposition and entered into an agreement with the Applicant. (Exhibit 37.) In addition, the ANC, in response to the agreement entered into by the Applicant and Association, reversed its initial opposition and entered a position of supporting the application.

BZA APPLICATION NO. 18486**PAGE NO. 3**

6. The upper patio ("Upper Patio") shall have a retractable enclosure which shall, when closed, contain an inaudible level of noise coming from the Upper Patio and from the interior of the Premises (the "Enclosure").
7. When the Upper Patio is not completely enclosed, it shall not be used and it shall not be occupied after 10:00 p.m. on Friday - Saturday or after 9:00 p.m. Sunday - Thursday. Further, when the Upper Patio is not enclosed, it shall not be used before 10:00 a.m. Sunday through Saturday.
8. The Upper Patio shall, at all times, whether enclosed or not, contain a patio roof that blocks views of the Upper Patio from the residents in units above the Upper Patio.
9. There shall be no direct doorway between any banquet room and the Upper Patio.
10. The maximum seating capacity for the Upper Patio shall be forty-two (42) and the maximum aggregate capacity for the Upper Patio, whether seated or standing, shall be fifty (50) persons.
11. The doors to the Upper Patio from the interior of the Premises shall remain closed at all times, to be opened only for ingress and egress.
12. No music is permitted on the Upper Patio unless it is fully and completely enclosed. The Upper Patio shall be enclosed at all times when the banquet rooms are used for a private party during which sound attenuation measures are required, such as weddings and bar mitzvahs.
13. The lower patio (the "Lower Patio") shall be closed and kept unoccupied after 10:00 p.m. on Friday - Saturday and no later than 9:00 p.m. on Sunday - Thursday. It shall not be used before 10:00 a.m.
14. The maximum seating capacity for the Lower Patio shall be thirty (30). The maximum aggregate capacity for the Lower Patio, whether seated or standing, shall be thirty-six (36) persons.
15. The fire pit intended for the Lower Patio shall be a gas-burning fixture only and shall not be lit at any time when the Lower Patio is closed.
16. No music is permitted on the Lower Patio at any time.
17. To the extent possible, the restaurant shall prohibit loitering in areas adjacent to the Premises. If such loitering occurs and disrupts the Association's Residents, the restaurant agrees to meet with the Association to discuss and implement possible solutions.
18. The Premises shall be constructed in such a manner that operation of the bowling lanes, including bowling, setting pins, rolling balls, interaction among patrons, or any other noise or vibration associated with the operation of the Premises, shall not be heard or felt

BZA APPLICATION NO. 18486**PAGE NO. 4**

- in any of the Association Residences.
19. Soon after the restaurant commences its design efforts, the restaurant shall provide the Association with a copy of the specific sound attenuation design plans it intends to include in its detailed building permit plans, to be prepared and submitted in the future ("Plans"). The Association shall have the opportunity to have its acoustic consultants review the Plans and submit its comments on the Plans in writing to the restaurant within ten (10) business days. The restaurant shall give due consideration to the comments provided by the Association.
 20. The restaurant shall provide to the Association both a phone number and an e-mail address of a restaurant representative, so that any Resident may contact the restaurant in the event of disturbances from noise or other aspects of the restaurant operation. The restaurant shall have a management representative attend a meeting with the Association on a monthly basis (or less often, at the Association's election) during build-out of the Premises and for the first six months after the restaurant opens for business, and thereafter at least twice a year, to work together to resolve any concerns.
 21. The restaurant will neither undertake any concrete demolition or any outdoor work involving the Upper Patio prior to 9:00 a.m. Monday through Saturday. The restaurant will otherwise use good faith efforts to commence with any construction generating excessive noise after 9:00 a.m. Any other construction shall be performed in accordance with the permits.
 22. All exterior signage shall be designed in a manner that is sensitive to the building's location in the Georgetown Historic District and shall be subject to approval by the Old Georgetown Board.

VOTE: **3-0-2** (Lloyd J. Jordan, Peter G. May, and Jeffrey L. Hinkle, to APPROVE; Nicole C. Sorg, not present or voting; and the third Mayoral appointee vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 24, 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

BZA APPLICATION NO. 18486**PAGE NO. 5**

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.

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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND**

Z.C. ORDER NO. 12-06

Z.C. Case No. 12-06

(Text Amendment – 11 DCMR)

**(Amendment to Eliminate the Requirement of an Office of Planning Report for Certain
Types of Antenna Modifications)**

December 10, 2012

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

District of Columbia REGISTER – February 1, 2013 – Vol. 60 - No. 5 000977 – 001291