VOL. 61 – NO. 21 FRIDAY, MAY 16, 2014

District of Columbia REGISTER

HIGHLIGHTS

- DC Council passes Resolution 20-476, Vending Regulations Emergency Declaration Resolution of 2014

- Department on Disability Services schedules a public hearing on Title I State Plan Vocational Rehabilitation Services

- Department of Health updates procedures for reporting cancer

- Department of Health establishes a schedule of civil infractions for smoking violations as alternative sanctions for criminal penalties

- DC Lottery and Charitable Games Control Board sets guidelines for 50/50 raffles conducted by charitable foundations

- District Department of the Environment announces funding availability for “Training for a Green DC”

- Office of the Deputy Mayor for Planning and Economic Development announces funding availability for the Digital DC Technology Fund

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act,* D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act,* District of Columbia Official Code, §§2-50l *et seq*., a*s* amended.

All documents published in the *D.C. Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *D.C. Register* include (1)) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District of Columbia government (6) Notices, Opinions, and Orders of District of Columbia Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

ODAI accepts electronic documents for publication using a Web-based portal at www.dcregs.dc.gov. To submit a document, obtain a username and password from your department's ODAI liaison. If you do not know your liaison, email ODAI at dcdocuments@dc.gov to request for your department's ODAI liaison. For guidelines on how to format and submit documents for publication, email ODAI at dcdocuments@dc.gov.

The deadline for receiving documents from the District of Columbia Agencies, Boards, Commissions, and Public Charter schools is TUESDAY, NOON of the week of publication. The deadline for receiving documents from the District of Columbia Council is WEDNESDAY, NOON of the week of publication. If an official District government holiday falls on Monday or Friday, the deadline for receiving documents remains the same as outlined above. If an official District government holiday falls on Tuesday, Wednesday or Thursday, the deadline for receiving documents is one day earlier from the deadlines outlined above.

Viewing the DC Register

ODAI publishes the *D.C. Register* ONLINE every Friday at www.dcregs.dc.gov. Copies of the *D.C. Register* are also available for public review at each branch of the District of Columbia Public Library and in each Advisory Neighborhood Commission office. There are no restrictions on the republication of any portion of the *D.C. Register*. News services are encouraged to publish all or part of the *D.C. Register*.

Legal Effect of Publication - Certification

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

DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

441 4th STREET - SUITE 520 SOUTH - ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

VINCENT C. GRAY
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

PERIODICAL POSTAGE PAID AT WASHINGTON, D.C.
POSTMASTER: Send address changes to D.C. Register, 441 - 4th Street, N.W., Suite 520 South, Washington, D.C. 20001

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

RESOLUTIONS

Res 20-460 Classroom Animal for Educational Purposes Clarification Congressional Review Emergency Declaration Resolution of 2014 004861

Res 20-461 Cost-of-Living Adjustment Personal Income Tax Standard Deduction and Exemption Technical Clarification Second Congressional Review Emergency Declaration Resolution of 2014 004862

Res 20-462 Board of Library Trustees Neil Albert Confirmation Resolution of 2014 004863

Res 20-463 Real Property Tax Appeals Commission May S. Chan Confirmation Resolution of 2014....................004864

Res 20-464 Trinity College Refunding Revenue Bonds Project Approval Resolution of 2014 .... 004865 - 004872

Res 20-465 District of Columbia Housing Authority Board of Commissioners Pedro Alfonso Confirmation Resolution of 2014 004873

Res 20-466 District of Columbia Housing Authority Board of Commissioners Moses Clarence Mobley Confirmation Resolution of 2014....................004874

Res 20-467 Workers' Compensation Statute of Limitations Emergency Declaration Resolution of 2014 004874

Res 20-468 Residential Real Property Equity and Transparency Emergency Declaration Resolution of 2014 004877

Res 20-469 Better Prices, Better Quality, Better Choices for Health Coverage Emergency Declaration Resolution of 2014 004878

Res 20-470 Educator Evaluation Data Collection Emergency Declaration Resolution of 2014 004879

Res 20-471 Health Benefit Exchange Authority Financial Sustainability Emergency Declaration Resolution of 2014 .... 004880 - 004881

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

RESOLUTIONS CONT'D

Res 20-472 Contract No. DHCF-2013-C-0003-A02 Modification Approval and Payment Authorization Emergency Declaration Resolution of 2014..004882

Res 20-473 Contract No. DCHBX-2013-0003 Approval and Payment Authorization Emergency Declaration Resolution of 2014 .... ………..004883

Res 20-474 "Contract No. DCHBX-2013-0003(b) Approval and Payment Authorization Emergency Declaration Resolution of 2014 004884

Res 20-475 Option Period Three of Memorandum of Understanding with the Defense Logistics Agency, Defense Supply Center Philadelphia Approval and Payment Authorization Emergency Declaration Resolution of 2014 ....004885 - 004886

Res 20-476 Vending Regulations Emergency Declaration Resolution of 2014 004887

Res 20-477 Compensation Award for the Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association Emergency Declaration Resolution of 2014 ....004888 - 004889

Res 20-478 Compensation Award for the Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association Emergency Approval Resolution of 2014 004890

Res 20-479 Compensation Collective Bargaining Agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, Laborers International Union of North America ("LIUNA"), affiliated with AFL-CIO, Emergency Declaration Resolution of 2014 ....004891 - 004892

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

RESOLUTIONS CONT'D

Res 20-480 Compensation Collective Bargaining Agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, Laborers International Union of North America ("LIUNA"), affiliated with AFL-CIO, Approval Resolution of 2014 004893

Res 20-481 Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Declaration Resolution of 2014....................004894 - 004895

Res 20-482 Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Approval Resolution of 2014 ....004896 - 004897

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B20-790 through B20-794, and B20-797, and Proposed Resolution PR20-758 through PR20-760, PR20-763, PR20-764, PR20-766, and PR20-770 through PR20-777 .... 004898 - 004901

OTHER COUNCIL ACTIONS

Excepted Service Appointments - As of April 30, 2014 004902

Reprogramming Requests -

20-180 Request to reprogram $3,781,045 of Fiscal Year 2014 Local funds budget authority within the District of Columbia Public Schools (DCPS) 004903

20-181 Request to reprogram $850,000 of Special Purpose Revenue Funds Budget Authority within the District Department of the Environment 004903

20-182 Request to reprogram $3,650,000 of Capital funds budget authority and allotment from various agencies to the District of Columbia Public Schools (DCPS).................... 004903

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -
ABC Board's Calendar – May 21, 2014 .... 004904 - 004905

Disability Services, Department on, Rehabilitation Services Admin -
Title I State Plan Vocational Rehabilitation Services and
Title VI-B State Plan Supplement for Supported
Employment Services....... 004906 - 004907

Historic Preservation Review Board - Historic Landmark Designations -
13-05 Capitol Park Towers, 301 G Street SW .... 004908 - 004910
13-18 District Pound and Stable, 820 South Capitol Street
/9 I Street SW....... 004908 - 004910
14-06 International Telecommunications Satellite
Organization Headquarters .... 004908 - 004910
14-07 Standard Materials Company/Gyro Motor Company....... 004908 - 004910

Zoning Adjustment – July 15, 2014 Hearings -
18794 Newton St Development 3 LLC - ANC-6E....... 004911 - 004913
18795 Gerard Boquel and Lew Hages - ANC-2B .... 004911 - 004913
18796 1801 4th Street, NW LLC - ANC-1B .... 004911 - 004913
18797 John Ferguson and Veronica Slajer - ANC-6B....... 004911 - 004913
18798 Janet Katowitz - ANC-6A....... 004911 - 004913

Zoning Commission -
02-26C The George Washington (GW) University
- Lerner Health and Wellness Center .... 004914 - 004916
14-06 KCG 50 M LLC .... 004917 - 004918

FINAL RULEMAKING

Health, Department of - Amend 16 DCMR (Consumers,
Commercial Practices & Civil Infractions),
Ch. 36 (Department of Health (DOH) Infractions)
to establish a schedule of civil infractions for smoking
violations as alternative sanctions for criminal penalties....... 004919 - 004920

Health, Department of - Amend 17 DCMR (Business,
Occupations, and Professions), Ch. 69 (Psychology) to update
the rules governing the qualifications for licensure, supervised
psychological practice, and required continuing education .... 004921 - 004938

Health, Department of - Amend 22 DCMR (Health)
Subtitle B (Public Health and Medicine), Ch. 2 (Communicable
and Reportable Diseases), Sec. 215 (Monitoring and Reporting
the Occurrence of Cancer), Sec. 216 (Quality Assurance/Access to
Records), and Sec. 299 (Definitions) of Title 22-B to update
procedures for reporting cancer....... 004939 - 004940

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Lottery and Charitable Games Control Board, DC - Amend 30 DCMR (Lottery and Charitable Games), Ch. 15 (Raffles), to add Sec. 1509 (50/50 Raffles Conducted By Charitable Foundations Affiliated with Collegiate or Professional Sports Teams) to implement regulations for 50/50 raffles conducted by charitable foundations affiliated with professional sports teams ....004941 - 004948

Motor Vehicles, Department of - Amend 18 DCMR (Vehicles and Traffic), Ch. 1 (Issuance of Driver's Licenses), Sec. 112 (Special Identification Cards) to exempt individuals without a fixed, regular District residence from paying for a special identification card.. 004949 - 004950

PROPOSED RULEMAKING

Consumer and Regulatory Affairs - Amend 14 DCMR (Housing), to repeal Chapters 1 through 13 to bring the Housing regulations in compliance with 12G DCMR (Property Maintenance Code Supplement of 2013)..004951 - 005005

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and Public Vehicles for Hire), Ch. 5 (Taxicab Companies, Associations and Fleets) to update regulations regarding Taxicab company parking ....005006 - 005007

Taxicab Commission , DC – Extension of Comment Period for Notices of proposed rulemaking for 31 DCMR (Taxicabs and Public Vehicles for Hire), Ch. 12 (Luxury Services – Owners, Operators and Vehicles) and Ch. 14 (Operation of Black Cars and Private Sedans) published May 9, 2014...005008

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and Public Vehicles for Hire), to add Ch. 16 (Dispatch Services) to create a regulatory framework for a new class of public vehicle-for-hire service to be called "private sedan service"..005009 - 005023

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and Public Vehicles for Hire), to add Ch. 17 (Private Sedan Service – Businesses, Operators, and Vehicles) to create a regulatory framework for a new class of public vehicle-for-hire service to be called "private sedan service" ....005024 - 005047

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and Public Vehicles for Hire), Ch. 99 (Definitions) to place all definitions used throughout the title in one chapter ....005048 - 005062

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS

2014-092 Appointment -- District of Columbia State Rehabilitation Council (Christopher Kaleba) 005063

2014-093 Appointment -- Acting Director, District Department of Transportation (Matthew T. Brown) 005064

2014-094 Appointment -- Washington Metropolitan Area Transit Commission (Matthew T. Brown) 005065

2014-095 Appointment -- Acting Director, Department of Employment Services (F. Thomas Luparello) 005066

2014-096 Appointment -- Board of Directors of the District of Columbia Water and Sewer Authority (Matthew T. Brown) 005067

2014-097 Reappointment -- District of Columbia Real Estate Commission (Josephine H. Ricks) 005068

2014-098 Amendment and Appointments -- Mayor's Advisory Committee on Child Abuse and Neglect (Greer, Dunbar) 005069

2014-099 Appointment -- Interim Director, Department of Consumer and Regulatory Affairs (Rabbiah Sabbakhan) 005070

2014-100 Appointment -- Acting Commissioner, Department of Insurance, Securities, and Banking (Chester Mcpherson)....................005071

2014-101 Reappointment -- District of Columbia Corrections Information Council (Rev. Samuel W. Whittaker) 005072

2014-102 Appointment -- District of Columbia Retirement Board (Lenda P. Washington, Joseph Clark) 005073

2014-103 Appointments -- Domestic Violence Fatality Review Board (O'Reilly, Larkin, Winder, Kohn, Kranz, Mitchell).................... 005074 - 005075

2014-104 Reappointment and Appointments -- Board of Massage Therapy (Bland, Weatherford, Birchett, Ferguson).................... 005076 - 005077

2014-105 Appointment -- District of Columbia Health Information Exchange Policy Board (Cristian E. Barrera) 005078

2014-106 Reappointment and Appointment -- Board of Psychology (Dr. Juliet M. Francis, Dr. Maia Coleman King) 005079

2014-107 Appointment -- Commission on Re-Entry and Returning Citizen Affairs (Joseph Thomas).................... 005080

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS
BOARDS, COMMISSIONS, AND AGENCIES

Alcoholic Beverage Regulation Administration - ABC Board
Licensing Agenda - May 21, 2014 .... 005081 - 005082
Investigative Agenda - May 21, 2014.......... 005083 - 005084
Legal Agenda - May 21, 2014 005085

Child and Family Services Agency -
Mayor's Advisory Committee on Child Abuse and Neglect
2014 Meeting Schedule 005086
Meeting agenda - June 3, 2014.......... 005087

DC Preparatory Academy Public Charter School - see page 005126

Elections, Board of - Monthly Report -
Voter Registration Statistics as of April 30, 2014.......... 005088 - 005097

Environment, District Dept. of the - Funding Availability -
Demonstration Projects and Monitoring Activities Related to
Nonpoint Source Pollution .... 005098 - 005099

Training for a Green DC: Stormwater Retention Best
Management Practice Maintenance Training Course.......... 005100 - 005101

Environment, District Dept. of the - Intent to Issue Air Quality Permit
#6421-R1 Reynolds II, LLC d/b/a MAACO .... 005102 - 005103

Health, Department of - Meetings -
Board of Audiology & Speech-Language Pathology -
Change in Meeting Schedule.......... 005104

Medical Marijuana Intergovernmental Subcommittee -
May 20, 2014 005105

Human Resources, Department of - Excepted Service Employees
As of April 29, 2014.......... 005106 - 005118

Inspired Teaching School - Intent to enter into Sole Source Contract 005119

Mundo Verde Public Charter School - Request for Proposals -
Multiple Services .... 005120 - 005121

Options Public Charter School - Request for Proposals -
Technology Management Firm 005122

Perry Street Prep Public Charter School - Request for Proposal
Multiple Services 005123

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Planning and Economic Development, Office of the Deputy Mayor for -
FY14 Funding Availability – Digital DC Technology Fund .... 005124 - 005125

DC Preparatory Academy Public Charter School - Requests for Proposals -
NMTC Financing & Legal Services.. 005126

Public Employee Relations Board - Opinions
1459 Case No. 14-A-02, District of Columbia Office of the Attorney General, v. American Federation of State, County and Municipal Employees, District Council 20 (on behalf of Raquel Beaufort).......................... 005127 - 005137

1460 Case No. 11-U-22, Doctors' Council of the District of Columbia, v. District of Columbia Department of Youth and Rehabilitation Services,.. 005138 - 005147

1461 Case No. 13-N-04, Local 36, International Association of Firefighters, AFL-CIO, v. District of Columbia Department of Fire and Emergency Medical Services,.. 005148 - 005149

Public Service Commission –
Change in nomenclature used to give public notice 005150

Secretary, Office of the -
District of Columbia Commission on the 40th Anniversary of Home Rule – Meeting - May 21, 2014 005151

Recommendations for appointment as DC Notaries Public -
Effective June 15, 2014.. 005152 - 005159

Sentencing and Criminal Code Revision Commission, DC -
Meeting Agenda - May 20, 2014 005160

Water and Sewer Authority, DC -
Finance and Budget Committee Meeting - May 22, 2014 005161

Zoning Adjustment, Board of – Orders -
18325-A Renaissance Centro Third Street LLC - ANC 2C .... 005162 - 005165
18598 3612 Park Place LLC - ANC 1A... 005166 - 005173
18725 Rafael Romeu - ANC 2B... 005174 - 005184
18748 Rob & Linda Low – ANC 1D… .... 005185 - 005187

ENROLLED **ORIGINAL**

A RESOLUTION

20-460

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Animal Control Act of 1979 to clarify that an educational institution is permitted to have animals for educational and instructional purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Classroom Animal for Educational Purposes Clarification Congressional Review Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to amend the Animal Control Act of 1979 to clarify that an educational institution is permitted to have animals for educational and instructional purposes.

(b) Emergency legislation, the Classroom Animal for Educational Purposes Clarification Emergency Amendment Act of 2014, effective February 10, 2014, (D.C. Act 20-274; 61 DCR 1208), expires on May 12, 2014.

(c) Temporary legislation, the Classroom Animal for Educational Purposes Clarification Temporary Amendment Act of 2014, signed by the Mayor on March 14, 2014 (D.C. Act 20-300; 61 DCR 2572), was transmitted to Congress on March 25, 2014, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(d) The temporary legislation is not projected to become law until May 21, 2014; therefore, a Congressional review emergency is needed to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Classroom Animal for Educational Purposes Clarification Congressional Review Emergency Amendment Act of 2014 be adopted after a single reading.

Sec 4. The resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-461

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend section 47-1801.04 of the District of Columbia Official Code to clarify that the base year for cost-of-living adjustments related to the personal income tax standard deduction and exemption is 2011.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Cost-of-Living Adjustment Personal Income Tax Standard Deduction and Exemption Technical Clarification Second Congressional Review Emergency Declaration Resolution of 2014".

Sec. 2. (a) Section 47-1801.04(11) of the District of Columbia Official Code ("§ 47-1801.04(11)") was inadvertently amended in the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472), to state that the base year for cost-of-living adjustments related to the personal income tax standard deduction and exemption is 2007. The current base year is 2011.

(b) In February 2014, the Council enacted the Cost-of-Living Adjustment Personal Income Tax Standard Deduction and Exemption Technical Clarification Congressional Review Emergency Act of 2014, effective February 20, 2014 (D.C. Act 20-283; 61 DCR 1599) ("emergency legislation), to amend § 47-1801.04(11) to state the accurate base year of 2011. The emergency legislation will expire on May 21, 2014.

(c) A permanent amendment to § 47-1801.04(11) is in Bill 20-482, the Fiscal Year 2014 Budget Support Technical Clarification Amendment Act of 2014 ("permanent legislation").

(d) The permanent legislation is projected to become law on June 27, 2014.

(e) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Cost-of-Living Adjustment Personal Income Tax Standard Deduction and Exemption Technical Clarification Second Congressional Review Emergency Act of 2014 be adopted after a single reading.

Sec. 4. The resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To confirm the reappointment of Mr. Neil Albert to the Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Library Trustees Neil Albert Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Neil Albert
1358 Locust Road, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the Board of Library Trustees, established by section 4 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104), for a term to end January 5, 2019.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-463

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To confirm the reappointment of Ms. May S. Chan to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Tax Appeals Commission May S. Chan Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. May S. Chan
475 K Street, N.W., Unit 527
Washington, D.C. 20001
(Ward 6)

as a full-time member of the Real Property Tax Appeals Commission, established by D.C. Official Code § 47-825.0la(a), for a term to end April 30, 2018.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $32 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Trinity College in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Trinity College Refunding Revenue Bonds Project Approval Resolution of 2014".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Trinity College, a nonprofit institution of higher education organized pursuant to a special federal charter and exempt from federal income taxes under 26 U.S.C. § Section 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

ENROLLED ORIGINAL

(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Currently refund, including any pre-payment premium, the outstanding District of Columbia Revenue Bonds (Trinity College Issue) Series 2001 ("Series 2001 Bonds");

(B)(i) Develop, construct, renovate, and expand, in one or more phases, the Borrower's campus located at 125 Michigan Avenue, N.E., Washington, D.C. 20017 (Lot 0034, Parcel 0120; Lot 0033, Parcel 0120; and Lot 0002, Square 3548, comprising academic, office, and residential buildings and support facilities, including the new Trinity Academic Center, designed to provide classrooms, library and technology hubs, science laboratories, convening space, and performance space, and mixed-use facilities, which may be residential, health care, or retail in function;

(ii) Construct parking areas;

(iii) Acquire and develop property adjacent to the Borrower's current facilities; and

(iv) Purchase certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(C) Refinance, in whole or in part, existing indebtedness (apart from the Series 2001 Bonds);

(D) Finance certain working capital expenditures associated with the foregoing to the extent financeable;

(E) Pay Issuance Costs; and

ENROLLED ORIGINAL

(F) Fund capitalized interest.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $32 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to the economic development of the District.

(4) The Project is an undertaking in the area of education and contributes to the health, education and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $32 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

ENROLLED ORIGINAL

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

ENROLLED ORIGINAL

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or

ENROLLED ORIGINAL

appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

ENROLLED ORIGINAL

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec.13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable

from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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 Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-465

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To confirm the reappointment of Mr. Pedro Alfonso to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Pedro Alfonso Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Pedro Alfonso
1809 Parkside Drive, N.W.
Washington, D.C. 20012
(Ward 4)

as a public commissioner and as Chairman of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-466

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To confirm the reappointment of Mr. Moses Clarence Mobley to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Moses Clarence Mobley Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Moses Clarence Mobley
1600 Monroe Street, N.E.
Washington, D.C. 20018
(Ward 5)

as a public commissioner of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-467

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to amend the District of Columbia Workers' Compensation Act of 1979 to match federal statute of limitations for private-sector employees who are injured at work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Workers' Compensation Statute of Limitations Emergency Declaration Resolution of 2014".

Sec. 2. (a) Previously, under District law, a private-sector employee who was injured on the job had only 6 months to file a lawsuit against the party responsible for the employee's injury. After 6 months, the injured worker's rights to recover damages were automatically assigned to the employee's employer and its insurance company.

(b) A 6-month time limit to file a lawsuit is often too short for District residents who are injured on the job to investigate cases and respond to significant life issues following their at-work accidents. Moreover, the injured worker's employer and the employer's insurance company may not take action or have the interests of the injured worker in mind when doing so.

(c) If an individual were injured in a District location other than a workplace, the individual would have 3 years to file a lawsuit against the party responsible for the injury, as the standard 3-year statute of limitations for negligence would apply.

(d) The District's private-sector workers compensation statute, which was enacted in 1979, was modeled on the federal Longshore and Harbor Workers' Compensation Act ("LHWCA").

(e) In 1984, Congress changed the corresponding section of the LHWCA. Under federal law, if an injured employee does not file a lawsuit within 6 months, the employee's rights to do so are still automatically assigned to the employee's employer and its insurance company; however, if the employer and its insurance company do not take action within 90 days, the right to sue automatically reverts back to the injured employee.

(f) Although the District's private-sector workers compensation statute was modeled on the LHWCA, the District statute was never amended to reflect the 1984 amendment to the LHWCA. Because of this, District residents who are injured on the job have only 6 months to

ENROLLED ORIGINAL

file a lawsuit, while residents who are injured outside of the workplace have 3 years to commence legal action.

(g) As a result of this inequity, the Council previously enacted emergency and temporary legislation that amended the District's private-sector workers' compensation statute to match the federal law on which it was based. The emergency legislation has expired, and the temporary will expire on May 30, 2014. Accordingly, this emergency legislation is necessary while permanent legislation is under review. Under this new emergency legislation, if an injured employee does not file a lawsuit against the party responsible for the employee's injury within 6 months, the right to sue will still automatically transfer to the employee's employer and its insurance company; however, as under federal law, if the employer and its insurance company do not take action within 90 days, the right to sue will revert back to the injured employee, and the District's standard 3-year statute of limitations will apply.

(h) In addition to matching federal law, this legislation would make the District's statute of limitations for injured workers similar to laws in neighboring jurisdictions. In Maryland, the statute of limitations for injured workers to file suit is 3 years. In Virginia, the statute of limitations is 2 years.

(i) This emergency legislation is necessary to provide a fair opportunity for injured employees to recover damages for injuries that they have received.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Workers' Compensation Statute of Limitations Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-468

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to limit legal fees in tax sales, to provide for distribution of equity to former owners where the property was sold at tax sale and occupied by owners, to provide for clean hands and tax compliance by tax sale purchases, to clarify that the District may abate penalty and interest associated with a tax sale property, to clarify and limit the amount of interest paid to tax sale purchasers, to allow for refunds to tax sale purchasers pending payment of legal fees to them, to deem a tax sale property's taxes current for purposes of redemption when paid to within $100, to provide for recordation and transfer tax exemptions for a transfer pursuant to a transfer on death deed, to protect the District's interest as ground lessor from the tax sale, to provide effective means for billing and collecting energy efficiency loans, and to allow a tax sale purchaser to appeal the assessment of vacant and blighted properties purchased at tax sale.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Residential Real Property Equity and Transparency Emergency Declaration Resolution of 2014".

Sec. 2. (a) The permanent version of this legislation, Bill 20-23, passed first reading in April. As notices for real property taxes in advance of a potential summer tax sale process are beginning to be issued now, it is important that certain provisions of this legislation are enacted on an emergency basis to enact additional protections for homeowners.

(b) The emergency legislation consists of those portions of the permanent legislation that have no fiscal impact. The remainder of the permanent legislation will be funded in the budget process.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Residential Real Property Equity and Transparency Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-469

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to amend the Health Benefit Exchange Authority Establishment Act of 2011 to promote meaningful choice, provide enhanced benefits, and build a competitive private insurance marketplace for the residents and small business owners of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Better Prices, Better Quality, Better Choices for Health Coverage Emergency Declaration Resolution of 2014".

Sec. 2. (a) In June 2013, the Council enacted the Better Prices, Better Quality, Better Choices for Health Coverage Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-87; 60 DCR 9542) ("emergency legislation") and in July 2013, the Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2013, effective October 3, 2013 (D.C. Law 20-22; 60 DCR 10880)("temporary legislation"), which amended the Health Benefit Exchange Authority Establishment Act of 2011 to provide additional detail regarding plans and participation in the exchange marketplace so that the final pieces of the District's first Health Benefit Exchange can be timely implemented.

(b) The temporary legislation will expire on May 16, 2014. The permanent legislation was passed by the Council on May 6, 2014 and has not yet been transmitted to the Mayor.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the permanent becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Better Prices, Better Quality, Better Choices for Health Coverage Emergency Amendment Act 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-470

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to amend the State Education Office Establishment Act of 2000 to authorize the collection of individual educator evaluation data by the Office of the State Superintendent of Education and to exempt that data from public disclosure.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Educator Evaluation Data Collection Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to enact emergency legislation to amend the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), to authorize the collection of individual educator evaluation data by the Office of the State Superintendent of Education ("OSSE") and to exempt that data from public disclosure.

(b) As part of the District's Race to the Top application, which was awarded on September 24, 2010, the District made a commitment to create and implement an evaluation system of teacher-preparation programs. This evaluation system shall be based, in part, on educator evaluation data.

(c) To date, OSSE has developed the evaluation system and has collected educator evaluation data from local education agencies; however, several local education agencies have refused to provide this data because of the potential that data associated with the educators' evaluations may be disclosed to the public or the media.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Educator Evaluation Data Collection Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-471

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to amend the Health Benefit Exchange Authority Establishment Act of 2011 to provide for the financial sustainability of the Health Benefit Exchange Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Benefit Exchange Authority Financial Sustainability Emergency Declaration Resolution of 2014".

Sec. 2. (a) Pursuant to section 17(b)(1) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.16(b)(1))("Act"), the Health Benefit Exchange Authority ("Authority") was required to "prepare a plan that identifies how the Authority will be financially self-sustaining by January 1, 2015."

(b) Pursuant to section 17(b)(2) of the Act (D.C. Official Code § 31-3171.16(b)(2)), the Authority submitted its "Report to the Mayor and Council of the District of Columbia on Financial Sustainability" on December 13, 2013.

(c) The Authority considered a wide range of options for achieving financial self-sustainability. It adopted a broad-based assessment of all health insurance carriers in the District to assure the lowest percentage assessment possible for the Authority's future funding.

(d) Section 4(e)(1) of the Act (D.C. Official Code §31-3171.03(e)(1)) provides that "[t]he Authority is authorized to charge, through rulemaking:

(A) User fees;

(B) Licensing fees; and

(C) Other assessments on health carriers selling qualified dental plans or qualified health plans in the District, including qualified health plans and qualified dental plans sold outside the exchanges."

(e) The bill would amend this section to clearly authorize the Authority to assess all health carriers doing business in the District, to utilize the recommended low-percentage, broad-based assessment.

(f) Emergency action is required to allow the Authority to proceed with a broad-based assessment of all health carriers doing business in the District to ensure its financial sustainability by January 1, 2015.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Benefit Exchange Authority Financial Sustainability Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-472

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to approve Modification No. 7 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth District of Columbia, Inc., to provide healthcare services to the District's Medicaid-eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DHCF-2013-C-0003-A02 Modification Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists a need to approve Modification No. 7 to Contract No.DHCF-2013-C-0003-A02 with AmeriHealth District of Columbia, Inc., to provide healthcare services to the District's Medicaid-eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

(b) On May 1, 2013, the Office of Contracting and Procurement ("OCP") awarded Contract No. DHCF-2013-C-0003-A02 to AmeriHealth District of Columbia, Inc., for the base term, from May 1, 2013 through April 30, 2014.

(c) On April 30, 2014, OCP exercised option year one of Contract No. DHCF-2013-C-0003-A02 for the period from May 1, 2014 through April 30, 2015 in the total not to exceed amount of $737,041,491 for option year one.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, AmeriHealth District of Columbia, Inc., cannot be paid for services provided in excess of $1,000,000 for option year one.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DHCF-2013-C-0003-A02 Modification Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-473

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to approve Contract No. DCHBX-13-0003 to provide technical information technology support services and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHBX-2013-0003 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCHBX-13-0003 with Enlightened, Inc. ("Enlightened, Inc."), to provide technical information technology support services and to authorize payment for the services received and to be received under that contract.

(b) On April 29, 2013, the District of Columbia Health Benefit Exchange Authority ("DCHBX") entered into a contract with Enlightened, Inc. to provide technical information technology support services in an amount not to exceed $408,000.

(c) On October 10, 2013, DCHBX executed a contract modification to increase the contract ceiling amount to $1,000,000.

(d) On October 10, 2013, the DCHBX Board of Directors approved a further increase to the contract ceiling amount to $1,800,000.

(e) Council approval is necessary since the anticipated contract amount is more than $1,000,000.00 during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Enlightened, Inc. cannot be paid for services provided in excess of $1,000,000.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHBX-13-0003 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-474

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to approve Contract No. DCHBX-13-0003(b) to provide technical information technology support services and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHBX-2013-0003(b) Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCHBX-13-0003(b) with New Light Technologies, Inc. ("NLT, Inc."), to provide technical information technology support services and to authorize payment for the services received and to be received under that contract.

(b) On April 29, 2013, the District of Columbia Health Benefit Exchange Authority ("DCHBX") entered into a contract with NLT, Inc., to provide technical information technology support services in an amount not to exceed $488,000.

(c) On October 10, 2013, DCHBX executed a contract modification to increase the contract ceiling amount to $1,000,000.

(d) On October 10, 2013, the DCHBX Board of Directors approved a further increase to the contract ceiling amount to $2,184,000.

(e) Council approval is necessary since the anticipated contract amount is more than $1,000,000.00 during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, NLT cannot be paid for services provided in excess of $1,000,000.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHBX-13-0003(b) Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-475

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to approve Option Period Three of a Memorandum of Understanding with the Defense Logistics Agency, Defense Supply Center Philadelphia to continue to provide critical pharmaceuticals for participants in the District's HIV/AIDS Drug Assistance Program and other indigent care programs and to authorize payment for the services received and to be received under the Memorandum of Understanding.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Option Period Three of Memorandum of Understanding with the Defense Logistics Agency, Defense Supply Center Philadelphia Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Option Period Three of a Memorandum of Understanding with the Defense Logistics Agency, Defense Supply Center Philadelphia to continue to provide critical pharmaceuticals for participants in the District's HIV/AIDS Drug Assistance Program and other indigent care programs and to authorize payment for the services received and to be received under the Memorandum of Understanding.

(b) On June 25, 2005, the District entered into a Memorandum of Understanding with the Defense Logistics Agency, Defense Supply Center Philadelphia to provide pharmaceutical and pharmaceutical supplies for a base period of April 1, 2005 through September 30, 2007.

(c) The first option period for the Memorandum of Understanding was from October 1, 2007 through March 31, 2010.

(d) The second option period for the Memorandum of Understanding was from April 1, 2010 through September 30, 2012.

(e) The third option period for the Memorandum of Understanding is from October 1, 2012 through March 31, 2015 for a total of $144,332,292.79.

(f) Council approval is necessary because the value of Option Period Three would increase the contract value to more than $1 million during a 12-month period.

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Defense Logistics Agency, Defense Supply Center Philadelphia cannot be paid for services provided in excess of $1 million.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Option Period Three of Memorandum of Understanding with the Defense Logistics Agency, Defense Supply Center Philadelphia Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-476

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to amend the Vending Regulation Act of 2009 and Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to establish criminal penalty provisions for violations of regulations implementing the Vending Regulation Act of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Vending Regulations Emergency Declaration Resolution of 2014".

Sec. 2.(a) In 2009, the Council passed the Vending Regulation Act of 2009, effective July 28, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.01 *et seq.*)("Vending Regulation Act") , which authorized the Mayor to regulate vending in the District and required any proposed rules to be submitted to the Council for review and approval.

(b) On March 8, 2013, the Vending Business License Regulation Resolution of 2013, deemed disapproved on June 22, 2013 (D.C. Proposed Resolution 20-125) was introduced in the Office of the Secretary by Chairman Mendelson at the request of the Mayor. Some of the regulations contained in PR20-125 were adopted by the Vending Regulation Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-84; 60 DCR 9534), and the subsequent adoption of the Vending Regulation Second Emergency Amendment Act of 2013, effective September 18, 2013 (D.C. Act 20-90; 60 DCR 9551).

(c) On September 20, 2013, the Office of the City Administrator published final rules in the D.C. Register.

(d) With the adoption of the Vending Business License Regulation Resolution of 2013 in March of 2013, the provisions establishing criminal penalties for violations of the vending regulations were superseded.

(e) To permit complete enforcement of vending violations and avoid disruption of proper vending operations, it is necessary to enact emergency legislation establishing criminal penalty provisions for violations of regulations implementing the Vending Regulation Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Vending Regulations Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-477

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to approve salary increases and other negotiated benefits under the terms of the Compensation Award for the Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association, as set forth in the affected pay schedules.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Award for the Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association Emergency Declaration Resolution of 2014".

Sec. 2. (a) The District of Columbia negotiated a compensation agreement ("Compensation Award") with District of Columbia Nurses Association that requires certain wage increases and other compensation and benefits over a period of 5 years. The Mayor proposes, as agreed with the union, that the first such compensation increase is made effective October 1, 2013, which constitutes a change to the affected pay schedule and a resulting minimum increase of 2% in each bargaining unit member's gross salary. In order to comply with section 1717(f)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-617.17(f)(1)), which contemplates "that negotiations shall be completed prior to submission of a budget" for the years covered by the agreement, the Compensation Award must be acted on by the Council immediately.

(b) In order to effectuate the terms of the Compensation Award in fiscal year 2014, the Mayor recommends that the Compensation Award for the Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association Emergency Approval Resolution of 2014 be approved on an emergency basis.

ENROLLED ORIGINAL

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

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Compensation Award for the Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-478

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To approve, on an emergency basis, the Compensation Award for the Collective Bargaining Agreement Between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association submitted by the Mayor for employees in Compensation Unit 13.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Award for the Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, and the Office of the Chief Medical Examiner (Compensation Unit 13) and the District of Columbia Nurses Association Emergency Approval Resolution of 2014".

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the compensation agreement for Compensation Unit 13 bargaining-unit employees employed by the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, the Child and Family Services Agency, and the Office of the Chief Medical Examiner, which was transmitted to the Council by the Mayor on March 27, 2014.

Sec. 3. Transmittal.
The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to Compensation Unit 13 and to the Mayor.

Sec. 4. Fiscal impact statement.
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.
This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-479

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to approve salary increases and other negotiated benefits under the terms of the negotiated compensation collective bargaining agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, Laborers International Union of North America ("LIUNA"), affiliated with AFL-CIO, as set forth in the pay schedules.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Collective Bargaining Agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, Laborers International Union of North America ("LIUNA"), affiliated with AFL-CIO, Emergency Declaration Resolution of 2014".

Sec. 2. (a) The District of Columbia Department of Behavioral Health negotiated a compensation agreement ("Compensation Collective Bargaining Agreement") with Public Service Employees Local Union 572, LIUNA, affiliated with AFL-CIO, that requires certain compensation increases over a period of 3 years. The Mayor proposes, as agreed with the union, that the first such compensation increase is made effective April 1, 2013, which constitutes a change to the affected pay schedule and a resulting minimum increase of 3% in each bargaining unit member's gross salary. Sensitive to section 1717(f)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-617.17(f)(1)), which contemplates "that negotiations shall be completed prior to submission of a budget" for the years covered by the agreement, the Compensation Collective Bargaining Agreement must be acted on by the Council immediately.

(b) In order to effectuate the terms of the Compensation Collective Bargaining Agreement, the Mayor recommends that the Compensation Agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, LIUNA, affiliated with AFL-CIO, Emergency Approval Resolution of 2014 be approved on an emergency basis.

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

ENROLLED ORIGINAL

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

(e) The employees covered by the Compensation Collective Bargaining Agreement provide a variety of services to the residents and visitors of the District of Columbia.

(f) Unless legislative action is immediately taken to approve the Compensation Collective Bargaining Agreement, a negative impact upon the financial and personal morale of the employees of the compensation collective-bargaining unit may compromise the delivery of services, affecting the residents and visitors to the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Compensation Agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, LIUNA, affiliated with AFL-CIO, Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-480

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To approve, on an emergency basis, the negotiated compensation collective bargaining agreement submitted by the Mayor between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, Laborers International Union of North America ("LIUNA"), affiliated with AFL-CIO.

RESOLVED,BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Compensation Collective Bargaining Agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, Laborers International Union of North America ("LIUNA"), affiliated with AFL-CIO, Approval Resolution of 2014".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council of the District of Columbia approves the compensation collective bargaining agreement between the District of Columbia Department of Behavioral Health and Public Service Employees Local 572, Laborers International Union of North America ("LIUNA"), affiliated with AFL-CIO, which was transmitted by the Mayor to the Council on April 2, 2014 .

(b) This resolution applies to certain bargaining unit employees employed by the Department of Behavioral Health.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Public Service Employees Local 572 ("LIUNA"), affiliated with AFL-CIO, and to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-481

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the existence of an emergency with respect to the need to authorize salary increases under the Settlements and Interest Arbitration Award for employees in Compensation Unit 3.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Declaration Resolution of 2014".

Sec. 2. (a) In order to make the salary increases retroactive to the April 1, 2013, and to immediately effectuate the scheduled benefit premium increases and appropriate modifications to other compensation components, the Mayor recommends that the Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Approval Resolution of 2014 be approved on an emergency basis.

(b) Failure to pay the wages under the pay schedules in accordance with the express terms of the Settlements and Interest Arbitration Award in an expeditious fashion may result in undermining the confidence of union members in the District of Columbia Government and its leadership.

(c) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia.

(d) On April 29, 2014, the Council's Committee of the Whole held a public hearing on the Settlements and Interest Arbitration Award and the proposed resolution to approve it. Representatives of the Fraternal Order of Police ("FOP") MPD Labor Committee testified in opposition to the arbitration award and urged that the Council disapprove it. Representatives of the Executive – the Acting Director of the Office of Labor Relations and Collective Bargaining, and the Deputy Chief of Staff and Budget Director – urged that the Council approve the award.

(e) The Council finds that the decision of the arbitrator in this matter is reasonable and agrees with it. The Council agrees with the arbitrator that it is clear from the Executive's last best offer that its wage proposal includes a contract through September 30, 2017. To conclude otherwise would serve to elevate a hyper-technical argument above the interest of police officers to receive a new compensation agreement. Also, the arbitrator complied with the law in using

ENROLLED ORIGINAL

pay comparators from regional jurisdictions, including Montgomery, Prince Georges, Fairfax, and Arlington counties, and was reasonable in noting that MPD officers are in the same occupational groups and perform the same essential duties as their comparators.

(f) The Council is especially concerned that the FOP's compensation proposal might encourage mass retirements because it provides entirely retroactive compensation; officers nearing retirement would receive a 19% - 20.46% compounded salary increase – reflected in retirement benefits, without any requirement to earn additional service. On the other hand, the arbitrator's award better promotes public safety because it better avoids mass retirements by encouraging officers at or near retirement to work the additional years covered by the new agreement in order to obtain increased retirement benefits.

(g) Approval of the Settlements and Interest Arbitration Award will establish a new collective bargaining agreement to replace the previous one that expired at the end of fiscal year 2008 – over 5 ½ years ago. Too much time has passed, and implementation of this new agreement should occur as soon as possible. In this regard, the Council faults both parties to the negotiation, but especially the FOP MPD Labor Committee which delayed negotiations – first, by filing an unfair labor practice complaint (that it lost) that took until September 2011 to resolve; and second, by not seeking access to impasse procedures until 2013. Disapproval of the Award, as the FOP urges, would result in further, substantial delay as the parties would have to start over with bargaining.

(h) The Council believes that it is in the best interest of public safety that the men and women of the Metropolitan Police Department receive the benefits of interest bargaining as soon as possible.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-482

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To approve, on an emergency basis, the negotiated Settlements and Interest Arbitration Award submitted by the Mayor for employees of the Metropolitan Police Department (Compensation Unit 3).

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Approval Resolution of 2014".

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3), which was transmitted to the Council by the Mayor on May 1, 2014, and which includes the following:

April 1, 2013	4% wage increase
October 1, 2014	3% wage increase
October 1, 2015	3% wage increase
October 1, 2016	3% wage increase

Sec. 3. The compensation changes approved by section 2 of this resolution shall be effective as of the first full pay period beginning on or after the date stated.

Sec.4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and to the Fraternal Order of Police MDP Labor Committee.

ENROLLED ORIGINAL

Sec. 5. 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. 6. Effective date.

This resolution shall take effect immediately.

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

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

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

= =

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

BILLS

B20-790 Reproductive Health Non-Discrimination Amendment Act of 2014

Intro. 05-06-14 by Councilmembers Grosso, Wells, McDuffie, Bowser, Alexander, Barry, Bonds, Catania, Cheh, Graham, and Orange and referred to the Committee on Judiciary and Public Safety

---

B20-791 Uniform Certificate of Title for Vessels Act of 2014

Intro. 05-06-14 by Councilmember Orange and referred to the Committee on Judiciary and Public Safety with comments from the Committee on Business, Consumer, and Regulatory Affairs

---

B20-792 Impaired Driving Amendment Act of 2014

Intro. 05-06-14 by Councilmembers Bowser and Cheh and referred to the Committee on Judiciary and Public Safety

---

B20-793 Civil Marriage Dissolution Equality Clarification Amendment Act of 2014

Intro. 05-06-14 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

---

BILLS CON'T

B20-794 Nap Turner Way Designation Act of 2014

Intro. 05-06-14 by Councilmember Graham and referred to the Committee of the Whole

---

B20-797 Federal Health Reform Implementation and Omnibus Amendment Act of 2014

Intro. 05-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

---

PROPOSED RESOLUTIONS

PR20-758 Transfer of Jurisdiction of a portion of Reservation 497 (Square 3712, Lots 101-104) Approval Resolution of 2014

Intro. 05-02-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

---

PR20-759 District of Columbia Water and Sewer Authority Board of Directors Matthew T. Brown Confirmation Resolution of 2014

Intro. 05-02-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

---

PR20-760 Director of the District Department of Transportation Matthew T. Brown Confirmation Resolution of 2014

Intro. 05-02-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

---

PR20-763 Young School Surplus Declaration Resolution of 2014

Intro. 05-02-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

---

PR20-764 Young School Disposition Approval Resolution of 2014

Intro. 05-02-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development

---

PROPOSED RESOLUTIONS CON'T

PR20-766 Real Property Tax Appeals Commission Mr. Andrew D. Dorchester Confirmation Resolution of 2014

Intro. 05-05-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

---

PR20-770 Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Joseph N. Onek Appointment Resolution of 2014

Intro. 05-06-14 by Chairman Mendelson and Councilmember Wells and retained by the Council with comments from the Committee of the Whole

---

PR20-771 District of Columbia Commission on Judicial Disabilities and Tenure David P. Milzman Appointment Resolution of 2014

Intro. 05-06-14 by Chairman Mendelson and Councilmember Wells retained by the Council with comments from the Committee of the Whole

---

PR20-772 Nonpublic School Based Health Services State Plan Amendment Approval Resolution of 2014

Intro. 05-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health with comments from the Committee on Education

---

PR20-773 District of Columbia Commission on Human Rights Michelle McLeod Confirmation Resolution of 2014

Intro. 05-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

---

PR20-774 District of Columbia Commission on Human Rights Mr. Ali Muhammad Confirmation Resolution of 2014

Intro. 05-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

---

PR20-775 District of Columbia Commission on Human Rights Dr. Alberto Figueroa-Garcia Confirmation Resolution of 2014

Intro. 05-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

---

PROPOSED RESOLUTIONS CON'T

PR20-776 District of Columbia Housing Authority Board of Commissioners Ms. Terri Thompson Mallet Confirmation Resolution of 2014

Intro. 05-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development

---

PR20-777 District of Columbia Housing Authority Board of Commissioners Ms. Shelore L. Fisher Confirmation Resolution of 2014

Intro. 05-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development

---

COUNCIL OF THE DISTRICT OF COLUMBIA

EXCEPTED SERVICE APPOINTMENTS AS OF APRIL 30, 2014

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	**POSITION TITLE**	**GRADE**	**TYPE OF APPOINTMENT**
Conner, Daniel	Deputy Committee Director	6	Excepted Service - Reg Appt
Goines, Nicole	Administrative Clerk	1	Excepted Service - Reg Appt
Johnson, Keren	Communications Director	6	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Request

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 20-180: Request to reprogram $3,781,045 of Fiscal Year 2014 Local funds budget authority within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on May 8, 2014. This reprogramming ensures that DCPS's budget is properly aligned with internal restructuring and will increase operational and programmatic efficiencies.

RECEIVED: 14 day review begins May 9, 2014

Reprog. 20-181: Request to reprogram $850,000 of Special Purpose Revenue Funds Budget Authority within the District Department of the Environment was filed in the Office of the Secretary on May 8, 2014. This reprogramming ensures the DDOE is able to issue competitive grants to non-profit organizations for the implementation of storm water management initiatives..

RECEIVED: 14 day review begins May 9, 2014

Reprog. 20-182: Request to reprogram $3,650,000 of Capital funds budget authority and allotment from various agencies to the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on May 8, 2014. This reprogramming is necessary to support the costs of demountable classrooms at: Stoddert Elementary School located at 4001 Calvert Street, NW; Murch Elementary School located at 4820 36th Street NW; and Brightwood Elementary School located at 1300 Nicholson Street NW.

RECEIVED: 14 day review begins May 9, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MAY 21, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short

Show Cause Hearing (Status) **9:30 AM**
Case # 14-AUD-00007; Ballances Columbia Restaurant, t/a Millie's and Al's Ballances Columbia Restaurant, 2440 18th Street NW, License #460, Retailer CR, ANC 1C
Failed to Maintain Books and Records, Failed to Demonstrate the Requirements of a CR License

Show Cause Hearing (Status) **9:30 AM**
Case # 13-AUD-00086; Tropicalia Project, LLC, t/a Bossa Brazilian Bistro 2463 18th Street NW, License #84505, Retailer CR, ANC 1C
Failed to Maintain Books and Records, Failed to Demonstrate the Requirements of a CR License

Show Cause Hearing (Status) **9:30 AM**
Case # 14-251-00003 and 14-251-00003(a); Chloe, LLC, t/a District, 2473 18th Street NW, License #92742, Retailer CR, ANC 1C
Interfered with an Investigation

Show Cause Hearing* **11:00 AM**
Case # 13-AUD-00038; Mixtec, Inc., t/a Mixtec, 1792 Columbia Road NW License #7374, Retailer CR, ANC 1C
Failed to File Quarterly Statements (4th Quarter 2012)

Board's Calendar
May 21, 2014

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Protest Hearing **1:30 PM**
Case # 13-PRO-00158; Twin T's, LLC, t/a DC Shenanigans, 2450 18th Street NW, License #88119, Retailer CT, ANC 1C
Renewal Application
This hearing has been continued to June 18, 2014 at 4:30 pm.

Show Cause Hearing* **1:30 PM**
Case # 13-CMP-00299; Terasol Gallery & Café, t/a Terasol, 5010 Connecticut Ave NW, License #85467, Retailer CR, ANC 3F
No ABC Manage on Duty, Failed to Make Settlement Agreement Accessible, Failed to Post License in Conspicuous Place, Failed to Post Pregnancy Sign, Failed to Post Legal Drinking Age Sign

Protest Hearing* **2:30 PM**
Case # 14-PRO-00007; Madam's Organ, t/a Madam's Organ, 2461 18th Street NW, License #25273, Retailer CT, ANC 1C
Termination of Settlement Agreement

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Offical Code §2-574(b)(13).**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC HEARING

D.C. Department on Disability Services, Rehabilitation Services Administration to Hold a Public Hearing on the Title I State Plan Vocational Rehabilitation Services and the Title VI-B State Plan Supplement for Supported Employment Services

Friday, June 20, 2014, 1-4 pm
D.C. Housing Finance Agency
815 Florida Avenue,
1st Floor Auditorium Lobby Level Meeting Room
Washington, DC 20001

Pursuant to the Rehabilitation Act of 1973, as amended, and its implementing federal regulations, the D.C. Rehabilitation Services Administration will hold a public hearing on June 20, 2014, from 1-4 pm to obtain input on RSA's Title I State Plan for Vocational Rehabilitation Services and the Title VI-B State Plan Supplement for Supported Employment Services. (*See* 34 C.F.R. §361.20) **Prior to the hearing, the public will have 30 calendar days to submit comments on the State Plan.**

The purpose of the hearing is to ensure that recommendations are received from consumers, service providers, advocacy organizations and other interested individuals on how the agency can better achieve the following:

- Provide more help to consumers with disabilities in finding employment;
- Provide more information about RSA goals and activities to consumers;
- Provide better information on the vocational rehabilitation program and its processes;
- Identify barriers to employment;
- Improve and expand vocational rehabilitation services to minorities;
- Expand vocational rehabilitation services for persons with significant disabilities; and
- Increase employer utilization of the vocational rehabilitation program.

Persons wishing to review the State Plan may access it online by visiting the Agency's website at www.dds.dc.gov or in person at the Martin Luther King, Jr. Memorial Library, 901 G Street, N.W., Washington, DC 20001. A hard copy and CD of the State Plan will be located at the Reference Desk of Adaptive Services, Washingtonian Division at the Martin Luther King, Jr. Memorial Library.

Individuals who wish to testify should contact Ms. Cheryl Bolden, no later than 4:45pm by June 13, 2014, and should provide the following: name(s); address (es); telephone number(s);

organizational affiliation(s); accommodation need(s); if any, and two (2) copies of the proposed testimony. Ms. Bolden can be reached via email at cheryl.bolden@dc.gov or via telephone 202-442-8411; 711 Relay; or 202-540-8468 (VP). All testimony will be limited to ten (10) minutes.

Individuals who wish to submit comments can begin doing so starting May 20, 2014. Comments can be submitted two ways: either by email or mail to:

District of Columbia Department on Disability Services
Rehabilitation Services Administration
1125 15th Street, NW
9th Floor
Washington, DC 20005

Comments sent via email must be received by 5:00 pm June 13, 2014; mailed documents must be postmarked by the same date. All questions should be directed to Ms. Cheryl Bolden, 202-442-8411; 711 Relay; or 202-540-8468 (VP) can be reached Monday through Friday, from 9-3 pm.

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARINGS

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 13-05: Capitol Park Towers
301 G Street SW
Square 540, Lot 110

Case No. 13-18: District Pound and Stable
820 South Capitol Street/9 I Street SW
Square 644, Lot 810 and Part of Lot 812

Case No. 14-07: Standard Materials Company/Gyro Motor Company
770-774 Girard Street NW
Square 2885, Lot 883 (former Lots 820 and 821)

Case No. 14-06: International Telecommunications Satellite Organization Headquarters
(if not heard May 22)
3400 International Drive (4000 Connecticut Avenue) NW
Square 2055, Lots 803, 804, 805, 806 and part of 807

The hearing will take place at **9:00 a.m. on Thursday, June 26, 2014**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, D.C. 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

At the same time and place, the Historic Preservation Review Board will also hold a public hearing to consider an application to designate the following property a historic district in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 14-12: George Washington/West End Historic District

Including the following squares and parts of squares: All lots in Squares 78-S, 80, 101, 101-N, 102 and 103; most of Square 58 (Lots 5-8, 11 and 802-805); most of Square 77 (Lots 5, 60, 845 and 846); part of Square 78 (Lots 846 and 850); most of Square 79 (Lots 5, the eastern quarter of 64, and 65, 853, 854 and 861); part of Square 81 (Lots 59, 60, 74, 75, 78, 81, 811, 829 and 841); part of Square 104 (Lots 814 and 837); part of Square 121 (Lots 17 and 819); most of Square 122 (Lots 28, 824 and 825); and Reservations 28 and 29

Also presently known by the following addresses: 514 19th Street NW; 532, 600, 700, 716, 720, 812 and 814 20th Street NW; 600, 601, 602, 605, 606, 607, 609, 610, 619, 620, 701, 710, 714, 725, 730, 800, 805 and 825 21st Street NW; 515, 518, 520, 522, 524, 526, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 22nd Street NW; 1900, 1918, 1922, 1925, 2000, 2021, 2025, 2031, 2033, 2035, 2037, 2101, 2109, 2115, 2121, 2123, 2135, 2140, 2142, 2144, 2145, 2147, 2146, 2148, 2150, 2152, 2154, 2156, 2206, 2208, 2210, 2212 and 2224 F Street NW; 1914, 1920, 2000, 2002, 2004, 2008, 2013, 2020, 2023, 2024, 2028, 2029, 2030, 2033, 2034, 2036, 2106, 2108, 2110, 2112, 2114, 2115, 2119, 2125, 2127, 2129, 2130, 2131, 2134, 2136, 2138, 2140, 2142 G Street NW; 2000, 2013, 2021, 2036, 2100, 2119, 2121 and 2122 H Street NW; 2015, 2017, 2019, 2040, 2100 and 2124 I Street NW; and 2000, 2019 and 2020 Pennsylvania Avenue NW

The Board's hearings are open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and

rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JULY 15, 2014
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.

TIME: 9:30 A.M.

A.M.

WARD SIX

18798
ANC-6A

Application of Janet Katowitz, pursuant to 11 DCMR § 3104.1, for a special exception for a rear deck addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403), rear yard (section 404) and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 1425 North Carolina Avenue, N.E. (Square 1056, Lot 94).

WARD SIX

18797
ANC-6B

Application of John Ferguson and Veronica Slajer, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under subsection 403.2, a variance from the nonconforming structure provisions under subsection 2001.3, to allow an addition to an existing one-family row dwelling in the R-4 District at premises 626 A Street, S.E. (Square 869, Lot 809).

WARD ONE

18796
ANC-1B

Application of 1801 4th Street, NW LLC, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under subsection 403.2, a variance from the rear yard requirements under section 404 and a variance from the side yard requirements under subsection 405.6, to redevelop an existing building into a flat (two-family dwelling) in the R-4 District at premises 1801 4th Street, N.W. (Square 3095, Lot 27).

WARD SIX

18794
ANC-6E

Application of Newton St Development 3 LLC, pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under subsection 401.3, a variance from the nonconforming structure provisions under subsection 2001.3, and a variance from the off-street parking requirements under subsection 2101.1, to allow the renovation and conversion of an existing vacant building into an eight (8) unit apartment building in the R-4 District at premises 1740 New Jersey Avenue, N.W. (Square 508, Lot 9).

WARD TWO

18795
ANC-2B

Application of Gerard Boquel and Lew Hages, pursuant to 11 DCMR § 3103.2, for a variance from lot occupancy requirements under section 772, a variance from the off-street parking requirements under subsection 2101.1, and a variance from the building on alley lots provisions under subsection 2507.3, to allow an alley dwelling in the DC/C-2-C District at premises 2123 Twining Court, N.W. (Square 68, Lots 807 and 808).

PLEASE NOTE:

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

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

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

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, July 21, 2014 @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-S
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 02-26C (The George Washington (GW) University – Lerner Health and Wellness Center – Modifications to Permitted Users of Center)

THIS CASE IS OF INTEREST TO ANC 2A

Application of The George Washington University, pursuant to 11 DCMR § 3129, for modification of Z.C. Order No. 02-26A.

The property that is the subject of this application is located at 2301 G Street NW (Square 42, Lot 55). The property is located in the R-5-D Zone District and within the boundaries of the Foggy Bottom Campus Plan. The Lerner Health and Wellness Center was initially approved by the Board of Zoning Adjustment in BZA Order No. 16276 (1998), with additional users approved pursuant to Z.C. Order No. 02-26 (2004) and Z.C. Order No. 02-26A (2007).

Z.C. Order No. 02-26A reauthorized the expanded use of the Lerner Health and Wellness Center by: student, faculty, and staff at the Mount Vernon Campus, members of the University's Board of Trustees, and students at School Without Walls; and further approved use by: up to 300 persons residing in St. Mary's Court or the Remington Condominium or belonging in St. Mary's Episcopal Church as well as University alumni who reside in the Foggy Bottom/West End area. Pursuant to Condition 3 of the Order, the expanded uses that were reauthorized and approved were permitted for a period of five years. Z.C. Order No. 02-26B extended the authorization for one additional year.

The University seeks approval to permanently allow the use of the Center by the above categories of users. In addition, the University seeks approval to permit the use of the Center by the following categories of users for a period of five years: community members residing in zip codes 20006 and 20037, with a maximum of 150 memberships and an additional 100 memberships during the summer break; athletic competitions that draw a limited number of non-GW users; periodic and short-term events that cater to the campus community, neighbors, or other non-GW participants that would otherwise be on the campus for mission-related purposes; and persons housed in GW housing facilities during the summer term.

PLEASE NOTE:

- Failure of the Applicant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Commission.

- Failure of the Applicant to be adequately prepared to present the application to the Commission, and address the required standards of proof for the application, may subject the application to postponement, dismissal, or denial.

The public hearing in this case will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3117.4 of the Regulations, the Commission will impose time limits on the testimony of all individuals.

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 § 3106.2.

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).

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, July 17, 2014, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-06 (KCG 50 M LLC - Capitol Gateway Overlay District Review @ Square 699 Lot 29)

THIS CASE IS OF INTEREST TO ANC 6D

On May 1, 2014, the Office of Zoning received an application from KCG 50 M LLC (the "Applicant"). The Applicant is requesting review and approval of new hotel building with ground floor retail uses pursuant to the requirements of the Capitol Gateway (CG) Overlay District set forth in 11 DCMR § 1610 of the Zoning Regulations. In addition, pursuant to 11 DCMR §§ 2108 and 3104, the Applicant is seeking special exception approval to reduce the parking requirement by up to 25%.

The site includes approximately 15,567 square feet of land area. Square 699 is bounded by M Street, S.E., on the south, Half Street, S.E., on the west, L Street, S.E., on the north, and Cushing Place, S.E., on the east. The site has frontage along M Street, Half Street and Cushing Place and is located within the C-3-C Zone District and within the CG Overlay.

The Applicant proposes to develop the site with an eleven-story hotel building with ground floor retail. The proposed building will have an overall density of approximately 9.0 FAR and will rise to a maximum height of 110 feet. The building will contain approximately 4,730 square feet of gross floor area devoted to retail use. The building will also include a one-level underground parking garage that provides a total of 40 vehicular parking spaces.

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

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.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 14-06
PAGE 2

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

Pursuant to § 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 should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 104(a)(1) of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 ("Civil Infractions Act"), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04(a)(1) (2012 Repl.)), § 7(d) of the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1706(d) (2012 Repl.)), and paragraph 2 of Mayor's Order 2004-46, dated March 22, 2004, as amended by paragraphs 29 and 30 of Mayor's Order 2006-61, dated June 14, 2006, delegating authority pursuant to D.C. Law 6-42,the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, hereby gives notice of the adoption of the following amendment to Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices & Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to establish a schedule of civil infractions for smoking violations as alternative sanctions for criminal penalties pending completion of Council review. The rules were previously published as a Notice of Emergency and Proposed Rulemaking on July 19, 2013, at 60 DCR 10756 and as a Notice of Emergency Rulemaking on December 6, 2013, at 60 DCR 16668. No comments were received as a result of either notice, and no changes have been made since publication of the notices.

Pursuant to § 104(a)(1) of the Civil Infractions Act, the final rules have been submitted to the Council of the District of Columbia for review and approval, and the rules were deemed approved on December 6, 2013. The Director took final rulemaking action on May 9, 2014. The rules will become effective upon publication in the *D.C. Register*.

Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices & Civil Infractions) of the DCMR is amended by adding a new Section 3632 (Smoking Infractions) to read as follows:

3632 SMOKING INFRACTIONS

3632.1 [RESERVED]

3632.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 2101.5 (failure to prohibit smoking in enclosed area of a place of employment or public place);

(b) 20 DCMR § 2101.7 (failure to ensure that outdoor smoking area does not encompass area where smoking is prohibited);

(c) 20 DCMR § 2106.5 (having a smoking area that exceeds twenty-five percent (25%) of the total area of a place of employment or public place that is a restaurant);

(d) 20 DCMR § 2106.5(a), (b), (c), and (d) (failure to comply with additional conditions or restrictions necessary to minimize the adverse effects of smoking where an economic hardship waiver has been granted); and

(e) 20 DCMR § 2108.1(d) (failure to warn a person observed to be smoking in a "no-smoking" area).

3632.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 2101.1 (failure of a place of employment or public place to adopt a smoking policy consistent with the District of Columbia Smoking Restriction Act of 1979 (D.C. Law 3-22; D.C. Official Code § 7-1701 *et seq.*) and the Department of Health Functions Clarification Amendment Act of 2001 (D.C. Law 16-90; D.C. Official Code § 7-741 *et seq.*));

(b) 20 DCMR § 2101.2 (failure to notify employees, orally and in writing, of the smoking policy for a place of employment or public place);

(c) 20 DCMR § 2101.4 (failure of an employer or public place to post the smoking policy near similar employee notices);

(d) 20 DCMR §§ 2103.2, 2103.3, 2103.6(a), 2103.8, and 2108.1(c) (failure to post or maintain properly worded and properly placed "no-smoking" signs);

(e) 20 DCMR §§ 2103.4, 2103.6(b), and 2103.9 (failure to post properly worded signs designating a smoking area);

(f) 20 DCMR § 2104.3 (failure to post properly worded and properly sized tobacco health warning signs);

(g) 20 DCMR § 2104.4 (failure to post properly placed tobacco health warning signs);

(h) 20 DCMR § 2108.1(a) (smoking in a posted "no smoking" area); and

(i) 20 DCMR § 2108.1(b) (covering, removing, or disfiguring a smoking-related sign).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the intent to adopt the following amendments to Chapter 69 (Psychology) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to update and clarify the rules governing the qualifications for licensure, supervised psychological practice, and required continuing education for psychologists. Additionally, this rulemaking also incorporate provisions governing the supervision of psychology associates, currently effective under Chapter 86 of Title 17 of the DCMR.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on December 20, 2013, at 60 DCR 17016. No written comments were received from the public in connection with this publication during the thirty (30)-day comment period, and no changes have been made to the rules.

Final action to adopt the rules took place on April 16, 2014. These rules will be effective upon publication of the notice in the *D.C. Register*.

CHAPTER 69 (PSYCHOLOGY) OF TITLE 17 (BUSINESS, OCCUPATIONS, AND PROFESSIONS) OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS is amended as follows:

Section 6902, EDUCATIONAL REQUIREMENTS, is amended to read as follows:

6902 EDUCATIONAL AND TRAINING REQUIREMENTS

6902.1 Except as otherwise provided in this subtitle, an applicant for a license shall furnish proof satisfactory to the Board, in accordance with § 504(o) of the Act, D.C. Official Code § 3-1205.04(o), of the following:

(a) That the applicant has received a doctoral degree from an institution which was accredited, at the time the degree was conferred, by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation;

(b) That the applicant meets one (1) of the following requirements:

(1) That the applicant's doctoral degree program is listed in the "Doctoral Psychology Program Meeting Designation Criteria" published annually by the Association of State and Provincial

Psychology Boards or the Council for the National Register of Health Service Providers in Psychology (the National Register), applicable for the year in which the degree was conferred;

(2) That the applicant's doctoral degree program was accredited by the American Psychological Association ("APA") at the time the degree was awarded;

(3) That the applicant's doctoral degree was conferred prior to 1981; or

(4) That the applicant holds an active diploma awarded by the American Board of Professional Psychology ("ABPP") ; and

(c) That the applicant has completed at least four thousand (4,000) hours of psychological practice experience (PPE) meeting the requirements of this chapter.

6902.2 The four thousand (4,000) hours of psychological practice experience required pursuant to § 6902.1(c) may have been acquired after conferral of the doctoral degree; or up to two thousand (2,000) hours may have been acquired during a pre-doctoral internship with the remaining hours acquired within two years after conferral of the doctoral degree. The Board may, at its discretion, grant an extension of the two (2) year time limit for good cause shown.

6902.3 If an applicant chooses to acquire the four thousand (4,000) hours of psychological practice after he or she has obtained the doctoral degree, the hours shall be obtained over a period of not less than two (2) years and not more than three (3) years commencing the day after conferral of the applicant's doctoral degree but before the date the application is submitted. The Board may, at its discretion, extend the three (3) year time limit for good cause shown.

6902.4 The psychological practice experience required pursuant to § 6902.1(c) shall be acquired in at least one of the following ways:

(a) An internship program accredited by the APA or meeting the membership criteria established by the Association of Psychology Postdoctoral and Internship Centers (APPIC);

(b) A postdoctoral program accredited by the APA or meeting the membership criteria established by APPIC; or

(c) A psychological practice experience meeting the criteria enumerated in § 6902.5.

6902.5 A psychological practice experience that does not meet the requirements of § 6902.4(a) or (b) shall meet the following requirements:

(a) All practice shall be under the general supervision of a psychologist licensed in a jurisdiction of the United States, who shall be the primary supervisor;

(b) The primary supervisor may delegate the supervisory responsibilities to another licensed psychologist, psychiatrist, or independent clinical social worker;

(c) A minimum of ten percent (10%) of the total practice hours shall be performed under immediate supervision of the primary supervisor;

(d) The primary supervisor shall ensure that the overall psychological practice experience complies with the requirements under this chapter and is consistent with the goals and principles of the professional practice of psychology; and

(e) The applicant's performance shall have been rated as at least satisfactory by each supervisor.

6902.6 An applicant for a license shall demonstrate the completion of the psychological practice experience required pursuant to § 6902.1(c) by submitting with the application a signed attestation from each supervisor who supervised the applicant during the required supervised practice. The supervisor's attestation shall set forth the following:

(a) That the supervision provided meets all the requirements of this section;

(b) Detailed information of any delegated supervision where applicable;

(c) The license numbers and the jurisdictions in which all supervisors were licensed during the supervisory period;

(d) The location at which and the period of time during which the psychological practice experience took place;

(e) The specific nature of and the responsibilities included in psychological practice experience obtained by the applicant; and

(f) A rating of the applicant's performance from all supervisors.

6902.7 An applicant for a license who has been licensed in another jurisdiction in the United States but who does not qualify for licensure by endorsement due to a lack of psychological practice experience meeting requirements of this section may rely upon at least two (2) years of licensed, unsupervised practice to fulfill the requirement of § 6902.1(c). The applicant shall submit a certificate of licensure in good standing with the application and a statement which sets forth the location,

duration, total hours, and specific nature of the applicant's practice.

6902.8 An applicant whose doctoral program does not meet the requirements of § 6902.1(b) shall be eligible for licensure provided that the applicant was enrolled in the doctoral program prior to April 15, 2011, and the applicant meets all other requirements of this chapter necessary for licensure.

6902.9 The Board may waive any specific requirements of § 6902.5 if the psychological practice experience was initiated prior to June 30, 2014.

Section 6904, NATIONAL EXAMINATION, is amended to read as follows:

6904 NATIONAL EXAMINATION

6904.1 To qualify for a license by examination, an applicant shall receive one of the following scores:

(a) A score not lower than one-half (0.5) standard deviation below the national mean score on the Examination for the Professional Practice of Psychology (EPPP), sponsored by the Association of State and Provincial Psychology Boards (ASPPB);

(b) A passing score, as determined by the Board, on a successor examination to the ASPPB's EPPP examination; or

(c) A passing score on the examination sponsored by the American Board of Professional Psychology (ABPP).

6904.2 An applicant who has passed an examination specified in § 6904.1 more than five (5) years prior to the application date, but who does not qualify for a license by reciprocity or endorsement pursuant to the Act and § 4014 of this title, shall not be required to retake the examination if the applicant demonstrates to the satisfaction of the Board that the applicant has been continuously licensed and practicing as a psychologist in the United States since the date the applicant passed the examination.

6904.3 An applicant who desires to take an examination specified in § 6904.1(a) shall submit an application and supporting documentation to the Board in order to receive authorization to sit for the examination.

6904.4 An authorization for an applicant to take the EPPP examination pursuant to § 6904.3 shall be valid for one hundred and twenty (120) days. If an applicant fails to take and pass the EPPP within one hundred and twenty (120) days, the application shall be closed and the authorization for supervised practice, if any had been granted, shall expire on the day the application is closed. The Board may extend the time limit for good cause shown.

6904.4 An applicant shall submit the applicant's examination results, which have been certified or validated by the ASPPB or ABPP, to the Board with the completed application.

6904.5 An applicant who fails the EPPP examinations on two (2) consecutive attempts may not receive authorization to take another examination for one (1) year following the second failure. Thereafter, the applicant may not take an examination for one (1) year after each failure.

Section 6905, DISTRICT EXAMINATION AND INTERVIEW, is amended to read as follows:

6905 DISTRICT OF COLUMBIA JURISPRUDENCE EXAMINATION

6905.1 To qualify for a license under this chapter, an applicant shall receive a passing score on a jurisprudence examination developed by the Board on the laws and rules of the District of Columbia and the ethical standards pertaining to the practice of psychology in the District.

6905.2 An applicant shall not be eligible to take the District examination until all other requirements for a license are met.

6905.3 The jurisprudence examination may consist of questions on the following:

(a) The District of Columbia statutes and rules concerning the practice of psychology; and

(b) The Code of Ethics of the American Psychological Association.

6905.4 The passing score on the jurisprudence examination shall be set by the Board.

6905.5 The Board may require applicants to be interviewed with respect to their past and present education and experience relating to psychology.

6905.6 An applicant who fails the jurisprudence examination on two (2) consecutive attempts may not retake the examination for six (6) months following the second failure. Thereafter, the applicant may not retake the examination for one (1) year after each failure.

Section 6906, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

6906 CONTINUING EDUCATION REQUIREMENTS

6906.1 Subject to § 6906.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license.

6906.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license granted by examination.

6906.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 6907.

6906.4 To qualify for the renewal of a license, a renewal, reactivation, or reinstatement applicant shall complete a minimum of thirty (30) hours of qualified continuing education in accordance with this section and § 6907 during the two (2)year period preceding the date the license expires. At least fifteen (15) hours of qualified continuing education shall be completed in live program(s).

6906.5 A reactivation applicant in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11, who submits an application to reactivate a license that has been inactive up to a maximum of two (2) years shall submit proof of having completed fifteen (15) approved continuing education hours for each inactive year. A reactivation applicant whose license was inactive for more than two (2) years shall retake and pass the D.C. jurisprudence examination, as provided in § 6905, and shall complete the number and type of continuing education credits required by Board which shall be determined on a case-by-case basis.

6906.6 An applicant for reinstatement whose license had expired no more than two (2) years shall submit proof of having completed fifteen (15) approved continuing education hours for each year after the license expired. A reinstatement applicant whose license has expired for more than two (2) years shall retake and pass the D.C. jurisprudence examination, as provided in § 6905, and complete the number and type of continuing education credits required by the Board, which shall be determined on a case by case basis.

6906.7 A renewal, reactivation, or reinstatement applicant shall prove completion of required continuing education credits by submitting the following information with respect to each continuing education program or activity:

(a) The name and address of the sponsor of the program;

(b) The name of the program, its location, a description of the subject matter covered, a complete schedule with time allotments for each topic or subtopic and lunch or breaks, and the name of each instructor or speaker;

(c) The date(s) on which the applicant participated in the program;

(d) The hours of continuing education credit claimed; and

(e) A copy of the continuing education completion verification document that includes the sponsor's signature and seal.

6906.8 An applicant under this section shall prove completion of continuing education course work which was audited, as provided in § 6908.3, by submitting a signed statement from the instructor on college stationery for each class attended.

6906.9 An applicant under this section shall complete three (3) continuing education credits in each of the following:

(a) Ethics or risk liability; and

(b) Cultural competence.

Section 6907, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

6907 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

6907.1 The Board may, at its discretion, approve continuing education programs and activities that meet the requirements of this section and contribute to the growth of an applicant or licensee in professional competence in the practice of psychology based on the following criteria:

(a) They are relevant to psychological practice, education, and science;

(b) They enable psychologists to keep pace with emerging issues and technologies; or

(c) They enable psychologists to maintain, develop, and increase competencies to improve services to the public and enhance contribution to the profession.

6907.2 The Board may approve the following types of continuing education programs if the programs meet the requirement of § 6907.3:

(a) A seminar or workshop;

(b) An education program given at a conference;

(c) In-service training; and

(d) An online or home study course; or

(e) An undergraduate or graduate course given at an accredited college or university provided that an undergraduate course shall be acceptable only

if the Board determines that the course is required or needed by the applicant or licensee as an introductory component of a professional development plan for the purpose of entering an area of psychology for which the applicant or licensee is currently not qualified to practice independently.

6907.3 The Board may approve a continuing education program if it meets the following requirements:

(a) It is current in its subject matter;

(b) It has been developed by qualified individuals of whom one shall be a psychologist;

(c) It was or will be taught or facilitated by at least one qualified individual; and

(d) It meets one of the following requirements:

(1) It is administered by an accredited college or university;

(2) It has been approved by a Board-recognized psychology organization, accredited health care facility, or other legally constituted organization; or

(3) The program sponsor submits the program information to the Board for review no less than sixty (60) days prior to the date of the presentation and the program is approved by the Board before the program or activity starts. The program or activity sponsor shall include each of the following:

(A) The sponsor's name and address;

(B) The program's name;

(C) The location;

(D) A description and specific goals;

(E) The target audience's maximum size and professional level (Master's or doctorate);

(F) The program's tentative or actual schedule, including the allotted time for lunch, breaks and topic headings or subheadings;

(G) An appropriately constructed evaluation form and

continuing education completion verification document;

(H) The name and credentials of each instructor or speaker including relevant education, training, research, publications, work samples(s), honor or awards, special recognition; and, if applicable;

(I) The evaluation results of comparable programs or activities previously conducted.

6907.4 An applicant or licensee shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

6907.5 The Board may approve the following continuing education activities:

(a) Serving as an instructor or speaker at a conference, seminar, workshop, or in-service training;

(b) Being the author or coauthor of an article (including "critiques" and "responses") or a book review in a professional journal or periodical, or author or coauthor of a book or book chapter;

(c) Serving as an editor (including "associate" and "junior" levels) for a professional journal, periodical or book;

(d) Serving as an article reviewer for a professional journal or periodical; or

(e) Having developed an online or home study continuing education course.

Section 6908, CONTINUING EDUCATION CREDITS, is amended to read as follows:

6908 CONTINUING EDUCATION CREDITS

6908.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) continuing education (CE) hour or credit.

6908.2 For approved undergraduate or graduate courses taken for educational credit, each semester credit hour shall constitute five (5) CE hours and each quarter-hour credit shall constitute seven and one-half (7-1/2) CE hours.

6908.3 For approved undergraduate or graduate courses that are audited, each semester hour of credit shall constitute fifteen (15) CE hours, and each quarter hour of credit shall constitute ten (10) CE hours.

6908.4 The Board may grant a maximum of ten (10) CE hours per licensure period to an applicant or licensee who participates in one or more in-service education

programs.

6908.5 The Board may grant a maximum of fifty percent (50%) of an applicant's or licensee's continuing education requirement for completing continuing education activities listed under § 6907.5.

6908.6 The Board may grant credit to an applicant or licensee who serves as an instructor or speaker at an approved program for preparation and presentation time, subject to the restrictions under § 6908.7 through § 6908.9.

6908.7 The amount of continuing education credit that may be granted for preparation and presentation time pursuant to § 6908.6 is fifty percent (50%) of the amount of actual presentation time, subject to the limitations pursuant to § 6908.11(k).

6908.8 If an applicant or licensee has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject.

6908.9 The presentation shall have been completed during the period for which credit is claimed.

6908.10 The Board may grant continuing education credit under § 6907.5(b) only if the applicant or licensee proves to the satisfaction of the Board that the work has been published or accepted for publication during the period for which credit is claimed.

6908.11 The Board may grant continuing education credits in the following manner:

(a) For serving as a reviewer of articles submitted for publication, one (1) CE hour may be granted for each article reviewed up to a maximum of three (3) articles;

(b) For providing a published critique or response to a published article, one (1) CE hour may be granted up to a maximum of three critiques or responses;

(c) For publishing an article, a maximum of three (3) CE hours may be granted;

(d) For publishing a book, a maximum of fifteen (15) CE hours may be granted;

(e) For serving as a co-editor of a published book, a maximum of fifteen (15) continuing education credits may be divided among the co-editors with each co-editor receiving at least three (3) CE hours;

(f) For publishing a book chapter, a maximum of three (3) CE hours may be granted;

(g) For reviewing a book, a maximum of three (3) CE hours maybe granted;

(h) For serving as a senior editor for a journal or periodical, a maximum of twelve (12) CE hours may be granted;

(i) For serving as an associate editor for a journal or periodical, a maximum of nine (9) CE hours may be granted;

(j) For serving as a junior (or comparable level) editor, six (6) CE hours may be granted;

(k) For serving as a speaker or instructor for a seminar, workshop, conference or in-service training, a maximum of six (6) CE hours may be granted for each presentation; or

(l) For serving as a developer of an online or home study continuing education course, a maximum of three (3) CE hours per course may be granted.

6908.12 An applicant or licensee shall receive no more than fifteen (15) CE hours for any combination of the activities listed in § 6908.11 or for completing any combination of online and home study courses.

6908.13 No continuing education credit shall be awarded for any if either of the following is true:

(a) The activity is an expected responsibility of a paid position held by the applicant or licensee (such as a professor on a tenure track publishing an article); or

(b) The applicant or licensee received compensation (including honoraria) or will receive compensation for the activity in the future.

6908.14 The Board may grant a maximum of thirty (30) CE hours to an applicant or licensee for the completion and award of the (ABPP specialty certification during a licensure period. The Board may grant all thirty (30) credits toward fulfillment of the continuing education requirement during one (1) licensure period or may grant fifteen (15) credits over two (2) consecutive licensure periods, provided that the completion and award of ABPP specialty certification occurred during one of the licensure periods.

Section 6909, CODE OF PROFESSIONAL CONDUCT, is amended to read as follows:

6909 CODE OF PROFESSIONAL CONDUCT

6909.1 A licensee, student or graduate practicing psychology pursuant to this chapter shall adhere to the standards set forth in the most recent edition of the "Ethical Principals of Psychologists and Code of Conduct" as published by the American Psychological Association.

Section 6910, RE-LICENSURE AFTER FOUR OR MORE YEARS OF EXPIRATION, is amended to read as follows:

6910 RE-LICENSURE AFTER FIVE OR MORE YEARS OF EXPIRATION

6910.1 An applicant for license who was previously licensed in the District of Columbia and has not had an active District of Columbia license for five (5) years or more and who does not have an active license in another jurisdiction shall:

(a) Retake and pass the D.C. jurisprudence examination, in accordance with § 6905, and complete the number and type of continuing education credits required by the Board which shall be determined on a case-by-case basis;

(b) Submit proof of one (1) year of study completed within the past four (4) years in an approved education program in accordance with § 6902.1 of this chapter; or

(c) Submit proof of six (6) months of full-time supervised experience meeting the requirements of § 6911.

Section 6911, PRACTICE OF PSYCHOLOGY BY STUDENTS, GRADUATES OR PERSONS SEEKING RE-LICENSURE, is amended to read as follows:

6911 PRACTICE OF PSYCHOLOGY BY STUDENTS, GRADUATES, OR PERSONS SEEKING RE-LICENSURE

6911.1 A student, graduate, or a person seeking re-licensure may practice only under the primary supervision of a psychologist licensed in the District under the Act and in accordance with this section. The primary supervising psychologist may, based on his or her professional judgment, delegate some supervisory responsibility to another psychologist, a psychiatrist, or an independent clinical social worker licensed in the District, provided that he or she retains full responsibility for ensuring that the supervisee comply with the laws and regulations governing the practice of psychology.

6911.2 Only the following persons shall be authorized to practice under this section:

(a) Students whose practice fulfills educational requirement under § 103(c) of the Act, D.C. Official Code §§ 3-1201.03 (2001), and 6902;

(b) Students whose practice is not in fulfillment of educational requirements,

provided that the student receives academic credits for such practice and does not receive any compensation for such practice;

(c) Graduates in psychology accruing postdoctoral psychology practice experience required for licensure pursuant to § 504(o)(2) of the Act, D.C. Official Code § 3-1205.04(o)(2).

(d) Applicants for licensure seeking to practice while their application is pending; and

(e) Persons seeking re-licensure pursuant to § 6910.

6911.3 A person who has been denied a license or disciplined in the District of Columbia or other jurisdiction in the United States may not practice pursuant to this section unless authorized by the Board in writing to do so.

6911.4 Subject to an extension granted by the Board for good cause shown, unlicensed supervised practice shall be subject to the following limitations:

(a) Practice pursuant to § 6911.2(c) may be authorized in increments of twelve (12) months and may be renewed until the graduate has accrued the hours of psychological practice experience necessary to qualify for licensure, provided that practice authorized pursuant to § 6911.2(c) shall not exceed a total of three (3) years;

(b) Practice pursuant to § 6911.2(d) shall not be authorized for more than a total period of one hundred and twenty (120) days;

(c) Practice pursuant to § 6911.2(e) shall not be authorized for more than a total period of six (6) months; and

(d) All unlicensed supervised practice as described in § 6911.2 shall cease immediately upon the termination of the supervisory relationship between the primary supervisor and the supervisee.

6911.5 A student, graduate, or person seeking re-licensure shall identify himself or herself as a student, graduate, or person seeking re-licensure to a client before practicing psychology with the client.

6911.6 A supervisor shall fully inform a client or patient that the supervisee will be providing services and obtain the client's or patient's consent thereto prior to the provision of the services by the supervisee.

6911.7 A minimum of ten percent (10%) of the total supervised practice hours shall be performed under immediate supervision of the primary supervisor.

6911.8 A student, graduate, or person seeking re-licensure shall not receive compensation

of any nature, directly or indirectly, from a patient. Subject to the requirement of § 6911.2(b), the student, graduate, or person seeking re-licensure may receive a salary or other form of compensation from his or her employer based on hours worked in the training program.

6911.9 A supervisor shall be fully responsible for all supervised practice by a student, graduate, or person seeking re-licensure during the period of supervision, and shall be subject to disciplinary action for any violation of the Act or this chapter by the student, graduate, or person seeking re- licensure.

6911.10 A student, graduate, or person seeking re-licensure shall be subject to all applicable provisions of the Act and this chapter. The Board may deny an application for a license by, or take other disciplinary action against, a student, graduate, or person seeking re-licensure who is found to have violated the Act or this chapter, in accordance with Chapter 41 of this title.

6911.11 All documentation including patient's and financial records shall clearly show work performed by the supervisor and the supervisee and the supervisee's services shall not be invoiced as work performed by the supervisor. Nor shall the supervisee be permitted to independently invoice for his or her services.

6911.12 The Board shall not recognize the supervised practice of a student, graduate, or person seeking re-licensure whose supervisor fails to comply with the time requirement as specified in § 6911.4.

6911.13 A licensed psychologist intending to act as a primary supervisor for any psychological experience not meeting the requirements of § 6902.4(a) or (b) shall meet the following requirements:

(a) Possess and maintain a valid, active license free of any formal disciplinary action, whether pending or active, by the Board or any other licensing authority; and

(b) Complete a minimum of four (4) hours of continuing education or training in supervision during each licensure period in which he or she performs the duties of a primary supervisor.

6911.14 A primary supervisor shall have the duty of ensuring that the overall psychological practice experience complies with the requirements under this chapter and is consistent with the goals and principles of the professional practice of psychology.

6911.15 Supervised practice in accordance with § 6911.2(b), (c), (d), or (e) that does not meet the requirement of § 6902.4(a) or (b) shall meet the following requirements:

(a) Prior to the initiation of the supervision, the supervisor and the supervisee shall discuss, agree upon, and document the following:

(1) The goals and objectives of the supervised practice;

(2) The anticipated start and completion dates;

(3) Duties to be performed based on the goals and objectives of the supervised practice;

(4) Address of the location at which the duties will be performed;

(5) Name, license number, and signature of the primary supervisor;

(6) Name, license number, and signature of delegated supervisor(s) if applicable; and

(7) Name and signature of the supervisee;

(b) Prior to the initiation of the delegated supervision, the primary supervisor and the delegated supervisor shall discuss, agree upon, and document the scope of the delegated supervision as well as both supervisors' understanding of their respective responsibilities;

(c) Prior to the initiation of the supervision, the primary supervisor shall submit a request for and obtain authorization for the supervised practice from the Board;

(d) The supervisor shall inform the Board immediately upon a termination or change in the supervision based on the pre-initiation agreement(s) as detailed in subsections (a) and (b) above; and

(e) Upon the completion of the supervised practice, the primary supervisor shall submit to the Board a verification of the supervised practice and a confirmation that it complies with the requirements of this chapter, along with the rating of the supervisee's performance.

6911.16 A supervisor may not supervise an individual with whom he or she has a familial, social, or financial relationship that may create an appearance of or an actual conflict of interests.

6911.17 The primary and the delegated supervisors shall be jointly responsible for ensuring that the supervisee comply with all the ethical, professional, and legal requirements under the Act and this chapter.

6911.18 The Board may waive any specific requirements of this section if the supervised practice had previously been requested and granted prior to June 30, 2014.

Section 6912, SUPERVISION OF PSYCHOLOGY ASSOCIATES, is added to read as follows:

6912 SUPERVISION OF PSYCHOLOGY ASSOCIATES

6912.1 A supervisor of a psychology associate shall supervise only in those areas within the supervisor's competence based on the supervisor's education, training, and experience. The supervisor shall delegate supervisory responsibility to another psychologist or psychiatrist to ensure that the psychology associate receives appropriate supervision in areas outside of the expertise of the original supervisor.

6912.2 Appropriate supervision is determined by the following:

(a) Education, training, and experience of the psychology associate;

(b) Nature and extent of the services to be performed by the psychology associate; and

(c) Setting in which the services are to be performed.

6912.3 A supervisor may supervise a maximum of five (5) psychology associates at any one (1) time.

6912.4 A supervisor shall ensure that a psychology associate is practicing within the scope of the psychology associate's competencies as demonstrated by the psychology associate's documented training and experience in a particular area of practice.

6912.5 A supervisor shall maintain appropriate documentation of the nature and extent of the supervision provided or delegated, including the dates, duration, and focus of the supervisory sessions. The supervisor shall provide a reason for any delegation of supervisory responsibility.

6912.6 Pursuant to § 8611.5 a supervisor shall provide documentation requested upon demand by an individual authorized by the board.

6912.7 A supervisor shall not engage in supervision of a psychology associate who is a friend or relative.

6912.8 A supervisor shall immediately report to the Board, by certified mail, the date of termination of the supervisory relationship with a psychology associate.

6912.9 A supervisor shall be responsible for all services provided by a psychology associate under the supervisor's supervision.

6912.10 A psychology associate shall inform the supervisor of all complaints, formal or informal, about the services provided by the psychology associate.

Section 6999, DEFINITION, is amended to read as follows:

6999 DEFINITIONS

6999.1 As used in this chapter, the following terms shall have the meanings ascribed:

Delegated Supervisor – a psychologist, a psychiatrist, or an independent clinical social worker licensed in a jurisdiction of the United States who agrees to assist the primary supervisor in providing supervision, training, and mentoring of a supervisee accruing psychological practice experience.

General Supervision – supervision in which the supervisor maintains overall direction and control of the services provided by the supervisee. The supervisor is not required to be physically present at the time and in the place where the service is being provided but must be available on the premises or by communication device at the time the supervisee is practicing and can be on-site in the event of a clinical emergency within two (2) hours.

Graduate - an individual who has completed a doctoral program of study from a program meeting the requirements of § 6902.1

Home Study - continuing education activities that are printed or recorded or computer-assisted instructional materials that **do not provide for direct interaction** between presenter(s) and participants

Immediate Supervision – supervision in which the supervisor maintains direction and control of the services provided by the supervisee through in-person, face-to-face observation or in physical proximity to the individual being supervised.

Licensure Period – a period during which a license issued under this chapter is effective between January 1 of an even-numbered year and December 31 of the following odd-numbered year.

Live Program – continuing education activities that provide **for direct, real-time interaction between presenter(s) and participants** and may include, *inter alia,* lectures, symposia, live teleconferences, live webinars, workshops.

Pre-initiation Agreement – an agreement between a supervisor and a supervisee or a primary supervisor and a delegated supervisor as provided in § 6911.15.

Primary Supervisor – the supervising psychologist who provides supervision, training, and mentoring of a supervisee accruing psychological practice experience and oversees the supervisee's practice, including the practice and services performed under supervision of delegated supervisor(s). The primary supervisor retains full responsibility over the quality of the supervisee's learning and practice.

Psychological Practice Experience - a period of unlicensed psychology practice under supervision, required to qualify for licensure.

Student - an individual who is enrolled in a doctoral program which meets the requirements of Subsection 6902.1.

Supervised Practice - the practice of psychology by an unlicensed person as authorized by the Board pursuant to § 6911.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of Health, pursuant to the authority set forth in Section 2(a) of the Preventive Health Services Amendments Act of 1985 ("Act"), effective February 21, 1986 (D.C. Law 6-83; D.C. Official Code § 7-301 (2012 Repl.)), and Mayor's Order 98-141, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter B2 (Communicable and Reportable Diseases) of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The rules amend Sections 215, 216, and 299 of Title 22-B to update procedures for reporting cancer.

A Notice of Proposed Rulemaking was published March 28, 2014, at 61 DCR 2689. No comments were received in response to the Notice of Proposed Rulemaking, and no changes have been made since publication of the notice. The Director took final rulemaking action on May 5, 2014. The rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 2 of Subtitle 22-B (Public Health and Medicine) is amended as follows:

Subsection 215.1 is amended to read as follows:

215.1 Each health care provider and health care facility shall report benign tumors of the brain and central nervous system and all malignant cancers as follows:

(a) Each health care provider and health care facility shall report within six (6) months of diagnosis or first contact, any patient diagnosed with or treated for benign tumors of the brain or central nervous system or any malignant cancers, or for whom cancer treatment planning was performed but the patient opted for no treatment.

(b) Each health care provider and health care facility shall report within six (6) months of diagnosis or first contact, any patient diagnosed with or treated for benign tumors of the brain or central nervous system or any malignant cancers, or who expired with cancer as a cause of death; and

(c) Each health care provider and health care facility shall make available to the Director or an agent of the Director all information necessary to verify the information in any report submitted pursuant to this section.

Subsection 215.4 is amended to read as follows:

215.4 Each report required by Subsection 215.1 shall be submitted electronically by a secured form of transmission approved by the North American Association of

Central Cancer Registries (NAACCR) to the DC Central Cancer Registry within the Department.

Subsection 216.1 is amended to read as follows:

216.1 A District of Columbia Central Cancer Registrar or other person designated by the Director is authorized to visit any health care facility or health care provider to review and duplicate reports required by this chapter or records that contain information required to be submitted pursuant to this chapter to ensure the completeness and accuracy of the information.

Subsection 299.1 is amended by striking the definition for "District of Columbia Central Registrar".

.

THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, § 201, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2012 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a), 3-1322 and 3-1324 (2012 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 his intent to amend Chapters 15 (Raffles) and 99 (Definitions) of Title 30 of the DCMR, "Lottery and Charitable Games."

Proposed regulations were published in a Notice of Proposed Rulemaking in the *D.C. Register* on November 22, 2013, at 60 DCR 16067. In response to public comments received, the proposed rulemaking was revised to expand its application to charitable foundations established by or affiliated with collegiate sports teams and to include the option for electronic raffles systems.

A Notice of Second Proposed Rulemaking was necessary to implement 50/50 Raffles conducted by charitable foundations established by or affiliated with professional sports teams. These rules were published in the March 7, 2014 *D.C. Register* at 61 DCR 1965.

A Notice of Third Proposed Rulemaking was created in response to public comments received, to allow ticket sellers to be paid an hourly wage; for the removal of the aggregate spending value on total prizes awarded per licensed organization; for an increase in the maximum number of events per season; and to clarify that the fee for electronic raffle sales units is a one-time fee. This Notice of Third Proposed Rulemaking which was published on April 25, 2014 at 61 DCR 4202, supersedes the Notice of Second Proposed Rulemaking.

The comment period was shortened to be no less than fifteen (15) days after the April 25, 2014 publication date of the Notice of Third Proposed Rules in the *D.C. Register*. This reduced period of review had been adopted for good cause, as required by D.C. Official Code § 2-505(a). The proposed rule provides a benefit to the public allowing District Charitable Organizations to raise funds for charities using raffles. The public has been afforded adequate time to respond to these rules, and the public will not be harmed by the reduced comment period.

In response to public comments received, Section 1509.2(w) was further clarified to refer to draw prizes, as opposed to the amount of gross receipts collected per draw. Other than this technical clarification, no substantive changes were made to the final rules.

The Executive Director adopted these rules as final on May 12, 2014, and they shall become effective upon publication of this notice in the *D.C. Register*.

AMEND CHAPTER 15 "RAFFLES" OF TITLE 30, "LOTTERY AND CHARITABLE GAMES", OF THE DCMR AS FOLLOWS:

Add Section 1509 to read as follows:

1509 50/50 RAFFLES CONDUCTED BY CHARITABLE FOUNDATIONS AFFILIATED WITH COLLEGIATE OR PROFESSIONAL SPORTS TEAMS

1509.1 The Agency may issue a 50/50 raffle license to a recognized and qualified charitable organization affiliated with a collegiate or professional sports team.

1509.2 Operation of 50/50 Raffles.

(a) The Agency shall require a non-refundable application fee for a 50/50 raffle license.

(b) The Agency may issue 50/50 raffle licenses for a single sporting event or game, or a period lasting the affiliated sports teams' season ("license period").

(c) A 50/50 raffle drawing may only take place during a single game or sporting event ("licensed event").

(d) The licensed organization shall complete all forms and provide all information to the Agency required under Chapter 12 of this title.

(e) 50/50 raffles are subject to all of the applicable requirements established by Chapters 12, 13, 15, and 17 of this title except where specifically indicated in this chapter.

(f) 50/50 raffles maybe conducted with two-part "admission-style" tickets traditionally used for 50/50 raffles or electronically using computer software and related equipment to sell tickets, account for sales, and facilitate the drawing of tickets to determine winners.

(g) A person may purchase one or more 50/50 raffle tickets at a licensed event.

(h) Each 50/50 raffle ticket purchased shall represent one entry in the drawing for a winner. The equipment used to conduct 50/50 raffles and the method of play shall ensure that each and every ticket to participate shall have an equal opportunity to be drawn as a winner.

(i) The licensed organization's game rules shall state when the 50/50 raffle drawing shall take place.

(j) The 50/50 raffle drawing shall take place during the licensed event where the corresponding 50/50 raffle tickets are sold and must conclude before the end of the corresponding sporting event or game. If for some unforeseen reason (weather delay, power outage, emergency, or other reasonably unforeseeable event), the licensed event is not completed on the day the licensed event's 50/50 raffle tickets are sold, the licensed event may be rescheduled and completed at another eligible sporting event or game provided no other licensed event is taking place at that event.

(k) The licensed organization's game rules shall determine the number of winners that will be chosen randomly from the 50/50 raffle tickets sold.

(l) The total prize amount of a 50/50 raffle drawing shall be 50% of the gross proceeds collected from the sale of the 50/50 raffle tickets.

(m) The remaining 50% of the gross proceeds collected from the sale of the 50/50 raffle tickets shall be dispersed for the lawful purpose stated in the license application.

(n) No more than one (1) 50/50 raffle drawing shall be conducted during a licensed event.

(o) 50/50 raffle tickets shall have consecutive numbers, and shall list the licensed organization's contact name and phone number so that the purchaser may check on winning numbers.

(p) All 50/50 raffle tickets shall be sold at a uniform price. The licensed organization may not change 50/50 raffle ticket prices during the licensed event.

(q) Winners need not be present at the 50/50 raffle draw. Each licensed organization shall post the winning raffle numbers on the affiliated team's website and the licensed organization's website.

(r) The licensed organization's 50/50 raffle rules, and each individual 50/50 raffle ticket, shall provide the name and phone number of the individual in charge of the licensed event. Each 50/50 raffle ticket shall state where and how a 50/50 raffle ticket holder may check for the winning number after the licensed event.

(s) Only United States currency shall be accepted by a licensed organization as payment for any raffle ticket.

(t) Persons selling 50/50 raffle tickets may be paid only via an hourly wage. Such persons shall not be provided additional compensation, incentives or bonuses based on amount of tickets sold. This section shall not apply to the system service provider.

(u) 50/50 raffle tickets may not be sold in advance of the licensed event.

(v) 50/50 raffle tickets may only be sold on the premises of the licensed event. The premises of the licensed event includes only areas where an event ticket is required for admission to view the event, and does not include event parking areas, sidewalks, streets, restaurants, shops, entertainment venues, or bars near or adjacent to the premises of the licensed event.

(w) No single 50/50 raffle drawing shall exceed the sum of $150,000 in prizes.

(x) Subsections 1202.2 (l) and (n), Subsections 1204.14, 1502.1(c), (d) and (h), Subsection 1502.2, Subsection 1502.3, Subsection 1502.4, Subsection 1502.5, Subsection 1503.4, Subsection 1504.1, and Subsection 1504.2 of this title shall not apply to 50/50 raffles.

1509.3 Classes of 50/50 Raffle Licenses and Fees.

(a) Class A single licensed event raffle license: $500.00.

(b) Class B season raffle license:

$500.00 multiplied by the number of licensed events. There is a maximum of (51) licensed events per Class B season raffle license period and a limit of one (1) raffle draw per licensed event.

(c) Non-refundable application fee: $50.00.

(d) The Agency shall require a one-time fee of $200.00 fee from the licensed organization for each individual electronic raffle sales unit and electronic random number generator used to conduct an electronic 50/50 raffle. This $200.00 per electronic device fee shall be in addition to any licensing costs and does not include individual electronic raffle sales units that must be replaced due to changes in Agency regulations.

1509.4 Electronic 50/50 Raffles.

(a) An electronic raffle system may be used to sell and conduct a 50/50 Raffle. The electronic raffle system may include stationary and portable raffle sales unit(s) and an electronic random number generator(s).

(b) Electronic equipment used in a 50/50 raffle must be in compliance with § 1509.6 of this chapter.

(c) Electronic 50/50 raffle tickets may only be sold by a licensed organization at a licensed event.

(d) A licensed organization may use portable or wireless raffle sales unit(s) to sell tickets.

(e) A licensed organization may use an electronic random number generator(s) to select the winning entries.

1509.5 The following information shall be printed on electronic 50/50 raffle tickets:

(a) The name of licensed organization;

(b) The license identification number of the licensed organization;

(c) The location, date and time of the corresponding 50/50 raffle drawing;

(d) The consecutively printed serial number of the 50/50 raffle ticket;

(e) The price of the 50/50 raffle ticket;

(f) The list of prizes offered;

(g) The statement: “Ticket holders need not be present to win,” and the contact information, including names, phone number, and electronic mail address, of the individual from the licensed organization responsible for prize disbursements; and

(h) Each 50/50 raffle ticket stub shall reflect the consecutively printed serial number of the 50/50 raffle ticket.

1509.6 Electronic 50/50 Raffle Equipment Standards.

(a) The electronic raffle system used must be certified by Gaming Laboratories International, Inc., or any other certifying entity recognized and approved by the Agency.

(b) The Agency is not responsible for any costs of certification or compliance with these regulations.

(c) Persons shall not sell, rent, or distribute electronic 50/50 raffle equipment or supplies to any person or organization other than a licensed organization for use during licensed events.

(d) Licensed organizations shall not sell, rent, distribute, or share electronic 50/50 raffle equipment.

1509.7 Electronic Accounting and Reporting.

(a) The Agency may audit the licensed organizations raffle records at any time.

(b) The licensed organization shall follow the system reporting requirements for Gaming Laboratories International, Inc., electronic raffle systems.

(c) For each electronic raffle conducted, the licensed organization shall generate and mail reports to the Agency containing the following information:

(1) Date and time of licensed event;

(2) Licensed organization running the event;

(3) Sales information (sales totals, refunds, etc.);

(4) Prize value awarded to participant;

(5) Prize distribution (total raffle sales vs. prize value awarded to participant);

(6) Refund totals by licensed event;

(7) Raffle Draw numbers-in-play count; and

(8) Winning number(s) drawn (including draw order, call time, and claim status).

(d) The licensed organization shall provide the following reports for any raffle upon Agency request:

(1) Exception Report - A report that includes system exception information, including but not limited to, changes to system parameters, corrections, overrides, and voids;

(2) Raffle Bearer Ticket Report - A report that includes a list of all raffle bearer tickets sold including all associated raffle draw numbers, selling price and raffle sales unit identifiers;

(3) Sales by Raffle Sales Unit - A report that includes a breakdown of each raffle sales unit's total sales (including raffle draw numbers sold) and any voided and misprinted tickets;

(4) Voided Draw Number Report - A report which includes a list of all draw numbers that have been voided including corresponding validations numbers;

(5) Raffle Sales Unit Event Log - A report listing all events recorded for each raffle sales unit, including the date and time and brief text description of the event and /or identifying code;

(6) Raffle Sales Unit Corruption Log - A report that lists all raffle sales unit's unable to be reconciled to the system, including the raffle sales unit identifier, raffle sales unit operator, and the money collected; and

(8) Any other report listed in the Electronic Accounting and Reporting Section of the Gaming Laboratories International, Inc., Electronic Raffle Systems Requirements but not listed above.

(e) Each one of the reports listed above is referenced by and shall have the same definition contained in the Electronic Accounting and Reporting Section of the Gaming Laboratories International, Inc., Electronic Raffle Systems Requirements.

AMEND CHAPTER 99, "DEFINITIONS" AS FOLLOWS:

Amend Subsection 9900.1 by inserting the following:

50/50 Raffle - A raffle where 50% of the gross proceeds of ticket sales are awarded to one or numerous persons buying tickets, and the remaining 50% of the gross proceeds are dispersed for the lawful purpose stated in the raffle application.

Electronic Raffle System - The computer software and related equipment used by 50/50 raffle licensees to sell tickets, account for sales, and facilitate the drawing of tickets to determine the winner(s).

Raffle Draw Numbers - Numbers provided to the 50/50 raffle ticket purchaser that may be selected as the winning number(s) for the 50/50 raffle draw.

Raffle Bearer Ticket - The electronic paper ticket that contains one or more draw numbers purchased.

Raffle Sales Unit - A portable or wireless device, a remote hardwired connected device, or a standalone cashier station that is used as a point of sale for electronic 50/50 raffle tickets.

Electronic Raffle System(s) Requirements– The standard(s) produced by a certifying entity for the purpose of providing independent test reports and certifications indicating the state of compliance of suppliers' devices and systems within the certification requirements.

Gaming Laboratories International, Inc. - A gaming industry certification laboratory headquartered in Lakewood, New Jersey, USA.

Sporting Event - An event that requires charged admission so individuals may view two or more persons participating in athletic competition for the entertainment of others and for the purpose of athletic achievement.

Sports Teams' Season - An annual time period that includes the preseason, regular season, and post season, from the playoffs through the finals or championship, of any sports team.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles ("Director"), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)), Regulation No. 74-16, effective June 29, 1974 (21 DCR 101) and Mayor's Order 1975-54, dated March 7, 1975, hereby gives notice of the adoption of the the following rulemaking that amends Chapter 1 (Issuance of Driver's Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations ("DCMR").

The rulemaking exempts individuals without a fixed, regular District residence from paying for a special identification card.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 4, 2014 at 61 DCR 3585. No comments were received. No changes were made to the text of the proposed rules. The rules were adopted as final on May 10, 2014 and will become effective on the date of publication of this notice in the *D.C. Register*.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 1, ISSUANCE OF DRIVER'S LICENSES, is amended as follows:

Section 112, SPECIAL IDENTIFICATION CARDS, is amended as follows:

Subsection 112.8 is amended to read as follows:

112.8 Residents of the District of Columbia who are sixty-five (65) years of age or older, residents of the District of Columbia released from a federal, District, or state correctional or detention facility within the previous six (6) months, and residents of the District of Columbia without a fixed, regular District residence as determined by the Department of Human Services shall be exempt from paying a fee for a special identification card.

Subsection 112.12 is amended to read as follows:

112.12 The fee for a special identification card shall be as follows:

(a)	Each original or renewal card	$20;
(b)	Each duplicate card	$20;
(c)	For residents sixty-five (65) years of age or older	No charge;

(d)	Residents released from a federal or state correctional or detention facility within the previous six (6) months	No charge;
(e)	Residents without a fixed, regular District residence as determined by the Department of Human Services	No charge

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to authority set forth in Article III of Reorganization Plan No. 1 of 1983, effective March 31, 1983; Mayor's Order 83-92, dated April 7, 1983; Section 6(h) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.06(h) (2012 Repl.)); and Mayor's Order 2002-33, dated February 11, 2002, hereby gives notice of the intent to adopt amendments to Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) (the "Housing Code").

The proposed rulemaking would repeal Subtitle A (Chapters 1-13) of Title 14 and replace Subtitle A with new Chapters 1-13 to harmonize the Housing Code with the 2013 District of Columbia Construction Codes (Final Notice of Rulemaking, published March 28, 2014 at 61 DCR 2782). While maintaining the core provisions of the Housing Code relating to landlord and tenant responsibilities and obligations, the proposed rulemaking would require landlords and tenants to comply with the applicable property maintenance provisions set forth in the 2013 District of Columbia Property Maintenance Code, which carries forward unique District of Columbia property maintenance requirements in the 2013 District of Columbia Property Maintenance Code Supplement, 12 DCMR Subtitle G, as well as model code requirements published by the International Code Council. The proposed rulemaking also amends the current rules to clarify the enforcement and notification procedures for unsafe and imminently dangerous buildings, premises and equipment, and clarifies the regulation and licensing of transient housing businesses.

Strike Subtitle A, entitled HOUSING REGULATIONS (Chapters 1-13) of Title 14 (HOUSING) of the DCMR in its entirety and insert the following in its place:

TITLE 14

CHAPTER 1 ADMINISTRATION AND ENFORCEMENT

CHAPTER 2 HOUSING BUSINESS LICENSES AND TRANSIENT HOUSING BUSINESS LICENSES

CHAPTER 3 LEASES AND SECURITY DEPOSITS

CHAPTER 4 RESPONSIBILITIES OF HOUSING BUSINESSES AND TRANSIENT HOUSING BUSINESSES

CHAPTER 5 TENANT RESPONSIBILITIES

CHAPTER 6 APARTMENTS AND APARTMENT HOUSES

CHAPTER 7 TRANSIENT HOUSING BUSINESSES

CHAPTER 8 [RESERVED]

CHAPTER 9 [RESERVED]

CHAPTER 10 [RESERVED]

CHAPTER 11 [RESERVED]

CHAPTER 12 [RESERVED]

CHAPTER 13 [RESERVED]

CHAPTER 1: ADMINISTRATION AND ENFORCEMENT

SECTION

100 GENERAL
102 REVIEW AND APPEALS
103 DUTIES AND POWERS OF CODE OFFICIAL
104 UNSAFE STRUCTURES AND EQUIPMENT
105 EMERGENCY MEASURES
106 DEMOLITION
107 NOTICES AND ORDERS
108 [RESERVED]
109 [RESERVED]
110 [RESERVED]
111 REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT
199 DEFINITIONS

100 GENERAL

100.1 The provisions of Chapters 1-7 of this title shall apply to every residential premises or part of any premises (including those owned by the District of Columbia government) that is offered for rent, lease or occupancy, or is occupied or used, as a habitation by a person other than the owner or the owner's invitees, including, but not limited to, the rental of a dwelling unit or rooming unit in a residential building that the owner also occupies, and transitional housing as defined in 29 DCMR § 2599.1.

100.2 The provisions of the Property Maintenance Code, as defined in Section 199 of this chapter, shall apply to any residential premises or part of any premises within the scope of § 100.1, and are incorporated by this reference. These include, but are not limited to, the following provisions of the Property Maintenance Code:

(a) Exterior Property Areas (Section 302);

(b) Pest Elimination (Section 309);

(c) Light, Ventilation and Occupancy Limitations (Chapter 4);

(d) Plumbing Facilities and Fixture Requirements (Chapter 5);

(e) Mechanical and Electrical Requirements (Chapter 6); and

(f) Fire Safety Requirements (Chapter 7).

100.3 The Property Maintenance Code establishes minimum requirements and standards for the following: premises, structures, equipment, and facilities for light, ventila-

tion, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and safe and sanitary maintenance; the responsibilities of owners, operators and occupants; and occupancy of existing structures and premises.

100.4 The purpose of the Property Maintenance Code is to ensure public health, safety and welfare insofar as they are affected by occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with the Property Maintenance Code are required to be altered or repaired to provide a minimum level of health and safety as required therein.

100.5 Repairs, alterations, additions or other work done as a result of any requirement established in Chapters 1-7 of this title or in the Property Maintenance Code shall be accomplished under permit and in the manner provided in the Construction Codes.

100.6 Nothing herein or in the Property Maintenance Code shall be deemed to negate or impair tenant rights set forth in Title 14, including, but not limited to, the right to seek a preliminary or permanent injunction to abate public nuisances (Section 101.11), the implied warranty of habitability (Section 301), or the void lease doctrine (Section 302).

100.7 Owners and tenants have legal responsibilities with regard to maintenance of their buildings, including structures, equipment and exterior property, and to each other as set forth in the Property Maintenance Code, Title 14 of the District of Columbia Municipal Regulations (the "Housing Code"), and other applicable statutes and regulations.

100.8 Each section and subsection of Chapters 1-7 of this title shall be independent of and severable from every other section or subsection, and the finding or holding of any section or subsection to be void, invalid, or ineffective for any cause shall not be deemed to affect any other section or subsection.

100.9 No residential premises may be occupied, or offered for occupancy, for consideration unless the applicable license has been obtained from the District.

101 ENFORCEMENT AND PENALTIES

101.1 Any person, other than a person licensed as a housing business under authority of D.C. Official Code § 47-2828 (2012 Repl.) and Chapter 2 of this title, who fails to comply with any provision of Chapters 1-7 of this title shall, upon conviction, be punished by a fine not to exceed three hundred dollars ($300), or by imprisonment for not more than ninety (90) days, in lieu of, or in addition to, any fine, for such failure to comply.

101.2 No further penalties shall be imposed under § 101.1 for an offense during the period in which an appeal from a criminal conviction of that offense is pending.

101.3 Any person licensed as a housing business under authority of D.C. Official Code § 47-2828 (2012 Repl.) and Chapter 2 of this title, who fails to comply with any provision of Chapters 1-7 of this title shall, upon conviction, be punished by a fine not to exceed three hundred dollars ($300) or imprisonment for not more than ninety (90) days for each such failure to comply.

101.4 Civil fines, penalties, and fees may be imposed as additional sanctions to criminal prosecution or other civil actions for a violation of Chapters 1-7 of this title, pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Official Code §§ 2-1801 *et seq*. (2012 Repl.)) ("Civil Infractions Act") or, if applicable, the Rental Housing Act of 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3501.01 *et seq*. (2012 Repl. & 2013 Supp.)) (the "Rental Housing Act"). Infractions of Chapters 1-7 shall be adjudicated pursuant to the Civil Infractions Act.

101.5 In addition to other penalties authorized by statute or regulation, the code official may serve one (1) or more notices or orders in accordance with Section 107, which may impose a fine or other penalty on any person or persons responsible for a violation of the provisions of Chapters 1-7 of this title.

101.6 Any person, including a tenant, who causes a violation of any provision of Chapters 1-7 of this title is subject to the penalties set forth in § 101.

101.7 In the event of any failure to comply with any provision of Chapters 1-7 of this title, each and every day such violation continues shall constitute a separate offense.

101.8 The penalties prescribed in §§ 101.1 and 101.3 shall be applicable to each separate offense, except as provided in § 101.2.

101.9 The violation of any provision of Chapters 1-7 of this title or the failure to comply with a requirement of Chapters 1-7 shall also be grounds for denial of any application for, or the institution of proceedings for suspension or revocation of, any housing business license, transient housing business license, or license endorsement issued under Chapter 2 of this title or Chapter 28 of Title 47 of the D.C. Official Code (2012 Repl. & 2013 Supp.).

101.10 Where any person violates a provision of Chapters 1-7 of this title or fails to comply therewith or with any of the requirements thereof, following notice as prescribed in Section 107 of this chapter, the code official may cause such condition to be corrected. The costs of any corrective action, and all expenses incident thereto, shall be deemed a special assessment and shall be assessed as a tax against the property on which the violating condition existed, bear interest and be

collected in the same manner as delinquent general taxes in the District are collected in accordance with D.C. Official Code § 47-1205 (2012 Repl.). Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code (2012 Repl. & 2013 Supp.).

101.11 The maintenance of a housing accommodation or lodging in violation of the provisions of the Property Maintenance Code, where those violations constitute a danger to the health, welfare, or safety of the occupants, is declared to be a public nuisance. The abatement of the public nuisances referred to in this § 101.11 by criminal prosecution or by compulsory repair, condemnation, and demolition alone has been and continues to be inadequate, and such public nuisances cause specific, immediate, irreparable and continuing harm to the occupants of these habitations, and damage the quality of life and the mental development and well-being of the occupants, as well as their physical health and personal property, and this harm cannot be fully compensated for by an action for damages, rescission or equitable set-off for the reduction in rental value of the premises. It is therefore the purpose of this section to declare expressly a public policy in favor of speedy abatement of the public nuisances referred to in this § 101.11, if necessary, by preliminary and permanent injunction issued by Courts of competent jurisdiction.

101.12 Nothing herein shall be deemed to abrogate any rights a landlord or tenant may have to pursue resolution of landlord tenant disputes in Superior Court or Small Claims Court, or through the Rental Accommodations Division of the District of Columbia Department of Housing and Consumer Development.

102 REVIEW AND APPEALS

102.1 The owner of a building or other structure or any person adversely affected or aggrieved by a final decision or order of the code official based in whole or in part upon Chapters 1-7 of this title, may appeal to the Office of Administrative Hearings (OAH). Except where an expedited hearing is requested pursuant to § 102.2, the OAH appeal shall be filed within ten (10) business days after the date the person appealing the decision of the code official had notice or knowledge of the decision, or should have had notice or knowledge of the decision, whichever is earlier.

102.2 Timely appeals of notices or orders shall stay the enforcement of the notice or order until the appeal is heard by OAH, with the following exceptions:

(a) Closure or imminent danger notices or orders issued pursuant to § 105, and related orders to vacate premises; or

(b) Closure notices or orders issued pursuant to § 104, and related orders to vacate premises, except where the tenant or occupant has requested an expedited OAH hearing in accordance with § 102.2.

102.3 Where a notice or order to close or vacate residential premises is issued pursuant to § 104, a tenant or occupant of the premises affected by the closure has a right to request an expedited hearing by OAH prior to the closure, subject to the following conditions:

(a) The tenant or occupant shall file the request for an expedited hearing with OAH no later than the date specified in the closure order for tenants or occupants to vacate the structure or unit;

(b) OAH review shall be based solely on the issue of whether the premises are unsafe or unfit for occupancy requiring a building closure under the provisions of § 104;

(c) Enforcement of the closure notice or order shall be stayed until OAH issues a written decision; and

(d) OAH shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. For purposes of computing the seventy-two (72) hour period, weekends and legal holidays shall be excluded.

Nothing herein shall be construed to authorize an expedited hearing for any notices or orders issued, or actions taken, pursuant to § 105.

102.4 Appeal of a closure notice or order issued pursuant to § 105, or a request for an expedited hearing pursuant to § 102.2, shall not preclude the code official from issuing a notice or order pursuant to § 105 for the same premises or structure, while such appeal or hearing is pending.

103 DUTIES AND POWERS OF THE CODE OFFICIAL

103.1 The Director of the District of Columbia Department of Consumer and Regulatory Affairs, or a duly authorized representative, shall be the code official for purposes of enforcing the provisions of Chapters 1-7 of this title pertaining to (a) the condition of premises, or equipment thereon, and (b) the licensing of housing businesses or transient housing businesses. The Director of the Department of Housing and Community Development, or a duly authorized representative, shall be the code official for purposes of enforcing the provisions of Chapters 1-7 of this title pertaining to the Rental Housing Act.

103.2 The code official is authorized to inspect the premises of any housing business or transient housing business, and shall make all of the required inspections or shall have authority to accept reports of inspection by approved agencies. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

103.3 The code official is authorized to enter a structure or premises at all reasonable times to inspect and for the purpose of enforcing Chapters 1-7 of this title, subject to the provisions of this section. If entry is refused or not obtained, the code official is authorized to obtain an administrative search warrant issued pursuant to D.C. Official Code § 11-941 (2012 Repl.) or D.C. Superior Court Civil Rule 204, or to pursue any other recourse provided by law.

103.4 The code official, both prior to the issuance of a housing business license or a transient housing business license and during the license period, is authorized, at all reasonable hours, to enter and inspect the premises occupied or to be occupied by a housing business or transient housing business, except as provided in § 103.5.

103.5 If it appears that any portion of a premises is under the exclusive control of a tenant, or if the operator of a housing business so claims, the code official shall not enter that portion of the premises without first having obtained permission from the tenant or the tenant's agent, except as provided in § 103.6 and subject to constitutional restrictions on unreasonable searches and seizures.

103.6 If a tenant of a housing business does not give permission to inspect that portion of the premises under the tenant's exclusive control, the code official shall not enter that portion of the premises unless the code official has:

(a) A valid administrative warrant permitting the inspection, issued pursuant to D.C. Official Code § 11-941 (2012 Repl.) or D.C. Superior Court Civil Rule 204; or

(b) A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the premises in order to prevent any imminent danger to the public health or welfare.

103.7 When the code official presents a valid administrative search warrant that permits inspection of premises under a tenant's exclusive control, the tenant of a housing business who refuses to give permission to inspect that portion of the premises shall be in violation of the Property Maintenance Code and Chapters 1-7 of this title.

103.8 If the owner or operator of a housing business or transient housing business, or agent of such owner or operator, refuses to permit the code official to inspect the premises occupied or to be occupied by a housing business or transient housing business, such refusal shall be cause for withholding the issuance of a license for those premises until the inspection is permitted, and/or cause for the revocation of any existing license.

103.9 As a condition of receiving a housing business or transient housing business license under D.C. Official Code § 47-2828 (2012 Repl.), the owner or operator of

a housing business or transient housing business must agree to:

(a) Allow access to the Department for any inspection required under the Construction Codes; and

(b) Notify any affected tenant whose unit requires inspection, where applicable.

103.10 The code official, and authorized representatives of the code official, shall carry proper credentials when inspecting structures or premises in the performance of their duties under Chapters 1-7 of this title.

103.11 The code official is authorized to issue all necessary notices or orders to ensure compliance with Chapters 1-7 of this title, and to institute administrative and legal actions to correct violations or infractions, including actions pursuant to An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code §§ 42-3131.01 *et seq*. (2012 Repl.)), and the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2002, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code §§ 42-3171.01 *et seq*. (2012 Repl.)).

103.12 Whenever in the enforcement of Chapters 1-7 of this title or another code or ordinance, the responsibility of more than one code official of the District is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

104 UNSAFE STRUCTURES AND EQUIPMENT

104.1 When premises, including structures or equipment thereon, are found by the code official, in whole or in part, to be unsafe or dangerous, or when a structure is found unfit for human occupancy, or is found to be unlawful, such structure may be closed by the code official pursuant to the provisions of this section or § 108 of the Property Maintenance Code, and may be referred to the Board of Condemnation pursuant to An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code §§ 6-901 *et seq*. (2012 Repl. & 2013 Supp.)).

104.2 An unsafe structure is a building or other structure, or anything attached to or connected with a building or other structure, that is found to be unsafe or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so

damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.

104.3 Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

104.4 A structure is unfit for human occupancy whenever the code official finds that such structure is: unsafe; unlawful; or, due to the degree to which the structure is in disrepair or lacks maintenance, is unsanitary or vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Property Maintenance Code; or whenever the code official finds that the location of the structure constitutes a hazard to the occupants of the structure or to the public.

104.5 An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Property Maintenance Code, or erected, altered or occupied contrary to law.

104.6 For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

(a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the Construction Codes as related to the requirements for existing buildings.

(b) Any walking surface of any aisle, passageway, stairway, exit or other means of egress that is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

(c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

(d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

(e) The building or structure, or part of the building or structure, is likely to collapse partially or completely, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the

ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

(f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

(g) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance or hazard to children who might play in the building or structure or a harbor for vagrants, criminals or immoral persons, or that could enable persons to resort to the building or structure for committing a nuisance or an unlawful act.

(h) The building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the Construction Codes, or of any law or ordinance, to such an extent as to present a substantial risk of fire, building collapse or any other threat to life and safety.

(i) A building or structure, used or intended to be used for dwelling purposes, that is determined by the code official to be unsanitary, unfit for human habitation, or in a condition that is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system or other cause.

(j) Any building or structure that is determined by the code official to be a threat to life or health because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause.

(k) Any portion of a building or structure that remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure or portion thereof is abandoned so as to become an attractive nuisance or hazard to the public.

104.7 Whenever the code official determines that the repair record on any boiler, air conditioning system, heating equipment, elevator, moving stairway or other equipment on the premises or within a structure reflects the need for replacement of the equipment, the code official may declare the equipment "unserviceable" and order the replacement of the equipment.

104.8 If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official, after providing notice as prescribed in § 104.3, is authorized to post a closure placard on the premises and order the structure closed so as not to be an attractive nuisance. Upon failure of the

owner to close the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement with private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any legal resource.

104.9 The provisions of § 111.3, Authority to Disconnect Service Utilities, of 12 DCMR Subtitle A, shall apply to Chapters 1-7 of this title and are hereby incorporated by reference.

104.10 Whenever the code official has found a premises or structure to be unsafe or unfit for occupancy or has found equipment on the premises or in the structure to be unsafe or unlawful under the provisions of this section, notice shall be posted in a conspicuous place in or about the premises or structure affected by such notice and shall be served on the owner or the person or persons responsible for the premises, structure or equipment in accordance with § 107 and An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, as amended, approved March 1, 1899 (30 Stat. 923; D.C. Official Code §§ 6-801 *et seq*. (2012 Repl.)). If the notice pertains to equipment, it shall also be placed on the equipment found to be unsafe or unlawful. The notice shall be in the form prescribed in § 107. The code official is authorized to order the owner to close and barricade the structure or dwelling unit within a specified period of time.

104.11 Whenever the code official has found a premises or structure to be unsafe or unfit for occupancy or has found equipment on the premises or in the structure to be unsafe or unlawful under the provisions of this section, the code official is authorized to order tenants or occupants of residential premises to vacate the premises within a time sufficient to allow the owner to comply with the order to close and barricade the premises, subject to the provisions of § 107.6. If any tenant or occupant fails to vacate the premises within the time period set forth in the notice or order, the code official is authorized to order the removal of the tenants or occupants.

104.12 The code official is authorized to order tenants or occupants of residential premises to vacate the premises within a time sufficient to allow the owner to comply with the order to close and barricade the premises, provided that tenants shall be given at least five calendar days to vacate the premises. If any tenant or occupant fails to vacate the premises within the time period set forth in the notice or order, subject to the appeal provisions of § 102.3, the code official is authorized to order the removal of the tenants or occupants.

104.13 The removal of tenants from unsafe residential premises, or the service of an order to vacate pursuant to this chapter shall not be considered an eviction or notice to vacate under D.C. Official Code § 42-3505.01 (2012 Repl.). Notwithstanding the foregoing, nothing herein shall be construed to nullify or abrogate any other

rights to which a tenant is entitled under District laws or regulations, including relocation assistance, the right to reoccupy the rental unit following rehabilitation, or the right to pursue rights and remedies under D.C. Official Code, Title 42, Chapter 34 (2012 Repl. & 2013 Supp.).

104.14 Repairs to, or removal or demolition of, a historic landmark or building or structure located within an historic district shall comply with D.C. Official Code §§ 6-801 *et seq*. (2012 Repl.).

104.15 Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official is authorized to post on the premises a closure placard bearing the words "These Premises are Unsafe and Its Occupancy Has Been Prohibited by the Code Official," or to post the defective equipment with a placard bearing the words "Removed from Service." The placard shall include a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard.

104.16 The code official shall authorize removal of the applicable placards whenever the defect or defects upon which the closure or removal from service actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by § 101.

104.17 Any occupied structure, closed and placarded by the code official, shall be vacated as ordered by the code official. Any person who occupies a placarded premises or operates placarded equipment, and any owner or any person responsible for the premises who allows anyone to occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by § 101.

104.18 The owner, operator or occupant of a structure, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. Notwithstanding any other penalties or remedies set forth in § 101, where the owner, operator or occupant of a structure, premises or equipment deemed unsafe by the code official fails to abate such unsafe condition following notice as prescribed in § 104.3, the code official may cause such condition to be corrected and the costs of any corrective action, and all expenses incident thereto, shall be deemed a special assessment and shall be assessed as a tax against the property on which the violating condition existed, and shall bear interest and be collected in the same manner as delinquent general taxes in the District are collected in accordance with D.C. Official Code § 47-1205 (2012 Repl.). Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code.

104.19 The code official shall create and maintain a report on any unsafe condition. The

report shall state the occupancy of the structure or building and the nature of the unsafe condition.

104.20 The code official is authorized to refer a building or structure determined to be unsafe under this § 104 to the Board for the Condemnation of Insanitary Buildings for issuance of an order of condemnation pursuant to D.C. Official Code § 6-903 (2012 Repl.).

105 EMERGENCY MEASURES

105.1 The code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith when, in the opinion of the code official: there is imminent danger of failure or collapse of a building or other structure which endangers life; or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials; or when the health or safety of occupants of the premises or those in the proximity of the premises is immediately endangered by an unsanitary condition or by the operation of defective or dangerous equipment. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the [code official]." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

105.2 Where the code official posts a closure or imminent danger notice pursuant to this section, the code official is authorized to order all tenants or occupants to vacate the imminently dangerous structure or dwelling unit. The closure notice shall include the time by which the premises must be vacated, provided that tenants and occupants shall have at least twenty-four (24) hours to vacate unless the code official determines that tenants and occupants must leave the premises immediately for their personal safety. If any tenant or occupant fails to vacate the structure or unit within the time specified in the notice or order, the code official is authorized to order removal of the tenant or occupant from the structure or unit.

105.3 The removal of tenants from imminently dangerous premises, or the service of an order to vacate, pursuant to this section shall not be considered an eviction or notice to vacate under D.C. Official Code § 42-3505.01 (2012 Repl.). Nothing herein shall be construed to nullify or abrogate any other rights to which a tenant is entitled under District laws or regulations, including relocation assistance, the right to reoccupy the rental unit following rehabilitation, or the right to pursue rights and remedies under D.C. Official Code Title 42, Chapter 34.

105.4 Emergency measures affecting a historic landmark or a building or structure located within an historic district shall comply with D.C. Official Code § 6-803(b)

(2012 Repl.).

105.6 Whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted, and shall further cause such other action to be taken as the code official deems necessary to meet such emergency.

105.7 When necessary for the public safety, the code official is authorized to temporarily close sidewalks, streets, buildings, other structures, and places adjacent to such unsafe structure, and prohibit them from being used.

105.8 For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

105.9 Where the code official causes emergency work to be done pursuant to § 105, the costs incurred in the performance of emergency work, and all expenses incident thereto, shall be deemed a special assessment and shall be assessed as a tax against the property on which the violating condition existed, bear interest and be collected in the same manner as delinquent general taxes in the District are collected in accordance with D.C. Official Code § 47-1205 (2012 Repl.). Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code.

105.10 If the code official determines that no other shelter is available to tenants or occupants removed from residential premises pursuant to § 105.6, the code official has discretion to assess all expenses incident to tenant relocation as a cost of emergency repairs, including, but not limited to, temporary housing, security deposits and the first month's rent if required, costs associated with cleaning the premises to comply with the Property Maintenance Code, utility removal or disconnection costs, court costs, fines, and penalties.

105.11 The code official is authorized to refer a building or structure determined to be imminently dangerous under § 105 to the Board for the Condemnation of Insanitary Buildings for issuance of an order of condemnation pursuant to D.C. Official Code § 6-903 (2012 Repl.).

106 DEMOLITION

106.1 The code official is authorized to initiate proceedings pursuant to D.C. Official Code §§ 42-3173.01 *et seq*. (2012 Repl.) to demolish or enclose a "deteriorated structure" as defined in that section.

107 NOTICES AND ORDERS

107.1 In addition to other penalties authorized by statute or regulation, whenever the code official determines that there has been a violation of Chapters 1-7 of this title or has reasonable grounds to believe that a violation has occurred, the code official is authorized to serve one or more of the following notices or orders, which may impose a fine or other penalty, on an owner or the person or persons responsible for the violation:

(a) A notice of violation;

(b) A notice of infraction;

(c) A combined notice of violation and notice of infraction; or

(d) Any other order or notice authorized to be issued by the code official.

107.2 Service of a notice of violation or order shall be in the manner prescribed in §§ 107.7-107.10, except as otherwise provided herein. Notices of infraction shall be issued in accordance with the procedures and fine amounts set forth in § 201 of the Civil Infractions Act and Title 16 of the DCMR.

107.3 Issuance of a notice of violation, notice of infraction, or combined notice of violation and notice of infraction pursuant to this section, prior to taking other enforcement action, is at the discretion of the code official. Issuance of notice of violation, notice of infraction, or combined notice of violation and notice of infraction shall not be a prerequisite to criminal prosecution, civil action, corrective action, or civil infraction proceeding based upon a violation of Title 14, Chapters 1-10.

107.4 Additional notice procedures may apply to historic buildings pursuant to D.C. Official Code §§ 6-801 *et seq*. (2012 Repl.).

107.5 A notice of violation or order shall direct the discontinuance of the illegal action or condition and/or require abatement of the illegal action or condition, and must:

(a) Be in writing;

(b) Include the name and address of the person or entity being cited;

(c) Include a description of the real estate sufficient for identification;

(d) Include a statement of the violation or violations, the code section(s) violated and why the notice or order is being issued;

(e) Include, if the notice or order affords an opportunity to abate a violation, a reasonable period of time by which the required repairs and improvements must be made;

(f) Include, if applicable, a specific time by which unsafe or imminently dangerous premises shall be closed, barricaded and/or vacated, or equipment placed out of service;

(g) Include a statement informing the property owner of the right to appeal pursuant to § 102; and

(h) Include a statement of the rights of the District of Columbia, pursuant to § 101.10, to abate the violation without the owner's consent if the owner fails to comply with the notice or file a timely appeal; to assess the costs of such abatement against the owner; and to place a tax lien on the property for the costs of such abatement.

107.6

(a) Where the code official issues an order to close and barricade a residential structure or dwelling unit pursuant to §§ 104 or 105, the closure order shall include all information required by § 107.5 and shall also include the following:

(i) the date by which tenants or occupants of the structure or unit are required to vacate the structure or unit; and

(ii) a statement informing tenants or occupants of the structure or unit of the right to appeal and/or request an expedited hearing pursuant to § 102.

(b) A copy of the closure order shall be provided to tenants in accordance with § 107.10.

(c) If any tenant or occupant fails to vacate the structure or unit within the time specified in the closure order, the code official is authorized to order removal of the tenant or occupant from the structure or unit.

107.7 The code official shall effect service of a notice or order (not including notices of infraction) upon the property owner or person(s) responsible for the violation or violations by one of the following methods, any of which shall be deemed proper service:

(a) Personal service on the property owner or persons responsible, or the agents thereof; or

(b) By electronic mail to the last-known electronic mail address of the person or business to be notified, provided that a copy of the notice or order is posted in a conspicuous place in or about the structure or premises affected by such notice; or

(c) Delivering the notice to the last known home or business address of the property owner or persons responsible as identified by the tax records, business license records, or corporate registration records, and leaving it with a person over the age of sixteen (16) years residing or employed therein; or

(d) Mailing the notice, via first class mail postage pre-paid, to the last known home or business address of the property owner or persons responsible or the agents thereof as identified by the tax records, business license records or corporate registration records; or

(e) If the notice is returned as undeliverable by the U.S. Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure or premises affected by such notice.

107.8 After an inspection of a dwelling unit occupied by a tenant, the code official shall provide the tenant with a copy of any notice or order with respect to that unit issued to the owner pursuant to Chapters 1-7 of this title. This requirement will be satisfied by mailing a copy to the tenant by first-class mail, leaving a copy at the tenant's residence, or any other reasonable method in the code official's discretion. Upon request to the code official by a person or agency acting on behalf of a tenant entitled to receive a copy of a notice or order under this section, with a written authorization from the tenant, such person or agency shall be provided with a copy of the notice or order by any reasonable method in the code official's discretion.

107.9 In any instance where a violation of Chapters 1-7 of this title affect more than one tenant of a residential building or dwelling, including violations involving common space, the code official shall post a copy of any notice or order issued to the owner pursuant to § 107 for a reasonable time in one or more locations within the building or buildings in which the deficiency exists. The locations for posting the notification shall be reasonably selected to give notice to all tenants affected. Any tenant directly affected by the violation(s) shall, upon request to the code official, be provided with a copy of the posted notification by any reasonable method in the code official's discretion. Upon request to the Director by a person or agency acting on behalf of a tenant entitled to receive a copy of a notice or order under this section, with a written authorization from the tenant, such person or agency shall be provided with a copy of the notice or order by any reasonable method in the code official's discretion.

107.10 Where closure notices or orders are issued pursuant to §§ 104 or 105 and the building or structure has multiple dwelling units, in addition to posting the notice pursuant to § 107.9, the code official shall leave a copy of the closure notice or order at each unit in the building or structure subject to closure.

107.11 Signs, placards, tags or seals posted or affixed by the code official shall not be mutilated, destroyed, obstructed or tampered with, or removed without authorization from the code official.

107.12 The code official shall not be subject to any other tenant notification provisions, except as set forth in this § 107.

107.13 It shall be unlawful for the owner of any dwelling unit or structure upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person or entity until the provisions of the notice or order have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice or order issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice or order and fully accepting the responsibility without condition for making the corrections or repairs required by such notice or order.

108 [RESERVED]

109 [RESERVED]

110 [RESERVED]

111 REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT

111.1 This section implements the policy of the District of Columbia regarding requests for reasonable accommodation in its rules, policies, and procedures for handicapped individuals, as required by the Fair Housing Act, as amended, 42 U.S.C. § 3604(f)(3)(B) ("Fair Housing Act"). The policy of the District of Columbia is to facilitate housing for the handicapped and to comply fully with the spirit and the letter of the Fair Housing Act.

111.2 Individuals with disabilities seeking reasonable accommodation in housing programs provided by the District of Columbia Housing Authority (DCHA) should follow procedures set forth in 14 DCMR, Chapter 74.

111.3 Any person who is eligible under the Fair Housing Act may request a reasonable accommodation pursuant to the provisions of this chapter, as provided by 42 U.S.C. § 3604(f)(3)(B). A request for a reasonable accommodation does not affect a person's obligations to act in compliance with other applicable District laws and regulations not at issue in the requested accommodation.

111.4 All requests for reasonable accommodation under the Fair Housing Act shall be submitted to the Director, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Washington, D.C. 20014, or such office as the Mayor may assign or delegate.

111.5 All requests for reasonable accommodation shall be in writing and provide, at a minimum, the following information:

(a) Name and address of person(s) requesting accommodation;

(b) Name and address of dwelling owner;

(c) Name and address of dwelling at which accommodation is requested;

(d) Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;

(e) Reason that the requested accommodation may be necessary in order for the person or persons with a handicap to use and enjoy the dwelling; and

(f) If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).

111.6 The applicant shall mark as "CONFIDENTIAL" any information submitted with the application that the applicant believes should not be made public. The Director shall maintain this information in a confidential file separate from the application. Only agency personnel expressly authorized by the Director shall have access to the confidential file.

111.7 The Director, or his or her designee, or such other officer as the Director may assign or delegate, may conduct an appropriate inquiry into the request for reasonable accommodation and may:

(a) Grant the request;

(b) Grant the request subject to specified conditions; or

(c) Deny the request.

111.8 If necessary to reach a decision on the request for reasonable accommodation, the Director may request further information from the applicant consistent with the Act, specifying in detail the information required.

111.9 The Director may consult with other District agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the District.

111.10 The Director shall issue a written final decision on the request not more than forty-five (45) days after receiving written request for reasonable accommodation; however, in the event that the Director requests further information under § 111.7, the running of this period shall be tolled from the date of the request through the date of the applicant's response.

111.11 The Director may consider the following criteria when deciding whether a request for accommodation is reasonable:

(a) Whether the requested accommodation would require a fundamental alteration of a legitimate District policy; and

(b) Whether the requested accommodation would impose undue financial or administrative burdens on the District government.

111.12 The Director shall set forth in writing the decision on the request for reasonable accommodation. If the Director denies the request in whole or in part, the Director shall explain in detail the basis of the decision, including the Director's findings on the criteria set forth in § 111.10. The Director's decision and notice shall be sent to the applicant by certified mail.

111.13 If the Director fails to render his or her decision on a request for reasonable accommodation within the time allotted by § 111.10, the request shall be deemed granted.

111.14 The Director's decision pursuant to § 111.12 shall be deemed a final decision of the District of Columbia government, and, therefore, there shall not be any further resort to administrative remedies.

111.15 The Director shall maintain a file of all requests for reasonable accommodation under the Fair Housing Act, and a file of all decisions made on such requests. The file may be reviewed in the Office of the Director upon request during regular business hours, or such other office as the Mayor may designate; provided, however, that any material identified as "CONFIDENTIAL" by the applicant as permitted by § 111.6 shall not be made available for public inspection.

111.16 Upon written notice to the Director, an applicant for a reasonable accommodation may withdraw the request without prejudice.

111.17 While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the dwelling that is the subject of the request shall remain in full force and effect.

199 DEFINITIONS

199.1 Where terms used in Chapters 1-7 of this title are not defined therein but are defined in the Construction Codes, such terms shall have the meanings ascribed to them as stated in the Construction Codes.

199.2 For the purpose of Chapters 1-7 of this title, the following words and terms shall have the meanings ascribed. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "sleeping unit" or "housekeeping unit," are stated in Chapters 1-7, they shall be construed as though they were followed by the words "or any part thereof." Wherever the word or words "occupied," "is occupied," "used," or "is used" appear, such word or words shall be construed as if followed by the words "or is intended, arranged or designed to be used or occupied".

Apartment – a dwelling unit.

Apartment house – Any building or part of a building in which there are three (3) or more dwelling units which are occupied, or offered for occupancy, for consideration.

Boarding house – Any building or part of a building where meals, or sleeping accommodations and meals, are furnished for a consideration, or offered for a consideration, to three (3) or more guests. A boarding house shall be considered a housing business if sleeping accommodations are furnished or offered on a monthly or longer basis.

Building Code – The 2012 International Building Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Building Code Supplement, 12 DCMR Subtitle A, or any successor thereto.

Code official – The government official or other designated authority charged with the administration and enforcement of this code or portions thereof, or a duly authorized representative.

Construction Codes – The most recent edition of the codes published by the International Code Council, or by a comparable nationally recognized and accepted code development organization, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in Title 12 of the District of Columbia Municipal Regulations (or any successor thereto).

Common space – Also referred to herein as "common areas." See § 202 of the Property Maintenance Code.

Director – The Director of the District of Columbia Department of Consumer and Regulatory Affairs.

Dwelling– A building that contains one (1) or two (2) dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, multiple– A building that contains more than two (2) dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. A multiple dwelling may be occupied for permanent residence or transiently, as the more or less temporary abode of persons who are lodged with or without meals.

Dwelling unit – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Existing Building Code- The 2012 International Existing Building Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Existing Building Code Supplement, 12 DCMR Subtitle J, or any successor thereto.

Fire Code – The 2012 International Fire Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Fire Code Supplement, 12 DCMR Subtitle H, or any successor thereto.

Habitation – Any building or part of any building used for living or sleeping purposes, including, but not limited to, buildings with dwelling units, sleeping units, housekeeping units or rooming units.

Hotel – A building or part of a building in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis and where meals, prepared in a kitchen on the premises by the management or a concessionaire of the management, may be eaten in a dining room accommodating simultaneously not less than thirty (30) persons. The dining room shall be internally accessible from the lobby.

If kitchen or dining room facilities are operated by a concessionaire, the hotel licensee and its manager shall be liable for compliance with all regulations applicable to the kitchen and dining area, including the penalties under those regulations, unless otherwise specifically provided in Chapters 1-7 of this title.

Household - One (1) family related by blood, marriage, adoption, or foster agreement, or not more than six (6) persons who are not so related, living together as a single house-keeping unit; provided, that the term household shall include a religious community having not more than fifteen (15) members.

Housing accommodation – Any structure or building in the District of Columbia containing one (1) or more rental units and the land appurtenant thereto. The term "housing accommodation" does not include any hotel, inn or other lodging with a valid certificate of occupancy or any structure, including any room in the structure, used primarily for transient occupancy and in which at least sixty percent (60%) of the rooms devoted to living quarters for tenants or guests were used for transient occupancy as of May 20, 1980.

For the purposes of Chapters 38 through 44 of this title, a rental unit shall be deemed to be used for transient occupancy only if the housing provider of the rental unit is subject to and pays the sales tax imposed by § 114(a)(3) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Official Code § 47-2001(n)(l)(c) (2012 Repl.)).

Housing Business – A business licensed, or required to be licensed, under D.C. Official Code § 47-2828 (2012 Repl.), including, but not limited to, a residential building with a dwelling unit or rooming unit offered for rent or lease, regardless of whether the housing business owner or operator also occupies the building.

A housing business shall not include any premises used for lodging.

Landlord – The owner or operator of a housing business as defined herein.

Lodging- A building or part thereof where, for compensation, customers are provided with, or offered, temporary housing for an agreed upon term of less than thirty (30) consecutive days. Lodging includes, but is not limited to, hotels, motels, inns, and bed and breakfast establishments. Lodging also includes dwellings, or parts of dwellings, that the owner also occupies, where the owner furnishes for a consideration, or offers for a consideration, sleeping accommodations on a transient basis to three (3) or more guests. Lodging does not include emergency shelters.

Motel – a building containing at least thirty (30) non-connecting rooming units or sleeping units, reserved exclusively for transient guests. Each unit must have a private bath and at least one (1) private parking space. The term "motel" shall include motor courts, tourist courts, and motor lodges.

Occupant – See § 202 of the Property Maintenance Code.

Operator – See § 202 of the Property Maintenance Code.

Owner – See § 202 of the Property Maintenance Code.

Person – See § 202 of the Property Maintenance Code.

Premises – See § 202 of the Property Maintenance Code.

Property Maintenance Code – The 2012 Property Maintenance Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Property Maintenance Code Supplement, 12 DCMR Subtitle G, or any successor thereto.

Property Manager – See 14 DCMR § 204.1.

Rental Housing Act - The Rental Housing Act of 1985 (DC Law 6-10; DC Official Code §§ 42-3501.01 *et seq*. (2012 Repl. & 2013 Supp.)).

Residential building – Any building which is wholly or partly used or intended to be used for living and sleeping by human occupants.

Residential premises – Any building wholly or partly used or intended to be used for living and sleeping by human occupants; any fences, walls, sheds, garages, or other accessory buildings or structures appurtenant to the building; and the lot, plot or parcel of land on which the building and appurtenant structures are located.

Rooming house – Any building or part of a building containing sleeping accommodations occupied for a consideration by, or offered for occupancy for a consideration to, three (3) or more persons who are not members of the household of the owner or lessee of the building or part of the building, and which accommodations are not under the exclusive control of the occupants of the accommodations. A rooming house may be a housing business or a transient housing business depending on whether or not the accommodations are occupied or furnished for occupancy by transient guests.

Rental unit – Any part of a building or structure which is rented or offered for rent for residential (non-transient) occupancy, including, but not limited to, an apartment, dwelling unit, rooming unit, sleeping unit, housekeeping unit, single-family house and the land appurtenant thereto, suite of rooms, or duplex.

Rooming unit – Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Sleeping unit – See § 202 of the Property Maintenance Code.

Structure - See § 202 of the Property Maintenance Code.

Tenant – Any person, including a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy, or the benefits of any rental unit owned by another person.

Transient – less than thirty (30) consecutive days.

Transient housing business - A business licensed, or required to be licensed, under D.C. Official Code § 47-2828 (2012 Repl.) and Chapter 2 of this title, that provides or offers lodging for a consideration. Transient housing businesses include, but are not limited to, hotels, motels, inns, rooming houses, bed and breakfast establishments and boarding houses. A transient housing business also includes any building or part of a building that the owner also occupies where customers are provided with, or offered, lodging, unless the owner has obtained authorization for a home occupation use.

CHAPTER 2: HOUSING BUSINESS AND TRANSIENT HOUSING BUSINESS LICENSES

SECTION

200 GENERAL LICENSING REQUIREMENTS
201 LICENSE CATEGORIES
202 INSPECTION OF PREMISES
203 REGISTERED AGENT FOR NON-RESIDENT LICENSEES
204 LICENSING OF PROPERTY MANAGERS
205 RENEWAL OF HOUSING BUSINESS AND TRANSIENT HOUSING BUSINESS LICENSES
206 DENIAL, SUSPENSION AND REVOCATION OF LICENSES
207 LICENSE AND USER FEES
299 DEFINITIONS

200 GENERAL LICENSING REQUIREMENTS

200.1 The provisions of this chapter shall be applicable to residential housing businesses ("housing businesses") and transient housing businesses ("transient housing businesses") as defined in § 199.2.

200.2 No person shall operate a housing business, as that term is defined in § 199.2, in any premises in the District of Columbia without first receiving a basic business license for the premises from the Department of Consumer and Regulatory Affairs (Department).

201.3 No person shall operate a transient housing business, as that term is defined in § 199.2, without first receiving a license or license endorsement as a transient housing business from the Department.

200.4 A housing business licensee or transient housing business licensee shall conspicuously post the license or a copy of the license on the premises indicated on the license, and such license shall be available for inspection by any authorized District government official or any tenant residing at the premises.

200.5 Each applicant for a housing business license or transient housing business license shall, as a condition to the issuance of a license, indicate on the license application the name and contact information of a property manager or resident manager responsible for conducting maintenance and repairs on the property.

200.6 The appointment or employment of a person to conduct property maintenance and repairs shall be maintained during the period of time for which a license is issued; whenever any change is made in the appointment or employment of such person,

the licensee shall deliver to the Director of the Department of Consumer and Regulatory Affairs a written notice of the change not later than five (5) days after the change.

201 LICENSE CATEGORIES

201.1 The Department shall have two categories of licenses subject to this chapter: housing business licenses and transient housing business licenses.

201.2 Housing business licenses shall be required for all residential housing businesses, including, but not limited to, the following:

(a) Rental of a detached one-family dwelling or townhouse for a term of ninety days or more, which shall include the rental of duplexes, individual condominium units, and individual rooms (including individual rooms in a residential building that the licensee also occupies);

(b) Rental of a basement apartment, or accessory structure in a single-family home where the main residence is occupied by the property owner or another tenant;

(c) Apartment houses, which shall include the rental of buildings with three (3) or more dwelling units;

(d) Boarding houses or rooming houses where sleeping accommodations are furnished or offered to guests on a monthly or longer basis; and

(e) Other housing accommodations.

201.3 Transient housing business licenses shall be required for all lodging, including, but not limited to, the following:

(a) Hotels;

(b) Motels;

(c) Bed and breakfast establishments;

(d) Hostels;

(e) Rooming houses and boarding houses where sleeping accommodations are furnished or offered to transient guests; and

(f) Other lodging, with the exception of lodging authorized as a home occupation use pursuant to the District of Columbia Zoning Regulations, 11 DCMR or otherwise exempted by this title.

201.4 A valid Certificate of Occupancy issued by the Department shall be required at the time of application for licensure, except that a certificate of occupancy shall not be required for a one-family dwelling.

201.5 A housing business license or transient housing business license shall not be required for rental to one household of a detached one-family dwelling, townhouse, condominium unit, or individual room for a term of less than ninety (90) days.

201.6 Where use of a dwelling, or part of a dwelling, for lodging qualifies as a permitted home occupation use under the Zoning Regulations, a transient housing business license is not required, provided that a valid home occupation permit has been obtained.

201.7 Each housing business license category, unless exempt pursuant to D.C. Official Code § 42-3502.05(a)(3) (2012 Repl.), shall require registration of the rental units with the Department of Housing and Community Development's Rental Accommodations Division at the time of application for licensure.

201.8 Operation of hotels, motels, inns, rooming houses, boarding houses and bed and breakfast establishments may be subject to other requirements, including, but not limited to, those set forth in Chapter 7 of this title; the Food Safety Code, Title 25A of the DCMR; and the District of Columbia Zoning Regulations, Title 11 of the DCMR.

202 INSPECTION OF PREMISES

202.1 As a condition of licensure, a licensee shall allow the Department, and any other District government agency responsible for enforcement of this title and the Construction Codes, to inspect the premises of its housing business or transient housing business.

202.2 A licensee shall:

(a) Comply with all statutes and regulations relating to:

(1) Rodents, waste storage and disposal, and maintenance of waste containers;

(2) Maintenance of common space under the licensee's control so that they are free of trash and debris; and

(3) Ensuring that grass or weeds are maintained at a height of less than ten (10) inches;

(b) Maintain the premises in a manner that complies with the applicable provisions of the D.C. Official Code, the Property Maintenance Code, the Fire Code, and other applicable District fire prevention and control laws and regulations; and

(c) Comply with all other District of Columbia and federal statutes and regulations that govern housing businesses or transient housing businesses as applicable.

202.3 The Director shall determine whether a licensee is in compliance with all applicable provisions of the business license laws and regulations and shall require that the building or part of the building to be licensed complies with all laws and regulations.

202.4 In accordance with § 202.1, the Director may develop an inspection program establishing a regular system of inspections for housing business and transient housing business licensees, with more frequent inspections for any licensee found to be in violation of the applicable statutes or regulations.

203 REGISTERED AGENT FOR NON-RESIDENT LICENSEES

203.1 Any non-resident person who owns or operates a housing business or transient housing business in the District of Columbia, or a licensee that is a non-resident owner of at least one (1) rental unit in the District of Columbia, shall appoint and continuously maintain a registered agent for service of process.

203.2 The non-resident owner or operator shall make the appointment by filing a written statement with the Director on a prescribed form.

203.3 The registered agent shall be an individual who is a resident of the District of Columbia or an organization incorporated in the District of Columbia.

203.4 If the licensee changes the agent, or if the name or address or any information about the agent changes after the licensee files the statement with the Director, the non-resident owner shall, within seven (7) business days of occurrence, file a written statement notifying the Director of the change.

203.5 Pursuant to D.C. Official Code § 42-903(b)(2) (2012 Repl.) (and Mayor's Order 2002-33, effective February 11, 2002), the Director shall serve as the registered agent for the non-resident owner if:

(a) A registered agent is not appointed under § 203.1; or

(b) The individual or organization appointed under § 203.1 ceases to serve as the resident agent and no successor is appointed.

203.6 Pursuant to D.C. Official Code § 42-903(d) (2012 Repl.), a non-resident owner of one (1) or more rental units in the District in violation of this section shall be subject to a penalty of three hundred dollars ($300).

204 LICENSING OF PROPERTY MANAGERS

204.1 Each housing business licensee and transient housing business licensee shall designate the person responsible for conducting maintenance and repairs on the property, which may be the individual property owner. Where the licensee appoints or designates a third-party property manager, the property manager shall comply with the licensure requirements of D.C. Official Code § 47-2853.141 through § 47-2853.143 (2012 Repl.), and any regulations issued pursuant thereto.

204.2 For purposes of this chapter, the term "property manager" means an agent for the owner of real estate in all matters pertaining to property management, as defined in D.C. Official Code § 47-2853.141 (2012 Repl.), which are under his or her direction, and who is paid a commission, fee, or other valuable consideration for his or her services. A property manager may employ resident managers.

205 RENEWAL OF HOUSING BUSINESS AND TRANSIENT HOUSING BUSINESS LICENSES

205.1 The Director may, upon application by a licensee, issue a renewal of a housing business license or a housing transient business license subject to subsequent determination that all provisions of the applicable laws and regulations are being observed by the licensee.

205.2 The premises of each license renewal applicant shall be subject to the inspection provisions of this chapter.

206 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

206.1 Refusal to permit any authorized District of Columbia official to inspect the premises occupied or to be occupied by a housing business or a transient housing business shall be cause for withholding the issuance of a license for the premises until such time as inspection is permitted; provided, that the refusal of any residential tenant to permit such an inspection shall not result in the revocation or suspension of the housing business license, nor shall such refusal result in the assessment of penalties against the operator of a housing business.

206.2 The Director may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter on any of the following grounds:

(a) Refusal to permit any authorized District of Columbia official to inspect the premises occupied by a licensed housing business or transient housing business;

(b) Conviction of the business license holder for any criminal offense involving fraudulent conduct arising out of or based on the business being licensed;

(c) Willful or fraudulent circumvention by the business operator of any provision of District statute or regulation relating to the conduct of the business;

(d) Operation of the business in violation of the District's Zoning Regulations;

(e) Failure to maintain any qualification for licensure;

(f) Employment of any fraudulent or misleading device, method, or practice relating to the conduct of the business; or

(g) The making of any false statement in the license application.

(h) Multiple, uncorrected violations of the Property Maintenance Code.

206.3 All qualifications set forth in this chapter as prerequisite to the issuance of a license shall be maintained for the entire license period.

206.4 [RESERVED]

206.5. Revocations of housing business licenses or transient housing business licenses are proposed actions and shall become final upon occurrence of one of the following conditions:

(a) Fifteen (15) business days after service of the notice of revocation in accordance with § 206, when the license holder fails to request a hearing from the Office of Administrative Hearings within the filing period prescribed in § 206.11; or

(b) Upon issuance of an order by the Office of Administrative Hearings affirming the license revocation following a hearing requested by the license holder pursuant to § 206.11.

206.6 The license holder shall be provided written notice of the code official's order to revoke or suspend the license. This notice shall include the following:

(a) A copy of the written order;

(b) A statement of the grounds for revocation or suspension of the license; and

(c) A statement advising the license holder of the right to appeal the revocation or suspension in accordance with § 206.

206.7 The code official shall effect service of a notice to revoke a housing business license or a transient housing business license by one of the following methods:

(a) Personal service on the license holder or the license holder's agent;

(b) Delivering the notice to the last known home or business address of the license holder as identified by the license application, the tax records, or business license records, and leaving it with a person over the age of sixteen (16) residing or employed therein;

(c) Mailing the notice, via first class mail, , at least ten (10) days prior to the date of the proposed action, to the last known home or business address of the license holder or the license holder's agent as identified by the license application, the tax records, or business license records; or

(d) If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

206.8 For the purposes of this section, respondent's agent shall mean a general agent, employee, registered agent or attorney of the respondent.

206.9 Once the initial notice has been served:

(a) The respondent shall notify the Department of all changes of address or of a preferred address to receive all future notices regarding the revocation. This notification by the respondent shall be in writing; and

(b) All other notices, orders, or any other information regarding the revocation may be sent by the Department via first class mail.

206.10 The license holder may request a hearing by the Office of Administrative Hearings (OAH) as provided below.

206.11 The license holder may appeal a notice of revocation or suspension to the Office of Administrative Hearings (OAH) no later than ten (10) business days after service upon the license holder of written notice of the revocation or suspension, pursuant to Chapter 18A of Title 2 of the D.C. Official Code (D.C. Official Code §§ 2-1801.01 *et seq*. (2012 Repl. & 2013 Supp.)) and any regulations promulgated thereunder.

206.12 Denial of a housing business license or a transient housing business license may be appealed to OAH pursuant to the provisions of § 102.2.

207 LICENSE AND USER FEES

207.1 The code official is authorized to establish and collect the following fees, applicable to housing businesses and transient housing businesses, in addition to the fees required for obtaining the business license:

(a) A rental unit fee pursuant to D.C. Official Code § 42-3504.01 (2012 Repl. & 2013 Supp.).

(f) A re-inspection fee pursuant to D.C. Official Code § 42-3131.01(d) (2012 Repl.), for re-inspection of a licensee's premises for Construction Code violations including, but not limited to, Property Maintenance Code violations. The fee shall be collected after the re-inspection has occurred.

(c) An initial administrative fee pursuant to D.C. Official Code § 42-3131.01(d) (2012 Repl.) for abatement by the Department of any conditions on a licensee's premises violative of this title or the Construction Codes and an additional fee for each person-hour of labor performed on the abatement beyond the first person-hour of labor. These fees shall be in addition to the costs the Department incurs for the abatement of the violations.

(d) To cover the cost of the Department's proactive inspection program, a per unit fee on rental accommodations of three (3) units or more, to be charged upon issuance and renewal of the business license. The charge shall not exceed two thousand dollars ($2,000) biennially.

299 DEFINITIONS

299.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 3: LEASES AND SECURITY DEPOSITS

SECTION
300 LEASE PROVISIONS
301 IMPLIED WARRANTY AND OTHER REMEDIES
302 VOIDING LEASE FOR VIOLATIONS OF PROPERTY MAINTENANCE CODE
303 SIGNED COPIED OF AGREEMENTS AND APPLICATIONS
304 PROHIBITED WAIVER CLAUSES IN LEASE AGREEMENTS
305 INSPECTION OF PREMISES AFTER BREACH OF WARRANTY OR VOIDED LEASE
306 WRITTEN RECEIPTS FOR PAYMENTS BY TENANT
307 PROHIBITION OF RETALIATORY ACTS AGAINST TENANTS
308 SECURITY DEPOSITS
309 REPAYMENT OF SECURITY DEPOSITS TO TENANTS
310 RETURN OF SECURITY DEPOSIT: INSPECTION OF PREMISES
311 INTEREST ON SECURITY DEPOSIT ESCROW ACCOUNTS
312 [RESERVED]
313 [RESERVED]
314 [RESERVED]
315 DISCLOSURES REQUIRED
399 DEFINITIONS

300 LEASE PROVISIONS

300.1 Every owner or licensee shall advise each tenant in writing, either in the lease between the parties or otherwise, of the maximum number of occupants permitted in the rental unit leased or rented to that tenant.

300.2 The owner or operator of each housing business shall provide to each existing tenant, and shall at the commencement of any tenancy provide to the tenant, a copy of the provisions of Chapter 3 and a copy of the following sections of Chapter 1 of this title:

(a) Section 101 (Enforcement and Penalties); and

(b) Section 107 (Copies of Notices and Orders).

301 IMPLIED WARRANTY AND OTHER REMEDIES

301.1 There shall be deemed to be included in the terms of any lease or rental agreement covering a housing accommodation an implied warranty that the owner will maintain the premises in compliance with the Property Maintenance Code. Nothing herein shall be deemed to nullify or supersede any tenant maintenance responsibilities established by the Property Maintenance Code.

301.2 The rights, remedies, and duties set forth in this chapter and the Property Maintenance Code shall not be deemed to be exclusive of one another unless expressly so declared or to preclude a court of law from determining that practices, acts, lease provisions and other matters not specifically dealt with in this chapter are contrary to public policy, unconscionable, or otherwise unlawful.

302 VOIDING LEASE FOR VIOLATION OF THE PROPERTY MAINTENANCE CODE

302.1 The leasing of any rental unit, including associated common space, which the owner knows or should reasonably know at the beginning of the tenancy is unsafe or unsanitary due to violations of the Property Maintenance Code or Chapters 1-7 of this title (whether or not those violations are the subject of a notice issued under the Property Maintenance Code or Chapters 1-7), shall render void the lease or rental agreement for the rental unit.

302.2 After the beginning of the tenancy, if the rental unit becomes unsafe or unsanitary due to violations of the Property Maintenance Code or Chapters 1-7 of this title within that unit or in the common space of the premises (whether or not the violations are the subject of a notice issued under the Property Maintenance Code or Chapters 1-7 of this title), the lease or rental agreement for the unit shall be rendered void if both of the following apply:

(a) The violations did not result from the intentional acts or negligence of the tenant or his or her invitees or guests; and

(b) The violations are not corrected within the time allowed for correction under a notice or order issued pursuant to the Property Maintenance Code or Chapters 1-7 of this title (or, if a notice or order has not been issued, within a reasonable time after the owner has knowledge or reasonably should have knowledge of the violations).

303 SIGNED COPIES OF AGREEMENTS AND APPLICATIONS

303.1 In each lease or rental of a rental unit entered into after June 12, 1970, the owner shall provide to the tenant upon execution (or within seven (7) days after execution) an exact, legible, completed copy of any agreement or application which the tenant has signed.

303.2 This section shall not be subject to the notice requirements of Section 107 of Chapter 1 of this title.

304 PROHIBITED WAIVER CLAUSES IN LEASE AGREEMENTS

304.1 Any provision of any lease or agreement contrary to, or providing for a waiver of, the terms of this chapter, or § 101 of Chapter 1, or § 107.7 of the Property Maintenance Code shall be void and unenforceable.

304.2 No person shall cause any provision prohibited by this section to be included in a lease or agreement respecting the use of the property in the District of Columbia, or demand that any person sign a lease or agreement containing any such provision.

304.3 No owner shall cause to be placed in a lease or rental agreement any provision exempting the owner or premises from liability or limiting the liability of the owner or the residential premises from damages for injuries to persons or property caused by or resulting from the negligence of the owner (or the owner's agents, servants, or employees) in the operation, care, or maintenance of the leased premises, or any facility upon or portion of the property of which the leased premises are a part.

304.4 No owner shall place (or cause to be placed) in a lease or rental agreement a provision waiving the right of a tenant of residential premises to a jury trial, or requiring that the tenant pay the owner's court costs or legal fees, or authorizing a person other than the tenant to confess judgment against a tenant. This subsection shall not preclude a court from assessing court or legal fees against a tenant in appropriate circumstances.

304.5 The provisions of this section shall not be subject to any notice requirements of Section 107 of Chapter 1 of this title.

305 INSPECTION OF PREMISES AFTER BREACH OF WARRANTY OR VOIDED LEASE

305.1 Following a judicial determination that the owner has breached the implied warranty of habitability applying to the premises (under § 301 of this chapter), or following a judicial determination that a lease or rental agreement is void (under § 301 of this chapter), the owner shall obtain a certificate from the Director that the housing accommodation is in compliance with the Property Maintenance Code prior to the next reletting of the rental units subject to the judicial determination.

306 WRITTEN RECEIPTS FOR PAYMENTS BY TENANT

306.1 In each lease or rental of a rental unit, the owner shall provide written receipts for all monies paid to him or her by the tenant as rent, security, or otherwise, unless the payment is made by personal check.

306.2 Each receipt issued under this section shall state the following:

(a) The exact amount received;

(b) The date the monies are received; and

(c) The purpose of the payment.

306.3 Each receipt shall also state any amounts still due which are attributable to late charges, court costs, or any other such charge in excess of rent.

306.4 If payment is made by personal check, and there is a balance still due which is attributable to late charges, court costs, or any other such charge in excess of rent, the owner shall provide a receipt stating the nature of the charges and the amount due.

306.5 The provisions of this section shall not be subject to the notice requirements of § 107 of Chapter 1 of this title.

307 PROHIBITION OF RETALIATORY ACTS AGAINST TENANTS

307.1 No action or proceeding to recover possession of a rental unit may be brought against a tenant, nor shall an owner otherwise cause a tenant to quit a rental unit involuntarily, in retaliation for any of the actions listed in § 307.3.

307.2 No demand for an increase in rent from the tenant, nor decrease in the services to which the tenant has been entitled, nor increase in the obligations of a tenant shall be made in retaliation against a tenant for any of the actions listed in § 307.3.

307.3 This section prohibits retaliation by an owner or an agent of an owner against a tenant for taking any of the following actions:

(a) The making of a good faith complaint or report to the owner or a governmental authority concerning housing deficiencies, directly by the tenant or through a tenant organization;

(b) The good faith organization of a tenant organization, or membership in a tenant organization;

(c) The good faith assertion of rights under Chapters 1-7 of this title, including rights under § 301 and § 302 of this chapter, and § 101 of Chapter 1.

308 SECURITY DEPOSITS

308.1 For purposes of this chapter, the term "security deposit" shall mean all monies paid to the owner by the tenant as a deposit or other payment made as security for performance of the tenant's obligations in a lease or rental of the property.

308.2 Any security deposit or other payment required by an owner as security for performance of the tenant's obligations in a lease or rental of a rental unit shall not exceed an amount equivalent to the first full month's rent charged to that tenant for the unit, and shall be charged only once by the owner to the tenant with regard to that unit.

308.3 All monies paid to an owner by tenants for security deposits or other payment made as security for performance of the tenant's obligations shall be deposited by the owner in an interest bearing escrow account established and held in trust in a financial institution in the District of Columbia insured by a federal or state agency for the sole purposes of holding such deposits or payments.

308.4 The owner of more than one residential building may establish one (1) escrow account for holding security deposits or other payments by the tenants of those buildings.

308.5 For each security deposit or other payment covered by this section, the owner shall clearly state in the lease or agreement or on the receipt for the deposit or other payment the terms and conditions under which the payment was made.

308.6 The housing business provider shall post in the lobby of the building and rental office at the end of each calendar year, the following information: where the tenants' security deposits are held and what the prevailing rate was for each six-month period over the past year. At the end of a tenant's tenancy, the housing provider shall list for the tenant the interest rate for each six- month period during the tenancy.

308.7 The provisions of this section shall not be applicable to Federal or District of Columbia agencies' dwelling units leased in the District of Columbia, or to units for which rents are Federally-subsidized.

308.8 The Office of Administrative Hearings (OAH) is authorized to adjudicate complaints for the non-return of tenant security deposits and for the nonpayment of interest on tenant security deposits.

309 REPAYMENT OF SECURITY DEPOSITS TO TENANTS

309.1 Within forty-five (45) days after the termination of the tenancy, the owner shall do one of the following:

(1) Tender payment to the tenant, without demand, of any security deposit and any similar payment paid by the tenant as a condition of tenancy in addition to the stipulated rent, and any interest due the tenant on that deposit or payment as provided in § 311; or

(2) Notify the tenant in writing, to be delivered to the tenant personally or by certified mail at the tenant's last known address, of the owner's intention to withhold any security deposit or other monies and apply the monies toward defraying the cost of expenses properly incurred under the terms and conditions of the security deposit agreement.

309.2 The owner, within thirty (30) days after notifying the tenant pursuant to § 309.1 (2) of the owner's intention to withhold the security deposit or other monies, shall tender a refund of the balance of the deposit or other payment, including interest not used to defray such expenses, and at the same time give the tenant an itemized statement of the repairs and other uses to which the monies were applied and the cost of each repair or other use.

309.3 Failure by the owner to comply with § 309.1 and § 309.2 of this section shall constitute prima facie evidence that the tenant is entitled to full return, including interest as provided in § 311, of any deposit or other payment made by the tenant as security for performance of his or her obligations or as a condition of tenancy, in addition to the stipulated rent.

309.4 Failure by the owner to serve the tenant personally or by certified mail, after good faith effort to do so, shall not constitute a failure by the owner to comply with § 309.1 and § 309.2.

309.5 (a) Any housing provider violating the provisions of this section by failing to return a security deposit rightfully owed to a tenant in accordance with the requirements of this section shall be liable for the amount of the deposit withheld or, in the event of bad faith, for treble that amount.

(b) For the purposes of this paragraph, the term "bad faith" means any frivolous or unfounded refusal to return a security deposit or other similar payment, as required by law, that is motivated by a fraudulent, deceptive, misleading, dishonest, or unreasonably self-serving purpose and not by simple negligence, bad judgment, or an honest belief in the course of action taken.

310 RETURN OF SECURITY DEPOSIT: INSPECTION OF PREMISES

310.1 In order to determine the amount of the security deposit or other payment to be returned to the tenant, the owner may inspect the rental unit within three (3) days, excluding Saturdays, Sundays, and holidays, before or after the termination of the tenancy.

310.2 The owner or owner's agent shall conduct the inspection, if the inspection is to be conducted, at the time and place specified in the notice provided to the tenant pursuant to this section.

310.3 The owner shall notify the tenant in writing of the time and date of the inspection.

310.4 The notice of inspection shall be delivered to the tenant, or at the rental unit in question, at least ten (10) days before the date of the intended inspection.

311 INTEREST ON SECURITY DEPOSIT ESCROW ACCOUNTS

311.1 The interest in the escrow account described in § 308.3 on all money paid by the tenant prior to or during the tenancy as a security deposit, decorating fee, or similar deposit or fee, shall commence on the date the money is actually paid by the tenant and shall accrue at not less than the statement savings rate then prevailing on January 1st and on July 1st for each six- (6-) month period (or part thereof) of the tenancy which follows those dates. On those dates, the statement savings rate in the District of Columbia financial institution in which the escrow account is held shall be used. All interest earned shall accrue to the tenant except as provided in § 309).

311.2 Interest on an escrow account shall be due and payable by the owner to the tenant upon termination of any tenancy of a duration of twelve (12) months or more, unless an amount is deducted under procedures set forth in § 309.1 and § 309.2. Any housing provider violating the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section, shall be liable to the tenant, as applicable, for the amount of the interest owed, or in the event of bad faith, for treble that amount. For the purposes of this paragraph, the term 'bad faith' means any frivolous or unfounded refusal to pay the interest on the security deposit, as required by law, that is motivated by a fraudulent, deceptive, misleading, dishonest, or unreasonably self-serving purpose and not by simple negligence, bad judgment, or an honest belief in the course of action taken. Any housing provider who willfully violates the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section shall be subject to a civil fine of not more than $5,000 for each violation.

311.3 If the housing provider invests the security deposit in an account with an interest rate that exceeds that of the statement savings rate as required in § 311.1, the housing provider may apply up to 30% of the excess interest for administrative costs or other purposes.

311.4 Except in cases where no interest is paid to the tenant as provided in § 311.2, the owner shall not assign the account or use it as security for loans.

311.5 It is the intent of this section that the account referred to in this section and § 309 shall be used solely for the purpose of securing the lessees' performance under the lease.

311.6 This section and § 309 and § 310 shall not be subject to the notice requirements of § 107 of Chapter 1 of this title.

312 [RESERVED]

313 [RESERVED]

314 [RESERVED]

315 DISCLOSURES REQUIRED

315.1 At the time a prospective tenant files an application to lease any rental unit, and prior to the acceptance of a nonrefundable application fee or security deposit, the owner of the housing business shall provide the disclosures required by § 222 of the Rental Housing Act (D.C. Official Code § 42-3502.22(b)(1)).

315.2 A violation of this section shall be adjudicated pursuant to the Rental Housing Act.

399 DEFINITIONS

399.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 4: RESPONSIBILITIES OF HOUSING BUSINESSES AND TRANSIENT HOUSING BUSINESSES

SECTION
401 RESPONSIBILITIES OF HOUSING BUSINESSES AND TRANSIENT HOUSING BUSINESSES
499 DEFINITIONS

401 RESPONSIBILITIES OF HOUSING BUSINESSES AND TRANSIENT HOUSING BUSINESSES

401.1 The owner or operator of a housing business or a transient housing business shall comply with the provisions of this title and of the Property Maintenance Code as applicable including, but not limited to, the following provisions of the Property Maintenance Code:

(a) Exterior Property Areas (§ 302);

(b) Exterior Structure (§ 304);

(c) Interior Structure (§ 305);

(d) Pest Elimination (§ 309);

(e) Light, Ventilation and Occupancy Limitations (Chapter 4);

(f) Plumbing Facilities and Fixture Requirements (Chapter 5);

(g) Mechanical and Electrical Requirements (Chapter 6); and

(h) Fire Safety Requirements (Chapter 7).

401.2 The provisions of the Property Maintenance Code are intended to supersede any property maintenance provisions now or previously set forth in Title 14 applicable to housing businesses or transient housing businesses, and, any such property maintenance provisions shall be enforced pursuant to the administrative and enforcement provisions set forth in Chapter 1 of the Property Maintenance Code.

401.3 No owner or licensee of a housing business shall rent or offer to rent or permit the occupancy of any rental unit which is in violation of the provisions of the Property Maintenance Code or Chapters 1-7 of this title.

401.4 The owner or licensee of a housing business, in addition to any duties imposed upon such owner by Chapters 1-7 of this title, shall be responsible for compliance with the requirements of the Property Maintenance Code, except insofar as re-

sponsibility for compliance is imposed upon the tenant alone pursuant to the provisions of the Property Maintenance Code or this title.

401.5 No person shall rent or offer for rent any housing accommodation or operate any housing business in any building, or part of a building, in which there is another business, trade, or commercial activity from which noxious gases, fumes, mists, vapors, dusts, offensive odors, or excessive noise arise or are generated.

401.6 The owner or operator of a housing business shall provide to each tenant, when the tenant first enters into possession of a rental unit, an adequate lock and key for each door used or capable of being used as an entrance to or egress from the unit, and shall keep each lock in good repair. Each lock shall be capable of being locked from inside and outside the unit.

401.7 When furnished by the operator of a housing business, mattresses shall not be made of moss, sea grass, excelsior, husks, or shoddy.

499 DEFINITIONS

499.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 5: TENANT RESPONSIBILTIES

SECTION
501 RESPONSIBILITIES OF TENANTS
599 DEFINITIONS

501 RESPONSIBILITIES OF TENANTS

501.1 A tenant shall be responsible for complying with the provisions of this title and the Property Maintenance Code that are applicable to him or her including, but not limited to, the following provisions of the Property Maintenance Code:

(a) Rubbish and Garbage (§ 308);

(b) Pest Elimination (§ 309); and

(c) Defacement of Property (§ 302.9).

In addition, the tenant shall be responsible for a violation of the Property Maintenance Code and this title to the extent that he or she has the power to prevent the occurrence of the violation. A tenant has the power to prevent the occurrence of a violation if the violation is caused by the tenant's intentional acts or negligence, or the intentional acts or negligence of the tenant's invitees or guests, including any and all persons occupying or visiting the tenant's habitation with the express or implied permission of the tenant.

The fact that a tenant is or may be liable for a violation of the Property Maintenance Code or any other law or is found liable for civil or criminal penalties does not relieve the owner of the obligation to keep the premises, and every part thereof, in good repair, and to comply with all applicable provisions of this title and the Property Maintenance Code.

501.2 In addition to the tenant's responsibilities under § 802.1, the tenant shall specifically be responsible for the following:

(a) Keeping the part of the premises that the tenant occupies and uses, including common areas, as clean and sanitary as the conditions of the premises permit;

(b) Disposing from the tenant's dwelling unit all rubbish, garbage, and other organic or flammable waste in a clean, safe, and sanitary manner;

(c) Keeping all plumbing fixtures as clean and sanitary as the condition of those fixtures permits;

(d) Properly using and operating all electrical, gas, plumbing, and heating fixtures and appliances.

(e) Providing as needed for the tenant's own use sufficient, lawful and separate receptacles for the storage of ashes, garbage, and refuse in the tenant's rental unit.

(f) Placing all garbage, refuse, and ashes from each rental unit in receptacles and transferring to the designated place of common storage on the premises, unless the collection and transfer is provided by the owner or operator.

501.3 A tenant shall not do, or permit any person on the premises with the tenant's permission to do, any of the following:

(a) Willfully or wantonly destroy, deface, damage, impair, or remove any part of the premises, structure or dwelling unit; or

(b) Willfully or wantonly destroy, deface, damage, impair, or remove any part of the facilities, equipment, or appurtenances to the dwelling unit.

599 DEFINITIONS

599.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 6: APARTMENTS AND APARTMENT HOUSES

SECTION
600 GENERAL PROVISIONS
601 REGISTRATION OF TENANTS
602 POSTING OF INFORMATION ON BUILDING MANAGEMENT
603 DESIGNATION OF APARTMENTS
604 ELEVATOR MAINTENANCE
699 DEFINITIONS

600 GENERAL PROVISIONS

600.1 The provisions of this chapter shall be applicable to every building or part of a building occupied, used, or held out for use as an apartment or apartment house.

600.2 The provisions of the Property Maintenance Code and Chapters 1 through 6 of this title shall be applicable to premises used or held out for use as an apartment or apartment house.

600.3 No apartment house shall be operated without a valid housing business license in accordance with Chapter 2 of this title.

601 REGISTRATION OF TENANTS

601.1 A licensee shall establish and maintain, within five (5) business days after the opening of the business, a book, books, record, or records in which shall be written in English the name of each tenant of every apartment in the apartment house together with the address of the apartment house and the number of the apartment in which the tenant is residing.

601.2 The registration book, books, record, or records shall be kept current and in good repair at all times within the District of Columbia, and shall be open for inspection by the departments of the District government responsible for enforcement of District laws and regulations.

602 POSTING OF INFORMATION ON BUILDING MANAGEMENT

602.1 The licensee shall provide information regarding the building management in a notice framed under clear glass or plastic, and shall post the notice or cause the notice to be posted in a conspicuous place in the apartment building to which the notice applies.

602.2 The notice shall contain the name, address and the telephone number of a responsible representative of the building management who may be reached in the event of complaints or emergency situations.

602.3 The notice shall also contain information regarding the manner in which that representative or an alternate representative may be reached after normal working hours and on Sundays and holidays.

603 DESIGNATION OF APARTMENTS

603.1 Each apartment entrance door shall be distinctively numbered or lettered and all other rooms in the apartment buildings shall be distinctively identified.

603.2 The provisions of this section shall not apply to rooms in individual apartments.

603.3 The owner of each apartment house shall maintain and provide the tenants of each apartment the use of a secure mail receptacle which has been approved by the United States Postal Service.

603.4 Each receptacle, other than those in an apartment house that has twenty-four (24) hour-a-day desk clerk service, shall be required to have a lock that will enable it to be secured and the owner shall provide each tenant with a key to the lock.

603.5 Installation, security specifications, and maintenance of mail receptacles shall be consistent with the requirements of postal service laws and regulations.

603.6 The owner shall be responsible for the proper installation of mail receptacles, and shall maintain the same in safe and good working condition.

603.7 In the event of disrepair, the owner shall have a reasonable time (not to exceed seven (7) working days) to repair mail receptacles.

604 ELEVATOR MAINTENANCE

604.1 In apartment buildings equipped with passenger elevators, the owner shall maintain at least one (1) elevator in operation at all times when the building is occupied.

604.2 Alteration, repair and maintenance of existing elevators shall comply with the Construction Codes as applicable.

605 NOISE

605.1 Where construction work is conducted in an occupied rental unit within an apartment building, the owner shall comply with the District of Columbia Noise Control Act of 1977, effective December 30, 1977 (D.C. Law 2-53; 24 DCR 5293)

(DCMR Title 20, Chapters 27-29).

605.2 In any case where noise from construction, repair, or maintenance work will continue over a period of more than forty-eight (48) hours from the time the work is first initiated until the conclusion of the job (including periods of time when no work is being done) and the noise from the work will exceed sixty (60) decibels, the landlord shall provide the tenant with not less than five (5) days written notice of the construction, repair, or maintenance work, including the dates and times that the work will occur and a description of the work to be done; provided, that emergency work which is necessary to restore property to a safe condition following a public calamity or act of God, or work required to protect the health and safety of persons, shall be undertaken promptly and shall not require advance written notice.

699 DEFINITIONS

699.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 7: TRANSIENT HOUSING BUSINESSES

SECTION
700 GENERAL PROVISIONS
701 RESIDENT MANAGER
702 REGISTRATION AND ROOM ASSIGNMENT
703 ROOM KEYS
704 VERMIN
705 BEDDING AND TOWELS
706 FOOD SAFETY PROVISIONS
707 POSTING OF RATES AND OCCUPANCY LOADS
799 DEFINITIONS

700 GENERAL PROVISIONS

700.1 The provisions of this chapter shall be applicable to every building or part of a building occupied, used, or offered for lodging.

700.2 The provisions of the Property Maintenance Code and Chapters 1, 2, 4 and 7 of this title shall apply to premises used or held out for use as lodging.

700.3 Owners and operators of hotels, motels, inns and other lodging must obtain a housing business license in accordance with Chapter 2 and D.C. Official Code § 47-2828 (2012 Repl.). Lodging shall not be provided in a building or part of any building, including a dwelling that the owner also occupies, without a valid transient housing business license in accordance with Chapter 2.

700.4 A transient housing business license is not required for the following:

(a) Lodging authorized as a home occupation use pursuant to the District of Columbia Zoning Regulations, where the owner has a valid home occupation permit; or

(b) Rental to one household of a detached one-family dwelling, townhouse, condominium unit, or individual room for a term of less than ninety (90) days.

701 RESIDENT MANAGER

701.1 If the licensee does not reside in person on the premises and does not superintend in person the operation or conduct of the lodging, the licensee shall designate a manager or other person who is responsible for the premises.

701.2 The designated manager or other person shall reside on the premises, shall superintend in person the operation or conduct of the lodging, and shall have complete charge of the premises. Notwithstanding the foregoing, the manager of a hotel or motel shall not be required to reside on the premises.

702 REGISTRATION AND ROOM ASSIGNMENT

702.1 Each person to whom a license has been issued to conduct a transient housing business shall at all times keep a register in which there shall be maintained the following information:

(a) The name of each person occupying a room; and

(b) The date of arrival and date of departure of each person occupying a room.

702.2 Each room shall be numbered, and the number shall be indicated in the register.

702.3 No fictitious names shall knowingly be entered in the register.

702.4 No room shall be assigned to persons of different genders without their express consent, except in the case of children accompanied by parent or guardian.

702.5 The register shall be available for inspection by officials of the District of Columbia.

703 ROOM KEYS

703.1 The entrance door to each rooming, housekeeping, or sleeping unit shall be provided with a lock.

703.2 A key for each unit shall be furnished to each respective lodger.

703.3 A duplicate key or keys shall be retained by the proprietor or manager.

703.4 The proprietor or manager shall have access to all units at all reasonable hours.

704 VERMIN

704.1 All food in sleeping rooms shall be kept in vermin-proof containers.

704.2 All preparations used for the extermination of vermin, such as sodium fluoride, shall be conspicuously colored and kept in containers clearly labeled “POISON”.

704.3 Containers of poison shall not be placed with receptacles containing spices or condiments or other food substances.

705 BEDDING AND TOWELS

705.1 It shall be the duty of the lodging operator to thoroughly clean any room which has been allocated to the use of any person before allocating the use of that room to another person.

705.2 All bedding shall be kept in a clean and sanitary condition.

705.3 Each new lodger shall be provided with clean and fresh bed linens, and towels, unused by any other person or guest since the last laundering, and with sufficient soap for ordinary use.

705.4 Each lodger shall be provided with an adequate supply of clean towels, sheets and pillowcases that are changed daily, except at facilities where housekeeping is the responsibility of the lodger. Where the lodger agrees in writing, the lodging operator is allowed to change linens and towels on another regular schedule, not to exceed one week between changes.

705.5 The requirements of § 705.3 and § 705.4 shall not apply if the lodger agrees in writing to furnish his or her own linens and towels.

706 FOOD SAFETY PROVISIONS

706.1 Owners and operators of transient housing businesses may be required to comply with food safety requirements including, but not limited to, the Food Safety Code, 25-A DCMR.

706.2 It shall be unlawful for any person in the District of Columbia to operate a transient housing business where meals or lunches are served to ten (10) or more persons without having received certification from a nationally recognized and accredited organization as a food protection manager or without employing or contracting the services of a certified food protection manager.

706.3 The Department of Health shall have full power and authority at any time to make any examinations and tests which may be necessary to determine whether any food handler has a disease in a communicable form or is a carrier of a communicable disease.

706.4 It shall be the duty of all food handlers to submit to examination at the request of the Department of Health, and any food handler who refuses to submit to an examination shall not be employed or continue to be employed as a food handler in any transient housing business.

706.5 No person knowing himself or herself to be afflicted with disease in a communicable form shall work as a food handler in any transient housing business.

706.6 Except with the approval of the Department of Health, no operating proprietor or manager of any transient housing business shall employ or continue to employ any person as a food handler if the operating proprietor or manager has reason to suspect the person is afflicted with disease in a communicable form.

707 POSTING OF RATES AND OCCUPANCY LOAD

707.1 The operator of each hotel, motel, inn or other lodging shall post in a conspicuous place within each rooming, housekeeping or sleeping unit a card stating the maximum number of occupants permitted in that room under this title.

707.2 The operator of each hotel, motel, inn or other lodging shall post in a conspicuous place within each rooming, housekeeping or sleeping unit a card stating the maximum rates charged for that unit under varying conditions of occupancy.

707.3 Occupancy of hotels, motels and other lodging shall be in accordance with the Property Maintenance Code.

799 DEFINITIONS

799.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 8: [RESERVED]

CHAPTER 9: [RESERVED]

CHAPTER 10: [RESERVED]

CHAPTER 11: [RESERVED]

CHAPTER 12: [RESERVED]

CHAPTER 13: [RESERVED]

All persons desiring to comment on these proposed regulations should submit comments in writing to Matt Orlins, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5100, Washington, D.C. 20024, or via e-mail at Matt.Orlins @dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar ($1.00) will be charged for each copy of the proposed rulemaking requested. Free copies of these proposed regulations are available on the DCRA website at http://dcra.dc.gov by going to the "About DCRA" tab, clicking on "News Room", and then clicking on "Rulemaking".

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission, pursuant to the authority set forth in Sections 8(c)(2), (7), (18), (19) and 14 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), (c)(7), (c)(18), (c)(19), and 50-313 (2012 Repl. & 2013 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 5 (Taxicab Companies, Associations and Fleets) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would: (1) require taxicab companies, associations, and fleets to prohibit long-term parking around the administrative offices or other property of the taxicab company, association, or fleet and establish penalties for failure to comply with this requirement, (2) require taxicab companies, associations, and fleets to post hours of operation, and (3) require taxicab companies, associations, and fleets to provide notice to the Commission if the taxicab company, association, or fleet acquires property for long-term parking.

The proposed rulemaking was adopted on April 9, 2014, and will begin a thirty (30) day comment period upon publication in the *D.C. Register*. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

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

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

Section 502, REQUIREMENT OF LOCAL PLACE OF BUSINESS, is amended by adding new Subsections 502.7 and 502.8 as follows:

502.7 Each company, association, and fleet shall post the hours of operation of its bona fide administrative office as set forth in § 516.

502.8 Each company, association, or fleet shall prohibit the parking of taxicabs on any public street in front of, alongside, or in the rear of the bona fide administrative office as set forth in § 516.

Section 516 is amended to read as follows:

516 COMPANIES, ASSOCIATIONS, AND FLEETS – HOURS OF OPERATION AND STREET PARKING OF TAXICABS

516.1 Each company, association, and fleet shall post the hours of operation of any building or property it owns, leases, or uses in the District for its taxicab business ("taxicab business property"). The hours of operation shall be visible to the public from the outside of the building or, if the building or property is enclosed by a fence, from outside the perimeter of the fenced-in area.

516.2 Each company, association, and fleet shall prohibit the parking of taxicabs on any public street in front of, alongside, or in the rear of any taxicab business property as follows:

(a) Parking outside of the posted hours of operation of the taxicab business property shall be prohibited; and

(b) Parking during the posted hours of the taxicab business property shall be prohibited unless the operator of the taxicab is carrying on business at the taxicab business property and only for so long as the operator is carrying on such business.

516.3 If a company, association, or fleet acquires space for long-term parking, it shall provide notification to the Office within thirty (30) days after the acquisition. The notification shall also be provided with each application for renewal of the operating authority of the company, association, or fleet pursuant to § 501.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD FOR PROPOSED RULEMAKINGS

The District of Columbia Taxicab Commission voted to approve the publication of proposed rulemaking for Chapters 2, 12, 14, 16, and 17 of DCMR Title 31 (regulations establishing a new class of service called Private Sedan Service) at the General Commission Meeting held on April 9, 2014. Proposed rulemaking for Chapters 16, 17 and 2 (renamed as Chapter 99) are being published simultaneously with this Notice. Proposed rulemaking for Chapters 12 and 14 were published on May 9, 2014 in the *D.C. Register* at 61 DCR 4743 and 4749.

The proposed rulemakings for Chapters 12 and 14 published May 9, 2014 provided a thirty- (30) day comment period. Through this Notice the Commission extends the comment period for Chapters 12 and 14 to coincide with the comment period for the proposed rulemakings for Chapters 16, 17, and 99, published today with this Notice. This extension is being authorized pursuant to authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19), 50-313, 50-319, and 50-320 (2012 Repl. & 2013 Supp.)), D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.), and Section 6(a) of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)).

Copies of the proposed rulemakings for Chapters 12, 14, 16, 17 and 99 can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19), 50-, 50-319, and 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. and 2013 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 16 (Dispatch Services) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments would, in sum, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called "private sedan service", to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments in this chapter would, *inter alia:* (1) establish rules to allow digital dispatch services to register with the Office of Taxicabs to book trips with taxicabs, black cars, and/or private sedans; and (2) require that any passenger surcharge payments by the DDS for black car or private sedan service, and accompanying trip data, be submitted on a quarterly basis. All definitions applicable to this chapter would be moved to a new Chapter 2 that contains definitions for the entire title.

The rules and regulations proposed in this notice would minimally regulate digital dispatch services only in the manner and to the extent authorized by law, including, *inter alia,* recent amendments to the Act allowing the Commission to establish procedures for the implementation of a passenger surcharge and for the administration of a passenger surcharge amount, and to promulgate rules and regulations respecting digital dispatch services that are necessary for the safety of customers and drivers or consumer protection, which protect personal privacy rights of customers and drivers which do not result in the disclosure of confidential business information and which allow providers to limit the geographic location of trip data to individual census tracts. Under the proposed rules, the digital dispatch service must: (1) maintain an inventory of active private sedan drivers and vehicles with the Office for enforcement, data reconciliation, and other lawful purposes; and (2) must report, on a quarterly basis, trip data to the Office for dispatched trips (which may be generalized to census tract level for pickup and drop off locations), for enforcement, research, data reconciliation, passenger surcharge reconciliation, and other lawful purposes. There is no other practicable and reliable source for these two sets of information, nor for the collection and payment of passenger surcharges. These obligations at most impose a *de minimis* burden on a digital dispatch service, as it is already in possession of this information for its own business purposes, and it processes all payments.

The proposed rules were adopted on April 9, 2014. Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take

final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this Notice of Proposed Rulemaking in the *D.C. Register*.

Chapter 16, DISPATCH SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

CHAPTER 16 DISPATCH SERVICES

1600 APPLICATION AND SCOPE

1600.1 This chapter establishes rules applicable to dispatch services for public vehicles-for-hire to ensure the safety of passengers and operators, to protect consumers, and to require payment to the District of a passenger surcharge.

1600.2 This chapter shall not apply to ridesharing, as defined in this title.

1600.3 This chapter shall apply to private sedan service beginning on _______ 2014 ("private sedan implementation date").

1600.4 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall apply.

1601 GENERAL REQUIREMENTS

1601.1 Each dispatch service shall operate in compliance with all applicable provisions of this title when dispatching a taxicab or black car, and, beginning on the private sedan implementation date, when dispatching a private sedan.

1601.2 No person shall provide telephone dispatch, digital dispatch, or digital payment for public vehicles-for-hire in the District, except in compliance with this chapter, all applicable provisions of this title, and other applicable laws.

1601.3 A private sedan business and a DDS which together provide a private sedan service may be organized and associated in any lawful manner, including as separate, associated entities, or as a single entity which performs the functions of both the private sedan business and the DDS. Where a private sedan service is offered by a single entity, such entity shall comply with the applicable provisions of this chapter and Chapter 17.

1601.4 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.

1602 OPERATING REQUIREMENTS

1602.1 Each dispatch service that operates in the District of Columbia shall be registered with the Office pursuant to this chapter.

1602.2 Each dispatch service shall be licensed to do business in the District of Columbia.

1602.3 Each dispatch service that provides digital dispatch or digital payment for taxicabs shall operate in compliance with this chapter and Chapters 4, 6, and 8.

1602.4 Each dispatch service that provides digital dispatch and digital payment for black cars shall operate in compliance with this chapter and Chapter 14.

1602.5 Each dispatch service that provides digital dispatch and digital payment for private sedans shall operate in compliance with this chapter and Chapter 17.

1602.6 Each DDS that processes digital payments for a public vehicle-for-hire shall:

(a) Comply with the requirements for passenger rates and charges set forth in § 801 for taxicab service and § 1404.1 for black car and private sedan service;

(b) If it processes digital payments for taxicab service, comply with the integration, payment, and passenger surcharge requirements of § 408;

(c) Provide receipts as required by § 803 for taxicab service, and by this chapter for black car service and private sedan service;

(d) Use technology that meets Open Web Application Security Project ("OWASP") security guidelines, complies with current standards of the PCI Security Standards Council ("Council") for payment card data security, if such standards exist, and, if not, then with current guidelines of the Council for payment card data security, and, for direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association; and

(e) Promptly inform the Office of a security breach requiring a report under the Consumer Personal Information Security Breach Notification Act or other applicable law.

1602.7 Each dispatch shall provide the person seeking service with the option to request an available wheelchair-accessible vehicle and an available vehicle that has been designated by the owner or operator as "non-smoking" pursuant to § 1402.12.

1602.8 Each dispatch service shall maintain in the District a bona fide administrative office or a registered agent authorized to accept service of process, provided, however, a dispatch service operated by a taxicab company required to maintain a

bona fide administrative office pursuant to Chapter 5 of this title shall operate its dispatch service at that location.

1602.9 Each dispatch service shall maintain a customer service telephone number for passengers with a "202" area code or a toll-free area code, or an email address posted on its website that is answered or replied to during normal business hours.

1602.10 Each dispatch service shall maintain a website that includes:

(a) The trade name of the dispatch service and the name of the company or companies that own and operate it;

(b) Contact information for its bona fide administrative office or registered agent authorized to accept service of process;

(c) Its customer service telephone number or email address;

(d) If the DDS dispatches private sedans, the name of the private sedan business for which it dispatches and a URL link to the private sedan business's website; and

(e) The following statement prominently displayed:

THE D.C. TAXICAB COMMISSION DOES NOT DETERMINE THE FARES CHARGED FOR TRIPS BOOKED BY DIGITAL DISPATCH. TO FILE A COMPLAINT AGAINST A DIGITAL DISPATCH SERVICE, A PRIVATE SEDAN BUSINESS, OR A PUBLIC VEHICLE-FOR-HIRE OWNER OR OPERATOR, CONTACT THE COMMISSION AT:
2041 MARTIN LUTHER KING JR., AVE., SE, SUITE 204
WASHINGTON, DC. 20020
WWW.DCTAXI.DC.GOV
DCTC3@DC.GOV 1-855-484-4966 TTY: 711

vice it offers (taxicab

1602.11 The following sections of Chapter 5 shall apply to each dispatch service: § 508 (anti-discrimination), § 511 (fraud), § 512 (bribery), § 513 (threats and harassment).

1602.12 Each dispatch service shall perform the service agreed to with a passenger in a dispatch, including picking up the passenger at the agreed time and location, except for a bona fide reason not prohibited by § 819.5 or other applicable provision of this title. If a vehicle booked to pick up a passenger becomes unavailable before it picks up the passenger, a DDS may substitute a higher-

priced vehicle only with the permission of the passenger before the passenger is picked up or if the higher-priced vehicle is provided at the same rate as the booked vehicle.

1602.13 Each dispatch service shall comply with all applicable provisions of this title and other laws regulating origins and destinations of trips, including, when dispatching taxicabs and black cars, all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service such as those in § 828.

1603 PROTECTION OF INFORMATION AND RECORDS

1603.1 Protection of passenger information.

(a) A dispatch service shall not:

(1) Release information to any person that would result in a violation of the personal privacy of the passenger or the person requesting service, or that would threaten the safety of a passenger or an operator; or

(2) Permit access to real-time information about the location, apparent gender, or number of passengers awaiting pick up by a person not authorized by the dispatch service to receive such information.

(b) This subsection shall not limit access to passenger information by the Office or a District enforcement official.

1603.2 A dispatch service shall not transmit to the operator any information about the destination of a trip, except for the jurisdiction of the destination, until after the trip has been booked.

1603.3 Each dispatch service shall store its business records in compliance with industry best practices and all applicable laws, make its business records related to compliance with its legal obligations under this title available for inspection and copying as directed by the Office, and retain its business records for five (5) years.

1604 INVENTORY OF OPERATORS AND VEHICLES FOR BLACK CARS

1604.1 Each DDS that provides digital dispatch service to black cars shall maintain with the Office a current inventory of all active black car operators and vehicles associated with the DDS. The inventory shall meet the following requirements:

(a) Each operator and each vehicle on active status with the DDS shall appear on the inventory. No operator or vehicle not on active status shall appear on the inventory.

(b) An operator and the vehicle operated by the operator shall both be removed immediately from the inventory whenever:

(1) The operator or the vehicle is not licensed, insured, or otherwise in full compliance with this title; or

(2) The DDS has learned that the operator's DCTC operator's license has been suspended or revoked by the Office.

(c) In addition to updating the inventory as required by paragraph (b) of this subsection, each DDS shall ensure that its inventory is updated in such manner and at such times as are determined by the Office in writing.

(d) Each inventory shall include:

(1) The name of, and work and cellular telephone numbers for, the operator;

(2) The operator's DCTC commercial operator's license number;

(3) The vehicle's PVIN;

(4) The vehicle's color, make, model, year of manufacture, VIN, and tag number; and

(5) The name of the company providing commercial insurance for the operator and the vehicle, and the policy number and date of expiration thereof.

1604.2 A DDS shall only dispatch a black car if both the operator and the vehicle are on the inventory.

1604.3 The Office shall notify a DDS if a vehicle or operator on the DDS's inventory is not legally authorized to operate under any provision of this title.

1605 DIGITAL PAYMENT SYSTEMS

1605.1 Each trip by black car shall be booked by a DDS registered under this chapter and paid for using a digital payment system ("DPS").

1605.2 Each DPS used for black car service or private sedan service shall consist of any technology selected by the DDS (such as a tablet or smartphone running an app provided by the DDS) that allows the DDS, the operator, the vehicle, and, where applicable, the associated private sedan business to comply with all applicable provisions of this title. The DPS shall meet the following additional requirements:

(a) Each DPS shall provide the following information to a passenger:

(1) If the DDS dispatches private sedans, each dispatch shall inform the passenger of the name of the associated private sedan business, the business's customer service telephone number, and the URL for its website; and

(2) Once a private sedan trip is completed, all receipt information, which shall remain retrievable by the passenger through the DDS's app or website for sixty (60) days after service.

(b) Each DPS shall be able to provide the following information to a District enforcement official:

(1) Any licensing and insurance documents which the DDS chooses to make available on its app pursuant to § 1402.7(b); and

(2) The vehicle's electronic manifest, containing all reportable trip data and information required for receipts within the prior twenty four (24) hours, capable of being printed or transmitted electronically at the time of an inspection by a District enforcement official.

(c) Each DPS unit shall allow the operator to provide the passenger with a written or electronic receipt, as determined by the DDS, before the passenger exits the vehicle. The receipt shall contain:

(1) The date and time of the trip;

(2) The distance of the trip;

(3) The vehicle's tag number,

(4) The name and customer service telephone number of the DDS, and, for private sedan service, the private sedan business;

(5) A reference to the passenger's DDS account and payment card used to pay the fare, obscuring such information in a manner sufficient for security purposes;

(6) The total fare and a breakdown of the fare including all rates and charges, and any gratuity; and

(7) The following statement: "The D.C. Taxicab Commission does not determine the fares charged for trips booked by digital dispatch. To file a complaint against a digital dispatch service, a private sedan business, or a public vehicle-for-hire owner or operator, contact the Commission at: 2041 Martin Luther King Jr., Ave., SE, Suite 204, Washington, D.C. 20020, Website: dctaxi.dc.gov, Email: dctc3@dc.gov, Toll Free: 1-855-484-4966 TTY: 711".

(d) Each DPS shall:

(1) Transmit quarterly reports to the TCIS via a single data feed consistent in structure across all digital payment systems. Each quarterly report shall provide the following data for each tour of duty by an operator:

(A) The operator's DCTC operator's identification number

(B) The vehicle's tag number;

(C) If the vehicle is a private sedan, its PVIN and the name of its associated private sedan business;

(D) The date and time at the beginning of the tour of duty;

(E) The distance of each trip;

(F) The date and time of pickup and drop-off of each trip;

(G) The geospatially-recorded place of pickup and dropoff for each trip which the DDS may generalize to census tract level;

(H) A unique trip number assigned by the DDS to each trip;

(I) The total fare and a breakdown of the fare including all rates and charges and any gratuity; and

(J) The date and time at the end of the tour of duty;

(2) Transmit the quarterly report contemporaneously with the corresponding passenger surcharge payment to the District required pursuant to § 1605;

(3) Provide the Office with information necessary to insure that the District is paid on a quarterly basis the correct amount for all passenger surcharges; and

(4) Process each payment for each trip.

1605.3 All costs associated with a digital payment system ("DPS") shall be the responsibility of the DDS, but may be allocated, by written agreement, among the DDS and the private sedan businesses (if any), owners, and operators with which they associate.

1606 PASSENGER SURCHARGE FOR BLACK CAR AND PRIVATE SEDAN SERVICE

1606.1 Each DDS shall:

(a) Ensure that the passenger surcharge required by § 1605.1(2) is collected and paid to the District, or, alternatively, the DDS or any other person associated with the DDS, may pay a passenger surcharge on behalf of the passenger where the District receives the surcharge as required in this section, and the Office is notified by the DDS that such payment has occurred;

(b) Remit a payment to the D.C. Treasurer at the end of each quarter, on the last business day of March, June, September, and December, of each year during the licensing period, reflecting the sum of all passenger surcharges owed to the Office for black car and private sedan trips during the prior quarter based on the trip data for such period;

(c) Sending by email a report to the Office certifying its payment and providing the basis for the amount paid; and

(d) Cooperate with the Office in the event of a discrepancy between a surcharge payment and the trip data, provided however, that if the Office and the DDS are unable to agree on a resolution of a dispute within thirty (30) days, the Office may, in its discretion, make a claim against the DDS's surcharge bond required by this chapter to satisfy the amount of the discrepancy.

1607 REGISTRATION OF DISPATCH SERVICES

1607.1 Each dispatch service shall register with the Office for each class of public vehicle-for-hire service that it dispatches in the District, except that a taxicab

company which operates a telephone dispatch service may operate such service under its existing operating authority pursuant to Chapter 5, without registering under this chapter.

1607.2 To register as a dispatch service, a DDS shall file an application for registration ("applicant") with the Office. The application shall include the following information and documentation:

(a) The full name, business address, business telephone number, cellular telephone number and email address of the DDS's owner, general manager, and head of technical operations;

(b) The trade name(s) of the applicant's DDS;

(c) The public vehicle-for-hire classes of service which the applicant proposes to dispatch;

(d) A description of the how the applicant's business is organized (as a corporation or limited liability company, etc.); and its date and place of formation;

(e) A brief technical description of the dispatch or payment solution (for taxicabs), digital payment system (for black cars and private sedans), or both, including the names of the applications, platforms, and operating systems used;

(f) A blank sample of each agreement or policy, including any user agreement or privacy policy, applicable to the DDS's association with passengers, or a URL web address where such information may be found;

(g) If the DDS dispatches private sedans, the name of the private sedan business with which it is associated, a description of the legal relationship between the applicant and the private sedan business, and a certification from the DDS that the private sedan business will maintain the inventory of active operators and vehicles required by Chapter 17;

(h) If the DDS dispatches black cars, the DDS's initial inventory of active black car operators and vehicles;

(i) A certification by the applicant that the DDS owns the right to, or holds licenses to, all the intellectual property used by the dispatch service for all technology it uses to process digital dispatch and digital payments, and for its DPS, if any;

(j) Proof that it is licensed by DCRA to do business in the District; and

(k) Such other information and documentation as the Office may determine is reasonably necessary in order to verify that the DDS will comply with all applicable provisions of this title and other applicable laws.

1607.3 Each application:

(a) Shall be provided under oath;

(b) Shall be accompanied by a passenger surcharge bond of fifty thousand dollars ($50,000) payable to the District, provided however, that if the DDS has provided a bond in connection with the dispatch of taxicabs under Chapter 4, no further bond shall be required, but the existing bond shall be extended to cover all public vehicle-for-hire services provided by the DDS. The passenger surcharge bond shall be returned to the DDS within thirty (30) days after an event that causes the DDS to no longer be registered, provided however, that the bond shall not be returned while there remains a discrepancy in the amount owed for passenger surcharges for any class of service dispatched by the DDS.

(c) Shall be accompanied by an application fee of five hundred dollars ($500), regardless of how many classes of service the DDS dispatches, except that if the application is to amend an existing registration, regardless of how many classes of services will be added to the existing registration, the application shall be accompanied by an application fee of two hundred dollars ($200).

(d) Shall include a brief demonstration of the functionality of its dispatch or payment solution for taxicabs, and/or the DDS's digital payment system for black cars and/or private sedans, including how District enforcement personnel can access any licensing and insurance documents which the DDS chooses to make available on its app pursuant to § 1402.7 (b). At such time, the Office's enforcement and technical staff may examine the DDS's equipment to ascertain compliance with this title and other applicable laws. Members of the DDS's technical staff shall attend the demonstration to answer questions.

1607.4 The Office shall determine whether to grant or deny registration within ten (10) days after an application is filed, provided however, that such period may be extended by the Office for no more than ten (10) days with notice to the DDS if the DDS is not registering to dispatch private sedans. If the DDS is registering to dispatch private sedans, the Office may further extend the period as necessary to complete the review and licensing under Chapter 17 of the DDS's associated private sedan business. The Office shall deny registration only if it determines that the DDS is clearly not in compliance with the provisions of this title or other applicable laws.

1607.5 If the Office grants the registration, it shall provide notice to the DDS in writing.

1607.6 If the Office denies registration, it shall state the reasons for its decision in writing, including the specific facts upon which the Office has determined that the DDS is not or will not be in compliance with the provisions of this title or other applicable laws. A decision to deny registration may be appealed to the Chief of the Office within fifteen (15) business days. If the decision to deny is not appealed within the fifteen (15) business day period, it shall constitute a final decision of the Office. If the decision to deny is appealed within the fifteen (15) business day period, the Chief shall issue a decision within thirty (30) days. A timely appeal of a denial shall extend an existing certificate or registration pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of the filing shall extend an existing registration pending the final decision of the Office.

1607.7 Each registration shall continue in force and effect for twenty four (24) months, during which time no substantial change may be made to a DDS's dispatch or payment solution for taxicabs, or to a DDS's digital payment system for black cars and/or private sedans, unless the DDS informs the Office of the proposed substantial change at least fifteen (15) days before its implementation, during which time the DDS shall cooperate with the Office as necessary so the Office is fully informed of the nature of the proposed change and is able to verify that the proposed change does not alter the DDS' compliance with this title and other applicable laws. A "substantial change" for purposes of this subsection means a replacement of an existing DDS dispatch or payment solution for taxicabs, or digital payment system for sedans, or a material change in the DDS's manner of compliance with § 1602.10 (a)-(d) (other than a change in rates and charges established by the DDS), such as a material change in how the electronic manifest can be accessed for use in enforcement. A substantial change does not include any update to an application or to an operating system, a service update, or other routine modification or incremental improvement of an existing DDS dispatch or payment solution for taxicabs, or digital payment system for sedans. Each registered DDS shall notify the Office of any other change in the information contained in its registration or its supporting documentation, such as the URL for its website, within three (3) days after the change.

1607.8 Each DDS registered under this section may at any time file an application to amend its registration to include additional classes of public vehicles-for-hire it wishes to dispatch.

1607.9 The name of each registered DDS, and the trade names of its dispatch or payment solution for taxicabs, and/or its digital payment system for black cars and/or sedans, shall be listed on the Commission's website.

1608 RENEWAL OF REGISTRATION

1608.1 Each DDS registered under this section shall file an application to renew its registration at least sixty (60) days prior to the expiration of its registration, by completing a form as determined by the office, including the information and documentation required by § 1603.7. A registration shall continue in force and effect beyond its expiration if the DDS files an application for renewal at least sixty (60) days prior to the expiration of its registration and the application is pending acceptance by the Office.

1609 BIANNUAL REPORTING REQUIREMENT

1609.1 A registered DDS shall, on the first (1st) day of the thirteenth (13th) month after it registers or renews its registration, provide to the Office:

(a) Proof that it is licensed by DCRA to do business in the District, as required by this chapter;

(b) Proof that it maintains a bona fide administrative office or registered agent authorized to accept service of process, as required by this chapter;

(c) Proof that it maintains a website, as required by this chapter;

(d) A report on the wait times and fares charged to passengers seeking wheelchair-accessible service in the prior twelve (12) months; and

(e) A list of incidents in the prior twelve (12) months that involved an allegation or dispute concerning the following matters, which shall include an indication of whether the allegation or dispute has been resolved:

(1) A passenger dispute concerning a payment, where the dispute involves fifty dollars ($50) or more;

(2) An incident involving fraud or criminal activity; or

(3) A charge of discrimination by any person that would constitute a violation of § 508.

1610 PROHIBITIONS

1610.1 No person shall operate a dispatch service that is not registered with the Office under this chapter for all the classes of public vehicle-for-hire it dispatches.

1610.2 No DDS shall knowingly allow its dispatch service to be used or accessed by any person where an associated operator, vehicle, taxicab company, taxicab association, taxicab fleet, luxury class organization, and/or private sedan business that participate in providing the service do not have a current and valid license as required by this title.

1610.3 No DDS shall knowingly allow its dispatch service to be used or accessed by any person where an associated operator, vehicle, taxicab company, taxicab association, taxicab fleet, luxury class organization, and/or private sedan business that participate in providing the service are not in full compliance with all insurance requirements of this title.

1610.4 No DDS shall substitute a higher-priced vehicle for a booked trip except where the passenger has granted permission prior to pick up or if the higher-priced vehicle is provided at the same rate as the booked vehicle.

1610.5 No DDS shall dispatch a vehicle, or process a digital payment, except as provided in this chapter.

1610.6 No DDS shall impose terms and conditions on a passenger, or an associated operator or entity which participates in providing a public vehicle-for-hire service dispatched by such DDS which, in the opinion of DISB, are inconsistent with any insurance requirements in this title, or which directly threaten the safety of passengers, operators, or the general public.

1611 PENALTIES

1611.1 A dispatch service that violates this chapter shall be subject to:

(a) A civil fine of five hundred dollars ($500) for the first violation of a provision, one thousand dollars ($1,000) for the second violation of the same provision, and one thousand five hundred dollars ($1,500) for each subsequent violation of the same provision;

(b) Suspension, revocation, or non-renewal of its registration (for a digital dispatch service), or suspension, revocation, or non-renewal of its operating authority (for a telephone dispatch service operated by a taxicab company), and any other penalty available under Chapter 5 (for a telephone dispatch service);

(c) Any penalty available under Chapter 4 in connection with the dispatch of taxicabs;

(d) Any combination of the sanctions listed in this subsection; or

(e) Any penalty authorized by a provision of this title other than in this chapter or by other applicable law.

1611.2 The enforcement of any provision of this chapter shall be governed by the applicable enforcement procedures Chapter 7 of this title.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission**,** 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register.*

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19) (2012 Repl. & 2013 Supp.), § 50-313 (2012 Repl. & 2013 Supp.), § 50-319 (2012 Repl. & 2013 Supp.), and § 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.); hereby gives notice of its intent to create a new Chapter 17 (Private Sedan Service – Businesses, Operators, and Vehicles) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed Chapter 17 would, in combination with proposed amendments to Chapters 2, 8, 12, 14, and 16, of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called "private sedan service", which is not within the Commission's jurisdiction to license or regulate, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission.

The proposed amendments in this chapter would, *inter alia*: (1) establish rules for the licensing of the non-commercial drivers who provide service, setting criteria for criminal background checks and driving records; (2) establish rules for the licensing of the private vehicles used to provide service, setting criteria for safety inspections; (3) establish rules for the licensing of the businesses which provide private sedan services, setting criteria for screening drivers and inspecting vehicles, and requiring businesses to provide minimal training to new drivers and to limit amateur drivers to part-time (a limit that would not apply to a driver who possesses a DCTC commercial operator's license); and (4) establish rules for the operation of the private sedan business, requiring business to maintain adequate liability insurance to protect all participants in the service, as well as the general public, and to maintain an inventory of active private sedan drivers and vehicles with the Office for enforcement, data reconciliation, and other lawful purposes. All definitions applicable to this chapter would appear in a new Chapter 99 that contains definitions for the entire title.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*.

The Commission intends to add Chapter 17, PRIVATE SEDAN SERVICE – BUSINESSES, OPERATORS, AND VEHICLES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR to read as follows:

CHAPTER 17 PRIVATE SEDAN SERVICE – BUSINESSES, OPERATORS, AND VEHICLES

1700 APPLICATION AND SCOPE

1700.1 This chapter establishes licensing and operating requirements applicable to all persons that participate in providing private sedan service in the District of Columbia, to ensure the safety of passengers and operators, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission.

1700.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Act, as amended.

1700.3 Additional requirements applicable to the drivers and vehicles that participate in private sedan service are contained in Chapter 14.

1700.4 Additional requirements applicable to digital dispatch services ("DDSs") that participate in private sedan service are contained in Chapter 16.

1700.5 This chapter shall not apply to "ridesharing", as defined in this title.

1700.6 This chapter shall be effective on _______ 2014 ("implementation date").

1700.7 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

1701 GENERAL PROVISIONS

1701.1 Beginning on the implementation date, all persons participating in providing private sedan service in the District shall meet the requirements of this chapter, including without limitation, the following:

(a) Each private sedan business ("business") shall be licensed under and in compliance with the other applicable provisions of this chapter;

(b) Each digital dispatch service ("DDS") shall be registered under and in compliance with the applicable provisions of Chapter 16;

(c) Each operator shall possess a DCTC commercial operator license issued under another chapter of this title, or a DCTC private sedan operator license issued under this chapter;

(d) Each vehicle shall be licensed under this chapter and display a valid DCTC private sedan vehicle decal; and

(e) Private sedan operators and vehicles shall operate in accordance with the applicable provisions of Chapter 14 and this chapter.

1701.2 An individual who provides private sedan service without a current and valid DCTC operator's license (a DCTC commercial operator's license or a DCTC private sedan operator's license) and a current and valid DCTC private sedan vehicle license, issued under this chapter, shall be subject to the penalties provided by D.C. Official Code § 47-2846, including imprisonment and a civil fine, and impoundment of the vehicle under the Impoundment Act, and other penalties as provided by applicable law.

1701.3 A private sedan business which operates without a current and valid DCTC private sedan business license issued under this chapter, shall be assessed a civil fine of five hundred dollars ($500) per day, pursuant to D.C. Official Code § 50-313(c), in addition to any other penalties available under this title or other applicable law.

1701.4 Confidential filings. Where a provision of this chapter allows or requires a business to submit a filing to the Office which may contain material exempt from FOIA release pursuant to D.C. Official Code § 2-534(a)(1) (trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained), and the provision expressly allows the filing to be made pursuant to this subsection, the following procedures shall apply:

(a) The filing shall be provided to the Office in a sealed envelope or other suitable packaging clearly marked "CONFIDENTIAL – TO BE OPENED ONLY BY [name and title of the DCTC employee or official to whom the filing is directed];

(b) The filing shall include a notarized affidavit providing the factual basis for the business's contention that the filing should be withheld under § 2-534 (a)(1) and the extent of such withholding (in whole or in part);

(c) Each page of the filing shall be prominently stamped "CONFIDENTIAL" in a suitable location so as to not obscure the contents;

(d) The filing shall be hand-delivered to the Office during regular business hours;

(e) The Office shall maintain the filing confidentially and not release it except as required by law. The existence of an affidavit or other information provided under subsection (b) or (e) (2) of this section may be revealed but the affidavit itself shall not be released except as required by law;

(f) In the event that the Office receives a FOIA request as to which the filing is responsive, the Office shall:

(1) Not later than five (5) days prior to the deadline for a response to the request ("deadline"): inform the business of the request (but not the identity of the requester);

(2) Not later than three (3) days prior to the deadline: inform the business of the Office's position as to whether it is in the public interest to withhold the filing in whole or in part, whether redaction of the document is required under FOIA, and whether additional information must be provided to support withholding; and

(3) The Office shall release the filing if the information required by § 1701.4(e)(2) is not received by the Office at least one (1) day before the deadline.

1701.5 A private sedan business and a DDS which together provide a private sedan service may be organized and associated in any lawful manner, including as separate, associated entities, or as a single entity which performs the functions of both the private sedan business and the DDS. Where a private sedan service is offered by a single entity, such entity shall comply with the applicable provisions of this chapter and Chapter 16.

1701.6 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.

1702 PRIVATE SEDAN BUSINESS – APPLICATION FOR LICENSING

1702.1 Each business applying for a license to provide private sedan service in the District ("applicant") shall provide the following information and documentation to the Office:

(a) The full name, business address, business telephone number, and cellular telephone number of the following individuals:

(1) The applicant's owner, majority owner, or general manager (as applicable);

(2) The applicant's local, regional, and national operations managers (as applicable); and

(3) The applicant's local, regional, and national technical managers (as applicable);

(b) The trade name(s) for the applicant's private sedan service;

(c) A description of the how the applicant's business is organized (as a corporation, a limited liability company, etc.); its date and place of formation; and the name(s), addresses, and telephone numbers of its owners or majority stockholder(s);

(d) The name of the DDS with which it is associated to provide private sedan service, and a description of the legal relationship between the applicant and the DDS;

(e) Information and documentation showing that the business is in compliance with, or is ready and able to comply with, the administrative requirements of § 1705, including a copy of all terms and conditions applicable to the provision of its private sedan service to passengers, and a copy of all terms and conditions applicable to its association with operators, vehicles, and the DDS with which it associates to provide service (the latter filing may be provided pursuant to § 1701.4);

(f) Information and documentation showing that the applicant in in compliance with, or is ready and able to comply with, the insurance requirements of § 1706, including a full and complete copy of the policy with all endorsements and attachments, with no redactions, and evidence that the policy has been paid and will be in force and effect for at least six (6) months as of the date of application (the filing may be provided pursuant to § 1701.4);

(g) Information and documentation showing that the applicant is in compliance with, or is ready and able to comply with, the operating requirements of § 1707, including copies of its new driver training program curriculum, and its initial driver-vehicle inventory;

(h) A certification that the applicant will exercise heightened care in carrying out its obligations under this chapter related to the screening of new operators and vehicles, and to the monitoring and supervision of licensed operators and vehicles, and will not knowingly submit to the Office an application for the licensing of an operator or vehicle which does not meet the eligibility requirements for licensing in this chapter;

(i) A certification that the applicant will not operate, and will use its best efforts to prevent, any of its associated drivers from providing service when its policy is not in force and effect;

(j) A certification that the applicant will not operate at such times when it is not associated with a DDS that is in compliance with Chapter 16;

(k) A certification that the applicant will fully and timely cooperate with the District in all matters relating to the administration, licensing, enforcement, supervision, and regulation of its private sedan service and its associated DDS, including without limitation, promptly complying with all compliance orders, promptly complying with any audits of its business records, and not operating when prohibited from doing so by any provision of this title;

(l) A certification that all persons with which the applicant associates to provide its private sedan service are contractually obligated to comply with an instruction by the applicant to block any or all operators from providing service where required by an applicable provision of this chapter, and to take such other action as may be required in order for the applicant meet its obligations under this title and other applicable laws; and

(m) Such other information and documentation as the Office deems necessary to determine that the applicant meets the requirements for licensing under this title and other applicable laws.

1702.2 Each application filed with the Office under this section shall:

(a) Be full and complete, including all required information;

(b) Be accompanied by full and complete documentation, with no missing pages and no redactions;

(c) Be notarized and provided under penalty of perjury;

(d) Be accompanied by an application fee of five thousand dollars ($5,000); and

(e) For a renewal application, be accompanied by the application fee.

1703 PRIVATE SEDAN BUSINESS – DECISION ON LICENSING

1703.1 The applicant shall bear the burden of establishing to the satisfaction of the Office that it meets all the requirements for licensing.

1703.2 The Office shall deny an application where required by the Clean Hands Act.

1703.3 The Office may require one or more of each of the following during the review process, which shall be facilitated by the applicant:

(a) An interactive demonstration of the equipment used by drivers and passengers to book trips with the applicant's private sedan service, and/or to sign up and/or communicate with operators;

(b) A meeting with the individuals responsible for technical operations in the District; and

(c) A meeting with the individuals responsible for managing the business in the District.

1703.4 The Office shall seek a review by DISB of the policy and all related information provided by the applicant, whose decision shall be dispositive of whether to grant or deny an application.

1703.5 The Office may grant an application subject to one or more conditions, requiring the applicant to submit additional information or documentation, or to take one or more actions, such as, requiring the applicant to modify its terms and conditions of use by passengers and/or operators in order to ensure the effectiveness of the applicant's policy. The Office shall state a deadline for compliance with a condition, which, if not met, may result in a denial of the application.

1703.6 An application may be denied if the applicant does not cooperate with the Office during the application process, if the application is not complete, or if the applicant provides materially false information for the purpose of inducing the Office to grant the application.

1703.7 The Office shall complete the review process and issue its decision to grant or deny an application within forty-five (45) days after the application is filed, which may be extended by the Office until ten (10) days following the Office's receipt of all information provided by DISB.

1703.8 If the Office denies an application:

(a) The Office shall state the reasons for its decision in writing; and

(b) The applicant may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) days. A timely appeal of a denial shall extend an existing license pending the Chief's decision, so long as the business's policy remains in effect. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend an existing

license pending the final decision of the Office, so long as the business's policy remains in effect.

1703.9 Each private sedan business license shall be effective for twenty four (24) months, during which time no substantial change may be made to the business's policies or practices material to its compliance with this title except in compliance with the following procedures:

1703.10 Substantial changes during license period. Where a business is currently licensed, no change shall be made to any operations, policies, practices, documentation, or information material to any aspect of the business's compliance with this title, except as follows:

(a) If the change may affect the policy or insurability of the business's associated operators and/or vehicles, it shall not be made without approval of the Office pursuant to the following procedures:

(1) The business shall file such information and documentation of the proposed change as the Office may require, not less than forty-five (45) days prior to the proposed effective date, under oath, together with a filing fee of one thousand dollars ($1,000) (the filing may be provided pursuant to § 1701.4);

(2) The Office shall review the filing for compliance with all applicable provisions of this title and other applicable law, and shall issue a written decision to grant or deny approval within thirty (30) days; and

(3) A business may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) days. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office;

(b) If it is a substantial change, other than one for which the approval of the Office is required by subsection (a) of this section, such as a change in the approved unaffiliated third party which conducts the pre-licensing criminal background checks, illegal intoxicant screenings, or vehicle inspections required by this chapter, the business shall provide to the Office at least fifteen (15) days' notice of the change prior to its implementation; and

(c) If it is a non-substantial change, other than one for which the approval of the Office is required by subsection (a) of this section, such as a change in the business's contact information, the URL for its website, or the app

used by operators or passengers, the business shall inform the Office within forty-eight (48) hours following such change.

1703.11 The Office shall provide to the applicant a physical certificate reflecting the license granted and the period thereof, and listing the unaffiliated third parties approved to conduct the operator screenings and vehicle inspections required for application pursuant to § 1707.5. The certificate shall be the property of the Office, and shall be returned to the Office at the expiration of the business's licensing period and otherwise as provided in this title.

1703.12 The Office shall maintain the name and contact information of the business on the Commission's website.

1704 PRIVATE SEDAN BUSINESS - RENEWAL OF LICENSE

1704.1 Each business shall apply for renewal of its license not later than ninety (90) days prior to the expiration date of its existing license, unless the Office provides otherwise in writing.

1704.2 A business that fails to apply for renewal of its license prior to the fifty-ninth (59th) day prior to the expiration date of its existing license shall be required to surrender its certificate of license at the end of the licensing period, and apply for a new license.

1704.3 Each business which applies to renew its license, at the time it files its renewal application, shall be in full compliance with this title and other applicable laws.

1704.4 Unless the Office provides otherwise in writing, all requirements for a new license shall apply to a renewed license.

1704.5 A license shall continue in force and effect beyond its expiration period, during such time as an application for renewal of such license is pending, provided such application was timely filed and the application is complete.

1705 PRIVATE SEDAN BUSINESS – ADMINISTRATIVE REQUIREMENTS

1705.1 Each business shall comply with all applicable federal and District licensing, permitting, registration, anti-discrimination, and taxation requirements for a business operating in the District.

1705.2 The business shall possess a current basic business license with appropriate endorsements from DCRA.

1705.3 Each business shall maintain:

(a) A bona fide administrative office, consisting of a physical office in the District, in the same manner required of a taxicab company under Chapter 5, and in compliance with all laws, rules, and regulations concerning the operation of a place of business in the District; or

(b) A registered agent authorized to accept service of process.

1705.4 Each business shall maintain a customer service telephone number for passengers with a "202" prefix or a toll-free area code that shall be available during normal working hours.

1705.5 The provisions of §§ 508-513 of this title shall apply to each business as if it were a taxicab company.

1705.6 The business records of each business shall be:

(a) Stored in a safe and secure manner, and in compliance with industry best practices and applicable federal and District law;

(b) Made available for inspection and copying during regular business hours at the Office or at the business's bona fide administrative office, if maintained; and

(c) Retained for at least five (5) years.

1705.7 Except as otherwise provided in this chapter, each business shall promptly report to the Office an associated operator and vehicle that is not in compliance with an applicable provision of this title and other applicable laws where it receives notice of non-compliance.

1705.8 Each business shall exercise heightened care in carrying out its obligations under this chapter related to the screening of new operators and vehicles, and to the monitoring and supervision of licensed operators and vehicles. A business shall not knowingly submit to the Office an application for the licensing of an operator or vehicle that does not meet any applicable requirement of this chapter or other applicable law.

1705.9 Each business, and its owners, managers, employees, attorneys, agents, and representatives, shall fully and timely cooperate with the District in all matters relating to the administration, licensing, enforcement, supervision, and regulation of its private sedan service; fully and timely comply with compliance orders seeking information, documents, and/or meetings; and fully and timely comply with all audits.

1705.10 A business shall not have standing as a party in any enforcement or compliance matter against an operator, including mediation, at the Office or at the Office of Administrative Hearings ("OAH").

1705.11 An investigation of or enforcement action against an operator by the Office:

(a) May go forward at the discretion of the Office where the associated business has elected to suspend or terminate its association with an operator; and

(b) Shall occur pursuant to the same rules and procedures applicable under this title to operators of other classes of public vehicles-for-hire.

1706 PRIVATE SEDAN BUSINESS – INSURANCE REQUIREMENTS

1706.1 Each business shall at all times maintain an insurance policy covering both its non-commercial operators, and its commercial operators whose existing commercial public vehicle-for-hire insurance does not expressly extend to the operators' participation in private sedan service, which meets the following requirements:

(a) It shall be a current and valid policy;

(b) It shall comply with all applicable regulations of DISB;

(c) It shall provide the following minimum coverage for each associated operator and vehicle while available for hire:

(1) Not less than one million dollars ($1,000,000) in liability coverage per incident for accidents involving a private sedan operator;

(2) Not less than fifty thousand dollars ($50,000) comprehensive and collision coverage per accident for property damage if the operator's personal motor vehicle insurance policy carries comprehensive and collision coverage;

(3) Not less than fifty thousand dollars ($50,000) per person injured and not less than one hundred thousand ($100,000) per accident for medical expenses;

(4) Not less than twenty five thousand dollars ($25,000) for property damage per accident in the event that the operator's personal motor vehicle insurance does not pay; and

(5) Not less than one million dollars ($1,000,000) of underinsured and uninsured (UM/UIM) coverage per incident for bodily injury and property damage;

(d) The minimum coverage required by part (c) of this subsection shall apply without regard to whether or not the operator is logged into the digital payment system (the app);

(e) It shall provide coverage for a non-commercial operator regardless of whether such operator has a personal motor vehicle insurance policy;

(f) It shall cover:

(1) Each non-commercial operator;

(2) Each commercial operator whose existing commercial public vehicle-for-hire insurance does not expressly extend to such operator's participation in private sedan service;

(3) Each person who, on a regular and ongoing basis, materially participates in facilitating or providing the private sedan service; and

(4) The District; and

(g) It shall provide notice of cancellation to the Office at the within ten (10) days when a claim is made against the policy.

1706.2 A copy of each policy maintained by the business shall be filed with the Office (which may be under seal pursuant to § 1701.4), together with such additional information as may be required by the Office.

1706.3 Proof of each premium payment for the policy and the date through which the policy is effective as a result thereof shall be filed with the Office within five (5) days following the date of payment (which may be under seal pursuant to § 1701.4).

1706.4 Where a business is already licensed, and a replacement policy is procured by the business, the business shall file the replacement policy for review subject to the procedures in § 1703.10(a).

1706.5 If coverage under a policy required by this section is not in effect, even momentarily, for any reason, the business shall:

(a) Immediately take all reasonable measures to ensure that no operator or vehicle covered by the policy is able to provide service until the Office approves a replacement policy;

(b) Promptly notify all associated operators and others with which it associates to provide its private sedan service; and

(c) Promptly notify the Office in writing.

1706.6 The business shall within fifteen (15) days notify the Office of each claim against the policy, and of any claims against the commercial policy of a commercial operator of which it becomes aware.

1706.7 The business shall provide notice of cancellation of the policy within twenty-four (24) hours or one business day of when it is received by the business.

1707 PRIVATE SEDAN BUSINESS - OPERATING REQUIREMENTS

1707.1 Following a new operator's receipt of his or her DCTC private sedan operator license, the business shall provide him or her with basic training prior to becoming an active operator, which shall include four (4) hours of classroom instruction and two (2) hours of in-vehicle instruction with a mentor, to include instruction on rules of the road, the business's zero tolerance policies, and the requirements of this chapter and Chapter 14.

1707.2 Inventory of active private sedan operators and vehicles. Each business shall maintain with the Office a current and accurate inventory of its active operators and vehicles as follows:

(a) Each operator and his or her vehicle licensed contemporaneously pursuant to this chapter, where the operator is on active status with the business, shall appear on the inventory. No operator or vehicle other than an operator-vehicle pair for which licenses have been issued contemporaneously, and no operator who is not on active status, shall appear on the inventory.

(b) A licensed operator and his or her vehicle shall be immediately removed from the inventory by the business if:

(1) The operator or the vehicle is not licensed, insured, or otherwise in full compliance with this title;

(2) The operator's DCTC operator's license is suspended or revoked by the Office; or

(3) The business suspends or terminates its association with the operator.

(c) In addition to the actions required by part (c) of this subsection, each business shall ensure that its inventory is updated in such manner and at such times as are determined by the Office in writing;

(d) Each inventory shall include:

(1) The name of, and work and cellular telephone numbers for the operator;

(2) The operator's DCTC operator's license number;

(3) The vehicle's PVIN, which appears on the DCTC private sedan decal;

(4) The vehicle's color, make, model, year of manufacture, VIN, tag number, and issuing jurisdiction; and

(5) The name of the company which provides personal motor vehicle insurance for the operator and the vehicle, and the policy number and date of expiration thereof.

1707.3 Each business shall require its trade dress, if any, to be placed on the vehicle in accordance with the information and documentation provided to the Office in its application for licensing.

1707.4 The business shall, within fifteen (15) days, notify the Office of each tort claim, criminal action, or civil forfeiture action filed or taken against it or any private sedan operator or vehicle with which it is associated in connection with the provision of its private sedan service.

1707.5 Policies to be maintained by the business for licensed operators.

(a) Each business shall at all times diligently enforce the following policies:

(1) A zero tolerance policy on the use of alcohol or illegal drugs by operators;

(2) A zero tolerance policy on the solicitation or acceptance of street hails by operators; and

(3) A part-time limit on operators who possess DCTC private sedan operator licenses of twenty (20) hours per week.

(b) Each business shall ensure that the terms and conditions applicable to the passengers and operators who use its private sedan service include clear reference to the policies required by subsection (a).

(c) Each business shall file a report with the Office within two (2) days after it acquires knowledge or information of an incident in which an operator has violated a policy required by subsection (a) of this section, and shall contemporaneously report to the Office any information reported to it by an associated operator pursuant to § 1402.10.

(d) Each business shall require that each licensed private sedan vehicle pass a biennial safety inspection by the unaffiliated third party approved by the Office of the following items on each vehicle:

(1) Foot brakes (at twenty (20) MPH, the vehicle must be capable of stopping within twenty five (25) feet);

(2) Emergency brakes (vehicle must pass an engine stall test);

(3) Steering mechanism;

(4) Windshield;

(5) Rear window and other glass;

(6) Windshield wipers;

(7) Headlights;

(8) Tail lights;

(9) Turn indicator lights;

(10) Stop lights;

(11) Front seat adjustment mechanism;

(12) Doors (open, close, and lock mechanisms);

(13) Horn;

(14) Speedometer;

(15) Bumpers;

(16) Muffler and exhaust system;

(17) Tires (condition, including tread depth);

(18) Interior and exterior rear view mirrors; and

(19) Safety belts for driver and passenger(s).

(e) Each business shall continually track the expiration date of each operator's personal motor vehicle insurance policy, and shall immediately remove such operator and his or her vehicle from its inventory by such date until the operator provides it with proof such a policy is in effect.

1708 OPERATORS AND VEHICLES – LICENSING GENERALLY

1708.1 Operators and vehicles subject to licensing.

(a) Each individual who seeks to operate a private sedan ("applicant") and does not possess a valid and current DCTC commercial operator license shall be licensed under this chapter.

(b) Each applicant who possesses a valid and current DCTC commercial operator's license shall be subject to the applicable provisions of this chapter, including certification that such operator has been screened for the use of illegal drugs.

(c) Each vehicle used to provide private sedan service shall be licensed under this chapter. No commercial public vehicle-for-hire vehicle shall be eligible for use as a private sedan.

1708.2 Processing of applications through business.

(a) Each applicant shall apply for licensing through a private sedan business licensed under this chapter.

(b) Each business shall be responsible for seeking the new and renewal licensing of all of its associated operators and vehicles.

(c) All matters and communications concerning the licensing of operators and vehicles shall be processed through the business. Applications shall not be accepted by the Office directly from individuals.

(d) Each applicant shall first attempt to resolve through the business any issue or concern related to the processing of his or her application, and shall communicate directly with the Office only if the business has been unable to resolve the matter.

1708.3 Each business shall file contemporaneously with the Office applications for licensing of not more than one hundred (100) eligible applicants per calendar week, and shall have not more than five hundred (500) applications pending at any one time.

1708.4 An application may be denied if the business or the applicant does not cooperate during the application process, if the application is not complete, or if the business or the applicant provides materially false information for the purpose of inducing the Office to grant the application.

1709 OPERATORS AND VEHICLES – ELIGIBILITY FOR LICENSING

1709.1 Applicant screening and vehicle safety inspection. At the time of application to the business, the unaffiliated third parties approved by the Office shall conduct and document under oath that they have performed the following:

(a) A national criminal background check on each applicant for a DCTC private sedan operator's license showing that: the applicant meets the "good moral character" requirements for a DCTC commercial operator's license under §§ 1001.13 through 1001.15, and is not listed in the National Sex Offender Registry database;

(b) A screening of each applicant to detect the use of illegal intoxicants, documenting that the applicant does not use illegal intoxicants; and

(c) An initial safety inspection of the vehicle documenting that the vehicle meets the requirements of § 1707.5 (d).

1709.2 Each applicant shall meet the following eligibility requirements for licensing:

(a) Each applicant shall:

(1) Be 23 years of age or older, unless he or she possesses a current and valid DCTC commercial operator's license; and

(2) Possess a valid and current personal driver's license issued by DMV or by the department of motor vehicles of another jurisdiction in the Washington Metropolitan Area, which does not expire for at least three (3) months from the date of application.

(b) Each vehicle shall be owned, registered, and housed as follows:

(1) The applicant shall be an owner, co-owner, or lessee of the vehicle;

(2) The applicant shall be a registrant or co-registrant of the vehicle in a jurisdiction which permits private sedan operators residing in the District and licensed by the Office under this title to participate in private sedan service in such jurisdiction.

(3) If the vehicle is leased, the lease shall be for a duration of not less than one (1) year and the lessor shall not be in the business of leasing vehicles for use as private sedans;

(4) The vehicle shall have a valid and current registration, which does not expire for at least three (3) months from the date of application; and

(5) The vehicle shall be regularly kept overnight at the applicant's place of residence.

(c) The applicant and the vehicle shall be covered by a valid and current personal motor vehicle insurance policy, as required by the laws of the place of registration, which does not expire for at least three (3) months from the date of application.

(d) The applicant and vehicle shall pass the applicable applicant screening and vehicle inspection requirements of § 1709.1.

(e) The vehicle shall be in compliance with all safety and emissions inspections required by the jurisdiction where it is registered and housed.

(f) The vehicle shall meet the definition of "private sedan" in this title.

(g) The operator and all owners of the vehicle shall execute the private sedan agreement pursuant to § 1709.3.

1709.3 Private sedan agreement. The applicant and all owners of the vehicle shall execute an agreement which meets the following requirements:

(a) It shall be in a form prescribed by the Office;

(b) Each person executing the agreement shall do so under oath;

(c) Each owner (including the applicant, if applicable) shall give his or her permission to allow the vehicle to be used as a private sedan;

(d) Each applicant shall certify that he or she will:

(1) Operate in compliance with all applicable provisions of this title and other applicable law;

(2) Submit to any administrative inspection or traffic stop by a District enforcement officials, at which time he or she will be fully cooperative and promptly provide all information and documentation, including his or her electronic manifest and licensing documents, as directed at that time;

(3) Maintain a current and valid personal driver's license, and vehicle registration;

(4) Maintain a current and valid personal motor vehicle insurance policy or, if the applicant has a DCTC commercial operator license, a current and valid commercial insurance policy that complies with Chapter 9;

(5) Abide by the business's zero tolerance policy prohibiting the use of illegal intoxicants while providing service;

(6) Abide by the business's zero tolerance policy against the solicitation or acceptance of a street hail, and will not use taxicab stands;

(7) Not be signed in to the digital payment system (app) more than twenty (20) hours total and

(8) Upon disaffiliation from, or suspension or termination by the business, or upon suspension, revocation, or non-renewal by the Office of his or her DCTC operator's license or his or her DCTC vehicle license:

(A) Immediately stop providing private sedan service;

(B) Return to the business or to the Office within five (5) days the DCTC vehicle decal; and

(C) Consent to the removal of the DCTC vehicle decal by any District enforcement official.

1710 OPERATORS AND VEHICLES – APPLICATION

1710.1 Each business applying for a license on behalf of an applicant shall file the following information and documentation with the Office:

(a) The full name, home address, home telephone number, cellular telephone number, social security number, and date of birth of the applicant;

(b) The make, model, year, and vehicle identification number (VIN) of the vehicle;

(c) The vehicle's mileage at the time of application;

(d) A copy of the front and back of the applicant's personal driver's license;

(e) If the applicant possesses a DCTC commercial operator license:

(1) The license number and the date of expiration; and

(2) If the operator and the vehicle will be covered by a commercial insurance policy pursuant to Chapter 9, a copy of the policy showing the insurance company expressly agrees to such coverage;

(f) If the applicant is applying for a DCTC private sedan operator license:

(1) A copy of the front and back of the insurance card for the personal motor vehicle insurance policy on the operator and vehicle; and

(2) One (1) photograph of the operator that meets the requirements for a United States passport;

(g) The date on which the vehicle was purchased or leased by the operator;

(h) The date on which the applicant became associated with the business;

(i) A copy of the applicant's DCRA basic business license;

(j) All information and documentation required by § 1707.

(k) A statement executed by the business that the applicant and the vehicle meet all requirements for licensing under this chapter, and are ready and able to meet all requirements for the operation of a private sedan under this title and other applicable laws;

(l) The original, fully-executed private sedan agreement; and

(m) Such other information and documentation as the Office may deem necessary to determine that the operator and vehicle meet the requirements for licensing in this title, and other applicable provisions of this title and other applicable laws.

1710.2 Each application filed pursuant to § 1710.1 shall:

(a) Be full and complete, including all required information and documentation, with no missing pages and no redactions;

(b) Be provided under oath by the applicant;

(c) Be accompanied by a certification from the business that the applicant and his or her vehicle meet the requirements for licensing, and certifications of the approved third parties that have performed the applicable applicant screening and vehicle inspection requirements of § 1709.1; and

(d) Be accompanied by an application fee as follows:

(1) If the applicant is applying for a DCTC private sedan operator license, a fee of fifty dollars ($50) for such license; and

(2) A fee of fifty dollars ($50) for the DCTC private sedan vehicle license.

1711 OPERATORS AND VEHICLES – REVIEW OF APPLICATION AND DECISION ON LICENSING

1711.1 The Office shall deny an application where required by the Clean Hands Act.

1711.2 The Office shall obtain the complete driving record for each applicant applying for a DCTC private sedan operator's license, and shall deny the application if the applicant does not meet the requirements for a DCTC commercial operator's license under § 1001.11.

1711.3 The Office shall grant or deny an application as to both the applicant and his or her vehicle. If an application is granted, the applicant and the vehicle shall be a licensed operator-vehicle pair for purposes of enforcement and compliance with this title, including the inventory requirements of § 1707.2. No operator shall provide private sedan service with a vehicle other than his or her own licensed private sedan. No private sedan shall be used by an operator other than the operator licensed to provide service with that vehicle.

1711.4 The Office shall complete the review process and issue its decision to grant or deny an application within thirty (30) days after the application is filed.

1711.5 If the Office denies an application:

(a) The Office shall state the reasons for its decision in writing; and

(b) The business may appeal the decision on behalf of the applicant to the Chief of the Office within fifteen (15) calendar days, and, otherwise, shall

constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) days. A timely appeal of a denial shall extend an existing license pending the Chief's decision, so long as all insurance required by this Chapter remains in effect. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend an existing license pending the final decision of the Office, so long as all insurance required by this Chapter remains in effect.

1711.6 If the Office grants an application:

(a) If the applicant is applying for a DCTC private sedan operator's license, he or she shall be granted such a license for a period of twelve (12) months from the date of the decision;

(b) If the applicant holds a current and valid DCTC commercial operator's licenses, and meets the requirements of §§ 1706 and 1707 applicable to such operators, he or shall be approved as a private sedan operator with no further licensing required;

(c) A DCTC private sedan vehicle license shall be granted for the vehicle, allowing it to operate as a private sedan for a period of twelve (12) months from the date of the decision;

(d) The Office shall promptly send the business a DCTC private sedan operator's license, if applicable, and a DCTC vehicle license decal, which shall be clearly displayed on the vehicle at all times in a suitable location as directed by the Office.

1712 OPERATORS AND VEHICLES - RENEWAL OF LICENSES

1712.1 Each business shall apply for renewal of each DCTC private sedan operator's license and each DCTC private sedan vehicle license not later than sixty (60) days prior to the expiration date of such license.

1712.2 If a business fails to apply for renewal of an operator or vehicle license prior to the twenty ninth (29th) day prior to the expiration date of the existing license(s), the operator shall be required to surrender to the business at the end of the licensing period, his or her expired DCTC private sedan operator's license and expired DCTC private sedan vehicle decal, and the business may file a new application as provided in this chapter.

1712.3 Each applicant (including an applicant's vehicle) on whose behalf a business applies to renew a license, at the time the business files a renewal application, shall be in full compliance with this title and other applicable laws.

1712.4 Unless the Office provides otherwise in writing, all requirements for a new license shall apply to a renewed license.

1712.5 Each DCTC private sedan operator's license and each DCTC private sedan vehicle license shall continue in force and effect beyond its expiration period, during such time as an application for renewal of such license is pending, provided the application was timely filed and complies with §§ 1706 through 1710, and so long as all insurance required by this chapter remains in effect.

1712.6 Each licensed operator who replaces his or her vehicle licensed under this chapter shall apply to the business for a new license for the replacement vehicle.

1713 DRIVERS AND VEHICLES – OPERATING REQUIREMENTS

1713.1 Each operator shall complete the business's new operator training program prior to being listed on the business's inventory or providing service.

1713.2 Each operator shall at all times be in compliance with Chapter 14 and this chapter.

1714 PROHIBITIONS

1714.1 No business shall associate with a DDS that is not in compliance with Chapter 16.

1714.2 No business shall advertise or refer to its private sedan service as "ridesharing".

1714.3 No business shall operate even momentarily if its insurance policy required by § 1706 is not in force and effect.

1714.4 No business shall maintain or enforce a business policy or practice which contradicts, or prevents operators or vehicles from complying with, the provisions of Chapter 14.

1714.5 No business shall knowingly allow an associated operator or vehicle to violate a provision of Chapter 14.

1714.6 No operator shall violate an applicable provision of this chapter or Chapter 14.

1715 PENALTIES

1715.1 Each violation of this chapter by a private sedan business shall subject the violator to:

(a) A civil fine as established by a provision of this chapter;

(b) Suspension, which may include one or more conditions, to be paid for by the violator, which the Office determines are related to the misconduct;

(c) Revocation, or non-renewal of the business's license issued pursuant to this chapter; and

(d) A combination of the sanctions enumerated in (a) through (c) of this subsection.

1715.2 Penalties for each violation of this chapter by a private sedan operator shall be accordance with the penalties provisions of Chapter 14.

1715.3 Except where otherwise specified in this title or chapter, the following civil fines are established for violations of this chapter, which shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter:

(a) A civil fine of five hundred dollars ($500) dollars where no civil fine is enumerated for a violation by a business; and

(b) A civil fine of two hundred fifty dollars ($250) dollars where no civil fine is enumerated for a violation by an operator.

1715.4 The enforcement of any provision of this chapter shall be governed by the applicable enforcement procedures Chapter 7 of this title.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the D.C. Register.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19), 50-313, 50-319, and 50-320 (2012 Repl. & 2013 Supp.)) and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.) hereby gives notice of its intent to adopt amendments to Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments would, in sum, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called "private sedan service" (to be distinguished from the non-profit activity called "ridesharing", which is not within the Commission's jurisdiction to license or regulate), to address the unique issues raised by private sedan service, including rules including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments in this chapter would*:* (1) enumerate in a single location all definitions used throughout the title; and (2) clarify the definition of "luxury class vehicle" to include an "EPA Large Sedan".

The proposed rulemaking was adopted on April 9, 2014. Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*.

A new Chapter 99, DEFINITIONS, is added to Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR as follows:

CHAPTER 99 DEFINITIONS

9900 APPLICATION AND SCOPE

9900.1 This chapter establishes definitions for terms used throughout this title.

9900.2 In the event of a conflict between a definition in this chapter and a definition in another chapter of this title, the more specific or more restrictive definition shall apply.

9901 DEFINITIONS

9901.1 For the purposes of this title, the following words and terms shall have the meanings ascribed:

"Act" - the District of Columbia Taxicab Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq*. (2012 Repl.).

"Active status" – a status in which an operator or vehicle participates in providing service without a cessation of any nature or duration, or an interruption of more than ten (10) calendar days.

"Administrative Procedure Act" - The District of Columbia Administrative Procedure Act, effective October 8, 1975, (D.C. Law 1-19, D.C. Official Code § 2-502 *et seq*. (2012 Repl. & 2013 Supp.)).

"Affiliated" - Common ownership.

"Approved modern taximeter system" or "Approved MTS" - a modern taximeter system that has been approved for use by the Office under this title.

"Associated" - voluntarily related through employment, contract, joint venture, ownership, agency or other legal affiliation. For the purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.

"Association" - a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, name, logo, or insignia. For the purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.

"Available for hire" – providing service or available to provide service, without regard to being signed into a digital payment system.

"Black car" - a sedan that:

(a) Is a Luxury Class Vehicle;

(b) Is not stretched;

(c) Is any "dark" color other than 15-1150 TCX, 15-1150 TPX, 16-035 TCX, or 16-035 TPX, or any "black" color, as defined by Pantone LLC (available at:

http://www.pantone.com/pages/pantone/colorfinder.aspx); and

(d) Has a passenger volume of at least ninety five (95) cubic feet, according to the EPA (available at: http://www.fueleconomy.gov/feg/powerSearch.jsp).

"Black car service" - a public vehicle-for-hire service provided by a black car and in accordance with Chapter 14 of this title.

"Booked trip" – a trip that has been agreed and accepted by the customer.

"Cash payment" - a payment to the operator by the passenger inside the vehicle using cash. A cash payment is a form of in-vehicle payment.

"Cashless payment" - a payment to the operator by the passenger inside the vehicle other than by cash, which shall include a payment by payment card, and may include another form of non-cash payment that a payment service provider is approved to provide under Chapter 4 (such as near-field communication and voucher). A "digital payment" is not considered a cashless payment.

"Clean Hands Act" - The Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code § 47-2862 (2012 Repl.)).

"Commercial operator" – an operator who possesses a DCTC commercial operator license.

"Commission" - the District of Columbia Taxicab Commission established under § 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 § 50-304 (2012 Repl.)).

"Commissioner" – a Commissioner of the D.C. Taxicab Commission, or his or her designated agent, except as to Chapter 9, which shall refer to a Commissioner of the Department of Insurance, Securities, and Banking, or his or her designated agent.

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

"Complainant" – a member of the public who submits a complaint.

"Compliance order" – an order issued by the Office of Taxicabs or a District enforcement official to any person regulated by this title or other

applicable law, requiring the person to implement a measure or undertake an action to comply with a provision of this title or other applicable law.

"Consumer Personal Information Security Breach Notification Act" – The Consumer Personal Information Security Breach Notification Act of 2006, effective March 8, 2007 (D.C. Law 16-237; D.C. Official Code § 28-3851 *et seq.* (2012 Repl.)).

"Contract reservation" - an advance booking for limousine service that includes the start time and the hourly rate.

"Customer" – a person that requests public vehicle-for-hire service, including a passenger, or any other person that requests service on behalf of another person.

"Day" – a calendar day, unless otherwise stated.

"D.C." – the District of Columbia.

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

"DCTC commercial operator's license" – a license issued by the Office allowing its bearer to operate a taxicab, limousine, and/or black car. A DCTC private sedan operator's license is not a DCTC commercial operator's license.

"DCTC decal" - a licensing document consisting of a decal issued by the Office, which shall be affixed to the vehicle, allowing it to be operated as private sedan in the District of Columbia.

"DCTC ID card" – a DCTC operator license identification card, as defined in this section.

"DCTC operator license identification card" – a licensing document (a card) stating that its bearer is licensed by the Office to operate one or more classes of public vehicle-for-hire, as stated on the document.

"DCTC private sedan operator's license" – a license issued by the Office allowing its bearer to participate in private sedan service only.

"DCTC private sedan vehicle license" – a licensing issued by the Office allowing a vehicle to be operated as a private sedan in the District.

"DCTC public vehicle-for-hire license" - a vehicle license issued pursuant to D.C. Official Code § 47-2829 (h) (2012 Repl.).

"Digital dispatch" – an advance reservation for a public vehicle-for-hire via computer, mobile phone application, text, email, or Web-based reservation or by other means as the Commission may define by rule.

"Digital dispatch service" or "DDS" – a business that provides digital services to connect passengers to public vehicles-for-hire.

"Digital payment" - a non-cash payment processed by a digital dispatch service and not by the vehicle operator. A "cashless payment" is not considered a digital payment.

"Digital services" - digital dispatch, or both digital dispatch and digital payment, for public vehicles-for-hire.

"Dispatch service" - a business that offers telephone dispatch or digital services for public vehicles-for-hire.

"Dispatch" - booking a public vehicle-for-hire service through an advance reservation consisting of a request for service from a person seeking service, an offer of service by the dispatch service, an acceptance of service by the person seeking service, and an acknowledgement by the dispatch service that includes an estimated time of arrival of a booked vehicle.

"Dispatch or payment solution" - any combination of technology, such as a tablet or smartphone running an app provided by a DDS, which, together, allows the DDS to provide taxicabs with digital dispatch or digital dispatch and digital payment.

"District" - the District of Columbia.

"District enforcement official" - a public vehicle inspector officer (hack inspector) or other authorized official, employee, or general counsel of the Office, or any law enforcement officer authorized to enforce a provision of this title.

"District of Columbia Taxicab Commission" or "DCTC" - the District of Columbia Taxicab Commission established under § 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 § 50-304 (2012 Repl.)).

"District of Columbia Taxicab Commission (DCTC) License" – a taxicab vehicle license issued pursuant to D.C. Official Code § 47-2829(d) (2012 Repl.).

"Dome light" - an instrument or device approved by the Commission which is attached to the top of a licensed taxicab to illuminate the assigned PVIN and display the vehicle's availability for hire.

"Dome light installation business" - a business which engages, in whole or in part, in the manufacture, sale (whether of new or used equipment), installation, repair, or adjustment of dome lights for use on licensed taxicabs.

"Dome light installation business owner" - an individual, partnership, or corporation licensed by the Office to own and operate a dome light installation business.

"Double seal" – a lead seal, installed in addition to a seal (as defined in this chapter) by a taximeter installation business, to ensure that the taximeter cannot be removed or replaced except as allowed by regulatory requirements.

"Driver" – an operator of a vehicle.

"EPA" – the United States Environmental Protection Agency.

"False dispatch" – the willful booking of a public vehicle-for-hire, other than a metered taxicab, by street hail, under the pretense of a dispatch. The acceptance by the passenger of a trip after the operator and passenger have made visual contact, after the passenger has entered the vehicle, or where the vehicle is cruising or loitering, shall give rise to a rebuttable presumption that the operator engaged in false dispatch.

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

"Freedom of Information Act" or "FOIA" – 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.* (2012 Repl.)).

"Gratuity" - a voluntary payment by the passenger after service is rendered, in an amount determined solely by the passenger.

"Group riding" - a group of two (2) or more passengers composed prior to the booking of a trip by dispatch or street hail and whose trip has a common point of origin and different or common destinations.

"Hack-up" - to outfit a vehicle as a taxicab and obtain approval from the Office for that vehicle to serve as a taxicab for the first time.

"Identification card" or **"Face card"** – a licensing document reflecting that the bearer has been granted a DCTC operator's license pursuant to D.C. Official Code § 47-2829(e) (2012 Repl.).

"Implementation date" - the date for implementation of one or more provision of a chapter, as stated in the chapter.

"Impoundment" - impoundment that occurs pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331 (2012 Repl.)).

"Independently operated taxicab" – an independent taxicab as define in this chapter.

"Independent taxicab" - a taxicab operated by an individual owner who is not part of a fleet, company, or association and who does not operate under the name, logo, or insignia of any fleet, company, or association.

"Individual riding" - the transportation of a single passenger for an entire trip.

"Integration" - a commercial arrangement between a payment service provider and a digital dispatch service for the real-time sharing of electronic information between such businesses that complies with industry best practices and allows each of them to meet all obligations imposed by this chapter.

"Integration agreement" - an agreement between a payment service provider and a digital dispatch service to allocate the rights and obligations pertaining to integration under this chapter.

"Integration service fee" - a fee paid by the vehicle owner to the payment service provider for the use of the modern taximeter system when a digital payment is made.

"In-vehicle payment" - a payment made to the operator by the passenger inside the vehicle, consisting only of a cash payment or a cashless payment. A digital payment is not an in-vehicle payment.

"License" - includes the whole or part of any permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission granted by the Mayor or any agency (as defined in the Administrative Procedure Act, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-502 (2012 Repl. & 2013 Supp.)).

“Licensing document”- a physical or electronic document issued to a person as evidence that such person has been issued a license pursuant to this title, such as a DCTC operator’s identification card.

“Limousine” - a public vehicle-for-hire, having a seating capacity of nine (9) or fewer passengers, exclusive of the driver, with three (3) or more doors that operates exclusively through advanced registration or by contract fixed solely by the hour (also known as a contract livery) and which shall not accept street hails.

“Limousine service” - a public vehicle-for-hire service provided by any LCS vehicle operated by an operator who possesses a DCTC commercial operator’s license, where the trip is booked by advance reservation and the fare is calculated by time.

“Livery tags” - vehicle tags issued by a motor vehicle licensing agency for a public vehicle-for-hire used to provide luxury class services, including the "L" tags issued by DMV.

“Loitering” - waiting around or in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity; stopping in such locations, except to take on or discharge a passenger; or unnecessarily slow driving in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity.

“Luxury class service” or “LCS”– limousine and/or black car service.

“Luxury class vehicle” or “LCS vehicle” - a public vehicle-for-hire that:

(a) Is a “Luxury Sedan”, an “Upscale Sedan”, “Sport Utility Vehicle” (“SUV”), or “Large Sedan”, as defined by the EPA (available at: http://www.fueleconomy.gov/feg/powerSearch.jsp), provided, however, that if it is an SUV, it has a passenger volume of at least one hundred twenty (120) cubic feet;

(b) Does not have a manufacturer’s rated seating capacity of ten (10) or more persons; and

(c) Is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis.

“Modern taximeter system” or “MTS” - a technology solution that combines taximeter equipment and Payment service provider (“PSP”) service and support in the manner required by this title.

"Modern taximeter system unit" or MTS Unit - the MTS equipment installed in a particular vehicle.

"Office" - the Office of Taxicabs established pursuant to Section 13 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 (2012 Repl.)).

"Office order" - an administrative issuance by the Office to a class of persons or vehicles regulated by a provision of this title or other applicable law that: adopts a form; issues a guideline or protocol applicable to persons other than employees of the Office; provides guidance concerning a provision of this title; or takes any action that the Office deems necessary for purposes of administration, enforcement, or compliance.

"Operator" - a person who operates a public vehicle-for-hire.

"Owner" - A person, individual, partnership, company, association, or corporation that holds legal title to a public vehicle-for-hire which is licensed by the Commission or the registration of which is required in the District of Columbia to own and operate a taxicab or taxicabs. For purposes of chapters 4 and 12 of this title the term "owner" may include a mortgagor if the mortgagor of a public-vehicle-for-hire is entitled to possession. The term may also include a lessee, a trustee, or a receiver appointed by a court, operating, controlling, managing, or renting a passenger vehicle-for-hire in the District of Columbia except as to operations licensed under D.C. Official Code § 47-2829(d) (2012 Repl.). The term does not include common carrier which have been expressly exempted from the jurisdiction of the Commission.

"Passenger surcharge" - a fee required to be assessed to and collected from passengers and remitted to the District for each public vehicle-for-hire trip as required by this title which is currently set at twenty-five cents ($.25) and which shall not exceed fifty cents ($.50).

"Payment card" - a credit or debit card, including Visa, MasterCard, American Express, and Discover.

"Payment information on file" - a payment card, direct debit, or pre-paid account that allows a person to process a payment without requiring the person authorizing the payment to present the original payment information.

"Payment service provider" or "PSP"- a business that offers a modern taximeter service or MTS, which, if approved by the Office, may operate such MTS pursuant to this title.

"Person" - shall have the meaning ascribed to it in the District of Columbia Administrative Procedure Act, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-502 (2012 Repl. & 2013 Supp.)) and shall specifically include a firm, company, institution, receiver, or trustee, and, is further defined as including, any individual, company, business, association or entity regulated by this title, any individual or entity that engages in an activity regulated by this title which requires District of Columbia Taxicab Commission licensure or authorization to operate but has not obtained such appropriate license or authorization, or any individual or entity whose District of Columbia Taxicab Commission license or authorization has lapsed, been suspended, or been revoked.

"Personal service" – in the context of the provision of taxicab service to a passenger, assistance or service requested by a passenger that requires the taxicab operator to leave the vicinity of the taxicab.

"Private sedan"– a vehicle that:

(a) Is not a convertible;

(b) Is not more than ten (10) years of age at entry into service nor more than twelve (12) years of age while in service;

(c) Does not have a manufacturer's rated seating capacity of ten (10) or more persons, and;

(d) Does not have a commercial tag (such as an "L" or "H" tag) and is not licensed to provide another public vehicle-for-hire service.

"Private sedan business" – a business which associates with private sedan operators for the purpose of providing private sedan service.

"Private sedan service" – a public vehicle-for-hire service provided by a driver who possesses a DCTC commercial operator license or a DCTC private sedan operator license using a private sedan vehicle owned by the driver, where the driver and vehicle are associated with a single private sedan business, and trips are booked and paid for through an associated digital dispatch service (which may be provided by the same entity that operates the business). Private sedan service does not include ride-sharing.

"Provide service" – conduct by a private sedan operator, alone or in concert with any other person, which, from the perspective of a reasonable person with knowledge of all the material facts, either:

(a) Constitutes private sedan service or

(b) Is intended to result in private sedan service, including soliciting a street hail, loitering, cruising, and using a taxicab stand.

The operator's status as "signed in" to a digital payment system shall give rise to a mandatory presumption that the operator was providing private sedan service.

"Public vehicle-for-hire" - (a) a passenger motor vehicle operated in the District by an individual or any entity that is used for the transportation of passengers for hire, including as a taxicab, limousine, black car, or private sedan; or (b) Any other private passenger motor vehicle that is used for the transportation of passengers for hire but is not operated on a schedule or between fixed termini and is operated exclusively in the District, or a vehicle licensed pursuant to D.C. Official Code § 47-2829 (2012 Repl.), including taxicabs, limousines, black cars, and private sedans.

"Public vehicle-for-hire identification number" or "PVIN"- a unique number assigned by the Office to a public vehicle-for-hire.

"Public vehicle inspection officer" – a Commission employee trained in the laws, rules, and regulations governing public vehicle-for-hire services to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of public vehicles-for-hire, pursuant to protocol established by the Commission.

"Rate of fare" - the established fare which may be charged by a licensed taxicab other than for trips booked through digital dispatch, which fare has been promulgated by the Commission, and which fare may include, but is not limited to, surcharges and waiting times.

"Respondent" - a person against whom an enforcement action is taken a public complaint is made, or an order of investigation or order to show cause is directed.

"Revocation" – the permanent recall or annulment of a privilege or authority granted by the Office.

"Ridesharing" – a transportation activity, including a program operated, sponsored, or incentivized by a unit of government in which passengers are grouped for one or more non-commercial purposes, such as defraying the costs of operating vehicles, reducing road congestion, decreasing fuel consumption, protecting the environment, or increasing ridership, in which no person has a for-profit interest and which generally falls within the coverage of an owner's private motor vehicle insurance at no additional cost to the owner.

"Seal" - a device, approved by the Commission, which may be installed on a taximeter, wire, wiring mechanism, gear or other device, so that no adjustment, repair, alteration or replacement can be made without removing or mutilating the seal or seals.

"Sedan" - a public vehicle-for-hire that:

(a) Meets the requirements for a luxury class vehicle;

(b) Is not stretched;

(c) Is any "dark" color other than 15-1150 TCX, 15-1150 TPX, 16-035 TCX, or 16-035 TPX, or any "black" color, as defined by Pantone LLC (available at: http://www.pantone.com/pages/pantone/colorfinder.aspx); and

(d) Has a passenger volume of at least ninety five (95) cubic feet, according to the EPA (available at: http://www.fueleconomy.gov/feg/powerSearch.jsp).

"Shared riding" - a group of two (2) or more passengers, arranged by a starter at Union Station, Verizon Center, or Nationals Park, or other locations designated by an administrative order of the Office, that has common or different destinations.

"Smoking Restriction Act" – the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1703 (5) (2012 Repl.)).

"Street" - a roadway designated on the Permanent System of Highways of the District of Columbia as a public thoroughfare.

"Surcharge account" - an account established and maintained with the District for the purpose of processing the passenger surcharge.

"Surcharge bond" - a bond payable to the D.C. Treasurer for the purpose of securing the payment of passenger surcharges to the District.

"Suspension" – a temporary bar of a person from the privilege or authority conferred by the Office for a period of time after which period the privilege or authority is automatically re-instated or the person must request re-instatement.

"Taxicab" - a public passenger vehicle-for-hire having a seating capacity of eight (8) or fewer passengers, exclusive of the driver, that may be hired by dispatch or hailed on the street and for which the fare charged is calculated

by an Office-approved meter with uniform rates determined by the Commission.

"Taxicab commission information system" or "TCIS" - the information system operated by the Office.

"Taximeter fare" - the fare established by this title for use by taxicabs other than for trips booked by a digital dispatch service.

"Taximeter" - an instrument or device approved by the Office by which the charge to a passenger for hire of a licensed taxicab is automatically calculated and on which such charge is plainly indicated.

"Taximeter business" - a business which engages, in whole or in part, in the manufacture, sale (whether of new or used equipment), installation, repair, adjustment, testing, sealing, or calibrating of taximeters, for use upon a licensed vehicle in the District of Columbia including any business which engages in whole or in part in the installation of taxicab dome lights.

"Taximeter business owner" - an individual, partnership or corporation licensed by the Commission to own and operate a taximeter business.

"Taximeter test" - a method to determine compliance with distance and time tolerances, utilizing either a road test over a precisely measured road course or a simulated road test determining the distance traveled by use of a roller device, or by computation from rolling circumference and wheel-turn data, said test having been conducted in accordance with the National Institute of Standards and Technology Handbook No. 44.

"Telephone dispatch" - dispatch by telephone.

"Telephone dispatch service" - a taxicab company which provides telephone dispatch for taxicabs.

"Tour of duty" - the period of time when an operator is signed into an MTS or digital payment system.

"Trip" - a trip provided by a public vehicle for hire licensed by the Office to one (1) or more passengers at the same time which either originated in the District or originated outside of the District pursuant to a valid reciprocity agreement and for which a fare is or should have been collected.

"Trunk tote" - a tote bag maintained by the vehicle operator to carry necessities for emergencies and essential tools, as described in this title.

"Vehicle" – a public vehicle-for-hire subject to licensing and regulation by the Commission.

"Washington Metropolitan Area" - the area encompassed by the District; Montgomery County, Prince Georges County, and Frederick County in Maryland; Arlington County, Fairfax County, Loudon County, and Prince William County and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

"Wiring harness" - a wire or collection of wires, including all connections thereto, which is connected in any manner whatsoever to a taximeter or in any way affects the operation of a taximeter.

Chapter 3, PANEL ON ADJUDICATION: RULES OF ORGANIZATION AND PROCEDURE is amended as follows:

Section 399, DEFINITIONS, is deleted and reserved.

Chapter 4, TAXICAB PAYMENT SERVICES is amended as follows:

Section 499, DEFINITIONS, is deleted and reserved.

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

Section 599, DEFINITIONS, is deleted and reserved.

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

Section 699, DEFINITIONS, is deleted and reserved.

Chapter 7, COMPLAINTS AGAINST TAXICAB OWNERS OR OPERATORS, is amended as follows:

Section 799, DEFINITIONS, is deleted and reserved.

Chapter 8, OPERATION OF TAXICABS is amended as follows:

Section 899, DEFINITIONS, is deleted and reserved.

Chapter 9, INSURANCE REQUIREMENTS, is amended as follows:

Section 999, DEFINITIONS, is deleted and reserved.

Chapter 10, PUBLIC VEHICLES FOR HIRE is amended as follows:

Section 1099, DEFINITIONS, is deleted and reserved.

Chapter 12, LUXURY SERVICES – OWNERS, OPERATORS, AND VEHICLES, is amended as follows:

Section 1299, DEFINITIONS, is deleted and reserved.

Chapter 13, LICENSING AND OPERATIONS OF TAXI METER COMPANIES is amended as follows:

Section 1399, DEFINITIONS, is deleted and reserved.

Chapter 14, OPERATION OF SEDANS, is amended as follows:

Section 1499, DEFINITIONS, is deleted and reserved.

Chapter 15, LICENSING AND OPERATIONS OF DOME LIGHT INSTALLATION COMPANIES, is amended as follows:

Section 1599, DEFINITIONS, is deleted and reserved.

Chapter 16, DISPATCH SERVICES, is amended as follows:

Section 1699, DEFINITIONS, is deleted and reserved.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register.*

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-092
April 28, 2014

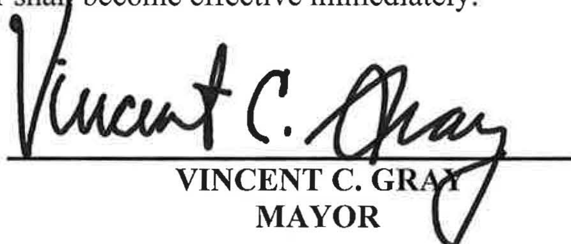
SUBJECT: Appointment – District of Columbia State Rehabilitation Council

ORIGINATING AGENCY: Office of the Mayor

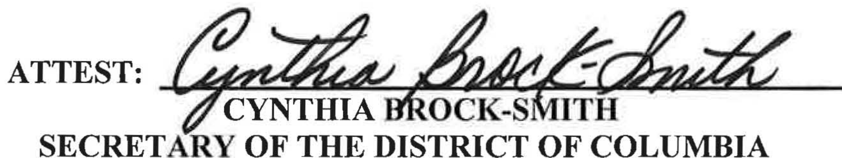
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), by the Workforce Investment Act of 1998, approved August 7, 1998, Pub. L. 105-220, 112 Stat. 1151, 29 U.S.C. § 725, and in accordance with Mayor's Order 2001-173, dated November 30, 2001, it is hereby **ORDERED** that:

1. **CHRISTOPHER KALEBA** is appointed to the District of Columbia State Rehabilitation Council as a representative of the Workforce Investment Council, replacing Allison A. Gerber, to complete the remainder of an unexpired vacant term to end November 1, 2014.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-093
May 01, 2014

SUBJECT: Appointment — Acting Director, District Department of Transportation

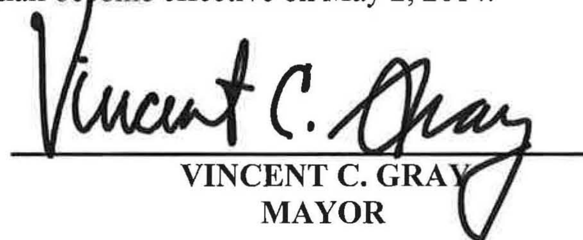
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

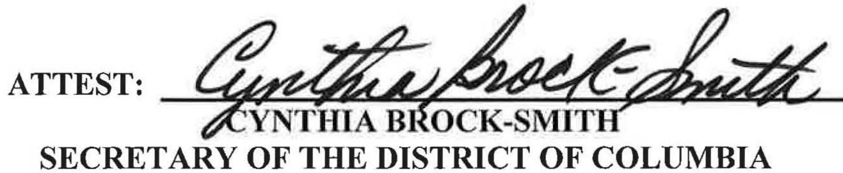
1. **MATTHEW T. BROWN** is appointed as Acting Director of the District Department of Transportation and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2011-122, dated July 19, 2011.

3. **EFFECTIVE DATE:** This Order shall become effective on May 2, 2014.



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 2014-094
May 1, 2014

SUBJECT: Appointment — Washington Metropolitan Area Transit Commission

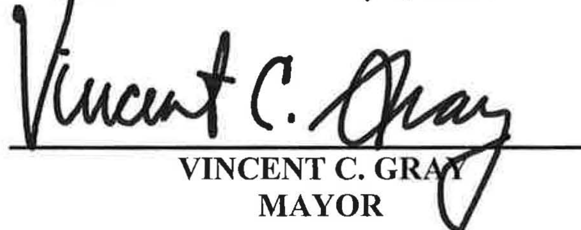
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Title I, Article III of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; Pub. L. 86-794; D.C. Official Code § 9-1103.01 (2012 Supp.)), it is hereby **ORDERED** that:

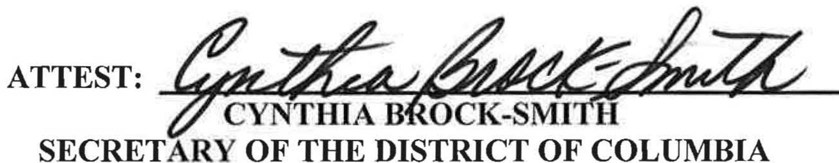
1. **MATTHEW T. BROWN** is appointed as a member of the Washington Metropolitan Area Transit Commission, replacing Terry L. Bellamy, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2012-65, dated May 1, 2012.

3. **EFFECTIVE DATE:** This Order shall become effective on May 2, 2014.



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 2014-095
May 1, 2014

SUBJECT: Appointment – Acting Director, Department of Employment Services

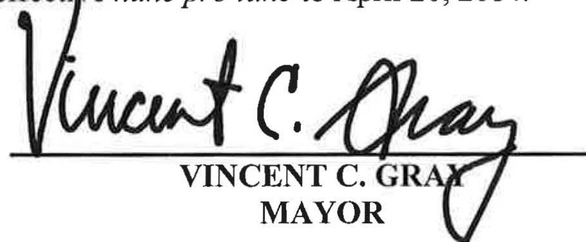
ORIGINATING AGENCY: Office of the Mayor

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 Repl.), it is hereby **ORDERED** that:

1. **F. THOMAS LUPARELLO** is appointed Acting Director of the Department of Employment Services, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2014-022, dated January 30, 2014.

3. **EFFECTIVE DATE**: This Order shall be effective *nunc pro tunc* to April 20, 2014.



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 2014-096
May 1, 2014

SUBJECT: Appointment — Board of Directors of the District of Columbia Water and Sewer Authority

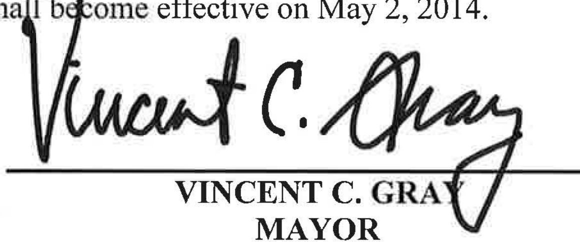
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, D.C. Law 11-111; D.C. Official Code § 34-2202.04 (2012 Repl.)), it is hereby **ORDERED** that:

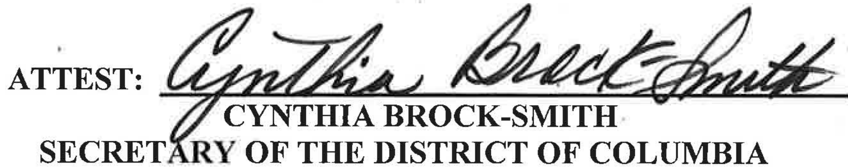
1. **MATTHEW T. BROWN** is appointed as an acting alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, replacing Terry L. Bellamy, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes paragraph 5 of Mayor's Order 2012-108, dated July 13, 2012.

3. **EFFECTIVE DATE:** This Order shall become effective on May 2, 2014.



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 2014-097
May 2, 2014

SUBJECT: Reappointment – District of Columbia Real Estate Commission

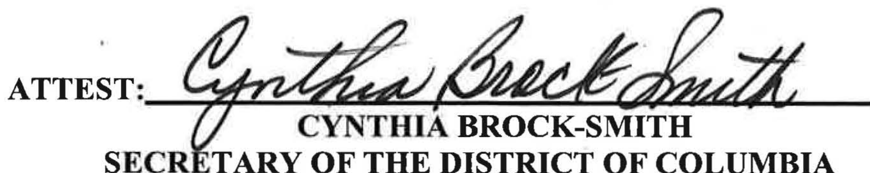
ORIGINATING AGENCY: Office of the Mayor

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 Repl.), and in accordance with section 1002 of the Non-Health Related Occupations and Professions Act of 1998, effective April 20, 1999, D.C. Law 12-261, D.C. Official Code 47-2853.06(h) (2012 Repl. and 2013 Supp.), and Mayor's Order 2009-11, dated February 2, 2009, it is hereby **ORDERED** that:

1. **JOSEPHINE H. RICKS**, who was nominated by the Mayor on January 8, 2014 and whose nomination was deemed approved by the Council pursuant to Proposed Resolution 20-0622 on March 8, 2014, is reappointed as a real estate broker member of the Real Estate Commission, for a term to end December 13, 2016.

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 2014-098
May 2, 2014

SUBJECT: Amendment and Appointments – Mayor's Advisory Committee on Child Abuse and Neglect

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(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(11) (2012 Repl.), and in accordance with Mayor's Order 2012-164, dated October 3, 2012, as amended by Mayor's Order 2014-074, dated April 9, 2014, it is hereby **ORDERED** that:

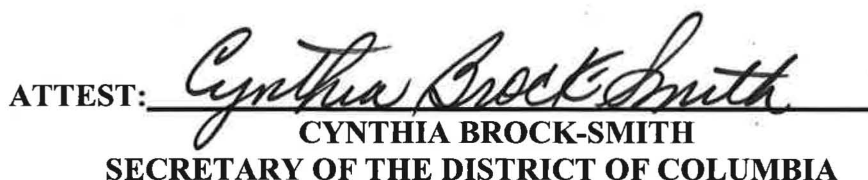
1. **SHARRA GREER** is appointed as a public member of the Mayor's Advisory Committee on Child Abuse and Neglect (hereinafter referred to as "Advisory Committee"), for a term to end on September 24, 2016.

2. **DENISE DUNBAR** is appointed as a member of the Advisory Committee, representing the Department of Behavioral Health, and shall serve in that capacity at the pleasure of the Mayor.

3. Section IV, Paragraph C of Mayor's Order 2012-164, dated October 3, 2012, is amended by striking the phrase "Department of Mental Health (DMH)" and inserting the phrase "Department of Behavioral Health (DBH)" in its place.

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 2014-099
May 2, 2014

SUBJECT: Appointment – Interim Director, Department of Consumer and Regulatory Affairs

ORIGINATING AGENCY: Office of the Mayor

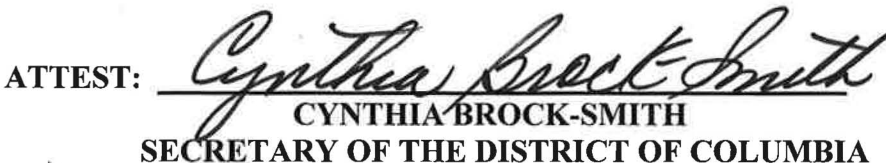
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

1. **RABBIAH SABBAKHAN** is appointed Interim Director of the Department of Consumer and Regulatory Affairs and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2011-80, dated April 22, 2011.

3. **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 2014-100
May 2, 2014

SUBJECT: Appointment – Acting Commissioner, Department of Insurance, Securities, and Banking

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

1. **CHESTER MCPHERSON** is appointed Acting Commissioner of the Department of Insurance, Securities, and Banking and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2013-219, dated November 19, 2013.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 20, 2014.

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 2014-101
May 5, 2014

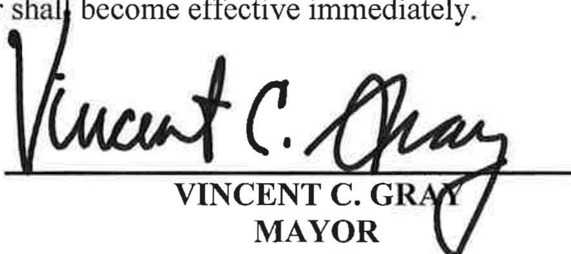
SUBJECT: Reappointment – District of Columbia Corrections Information Council

ORIGINATING AGENCY: Office of the Mayor

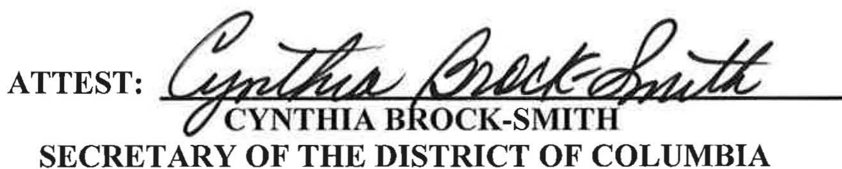
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to the Corrections Information Council Amendment Act of 2010, effective October 2, 2010, D.C. Law 18-233, D.C. Official Code § 24-101a (2012 Repl. and 2013 Supp.), it is hereby **ORDERED** that:

1. **REVEREND SAMUEL W. WHITTAKER**, who was nominated by the Mayor on July 8, 2013, and approved by the Council of the District of Columbia, pursuant to Resolution 20-439, on April 8, 2014, is reappointed as a member of the District of Columbia Corrections Information Council, for a two year term to end June 7, 2015.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR



ATTEST:
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-102
May 6, 2014

SUBJECT: Appointment – District of Columbia Retirement Board

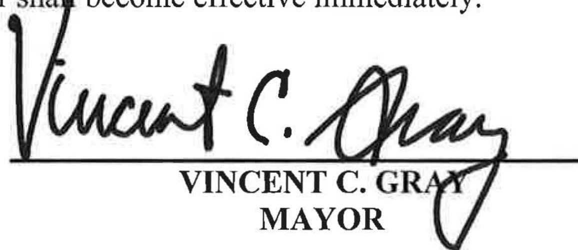
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Repl.)), and in accordance with section 121 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; Pub. L. 96-122; D.C. Official Code § 1-711 (2012 Repl.), it is hereby **ORDERED** that:

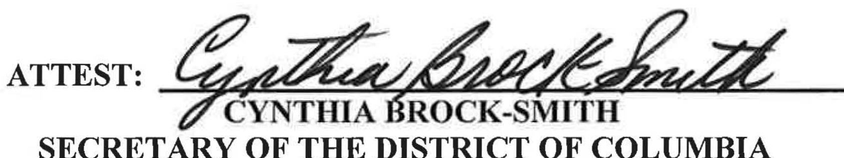
1. **LENDA P. WASHINGTON** is re-appointed as a member of the District of Columbia Retirement Board, for a four-year term to end January 27, 2019.

2. **JOSEPH CLARK** is appointed as a member of the District of Columbia Retirement Board to complete the remainder of an unexpired four-year term to end January 27, 2018.

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 2014-103
May 7, 2014

SUBJECT: Appointments – Domestic Violence Fatality Review 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 Repl.), and pursuant to section 2 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003, D.C. Law 14-296, D.C. Official Code § 16-1053 (2012 Repl.), it is hereby **ORDERED** that:

1. **JONATHAN O'REILLY**, who was nominated by the Mayor on October 1, 2013, and approved by the Council of the District of Columbia, pursuant to Resolution 20-0441, on April 8, 2014, is appointed as a community representative member of the Domestic Violence Fatality Review Board ("Board"), replacing Sandy I-Ru Grace, to complete the remainder of an unexpired vacant term to end July 20, 2016.

2. **ERIN S. LARKIN**, who was nominated by the Mayor on October 1, 2013, and approved by the Council of the District of Columbia, pursuant to Resolution 20-0442, on April 8, 2014, is appointed as a community representative member of the Board, replacing Lydia Carlson Watts, to complete the remainder of an unexpired vacant term to end July 20, 2016.

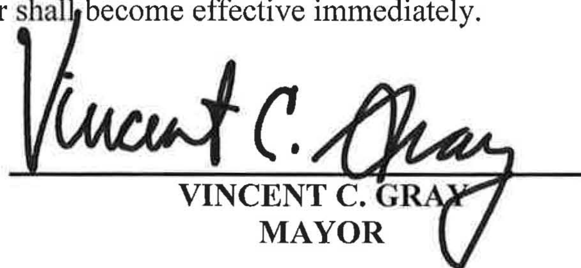
3. **VARINA JANE WINDER**, who was nominated by the Mayor on October 1, 2013, and approved by the Council of the District of Columbia, pursuant to Resolution 20-0443, on April 8, 2014, is appointed as a community representative member of the Board, replacing Dr. John David Robinson, to complete the remainder of an unexpired vacant term to end July 20, 2016.

4. **LAURIE S. KOHN**, who was nominated by the Mayor on October 2, 2013, and approved by the Council of the District of Columbia, pursuant to Resolution 20-0444, on April 8, 2014, is appointed as a community representative member of the Board, for a term to end July 20, 2016.

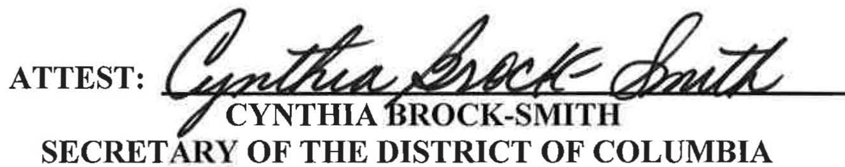
5. **SHARLENE KRANZ**, who was nominated by the Mayor on October 24, 2013, and approved by the Council of the District of Columbia, pursuant to Resolution 20-0446, on April 8, 2014, is appointed as a community representative member of the Board, replacing Lauren B. Cattaneo, to complete the remainder of an unexpired term to end July 20, 2016.

6. **ROGER A. MITCHELL, Jr., M.D., FASCP** is appointed as a member of the Board, representing the Office of the Chief Medical Examiner, and shall serve in that capacity at the pleasure of the Mayor.

7. **<u>EFFECTIVE DATE</u>:** 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 2014-104
May 7, 2014

SUBJECT: Reappointment and Appointments – Board of Massage Therapy

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.) and in accordance with section 215 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.15 (2012 Repl.), it is hereby **ORDERED** that:

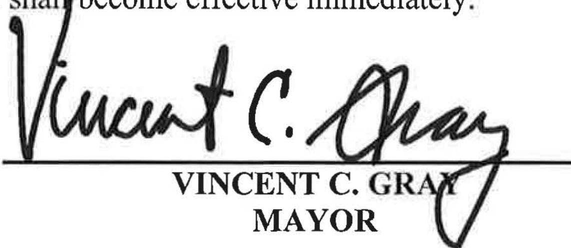
1. **CARY BLAND**, who was nominated by the Mayor on September 17, 2012, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 19-0952 on November 4, 2012, is reappointed, as a licensed massage therapist member of the Board of Massage Therapy ("Board"), for a term to end October 29, 2014.

2. **DANIELLE M. WEATHERFORD**, who was nominated by the Mayor on January 2, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0615 on February 22, 2014, is appointed, as a licensed massage therapist member of the Board, replacing Angelique Champena Bella, for a term to end October 29, 2014.

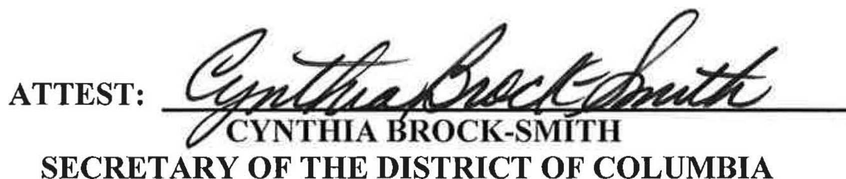
3. **PAMELA L. BIRCHETT**, who was nominated by the Mayor on February 25, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0667 on April 28, 2014, is appointed, as a licensed massage therapist member of the Board, replacing Joseph Leo, for a term to end October 29, 2016.

4. **LOUIS FERGUSON**, who was nominated by the Mayor on February 25, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0666 on April 28, 2014, is appointed, as a consumer member of the Board, for a term to end October 29, 2016.

5. **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 2014-105
May 7, 2014

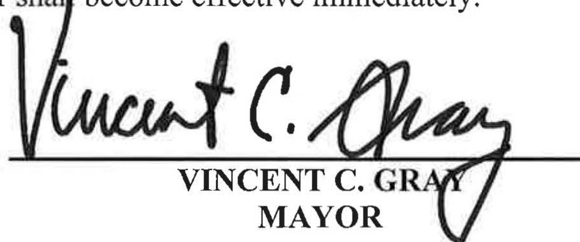
SUBJECT: Appointment – District of Columbia Health Information Exchange Policy Board

ORIGINATING AGENCY: Office of the Mayor

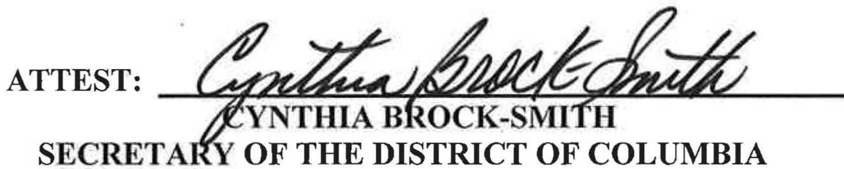
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and in accordance with Mayor's Order 2012-24, dated February 15, 2012, it is hereby **ORDERED** that:

1. **CRISTIAN E. BARRERA** is appointed to the District of Columbia Health Information Exchange Policy Board as the designee representative of the Executive Office of the Mayor, replacing Dr. Sonia R. Nagda, to serve at the pleasure of the Mayor.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-106
May 7, 2014

SUBJECT: Reappointment and Appointment – Board of Psychology

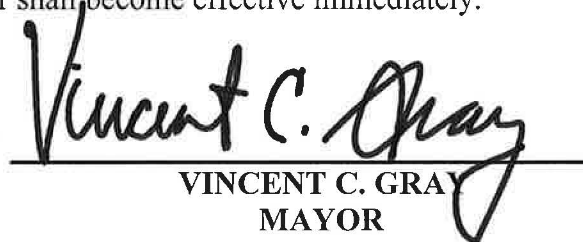
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 211 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.11 (2012 Repl.), it is hereby **ORDERED** that:

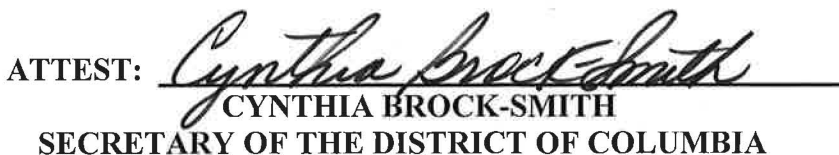
1. **DR. JULIET M. FRANCIS**, who was nominated by the Mayor on December 20, 2013, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0609 on February 22, 2014, is reappointed, as a psychologist member of the Board of Psychology ("Board"), for a term to end November 30, 2016.

2. **DR. MAIA COLEMAN KING**, who was nominated by the Mayor on February 19, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0662 on April 28, 2014, is appointed, as a psychologist member of the Board, replacing Dr. Barbara Roberts, for a term to end November 30, 2015.

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 2014-107
May 7, 2014

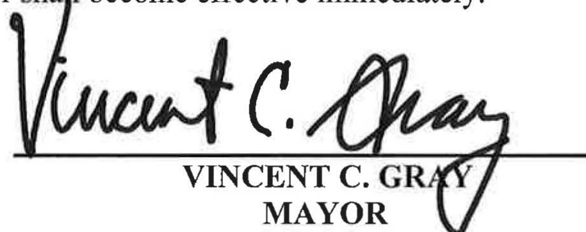
SUBJECT: Appointment – Commission on Re-Entry and Returning Citizen Affairs

ORIGINATING AGENCY: Office of the Mayor

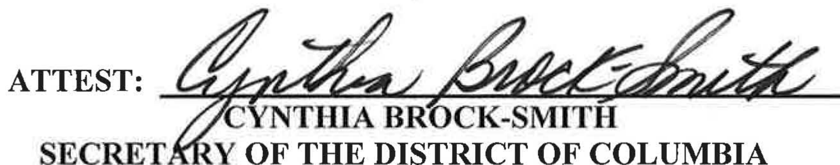
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), and in accordance with section 4 of the Office of Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007, D.C. Law 16-243, D.C. Official Code § 24-1303 (2012 Repl.), and Mayor's Order 2012-31, dated February 28, 2012, which re-designated the Commission on Re-Entry and Ex-Offender Affairs as the Commission on Re-Entry and Returning Citizen Affairs ("Commission"), it is hereby **ORDERED** that:

1. **JOSEPH THOMAS**, who was nominated by the Mayor on October 22, 2013, and deemed approved by the Council of the District of Columbia, pursuant to Proposed Resolution 20-0520, on December 21, 2013, is appointed as a member of the Commission, for a term to end August 4, 2016.

2. **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
LICENSING AGENDA

WEDNESDAY, MAY 21, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review request for change of address to amend license. No Outstanding Fines/Citations. No pending enforcement matters. No Settlement Agreement. ANC 2B. SMD 2B05. ***Joe's Seafood, Prime Steak and Stone Crab,*** 740 15th Street, NW, Retailer CR , License No. 093894.

---

2. Review letter of request for Storage Permit. No Outstanding Fines/Citations. No pending enforcement matters. ANC 5C. SMD 5C04. ***Capital Eagle, Inc.,*** 2815 V Street NE, Wholesaler A, License No. 026023.

---

3. Review request to extend license in Safekeeping since March 2013. ANC 1D. SMD 1D02. ***Sangria Cafe,*** 3636 16th Street NW, Retailer CR, License No. 090781.

---

4. Review request to extend license in Safekeeping since December 2013. ANC 2B. SMD 2B02. ***Al Crostino/Davali LLC***, 2122 Massachusetts Avenue NW, Retailer CR, License No. 086659.

---

5. Review application request to place license in Safekeeping. No Outstanding Fines/Citations. No pending enforcement matters. No Settlement Agreement. ANC 2A. SMD 2A04. ***Ancora,*** 600 New Hampshire Avenue NW, Retailer CR, License No. 091312.

---

6. Review Change of Hours application. ***Approved Hours of Operation and Sales***: Sunday 9am to 8pm. Monday-Saturday 9am to 9pm. ***Proposed Hours of Operation and Sales***: Sunday-Saturday 7am to 11:59pm. ANC 4D. SMD 4D05. No Outstanding Fines/Citations. No pending enforcement matters. ***Avenue Supermarket***, 5010 New Hampshire Avenue NW, Retailer B, License No. 090417.

Board's Agenda –May 21, 2014 - Page 2

7. Review Change of Hours application. ***Approved Hours of Operation and Sales***: Sunday 9am to 8pm. Monday-Saturday 9am to 8:30pm. ***Proposed Hours of Operation and Sales***: Monday-Friday 9am to 9pm. ANC 2F. SMD . No Outstanding Fines. No pending enforcement matters. Settlement Agreement. ***Capitol Supermarket***, 1231 11th Street NW, Retailer B Grocery, License No. 001688.

---

9. Review Application for Manager's License. ***Anthony Raul Reyes-Matute*** ABRA 095201.

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, MAY 21, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On May 21, 2014 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#14-CC-00045 Pupuseria San Miguel, 3110 MOUNT PLEASANT ST NW Retailer D Restaurant, License#: ABRA-074630

---

2. Case#14-CC-00047 Proof, 775 G ST NW Retailer C Restaurant, License#: ABRA-075357

---

3. Case#14-251-00117 Capitale, 1301 K ST NW Retailer C Nightclub, License#: ABRA-072225

---

4. Case#14-CC-00037 Ritz Carlton Georgetown, 3100 SOUTH ST ST NW Retailer C Hotel, License#: ABRA-060660

---

5. Case#14-CC-00038 Booeymonger Restaurant, 3265 PROSPECT ST NW Retailer D Restaurant, License#: ABRA-003496

---

6. Case#14-CMP-00158 HR-57, 1007 H ST NE Retailer C Tavern, License#: ABRA-088592

---

7. Case#14-CMP-00159 Federal Lounge, 2477 18TH ST NW Retailer C Tavern, License#: ABRA-091249

---

8. Case#14-CC-00046 Bar Charley, 1825 18TH ST NW Retailer C Restaurant, License#: ABRA-092461

Page **1** of **2**

9. Case#14-251-00111 DC Dragons Martial Art Training Center, 1731 RHODE ISLAND AVE NE Temporary , License#: ABRA-094753

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, MAY 21, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Request to Reinstate of Protest dated May 11, 2014 from Will Stephens, Chairman of ANC 2B. ***1819 Club,*** 1819 M Street NW, Retailer CN, Lic#: 71088. *Applicant consents to this request.*

---

2. Review of letter dated May 2, 2014 from Barbara Schauer, Abutting Property Owner. ***The American,*** 1209-1213 10th Street NW, Retailer CR, Lic#: 92766.

---

3. Review of Motion to Re-Open Show Cause Case dated April 30, 2014 from Charles Britton Swan Jr. President of Woodward Brothers, Inc. ***Rhino Bar & Pumphouse,*** 3295 M Street NW, Retailer CT, Lic#: 00523.

---

4. Review of one (1) request from E & J Gallo to provide retailers with products valued at more than $50 and less than $500.

*** In accordance with D.C. Official Code §2-574(b) Open Meetings Act, 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**

CHILD AND FAMILY SERVICES AGENCY

MAYOR'S ADVISORY COMMITTEE ON CHILD ABUSE AND NEGLECT (MACCAN)

2014 MONTHLY MEETING SCHEDULE

This notice outlines the schedule for the remainder of the year of the regular meetings of the Mayor's Advisory Committee on Child Abuse and Neglect. The meetings are held in open session and the public is invited to attend. The meetings are held at the Child and Family Services Agency (CFSA) 200 I Street SE Washington, DC 20003. A copy of the agenda for each meeting is posted on the 3rd Floor of the building three business days in advance. For further information, please contact Marcy Chell at 202 727 6322. This Schedule is subject to change.

DATE	TIME	LOCATION
Tuesday June 3, 2014	10:30 AM	CFSA
Tuesday July 29, 2014	10:30 AM	CFSA
Tuesday September 30, 2014	10:30 AM	CFSA
Tuesday November 25, 2014	10:30 AM	CFSA

CHILD AND FAMILY SERVICES AGENCY

NOTICE OF PUBLIC MEETING

Mayor's Advisory Committee on Child Abuse and Neglect (MACCAN)

Tuesday – June 3, 2014
10:30 a.m. – 12:00 p.m.
Child and Family Services Agency
200 I Street SE, Conference Room 2203B
Washington, DC 20003

Agenda

1. Call to Order

2. Ascertainment of Quorum

3. Acknowledgement of Adoption of the Minutes of the March 25, 2014, meeting

4. Report by the Chair and Co-Chair of MACCAN

    a. Review of Membership of MACCAN

    b. Recognition and Announcements

        - Brenda Donald, Director, CFSA: Recipient of the 2013 Betsey R. Rosenbaum Award from the National Association of Public Administrators (NAPCWA)

        - Dr. Allison Jackson, Division Chief, Child and Adolescent Protection Center, Children's National Medical Center: Recipient of the 2014 ACYF Commissioner's Award

        - Child and Family Services Agency featured in the Consultants' Corner Newsletter April 2014 for their success in the use of the R.E.D Team (Review, Evaluate and Direct) framework

    c. OPPPS Documents Reviewed

    d. Trauma Systems Therapy (TST)

5. Opportunity for Public Comment

6. Adjournment

If any questions/comments, please contact Marcy Chell at (202) 727-6322 or marcy.chell@dc.gov.

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

CITYWIDE REGISTRATION SUMMARY

As Of APRIL 30, 2014

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	41,768	2,587	697	46	124	10,944	**56,166**
2	28,539	5,417	206	54	119	10,424	**44,759**
3	35,687	6,663	334	43	94	10,891	**53,712**
4	46,293	2,142	495	26	128	8,465	**57,549**
5	48,622	1,903	535	28	139	8,034	**59,261**
6	49,349	5,974	491	72	150	11,775	**67,811**
7	48,433	1,223	430	6	107	6,656	**56,855**
8	45,663	1,224	403	9	159	7,008	**54,466**
Totals	344,354	27,133	3,591	284	1,020	74,197	**450,579**
Percentage By Party	**76.42%**	**6.02%**	**.80%**	**.06%**	**.23%**	**16.47%**	**100.00%**

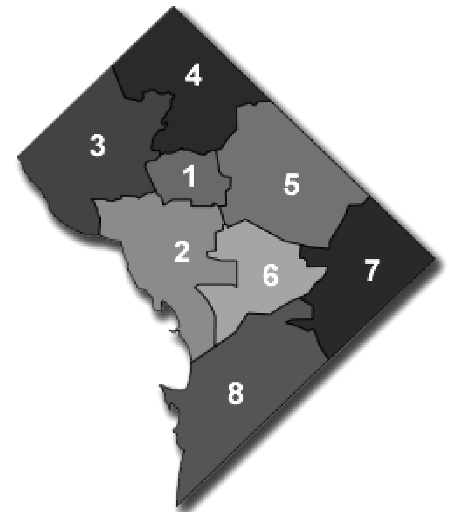
DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF

VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS

AS OF THE END OF APRIL 30, 2014

COVERING CITY WIDE TOTALS BY:

WARD, PRECINCT AND PARTY



ONE JUDICIARY SQUARE

441 4TH STREET, NW SUITE 250N

WASHINGTON, DC 20001

(202) 727-2525

http://www.dcboee.org

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,279	29	6	1	7	188	**1,510**
22	3,527	296	29	5	7	908	**4,772**
23	2,654	164	52	5	6	680	**3,561**
24	2,349	213	31	4	6	720	**3,323**
25	3,610	398	60	3	7	1,060	**5,138**
35	3,297	199	59	2	8	933	**4,498**
36	4,088	259	59	2	9	1,091	**5,508**
37	3,025	128	47	3	6	664	**3,873**
38	2,626	132	55	4	8	692	**3,517**
39	4,058	203	81	5	13	959	**5,319**
40	3,793	202	95	2	20	1,074	**5,186**
41	3,213	182	65	6	15	984	**4,465**
42	1,720	63	30	3	6	447	**2,269**
43	1,621	65	20	1	2	344	**2,053**
137	908	54	8	0	4	200	**1,174**
TOTALS	**41,768**	**2,587**	**697**	**46**	**124**	**10,944**	**56,166**

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

WARD 2 REGISTRATION SUMMARY

As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	670	144	7	0	7	403	**1,231**
3	1,291	352	12	4	13	595	**2,267**
4	1,618	445	8	3	5	759	**2,838**
5	2,108	653	12	4	10	817	**3,604**
6	2,274	914	21	3	17	1,245	**4,474**
13	1,327	255	7	2		453	**2,044**
14	2,722	437	24	6	10	981	**4,180**
15	2,893	320	19	7	10	830	**4,079**
16	3,397	356	25	7	12	866	**4,663**
17	4,678	622	40	9	17	1,562	**6,928**
129	1,903	310	13	4	5	698	**2,933**
141	2,132	239	10	3	8	631	**3,023**
143	1,526	370	8	2	5	584	**2,495**
TOTALS	**28,539**	**5,417**	**206**	**54**	**119**	**10,424**	**44,759**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,174	385	17	0	2	531	**2,109**
8	2,297	604	23	3	7	707	**3,641**
9	1,102	488	8	3	6	459	**2,066**
10	1,674	409	11	2	8	610	**2,714**
11	3,221	913	39	2	6	1,328	**5,509**
12	453	189	1	0	2	207	**852**
26	2,770	341	25	3	3	874	**4,016**
27	2,353	280	16	3	5	578	**3,235**
28	2,228	516	32	5	8	747	**3,536**
29	1,167	227	10	1	5	363	**1,773**
30	1,225	220	15	3	3	259	**1,725**
31	2,305	306	20	2	8	538	**3,179**
32	2,623	307	21	2	3	600	**3,556**
33	2,808	327	31	4	9	707	**3,886**
34	3,432	476	25	6	6	1,116	**5,061**
50	2,000	287	13	3	9	458	**2,770**
136	827	115	8	1		311	**1,262**
138	2,028	273	19	0	4	498	**2,822**
TOTALS	**35,687**	**6,663**	**334**	**43**	**94**	**10,891**	**53,712**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,089	73	36	4	7	407	**2,616**
46	2,720	65	30	1	9	496	**3,321**
47	2,840	137	35	3	9	680	**3,704**
48	2,665	128	29	1	7	524	**3,354**
49	845	36	15	0	4	173	**1,073**
51	3,199	536	19	1	7	620	**4,382**
52	1,255	177	5	0	3	213	**1,653**
53	1,217	74	20	1	5	249	**1,566**
54	2,262	86	31	1	4	454	**2,838**
55	2,316	68	21	1	6	403	**2,815**
56	2,965	78	31	0	10	635	**3,719**
57	2,438	69	31	2	13	415	**2,968**
58	2,231	53	17	1	2	358	**2,662**
59	2,516	79	30	4	9	388	**3,026**
60	2,102	76	23	2	7	650	**2,860**
61	1,571	49	12	0	1	273	**1,906**
62	3,100	122	27	0	2	340	**3,591**
63	3,344	125	48	0	12	595	**4,124**
64	2,180	51	14	1	5	299	**2,550**
65	2,438	60	21	3	6	293	**2,821**
Totals	**46,293**	**2,142**	**495**	**26**	**128**	**8,465**	**57,549**

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

WARD 5 REGISTRATION SUMMARY

As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	3,880	171	60	4	6	885	**5,006**
44	2,763	203	28	4	12	613	**3,623**
66	4,402	98	40	1	10	477	**5,028**
67	2,934	98	24	0	8	379	**3,443**
68	1,865	134	24	4	6	370	**2,403**
69	2,085	67	13	1	10	249	**2,425**
70	1,418	64	17	1	3	203	**1,706**
71	2,325	56	25	1	8	327	**2,742**
72	4,285	111	23	0	14	701	**5,134**
73	1,848	84	29	4	6	326	**2,297**
74	4,015	180	56	2	9	745	**5,007**
75	3,164	132	52	2	5	661	**4,016**
76	1,313	58	13	0	4	243	**1,631**
77	2,701	92	29	1	7	450	**3,280**
78	2,803	75	34	0	8	413	**3,333**
79	1,866	69	16	1	8	301	**2,261**
135	2,903	174	43	2	11	499	**3,632**
139	2,052	37	9	0	4	192	**2,294**
TOTALS	**48,622**	**1,903**	**535**	**28**	**139**	**8,034**	**59,261**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	3,817	389	45	4	15	987	**5,257**
18	4,067	241	39	5	11	848	**5,211**
21	1,132	57	19	2	2	236	**1,448**
81	4,626	341	41	4	15	905	**5,932**
82	2,514	252	26	5	10	537	**3,344**
83	3,733	423	34	9	9	902	**5,110**
84	1,966	408	24	4	6	525	**2,933**
85	2,591	480	22	3	7	711	**3,814**
86	2,237	268	26	0	7	475	**3,013**
87	2,678	226	20	1	7	529	**3,461**
88	2,115	291	14	1	6	507	**2,934**
89	2,498	653	22	8	5	745	**3,931**
90	1,581	265	11	3	5	461	**2,326**
91	4,032	353	37	5	15	920	**5,362**
127	3,795	256	46	5	10	743	**4,855**
128	2,137	188	28	4	8	563	**2,928**
130	781	313	9	2	5	287	**1,397**
131	1,733	411	12	6	4	553	**2,719**
142	1,316	159	16	1	3	341	**1,836**
TOTALS	**49,349**	**5,974**	**491**	**72**	**150**	**11,755**	**67,811**

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

WARD 7 REGISTRATION SUMMARY

As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,489	77	16	0	5	251	**1,838**
92	1,606	37	11	1	6	236	**1,897**
93	1,543	42	15	1	4	208	**1,813**
94	2,011	49	17	0	2	265	**2,344**
95	1,666	41	18	0		294	**2,019**
96	2,366	66	23	0	8	356	**2,819**
97	1,521	34	15	0	4	194	**1,768**
98	1,791	41	24	0	4	249	**2,109**
99	1,463	40	17	1	5	227	**1,753**
100	2,174	43	16	1	4	261	**2,499**
101	1,670	32	17	0	5	180	**1,904**
102	2,494	50	24	0	4	309	**2,881**
103	3,626	92	38	0	12	552	**4,320**
104	3,008	77	24	0	10	432	**3,551**
105	2,400	58	22	0	3	381	**2,864**
106	2,966	67	22	0	7	436	**3,498**
107	1,918	52	16	0	4	279	**2,269**
108	1,134	25	6	0		112	**1,277**
109	942	33	7	0	1	88	**1,071**
110	3,732	93	25	2	7	391	**4,250**
111	2,477	57	23	0	7	346	**2,910**
113	2,226	61	20	0	2	266	**2,575**
132	2,210	56	14	0	3	343	**2,626**
TOTALS	**48,433**	**1,223**	**430**	**6**	**107**	**6,656**	**56,855**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of APRIL 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,081	57	8	1	9	288	**2,444**
114	3,159	104	26	1	16	507	**3,813**
115	2,913	69	18	1	10	600	**3,611**
116	3,865	97	39	0	13	555	**4,569**
117	1,893	45	14	0	9	279	**2,240**
118	2,679	66	27	1	9	386	**3,168**
119	2,893	108	39	1	8	540	**3,589**
120	1,963	38	20	0	5	308	**2,334**
121	3,330	74	33	1	12	481	**3,931**
122	1,810	42	17	0	4	239	**2,112**
123	2,266	90	23	1	12	339	**2,731**
124	2,605	58	14	1	4	350	**3,032**
125	4,762	120	42	0	11	729	**5,664**
126	3,880	117	37	1	19	678	**4,732**
133	1,404	40	11	0	5	178	**1,638**
134	2,209	40	24	0	5	263	**2,541**
140	1,951	59	11	0	8	288	**2,317**
TOTALS	**45,663**	**1,224**	**403**	**9**	**159**	**7,008**	**54,466**

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 3/31/2014 and 4/30/2014

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	**339,182**	**27,253**	**3,614**	**238**	**1,054**	**76,112**	**447,453**
Board of Elections Over the Counter	12	0	0	0	0	0	**12**
Board of Elections by Mail	57	3	1	0	1	36	**98**
Board of Elections Online Registration	241	7	3	3	0	11	**265**
Department of Motor Vehicle	893	55	9	8	3	194	**1,162**
Department of Disability Services	2	0	0	0	0	1	**3**
Office of Aging	0	0	0	0	0	0	**0**
Federal Postcard Application	0	1	0	0	0	0	**1**
Department of Parks and Recreation	0	0	0	0	0	0	**0**
Nursing Home Program	3	1	0	0	0	0	**4**
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	**0**
Department of Corrections	1	0	1	0	0	0	**2**
Department of Human Services	11	1	0	0	0	5	**17**
Special / Provisional	704	3	3	1	0	1	**712**
All Other Sources	398	3	0	2	0	6	**409**
+Total New Registrations	**2,322**	**74**	**17**	**14**	**4**	**254**	**2,685**

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	268	14	3	1	3	21	**310**
Administrative Corrections	79	37	3	0	0	521	**640**
+TOTAL ACTIVATIONS	**347**	**51**	**6**	**1**	**3**	**542**	**950**

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	217	13	3	1	1	50	**285**
Moved Out of District (Deleted)	0	0	0	0	0	0	**0**
Felon (Deleted)	9	0	0	0	0	1	**10**
Deceased (Deleted)	53	2	0	0	0	4	**59**
Administrative Corrections	106	15	0	1	15	18	**155**
-TOTAL DEACTIVATIONS	**385**	**30**	**3**	**2**	**16**	**73**	**509**

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	3,042	88	68	40	42	81	
- Changed From Party	-154	-303	-111	-7	-67	-2,719	
ENDING TOTALS	**344,354**	**27,133**	**3,591**	**284**	**1,020**	**74,197**	**450,579**

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

GRANTS FOR
Demonstration Projects and Monitoring Activities
Related to Nonpoint Source Pollution

The District Department of the Environment ("DDOE") is seeking applicants to monitor stormwater runoff, assess stream health, and install practices to manage stormwater.

Beginning May 16, 2014, the full text of the Request for Applications ("RFA") will be available online at DDOE's website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

> **Download** by visiting DDOE's website, www.ddoe.dc.gov. Look for the following title/section, "Resources," click on it, cursor over the pull-down "Grants and Funding," click on it, then, on the new page, cursor down to the announcement for this RFA. Click on "read more," then choose this document, and related information, to download in PDF format;
>
> **Email** a request to 2014nonpointsourceRFA.grants@dc.gov with "Request copy of RFA 2014-1406-WPD" in the subject line;
>
> **In person** by making an appointment to pick up a copy from the DDOE offices 5th floor reception desk at 1200 First Street NE, 5th Floor, Washington, DC 20002 (call Stephen Reiling at (202) 442-7700 and mention this RFA by name); or
>
> **Write** DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Request copy of RFA 2014-1406-WPD" on the outside of the letter.

The deadline for application submissions is June 6, 2014 at 5:00 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2014nonpointsourceRFA.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

☒-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

☒-Faith-based organizations;

☐-Government agencies;

☒-Universities/educational institutions; and

☒-Private enterprises.

Period of Awards: The end date for the work of this grant program will be 5/31/2017.

Available Funding: The total amount available for this RFA is approximately $574,000.00. The amount is subject to continuing availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact DDOE as instructed in the RFA document, at 2014nonpointsourceRFA.grants@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY

GRANTS for
Training for a Green DC: Stormwater Retention Best Management Practice Maintenance Training Course

The District Department of the Environment ("DDOE") is seeking nonprofit organizations or educational institutions to develop a training course for the maintenance of stormwater retention Best Management Practices (BMPs).

Beginning **5/16/2014**, the full text of the Request for Applications ("RFA") will be available online at DDOE's website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

> **Download** by visiting the DDOE's website, www.ddoe.dc.gov. Look for the following title/section, "Resources," click on it, cursor over the pull-down "Grants and Funding," click on it, then, on the new page, cursor down to the announcement for this RFA. Click on "read more," then choose this document, and related information, to download in PDF format;
>
> **Email** a request to 2014GreenjobsDCRFA.grants@dc.gov with "Request copy of RFA 2014-14-08-SWMD" in the subject line;
>
> **In person** by making an appointment to pick up a copy from the DDOE offices 5th floor reception desk at 1200 First Street NE, 5th Floor, Washington, DC 20002 (call Michael DeVito at (202) 645-4231 and mention this RFA by name); or
>
> **Write** DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Request copy of RFA 2014-14-08-SWMD" on the outside of the letter.

The deadline for application submissions is 6/13/2014, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2014GreenjobsDCRFA.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

☒-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

☒-Faith-based organizations;

☐-Government agencies; and

☒-Universities/educational institutions.

Period of Awards: The end date for the work of this grant program will be two (2) years from the date of execution.

Available Funding: The total amount available for this RFA is approximately $150,000.00**.** The amount is subject to continuing availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact DDOE as instructed in the RFA document, at 2014GreenjobsDCRFA.grants@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6421-R1) to Reynolds II, LLC d/b/a MAACO Collision Repair and Auto Painting, to operate an auto body paint spray booth at 1913 Bladensburg Road NE, Washington, DC. The contact person for the facility is Earl Jason Reynolds, General Manager, at (202) 552-1800.

Emissions:

The maximum estimated potential emissions of volatile organic compound (VOC) from the auto body paint spray booth equipment, operating fifty two weeks (52) per year, is expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Volatile Organic Compounds (VOC)	5.85

The proposed emission limits are as follows:

a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]

b. Paints and refinishing coatings that contain volatile organic compounds (VOCs) in excess of the limits specified in Table I below, including any VOC containing materials added to the original coating supplied by the manufacturer, shall be prohibited. [20 DCMR 718.3]

Table I: Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings *(as applied)*

Coating Type	Weight	Limit*
	(Pounds per gallon)	(Grams per liter)
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat:		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive multi-colored topcoat	5.7	680
Automotive specialty coating	7.0	840

*Weight of VOC per volume of coating (minus water and non-VOC solvents)

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]

d. Visible emissions shall not be emitted into the outdoor atmosphere from the paint spray booth. [20 DCMR 201.1, 606.1 and 903.1]

The permit application and supporting documentation, along with the draft renewal permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after June 16, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Audiology and Speech-Language Pathology ("Board") hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) ("Act").

The Board will change its meeting schedule from the third Monday of every month to the third Monday on a quarterly basis. The Board's next meeting will be held on Monday, July 21, 2014, from 9:15 am to 12:00 pm. The meeting will be open to the public from 9:15 am until 10:30 am to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Law 18-350, the meeting will be closed from 10:30 am to 12:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Health Professional Licensing Administration website at http://doh.dc.gov/events and to view additional information and agenda.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The Director of the Department of Health hereby gives the following notice pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2009); Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010 (Act), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.01, *et seq*. (2012 Supp.)), and Mayor's Order 2013-201, dated October 28, 2013.

The District of Columbia Medical Marijuana Intergovernmental Subcommittee of the Medical Marijuana Advisory Committee will hold a meeting on:

Tuesday, May 20, 2014 at 9:00 a.m.
At 899 North Capitol St, NE, Room 216
Washington, D.C. 20002

Following the Open Session of the meeting, the Subcommittee will meet in executive (closed) session pursuant to D.C. Official Code § 2-575(b), and for the purposes set forth therein.

DEPARTMENT OF HUMAN RESOURCES

EXCEPTED SERVICE EMPLOYEES AS OF APRIL 29, 2014

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Ribeiro	Pedro	Director of Communications	10
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Executive Director	09
Excepted Service	Barge	Lolita	Director of Legislative Support	08
Excepted Service	Barnes	Lafayette	Program Analyst	08

OFFICE OF THE MAYOR				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Deputy Dir. Neighborhood Engage	07
Excepted Service	Harris	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Lowery	Terese	Exec Dir. for Comm on Women	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Thompson	Tiffanie	Budget Analyst	07
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	Fluker	Clarence	Comm. & Initiatives Specialist	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06
Excepted Service	Sereke-Brhan	Heran	Program Analyst	06
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Adams	Lisa	Policy Analyst	05

OFFICE OF THE MAYOR				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Hernandez Maduro	Frank	Community Relations Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05
Excepted Service	Walker	David	Staff Assistant	05
Excepted Service	Watson	Leonard	Special Assistant	05
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Onwuche	Charles	Outreach & Service Specialist	05
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Pierce	Ashley	Scheduling Support Assistant	03
Excepted Service	Weaver	Zachary	Policy Analyst	02

OFFICE OF THE CITY ADMINISTRATOR				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Lew	Allen	City Administrator	11
Excepted Service	Graves	Warren	Chief of Staff	11
Excepted Service	Campbell	Natasha	Director, OLRCB	10
Excepted Service	Robinson	Anthony	Director	10
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	09

OFFICE OF THE CITY ADMINISTRATOR				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Love	Phyllis	Management & Program Analyst Officer	08
Excepted Service	Moss	J Laverne	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Sweeney	Brian	Supvy Criminal Investigator	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Weeks	Marcus	Attorney-Advisor	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Muracco	Dominick	Attorney-Advisor	08
Excepted Service	Nguyen	Dangkhoa	Attorney Advisor	08
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

DEPARTMENT OF GENERAL SERVICES				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07
Excepted Service	Pierno	Robert	Special Assistant	05

DEPARTMENT OF CORRECTIONS				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Mynett	Beth	Medical Officer	11
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Etheridge	Lashonia	Staff Assistant	02

DC DEPARTMENT OF HUMAN RESOURCES				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Thomas	Jorhena	Fusion Center Operations Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

OFFICE ON LATINO AFFAIRS				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Sinisterra	Didier	Deputy Director on Latino Affairs	07

DEPARTMENT OF EMPLOYMENT SERVICES				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Luparello	F. Thomas	Interim Director	11
Excepted Service	Reich	Stephanie	Chief Operating Officer	09
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05

OFFICE OF CABLE TELEVISION				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	McKoin	Claudia	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09
Excepted Service	Bailey	Milton	Chief of Staff	09

OFFICE OF PLANNING				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Levy	David	Special Assistant for Substance	09

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Nichols	Richard	Chief of Staff	11
Excepted Service	Palmer	Crystal	Special Assistant	10
Excepted Service	Miller	Mark	Chief Operating Officer	10
Excepted Service	Trueblood	Andrew	Deputy Chief of Staff	09
Excepted Service	Cross	Jason	Special Assistant	08
Excepted Service	Ellis	Gary	Special Assistant	08
Excepted Service	Tyus	Darnetta	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Edwards	Ronnie	Deputy Dir for Busi Ops	09

DEPARTMENT OF FORENSIC SCIENCES				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Maguire	Christopher	Deputy Director	11
Excepted Service	Funk	Christine	General Counsel	10

METROPOLITIAN POLICE DEPARTMENT				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Durham	Alfred	Chief of Staff	11
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate Communications	09
Excepted Service	Major	Jacob	Lieutenant	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic Change Division	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Lewis	Turna	Labor Management Liaison Specialist	10
Excepted Service	Andre	Karen	Labor Management Liaison Officer	09
Excepted Service	Roque	Sarah	Public Health Analyst	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Quander	Paul	Deputy Mayor	11

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Aguierre	Jesus	Interim State Superintendent of Education	11
Excepted Service	Calderon	Miriam	Special Assistant	08

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Comey	Jennifer	Special Assistant	08
Excepted Service	Fejeran	Celine	Program Analyst	07

DEPARTMENT OF PARKS AND RECREATION				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Shanklin	Sharia	Interim Director	11
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Kharfen	Michael	Senior Deputy Director	11
Excepted Service	Springer	Ryan	Senior Deputy Director CHA	11
Excepted Service	Mehta	Rikin	Senior Deputy Director Health Reg	11
Excepted Service	Amy	Brian	Senior Deputy Director	10
Excepted Service	Shorter	Chris	Chief Operating Officer	10
Excepted Service	Chichester	Colette	Chief of Staff	09

OFFICE OF HUMAN RIGHTS				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Palacio	Monica	Acting Director	10

DEPARTMENT OF HUMAN SERVICES				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Greenwalt	Kristy	Executive Director Interagency Council	11
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Elam	Linda	Deputy Director	11
Excepted Service	Nathan	Ganayswaran	Dep. Dir. for Medicaid Finance	11
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	Rapp	Melisa	Chief of Staff	09

DISTRICT DEPARTMENT OF TRANSPORTATION				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Nicholson	Ronaldo	Chief Transportation Engineer	11
Excepted Service	Jackson	Carl	Assoc Dir for Prog Transp Svcs	10
Excepted Service	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF PUBLIC WORKS				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Carter	Michael	Deputy Director for Operations	10
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Lee	Sandra	Outreach & Service Specialist	05
Excepted Service	Bulger	James	Outreach & Service Specialist	05
Excepted Service	Johnson	Stephanie	Admin Support Specialist	03

CHILD AND FAMILY SERVICES AGENCY				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF BEHAVORIAL HEALTH				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Canavan	Patrick	Health System Administrator	11
Excepted Service	Buckson	Frances	Senior Deputy Director, APRA	11
Excepted Service	Jones	Phyllis	Chief of Staff	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	McPherson	Chester	Interim Director	10

OFFICE OF MOTION PICTURE & TELEVISION				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Bagley	Pierre	Director	10
Excepted Service	Green	Leslie	Senior Communications Manager	08

DC TAXICAB COMMISSION				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Linton	Ron	Chairman DC Taxicab Commission	10
Excepted Service	McInnis	Sharon	Licensing & Enforcement Ofcr.	08

OFFICE OF TENANT ADVOCATE				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
APPOINTMENT TYPE	*LAST NAME*	*FIRST NAME*	*POSITION TITLE*	*GRADE*
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09

INSPIRED TEACHING DEMONSTRATION PUBLIC CHARTER SCHOOL

NOTICE OF INTENT
TO ENTER INTO A SOLE SOURCE CONTRACT

The Inspired Teaching Demonstration Public Charter School intends to enter into a Sole Source Contract with Center for Inspired Teaching to place Teaching Residents in its classrooms. As outlined in its charter, the Inspired Teaching School serves as a training site for teachers in Center for Inspired Teaching's Inspired Teacher Certification Program; the Teaching Residents are a critical component of the school's mission and academic program. The cost of the contract for 2014-2015 is expected to be $210,000 for seven (7) Teaching Residents.

MUNDO VERDE PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Moving Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for Moving Service from a 20,217 square foot facility to a 40,000 square foot facility. Proposals are due no later than 5 P.M. May 30, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Janitorial Supplies

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for Janitorial Supplies for a 40,000 square foot facility. Proposals are due no later than 5 P.M. June 6, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Janitorial Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for Janitorial Services for a 40,000 square foot facility. Proposals are due no later than 5 P.M. June 6, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Building and Security Access Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for Building Access and Security Services for a 40,000 square foot facility. Proposals are due no later than 5 P.M. May 30, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

IT Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for IT Services for a 40,000 square foot facility. Proposals are due no later than 5 P.M. May 30, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Copiers and Copier Maintenance Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for Copiers and Copier Maintenance Services for a 40,000 square foot facility. Proposals are due no later than 5 P.M. May 30, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Network and Wireless Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for Network and Wireless Services for a 40,000 square foot facility. Proposals are due no later than 5 P.M. May 23, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Waste Management Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for LEED compliant Waste Management Services for a 40,000 square foot facility. Proposals are due no later than 5 P.M. June 6, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Phone System

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for Phone Systems for a 40,000 square foot facility. Proposals are due no later than 5 P.M. May 23, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Bus Services

Mundo Verde Public Charter School invites all interested and qualified vendors to submit proposals for shuttle Bus Services from Columbia Heights and 30 P St NW. Proposals are due no later than 5 P.M. May 30, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at (202) 630-8373 or emailing ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

Options Public Charter School
Technology Management Firm

Options Public Charter School (Options PCS) is seeking a technology project management (PM) firm to manage the tasks and programs described in Scope of Work. Options PCS is an open-enrollment public charter school in Northeast D.C., serving students in grades 6 through 12. Options provides individualized instruction and targeted support to help all students earn the knowledge and skills they need to be successful in college and post-secondary careers. If interested, for full RFP contact:

Ms. Kenesha Kelley
kkelley@optionsschool.org
202 547 1028

Proposals are due: Monday May 26, 2014 at 4:00 PM, either electronically, by fax (202 547 1272), or in person.

PERRY STREET PREP PUBLIC CHARTER SCHOOL

NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES

The Perry Street Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Janitorial Services
- Landscaping Services
- Special Education Contracted Services
- Special Education Legal Services
- Outsourced Accounting Services
- Online Credit Recovery Services
- Student Data Management Services
- Landscaping Services
- Student Interim Assessment Services
- School Marketing Services
- Student Transportation Services

E-mail the Bid Administrator at psp_bids@pspdc.org to request a full RFP offering more detail on scope of work and bidder requirements. Please include the subject of this notice in your e-mail request. Respondents should specify in their proposal and contract drafts whether the services they are proposing are only for a single year or will include a renewal option.

Proposals shall be received no later than 5:00 P.M., Monday, May 26, 2014.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
psp_bids@pspdc.org

OFFICE OF THE DEPUTY MAYOR
FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

DIGITAL DC TECHNOLOGY FUND

The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for the Digital DC Technology Fund Grant, authorized from the Economic Development Special Account pursuant to DC Official Code §2-1225.21 and also pursuant to the Great Streets Neighborhood Retail Priority Area Congressional Review Emergency Amendment Act of 2013, D.C. Official Code Section 2-1217.71 et seq.

Grant funds purpose and availability:
The purpose of the DDCTF is to serve as a catalytic fund that invests in and promotes the success of early and growth stage tech-entrepreneurs with technology ventures in the District in an effort to attract new businesses, increase the District's tax base, and create new jobs for District residents. DMPED will award individual grants of a minimum of $25,000 and up to a maximum of $200,000 each to support and foster growth among small businesses. Grant funds will be utilized by grantees for capital expenditures to renovate property, equipment upgrades, financing of existing debt, merchandise, product inventory, rent, payroll, day-to-day operational costs (e.g. utilities, taxes, maintenance, refuse, etc.), moving expenses, or business consulting expenses.

Eligible applicants:

- Company must be a Qualified High Technology Company (QHTC), defined as:
  a) An individual or entity organized for profit;
  b) Maintains an office, headquarters, or base of operations in the District of Columbia;
  c) Has two or more employees in the District (other than founders, board members, and spouses);
  d) Receives at least 51% of its gross revenue from one or more of certain "permitted" activities (D.C. Code 47-1817.1(5)(A)(iii);
  e) Does not receive 51% or more of its gross revenue from operating a retail store or electronic equipment facility in the District;
- Company must be headquartered within the Digital DC Opportunity Corridor or be relocated to the Digital DC Tech Opportunity Corridor within six months of initial funding and for a minimum of 36 months.
- Company must commit to hire DC-residents (or those who will become DC residents within 6 months) for 51% of new positions. Company must commit to participate in the District-subsidized Summer Youth Employment Program/One City High School Intern program

Eligible applicants must possess all of the following prior to an award being made:

1. Be a registered business in Good Standing with the DC Department of Consumer and Regulatory Affairs (DCRA), the DC Office of Tax and Revenue (OTR), the DC

Department of Employment Services (DOES), and the federal Internal Revenue Service (IRS)

2. Possess property and liability insurance (an insurance quote is permitted for new businesses) compliant with requirements set forth in this application.
3. Verification of location eligibility on the targeted Digital DC Tech Opportunity Corridor (boundaries listed on digitaldc.co) and possess site control of the property on which the business is located through one of the following --
   - Ownership by deed
   - Property control by execution of contract of sale to purchase the property
   - Property control by execution of an option to purchase the property
   - Execution as lessee of lease with an unexpired term of at least one (1) year
4. Company must commit to being headquartered within the District for a minimum of 36 months.

Prior to the execution of a grant agreement, the grantee must enter into a First Source Agreement with DOES. More information about the First Source Program can be found at does.dc.gov.

The grant application will be released on **Monday, June 2, 2014**. The grant application will be available on the Digital DC website at www.digitaldc.co. Applicants must submit a completed online application to DMPED by **Friday, June 20, 2014 at 5:00 PM**. Late applications will not be forwarded to the review team.

DMPED will host multiple informational sessions at various co-working spaces in the District; once confirmed, details will be posted on the DMPED website at dcbiz.dc.gov and on the Digital DC website at www.digitaldc.co.

Please direct all inquiries to:
LaToyia Hampton**,** Grants Manager
Office of the Deputy Mayor for Planning and Economic Development
1100 4th Street, SW
Washington, DC 20024
Telephone: (202) 724-7648
Email: LaToyia.Hampton@dc.gov

D.C. PREPARATORY ACADEMY

NOTICE OF REQUEST FOR PROPOSAL FOR NMTC FINANCING & LEGAL SERVICES

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for **financial, consulting, and legal services** related to new market tax credit financing for a public charter school real estate project. Please contact Mr. Ryan Aurori at bids@dcprep.org for a copy of the full Request for Proposal (RFP). All proposals must be submitted by **12:00 noon** on **June 2, 2014.**

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

Government of the District of Columbia
Public Employee Relations Board

In the Matter of: District of Columbia Office of the Attorney General, Petitioner, and American Federation of State, County and Municipal Employees, District Council 20 (on behalf of Raquel Beaufort), Respondent.	PERB Case No. 14-A-02 Opinion No. 1459

DECISION AND ORDER

I. Statement of the Case

On November 11, 2013, the District of Columbia Office of the Attorney General filed an Arbitration Review Request ("Request") challenging Arbitrator Andrew M. Strongin's October 18, 2013 Arbitration Award on the grounds that (1) the Arbitrator exceeded his authority and (2) the Award on its face is contrary to law or public policy. On March 3, 2014, AFSCME filed an Opposition to the Agency's Arbitration Review Request.

II. The Award

The arbitration involved a grievance filed by AFSCME, District Council 20 ("Union"), on behalf of Raquel Beaufort ("Grievant"), objecting to her November 18, 2010, removal from her position as a Legal Assistant. (Award at 2). During the arbitration proceedings, the parties stipulated that the "issue is whether there is proper cause for grievant's termination within the meaning to Article 7 of the Agreement." (Award at 16). The Union argued that Grievant's termination was "without proper cause in violation of Article 7 of the parties' Agreement," asking for Grievant's reinstatement to her former position and make whole remedy for her

losses. *Id.*

Grievant was hired in 2004 as a Legal Clerk in the Juvenile Section of the OAG. Then in 2008 she was promoted to the position of Legal Assistant. (Award at 2). Beaufort's duties as a Legal Assistant "chiefly consisted of assisting in the Section's clerical work, creating and maintaining paper and electronic files through the use of the Agency's Prolaw database" that consisted "of a variety of data, including case identifiers, filings and correspondence, a Juvenile Evidence Folder, and email from the court confirming or rejecting electronic filings ('e-filings')." *Id.* The Prolaw program was accessed by the OAG Juvenile Section as well as the Family Division of the District of Columbia Superior Court." *Id.* The Arbitrator found that Prolaw was "critical to the Juvenile Section's mission." *Id.*

On April 29, 2009, Grievant was admonished by her supervisor Section Chief Lynette Collins for "failure to consistently report to work on time." *Id.* Thereafter, on November 18, 2009, Grievant received a two-day suspension for tardiness. (Award at 3).

On June 30, 2010, Collins placed Grievant on a 90-day Performance Improvement Plan ("PIP"). *Id.* The PIP identified problem areas and "corresponding desired outcomes, action plans to improve performance, results to measure, and frequency of monitoring." (Award at 4). The Arbitrator found of "special relevance" that the PIP stated, "The employee shall be given a two-part training on the use of Prolaw and on the most efficient method of ensuring that documents are dragged and dropped into the appropriate Prolaw database by July 6, 2010." (Award at 5).

In determining the propriety of the PIP, the Arbitrator stated, "Of special relevance to the PIP, the District Personnel Manual, Title 6-B, Chapter 14, § 1400 *et seq.*, provides that a PIP, 'is a performance management tool designed to offer the employee placed on it an opportunity to demonstrate improvement in his or her performance,' 6-B DCMR § 1410.2." (Award at 16).

The Arbitrator further noted that DPM§ 1410.3 stated:

> The purpose of a Performance Improvement Plan is to offer the employee placed on it an opportunity to demonstrate improvement. A Performance Improvement Plan issued to an employee shall last for a period of thirty (30) to ninety (90) days, and shall:
>
> (a) Identify the specific performance areas in which the employee is deficient; and
>
> (b) Provide concrete, measurable action steps the employee needs to take to improve to those areas.

(Award at 16-17).

The Arbitrator found "[t]o the extent this case is controlled by principles governing

performance-based actions under the DPM, as contrasted with conduct-based actions, it is plain from the undisputed facts of record that the Agency failed to provide grievant with a meaningful opportunity to improve her performance under the terms of the PIP." (Award at 17). As stated by the Arbitrator, "[c]entral to grievant's action plan for success under the PIP is the Agency's provision that grievant 'shall be given a two part training on the use of Prolaw and on the most efficient method for ensuring that documents are dragged and dropped into the appropriate Prolaw database by Tuesday July 6, 2010.'" (Award at 18). The Arbitrator's determination of the importance of the two-part training was based on "the nature of the performance deficiencies identified by the grievant's supervisors" and "the timing of the action plan—training was to be provided within the first week of the 90-day PIP." *Id.*

The Arbitrator found that the Grievant did not receive the two-part training, and "what little training she did receive was not provided in the timeframe identified in the PIP." *Id.* Collins criticized the Grievant during the PIP over Prolaw errors, and Grievant thereafter requested training. (Award at 6). Though Collins arranged for the Assistant Section Chief for Papering and Operations of the Juvenile Section Barbara Chesser to provide training on August 5, 2010, the Arbitrator determined that the training lasted "substantially closer to five minutes based on "the description of the demonstration offered by both Chesser and grievant and the testimony related to the workload of the office generally and Chesser specifically. (Award at 19). The Arbitrator noted that the Section Chief, Grievant's supervisor admitted that the "training was only part of what she initially envisioned when establishing the PIP." *Id.* Without more training provided to the Grievant, "the conclusion is unavoidable that the Agency failed to provide grievant with the only meaningful element of the action plan designed to address her principal performance deficiency, that being her ongoing failure properly to file documents in Prolaw." *Id.*

The Arbitrator found that Collins "chose to dispense with that [training] opportunity without either documenting that decision or taking any steps to modify the PIP, thereby depriving grievant of the opportunity to inquire into and then address the fundamental question as to why Collins decided to provide no training." (Award at 20). The Arbitrator further found that "Collins' chosen path deprived grievant of the opportunity to question whether Collins concluded within the first week of the PIP that grievant was a lost cause destined for removal, for whom no amount of additional training would be helpful, which not only would be a fundamentally improper approach to a PIP, but also would have exposed the PIP as an improper attempted end-run around normal disciplinary procedures properly addressed through progressive discipline." *Id.* The Arbitrator found that Collins provided "candid and surprising testimony regarding the lack of care with which she established the training requirement in the first place." *Id.* As stated by the Arbitrator, "Collins invited precisely the sort of credibility dispute presented on this record as to whether she ever told grievant of the change in the PIP's terms, under circumstances where grievant disputes that Collins ever told her that no more training would be provided." *Id.*

The Arbitrator determined that "Collins apparently devoted considerably more time to documenting and creating an evidentiary record of grievant's shortcomings during the period of the PIP, than to taking any action to assist grievant in meeting the PIP's requirement." (Award at

22).

In addition, the Arbitrator determined that the PIP was improperly implemented because"Collins apparently gave no real consideration to reassigning grievant or reducing her grade, express options short of removal upon an employee's failure to meet the requirements of a PIP." (Award at 23). The Arbitrator found that "Collins nominally addressed the relevant *Douglas* factor, but her principal focus clearly was on the conduct-based nature of the removal action." *Id.* The Arbitrator stated, "As the [Notice of Proposed Removal] document shows, Collins characterized grievant's shortcomings in terms of her disciplinary history, alleged unresponsiveness to training, and an alleged uncaring attitude, all of which speak to conduct rather than performance." *Id.*

The Arbitrator concluded that Grievant's removal based on performance issues "fell far short of the mark of 6-B DCMR § 1410, that the Agency deprived grievant of a meaningful opportunity to meet the requirements of the PIP in multiple substantive respects," and that the Agency did not have "just cause" within the meaning of Article 7 of the Parties' Agreement to remove Grievant for failing to meet the requirements of the PIP. *Id.* The Arbitrator emphasized:

> [E]ven if grievant's alleged failure timely to respond to emails and her attendance-related issues noted in the PIP properly are addressed as performance rather than conduct-based, Collins' administration of the PIP in terms of the Prolaw issues was so deficient as to taint the PIP period and to support the conclusion that grievant was not, in fact, provided a meaningful opportunity to improve.

(Award at 23-24).

The Arbitrator provided analysis of the conduct-related issues finding that "the Agreement echoes the CMPA in requiring that discipline 'shall be imposed for cause,' and 'will be appropriate to the circumstances, and shall be primarily corrective, rather than punitive in nature.'" (Award at 24) and further noting that "Grievant's employment and disciplinary history demonstrates that the Agency considers such alleged deficiencies, regardless of their relationship to performance-based factors, to be subject to correction through progressive discipline as opposed to summary removal." *Id.* Thus, the Arbitrator found that the Grievant had an April 28, 2009, admonition for failure to report to work on time, which was neither a corrective nor adverse action under 6-B DCMR § 1602.1. *Id.* In addition, Grievant received a two-day suspension for "consistent tardiness" November 18, 2009. *Id.* During the PIP, Grievant received a letter of counseling dated September 7, 2010, which related to Prolaw errors, but was neither corrective or an adverse action. *Id.* The Arbitrator found that Grievant did not receive progressive discipline on Prolaw errors to warrant termination. (Award at 25). "While neither the DPM nor the Agreement mandates any particular progression or number of steps from admonition through removal, the types of errors underlying grievant's removal clearly are fodder for progressive discipline rather than summary termination." (Award at 25-26).

The Arbitrator stated, "Whatever the basis for the Agency's decision to withhold serious

discipline for grievant's Prolaw errors until proposing grievant's removal, grievant's accumulation of such errors over time cannot properly be viewed as a sufficient reason to move from a letter of counseling on September 7, 2010, directly to a Notice of Proposed Removal on October 4, 2010, bypassing any formal corrective or less-severe adverse action." (Award at 26).

Grievant requested a hearing for the proposed removal, which was denied by the Hearing Examiner. *Id.* Grievant then requested the Hearing Examiner reconsider the denial of a hearing. (Award at 30). The Hearing Examiner did not grant Grievant's request. *Id.* Consequently, Grievant was not afforded a hearing. *Id.* Based on the language contained in the Notice of Proposed Removal, which was "Upon request, you have the right to a have a hearing," the Arbitrator concluded that the Grievant had a right to a hearing. *Id.* The Arbitrator found that the denial of a hearing deprived grievant of "her rights under the parties' discipline process and grievance procedure as the Agency itself understood those rights." (Award at 31). Further, the Arbitrator found that there was "significant deprivations at the Hearing Officer stage, which was compounded by the actions of the Deciding Official in adopting the Hearing Officer's Report and Recommendation in sustaining the removal." (Award at 30). .

The Arbitrator determined, "In light of the findings that the Agency lacked cause to remove grievant, whether viewed through the lens of performance or conduct-based standards, the Agency is directed to offer grievant reinstatement to her former position and to make her whole for her losses." (Award at 32). The Arbitrator ordered: "Grievant shall be reinstated to her former position and made whole for her losses. The Arbitrator retains jurisdiction to resolve any questions that may arise over application or interpretation of the remedial provisions of this Award, including any request by the Union for an award of attorney fees." (Award at 33).

III. Discussion

The CMPA authorizes the Board to modify or set aside an arbitration award in three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means. D.C. Code § 1-605.02(6) (2001 ed.).

The Agency requests reversal of the Award on the basis that the Award is contrary to law and public policy, and that the Arbitrator exceeded his authority. (Request at 7-8). The Agency contends that the Arbitrator "attempts to void District law," by ignoring D.C. employment regulations. (Request at 5-7). In addition, the Agency asserts that "[t]he Arbitrator erred when he ignored the Union's untimely invocation of arbitration." (Request at 7).

A. Contrary to law argument

The Agency argues that the Award is contrary to law and public policy, because "[t]he Arbitrator has selectively used parts of the District Personnel Manual to create a new obligation on the District thereby imposing his own brand of industrial justice." (Request at 4). The Agency asserts that "the Arbitrator sometimes cited to and depended upon the DPM to support a point or decision he reached." *Id.* The Agency argues that the Arbitrator ignored applicable

rules and regulations for Hearing Officers, and created a new requirement for the District to require testimonial hearings for all removal cases. (Request at 5). The Agency criticizes the Arbitrator for not providing any citation to the DPM for discussing the regulations governing Hearing Officers. *Id.* The Agency asserts that the DPM does not require the Hearing Officer to conduct a testimonial hearing. (Request at 6). The Agency argues that the "Arbitrator fails to cite, treat or distinguish the applicable regulations or the Instruction [governing hearings]." *Id.*

The Agency argues that "the Court of Appeals for the District of Columbia considers regulations to have the force of law." (Request at 6). The Agency argues that that "[t]he Arbitrator dispenses his own brand of industrial justice by ignoring the applicable regulations." (Request at 6). The Union argues that the Arbitrator relied on the record and that the Arbitrator's interpretation of the law was what the parties "bargained for." (Opposition at 5-6).

The Board has long held that by agreeing to submit the settlement of a grievance to arbitration, it is the arbitrator's interpretation, not the Board's, for which the parties have bargained. *University of the District of Columbia and University of the District of Columbia Faculty Association*, 39 D.C. Reg. 9628, Slip Op. No. 320, PERB Case No. 92-A-04 (1992). The Board has found that by submitting a matter to arbitration, "the parties agree to be bound by the Arbitrator's interpretation of the parties' agreement, related rules and regulations, as well as the evidentiary findings on which the decision is based." *District of Columbia Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000); *District of Columbia Metro. Police Dep't and Fraternal of Police, Metro. Police Dep't Labor Comm. (Grievance of Angela Fisher)*, 51 D.C. Reg. 4173, Slip Op. No. 738, PERB Case No. 02-A-07 (2004). The "Board will not substitute its own interpretation or that of the Agency for that of the duly designated arbitrator." *District of Columbia Department of Corrections and International Brotherhood of Teamsters, Local Union 246*, 34 D.C. Reg. 3616, Slip Op. No. 157, PERB Case No. 87-A-02 (1987).

The Arbitrator stated,

> While there is no necessarily irremediable harm caused in and of itself by the hearing Officer's obvious deprivation of grievant's right not simply to request a hearing, but to have a hearing as the Notice itself expressly states – 'you have the right to a hearing' – harm nevertheless flows from the Deciding Official's adoption of the Hearing Officer's Report and Recommendation, insofar as the Deciding Official offers no comment as to the deprivation of grievant's right to a hearing before the Hearing Officer. Harm also flows from the lack of indication in the record that either the Hearing Officer or Deciding Official understood from the record before them that grievant was denied both her rights under the PIP and under the parties' system of progressive discipline. The Deciding Official's final decision is tainted by errors below.

(Award at 31).

The Agency argues that the Arbitrator created his own brand of industrial justice by creating an obligation by the Agency to conduct a hearing. However, the Arbitrator based his ruling on the express language of the Notice of Proposed Removal. *Id.* Furthermore, he did not rest his decision on just cause solely on the lack of a hearing. The Arbitrator found that the PIP was invalid according to the DPM's requirement that an employee be given a "meaningful opportunity to improve" and that the Agency failed to follow progressive discipline as required by the parties' contract. The Arbitrator went on to state, "to the extent the Agency intends grievant's removal to be conduct-based, the Arbitrator concludes that the Agency failed to honor its commitment to progressive discipline, allowing grievant to accumulate a series of relatively minor offenses to such a degree as to cause it to propose her removal without sufficient intervening disciplinary measures." (Award at 31). The Arbitrator applied these findings to the Parties' Agreement, which required "proper cause" for the Grievant's termination. The Arbitrator determined that the Agency did not reach "proper cause."

The Agency's argument that the Award is contrary to District law based on DPM § 1612, governing Hearing Officers, is without merit. The Arbitrator's findings related to the denial of a hearing only emphasized the deprivation of the Grievant's rights during the PIP and the lack of progressive discipline for conduct-related charges that occurred prior to the Grievant's proposed removal. The Agency does not assert any express contract provision that limited the Arbitrator's decision regarding the matter. The Agency's Request constitutes only a disagreement with the Arbitrator's evidentiary findings and application of relevant law. "The Board will not second guess credibility determinations, nor will it overturn an arbitrator's findings on the basis of a disagreement with the arbitrator's determination." *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. D.C. Metropolitan Police Department*, 59 D.C. Reg. 9798, Slip Op. No. 1271, PERB Case No. 10-A-20 (2012). *See also Metro. Police Dep't and Fraternal Order of Police/Metro, Police Dep't Labor Comm.*, 31 D.C. Reg. 4159, Slip Op. No. 85, PERB Case No. 84-A0-05 (1984); *FOP/DOC Labor Comm. v. Dep't of Corrections*, 52 D.C. Reg. 2496, Slip Op. No. 722, PERB Case Nos. 01-U-21, 01-U-28, 01-U-32 (2005).

The Arbitrator's penalty reduction does not contravene any District law. The Board has held that an arbitrator does not exceed his authority by exercising his equitable power, unless it is expressly restricted by the parties' collective bargaining agreement. *District of Columbia Metropolitan and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 39 D.C. Reg. 6232, Slip Op. No. 282, PERB Case No. 92-A-04 (1992). *See also Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2012) (upholding an arbitrator's award when the arbitrator concluded that MPD had just cause to discipline grievant, but mitigating the penalty, because it was excessive). Furthermore, the Supreme Court held in *United Steelworkers of America v. Enterprise Wheel & Car Corp.*, that arbitrators bring their "informed judgment" to bear on the interpretation of collective bargaining agreements, and that is "especially true when it comes to formulating remedies." 363 U.S. 593, 597 (1960). The Agency does not contend that there was a contractual prohibition on the Arbitrator's assertion of his equitable powers.

The Board finds that the Agency's argument is merely a disagreement with the

Arbitrator's findings and conclusions. Therefore, the Agency's Request that the Award is contrary to law is denied.

B. Contrary to public policy argument

The Board's review of an arbitration award on the basis of public policy is an "extremely narrow" exception to the rule that reviewing bodies must defer to an arbitrator's ruling. "[T]he exception is designed to be narrow so as to limit potentially intrusive judicial review of arbitration awards under the guise of public policy." *Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 59 D.C. Reg. 3959, Slip Op. No. 925. PERB Case No. 08-A-01 (2012) (quoting *American Postal Workers Union, AFL-CIO v. United States Postal Service*, 789 F. 2d 1, 8 (D.C. Cir. 1986)). A petitioner must demonstrate that an arbitration award "compels" the violation of an explicit, well defined, public policy grounded in law and or legal precedent. *See United Paperworks Int'l Union, AFL-CIO v. Misco, Inc.*, 484 U.S. 29 (1987). Moreover, the violation must be so significant that the law or public policy "mandates that the Arbitrator arrive at a different result." *Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 47 D.C. Reg. 717, Slip Op. No. 633, PERB Case No. 00-A-04 (2000). Further, the petitioning party has the burden to specify "applicable law and definite public policy that mandates that the Arbitrator arrive at a different result." *Id. See, e.g., D.C. Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, Slip Op. No. 1015, PERB Case No. 09-A-06 (2010).

The Agency has not asserted any public policy that the Award contravenes. The Board finds that the Agency's Request is merely a disagreement with the Arbitrator's findings and conclusions. Therefore, the Agency's Request on the basis the Award is contrary to public policy is denied.

C. Arbitrability

Agency seeks reversal of the Award on the grounds that the Arbitrator exceeded his authority because he did not have jurisdiction over the underlying grievance, and that jurisdiction can be raised at any point in a matter. (Request at 4-8). The Union opposes the Agency's Request, arguing that the Agency consented to the arbitration by failing to timely object to the arbitrator's jurisdiction. (Opposition at 4).

This Board has held that subject matter jurisdiction may be raised at any time prior to the finality of a Decision and Order. *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. D.C. Metropolitan Police Department*, Slip Op. No. 1372, PERB Case No. 11-U-52 (2013). As construed by the Board, the Agency argues that the Arbitrator's decision concerning the procedural arbitrability of the underlying grievance raises an issue of jurisdiction, which can be raised at any time. The Board declines to adopt the Agency's interpretation. The D.C. Court of Appeals has stated, "issues of procedural arbitrability, i.e., whether prerequisites such as time limits, notice, laches, estoppel, and other conditions precedent to an obligation to arbitrate have been met, are for the arbitrators to decide." *Washington Teachers' Union, Local*

No. 6, AFT v. D.C. Public Schools, 77 A.3d 441, 446, fn. 10 (2013).

The Arbitrator found "that the Agency never contested the arbitrability of the instant grievance until it raised such issue in its post-hearing brief." (Award at 13). The Arbitrator determined that the issue of arbitrability "fall[s] within the ambit of procedural arbitrability subject to waiver, not one of substantive arbitrability that may be raised at any time." *Id.* The Arbitrator determined:

> Throughout the creation of the voluminous record in support of its discipline of grievant, which came at great expense to both the Agency and the Union in terms of both time and money and related resources, the Agency made no mention, at any time, of any concern over the propriety of the Union's invocation of arbitration in light of Article 22. In the Arbitrator's judgment, the Agency's failure to timely challenge the arbitrability of the grievance constitutes a waiver of the contractual time limit for invoking arbitration.

(Award at 14).

The Board finds that the Arbitrator had jurisdictional authority to determine whether the underlying grievance was procedurally arbitrable. *See Washington Teachers' Union*, 77 A.3d at 446. Therefore, the Award is not contrary to law.

The Agency has not stated a public policy exception to the Arbitrator's decision in favor of arbitrability. On the contrary, the D.C. Court of Appeals has recognized the public policy in favor of arbitrability. *District of Columbia Public Employee Relations Bd. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 987 A.2d 1205 (D.C. 2010). Therefore, the Board finds no grounds for overturning the Award on the basis of arbitrability.

IV. Conclusion

The Board finds that the Agency's Arbitration Review Request is based merely on the Agency's mere disagreement with the Arbitrator's findings and conclusions. The Board has previously stated that a "disagreement with the Arbitrator's interpretation . . . does not make the award contrary to law and public policy." *District of Columbia Metropolitan and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, Slip Op. No. 933, PERB Case No. 07-A-08 (2008) (quoting *AFGE, Local 1975 and Dept. of Public Works*, 48 D.C. Reg. 10955, Slip Op. No. 413, PERB Case No. 95-A-02 (1995)). The Board denies OAG's Arbitration Review Request.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Office of Attorney General's Arbitration Review Request is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

April 1, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-A-02 was transmitted to the following Parties on this the 7th of April, 2014:

Donald M. Temple, Esq.
Donald Temple, P.C.
1101 15th Street, NW
Suite 910
Washington, DC 20005

via File&ServeXpress

James T. Langford, Esq.
Attorney-Advisor
D.C. Office of Labor Relations
and Collective Bargaining
441 4th Street, N.W., Suite 820 North
Washington, D.C. 20001

via File&ServeXpress

Erica J. Balkum
Attorney-Advisor
Public Employee Relations Board
1100 4th Street, S.W.
Suite E630
Washington, D.C. 20024

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

Government of the District of Columbia
Public Employee Relations Board

In the Matter of: Doctors' Council of the District of Columbia, Complainant, v. District of Columbia Department of Youth and Rehabilitation Services, Respondent.	PERB Case No. 11-U-22 Opinion No. 1460 Motion for Reconsideration

MOTION FOR RECONSIDERATION

DECISION AND ORDER

I. Statement of the Case

On October 25, 2013, the Board issued a Decision and Order in *Doctors' Council of the District of Columbia v. D.C. Dep't of Youth and Rehabilitation Services*, 60 D.C. Reg. 16255, Slip Op. No. 1432, PERB Case No. 11-U-22. On November 8, 2013, the Doctors' Council of the District of Columbia ("Complainant" or "DCDC") timely filed a Motion for Reconsideration of PERB Decision and Order No. 1432 ("MFR"). No response to the Motion for Reconsideration was received by the Board.

II. Background

On February 22, 2011, Complainant filed an Unfair Labor Practice Complaint ("Complaint") against the District of Columbia Department of Youth and Rehabilitation Services ("Respondent" or "DYRS"). On March 10, 2011, Respondent filed an Answer to the Complaint ("Answer"), denying the Complaint's allegations and requesting that the Board dismiss the Complaint.

The Board denied the Respondent's request to dismiss the Complaint on the grounds that the pleadings alone were insufficient for the Board to resolve the disputed issues. *Doctors' Council of the District of Columbia v. D.C. Dep't of Youth and Rehabilitation Services*, 59 D.C. Reg. 6865, Slip Op. No. 1208, PERB Case No. 11-U-22 (2011). The Board ordered an unfair labor practice hearing before a Board-appointed hearing examiner.

On August 24 and September 19, 2012, a hearing took place before Hearing Examiner Lois Hochhauser ("Hearing Examiner"). *Doctors' Council*, Slip Op. No. 1432. The Hearing Examiner issued a Report and Recommendation ("Report" or "HERR"). No Exceptions were deemed timely. *Id.* The Board issued a decision on the disposition of the Report, adopting the Report's recommendations with respect to two allegations, remanding on two allegations, and *sua sponte* ordering factual findings by the Hearing Examiner on issues of timeliness. *Id.*

Complainant filed a timely Motion for Reconsideration, requesting that the Board reconsider its decision regarding the timeliness of the Complainant's Exceptions and the adoption of the Hearing Examiner's recommendations to dismiss two of the four unfair labor practice allegations. The Motion for Reconsideration is before the Board for disposition.

III. Discussion

The Board has repeatedly held that "a motion for reconsideration cannot be based upon mere disagreement with its initial decision." *University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009); *see also FOP/MPD Labor Committee v. MPD*, 59 D.C. Reg. 6579, Slip Op. No. 1118, PERB Case No. 08-U-19 (2011); *American Federation of Government Employees Local 2725 v. D.C. Dep't of Consumer and Regulatory Affairs and Office of Labor Relations and Collective Bargaining*, 59 D.C. Reg. 5041, Slip Op. No. 969, PERB Case Nos. 06-U-43 (2009); *D.C. Dep't of Human Services v. FOP/Dep't of Human Services Labor Committee*, 52 D.C. Reg. 1623, Slip Op. No. 717, PERB Case Nos. 02-A-04 and 02-A-05 (2003); *MPD v. FOP/MPD Labor Committee*, 49 D.C. Reg. 8960, Slip Op. No. 680, PERB Case No. 01-A-02 (2002). Absent authority which compels reversal, the Board will not overturn its decision and order in this case. *See Peterson v. Washington Teachers Union*, Slip Op. No. 1254 at p. 2, PERB Case No. 12-S-01 (March 28, 2012); *Collins v. American Federation of Government Employees National Office and Local 1975*, 60 D.C. Reg. 2541 Slip Op. No. 1351 at p. 3, PERB Case No. 10-S-10 (2013).

A. Timeliness of Exceptions

The issue presented is whether the Board's Decision upholding the Acting Executive Director's denial of a one-day extension was in accord with the Board's Rules. In its Motion for Reconsideration, Complainant argues that the Board should have considered Complainant's Exceptions, because the Decision's "recitation of the facts is incomplete and erroneous, in ways that influenced PERB's conclusion that the Exceptions not be considered." (MFR at 2). In particular, the Complainant raises: "[T]hat '[The Decision stated][t]he Parties...submitted post-hearing briefs to the Hearing Examiner fails to point out that the Executive Director denied

Petitioner's last motion and directed that the Petitioner's Post-Hearing Brief, filed January 15, 2013, not be considered by the Hearing Examiner." (MFR at 2). Further, the Motion for Reconsideration raises that "[t]he statement 'On August 20th and August 26th, 2013, Complainant filed a motion for reconsideration of the Acting Executive Director's denial of the motion for a one-day extensions to file Exceptions,' fails to acknowledge that the August 26th motion for reconsideration was specifically addressed to PERB, not to the Acting Executive Director." *Id.*

In addition, the Complainant argues that there were other facts that the Board did not "highlight." *Id.* The Complainant argues that its July 8, 2013, request for a one-day extension did not address Board Rule 501.2, in whether Complainant had shown good cause for an extension, and that the Acting Executive Director based the July 25, 2013, denial of the extension on the former Executive Director's statement that Complainant would not be granted any further extensions in the case. (MFR at 2-3). Complainant argues that the first time the Acting Executive Director discussed Board Rule 501.2 was in response to the motion for reconsideration of the extension's denial. (MFR at 3). Further, the Complainant asserts that the Acting Executive Director should have inferred that the Respondent consented to the extension, because the Respondent had requested an extension of time to file its opposition to the Exceptions. *Id.*

The Complainant argues that the above assertions evidence that the Acting Executive Director's denial of the one-day extension for filing Exceptions to the Report amounts to an abuse of discretion. *Id.* The Complainant asserts that the Board did not provide analysis for its conclusion that the Exceptions were untimely and would not be considered by the Board. *Id.*

Board Rules 501.1, 501.2, and 501.3 govern extensions for filing pleadings:

> 501.1. The rules of the Board shall be construed broadly to effectuate the purposes and provisions of the CMPA. When an act is required or allowed to be done within a specified time by these rules, the Board, Chair or the Executive Director shall have the discretion, upon timely request therefor, to order the time period extended, or reduced to effectuate the purposes of the CMPA, except that no extension shall be granted for the filing of initial pleadings.
>
> 501.2. A request for an extension of time shall be in writing and made at least three (3) days prior to the expiration of the filing period. Exceptions to this requirement may be granted for good cause shown as determined by the Executive Director.
>
> 501.3. The request for an extension of time shall indicate the purpose and reason for the requested extension of time and the positions of all interested parties regarding the extension. With the exception of the time limit for the filing of the initial pleading that begins a proceeding of the Board, the parties may waive all time limits established by the Board by written agreement in order to expedite a pending matter.

The Complainant asserts that the Acting Executive Director by denying the one-day extension for filing Exceptions and the upholding of that decision by the Board amounts to an abuse of discretion. (MFR at 3). Further, Complainant asserts that the Board did not review the record adequately in making its decision to uphold the Acting Executive Director's denial. (MFR at 2).

The Board rejects Complainant's assertions. The Board reviewed the documents submitted by the Parties and by the Acting Executive Director, concerning the one-day extension issue. The Board included in its review prior related filings that the Acting Executive Director relied upon in her July 25, 2013, letter, in which she denied Complainant's motion for a one-day extension to file exceptions and the Complainant's motion for reconsideration, concerning the denial of the one-day extension. *DCDC v. DYRS*, Slip Op. No. 1432 at p. 2, PERB Case No. 11-U-22. The August 26, 2013, Motion for Reconsideration of the Acting Executive Director's Denial of Motion for One-Day's Extension to File Exceptions to Hearing Examiners Report and Recommendations ("MFR of Denial to File Extension") states, "The Acting Executive Director's decision denying the one-day extension request and thereby directing that Petitioner's Exceptions to the Report not be considered is not consistent with the CMPA labor relations chapter or with PERB Rule 501.1, is an abuse of discretion, is arbitrary and capricious, and will not serve the interests of fairness or of administrative or judicial economy or efficiency." (MFR of Denial to File Extension at p. 2).

In determining whether denying the one-day extension is an abuse of discretion, arising from arbitrary and capricious decision-making, the Board reviews the record before it. Complainant submitted and received the following extensions during the post-hearing briefing stage: one-week extension (Letter dated November 30, 2012) (granted November 30, 2012); a motion for eleven (11) business days (Letter dated December 17, 2012) (granted Dec. 17, 2012); and a motion for three (3) business days (Letter dated January 3, 2013) (granted Jan. 3). On January 8, 2013, Complainant requested a one (1) business day extension to January 10, 2013. Respondent did not consent to the extension. Nevertheless, former Executive Director Harris granted Complainant an additional five (5) day extension, including three (3) business days. In granting the extension, the former Executive Director stated, "No further extensions will be granted to the Complainant in this case." (Letter dated January 9, 2013). Respondent timely filed its Post-Hearing Brief. Complainant filed a "Petitioner's Motion for Permission to File After-Hours Today," in which Complainant requested to file its post-hearing brief after the designated time ordered by the former Executive Director in the January 9, 2013, letter to Complainant. The Complainant filed its post-hearing brief the next day. The former Executive Director denied the Motion for Permission to File After-Hours, stating that "no further extensions would be granted to the Complainant in this case," and that the filing would not be considered by the Hearing Examiner in the case. (Letter dated January 15, 2013).

On January 18, 2013, Complainant filed "Petitioner's Motion for *Nunc Pro Tunc* Extension of Time and Reconsideration of Executive Director's January 15, 2013 Letter Denying Then-Pending Extension Request and Directing that Petitioner's Post-Hearing Brief Not Be Considered by the Hearing Examiner" ("*Nunc Pro Tunc* Motion"). Complainant asserted that the *Nunc Pro Tunc* motion should be granted due to "cost, efficiency, fairness and conservation

of resources-including PERB's resource." (*Pro Nunc* Motion at 3). Complainant asserted that allowing the Hearing Examiner to consider Petitioner's post-hearing brief would aid the Hearing Examiner in examining the entire record. (*Nunc Pro Tunc* Motion at 4). On May 17, 2013, the former Executive Director denied Complainant's *Nunc Pro Tunc* Motion, stating: "I was absolutely clear that no further extensions would be granted. To renege on that clear deadline would be unfair to opposing counsel, and detrimental to the authority of PERB." (Letter dated May 17, 2013).

The Hearing Examiner's Report and Recommendation was mailed June 17, 2013, providing the Parties a July 8, 2013, due date for Exceptions. On July 8, 2013, Complainant filed "Petitioner's Motion for One Day's Extension of Time for Exceptions" ("Motion for Extensions for Filing Exceptions"). Complainant asserted that an injury to counsel's thumb created problems with writing Exceptions, and that the injury occurred after July 4th, thus "it was not possible to know the need for the motion 3 days prior to July 8th." (Motion for Extensions for Filing Exceptions at 1). Notwithstanding, Complainant asserted that "[a]lthough it is possible that but for the distraction caused by writing and processing this motion, the requested one day extension would not have been needed, to be cautious, the undersigned files this motion well before the midnight e-filing deadline." (Motion for Extensions for Filing Exceptions at 2). Respondent filed Motions for an Extension of Time to file its Opposition on July 17 and 22, 2013. On July 25, 2013, the Acting Executive Director denied the motion, citing the former Executive Director's decisions, and stated that the response to the latest request "must be consistent with the responses to your last three requests for an extension of time." (Letter July 25, 2013).

On August 26, 2013, Complainant filed a "Motion to PERB for Reconsideration of Acting Executive Director's Denial of Motion for One-Day's Extension to File Exceptions to Hearing Examiner's Report and Recommendations." At the time of Complainant's motion, Complainant had not met Board Rule 501.2's three-day deadline for requesting an extension. On August 27, 2013, the Acting Executive Director denied the motion based on Board Rule 501.3, finding that the Complainant had not shown good cause to be granted an extension. (Letter dated August 27, 2013). The Acting Executive Director found that the motion was not made until 10:13 p.m. on July 8, 2013 – the day Exceptions were due, and that counsel did not try to obtain consent from opposing counsel until 9 p.m. that night. *Id.* Further, the Acting Executive Director stated, "Waiting to file your Motion for Extension to File Exceptions less than two (2) hours before the deadline to file your exceptions; faulting physical injuries for an inability to process work; blaming the motion, itself, for taking away from writing the exceptions, coupled with the fact that you were previously granted four (4) consent motions for an extension of time and one (1) unconsented motion for an extension of time, are factors I took into consideration when I decided that you failed to show good cause." (Letter dated August 27, 2013 at 2).

Based on a thorough review of the record, the Board determines that the Board's decision to uphold the Acting Executive Director's denial was not arbitrary and capricious or an abuse of discretion but rather was based on the Board's reliance upon the Acting Executive Director's discretion in denying the extension based on the record of Complainant's actions before the Board. As discussed by the Acting Executive Director, Complainant requested and received a

number of filing extensions, including an unconsented to extension with more business days granted than requested, for which the Complainant still untimely filed its post-hearing brief, after receiving notice that Complainant would not be provided any additional filing extensions to the five extensions requested and received. In addition, the Acting Executive Director based her decision on the timing of the motion for the one-day extension, Complainant's actions in obtaining opposing counsel's consent, and the reasons for the one-day extension, including Complainant's asserted reason for the extension was for writing the motion. The Board notes that nowhere in the July 8, 2013, motion for a one-day extension to file Exceptions, does the Complainant assert that Respondent consented to the motion for an extension. The Board reviews the record and the totality of the circumstances of Complainant's actions and finds that the Acting Executive Director's decision was not an abuse of discretion, arising from arbitrary and capricious decision-making.

Complainant asserts that the notice given by former Executive Director Harris that Complainant would not be granted additional extensions for the above-captioned case was an unfair basis for being denied the one-day extension to file Exceptions. (MFR at 3-4). As stated above, Board Rule 501.2 allows a Party to request an extension of a non-initial pleading up to three (3) business days prior to a deadline. In order to receive an extension after the three-day requirement, Board Rule 501.2 requires that cause be shown. Board Rule 501.1 grants the Executive Director discretion in granting extensions. Denying the one-day extension was within the authority granted to the Acting Executive Director. Complainant neglects to acknowledge that the Acting Executive Director considered the total requests for extensions by the Complainant and the timing and circumstances of the motion for the one-day filing extension. The Board determines that the Board and the Acting Executive Director's denial of the Complainant's motion for a one-day extension for filing exceptions were in accordance with the Board Rules.

The Board has held that untimely exceptions may be striken from the record. *See American Federation of Government Employees, Local 631 v. D.C. Dep't of Public Works*, Slip Op. No. 1001, PERB Case No. 05-U-43 (2009); *Doctor's Council of the District of Columbia General Hospital v. DC General Hospital*, 43 D.C. Reg. 5159, Slip Op. No. 475, PERB Case No. 92-U-17 (1996). Therefore, the Board was proper in denying the admission of Complainant's untimely exceptions.

The Board notes further that "[w]hether exceptions have been filed or not, the Board will adopt the hearing examiner's recommendation if it finds, upon full review of the record, that the hearing examiner's 'analysis, reasoning and conclusions' are 'rational and persuasive.'" *Council of School Officers, Local 4, American Federation of School Administrators v. D.C. Public Schools*, 59 D.C. Reg. 6138, Slip Op. No. 1016 at p. 6, PERB Case No. 09-U-08 (2010) (quoting *D.C. Nurses Association and D.C. Department of Human Services*, 32 D.C. Reg. 3355, Slip Op. No. 112, PERB Case No. 84-U-08 (1985)). The Board upon review of the Hearing Examiner's Report and Recommendation remanded two of the four allegations to the Hearing Examiner.

As PERB properly applied its Rules to the facts of this case, Complainant's arguments submitted in its Motion for Reconsideration amounts to no more than a disagreement with the

Board's underlying decision. The Board has repeatedly held that "a motion for reconsideration cannot be based upon mere disagreement with its initial decision." *University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009). Complainant's Motion for Reconsideration has not provided any authority, which compels reversal of the Board's decision. *See Peterson v. Washington Teachers Union*, Slip Op. No. 1254 at p. 2, PERB Case No. 12-S-01 (March 28, 2012). A mere disagreement with the Board's findings does not merit reconsideration of its Decision and Order. Therefore, we conclude the Complainant's Motion for Reconsideration cannot be granted.

B. Impacts and Effects Bargaining Allegation Dismissal

Complainant asserts that the Board erred in adopting the Hearing Examiner's recommendation to dismiss the Complaint's allegation that Respondent did not engage in impacts and effects bargaining of the RIF, after Complainant had requested bargaining. (Motion at 4-5). The Complainant argues that "the Hearing Examiner completely omitted—and thereby ignored—three crucial undisputed facts directly related to whether a violation of good faith I & E bargaining occurred." (Motion at 5). Complainant raises the following in support of its factual argument:

> [1.] That prior to, and on, the October 12, 2010 face-to-face bargaining session, the Union made very specific proposals to reduce the impact and effects of the upcoming RIF on the affected individuals.
> [2.] That, except for rejecting one of the Union's specific proposals on October 12th, the Employer never even responded to the Union's specific I & E proposals even though the negotiators continued to communicate with each other after October 12th and before the October 22nd RIF-as well as after the RIF.
> [3.] That, as frankly conceded by Management's experienced chief negotiator Aqui, unlike the normal process of I & E bargaining with OLRCB, these parties did not reach a consensus either that agreement could not be reached, or that the I & E bargaining process was complete.

Id. (footnotes omitted). Complainant argues that "these undisputed facts—ignored by HERR (and PERB) compel a reversal of the conclusion that Complainant did not meet its burden of proving the Respondent implemented the RIF before completion of I & E bargaining." (Motion at 6) (footnote omitted). Complainant argues that the Board committed error of fact and law "in placing the Union at fault for not being more diligent about the frequency of bargaining sessions." (Motion at 7-8).

Board Rule 520.11 provides the burden of proof for an unfair labor practice complaint, which states, "[t]he party asserting a violation of the CMPA, shall have the burden of proving the allegations of the complaint by a preponderance of the evidence." Thus, the Complainant had the burden to prove by preponderant evidence that Respondent's actions amounted to an unfair labor practice under the CMPA.

As issues of material fact were in dispute, pursuant to Board Rule 520.9, the Board sent the Complaint to an unfair labor practice hearing before a Hearing Examiner to develop the factual record and make recommendations. *Doctors' Council of the District of Columbia v. D.C. Dep't of Youth and Rehabilitation Services*, Slip Op. No. 1208, PERB Case No. 1208. A hearing was held, and the Hearing Examiner issued a Report and Recommendation. After reviewing the record, the Board adopted the Hearing Examiner's recommendation that the Complainant did not meet its burden of proof for the unfair labor practice allegations regarding requested impact and effects bargaining of the RIF. *Doctors' Council*, Slip Op. No. 1432, at p. 8-9.

Complainant argues in its Motion for Reconsideration that undisputed facts were ignored by the Hearing Examiner and, consequently, by the Board in reaching its decision to adopt the Hearing Examiner's recommendation. (MFR at 4-6). Further, Complainant asserts that the way in which these facts were applied to the Board's case law would necessitate a reversal of the Board's decision, because impacts and effects bargaining had not concluded prior to the implementation of the RIF. (MFR at 8). The Complainant bases this on its assertion that the factual record would show that an outstanding proposal by Complainant to Respondent, required Respondent to take the initiative to respond, and thus the Complainant was not required to do anything further. *Id.* Complainant argues that, since it asserts no action was required by the Complainant, that the Respondent failed to bargain over impact and effects prior to the implementation of the RIF. *Id.*

The Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner." *Council of School Officers, Local 4, American Federation of School Administrators v. District of Columbia Public Schools*, 59 DC Reg. 6138, Slip Op. No. 1016 at p. 6, PERB Case No. 09-U-08; *Tracy Hatton v. FOP/DOC Labor Committee*, 47 D.C. Reg. 769, Slip Op. No. 451 at p. 4, PERB Case No. 95-U-02 (1995). The Board will affirm a hearing examiner's findings if they are reasonable and supported by the record. *See American Federation of Government Employees, Local 872 v. D.C. Water and Sewer Authority*, Slip Op. No. 702, PERB Case No. 00-U-12 (2003).

The Board found that "[t]he Hearing Examiner evaluated the credibility of the witnesses and made factual findings and conclusions based on the record that are reasonable and in accordance with Board precedent." *Doctors' Council*, Slip Op. No. 1432 at p. 9. Based on the above Board precedent, the Board had the authority to adopt the Hearing Examiner's recommendations. *American Federation of Government Employees, Local 872*, Slip Op. No. 702, PERB Case No. 00-U-12.

The Board finds that the Complainant's assertions are all based on weighing the evidence presented in favor of Complainant's interpretation of the Board's case law. As stated above, the Board has repeatedly held that "a motion for reconsideration cannot be based upon mere disagreement with its initial decision." *University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009). Therefore, the Board cannot grant the Complainant's Motion for Reconsideration.

C. Dismissal of Allegations Regarding Replacement of Bargaining Unit Positions

Complainant alleges that in Complainant's Post-Hearing Brief and Exceptions, Complainant has "requested that this allegation—based on the same facts as are involved in a portion of the Union's grievance—be deferred to the grievance procedure if arbitration was ordered, or if not, be withdrawn." (Motion at 9). As Complainant's Post-Hearing Brief and Exceptions have not been considered, the Complainant does not put forth any argument as to why the Board should grant its Motion for Reconsideration of this allegation. Therefore, the Board finds that the Complainant merely disagrees with the Board's adoption of the Hearing Examiner's recommendation to dismiss the unfair labor practice allegation, and denies the Complainant's Motion for Reconsideration. *See University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009).

IV. Conclusion

The Complainant has asserted no grounds, other than mere disagreement with the Board's initial Decision, for its Motion for Reconsideration. The Board denies the Complainant's Motion for Reconsideration. The Complaint's allegations regarding impacts and effects bargaining of the RIF and the replacement of bargaining unit positions are dismissed with prejudice. The remaining issues will be remanded to the Hearing Examiner for further factual findings and conclusions.

ORDER

IT IS HEREBY ORDERED THAT:

1. Complainant's Motion for Reconsideration is denied.
2. The Hearing Examiner shall make factual findings and conclusions as to whether the Respondent failed to furnish relevant and necessary information at the request of the Complainant. The Hearing Examiner may conduct further proceedings, if necessary.
3. The Hearing Examiner shall make factual findings and conclusions as to whether the Respondent's refusal to arbitrate was an unfair labor practice. The Hearing Examiner may conduct further proceedings, if necessary.
4. The Hearing Examiner shall make factual findings and conclusions as to whether any of the remaining allegations were untimely.
5. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

Washington, D.C.

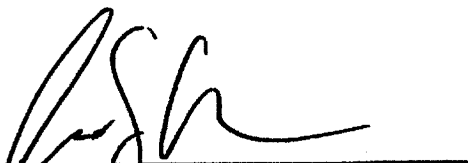
April 1, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 11-U-22 was transmitted to the following Parties on this the 7th day of April, 2014:

Repunzelle Johnson **via File&ServeXpress**
Attorney Advisor
D.C. Office of Labor Relations and Collective Bargaining
441 4th Street, N.W., Suite 820 North
Washington, D.C. 20001

Wendy Kahn **via File&ServeXpress**
Zwerdling, Paul, Kahn & Wolly, P.C.
1025 Connecticut Avenue, N.W., Suite 712
Washington, D.C. 20036



Erica J. Balkum
Attorney-Advisor
Public Employee Relations Board
1100 4th Street, S.W.
Suite E630
Washington, D.C. 20024

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
Local 36, International Association of Firefighters, AFL-CIO,	PERB Case No. 13-N-04
Petitioner,	Opinion No. 1461
v.	
District of Columbia Department of Fire and Emergency Medical Services,	**Motion for Reconsideration; Motion for Decision on Motion for Reconsideration**
Respondent.	

ORDER

In view of the time sensitive posture of this case, the Board has decided to issue its Order on Petitioner's Motion for Reconsideration and Respondent's Emergency Motion for Decision on Petitioner's Motion for Reconsideration at this time. An opinion will follow. Considering the motions, pleadings, briefs, and the record as a whole,

IT IS HEREBY ORDERED THAT:

1. The Emergency Motion for Decision on Petitioner's Motion for Reconsideration filed by Respondent District of Columbia Department of Fire and Emergency Medical Services is granted.

2. The Motion for Reconsideration filed by Petitioner Local 36, International Association of Firefighters is denied.

3. Pursuant to Board Rule 559.1, this Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

April 1, 2014

Order
PERB Case No. 13-N-04
Page 2

CERTIFICATE OF SERVICE

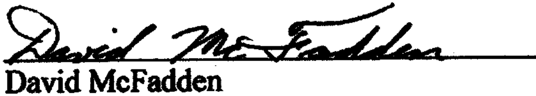
This is to certify that the attached Order in PERB Case No. 13-N -04 was transmitted via File & ServeXpress to the following parties on this the 17th day of April, 2014.

Devki K. Virk
Bredhoff & Kaiser, P.L.L.C.
805 Fifteenth St. NW, 10th Floor
Washington, D.C. 20005

VIA FILE & SERVEXPRESS

Kevin M. Stokes
D.C. Office of Labor Relations and
Collective Bargaining
441 Fourth Street, N.W. Suite 820 North
Washington, D.C. 20001

VIA FILE & SERVEXPRESS



David McFadden

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE

The Public Service Commission of the District of Columbia announces a change in the nomenclature used to give public notice of its processing of applications for tariff changes. At present, after the Commission receives an application, it gives the public notice of the application by causing to be published in the District of Columbia Register a "Notice of Proposed Rulemaking." Not less than thirty days later, after the tariff change is approved, the Commission causes to be published a "Notice of Final Rulemaking."

Effective on May 17, the Commission will no longer title its notices as a rulemaking. Rather the Commission will give notice of a proposed tariff change by causing to be published a "Notice of Proposed Tariff." After approval, the Commission will cause to be published a "Notice of Approved Tariff."

All other procedures, including invitations for and consideration of comments on the proposed tariff, will remain the same.

THE DISTRICT OF COLUMBIA COMMISSION ON THE 40th ANNIVERSARY OF HOME RULE

NOTICE OF MEETING

The District of Columbia Commission on the 40th Anniversary of Home Rule will convene its organizational meeting on Wednesday, May 21, 2014 at 11:00a.m. in room 427 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004. The regular meeting schedule for the Commission will be approved and published subsequent to the first meeting. Notice of the time and location of subsequent meetings will be published in the *D.C. Register* and posted on the Office of the Secretary's website (www.os.dc.gov). A notice will be published in the *D.C. Register* for each meeting with a draft agenda.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after June 15, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on May 16, 2014. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

Amankwaah	Kingsmond	PNC Bank 1913 Massachusetts Avenue, NW	20036
Anderson	Alicia Y.	Council of Insurance Agents & Brokers 701 Pennsylvania Avenue, NW, Suite 750	20004
Badele	Gabriela	The Washington Ballet 3515 Wisconsin Avenue, NW	20016
Benedick	Donald Thomas	Self 1301 20th Street, NW, Suite 617A	20036
Bennett	Courtney	TIAA-CREF 601 Thirteenth Street, NW, Suite 700	20005
Bennett	Michelle Elaine	Bert Smith & Co. 1090 Vermont Avenue, NW, Suite 920	20005
Berkowitz	Lois	Self 3339 Legation Street, NW	20015
Bibines	Naomi Lewis	Communications Workers of America 501 Third Street, NW	20001
Blue	Shannon T.	Capitol Concierge 1400 I Street, NW	20005
Bolden	Deidra Doreen	Public Citizen 1600 20th Street, NW	20009
Brown	Bonnie R.	U.S. Department of Justice 20 Massachusetts Avenue, NW, Room 6145	20530
Burke	Julia	FRB Federal Credit Union 20th and C Street, NW	20551
Calderon	Esther A.	Paho Foundation 1889 F Street, NW	20006
Callen	Brian J.	Metropolitan Police Department 300 Indiana Avenue, NW	20001
Carter	Corlis C.	Charles River Associates, Inc. 1201 F Street, NW, Suite 200	20004

Ceglia-Greene	Simone	AFL-CIO Housing Investment Trust 2401 Pennsylvania Avenue, NW, Suite 200	20037
Cho	Katherine	TIAA-CREF 601 13th Street, NW, Suite 700N	20005
Choi	Chang Ho	The Ups Store 2100 M Street, NW, Suite 170	20037
Clark	Marcus J.	Self 1628 V Street, SE	20020
Coker-Robinson	Sarah	The George Washington University 800 21st Street, NW	20052
Compton II	Robert R.	TD Bank 801 17th Street, NW	20006
Custodio	Anita	Bank of America 4201 Connecticut Avenue, NW	20008
Dagadu	Delali A.	TD Bank 605 14th Street, NW	20005
DiAsio	Jeremy	Ferraro Law Firm 3050 K Street, NW, Suite 215	20007
Dickens	Susie	Pearson 1919 M Street, NW, Suite 600	20036
Diombokho	Angelina W.	First Book 1319 F Street, NW, Suite 1000	20004
Felter	David S.	Capitol Process Services, Inc. 1827 18th Street, NW	20009
Ferris	Jason	Rodman's Discount Drug 5100 Wisconsin Avenue, NW	20016
Flood	Stefanie	ASAE: The Center for Association Leadership 1575 I Street, NW	20005
Foddrell	Martin T.	Property Group Partners 100 F Street, NW, Suite LL 100	20002

Furnish	Melissa	Promontory Financial Group, LLC 801 17th Street, NW, Suite 1100	20006
Guerra-Ortiz	Jennifer	Bank of America Corporation 3131 Mount Pleasant Street, NW	20010
Haggerty	Felicia Ann	Lindsay Reishman Real Estate 1506 19th Street, NW, Suite 1	20036
Hall	Marisa	The George Washington University 800 21st Street, NW	20052
Hansley	Rhonda	Associates for Renewal in Education, Inc. 45 P Street, NW	20001
Harden	Reda Renae	District Department of Environment 1200 First Street, NE	20002
Harley	Sade	Transfield Service 2002 Fenwick Street, NE	20002
Harris	Pearl	Bank of America 4201 Connecticut Avenue, NW	20008
Harrison	R. Dwayne R.	Gore Brothers Reporting & Videoconferencing 1025 Connecticut Avenue, NW, Suite 1000	20036
Hawkins, Jr.	David W.	Wells Fargo 2901 M Street, NW	20007
Hebb	Mia	DC Sentencing and Criminal Code Revision Commission 441 4th Street, NW, Suite 430South	20001
Iraheta	Jennifer S.	Fort Myer Construction Corporation 2237 33rd Street, NE	20018
Johnson	Angela T.	Brookfield Office Properties 750 9th Street, NW, Suite 700	20001
Johnson	Angeline M.	Williams & Connolly, LLP 725 12th Street, NW	20005
Johnson	Renee F.	Irvins, Phillips & Barker 1700 Pennsylvania Avenue, NW, Suite 600	20006

Johnson	Tamara	International City/County Management Association 777 North Capitol Street, NE	20002
Jones	Diedra E.	Department of Health 899 North Capitol Street, NE, 2nd Floor	20002
Jones	Stewart E.	Chemonics International 1717 H Street, NW	20006
Jones III	Manford B.	Saint Martin of Tours Catholic Church 1908 North Capitol Street, NW	20002
Jordan-Brown	Josephine	Department of Mental Health 1100 Alabama Avenue, SE	20032
Knight	Brittany	Wells Fargo Bank 1300 I Street, NW	20005
Knight	Heather L.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Lake	Sonya L.	Office of Campaign Finance 2000 14th Street, NW, Suite 433	20009
Luong	Christine M.	Vedder Price, P.C. 1401 I Street, NW, Suite 1100	20005
Makkaroon	Apira	International City/County Management Association 777 North Capitol Street, NE	20002
Martin	Denise Wright	Debevoise and Plimpton, LLP 555 13th Street, NW	20004
Massey	Shirley T.	Department of Motors Vehicles 301 C Street, NW	20001
McCabe	Andrea	Novartis 701 Pennsylvania Avenue, NW, Suite 725	20004
Mcleod	Loria LaVonne	Property Group Partners 100 F Street, NW, Suite LL 100	20002
Money	Katherine Elizabeth	Chemonics International, Inc. 1717 H Street, NW	20006

Newman	Alease V.	A Child's Promise International (CPI) 811 Sheridan Street, NW	20011
Newsome	Angela R.	Weil Gotshal & Manges LLP 1300 Eye Street, NW	20005
Ngatchou	Theodore	Galaxy Healthcare Solutions, Inc. 2105 Rhode Island Avenue, NE	20018
Niles	Leonicia V.	Hughes Hubbard & Reed, LLP 1775 I Street, NW, Suite 600	20006
Nwaete	Clothida U.	DC Fire & EMS Department 2000 14th Street, NW, Suite 500	20001
Paige	Anna	Self 38 New York Avenue, NW	20001
Penigar	Joel D.	E & G Group Property Services 3539 A Street, SE	20019
Penn-Andrews	Delante	District Department of Environment 1200 First Street, NE	20002
Pope	Phyllis P.	Baker Botts, L.L.P. 1299 Pennsylvania Avenue, NW	20004
Prieto	Luis A.	Slocumb Law Firm, LLC 777 6th Street, NW, Suite 200	20001
Purohit	Sandra	Defenders of Wildlife 1130 17th Street, NW	20036
Ratana	Arden C.	United States Department of Justice 450 5th Street, NW	20001
Rawlings	Amanda	Self 1711 Massachusetts Avenue, NW, #409	20036
Rivas	Jesse O.	Hill International, Inc. 1225 Eye Street, NW, Suite 601	20005
Roberts	Sarah J.	Self (Dual) 1700 Montana Avenue, NE	20018

Rowe	Natalie L.	McKinsey & Company, Inc. 1200 19th Street, NW, Suite 1100	20036
Scott	Terricita L. S.	U.S. Department of Justice 450 5th Street, NW, Room 3100	20530
Sepulveda	Jocelyn	Griffin, Murphy, Moldenhauer & Wiggins, LLP 1912 Sunderland Place, NW	20036
Sharifian	Jennifer Franchesca	Congressional Hispanic Caucus Institue, Inc. 300 M Street, NW	20003
Shephard	Jeanette Louise	U.S. Environmental Protection Agency 1310 L Street, NW, MC6202J	20005
Sim	Eugene	Sim Legal, P.C. 1725 I Street, NW, Suite 300	20006
Smith	Susie N.	Self 1622 16th Street, SE	20020
Starnes	Sonya	Tilden Gardens 3000 Tilden Street, NW	20008
Stuart	Catina M.	Paul Hastings, LLP 875 15th Street, NW	20005
Sullivan	Lori J.	Fried Frank Harris Shriver & Jacobson LLP 801 17th Street, NW	20006
Tavalozzi	Kimberly	Hooper, Lundy & Bookman, P.C. 975 F Street, NW, Suite 1050	20004
Thacker	Erick M.	Capital Reporting Company 1821 Jefferson Place, NW	20036
Viegas	Claudia A.	Fort Myer Construction Corporation 2237 33rd Street, NE	20018
Wang	Myung H.	Crowell & Moring LLP 1001 Pennsylvania Avenue, NW	20004
Washington	Vanessa A.	ZFL - Servant's Quarters 221 Ascot Place, NE	20002

Watkins	Sherri L.	Self (Dual) 129 58th Street, SE	20019
Watson	James	Department Behavioral Health 1100 Alabama Avenue, SE	20032
Williams	Angela B.	United States Department of Justice 450 5th Street, NW, Suite 6051	20530
Williams	Bennie L.	Self 728 Bonini Road, SE	20032
Williams, Jr.	Charles	CQ Roll Call 77 K Street, NW	20002
Wilson	Justin	The Raben Group 1640 Rhode Island Avenue, NW	20036
Wright	Peter W.	PNC Bank 1913 Massachusetts Avenue, NW	20036
Zimolong	Jamie	United Union of Roofers, Waterproofers and Allied Workers 1660 L Street, NW, Suite 800	20036

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

NOTICE OF PUBLIC MEETING

The Commission meeting will be on Tuesday, May 20, 2014 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at http://sentencing.dc.gov

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Meeting Minutes from April 15, 2014,
   Action Item- Judge Weisberg

2. Director's Report, Informational Item, Barbara Tombs-Souvey
   (a) Search Status for Statistician Position
   (b) Status Update for Bi-Directional Interface with CSOSA - CHI System
   (c) OCTO Server Issues

3. Agency 2015 Council Budget Hearing Overview, Informational Item-
   Judge Weisberg and Barbara Tombs-Souvey

4. Review and Discussion of Proposed Changes to the Sentencing Guideline Manual,
   Action Item- Linden Fry

5. Next Meeting – June 17, 2014.

6. Adjourn

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, May 22, 2014 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Chairman
2.	April 2014 Financial Report	Director of Finance & Budget
3.	Agenda for June Committee Meeting	Chairman
4.	Adjournment	Chairman

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18325-A of Renaissance Centro Third Street LLC, pursuant to 11 DCMR § 3130, for a two-year extension of BZA Order No. 18325.

> The original application was pursuant to11 DCMR §§ 3104.1 and 3103.2, for a variance from the lot occupancy requirements under § 772, a variance from the rear yard requirements under § 774, a variance from the off-street parking requirements under § 2101.1, and a special exception to allow a roof structure with walls of unequal heights under § 411.11, to allow an addition to an existing building in the DD/C-2-C District at premises 704 3rd Street, N.W. (Square 529, Lots 802, 803, 845, and 847).

HEARING DATE (Original Application):	March 20, 2012
DECISION DATE (Original Application):	March 20, 2012
FINAL ORDER ISSUANCE DATE (Order No. 18325):	March 28, 2012
DECISION ON 1ST EXTENSION OF ORDER DATE:	May 6, 2014

SUMMARY ORDER ON MOTION TO EXTEND THE VALIDITY OF BZA ORDER NO. 18325

The Underlying BZA Order

On March 20, 2012, the Board of Zoning Adjustment (the "Board") approved the Applicant's request for variances from the lot occupancy requirements under § 772, from the rear yard requirements under § 774, from the off-street parking requirements under § 2101.1, and a special exception to allow a roof structure with walls of unequal heights under § 411.11, to allow an addition to an existing building in the DD/C-2-C District at premises 704 3rd Street, N.W. (Square 529, Lots 802, 803, 845, and 847) (the "Site"). The Applicant sought variance and special exception relief in order to renovate and expand a historic building for use as an apartment building and/or hotel. The Board issued its written order ("Order") on March 28, 2012. Pursuant to 11 DCMR §§ 3125.6 and 3125.9, the Order became final on March 28, 2012 and took effect 10 days later.

Under the Order and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued -- until March 28, 2014.
Subsection 3130.1 states:

> No order authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless, within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1.)

Motion to Extend Validity of the Order Pursuant to 11 DCMR § 3130.6

On March 27, 2014, the Applicant sent a letter and motion request to the Board that requested, pursuant to 11 DCMR § 3130.6, a two-year extension of Order No. 18325, which was due to expire on March 28, 2014. This request for extension is pursuant to § 3130.6 of the Zoning Regulations, which permits the Board to extend the time periods in § 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval. Moreover, the Applicant served on all parties to the application by the applicant, and all parties were allowed thirty (30) days to respond, pursuant to § 3130.6(a).

To establish good cause for the request, the Applicant submitted a statement and exhibits including a notarized affidavit from the Applicant's Founder and Principal indicating that the reasons for the request to extend the validity of the order are based on the Applicant's inability to secure the necessary project financing and commitment for the project from a hotel company, despite diligently pursuing these, due to the current overall economic conditions and the current hotel market conditions. While the Applicant encountered some difficulty obtaining project financing, its primary difficulty was from circumstances that were beyond its reasonable control and not easily understood at the time the project was approved, as described in the Applicant's affidavit. (Exhibit 38.)

The Applicant stated that it requested a two-year extension of the Order because of circumstances beyond its control which prevented it from vesting the Order. The Applicant explained that it discovered the extraordinary cost of preserving the historic building after the BZA's approval, leading it to seek alternative ways to absorb this cost. The Applicant indicated that it actively pursued both the hotel and residential alternatives for the project, but has been unable to secure the necessary commitments and funding to proceed with either alternative for the project. The Applicant expects, given more time, that it will determine the better of the two options and be able to move forward.

According to the Applicant, while a hotel is the most viable alternative for absorbing this extraordinary cost, hotel operators thus far have not been willing to commit to this location because of market uncertainties and the unclear status of the Capitol Crossing project across the street. Consequently, the Applicant has begun to study expanding and modifying an all-residential project as a possible means to defray the preservation costs, but it will need additional time to make a determination and therefore requests the extension. The Applicant noted that recent news articles have demonstrated that there is now more certainty about the Capitol Crossing project, and the Applicant intends to re-engage potential hotel operators, but it could not do this in time before the Order was due to expire. The Applicant expects either to vest the Order as approved or apply to the BZA for approval of modified plans. (Exhibit 38.) For the above reasons submitted, the Applicant is requesting a two-year time extension based on demonstrated good cause to extend the validity of the Order.

Criteria for Evaluating Motion to Extend

Subsection 3130.6 of the Zoning Regulations authorizes the Board to extend the time periods for good cause provided: (i) the extension request is served on all parties to the application by the applicant, and all parties are allowed 30 days in which to respond; (ii) there is no substantial change in any of the material facts upon which the Board based its original approval; and (iii) the applicant demonstrates there is good cause for such extension. Pursuant to 11 DCMR § 3130.6(c)(1), good cause is established through the showing of substantial evidence of one or more of the following criteria:

1. An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;

2. An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or

3. The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR § 3130.6

The Board finds that the motion has met the criteria of § 3130.6 to extend the validity of the underlying order. To meet the burden of proof, the Applicant submitted an affidavit and other supporting documents and information that described its efforts and difficulties either in obtaining a commitment from a hotel company or, alternatively, completing a design for an all-residential project suitable to offset the high preservation costs and commencing construction. Since the Board issued Order No. 18325 in March of 2012, the Applicant has been working diligently to secure the necessary commitments and other approvals to move forward with the project approved by the Board. The Applicant attached a sworn, notarized affidavit from the Applicant's Founder and Principal which described the Applicant's efforts in this regard. (Exhibit 38.)

Given the totality of the conditions and circumstances described above and in the affidavit and other supplemental information that was provided, the Board found that the Applicant satisfied the "good cause" required under the third prong of § 3130.6. Moreover, despite the challenges the Applicant described in its submissions for the extension, the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Order.

The Board found that the Applicant has met the criteria set forth in 11 DCMR § 3130.6. The reasons given by the Applicant were beyond the Applicant's reasonable control within the meaning of § 3130.6(c)(3) and constitute "good cause" required under § 3130.6(c)(1). In addition, as required by § 3130.6(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 18325. There have also been no changes to the Zone

District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order.

The Office of Planning ("OP"), in its report dated April 29, 2014, reviewed the application for the extension of the Order for "good cause" pursuant to 11 DCMR § 3130.6 and recommended approval of the requested two-year extension. (Exhibit 39.) The Site is within the boundaries of Advisory Neighborhood Commission ("ANC") 2C.[1] The ANC did not submit a report with regard to the request for a time extension. The affected ANC at the time had filed a report in support of the underlying Order. (Exhibit 26.)

The motion for the time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). No party to the application objected to an extension of the Order. The Board concludes that extension of the relief is appropriate under the current circumstances.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirements of 11 DCMR § 3125.3, which required that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18325-A for a two-year time extension of Order No. 18325, which Order shall be valid until **March 28, 2016**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Robert E. Miller, to APPROVE; S. Kathryn Allen, not present or participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 8, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOADR SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

[1] The Site was in ANC 6C at the time of the underlying approval and Order, but after redistricting, it is now in ANC 2C.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING

Application No. 18598 of 3612 Park Place LLC, pursuant to 11 DCMR § 3103.2, for a variance from the minimum lot area requirements under § 401.3 to convert two vacant row dwellings into a six-unit apartment house in the R-4 District at premises 3612-3614 Park Place, N.W. (Square 3035, Lots 837 and 838).

HEARING DATES: July 30, 2013
DECISION DATE: September 10, 2013

DECISION AND ORDER

This self-certified application was submitted on May 7, 2013 by 3612 Park Place LLC (the "Applicant"), the owner of the property that is the subject of the application. The application requested an area variance from the minimum lot area requirement under § 401.3 of the Zoning Regulations to allow for one additional unit in order to combine with the five units permitted as a matter of right in order to have a six unit apartment building, at the property located at 3612-3614 Park Place, N.W. (Square 2833, Lots 837 and 838). Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated May 9, 2013, the Office of Zoning provided notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 1; Advisory Neighborhood Commission ("ANC") 1A, the ANC in which the subject property is located; and Single Member District/ANC 1A08. Pursuant to 11 DCMR § 3112.14, on May 23, 2013 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 1A, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on May 24, 2013 (60 DCR 7315).

Party Status. The Applicant and ANC 1A were automatically parties in this proceeding. There were no requests for party status in this proceeding.

Applicant's Case. The Applicant provided evidence and testimony from Neil Siman, a lender and developer, and Roger Riggins, the project manager for the Applicant's proposal. The Applicant's witnesses described the current conditions at the subject property and the planned renovation of the buildings, and testified about the financial factors underlying the Applicant's decision to seek approval of a six-unit apartment house rather than undertake a matter-of-right project.

OP Report. By memorandum dated July 16, 2013, OP recommended denial of the application. According to OP, the Applicant had not demonstrated any practical difficulty, since the Zoning

Regulations did not contemplate a grant of relief "in anticipation of a higher return on an applicant's investment and not in response to an established practical difficulty derived from a lot's unique condition." (Exhibit 28.) By supplemental report dated September 3, 2013, OP reiterated its recommendation to deny the requested area variance. OP stated the proposed development of a 4-story, 6-unit apartment building is not consistent with a conversion in the manner anticipated by the Zoning Regulations and would therefore be clearly contrary to its intent and integrity. The OP report stated the intent of the Zoning Regulations is "to allow for the reasonable conversion of existing large structures in the R-4 zone that are considered too large for current living standards," but it is "not to allow for speculative conversions of typically sized row houses into apartment buildings, or to rectify a bad business decision based on a lack of due diligence." (Exhibit 34, emphasis omitted.)

DDOT. By memorandum dated July 17, 2013, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 27.)

ANC Report. By report submitted July 11, 2013, ANC 1A indicated that, at a properly noticed public meeting, held October 7, 2013 with a quorum present, the ANC voted 9-1-1 in support of the application. The ANC indicated its belief that the Applicant's "blighted properties meet the extraordinary or exceptional condition threshold," noting that "[r]egardless of purchase price, the advanced deterioration of the properties puts them beyond the means and abilities of most individuals seeking to renovate a property." The report also stated that "ANC 1A is appreciative that the [Applicant's] plan preserves much of the historic fabric of the facades and encourages the developer to do as much as possible to retain the architectural character of the neighborhood in general, and the particular block specifically." According to ANC 1A, the requested zoning "relief can be granted without substantial detriment to the public good." (Exhibit 24.)

Persons in support. The Board received letters from the owners of properties abutting the subject property at 3610 and 3616 Park Place, N.W. Both letters commented favorably on the Applicant's proposal, especially with respect to the renovation of vacant buildings and the provision of five parking spaces for the planned six apartments.

FINDINGS OF FACT

The Subject Property

1. The subject property comprises two adjoining lots located on the west side of Park Place between Otis and Newton Places (Square 3035, Lots 837 and 838).

2. Each of the two interior lots has 18.3 feet of frontage along Park Place, and each lot is improved with a three-story plus basement row-type building. The building on Lot 838 is attached to both the building on Lot 837 and to a similar building on the lot abutting to the south. The building on Lot 837 is built to the northern property line, and therefore lacks a side yard on the north side, but is not attached to the adjoining building. (That building, a semi-detached dwelling, has a side yard facing Lot 837.)

3. Both lots of the subject property are approximately 134 feet deep. However, Lot 838 is rectangular, 18 feet wide along the rear lot line, while Lot 837 is irregularly shaped defined by public alleys in the interior of the square. An alley 10 feet wide runs approximately north-south from Otis Place behind properties to the north of Lot 837, which are not as deep as the subject property and other lots to the south. An east-west alley, 15 feet wide, abuts Lot 837 for more than half its depth, and causes the width of Lot 837 to narrow at two points. Another north-south alley, also 10 feet wide, abuts Lots 837 and 838 along their rear lot lines.

4. Park Place slopes very gradually in the vicinity of the subject property, approximately two feet, east to west, in the 3600 block. The grade also changes by a few inches at the rear of Lot 837 such that the alley is slightly higher than the rear yard of the subject property. This slope has contributed to the deterioration of the Applicant's buildings since inadequate drainage has led to water pooling at the building's foundation.

5. The buildings on the subject property were built in 1915 and may have been used previously as one-family dwellings. Each contains approximately 1,380 square feet of living space. The Applicant testified that both buildings have been vacant for at least seven years and are now in "severely dilapidated" condition and "in need of significant structural repair and restoration." The Applicant provided photographs of conditions at the subject property, illustrating damage to masonry walls, deteriorated mortar, slab displacement, damage to the roof and windows, and damage attributed to mold, termites, and fire.

6. Properties in the vicinity of the subject property, along the west side of Park Place and on other nearby streets, are improved primarily with low to moderate density attached and semi-detached dwellings. The U.S. Soldiers' and Airmen's Home (Armed Forces Retirement Home-Washington Campus) is located on a large parcel on Park Place immediately to the east of the subject property.

7. The Applicant has begun the subdivision process to consolidate Lots 837 and 838 into a single record lot, which will have an area of 4,521 square feet. (As separate parcels, the current lot areas are 2,108 square feet for Lot 837 and 2,413 square feet for Lot 838.) As combined, the subject property would have a lot occupancy of 32.35 percent and a rear yard of 46.4 feet. Existing building height is 25.5 feet.

The Applicant's Project

8. The Applicant proposed to renovate the buildings at the subject property into a single building, construct a new addition extending across the rear of the building, and convert the property to a six-unit apartment house. The rear addition would be three stories, with basement and roof deck. Five parking spaces would be provided at the rear of the subject property, accessible from the alleys.

9. The proposed conversion and enlargement would create a lot occupancy of 52.05% where a maximum of 60% is permitted, a rear yard of 21.8 feet where a minimum of 20 feet is required, and a building height of 34.5 feet where a maximum of 40 feet and three stories are permitted. (*See* 11 DCMR §§ 403.2, 404.1, and 400.1.)

10. Pursuant to § 401.3, conversion of a building in the R-4 zone to an apartment house requires at least 900 square feet of lot area per unit. In light of the subject property's area of 4,521 square feet, the Applicant could convert the combined building to a five-unit apartment house as a matter of right, but the subject property would require an additional 879 square feet in lot area to permit a six-unit apartment house without variance relief. Conversion of the combined building into six apartments would provide 753.5 square feet of lot area per unit, a variance of approximately 16% from the minimum requirement of 900 square feet.

11. The Applicant asserted that the subject property was affected by an exceptional situation or condition in that the buildings are "in a severe state of disrepair and decay" and have "incurred extraordinary structural damage to a much greater degree than the ordinary vacant, blighted structure," especially when compared to the "generally up-to-date properties" on the same block. As a result, the Applicant claimed that renovation of the property would require "extraordinary" expenses to amend the blighted condition and to correct structural damage, subject to "the unpredictable nature of a major structural restoration." (Exhibit 4.)

12. The Applicant argued that the strict application of the minimum lot area requirement set forth in the Zoning Regulations would result in practical difficulty by limiting to five the number of apartment units that could be provided at the subject property as a matter of right, because the creation of five units in the two buildings "makes for an inefficient and non-cohesive layout, as well as a potentially unappealing and asymmetrical exterior." According to the Applicant, "the demand for, and marketability of, a certain size and layout of apartment unit," would make compliance with the minimum lot area requirement of § 401.3 of the Zoning Regulations "unnecessarily burdensome for the Applicant." (Exhibit 4.)

13. The Applicant testified that the requested relief could be granted without substantial detriment to the public good or substantial impairment of the zone plan because the "request is modest," allowing conversion of the building to six units instead of the five permitted as a matter of right and achieving the restoration of "blighted, vacant, and structurally deficient buildings" so as to "eliminate an eyesore and bring the quality of the Property in line with that of the other properties on this block." (Exhibit 4.)

Harmony with Zoning

14. The subject property is located in the R-4 District, which is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more

families. (11 DCMR § 330.1.) Because its "primary purpose" is "the stabilization of remaining one-family dwellings," the R-4 zone is not intended to become an apartment house district as contemplated in the General Residence (R-5) zones, since the conversion of existing structures is "controlled by a minimum lot area per family requirement." (11 DCMR §§ 330.2, 330.3.)

15. Properties in the vicinity of the subject property are also zoned R-4, with the exception of the site of the U.S. Soldiers' and Airmen's Home, which is unzoned.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the minimum lot area requirement under § 401.3 of the Zoning Regulations to allow the conversion of two former row dwellings, enlarged with a rear addition, into a six-unit apartment house in the R-4 District at 3612 and 3614 Park Place, N.W. (Square 3035, Lots 837 and 838). The Board is authorized under § 8 of the Zoning Act to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (*See* 11 DCMR § 3103.2.)

A showing of "practical difficulties" must be made for an area variance, while the more difficult showing of "undue hardship" must be made for a use variance. *Palmer v. Board of Zoning Adjustment*, 287 A.2d 535 (D.C. 1972). The Applicant in this case is requesting area variances; therefore, he had to demonstrate an exceptional situation or condition of the property and that such exceptional condition results in a practical difficulty in complying with the Zoning Regulations. In order to prove "practical difficulties," an applicant must demonstrate first that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. *See Association For Preservation of 1700 Block of N St., N.W., and Vicinity v. District of Columbia Bd. of Zoning Adjustment*, 384 A.2d 674, 678 (D.C. 1978).

Based on the findings of fact, the Board finds that the application does not satisfy the requirements for variance relief from the minimum lot area requirement of § 401.3 in accordance with § 3103.2. The Board does not find that the subject property is faced with an exceptional situation or condition, or that the strict application of the Zoning Regulations would create a practical difficulty to the Applicant as the owner of the property. The subject property is generally rectangular in shape, without significant changes in grade, and is similar to other properties in the vicinity. The buildings on the subject property are similar to the buildings on the abutting lots, as well as to many other buildings in the vicinity. As described by OP, which found no exceptional situation or practical difficulty in this application, the "current physical

BZA APPLICATION NO. 18598
PAGE NO. 6

configuration of the existing building does not preclude its use for flats, or five units if the lots are combined…." The Applicant argues that the property exhibits an exceptional situation or condition due to the significantly deteriorated state of the existing building, especially in contrast to the generally good condition of surrounding properties, and the fact that the properties have been vacant for some time. The Board does not agree that the deteriorated state of the buildings on the subject property creates an exceptional situation, or that the degree of damage present at the Applicant's buildings is extraordinary. Conditions cited by the Applicant, such as damage to the roofs and walls, some attributable to poor drainage, termites, or fire, are common in vacant buildings. Nor was the Board persuaded that the fact that the properties had been vacant for some years created an exceptional situation, in part because the Applicant was unable to testify about the reasons why the properties had been vacant, or how long they were on the market before their purchase by the Applicant.

As a practical difficulty arising from the strict application of the Zoning Regulations, the Applicant claims that the "unique physical condition" of the subject property presented "significant economic practical difficulties that the Applicant must overcome to realize a viable and sustainable restoration" of the buildings "with a fair and reasonable return." The Applicant argues that a matter-of-right conversion to a five-unit apartment house would present practical difficulties because of the "extraordinary expense" entailed in correcting structural deficiencies and restoring the buildings at the subject property as well as the difficulty in configuring an uneven number of units within the existing configuration of the two buildings. According to the Applicant, the history of neglect of the subject property, the buildings' physical condition and structural problems, and market demographics would make a five-unit conversion "unnecessarily burdensome" and a four-unit conversion "impossible," citing a *pro forma* and construction budget prepared by the Applicant.

The Board was not persuaded that practical difficulty would result to the Applicant because of the strict application of the Zoning Regulations. The Applicant contends that a conversion of the buildings to a five-unit matter-of-right apartment house would not be economically feasible due to the need to recover significant expenses associated with the renovation of the buildings. The Board did not find creditable the financial information presented by the Applicant. The Board noted that some of the financial information did not properly capture the difference in cost and the number of associated units.

As noted by OP, the Applicant's project "would include significant expansion of the buildings, increasing the lot occupancy from 32.35% to 52.05%," and the Applicant's plans for considerable enlargement of the buildings, with both a rear addition and a new third floor, complicate evaluation of its claims regarding the economic feasibility of a smaller project. A project not involving significant new construction could be devoted to a matter-of-right use as a five-unit apartment house or a pair of flats or one-family dwellings. Under the circumstances, the Board was not persuaded by the Applicant's claims that a sixth apartment unit would be essential to making the project feasible, and that a matter-of-right project would not be financially viable.

The Board concurs with OP's conclusion that approval of the application would cause substantial detriment to the public good and would substantially impair the intent, purpose, and integrity of the zone plan. The subject property is located in a relatively low density neighborhood characterized by small row dwellings and semi-detached residences; the Applicant did not identify any other apartment houses in the vicinity. The principal exception to the predominantly low-density character of the neighborhood, the U.S. Soldiers' and Airmen's Home, is located on a campus across Park Place from the subject property. As OP noted, the development of an apartment house where it is not contemplated under the Zoning Regulations would be detrimental to the neighborhood's character, and thus to the public good.

The Board also concurs with OP's conclusion that approval of the requested zoning relief would substantially impair the intent, purpose, and integrity of the Zoning Regulations. The R-4 zone is mapped for the purpose of stabilizing the remaining one-family dwellings and is not intended to become an apartment house district. New apartment houses are not permitted as a matter of right in the R-4 District, and limits on the conversion of buildings to apartment house use were implemented in the R-4 District as a means of regulating the proliferation of large multi-family dwellings. As OP noted, "[a]partment conversions (particularly ones also involving significant additions to facilitate the additional units) conflict with the clearly stated purpose of the R-4 zone … and would impact the purpose and integrity of the R-4 zone and the minimum lot area provisions." The Board credits OP's testimony that the provisions governing the conversion of older building that predate the Zoning Regulations into apartment houses, in a zone otherwise intended to protect lower density residential uses, were "intended to allow for the reasonable conversion of existing large structures in the R-4 zone that are considered too large for current living standards, not to allow for speculative conversions of typically sized row houses into apartment buildings." (Exhibit 28.)

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, as discussed above, the Board concurs with OP's recommendation that the application should be denied.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)).) In this case, ANC 1A adopted a resolution in support of the application, citing the "blighted" nature of the Applicant's property, and "the advanced deterioration" that put the site "beyond the means and abilities of most individuals seeking to renovate a property." ANC 1A commented favorably on the Applicant's plans to preserve "much of the historic fabric of the facades" of the two buildings, and concluded that the requested variance could be granted without substantial detriment to the public good. In according the issues and concerns raised by ANC 1A the "great weight" to which they are entitled, the Board fully credited the unique vantage point that ANC 1A holds with respect to the impact of the Applicant's proposal on the ANC's constituents. However, for the reasons discussed above, the Board does not find that the blighted condition and deterioration of the subject property, as described by the Applicant, created an extraordinary condition beyond the means or ability of most individuals seeking to renovate the property. While concerns about the "historic fabric of the facades" are largely outside the purview of the

BZA APPLICATION NO. 18598
PAGE NO. 8

Zoning Regulations, the Board notes the ANC's concerns about the potential impact of the Applicant's project on "the architectural character of the neighborhood in general, and the particular block specifically." The R-4 zone is intended to protect neighborhood character in areas developed primarily with row dwellings, such as the vicinity of the subject property, in part by limiting the conversion of dwellings into multi-family dwellings, in contrast to the apartment house districts contemplated in the R-5 zones. ANC 1A concluded that the requested variance could be granted without substantial detriment to the public good, but its resolution did not address the potential impairment of the zone plan associated with the Applicant's proposal.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for an area variance from the minimum lot area requirement under § 401.3 of the Zoning Regulations to allow conversion of two former row dwellings into a six-unit apartment house in the R-4 District at 3612-3614 Park Place, N.W. (Square 3035, Lots 837 and 838). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: **4-0-1** (Lloyd J. Jordan; Jeffrey L. Hinkle, S. Kathryn Allen, and Anthony J. Hood to Deny; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 8, 2014

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18725 of Rafael Romeu, pursuant to 11 DCMR §§ 3103.2, for a variance from lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure requirements under subsection 2001.3, to allow the construction of a rear deck in the DC/R-4 District at premises 1536 T Street, N.W. (Square 191, Lot 98).

HEARING DATE: March 11, 2014
DECISION DATE: March 11, 2014

DECISION AND ORDER

Rafael Romeu (the "Applicant"), the owner of the subject property, submitted this self-certified application on December 30, 2013, seeking a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure requirements under subsection 2001.3, to allow the construction of a rear deck in the DC/R-4 District at premises 1536 T Street, N.W. (Square 191, Lot 98).

The Board of Zoning Adjustment (the "Board") held a hearing on the application on March 11, 2014, at which it voted 4-0-1 to grant the requested relief.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated January 6, 2014, the Office of Zoning sent notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 2; Advisory Neighborhood Commission ("ANC") 2B, the ANC for the area within which the subject property is located; and the Single Member District ANC 2B-09. Pursuant to 11 DCMR § 3112.14, on January 10, 2014, the Office of Zoning mailed notice of the hearing to the Applicant, ANC 2B, and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on January 10, 2014 (61 DCR 219).

Request for Party Status. The Applicant and ANC 2B were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application to a group of persons that included individuals James Hill of 1538 T Street, N.W., Washington, D.C. 20009, Amir A. Afkhami of 1540 T Street, N.W., Washington, D.C. 20009, and Robert Uth of 1839 16th Street, N.W., Washington, D.C. 20009.

BZA APPLICATION NO. 18725
PAGE NO. 2

Applicant's Case. The Applicant provided evidence and testimony from Rafael Romeu, the owner of the subject property, and Bill Morris, the architect for the Applicant. They described the Applicant's plans to construct a rear deck on the subject property, and provided testimony and evidence to show that the application satisfied all requirements for approval of the requested zoning relief.

OP Report. By report dated March 4, 2014, and through testimony at the public hearing, OP noted that OP would not ordinarily support a proposal to increase nonconforming lot occupancy and a further reduction to an already nonconforming rear yard. However, given the fact that the Applicant began construction of the deck in good faith reliance upon THE Department of Consumer and Regulatory Affairs ("DCRA") approvals that were later rescinded, OP concluded it could support the grant of variance relief for a smaller deck or for the proposed deck if the Applicant could identify the practical difficulty that would prevent it from modifying its proposal to provide for a smaller deck. OP made no finding as to whether the current proposal would substantially impair the public good, but noted that the sun study submitted by the Applicant showed little impact on the light enjoyed by the adjacent properties. However, OP concluded that granting the Application would substantially impair the intent, purpose and integrity of the Zoning Regulations and Map given the extent of the increased nonconformities proposed.

DDOT Report. By memorandum dated February 28, 2014, DDOT indicated no objection to the application, noting that the proposal will have no adverse impacts on the District's transportation network.

ANC Report. By letter dated February 20, 2014 the Chairman of ANC 2B indicated that at a regular, duly noticed monthly public meeting held on February 17, 2014, with a quorum present, the ANC voted 4-2-1 to recommend approval of the Application, contingent on plans and a project that protects and demarcates the easement in the rear of the property, including assurances that vehicles or other objects cannot impede easement. In his written and oral testimony, the ANC Chairman clarified that the ANC's regular meeting was to be held on February 12th. Originally, the February 17th meeting was added to accommodate agenda items that might not be reached on the 12th. However, the regular meeting was cancelled due to a weather event, and the ANC gave notice that the entire agenda would be considered on February 17th.

Persons in Support. The Board received a letter in support of the application from Mr. Jochen R. Andritzky, of 1534 T Street, N.W., stating that he thought the deck would be an overall positive for the neighborhood.

Party in Opposition. The Board heard testimony from members of the group of residents that were granted party status (the "Opposition Party"), including James Hill, Amir Afkhami, and Robert Uth. The Board also heard testimony on behalf of the Opposition Party from Mr. Edward Hanlon of 1523 Swann Street, N.W., Washington, D.C. 20009.

BZA APPLICATION NO. 18725
PAGE NO. 3

FINDINGS OF FACT

1. The subject property is located at 1536 T Street, N.W. (Square 191, Lot 98).

2. The subject property is a rectangular property 16.83 feet wide by 54.73 feet long; with a land area of 921 square feet.

3. The subject property is located in the R-4 Zone District and is also included in the Dupont Circle Overlay District.

4. The subject property is currently improved with a three-story structure built around 1900. The structure is currently used as a flat, including an English basement and the main part of the dwelling occupied by the Applicant. The English basement is accessed from the front of the structure, on T Street.

6. The rear of the structure, at the ground level, has a door that provides access to a utility room. This door provides no access to the English basement unit or to the Applicant's residence in the structure.

7. The subject property currently has a patio at the ground level in the rear, with no steps or other available access to the rear door of the main level of the structure. The Applicant has no way of accessing their rear yard from the rear of the building.

8. The subject property is nonconforming as to lot area, width and occupancy and also as to rear yard depth.

9. The lot on the subject property has a land area of 921 square feet and is 16.83 feet wide. Subsection 401.3 requires at least 1,800 feet of land area and a minimum width of 18 feet. The structure on the subject property occupies 72% of the lot. The maximum lot occupancy permitted in an R-4 zone by § 403.2 is 60%, while a maximum lot occupancy of 70% may be allowed as a special exception pursuant to § 223.3. The rear yard has a depth of 15 feet, whereas a depth of 20 feet is required by § 404.1

10. The rear – south - of the subject property abuts, and is perpendicular to, a property that fronts on 16th Street, N.W. The subject property abuts a garage located on this adjacent property for approximately half of the width of the rear yard. The remaining portion of the rear yard abuts open space adjacent to the north-south alley located just east of the subject property.

11. The adjacent garage encroaches approximately eight inches onto the south edge of the subject property.

12. The subject property is encumbered by a recorded easement that grants use of a three-foot wide space at the rear of the subject property, along its entire width, "for alley purposes." According to the deed for the subject property, the easement was given for the benefit of

three properties to the west, including Lot 97 (1538 T Street), Lot 96 (1540 T Street), and Lot 93 (1837 16th Street).

13. The subject property is bounded by T Street to the north; the row dwelling at 1538 T Street to the west; the property located on 16th street to the south (rear), and a 10-foot wide public alley to the east.

14. The adjacent public alley runs in a north-south direction between T Street and Swann Street.

15. The subject lot is one of six small lots in the northwest corner of Square 191 that were created by dividing three larger lots when the current structures on these six properties were built around 1900. The large majority of lots in the subject square are nearly twice the size of the subject property.

16. The Applicant purchased the subject property in September 2012, and shortly thereafter began investigating whether or he could construct a rear deck addition as a matter-of-right.

17. In November 2012, the Applicant hired an architect to perform a zoning analysis and to inquire of DCRA whether a rear deck would be permitted as a matter-of-right. As part of its investigation, the Applicant discovered plans from a 2010 permit application, aerial photo evidence, and a letter from the previous owner, all which demonstrated that a full-sized rear deck had existed in this location as recently as 2011, as early as 1951, and at various times in between those dates.

18. In February, 2013, a DCRA zoning technician informed the Applicant's architect that the Applicant was permitted to build a rear deck to 97% lot occupancy as a matter-of-right as the replacement of a legally nonconforming structure.

19. Based on such representation from the DCRA zoning technician, the Applicant proceeded to further engage his architect to design the rear deck and prepare plans to accompany a building permit application. The Applicant paid the architect approximately $11,000 for this phase of the work.

20. On July 26, 2013, DCRA issued Building Permit No. B1309278 to the Applicant, allowing the construction of a rear deck on the subject property that would take the subject property's lot occupancy to approximately 97%, and eliminate all but about eight inches of the Applicant's rear yard.

21. The Applicant relied in good faith both on the initial oral approval from the DCRA zoning technician in February 2013, as well as on Building Permit No. B1309278 issued in July, 2013, in taking certain actions toward construction of the approved rear deck.

22. In September 2013, the Applicant entered into a contract with a contractor to construct the deck, and paid $32,500 to the contractor as the first and second installments on that contract. The Applicant has not received any refund of this money, some of which is for custom-ordered materials that are difficult to return or redeem.

23. The Applicant commenced construction of the rear deck pursuant to Building Permit No. B1309278, including removing the existing rear patio pavers and digging holes for installation of the footings for the proposed deck. According to an estimate provided to the Applicant, the Applicant would have to expend about $7,800 to restore the rear patio to the condition it was in prior to the issuance of the Building Permit and commencement of the deck construction.

24. On October 2, 2013, the Applicant learned that Appeal No. 18677 had been filed by his neighbor, James Hill, owner of the property immediately to the west, at 1538 T Street, N.W., and by a Mr. Edward Hanlon, owner of a house located on Swann Street. The Applicant then halted construction of the project.

25. On December 6, 2013, the D.C. Zoning Administrator issued a Notice to Revoke Permit for Permit No. B1309278, effectively rescinding his office's approval of the application for Building Permit No. B1309278. The notice indicated that it would become effective in 60 days unless the Applicant appealed the proposed revocation to the BZA.

26. The Applicant did not appeal the proposed revocation within the period allowed, but instead submitted this application for variance relief to allow the construction of the rear deck substantially as it was approved in Building Permit No. B1309278. Because the revocation had become final, the Board dismissed Appeal No. 18677 as moot on February 25, 2014.[1]

27. The Applicant is proposing to construct a deck at the rear of the subject property. The proposed deck will extend from the rear of the structure to the edge of the abutting garage. The deck will occupy all but about eight inches of the property's rear yard and will cause the subject property to have a lot occupancy of 97%. Thus the Applicant requires variance relief from the lot occupancy requirements under § 403 and a variance from the rear yard requirements under § 404. In addition, because the addition will increase the existing lot occupancy and lot area nonconformities, relief is required from § 2001.3.

28. After filing the initial BZA application, the Applicant revised his plans for the proposed deck, moving two supporting columns so that the columns would not be located within the area of the three-foot wide easement at the rear of the subject property. The Applicant also revised the proposed plans to include wooden louvers above the railing of the deck where the deck abuts the neighbor's property at 1538 T Street, N.W.

[1] A Board order dismissing the appeal has not been issued as of the date of this Order.

29. Shadow studies provided by the Applicant showed a minimal impact on sunlight from the proposed deck to the neighboring property to the west.

CONCLUSIONS OF LAW

The Applicant requests variances from §§ 403.2, 404.1, and 2001.3 to permit the construction of a rear deck at the main level (first floor) of the subject property in the DC/R-4 Zone at 1536 T Street, N.W. (Square 191, Lot 98). The Board is authorized to grant variances from the strict application of the Zoning Regulations where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property … or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,'' the strict application of any zoning regulation "would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property …." D.C. Official Code 6-641.07(g)(3) (2012 Repl.); (11 DCMR § 3103.2.)

A showing of "practical difficulties" must be made for an area variance, while the more difficult showing of "undue hardship" must be made for a use variance. *Palmer v. Board of Zoning Adjustment*, 287 A.2d 535 (D.C. 1972). The Applicant in this case is requesting area variances; therefore, he had to demonstrate an exceptional situation or condition of the property and that such exceptional condition results in a practical difficulty in complying with the Zoning Regulations. Lastly, the Applicant had to show that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." (11 DCMR § 3103.2.)

The "exceptional situation or condition" of a property can arise out of "events extraneous to the land," including the zoning history of the property. See, *e.g. De Azcarate v. Board of Zoning Adjustment,* 388 A.2d 1233, 1237 (D.C. 1978), and see *Monaco v. Board of Zoning Adjustment*, 407 A.2d 1091, 1097, and 1098 (D.C. 1979). *See also Application No. 17264 of Michael and Jill Murphy* (2005). The "exceptional situation or condition" can also arise out of the structures existing on the property itself." *See, e.g., Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974).

In order to prove "practical difficulties," an applicant must demonstrate first that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. *See Association For Preservation of 1700 Block of N St., N.W., and Vicinity v. District of Columbia Bd. of Zoning Adjustment*, 384 A.2d 674, 678 (D.C. 1978).

Based on the above findings of fact, the Board concludes that the Applicant has satisfied the burden of proof and that the application should be granted.

BZA APPLICATION NO. 18725
PAGE NO. 7

The subject property faces several exceptional situations or conditions. Among these is the recent zoning history for this property; specifically, the Applicant relied in good faith on actions of DCRA officials in approving the proposed rear deck by first indicating that the deck could be built as a replacement and then issuing a building permit for its construction as a matter-of-right.

The DCRA decision was not made in haste. Rather, the issuance of the building permit in July of 2013 was made only after the Applicant provided evidence to DCRA permitting officials showing the existence of a rear deck in a similar footprint to the one requested by the Applicant here. Such evidence included not only aerial photos which clearly showed the deck occupying virtually the entire rear yard of the property, but also, 2010 building permit plans from a previous owner requesting demolition of an existing deck that clearly occupied virtually the entire rear yard, and a parking pad underneath that deck. Having apparently accepted the Applicant's view that the deck could be constructed as a matter of right, the Applicant in July of 2013 had no reason to suspect that DCRA would propose to revoke the permit five months later. The actions of DCRA in approving the Building Permit, and the actions of the Applicant in relying on that approval to its detriment, constitute an exceptional condition.

That detrimental reliance took several forms. First, after receiving an initial approval from DCRA zoning division staff, the Applicant spent a significant amount of money for his architect to design the proposed deck, prepare plans for a building permit application, and pursue that application. After being issued a building permit for construction of the deck, the Applicant engaged a contractor, to which he paid a considerable amount of money; none of which has been returned to the Applicant and some of which is for custom-made materials which may be difficult to return or redeem. In addition, the Applicant actually commenced construction pursuant to the Building Permit, including removal of the existing patio on the ground floor and digging holes to hold the footings for the deck. Such work included several days of work, and the Applicant has received an estimate of $7,800 just to restore the patio back to its original condition. The Board further notes that once the Applicant learned of the appeal of the permit, he halted the work. Although this prevented further loss, it could not reverse the detriment the Applicant would suffer should these variances be denied.

The practical difficulty that arises from these circumstances is both the waste of time and money that would result in not proceeding with the project and the costs of having to restore the property to its preexisting condition. There is no doubt that to incur this waste and cost would be unduly burdensome to the Applicant.

In addition to the zoning history, the Board finds a further confluence of factors constituting exceptional situations or conditions with the subject property, including the small size of the subject property, the encroachment of a neighboring garage on the rear yard of the subject property, a three-foot wide easement burdening the rear portion of the property, the location of the property along an internal alley in the square, and the internal configuration of the structure on the subject property such that the Applicant cannot access his rear yard without exiting the building through the front door and walking through the alley, as there is no access from the Applicant's living space within the structure to the rear yard.

BZA APPLICATION NO. 18725
PAGE NO. 8

The Board further finds that requiring strict compliance with the Zoning Regulations would also be unnecessarily burdensome to the Applicant because of the effects of the internal configuration of the dwelling on the subject property, and because of the already restricted use of the Applicant's rear yard as a result of the small size of the lot, the encroachment from the neighboring garage, and the three-foot wide easement.

The Board concludes that the requested variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. The Applicant's sun study demonstrated only a minor impact on the sunlight to the neighboring property to the west, and the Applicant will provide louvered wooden slats above the deck railing to address the west neighbor's privacy concerns.

As to the private easement, the Board has no authority to determine whether the proposed deck violates this private agreement. The Board's jurisdiction is defined by Section 8 of the Zoning Act, which allows it to decide applications for special exceptions and variances, appeals from zoning decisions, and special questions put to it by the Zoning Commission. The Court of Appeals has stated repeatedly that it is "reluctant to read into a statute powers for a regulatory agency which are not fairly implied from the statutory language, since the agency is statutorily created." *See Spring Valley Wesley Heights Citizen Ass'n v. District of Columbia Bd. of Zoning Adjustmen*t, 644 A.2d 434, 436 (D.C. 1994) (*citing Chesapeake & Potomac Tel. Co. v. Public Service Comm'n of District of Columbia*, 378 A.2d 1085, 1089 (D.C. 1977)). The Commission's authority is thus limited to and controlled by its statute, which neither expressly nor implicitly permits the Board to resolve a dispute as to the scope of an easement. If the Opposition Party believes that the proposed deck violates their private rights, its resort is to the courts.

Nor would the impact of any claimed violation likely be relevant. The easement was not in favor of the public, but was to provide alley-type access to certain property owners. The Board's role is not to determine whether the grant of a variance affects one private property owner's enjoyment of another person's property. Rather, the Board decides whether granting a variance on one piece of private property will impair an adjoining property owner's use of his or her own property. The Board has already concluded that no such impairment will result.

Nevertheless, the Board notes that the Applicant amended the Application to move two small columns out of the easement area. The moving of these columns not only leaves the easement area clear, but it provides a barrier between the easement area and the Applicant's parking space, addressing one of the main concerns of the party in opposition that a car would be likely to block access to the easement area.

Finally, granting the variance will not impair the purposes of the Zoning Regulations or Map. The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more families. (11 DCMR § 330.1.) The "primary purpose" of the zone is stabilization of remaining one-family dwellings. (11 DCMR § 330.2.) The Dupont Circle Overlay serves similar goals, (*see* 11 DCM 1501.4), including that the scale of development be

consistent with the nature and character of the Dupont Circle area in height and bulk. (§ 1501.4 (a).) There is nothing about the proposed deck that could result in destabilizing the remaining one family-dwellings in the zone district. It simply allows a deck to occupy more of a very small lot than is otherwise permissible. Neither the existing structure nor the proposed deck is out of character with the neighborhood, and in fact it appears that a prior deck of the same size previously existed on the property.

The Board is required to give great weight to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)). Great weight means acknowledgement of the issues and concerns of the Office of Planning. In this case, OP stated in its report that the Applicant demonstrated that the zoning history exhibited an exceptional condition, but thought that the Applicant should build a smaller deck or demonstrate the practical difficulty of building a smaller deck.

The Board agrees with OP that the zoning history, among several other items, was an exceptional condition. The Board disagrees, however, with OP's position that the Applicant should build a smaller deck, or that the Applicant has not demonstrated the practical difficulty in building a smaller deck. Part of the practical difficulty demonstrated by the Applicant involves the limited amount of space available to the Applicant as a result of the garage encroachment and the three foot easement. Decreasing the deck size further limits that space, thereby increasing the practical difficulty. In addition, the Applicant demonstrated that it had taken certain actions in good-faith detrimental reliance on the approval by DCRA, and those actions relied on a deck size approved in the subject Building Permit.

As to whether granting the variance would cause substantial detriment to the public good, the Board agrees with OP that the shadow study demonstrated that the deck would cause limited impact on the light of adjacent properties. The Board however disagrees with OP's view that granting the variances will substantially impair the intent, purpose, and integrity of the Zoning Regulations and Map. OP points to no purpose served by the R-4 Zone or the Dupont Circle Overlay that would be violated by a grant of the variances, but simply argues that the deck should be smaller so as to limit the extension of the existing nonconforming lot occupancy and the further reduction of the rear yard. OP thus appears to contend that because it believes that the Applicant has not shown the practical difficulty in building a smaller deck, then the deck the Applicant proposes to build must cause substantial detriment to the zone plan. The Board disagrees. The existence of practical difficulties and the question of whether there will be substantial detriment are two different tests. For the reasons stated earlier, the Board has concluded that exceptional circumstances created practical difficulties in constructing anything other than the deck as proposed and that no purpose of the R-4 Zone District or the Overlay is contravened by the grant of the relief requested.

The Board is also required to give great weight to issues and concerns raised by the affected ANC (D.C. Official Code § 1-309.10(d).) To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. ANC 2B submitted a resolution in

support of granting the variances contingent on plans and a project that protects and demarcates the easement in the rear of the property, including assurances that vehicles or other objects cannot impede easement. As noted, the issue of whether the easement will be impaired by the addition is of no legal relevance to the Board. However, the Board notes that the revisions made to the plans by the Applicant adequately address the ANC's concerns.

The Party in Opposition argued that ANC 2B had not provided proper legal notice for its February 17, 2014 meeting at which the Applicant presented its request and the ANC voted to recommend approval. Whether that is correct depends upon an interpretation of the ANC statute and the bylaws of ANC 2B. Both the Chairman and the Vice-Chairman (also the SMD in this case) attended the BZA hearing and provided testimony that offered a reasonable interpretation that the ANC's recommendation in this case was duly and validly issued. This Board is only charged with interpreting the Zoning Regulations and will defer to the ANC with respect to the laws and bylaws that govern its procedures.

However, the Board also concludes that even if it had found the ANC's recommendation to not be valid, the Board would still approve this Application. The Board found that the Applicant met the burden of proof for being granted the variances independent of anything stated by the ANC, and therefore even if the ANC letter had never been received, the result would have been the same.

For the reasons stated above, the Board concludes that the applicant has met its burden of proof. It is hereby **ORDERED** that the application is **GRANTED, SUBJECT to** Exhibit 29, Tab S (Revised Plans).

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Anthony J. Hood to Approve; Marnique Y. Heath not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 7, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE

BZA APPLICATION NO. 18725
PAGE NO. 11

PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR 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. 18748 of Rob and Linda Low, pursuant to 11 DCMR § 3103.2, for a variance from the prohibition of having two principal structures on a single lot under § 3202.3, and a variance from the rear yard requirements under § 404, to use a carriage house as a one-family dwelling in the R-4 District at premises 1827 Park Road, N.W. (Square 2614, Lot 801).

HEARING DATE: May 6, 2014
DECISION DATE: May 6, 2014

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

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") 1D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1D which is automatically a party to this application. ANC 1D submitted a Form 129 and a written resolution, which indicated that at a properly noticed, regularly scheduled public meeting held on March 18, 2014, with a quorum of Commissioners present, the ANC voted unanimously (5:0) to support the application. (Exhibit 24.)

The Office of Planning ("OP") submitted a timely report dated April 29, 2014, indicating that it supported approval of the variance relief with conditions. (Exhibit 29.) The District Department of Transportation ("DDOT") submitted a report of no objection. (Exhibit 30.) Three neighbors submitted letters of support for the application. (Exhibits 25, 26, and 27.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for a variance from the strict requirements of the prohibition of having two principal structures on a single lot under § 3202.3, and from the rear yard requirements under § 404, to use a carriage house as a one-family dwelling in the R-4 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue

BZA APPLICATION NO. 18748
PAGE NO. 2
hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. 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 CONDITION:**

1. The number of residential units in the Carriage House shall be limited to one; and as part of any conversion of the main house to apartment house, the unit in the carriage house shall count toward the number of units permitted on this lot.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this summary order.

VOTE: **3-0-2** (Robert E. Miller, Marnique Y. Heath, and Jeffrey L. Hinkle, to Approve; Lloyd L. Jordan, abstaining, and S. Kathryn Allen, not present or participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 12, 2014

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.

District of Columbia REGISTER – May 16, 2014 – Vol. 61 - No. 21 004861 – 005187