



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-346, Homeless Services Reform Amendment Act of 2014
- District Department of the Environment schedules a public hearing on the FY 2015 Project Priority List
- Department of Health schedules a public hearing to receive comments on allowing qualifying patients to cultivate medical marijuana through home growing
- District Department of the Environment announces funding availability for the Wetland Conservation Policy and Registry grant
- Department of Health announces funding availability for the FY2014 HIV Housing Assistance Programs
- Deputy Mayor for Planning and Economic Development announces funding availability for the FY14 - WIC - Construction Pre-Apprenticeship and Support Services
- District Department of Transportation announces funding availability for non-traditional transportation projects

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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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

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COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-103****“Vending Regulations Temporary Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-669 on first and second readings February 4, 2014 and March 4, 2014, respectively. Following the signature of the Mayor on March 12, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-292 and was published in the March 21, 2014 edition of the D.C. Register (Vol. 61, page 2433). Act 20-292 was transmitted to Congress on March 20, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-292 is now D.C. Law 20-103, effective May 15, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Mar. 20,21,24,25,26,27,28,31

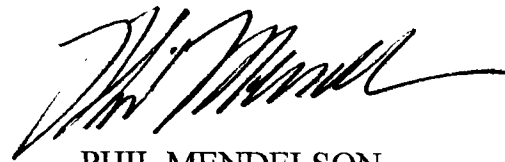
April 1,2,3,4,7,8,9,10,11,28,29,30

May 1,2,5,6,7,8,9,12,13,14

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-104****“Classroom Animal for Educational Purposes
Clarification Temporary Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-667 on first and second readings February 4, 2014 and March 4, 2014, respectively. Following the signature of the Mayor on March 14, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-300 and was published in the March 28, 2014 edition of the D.C. Register (Vol. 61, page 2572). Act 20-300 was transmitted to Congress on March 25, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-300 is now D.C. Law 20-104, effective May 20, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Mar. 25,26,27,28,31

April 1,2,3,4,7,8,9,10,11,28,29,30

May 1,2,5,6,7,8,9,12,13,14,15,16,19

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-339

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2014

To amend the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 to require action by an underinsured motorist insurer when liability insurance is exhausted.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Underinsured Motorist Carrier Fairness Amendment Act of 2014".

Sec. 2. The Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 *et seq.*), is amended by adding a new section 8a to read as follows:

“Sec. 8a. Notice of proposed settlement for policy limits to underinsured motorist coverage carrier; waiver of subrogation; time limits.

“(a) When a tortfeasor’s insurer offers to pay its full policy limits of coverage for bodily injury or death to a claimant, conditioned upon the claimant’s insurer waiving its rights of subrogation against the tortfeasor, the claimant or the tortfeasor’s insurer shall give to the claimant’s insurer notice in writing that an offer to settle for policy limits has been made by the tortfeasor’s insurer.

“(b) The written notice shall be sent by certified mail, return receipt requested, to the claimant’s insurer, and shall include the following information:

“(1) Any one of the following:

“(A) The name and address of the claimant;

“(B) The claim number created by the claimant’s insurer for the vehicle

accident; or

“(C) The policy number of the claimant’s insurer;

“(2) The name of the tortfeasor;

“(3) The name of the tortfeasor’s insurer and the policy number for the tortfeasor’s insurance policy under which an offer to settle for policy limits has been made;

“(4) A statement that the tortfeasor’s insurer has offered to settle with the claimant for policy limits; and

“(5) A statement that under the law the claimant’s insurer has 60 days to either:

“(A) Preserve its subrogation rights against the tortfeasor by providing written notice of its intention to do so and by paying to the claimant an amount equal to the policy limits that have been offered to the claimant by the tortfeasor’s insurer; or

“(B) Allow the claimant to accept the settlement offer from the torfeasor’s

ENROLLED ORIGINAL

insurer and execute appropriate releases.

“(c)(1) The claimant’s insurer is considered to have fully waived its right of subrogation against the tortfeasor, unless within 60 days from receipt of the notice described in subsection (b) of this section, the claimant’s insurer sends, by certified mail, return receipt requested, to the claimant and to the tortfeasor’s insurer written notice that it does not waive its rights of subrogation against the tortfeasor.

“(2) The notice of claimant’s insurer is not effective unless the notice to the claimant is accompanied by payment to the claimant of an amount equal to the policy limits offered by the tortfeasor’s insurer.

“(3)(A) If the claimant’s insurer fails to send the notice provided for in paragraph (1) of this subsection and fails to pay the sum required by paragraph (2) of this subsection within the 60-day time period, the claimant’s insurer is considered to have waived its subrogation rights against the tortfeasor, and the claimant may consummate the settlement.

“(B) Any consent to settle or waiver of subrogation by the claimant’s insurer may not be construed to limit the right of the claimant’s insurer to raise any issue or defense relating to liability and damages in an action against the claimant’s insurer and does not constitute an admission by the claimant’s insurer as to any issue, claim, or defense raised in an action against the claimant’s insurer.”

“(d) If the claimant’s insurer gives notice and tenders payment to the claimant as provided for in subsection (c) of this section, the claimant’s insurer is and remains subrogated to the rights of the claimant as to the tortfeasor to the extent of any and all sums paid by the claimant’s insurer to the claimant. The payment by the claimant’s insurer of the amount equal to the policy limits offered by the tortfeasor’s insurer shall not serve in any way to waive, change, or increase the amount of the claimant’s underinsured motorist coverage beyond the underlying underinsured motorist coverage policy limits.

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

“(1) “Claimant” means the victim having underinsured motorist coverage as provided in section 7(c-1) or survivors of the victim.

“(2) “Claimant’s insurer” means the company providing underinsured motorist coverage to the claimant.

“(3) “Tortfeasor” means the owner or operator of an underinsured motor vehicle who causes injury or damage.”

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

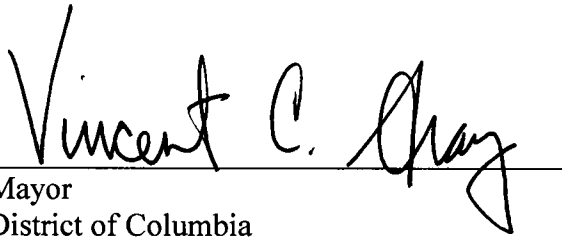
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-340

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2014

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Breastmilk Bank and Lactation Support Act of 2014”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Breastfeeding” means the method of providing milk to a child by allowing the child to take breastmilk directly from a woman’s breast.
- (2) “Breastmilk” means human milk obtained from female mammary glands for the purpose of nourishing a child.
- (3) “Center” means the Breastmilk Bank and Lactation Support Center.
- (4) “Commission” means the Lactation Commission established by section 6.
- (5) “Culturing” means the scientific testing of breastmilk for harmful bacteria.
- (6) “Department” means the Department of Health.
- (7) “Foreign milk bank” means a facility located outside of the District that collects, processes, stores, or distributes breastmilk.
- (8) “Maternal health facility” means hospitals and birthing centers providing perinatal services.
- (9) “Maternal health provider” means a physician, midwife, or other authorized practitioner attending a pregnant woman.
- (10) “Milk bank” means a facility that is licensed by the Department to collect, process, store, and distribute breastmilk.
- (11) “Pediatric health facility” means hospitals and other facilities providing either pediatric or neonatal services.

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(12) "Pediatric health provider" means a physician, midwife, or other authorized practitioner attending infants and children.

(13) "Qualified donor" means a living individual from whom breastmilk is expressed, obtained, processed, and stored at a milk bank.

(14) "Qualified milk" is milk from a qualified donor that has met all screening criteria established by the Department.

(15) "Pasteurization" means the act of eliminating harmful bacteria while retaining the beneficial components in breastmilk.

(16) "Processing" means the process of pasteurizing, culturing, and screening breastmilk that has been collected by the Center.

(17) "Sanitization" means the reduction of the population of microorganisms to safe levels as determined by the Department.

(18) "Screening" refers to any testing of breastmilk or breastmilk donors determined necessary by the Department for the purpose of identifying breastmilk that is suitable for collection and donation at a milk bank.

(19) "Storage" means the storage of breastmilk at a milk bank.

Sec. 3. Establishment of the Breastmilk Bank and Lactation Support Center.

(a) Within 90 days of transmittal of the comprehensive plan to the Council pursuant to section 5(b), the Mayor shall establish the Breastmilk Bank and Lactation Support Center to promote and support breastfeeding during the first year of life, facilitate the donation of breastmilk for medically needy and other infants and children, and stimulate and facilitate community support for breastfeeding. The Center shall pursue, at a minimum, the following objectives and provide the following services to the public:

(1) Devise strategies to reduce infant mortality and increase infant and child health outcomes through promotion, awareness, and support of breastfeeding and lactating mothers;

(2) Provide access to a library of comprehensive and current breastfeeding and lactation educational material;

(3) Provide access to adequate supplies, equipment, and accessories for lactating women, including electric breast pumps, sterilization equipment, and breastmilk storage supplies;

(4) Provide access to lactation consultants and breastfeeding support classes for all stages of breastfeeding, including the prenatal preparatory stage;

(5) Provide on-site access to private and communal breastfeeding areas and lactation stations where breastfeeding and lactating women can nurse or express breastmilk;

(6) Collect, process, and store donated breastmilk;

(7) Provide adequate information regarding the screening criteria for donors;

(8) Provide infants and children with access to qualified breastmilk and adequate information regarding the process for obtaining qualified breastmilk;

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(9) Provide outreach and education regarding the availability of donated breastmilk and the breastfeeding and lactation services available at the Center;

(10) Provide outreach and education to potential qualified donors, and provide them with reasonable access to Center facilities and equipment; and

(11) Operate a breastfeeding support hotline.

(b) The Department shall establish the criteria and screening mechanisms for qualified donors and qualified breastmilk, with respect to the Center.

Sec. 4. Education and outreach campaign.

(a) The Department shall conduct an education and outreach campaign targeted to reach the public, health care providers, and potential qualified donors, with particular emphasis on areas with high incidences of premature birth and infant mortality. The purpose of the campaign will be to promote and raise awareness of the following:

(1) The benefits of breastfeeding and breastmilk;

(2) The services available at the Center for breastfeeding mothers; and

(3) The availability of breastmilk for infants and children and the criteria for qualified donors.

(b) The Department shall develop written educational material for the physicians, health care providers, and community-based and other organizations that come into regular and frequent contact with pregnant and lactating women, and other parents whose children might benefit from breastfeeding. The materials shall be written in terms that are understandable by the general public.

(c) The Department shall establish partnerships with maternal and pediatric health providers and maternal and pediatric health facilities to facilitate breastfeeding awareness programs.

(d) (1) The Department shall seek the advice and assistance of community-based organizations that can accommodate the specific cultural and linguistic needs of various populations and use the most effective methods to educate and provide support to those populations. The Department may issue grants to individuals and organizations to achieve this end, but any grants issued shall prioritize:

(A) Organizations with expertise in breastfeeding and lactation promotion and awareness, providing individual and communal support to breastfeeding and lactating women, and developing breastfeeding and lactation educational material and breastfeeding courses;

(B) Organizations with expertise in identifying and analyzing racial, ethnic, and socio-economical health disparities associated with breastfeeding ideals, and possessing the cultural competency to effectively communicate to a targeted group; and

(C) Maternal health facilities serving a disproportionate number of low-income and underserved patients.

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(2) The purpose of the grant issued to an organization under paragraph (1)(A) of this subsection shall be to assist the Department with planning and executing its education and outreach campaign.

(3) The purpose of the grant issued to an organization under paragraph (1)(B) of this subsection shall be to evaluate populations and their perceptions about breastfeeding, develop a communication strategy, and provide collaborative support to the Department in developing and executing its outreach plan for those groups.

(4) The purpose of the grant issued to an organization under paragraph (1)(C) of this subsection shall be to initiate a lactation awareness program and provide breastfeeding consultation to patients.

Sec. 5. Comprehensive plan.

(a) The Department shall develop a comprehensive plan for the Center and a breastfeeding education and outreach campaign. The objectives of the plan shall be to:

(1) Guide the development of the Center and other services that meet the needs of breastfeeding and lactating mothers and medically needy infants;

(2) Collect and assess relevant, objective, and accurate data on breastfeeding breastmilk donation;

(3) Assess the community and cultural and local attitudes and perceptions toward breastfeeding;

(4) Identify the barriers to breastfeeding in populations where there are low-breastfeeding rates;

(5) Assess the unique needs of breastfeeding mothers and underinsured and uninsured breastfeeding mothers; and

(6) Assess the existing resources that can be utilized to promote breastfeeding and breastmilk donation.

(b) The Department shall prepare and submit the comprehensive plan to the Council and make it available to the public no later than January 1, 2016.

Sec. 6. Establishment of the Lactation Commission.

(a) There is established a Lactation Commission to advise the Mayor, the Council, and the public on the state of breastfeeding in the District, identify strategies to promote breastfeeding, and encourage breastmilk donation to the Center.

(b) The Commission shall conduct studies, review progress, and provide recommendations with respect to all programs and initiatives promoting breastfeeding and support lactation activities in the District, including:

(1) Assisting the Mayor with developing a comprehensive plan for implementing the Center and a breastfeeding education and outreach campaign, including recommendations for written material and community-based initiatives;

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(2) Providing regular and consistent review of the Center's standards, policies, and procedures, assessing whether sufficient progress is being made and whether resources are sufficient to meet the goals of the Center, and recommending policy changes and strategies for recruiting milk donors and their breastmilk; and

(3) Identifying any unmet needs of breastfeeding mothers, recommending methods for meeting community needs, and assessing whether current resources are consistent with the needs identified through the planning process.

Sec. 7. Lactation Commission members, procedures, and meetings.

(a) The Commission shall consist of 14 members, 11 of whom shall be appointed by the Mayor with the advice and consent of the Council, in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f).

(b) There shall be 3 ex-officio, nonvoting members, consisting of a representative from the Department of Health, a representative from the Department of Human Services, and a representative from the Department of Health Care Finance.

(c)(1) Appointed members of the Commission shall consist of:

(A) Two physicians who have each spent at least 5 years in the practice of neonatology or pediatrics in the District;

(B) One physician practicing general medicine in the District;

(C) Two social services or community outreach experts who have each spent at least 5 years providing general social services to pregnant or lactating mothers in the District;

(D) Two persons with a background in public health;

(E) Two persons with a background in breastfeeding and lactation studies or academia, or who have served as a lactation or breastfeeding consultant; and

(F) Two consumer members.

(2) The consumer members shall be residents of the District of Columbia.

(3) Appointed members of the Commission shall serve 3-year terms, with the exception that of the members first appointed, 3 members shall be appointed to a one-year term, 4 members shall be appointed to 2-year terms, and 4 members shall be appointed to 3-year terms.

(4) Members of the Commission may be reappointed.

(d) A vacancy on the Commission shall be filled in the same manner that the original appointment was made. A person appointed to fill a vacancy shall serve only for the unexpired term of the original appointment, but may be reappointed.

(e) A member of the Commission whose term has expired may continue to serve until a new member is appointed.

(f) The Mayor shall appoint the chairperson of the Commission from among the voting members.

(g) All members of the Commission shall serve without compensation.

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(h) The Mayor may remove, after notice and hearing, any member of the Commission for neglect of duty, incompetence, misconduct, or malfeasance in office.

(i) The Commission shall develop its own rules of procedure.

(j) The Commission shall meet at least 4 times a year. The meetings shall be held in the District and shall be open to the public. A quorum to transact business shall consist of a majority, plus one, of the voting members.

Sec. 8. Regulation of milk banks.

(a) Within 90 days of the effective date of this act, the Mayor, pursuant to section 11, shall issue rules to:

(1) Ensure each milk bank has adequate health, sanitization, sterilization, and safety methods, and procedures, equipment, and supplies, including establishing minimum requirements pertaining to:

(A) Donor screening;

(B) Methods and standards for breastmilk collection, processing, and storage; and

(C) Licensing and registration of milk banks, including any associated fee schedules; and

(2) Require that all donors to milk banks be tested for exposure to at least the following:

(A) Human immunodeficiency virus (“HIV”) or any other identified causative agent of acquired immune deficiency syndrome (“AIDS”) before the collection of breastmilk;

(B) Human T-lymphotropic virus I and II;

(C) Hepatitis B;

(D) Hepatitis C; and

(E) Syphilis.

(b) Foreign milk banks that are certified by the Human Milk Bank Association of North America may distribute milk within the District without obtaining licensure from or registering with the Department pursuant to the requirements of this act.

Sec. 9. Application.

Nothing in this act shall prevent:

(1) A hospital from collecting, processing, storing, or distributing breastmilk that a mother produced exclusively for her own child.

(2) A hospital from collecting, processing, storing, or distributing breastmilk that was obtained for or from a foreign milk bank.

(3) Any person from collecting, storing, or distributing her own breastmilk for the exclusive personal use of another or for a foreign milk bank.

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Sec. 10. Prohibition and penalties.

(a) No person shall collect, process, store, or distribute breastmilk, or represent him or herself as being engaged in collecting, processing, storing, or distributing breastmilk or as being entitled to or authorized to collect, process, store, or distribute breastmilk, unless that person is authorized to do so at a breastmilk bank that is licensed with and registered by the Department under this act.

(b) No person shall use the word “processed,” “pasteurized,” “cultured,” or “sanitized” in connection with the sale or donation of any milk that has not been collected, process, stored, or distributed at a bank licensed with and registered by the Department under this act.

(c) No person shall intentionally, knowingly, recklessly, or negligently collect, process, store, and distribute breastmilk from anyone who has not been tested for the pathogens identified in section 8(a)(2), or tested positive for exposure to these pathogens, HIV, or any other identified causative agent of AIDS. Violation of this subsection shall be punishable by a fine of not more than \$5,000 per violation and imprisonment for not more than one year.

(d) Any person who violates subsection (a) or (b) of this section shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$1,000 or imprisonment for not more than 3 months, or both.

Sec. 11. Rules.

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

Sec. 12. Conforming amendment.

Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(a) Paragraph (48) is amended by striking the word “and”.

(b) Paragraph (49) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (50) is added to read as follows:

“(50) The Lactation Commission.”.

Sec. 13. Applicability.

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

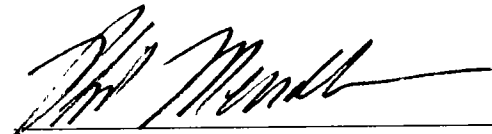
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Sec. 14. Fiscal impact statement.

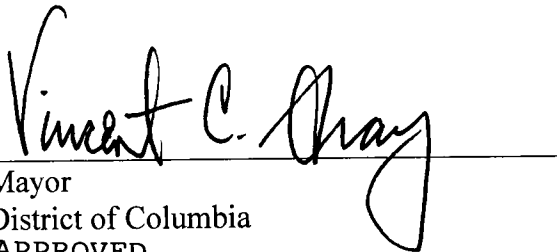
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 15. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-341

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2014

To amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to subject certain conduct to the Code of Conduct enforceable by the Board of Ethics and Government Accountability, to clarify that the Code of Conduct applies to the entire District government and its instrumentalities, excluding the courts, to require the board to develop a comprehensive Code of Conduct for review and approval by the Council, to allow the Director of Government Ethics 30 business days from the initiation of a formal investigation to present evidence to the board, to allow the Director of Government Ethics to pursue a civil fine and refer matters for criminal prosecution, and to clarify that any failure to obey the order of the court enforcing a penalty imposed by the board may be treated by the court as contempt; and to amend the Confirmation Act of 1978 to include the Board of Ethics and Government Accountability among its provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Code of Conduct and BEGA Amendment Act of 2014”.

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 101(7) (D.C. Official Code § 1-1161.01(7)) is amended as follows:

(1) Subparagraph (A) is amended by striking the word “The” and inserting the phrase “For members and employees of the Council, the” in its place.

(2) Subparagraph (E) is amended by striking the word “Chapter” and inserting the phrase “For employees and public officials who are not members or employees of the Council, Chapter” in its place.

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

“(G) The Acceptance and use of gifts by District Entities Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 1-329.01), concerning gifts to the District of Columbia.”.

(b) A new section 201a is added to read as follows:

“Sec. 201a. Comprehensive applicability to employees and public officials.

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“This act and the Code of Conduct shall apply to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the courts.”.

(c) Section 209 (D.C. Official Code § 1-1162.09) is amended to read as follows:

“Sec. 209. Rules.

“(a) The Ethics Board, pursuant to Title I of the Administrative Procedure Act, shall issue rules to implement the provisions of this title, including rules for the administration of preliminary investigations, formal investigations, and hearings related to violations of the Code of Conduct or other provisions of this title.

“(b)(1) The Ethics Board shall submit to the Council for its consideration proposed legislation amending section 101(7) to establish a revised Code of Conduct, which shall be explicitly applicable to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the courts.

“(2) The Ethics Board shall issue rules to implement the provisions of a comprehensive Code of Conduct established pursuant to paragraph (1) of this subsection. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved.”.

(d) Section 212(a) (D.C. Official Code § 1-1162.12(a)) is amended by striking the word “violation” and inserting the phrase “violation of” in its place.

(e) Section 213(e) (D.C. Official Code § 1-1162.13(e)) is amended to read as follows:

“(e) Within 30 business days of the initiation of a formal investigation, the Director of Government Ethics shall cause evidence concerning the complaint to be presented to the Ethics Board, with the potential for a 15-business-day extension to be granted by the Ethics Board. If the Ethics Board decides that there is reasonable belief that a violation has occurred, the Ethics Board may authorize the issuance of subpoenas.”.

(f) Section 215(a) (D.C. Official Code § 1-1162.15(a)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “the Ethics Board may:” and inserting the phrase “the Ethics Board may take one or more of the following actions:” in its place.

(2) Subparagraph (3) is amended by striking the period at the end.

(g) Section 221(a)(5) (D.C. Official Code § 1-1162.21(a)(5)) is amended by adding a new subparagraph (C) to read as follows:

“(C) Any failure to obey the order of the court may be treated by the court as contempt.”.

Sec. 3. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)) is amended as follows:

(a) Paragraph (29) is amended by striking the word “and”.

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(b) Paragraph (30) is amended by striking the period and inserting the phrase “; and” in its place.

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

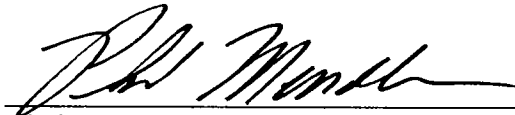
“(31) The Board of Ethics and Government Accountability, established by section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02)(“BEGA act”); provided, that a nomination to the Board of Ethics and Government Accountability shall be submitted to the Council for a 45-day period of review, pursuant to section 203(b)(1) of the BEGA act.”.

Sec. 4. Fiscal impact statement.

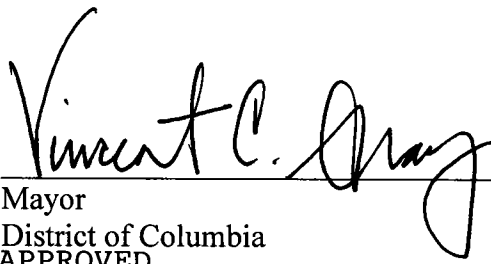
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 28, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 28, 2014

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code, to provide for limits on legal fees in tax sales, to provide for distribution of equity to former owners where the property was sold at a tax sale and occupied by owners, to provide for clean hands and tax compliance by tax sale purchasers, 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 amend the Business Improvement Districts Act of 1996 to change the rate of interest assessed on any outstanding business improvement district tax to simple interest; to amend An Act To establish a code of law for the District of Columbia to require an owner of real property to notify the Office of Tax and Revenue of a name or address change within 30 days and to record a name change with the Recorder of Deeds; to amend the District of Columbia Deed Recordation Tax Act to exempt from recordation tax a deed on property transferred to a named beneficiary of a revocable transfer on death deed under the Uniform Real Property Transfer of Death Act of 2012 upon the death of the grantor; and to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to broaden the definition of owner.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Residential Real Property Equity and Transparency Emergency Amendment Act of 2014”.

TITLE I. RESIDENTIAL REAL PROPERTY EQUITY AND TRANSPARENCY

Sec. 101. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 8 is amended as follows:

(1) Section 47-802(5) is amended as follows:

(A) Subparagraph (D) is amended by striking the word “or” at the end.

(B) Subparagraph (E) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(F) For purposes of appealing the assessment of real property sold under

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§ 47-1353(b), the tax sale purchaser or the purchaser's assignee, as applicable; provided, that the Mayor shall not be required to mail notices or bills issued under this chapter to such tax sale purchaser or assignee; provided further, that the owner of record is not appealing the assessment for the same tax year.”.

(2) Section 47-811(c) is amended by striking the phrase “plus interest on the unpaid amount” and inserting the phrase “plus simple interest on the unpaid amount” in its place.

(3) Section 47-845.03 is amended as follows:

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

“(c) Taxes deferred under this section shall bear simple interest at the rate of ½% per month or portion of a month until paid.”.

(B) Subsection (g) is amended to read as follows:

“(g) If a properly completed and approved application is filed, the applicant may choose to have the deferral apply to past years; provided, that the amount deferred shall comply with subsection (d) of this section and the periods of applicability are stated in the application; provided further, that the applicant is responsible for accrued attorneys' fees.”.

(C) Subsection (p) is repealed.

(4) Section 47-895.31(8) is amended to read as follows:

“(8) “Lot” means real property as defined in § 47-802(1) where such real property for billing and collection purposes under this subchapter shall be further described with the letters “PC” preceding the sequence of square, suffix and lot, or parcel and lot, numbers under § 47-802(1).”.

(5) Section 47-895.33 is amended by adding a new subsection (b-1) to read as follows:

“(b-1) A notice, bill, or other correspondence under this subchapter or § 47-1336 shall be mailed to the owner's specifically designated mailing address as provided in the energy efficiency loan closing documents and as may be updated from time to time by the Chief Financial Officer, which may be different from the general mailing address provided pursuant to § 42-405, or as provided in the transfer and recordation tax return.”.

(b) Section 47-902 is amended by adding a new paragraph (25) to read as follows:

“(25) Transfers of property transferred to a named beneficiary of a revocable transfer on death deed under subchapter IV of Chapter 6 of Title 19, by reason of the death of the grantor of the revocable transfer on death deed.”.

(c) Chapter 13A of Title 47 is amended as follows:

(1) The table of contents is amended as follows:

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

“47-1353.01. Post-sale notice.”.

(B) A new section designation is added to read as follows:

“47-1382.01. Equity distribution post-judgment – owner-occupant properties.”.

(2) Section 47-1330 is amended as follows:

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

“(2) “Tax” means unpaid real property tax and vault rent owing as of October 1,

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and unpaid business improvement district tax owing as of September 1, including penalties, interest, and costs, as calculated by the Mayor. The term “tax” includes an assessment or charge due at any time to the District and certified to the Mayor for collection under this chapter in the same manner as a real property tax, along with permitted penalties, interest, and costs, as calculated by the Mayor.”.

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

“(2A) “Tax sale date” or “date of the tax sale” means for purposes of the tax sale held under § 47-1346 the date when the tax sale during which the real property was sold concluded.”.

(3) Section 47-1332 is amended by adding new subsections (c) and (d) to read as follows:

“(c) Notwithstanding subsection (a) of this section, the Mayor shall not sell any real property if the real property is a Class 1 Property that is receiving a homestead deduction with respect to which there is an outstanding non-void certificate of sale; provided, that no real property shall be excluded from sale solely pursuant to this paragraph if the non-void certificate of sale has been outstanding for 3 years or more.

“(d) Notwithstanding subsection (a) of this section, the Mayor, in the Mayor’s discretion, may decline to sell any Class 1 Property or any real property for a delinquency in the payment of a non-real property tax that does not have to be certified.”.

(4) Section 47-1334 is amended to read as follows:

“§ 47-1334. Interest rate.

“(a) The rate of simple interest on all amounts due, owing, or paid for the taxes sold or bid off to the District under this chapter shall be 1.5% per month or portion thereof until paid, excluding surplus; provided, that interest on the amount sold at tax sale, excluding surplus, shall accrue at the applicable interest rate beginning the first day of the month following the tax sale. No interest shall accrue for surplus, expenses, or the reasonable value of improvements.

“(b) The purchaser shall receive simple interest of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382.01(d)(2), and as provided in § 47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements.”.

(5) Section 47-1336 is amended as follows:

(A) Subsection (a) is amended by adding the following sentence at the end:

“The special assessment shall be collectible under this chapter notwithstanding any provision to the contrary granting a tax exemption, and the real property formerly described under § 47-895.31(8) shall revert back to its description under § 47-802(1) for purposes of collection under this chapter.”.

(B) Subsection (b)(2) is amended by striking the word “transaction” and inserting the word “sale” in its place.

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

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(i) Paragraph (1) is amended by striking the phrase “contrary,” and inserting the phrase “contrary, provisions in this section excepted,” in its place.

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

(I) The lead-in language is amended by striking the phrase “record owner” and inserting the phrase “record owner at the mailing address provided in § 47-895.33(b-1)” in its place.

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

(III) Subparagraph (D) is amended to read as follows:

“(D) Once the complaint is filed, expenses under § 47-1377 shall be owed; and”.

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

“(E) The real property is described under § 47-895.31(8) and billed as such (with account number) for purposes of subchapter IX of Chapter 8 of this title and the correlating description under § 47-802(1) (with square, suffix and lot numbers, or parcel and lot numbers, as applicable) is under which the complaint shall be filed.”.

(6) Section 47-1340 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “Each of the taxing” and inserting the phrase “Subject to the limitation set forth in § 34-2407.02, each of the taxing” in its place.

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

“(c) If a taxing agency does not certify a tax that is due to the District as of the date of the Mayor’s notice under subsection (a) of this section, the tax shall not be collected through such tax sale.”.

(C) Subsection (d) is amended by striking the phrase “Unpaid real property taxes” and inserting the phrase “Unpaid real property taxes, business improvement district taxes, and vault rents” in its place.

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

“(f)(1) If a taxing agency certifies taxes (for which real property is offered for sale) to the Mayor under subsection (a) of this section, and the payment of taxes to the Mayor as specified in § 47-1361(a) or by a purchaser under § 47-1382(c) has occurred for the real property, or the amount in the notice under § 47-1341 is paid before the tax sale, the taxing agency may submit an accounting to the designated agency under § 47-1332(b) in the form that the Mayor requires.

“(2) Upon receipt of the accounting and verification of the payment of taxes to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by a purchaser under § 47-1382(c), or the amount in the notice under § 47-1341 is paid before the tax sale, the amount of taxes collected that are not imposed under Chapter 8 of this title shall be disbursed regardless of lien priority from the General Fund for the purpose designated by, and in accordance with, the law creating the obligation for such taxes; provided, that, in the case of a sale under § 47-1353(b), the disbursement shall be limited to the amount available after application of lien priorities to such taxes before certification.”.

(7) Section 47-1341 is amended as follows:

(A) Subsection (b) is amended by striking the phrase “Failure of the Mayor to mail the notice of delinquency as provided in subsection (a) of this section, or to

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include” and inserting the phrase “Subject to the Mayor’s authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notice of delinquency as provided in subsection (a) of this section, or to include” in its place.

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

“(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section.”.

(8) Section 47-1342 is amended by adding a new subsection (d) to read as follows:

“(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section.”.

(9) Section 47-1343 is amended to read as follows:

“§ 47-1343. Real property to be sold in its entirety.

“Subject to § 47-1345, each real property for sale shall be sold in its entirety, which shall be the parcel of real property as assessed in the assessment records under § 47-802(1) or as described under § 47-895.31(8) as related to a sale under § 47-1336.”.

(10) Section 47-1345 is amended to read as follows:

“§ 47-1345. Sale of real property subject to possessory interest.

“(a) Whether or not any real property subject to sale under this chapter is subject to an estate for life, or a lease or ground rent for a term (with renewals) that is at least 30 years, the Mayor shall sell the entire fee simple estate; provided, that after the judgment of foreclosure of the right of redemption, no claim for rent unpaid, due, or accruing before the date of the judgment of foreclosure of the right of redemption shall be made by the purchaser (or assignee).

“(b) Notwithstanding subsection (a) of this section or any other provision to the contrary, when a real property subject to sale under this chapter is subject to a ground lease and the ground lessor is the District of Columbia, or an instrumentality of the District, the Washington Metropolitan Area Transit Authority, or an entity whose real property is exempt from real property taxation or the enforced collection thereof under the laws of the United States of America, the Mayor shall sell the real property’s improvements only. Any additional representation related to what is being sold shall be ineffectual and shall not affect the validity of the sale.

“(c) The termination of claims on real property sold under this section shall not foreclose any personal claims against previous holders of the interest sold for any damages including rent unpaid, due, or accruing before the date of the judgment of foreclosure.”.

(11) Section 47-1346(a)(5) is amended to read as follows:

“(5)(A) A potential purchaser, including a natural person or business entity, who is delinquent in payment of in rem taxes to the District or who has been convicted of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior may not bid on real property offered at a sale held under this chapter or otherwise acquire an interest in real property sold under this chapter.

“(B) A potential purchaser, including a natural person or business entity, shall certify under oath, subject to the penalties of perjury, that the potential purchaser is not more than one year in arrears in any jurisdiction in payment of in rem taxes not being contested

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in good faith and has not been convicted in any jurisdiction of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior.

“(C) A certificate of sale held by a purchaser that willfully and materially violates the provisions of this paragraph shall be voidable at the discretion of the Mayor; provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate is no longer voidable. A certificate that is voided by the Mayor pursuant to this subparagraph shall be subject to the provisions of § 47-1355(b).

“(D) The intent of this paragraph shall not be circumvented by a purchaser through the use of one or more business entities to avoid its intended application.

“(E) For the purposes of this paragraph, a potential purchaser shall include a person owning a 10% or more equity interest in, or an officer of, an entity that owns a 10% or more equity interest in real property on which taxes are delinquent.”.

(12) Section 47-1347.01 is repealed.

(13) Section 47-1348 is amended as follows:

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

(i) Paragraph (3) is amended by striking the phrase “date of the original public tax sale” and inserting the phrase “date of the tax sale” in its place.

(ii) Paragraph (4) is amended by striking the phrase “purchaser;” and inserting the phrase “purchaser, which shall be the same date as in paragraph (3) of this subsection, if the purchaser purchased the real property at the tax sale held under § 47-1346;” in its place.

(iii) Paragraph (10) is amended to read as follows:

“(10) A statement that the rate of simple interest, upon redemption, shall be 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor.”.

(B) Subsection (b) is repealed.

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

(i) Strike the phrase “telephone number.” and insert the phrase “telephone number. If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor.” in its place.

(ii) Strike the phrase “On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of 18% per annum from the date the real property was sold to the date of redemption; provided, that the purchaser shall not receive interest on any surplus.” and insert the phrase “Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus.” in its place.

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(14) Section 47-1349(c) is amended by adding the following sentence at the end:

“If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor; provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate shall be no longer voidable. A certificate that is voided by the Mayor pursuant to this subsection shall be subject to the provisions of 47-1355(b).”.

(15) Section 47-1352(a) is amended by striking the phrase “from the date the real property was bid off,” and inserting the phrase “thereon accruing from the first day of the month following the date of the tax sale where the real property was bid off,” in its place.

(16) Section 47-1353 is amended as follows:

(A) Subsection (a)(1)(B) is amended by striking the word “May” both times it appears and inserting the word “Mayor” in its place.

(B) Subsection (c)(2) is amended by striking the phrase “date of the original tax sale” and inserting the phrase “applicable date of the tax sale” in its place.

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

“(d) Upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus.”.

(17) A new section 47-1353.01 is added to read as follows:

“§ 47-1353.01. Post-sale notice.

“(a) Within 30 days after the date of the tax sale, the Mayor shall send notice of the sale by first class mail, postage prepaid, bearing a postmark from the United States Postal Service to the last known address of the owner. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to “Property Owner.”

“(b) The notice required pursuant to subsection (a) of this section shall be in substantively the following form:

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[Date]

ATTENTION: YOUR PROPERTY WAS SOLD AT TAX SALE**Subject Property:** [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address]**Tax Sale Date:** [July __, 20__]

If you do not pay all amounts due, the purchaser will have the right to file a lawsuit to foreclose on the property and you may lose title.

According to the Mayor's tax roll, you own or may have an interest in the real property listed above. **Please follow the below instructions to redeem your property from tax sale and prevent a foreclosure lawsuit.**

- To redeem your property from the tax sale, you must pay all taxes owed, as well as any legal fees and expenses that may become due.
- A tax bill is mailed to you during the month of August. **You should pay the bill in full and on time.**
- If you are receiving this notice after October 31, 20__, or if you have not already paid your tax bill in full, you should contact the Office of Tax and Revenue (“OTR”) at for a current tax bill and up-to-date payoff amount.
- **After you have paid your taxes, you should call OTR to confirm that you have redeemed your property.** Keep a copy of your proof of payment in case there is a later dispute about the payment.
- If you have not paid all taxes within four months after the Tax Sale Date stated above, an additional \$381.50 may be added to reimburse the purchaser for some costs.
- If you do not redeem the property within six months of the Tax Sale Date stated above, the tax sale purchaser may file a lawsuit against you to obtain title to the property.
- **If the purchaser files a foreclosure lawsuit, you will be responsible for legal fees and expenses that may total thousands of dollars. You may also lose title to the property.**
- For further information on how to redeem, please read our *Real Property Owner’s Guide to the Tax Sale Redemption Process*, available on our Web site at www.taxpayerservicecenter.com by clicking on “Real Property.” You may also request a copy by visiting or writing to our Customer Service Center at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

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**YOU MAY BE ELIGIBLE FOR FREE LEGAL SERVICES OR OTHER ASSISTANCE.
SEE THE NEXT PAGE FOR MORE INFORMATION.**

Should you have additional questions, please call OTR's Customer Service Center at (202) 727-4TAX (4829).

**RESOURCES FOR REAL PROPERTY TAXPAYERS
IN THE DISTRICT OF COLUMBIA**

Classification Disputes. If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the Department of Consumer and Regulatory Affairs at for information on how to appeal the property classification.

Senior Citizen and Low-Income Tax Relief. Senior citizens and low-income households may have additional rights to defer property taxes. If think you may be eligible for this tax relief, please contact the Office of Tax and Revenue at..... for more information.

Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave., NW.

“(c) The tax sale purchaser shall cause a copy of the notice referred to in subsection (b) of this section to be posted on a place on the premises of the real property where it may be conveniently read. The copy of the notice shall be posted no sooner than 4 months after the date of the tax sale but at least 45 days before the filing of a complaint under § 47-1370.

“(d) Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notice as provided in subsections (a) and (b) of this section, or to include any tax amounts in the notice, shall not:

“(1) Invalidate or otherwise affect a tax;

“(2) Invalidate or otherwise affect a sale made under this chapter to enforce payment of taxes;

“(3) Prevent or stay any proceedings under this chapter; or

“(4) Affect the title of a purchaser.

“(e) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section.”

(18) Section 47-1354(b) is amended to read as follows:

“(b) Upon payment as specified in § 47-1361(a) or by another purchaser under § 47-1382(c), the purchaser shall receive a refund of its payment made under this section, with interest as required to be paid by the redeemer or the other purchaser. The purchaser shall receive interest only on the principal tax amount paid and not on the interest or penalties paid. The purchaser is entitled to the refund only if the purchaser's certificate of sale is not void and the purchaser provides proof satisfactory to the Mayor that the purchaser made the payment.”

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(19) Section 47-1355(a)(2) is repealed.

(20) Section 47-1361 is amended as follows:

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

(i) The lead-in text is amended by striking the phrase “the Mayor, for deposit” and inserting the phrase “the Mayor, except as set forth in paragraph (6A) of this subsection, for deposit” in its place.

(ii) Paragraphs (2) and (3) are amended to read as follows:

“(2) If the real property was bid off to the District, the sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off;

“(3) If the real property was bid off to the District and subsequently sold or the certificate of sale assigned to a purchaser:

“(A) The original sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off; plus

“(B) Interest accruing thereafter on the sale amount in subparagraph (A) of this paragraph from the first day of the month following the date the real property was subsequently sold or the certificate of sale assigned to the purchaser;”.

(iii) Paragraph (4) is amended by striking the phrase “taxes provided, that the certificate of sale of the purchaser is not void;” and inserting the phrase “taxes;” in its place.

(iv) Paragraph (5) is amended to read as follows:

“(5) All other real property taxes, business improvement district taxes, and vault rents to bring the real property current; provided, that any such amounts that become due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property;”.

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

“(5A) Any delinquent special assessment owed pursuant to an energy efficiency loan agreement under subchapter IX of Chapter 8 of Title 47; provided, that any such assessment that becomes due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property;”.

(vi) Paragraph (6) is amended to read as follows:

“(6) All expenses for which each purchaser is entitled to reimbursement under § 47-1377(a)(1); and”.

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

“(6A) Where an action to foreclose the right of redemption has been properly filed, the person redeeming shall pay directly to the applicable purchaser all expenses to which the purchaser is entitled to reimbursement under § 47-1377(a)(2); and”.

(viii) Paragraph (7) is repealed.

(B) New subsections (b-1) and (b-2) are added to read as follows:

“(b-1) The redeeming party shall not be required to pay any tax that is required to be certified by § 47-1340 unless the tax has been certified by a taxing agency and sold as a lien at a tax sale.

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“(b-2) Notwithstanding subsection (a) of this section, the remaining amounts that are payable to the Mayor, including tax, interest, penalties and expenses, for the real property shall be deemed to have been brought current for purposes of redemption if, at any time, the balance falls below \$100; provided, that the remaining balance shall remain due and owing and any remaining expense shall be thereafter deemed a real property tax.”.

(C) Subsection (c) is amended by striking the second sentence.

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

“(d)(1) Subject to the liability threshold set forth in subsection (b-2) of this section, after receipt of the payment set forth in subsection (a)(1) through (6) of this section, the Mayor shall notify the purchaser of the payment. The purchaser shall receive from the Mayor the refund to which the purchaser is entitled, subject to the purchaser’s compliance with all procedures for issuance of the refund, as may be established by the Mayor.

“(2) If a complaint under § 47-1370 has been properly filed, a purchaser may continue to prosecute the complaint until receipt of the expenses owed to the purchaser and payable to the purchaser by the redeeming party as set forth in subsection (a)(6A) of this section, but shall dismiss the complaint upon receipt thereof.

“(3) A complaint to foreclose the right of redemption shall not be maintained solely to await the administrative refund under this subsection.

“(4) Notification by the Mayor under this subsection may be accomplished by making the information publicly available through an electronic medium, including by posting on a website.”.

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

“(f) The Mayor may abate interest or penalties, or compromise taxes, whether arising before or after the tax sale, in the same manner as set forth in § 47-811.04; provided, that the abatement or compromise shall not affect the refund due to the purchaser.”.

(21) Section 47-1362 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “If the real property is redeemed after an action to foreclose the right of redemption is filed and there is a dispute regarding redemption, the” and inserting the phrase “If there is a dispute regarding redemption after an action to foreclose the right of redemption is filed, the” in its place.

(B) Subsection (c) is repealed.

(22) Section 47-1363(a) is amended by striking the phrase “date of the sale” and inserting the phrase “date of the tax sale” in its place.

(23) Section 47-1366 is amended to read as follows:

“§ 47-1366. Cancellation of sale by Mayor.

“(a) The Mayor, in the Mayor’s discretion, may cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption to prevent an injustice to the owner or person with an interest in the real property.

“(b) The Mayor shall cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption where:

“(1) The record owner or other interested party timely pays the amount set forth in the notice of delinquency to avoid the tax sale as required under § 47-1341(a) or otherwise pays the outstanding taxes before the tax sale;

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“(2) The real property meets the qualifications to be exempt from sale under § 47-1332(c); or

“(3) In a sale involving Class 1 property with 5 or fewer units that a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if the record owner is deceased) occupies as his or her principal residence, the record owner or other interested person proves:

“(A) A failure of the Mayor to mail the notice required by § 47-1341(a) or § 47-1353.01; or

“(B) That the mailing address of the person who last appears as the record owner of the real property on the tax roll, as properly updated by the record owner by the filing of a change of address with the Office of Tax and Revenue in accordance with § 42-405, was not correctly or substantively updated by the Office of Tax and Revenue notwithstanding proper filing.

“(c) Subject to the limitations set forth in § 47-1377(b), (b-1), (c), and (d), if the Mayor cancels a sale pursuant to this section, the Mayor shall pay to the purchaser the amount that the purchaser would have received if the real property had been redeemed, but no part of the amount shall be considered a payment of tax on behalf of the real property. A certificate of redemption, if necessary, shall be executed and filed by the Mayor with the Recorder of Deeds for no fee.”

(24) Section 47-1370 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “date of sale” and inserting the phrase “date of the tax sale” in its place.

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

“(4) Proof of the posting required under § 47-1353.01 shall be attached to and made part of the complaint. The posting shall be held to the same standard as the proof of posting required under § 47-1372(f).”

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

“(e) The purchaser shall immediately notify the Chief Financial Officer upon the filing of a complaint under this section.”

(25) Section 47-1371(b) is amended by adding a new paragraph (2A) to read as follows:

“(2A) The plaintiff shall certify to the Superior Court of the District of Columbia, under penalties of perjury, that a search was conducted for the record owner in bankruptcy records.”

(26) Section 47-1372(a)(1)(C) is amended by striking the phrase “date of sale” and inserting the phrase “date of the tax sale” in its place.

(27) Section 47-1374 is amended as follows:

(A) Subsection (c) is amended by striking the third sentence in its entirety.

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

“(e)(1) A final judgment may not be entered earlier than the later of:

“(A) One year following the initial scheduling conference in the foreclosure action; or

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“(B) Four months following the completion of service on the owner and all parties identified as defendants in § 47-1371.

“(2) Paragraph (1) of this subsection shall not apply to any final judgment in which all interested parties have disclaimed any interest in the property subject to the judgment or in a case where a real property was sold under § 47-1353(a)(3) or (b).”.

(28) Section 47-1377 is amended as follows:

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

“(a) Except as provided in subsection (b) of this section, upon redemption, a purchaser is entitled to be reimbursed by the redeeming person for the following expenses incurred in an action, or in preparation for an action, to foreclose the right of redemption:

“(1) If an action to foreclose the right of redemption has not been filed and the property is redeemed more than 4 months after the applicable tax sale’s tax sale date, the purchaser may be reimbursed for the following pre-complaint legal expenses:

“(A) The amount of \$50 for any posting required by § 47-1353.01;

“(B) Costs for recording the certificate of sale; and

“(C) The cost of a title search, not to exceed \$300.

“(2) If an action to foreclose the right of redemption has been filed, the purchaser may also be reimbursed for:

“(A)(i) Reasonable attorneys’ fees as follows:

“(I) In a case in which the property is redeemed before the fifth status hearing, reasonable attorneys’ fees not to exceed \$1,500;

“(II) In a case requiring 5 or more status hearings, reasonable attorneys’ fees not to exceed \$1500, plus \$75 for the fifth status hearing and each additional status hearing thereafter; and

“(III) In a case in which a motion for judgment is filed with the court, additional attorneys’ fees in the amount of \$300.

“(ii) In calculating the number of hearings in a case, any status hearing held before the redeeming party was served shall be excluded from the calculation.

“(iii) For purposes of this paragraph, an initial scheduling conference shall be deemed a status hearing.

“(iv) Nothing in this paragraph shall be construed as prohibiting the purchaser from settling attorneys’ fees in a lesser amount than the purchaser may be eligible for under this section.

“(B) Notwithstanding subparagraph (A) of this paragraph, in cases requiring prolonged or complex representation not typically necessary to resolve an action filed under this chapter, including cases in which the purchaser incurs attorneys’ fees and expenses under § 47-1382.01(a), other reasonable attorneys’ fees incurred and specifically requested by the purchaser and approved by the court, on a case-by-case basis; provided, that additional attorneys’ fees shall not be awarded if a tax sale is cancelled by the Mayor under § 47-1366, or where a purchaser is required to show good cause under subsection (c) of this section; and

“(C) Expenses actually incurred as follows:

“(i) Filing fee charged by the Superior Court of the District of Columbia;

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“(ii) Service of process fee, including fees incurred attempting to serve process;

“(iii) If a second title search is conducted more than 6 months after the initial title search, a title search update fee, not to exceed \$75;

“(iv) Publication fee charged by a newspaper of general circulation in the District;

“(v) Posting fees;

“(vi) Postage and certified mail costs;

“(vii) Substantial repair order fee, not to exceed the fee charged by the government agency issuing the certificate of substantial repair; and

“(viii) Any court approved expense for stabilization or conversion of, or to make safe and compliant with Chapter 31A of Title 42, the property under § 47-1363 or to comply with an action taken against the property by the Mayor in accordance with the applicable building, fire, health, or safety code.”.

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

“(b) No purchaser of a certificate of sale shall be reimbursed for expenses incurred within 4 months after the date of the tax sale. A purchaser other than the District shall not be reimbursed for any expenses if the certificate becomes void under this chapter.”.

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

“(b-1) The purchaser shall not be entitled to be reimbursed for any expenses or attorney’s fees not included in this section. Expenses or attorneys’ fees incurred by a purchaser who appeals the assessment or the vacant status of the property are not reimbursable.”.

(D) New subsections (c) and (d) are added to read as follows:

“(c) If the purchaser fails to satisfy the requirements for posting under § 47-1353.01 or fails to provide proof of posting required under § 47-1370(c)(4), the purchaser shall not be entitled to collect the legal expenses set forth in subsection (a) of this section; provided, that upon a showing to the Superior Court of the District of Columbia of good cause for the failure to meet the posting requirements of § 47-1353.01 or § 47-1370(c)(4), the purchaser shall be entitled to collect those expenses, not to exceed the amounts set forth in subsection (a) of this section, that the Superior Court of the District of Columbia considers reasonable.

“(d) Notwithstanding subsection (c) of this section, if the tax sale is cancelled by the Mayor under § 47-1366, the purchaser shall not be entitled to reimbursement of the expenses permitted under subsection (a)(2) of this section if the purchaser fails to specifically disclose to the Mayor, at least 45 days before the filing of a complaint to foreclose the right of redemption, information that is obtained or should have been obtained from the pre-complaint investigation, including the title examination and review of bankruptcy records under § 47-1371(b)(2) and (2A), that evidences a violation of § 47-1332(c), a violation of a bankruptcy stay, or errors, as prescribed by the Mayor through regulation.”.

(29) Section 47-1380(d) is amended by striking the phrase “the sale.” and inserting the phrase “the sale and the purchaser shall not receive any amounts otherwise due under this chapter.” in its place.

(30) Section 47-1382(a) is amended as follows:

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(A) The lead-in text is amended by striking the phrase “A final” and inserting the phrase “Except as provided in § 47-1382.01, a final” in its place.

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

“(1) A taxing agency lien that is recorded in the Office of the Recorder of Deeds;”.

(C) Paragraph 4 is amended by striking the word “and”.

(D) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(6) A ground lease described in § 47-1345(b), any recorded covenant, agreement, or other instrument, and any other document incorporated by reference into a recorded covenant, agreement, or other instrument, to which a ground lessor as described in § 47-1345(b) is a party or beneficiary.”.

(31) A new section 47-1382.01 is added to read as follows:

“§ 47-1382.01. Equity distribution post-judgment – owner-occupant properties.

“(a) This section shall apply to any Class 1 property with 5 or fewer units in which a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if deceased), was occupying as his or her principal residence when the complaint to foreclose the right of redemption was filed. The purchaser shall bear the burden of establishing that this section is not applicable to the real property.

“(b) Upon issuing a final judgment foreclosing the right of redemption, the Superior Court of the District of Columbia shall appoint a trustee and shall order that the trustee sell the property pursuant to Rule 308 of the D.C. Rules of Superior Court, Rules of Civil Procedure, or its equivalent.

“(c) The trustee shall sell a fee simple interest in the property, subject to the encumbrances set forth in § 47-1382(a).

“(d) The court shall order the trustee to distribute the proceeds of the sale in priority order as follows:

“(1) Reasonable compensation and reasonable expenses due to the trustee or to any other person (including an auctioneer) who provided services relating to the sale of the property, and all other payments the court deems to have been necessary to effect the sale of the real property, including recordation and transfer taxes;

“(2) Payment to the Mayor of:

“(A) All amounts payable to the Mayor for deposit into the General Fund of the District of Columbia under § 47-1361 as of the date of the court’s order regarding distribution;

“(B) Any promissory note executed pursuant to § 47-1353(a)(3); and

“(C) Any lien certified under § 47-1340;

“(3) Payment to the purchaser of all amounts provided for in § 47-1377, as fixed by the court; and

“(4) Any remaining amounts as follows:

“(A) Ten percent or \$20,000, whichever is less, to the purchaser; and

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“(B) The remainder to the person or persons (including where appropriate a decedent’s estate) entitled to the balance, in proper proportion as determined by the trustee, or, when necessary, by a court.

“(e)(1) The trustee shall notify the purchaser once payment is made to the Mayor pursuant to subsection (d)(2) of this section, at which time the purchaser shall surrender the certificate of sale and receive from the Mayor the amount to which the purchaser would have been entitled had redemption occurred in accordance with § 47-1361.

“(2) For purposes of calculating the refund due to the purchaser, the date of the court’s order providing for distribution or the sale proceeds in accordance with subsection (d) of this section shall be deemed the date of redemption.

“(f)(1) If the trustee in the trustee’s best judgment determines that a sale of the real property will not generate proceeds sufficient to fund the distributions required under subsection (d)(1) and (2) of this section, the trustee shall timely inform the court of that determination.

“(2) Upon receipt of the trustee’s determination as described in paragraph (1) of this subsection, the court shall:

“(A) Rescind the trustee’s appointment and the order to sell the real property;

“(B) Issue a final judgment foreclosing the right of redemption in accordance with the provisions of § 47-1382; and

“(C) Require the purchaser to pay such fees and expenses of the trustee as the court determines appropriate.”

(32) Section 47-1384 is amended by striking the phrase “Notwithstanding any other law, the provisions of this chapter” and inserting the phrase “Notwithstanding any other law, if a court determines that any provision of this chapter is ambiguous, the provision” in its place.

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 15(f) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Official Code § 2–1215.15(f)), is amended by striking the phrase “plus interest on the unpaid amount” and inserting the phrase “plus simple interest on the unpaid amount” in its place.

Sec. 202. Section 499d of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 12-34; D. C. Official Code § 42-405), is amended to read as follows:

“Sec. 499d. Notice of address and name change.

“(a) Any owner, as defined under D.C. Official Code § 47-802(5) of real property entitled to receive notices under Chapter 8 of Title 47 shall notify the Office of Tax and Revenue of a name change or address change within 30 days.

“(b) Any name change shall be evidenced by the recording of a confirmatory deed with the Recorder of Deeds and submission of supporting documents with and as required by the Recorder of Deeds relating to the applicable property.

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“(c) Any address change shall be filed with the Office of Tax and Revenue on the form and in the manner as may be prescribed.

“(d) The Chief Financial Officer may issue rules to implement this section.”.

Sec. 203. Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102), is amended by adding a new paragraph (33) to read as follows:

“(33) Deeds to property transferred to a named beneficiary of a revocable transfer on death deed under the Uniform Real Property Transfer of Death Act of 2012, effective March 19, 2013 (D.C. Law 19-230; D.C. Official Code § 19-604.01 *et seq.*), by reason of the death of the grantor of the revocable transfer on death deed.”.

Sec. 204. Section 5(4) 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, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.05(4)), is amended by striking the phrase “Office of Tax and Revenue” and inserting the phrase “Office of Tax and Revenue, and a tax sale purchaser under § 47-1353(b) or the purchaser’s assignee, as applicable, except where the owner of record is challenging or appealing the vacant status of the real property for the same period” in its place.

TITLE III. GENERAL PROVISIONS

Sec. 301. Fiscal impact statement.

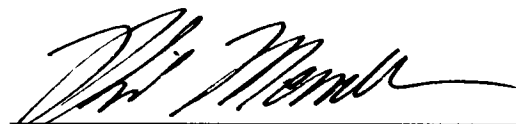
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.

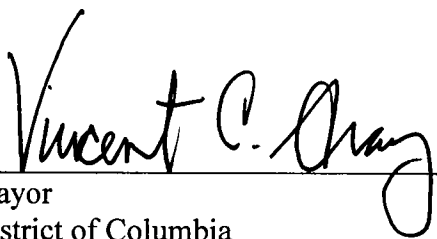
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2014

To amend, on an emergency basis, the Vending Regulation Act of 2009 and Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to re-establish criminal penalty provisions for violations of regulations implementing the Vending Regulation Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vending Regulations Emergency Amendment Act of 2014”.

Sec. 2. Section 9 of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.08), is amended as follows:

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

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

“(b) Any person who violates any of the provisions of this act or any regulations issued pursuant to this act shall, upon conviction, be subject to a fine of not more than \$300, a term of imprisonment of not more than 90 days, or both, for each violation.”.

Sec. 3. Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended by adding a new subsection 575.4 to read as follows:

“575.4 A person convicted of violating any provision of this chapter shall be punished by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than ninety (90) days, or both, for each such offense.”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

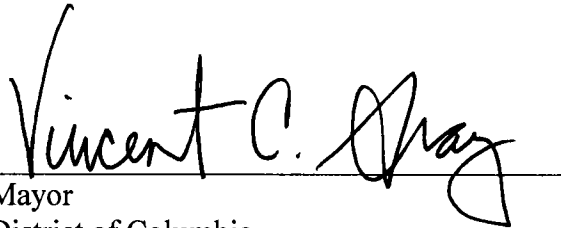
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-344

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 30, 2014

To amend the Department of Motor Vehicles Establishment Act of 1998 to establish the position of ombudsman for ticket adjudication; to amend the District of Columbia Traffic Adjudication Act of 1978 to require the Department of Motor Vehicles (“DMV”) to confirm basic information about a vehicle and its owner or lessee before sending a notice of an outstanding notice of infraction, to expand the time limit to file a motion to vacate a judgment for certain infractions, to eliminate the ability to request an issuing officer to appear at a hearing for a parking infraction, to require hearing examiners to take judicial notice of facts contained in sources under the control of the DMV, to require the DMV to provide an explanation as to why it deemed evidence submitted in an adjudication to be deficient, to require the DMV to, upon request, reconsider a finding of liability issued for a parking, automated enforcement, and moving violation, and to decide such cases within 180 days; and to amend Title 18 of the District of Columbia Municipal Regulation to make technical and conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Traffic Adjudication Amendment Act of 2014”.

Sec. 2. The Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-901 *et seq.*), is amended by adding a new section 1827a to read as follows:

“Sec. 1827a. Ticket adjudication ombudsman.

“(a) There is established within the Department an ombudsman for ticket adjudication, who shall report to the Director.

“(b) The Mayor shall establish the qualifications of the ombudsman, which shall include a demonstrated ability through education or experience to analyze issues and matters of law, administration, and policy.

“(c) The Mayor shall establish the duties of the ombudsman, including that the ombudsman shall:

“(1) Receive complaints and concerns on the law, rules, policies, and procedures regarding the adjudication of moving violations, automated traffic enforcement violations, and parking, standing, stopping, and pedestrian violations;

“(2) Respond to complaints and concerns in a timely fashion with accurate and

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helpful information;

“(3) Determine the validity of a complaint quickly and professionally;

options; “(4) Generate options for a response, and offer a recommendation among the

“(5) Make a referral to appropriate Department staff, when appropriate;

to traffic adjudication; “(6) Identify systemic concerns, including those raised by citizens, related

adjudication; and “(7) Recommend policy changes, staff training, and strategies to improve traffic

not render legal advice. “(8) Offer technical and procedural guidance; provided, that the ombudsman shall

“(d) The Ombudsman shall have access to the records and files of the Department as necessary to carry out the ombudsman’s duties and as allowed by federal and local law.

“(e) The Ombudsman shall not be held personally liable or be subject to retaliatory action for the good-faith performance of duties, except that no immunity shall extend to criminal acts, or other acts that violate District or federal law.”.

Sec. 3. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

(a) Section 104(b)(4) (D.C. Official Code § 50-2301.04(b)(4)) is repealed.

(b) Section 105 (D.C. Official Code § 50-2301.05) is amended as follows:

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

“Sec. 105. Monetary sanctions and fees.”.

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

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

“(d) The Director may collect a fee for the filing of an appeal pursuant to section 402.”.

(c) Section 108 (D.C. Official Code § 50-2301.08) is amended as follows:

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

(2) Paragraph (11)(C) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(12) The number of requests for reconsideration filed after an initial finding of liability:

“(A) The number of violations dismissed after reconsideration; and

“(B) The number of violations affirmed after reconsideration.”.

(d) A new section 109 is added to read as follows:

“Sec. 109. Department review of records.

“(a) When requesting information to send notice of an outstanding notice of infraction as required under sections 205(f) and 305(d)(2), the Department shall retrieve from its records the registered owner or lessee’s full name, address, vehicle make and model, and status as to whether

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the motor vehicle tag is active or inactive. For notices sent regarding motor vehicles registered in an out-of-state jurisdiction, the Department shall request the information from the relevant state motor vehicle agency.

“(b) Before sending a notice required under sections 205(f) and 305(d)(2), the Department shall review the information described in subsection (a) of this section to determine whether the notice of infraction was properly issued. The Department shall dismiss an infraction if the information materially conflicts with identifying information about a vehicle or tag provided in the notice of infraction.”.

(e) Section 204(d) (D.C. Official Code § 50-2302.04(d)) is amended by striking the phrase “for reasons other than compliance with subsection (c) of this section.”.

(f) Section 205 (D.C. Official Code § 50-2302.05) is amended as follows:

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

(A) Paragraph (1) is amended by striking the word “or”.

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

“(1A) Admit with an explanation; or”.

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

“(1) A person charged with a moving violation may contest the charge by mail, through the Department’s website, or through a personal appearance scheduled by appointment; provided, that a person charged with a violation that was detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), may contest the charge by mail, through the Department’s website, or by appearing on a walk-in basis during regular business hours at a location designated by the Department.”.

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

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

“(1) A person admitting an infraction shall, at the same time the person submits an answer, pay the civil fine and any additional penalties established pursuant to section 105 as may be due for failure to answer within the time required by subsection (d) of this section. Payment of the fine for the infraction shall be deemed a finding of liability.”.

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

“(2) A person admitting an infraction with an explanation shall submit payment of the civil fine and any additional penalties established pursuant to section 105 with the explanation as to why the fine or penalty should be reduced or points should not be assessed. A hearing examiner may, upon consideration of the explanation, order the reduction of the fine or penalty or waiver of applicable points, or authorize the deletion of the assessed points upon the satisfactory completion of driving school.”.

(4) Subsection (h) is amended by repealing paragraphs (2) and (3).

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

“(i)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a deemed admission pursuant to subsection (e) of this section may be vacated if the Department receives a

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written application by mail or through the Department's website within 60 calendar days of the date of the deemed admission that sets forth:

“(A) A sufficient defense to the charge; and

“(B) Excusable neglect for failing to answer within the time period provided for in subsection (e) of this section.

“(2) If the infraction underlying a deemed admission pursuant to subsection (e) of this section involves a violation of section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)), the deemed admission may be vacated if the Department receives a written application by mail or through the Department's website within one year of the date of the admission and the application need state only a sufficient defense to the charge as set forth in subsection (b)(2) of this section.

“(3) If the infraction underlying a deemed admission pursuant to subsection (e) of this section involves a violation detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), the deemed admission may be vacated if the Department receives a written application by mail or through the Department's website within one year of the date of the admission and the application need state only a sufficient defense to the charge as set forth in section 902(a) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02(a)), that the respondent was not the owner or lessee of the cited vehicle at the time of the infraction, or the registration plates were stolen from the cited vehicle at the time of the infraction.

“(4) If the infraction underlying a deemed admission pursuant to subsection (e) of this section involves a violation of sections 3, 4, and 5 of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code §§ 50-1731.03, 50-1731.04, 50-1731.05), the deemed admission may be vacated if the Department receives a written application by mail or through the Department's website within one year of the date of the admission and the application need state only a sufficient defense to the charge of the admission as set forth in section 6(a) of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.06(a)).

“(j) The filing of an application under subsection (i) of this section shall not stay any charges, fines, penalties, points, or suspension of a person's license or privilege to drive in the District; provided, that if the infraction underlying the deemed admission is dismissed, any charges, fines, or penalties paid shall be reimbursed and points assessed or the suspension of a person's license or privilege to drive may be vacated.”

(g) Section 206 (D.C. Official Code § 50-2302.06) is amended as follows:

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

“(b)(1) If a person to whom a notice of infraction has been issued fails to appear at a scheduled hearing to contest a charge for which the person received notice by postal mail sent to the person's address of record, through electronic mail, or in person, the hearing examiner may enter a default judgment sustaining the charges, fix the appropriate fine, assess appropriate

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penalties, if any, and suspend the person's license or privilege to drive in the District until the fines and penalties are paid, if the commission of the infraction is established by clear and convincing evidence. The judgment and suspension shall take effect and notice shall be provided in accordance with section 205(f). Except as provided in paragraphs (2) and (3) of this subsection, the notice shall further state that the default judgment may be vacated if the Department receives by mail or through the Department's website, within 60 calendar days of the effective date of the judgment, a written application to vacate the default judgment that sets forth:

“(A) A sufficient defense to the charge; and

“(B) Excusable neglect as to the respondent's failure to attend the hearing.

“(2) If the infraction underlying the default judgment involves a violation of section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)), the notice provided shall state that the default judgment may be vacated if the Department receives by mail or through the Department's website, within one calendar year of the date of the judgment, a written application to vacate the default judgment that sets forth:

“(A) A sufficient defense to the charge as described in section 205(b)(2);

or

“(B) Excusable neglect as to the respondent's failure to attend the hearing.

“(3) If the infraction underlying the default judgment involves a violation of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), the notice provided shall state that the default judgment may be vacated if the Department receives by mail or through the Department's website, within one year of the date of the judgment, a written application to vacate the default judgment that sets forth:

“(A) A sufficient defense to the charge as described in section 6(a) of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law Section 15-124; D.C. Official Code § 50-1731.06(a)); or

“(B) Excusable neglect as to the respondent's failure to attend the hearing.”

(2) Subsection (d) is amended by striking the phrase “records.” and inserting the phrase “records. Where a determination has been made that the infraction has been established, the Department shall provide written notice of the decision to the respondent, including an accompanying explanation of why any evidence provided was insufficient.” in its place.

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

“(d-1)(1) The following facts shall be judicially noticed in a proceeding governed by the provisions of this title:

“(A) Facts that the courts of the District of Columbia find judicially cognizable;

“(B) Generally recognized technical or specialized facts within the knowledge and experience of the hearing examiners of the Department;

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“(C) Facts contained in the records and files of the Department; and

“(D) Any other matter or document that a hearing examiner finds is properly the subject of judicial notice.

“(2) A fact contained in a document belonging to a category enumerated in paragraph (1) of this subsection shall be considered to have been physically incorporated into and made part of the record in a proceeding.”.

(4) Subsection (i) is amended by striking the phrase “15 calendar days” and inserting the phrase “30 calendar days” in its place.

(h) Section 305 (D.C. Official Code § 50-2303.05) is amended as follows:

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

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

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

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

“(A-i) Admit with explanation; or”.

(B) Paragraph (2) is amended by striking the phrase “by mail or at an administrative hearing” and inserting the phrase “by mail, through the Department’s website, or through a personal appearance at a hearing” in its place.

(2) Subsection (b) is amended by striking the phrase “or by mail. Answers by telephone, email, or through the Department’s website may be permitted by regulation.” and inserting the phrase “, by mail, or through the Department’s website.” in its place.

(3) Subsection (c) is amended by striking the phrase “he submits his answer” and inserting the phrase “the person submits an answer” in its place.

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

“(c-1) A person admitting the commission of an infraction with an explanation may include in the answer an explanation as to why the fine or penalty should be reduced. A hearing examiner may, upon consideration of the explanation, order the reduction of the fine or penalty.”.

(5) Subsection (e) is repealed.

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

“(f) Except as set forth in subsection (g) of this section, a deemed admission pursuant to subsection (d)(2) of this section by a person not participating in the fleet reconciliation program may be vacated if the Department receives by mail or through the Department’s website, within 60 calendar days of the date of the admission, a written application to vacate; provided, that if the individual’s motor vehicle has been immobilized or impounded pursuant to section 6(k) of the District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), or the individual is unable to obtain a license or permit pursuant to D.C. Official Code § 47-2862(a)(1)(C) or (F) or (a)(6), an application may be submitted by mail, through the Department’s website, or in person and shall include:

“(1) A sufficient defense to the charge as set forth in subsection (a)(2) of this section; and

“(2) Excusable neglect for failing to answer within the time period provided for in subsection (d) of this section.”.

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(7) A new subsection (g) is added to read as follows:

“(g) A deemed admission pursuant to subsection (d)(2) of this section by a person not participating in the fleet reconciliation program may be vacated if the Department receives by mail or through its website within one year of the date of the admission, a written application to vacate that sets forth a sufficient defense to the charge as described in subsection (a)(2)(A) or (B) of this section; provided, that if the individual’s motor vehicle has been immobilized or impounded pursuant to section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), or the individual is unable to obtain a license or permit pursuant to D.C. Official Code § 47-2862(a)(1)(C) or (F) or (a)(6), an application may be submitted by mail, through the Department’s website, or in person.”

(i) Section 306 (D.C. Official Code § 50-2303.06) is amended as follows:

(1) Subsections (c), (d), and (e) are repealed.

(2) Subsection (f) is amended by striking the phrase “records.” and inserting the phrase “records. Where a determination has been made that the infraction has been established, the Department shall provide written notice of the decision to the respondent, including an accompanying explanation of why any evidence provided was insufficient.” in its place.

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

“(f-1)(1) The following facts shall be judicially noticed in all proceedings governed by the provisions of this title:

“(A) Facts that the courts of the District of Columbia find judicially cognizable;

“(B) Generally recognized technical or specialized facts within the knowledge and experience of the hearing examiners of the Department;

“(C) Facts contained in the records and files of the Department; and

“(D) Any other matter or document that a hearing examiner finds is properly the subject of judicial notice.

“(2) A fact contained in a document belonging to a category enumerated in paragraph (1) of this subsection shall be considered to have been physically incorporated into and made part of the record in a proceeding.”

(j) A new Title III-A is added to read as follows:

“TITLE III-A
“RECONSIDERATION

“Sec. 311. Reconsideration.

“(a) A person found liable at a hearing conducted pursuant to Titles II and III, including a hearing involving the suspension or revocation of a license or privilege to drive, shall be entitled to reconsideration of the matter if a written application is received by the Department or is postmarked within 30 calendar days of the date of a finding of liability.

“(b) The application for reconsideration shall set forth one or more of the following grounds:

“(1) Newly discovered or newly available relevant evidence;

“(2) Need for additional evidence to establish a defense;

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“(3) Probable error committed by the hearing examiner in the proceeding, including failure to judicially notice a fact on which the decision of the hearing examiner rests or failure to inform the respondent of a judicially noticed fact on which the decision of the hearing examiner rests; and

“(4) Need for further consideration of the issues.

“(c) An application for reconsideration shall contain all documents or evidence in support of reconsideration.

“(d) On reconsideration, the matter may be reviewed by the hearing examiner who reviewed the matter initially or may be referred to another hearing examiner, should the Chief Examiner make this determination.

“(e) If an application for reconsideration is timely submitted, the 30-day time period for filing an appeal to the appeals board shall begin on the date that the reconsideration decision is served in accordance with section 404.

“(f) A person shall not have an opportunity to appeal a finding of liability by a hearing examiner to the appeals board unless the person’s liability is affirmed upon reconsideration; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing under section 206(b) or a deemed admission under sections 205(e) or 305(d)(2) shall be appealed directly to the appeals board.

“(g) Failure by a hearing examiner to issue a decision within 180 calendar days after receipt of an application for reconsideration shall be deemed a decision in favor of the applicant.”.

(k) Section 402 (D.C. Official Code § 50-2304.02) is amended as follows:

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

“(a) A person found liable by a hearing examiner after a reconsideration conducted pursuant to section 311 may appeal the matter to the appeals board pursuant to the provisions of this title; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing under section 206(b) or a deemed admission under sections 205(e) or 305(d)(2) shall be appealed directly to the appeals board. The Director shall appoint an appeals board, pursuant to section 401, to consider and determine appeals.”.

(2) Subsection (b) is amended by striking the phrase “An aggrieved person” and inserting the phrase “A person” in its place.

(l) Section 404 (D.C. Official Code § 50-2304.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “15 calendar days” and inserting the phrase “30 calendar days” in its place.

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

“(b) Service of notice under this section shall be complete 3 calendar days after the Department sends the reconsideration determination to the person.”.

(3) Subsection (c) is amended by striking the phrase “15-day period” and inserting the phrase “30-day period” in its place.

ENROLLED ORIGINAL

Sec. 4. Title 18 of the District of Columbia Municipal Regulations (18 DCMR) is amended as follows:

(a) Chapter 10 (18 DCMR § 1000 *et seq.*) is amended as follows:

(1) Section 1036 (18 DCMR § 1036.1 *et seq.*) is repealed.

(2) Section 1040 (18 DCMR § 1040.1 *et seq.*) is repealed.

(3) Section 1041 (18 DCMR § 1041) is amended as follows:

(A) Subsection 1041.5 is amended by striking the phrase “(other than official notice of a material fact not appearing in the evidence in the record but taken cognizance of in accordance with § 1036)” and inserting the phrase “(other than a material fact not appearing in the evidence in the record but judicially noticed in accordance with D.C. Official Code § 50-2302.06(d-1) and D.C. Official Code § 50-2303.06(f-1))” in its place.

(B) Subsection 1041.6(c) is amended by striking the word “officially” and inserting the word “judicially” in its place.

(4) Section 1042 (18 DCMR § 1042.1 *et seq.*) is repealed.

(5) Section 1043 (18 DCMR § 1043.1) is amended as follows:

(A) Subsection 1043.1 (18 DCMR § 1043.1) is amended to read as follows:

“1043.1 A person found liable by a hearing examiner upon reconsideration conducted pursuant to D.C. Official Code § 50-2303.11 may petition for a review by the appeals board within 30 days after notice of the hearing examiner’s reconsideration ruling; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing pursuant to D.C. Official Code § 50-2302.06(b) or a deemed admission pursuant to D.C. Official Code §§ 50-2302.05(e) or 50-2303.05(d)(2) shall be appealed directly to the appeals board.”

(B) Subsection 1043.4 is repealed.

(b) Chapter 3000 (18 DCMR § 3000) is amended as follows:

(1) Section 3006 (18 DCMR § 3006) is amended as follows:

(A) Subsection 3006.2 is repealed.

(B) Subsection 3006.3 is repealed.

(C) Subsection 3006.5 is repealed.

(D) Subsection 3006.6 is repealed.

(2) Section 3008 (18 DCMR § 3008) is amended as follows:

(A) Subsection 3008.1 is amended to read as follows:

“3008.1 A person may request an in-person hearing to adjudicate a parking, moving, or automated traffic enforcement violation in accordance with provisions of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*).”

(B) Subsection 3008.2 is repealed

(C) Subsection 3008.3 is amended to read as follows:

ENROLLED ORIGINAL

“3008.3 For moving violations, other than an automated traffic enforcement violation, the officer who issued the Notice of Infraction shall be summoned by Adjudication Services only in cases where the person denies liability.”

(3) Section 3011.8 (18 DCMR § 3011.8) is amended to read as follows:

“3011.8 Administrative adjudications conducted by the Department of Motor Vehicles shall comply with the provisions of this chapter, Chapter 10 of this title, and the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*)”.

(4) Section 3014 (18 DCMR § 3014) is amended as follows:

(A) Subsection 3014.1 is amended to read as follows:

“3014.1 Appeals shall be from final determinations issued after reconsideration under Title III-A of the District of Columbia Traffic Adjudication Act of 1978; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing pursuant to D.C. Official Code § 50-2302.06(b) or a deemed admission pursuant to D.C. Official Code §§ 50-2302.05(e) or 50-2303.05(d)(2) shall be appealed directly to the appeals board.”

(B) Subsection 3014.9 (18 DCMR § 3014.9) is amended by striking the phrase “fifteen (15)” and inserting the phrase “thirty (30)” in its place.

(C) Subsection 3014.11 (18 DCMR § 3014.11) is amended by striking the phrase “fifteen (15)” and inserting the phrase “thirty (30)” in its place.

(5) Section 3021 (18 DCMR § 3021.1) is amended as follows:

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

“18-3021. Proceedings.”

(B) Subsection 3021.1 is amended by striking the phrase “by mail.” and inserting the phrase “by mail, through the Department’s website, or by appearing on a walk-in basis during regular business hours at a location designated by the Department.” in its place.

(C) Subsection 3021.2 is amended by striking the phrase “by mail.” and inserting the phrase “by mail, through the Department’s website, or on a walk-in basis.” in its place.

Sec. 5. Applicability.

This act shall apply as of October 1, 2014; provided, that the inclusion of its fiscal effect in an approved budget and financial plan has been certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

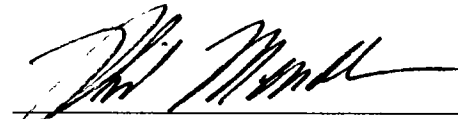
Sec. 6. Fiscal impact statement.

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

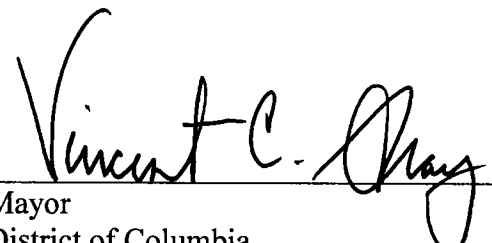
ENROLLED ORIGINAL

Sec. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 30, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-345

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 4, 2014

To amend the Department of Transportation Establishment Act of 2002 to authorize the Director of the District Department of Transportation (“DDOT”) to enter into a payment agreement for services related to DDOT’s review of proposed and existing projects and to create the Transportation Infrastructure Project Review Fund, into which DDOT shall deposit fees received for services related to DDOT’s review of proposed and existing projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Transportation Infrastructure and Public Space Impact Mitigation Amendment Act of 2014”.

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14–137; D.C. Official Code § 50–921.01 *et seq.*), is amended as follows:

(a) Section 3(f) (D.C. Official Code § 50–921.02(f)) is amended to read as follows:

“(f)(1) The Director may:

“(A) With respect to the program established pursuant to 49 U.S.C. § 5310 (the “5310 Program”):

“(i) Enter into agreements with nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities;

“(ii) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate;

“(iii) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program guidelines and regulations enacted pursuant to this paragraph, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives; and

“(iv) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director;

ENROLLED ORIGINAL

“(B) Enter into an agreement with a developer, property owner, utility company, the federal government or other governmental entity, or other person or entity requiring payment for:

”(i) The costs of DDOT’s review of the proposed or existing project on private property or public space that may affect the transportation infrastructure or public space in the District or DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District;

“(ii) The implementation of transportation infrastructure or public improvements or mitigation measures to address the project’s impact on the transportation infrastructure or public space in the District or on DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District; or

“(iii) The cost of both review and the implementation of mitigation measures; and

“(C) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor’s authority under the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

“(2) A payment, improvement, and mitigation measure required under an agreement authorized by paragraph (1)(B) of this subsection shall be reasonably related to:

“(A) The costs incurred by DDOT in reviewing the project;

“(B) The effects of the project on the transportation infrastructure or public space in the District; and

“(C) The effects of the project on DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District.

“(3) A payment made pursuant to an agreement authorized by paragraph (1)(B) of this subsection shall be in addition to, and not in lieu of, a payment required for the temporary use of public space or the use of the public right of way pursuant to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), or Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*).”.

(b) The second section 9f (D.C. Official Code § 50-921.16) is redesignated as section 9h.

(c) A new section 9i is added to read as follows:

“Sec. 9i. Transportation Infrastructure Project Review Fund.

“(a) There is established as a special fund the Transportation Infrastructure Project Review Fund (“Fund”), which shall be administered by the Director of the DDOT in accordance with subsection (c) of this section.

“(b) The Fund shall consist of the revenue collected from the following sources pursuant to section 3(f):

“(1) Payments made by an individual or entity pursuant to an agreement entered into under section 3(f); and

ENROLLED ORIGINAL

“(1) To fund the review of a project on private property or public space that may affect the transportation infrastructure or public space in the District or DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District;

“(2) To fund transportation infrastructure or public space improvements or mitigation measures related to a project on private property or public space that will affect the transportation infrastructure or public space in the District or DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District;

“(3) To fund transportation infrastructure or public space improvements or mitigation measures required pursuant to an order of the Zoning Commission or the Board of Zoning Adjustment; and

“(4) To the extent not needed for the purposes set forth in paragraphs (1), (2), and (3) of this subsection, for local transportation enhancement projects, local transportation infrastructure projects, and studies on the effects of transportation infrastructure projects, including the effects of such projects on private property.

“(d) The fees deposited into the Fund shall be separate from any funds paid for the temporary use of public space or the use of the public right of way, pursuant to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), and Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*).

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

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
June 3, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-346IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 2, 2014

To amend the Homeless Services Reform Act of 2005 to require that the Department of Human Services fill all permanent supportive housing placements funded exclusively with non-federal funds within 60 days from the day funding for the placement becomes available.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Homeless Services Reform Amendment Act of 2014”.

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8d to read as follows:

“Sec. 8d. Department requirements for placements of individuals and families in permanent supportive housing.

“(a) All permanent supportive housing placements funded exclusively with non-federal funds shall be filled by appropriate homeless individuals or families as identified by the Department.

“(b) Each permanent supportive housing placement shall be filled no later than 60 days after the day funding for the placement becomes available.

“(c) The Department shall review all assessments of individuals and families to identify which individual or family is appropriate to fill the available placement.”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

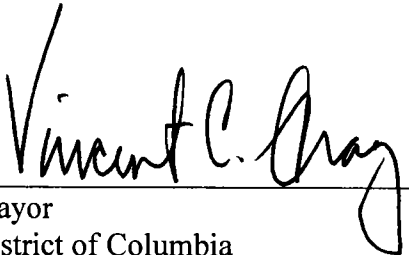
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 2, 2014

**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.

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILLS

B20-805 District of Columbia Soccer Stadium Development Act of 2014

Intro. 05-23-14 by Chairman Mendelson at the request of the Mayor and referred sequentially as follows: Section 3 to the Committee on Government Operations; Section 4 to the Committee on Economic Development; Section 8 to the Committee on Finance and Revenue; and then the entire bill to the Committee of the Whole

B20-809 Retirement Parity Act of 2014

Intro. 05-27-14 by Councilmembers Evans and referred to the Committee on Finance and Revenue

B20-810 Police and Fire Departments Commencement of Discipline Amendment Act of 2014

Intro. 05-29-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PROPOSED RESOLUTIONS

PR20-800 Board of Psychology Dr. Anthony Jimenez Confirmation Resolution of 2014

Intro. 05-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PROPOSED RESOLUTIONS CON'T

PR20-801 District of Columbia Occupational Safety and Health Board Sonia Ramirez Confirmation Resolution of 2014

Intro. 05-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-802 District of Columbia Occupational Safety and Health Board Eric J. Conn Confirmation Resolution of 2014

Intro. 05-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-803 District of Columbia Occupational Safety and Health Board Earl Woodland Confirmation Resolution of 2014

Intro. 05-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-804 Marijuana for Medical Treatment Regulation Approval Resolution of 2014

Intro. 05-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health with comments from the Committee on Judiciary and Public Safety

PR20-805 Board of Funeral Directors Charles Bowman Confirmation Resolution of 2014

Intro. 05-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-806 Board of Funeral Directors Essita Duncan Confirmation Resolution of 2014

Intro. 05-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-808 Chuck Brown Memorial, Carter G. Woodson Memorial, and Metro Memorial Park Commemorative Works Approval Resolution of 2014

Intro. 05-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PROPOSED RESOLUTIONS CON'T

PR20-809 Hazardous Waste Regulations Approval Resolution of 2014

Intro. 05-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR20-811 Public Service Commission Willie Phillips Confirmation Resolution of 2014

Intro. 05-29-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR20-812 Public Service Commission Betty Ann Kane Confirmation Resolution of 2014

Intro. 05-29-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

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

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

on

**Bill 20-289, the “Clinical Laboratory Practitioners Amendment Act of 2013”
B20-435, the “Nurse Staffing Agency Amendment Act of 2013” and
B20-681, the “Classroom Animal for Educational Purposes Clarification Amendment Act of 2014”**

**Wednesday, June 25, 2014
11:00 a.m., Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public hearing on Bill 20-289, the “Clinical Laboratory Practitioners Amendment Act of 2013,” Bill 20-435, the “Nurse Staffing Agency Amendment Act of 2013” and Bill 20-681, the “Classroom Animal for Educational Purposes Clarification Amendment Act of 2014.” The hearing will take place at 11:00 a.m. on Wednesday, June 25, 2014 in Room 120 of the John A. Wilson Building.

The purpose of Bill 20-289 is to amend the District of Columbia Health Occupations Revision Act of 1986 in order to establish an Advisory Committee on Clinical Laboratory Practitioners that shall develop and submit guidelines to the Board of Pharmacy on a number of covered areas. The purpose of Bill 20-435 is to require nurse staffing agencies that employ nursing personnel or refer nursing personnel, to be certified or accredited by the Joint Commission or another accrediting body. The purpose of B20-681 is to amend the Animal Control Act of 1979 to clarify that an educational institution is permitted to have animals for educational and instructional purposes.

Those who wish to testify should contact Rayna Smith, Committee Director to the Committee on Health, at 202-741-2111 or via e-mail at rsmith@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Monday, June 23, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Monday, June 23, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to rsmith@dccouncil.us or mailed to Rayna Smith at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Wednesday, July 2, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC HEARING

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

**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

**BILL 20-293, "METROPOLITAN POLICE DEPARTMENT COMMAND STAFF
APPOINTMENT AMENDMENT ACT OF 2013"**

and

**Bill 20-763, "MULTI-HAZARD APPROACH TO PREPAREDNESS IN SCHOOLS
AMENDMENT ACT OF 2014"**

**Wednesday, July 2, 2014
11 a.m.**

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

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announces a public hearing on July 2, 2014, beginning at 11 a.m. in Room 500 of the John A. Wilson Building. The purpose of this public hearing is to receive testimony on Bills 20-293 and 20-763.

Bill 20-293 would authorize the Chief of Police of the Metropolitan Police Department to promote lieutenants to discretionary command staff positions, such as inspector, commander, and assistant chief. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0293>.

Bill 20-763 would mandate the School Emergency Response Plan and Management Guide ("One City/One Plan") for all schools located in the District of Columbia. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0763>.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Monday, June 30, 2014. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes. For those unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 p.m. on Wednesday, July 16, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at ngoines@dccouncil.us

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

REVISED

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

on

Bill 20-501, the “Conversion Therapy for Minors Prohibition Amendment Act of 2013”

Friday, June 27, 2014
12:00 p.m., Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public hearing on Bill 20-501, the “Conversion Therapy for Minors Prohibition Amendment Act of 2013”. The hearing will take place at 12:00 p.m. on Friday, June 27, 2014 in Room 500 of the John A. Wilson Building. **This hearing is rescheduled from its original date of June 10, 2014 in room 412.**

The purpose of this bill is to amend the Mental Health Service Delivery Reform Act of 2001 to prohibit the use of practices designed to change the sexual orientation of a minor by a licensed mental health provider.

Those who wish to testify should contact Rayna Smith, Committee Director to the Committee on Health, at 202-741-2111 or via e-mail at rsmith@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Wednesday, June 25, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday, June 25, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to rsmith@dccouncil.us or to mailed to Rayna Smith at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Friday, July 11, 2014.

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

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

REVISED

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 20-583 the “Bezner Real Property Tax Relief Act of 2013”

Thursday, June 12, 2014

10:00 a.m.

Room 120 - John A. Wilson Building

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

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Thursday, June 12, 2014 at 10:00 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 20-583 the “Bezner Real Property Tax Relief Act of 2013” would provide equitable real property tax relief, and cancel all tax sales on the real property located at Square 777, Lot 860, a small piece of land abutting a residential home, adjacent to 755 Third Street, NE.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Brian McClure, Legislative Assistant at (202) 724-8058 or bmcclure@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Wednesday, June 11, 2014. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to bmcclure@dccouncil.us or mailed to: Council of the District of Columbia; 1350 Pennsylvania Ave., N.W.; Suite 114; Washington D.C. 20004.

This hearing notice has been revised to remove PR 20-766, the “Real Property Tax Appeals Commission Mr. Andrew D. Dorchester Confirmation Resolution of 2014” from the agenda.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING AND OVERSIGHT HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED/ABBREVIATED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

**Bill 20-595, “Public-Private Partnership Act of 2013” and
“Oversight of Implementation of the Pay for Success Contract Authorization Act of 2014”**

on

**Thursday, June 12, 2014
1:00 p.m., Council Chamber, John A. Wilson Building
(or Immediately After the Preceding Hearing on Bill 20-677)
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing of the Committee of the Whole on **Bill 20-595**, the “Public-Private Partnership Act of 2013.” The public hearing will be held Thursday, June 12, 2014, at 1:00 p.m. in the Council Chamber of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. **This notice has been revised in an abbreviated manner to include the addition of an oversight issue pursuant to Council Rule 421(c)(3).**

The stated purpose of **Bill 20-595** is to establish the District of Columbia Office of Public-Private Partnerships to facilitate the procurement and administration of public-private partnerships in the District of Columbia. It would also establish personnel authority and budget mechanisms for the office, adopt rules and regulations with regard to public-private partnerships, and create a District of Columbia Infrastructure Fund. Further, it would establish requirements for the procurement process for public-private partnerships which includes solicitation and response processes, provides for Council review of solicitations for public-private partnerships, and lays out additional details for the administration of public-private partnerships.

Subtitle N of the Fiscal Year 2015 Budget Support Act of 2014 included authorization for so-called pay for success contracts. This authorizes the mayor to enter into contract based on the concept of social impact bonds. The Committee hopes to learn how the Executive intends to implement this program and additional information that may be useful to the Committee in recommending future changes to the program. This issue was originally suggested in the Mayor’s Fiscal Year 2015 budget errata letter dated May 8, 2014.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Evan Cash, Committee Director, at ecash@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Tuesday, June 10, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 10, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of Bill 20-595 can be obtained through the Legislative Services Division of the Secretary of the Council or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, June 26, 2014.

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

**REVISED AND
ABBREVIATED**

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

on

Bill 20-675, the “Centralized Medicaid Billing Protection Amendment Act of 2014”

**Friday, June 20, 2014
2:00 p.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public hearing on Bill 20-675, the “Centralized Medicaid Billing Protection Amendment Act of 2014”. The hearing will take place at 2:00 p.m. on Friday, June 20, 2014 in Room 412 of the John A. Wilson Building. **Please note that this notice is abbreviated per Council Rule 421, as it reflects a new start time; this hearing was originally scheduled for 12:00pm.**

The purpose of this bill is to amend the District of Columbia Medical Assistance Program Act to consolidate Medicaid billing functions in order to increase transparency in agency Medicaid billing standards, decrease fraud, enhance review of service utilization across agencies, and provide for greater coordination of care.

Those who wish to testify should contact Rayna Smith, Committee Director to the Committee on Health, at 202-741-2111 or via e-mail at rsmith@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Wednesday, June 18, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday, June 18, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to rsmith@dccouncil.us or mailed to Rayna Smith at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Wednesday, July 2, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC HEARING

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

**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

**B20-714, THE “SEX TRAFFICKING OF MINORS PREVENTION
AMENDMENT ACT OF 2014”**

**Thursday, June 19, 2014
1 p.m.**

**Room 123
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Thursday, June 19, 2014, beginning at 1 p.m. in Room 123 of the John A. Wilson Building. The purpose of this hearing is to receive public comment on the Bill 20-714.

Bill 20-714 would amend the Prevention of Child Abuse and Neglect Act of 1977 to create procedures for reporting runaways and missing children under custodial care of District agencies; and to require the Metropolitan Police Department to report critically missing children to the Nation Center for Missing and Exploited Children. It would also amend the Prohibition Against Human Trafficking Act of 2010 to require public posting of the national human trafficking hotline, and would amend the Anti-Sexual Abuse Act of 1994 to clarify that sexual act or contact under that Act includes sex trafficking of children as prohibited by the District’s human trafficking laws.

The Committee invites the public to testify. Individuals who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Tuesday, June 17, 2014. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups. Those persons unable to testify at the public hearing are encouraged to submit written statements for the official record. Written statements should be submitted by 5 p.m. on Monday, June 30, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at ngoines@dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC HEARING

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

COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

ANNOUNCES A PUBLIC HEARING ON

**BILL 20-793, "CIVIL MARRIAGE DISSOLUTION EQUALITY CLARIFICATION
AMENDMENT ACT OF 2014"**

BILL 20-760, "REPEAL OF PROSTITUTION FREE ZONES AMENDMENT ACT OF 2014"

and

**BILL 20-468, "ANTI-SHACKLING OF INCARCERATED PREGNANT WOMEN ACT OF
2013"**

Wednesday, July 9, 2014

11 a.m.

John A. Wilson Building, Room 412

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

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announces a public hearing on July 9, 2014, beginning at 11 a.m. in Room 412 of the John A. Wilson Building. The purpose of this public hearing is to receive testimony on Bills 20-793, 20-760, and 20-468.

Bill 20-793 would amend D.C. Official Code § 16-902 to clarify that the mechanism for the dissolution of marriage authorized under that section includes divorce and legal separation. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0793>.

Bill 20-760 would repeal the authority of the Chief of Police to declare any public area a Prostitution Free Zone, and all accompanying provisions. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0760>.

Bill 20-468 would establish that no women or youth in the custody of the Department of Corrections, Halfway Houses, or lock-ups may be shackled while pregnant or during labor, transport to a medical facility for treatment related to birth, delivery, or post-partum recovery up to six weeks. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0468>.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Monday, July 7, 2014. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes. For those unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 p.m. on Tuesday, July 22, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at ngoines@dccouncil.us.

Council of the District of Columbia
Committee on Human Services
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
JIM GRAHAM, CHAIRMAN**

ANNOUNCES A PUBLIC HEARING ON

**BILL 20-795, THE "DC GENERAL SHORT-TERM PLAYGROUND AMENDMENT
ACT OF 2014"**

AND

B20-0767, THE "DIGNITY FOR HOMELESS FAMILIES AMENDMENT ACT OF 2014"

MONDAY, JUNE 30, 2014 AT 11:00 A.M.

**ROOM 500
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Jim Graham, Chairperson of the Committee on Human Services, announces a public hearing on Bill 20-795, the "DC General Short-Term Playground Amendment Act of 2014" and Bill 20-767, the "Dignity for Homeless Families Amendment Act of 2014." The hearing will be held on Monday, June 30, 2014 at 11:00 a.m., in Room 500 of the John A. Wilson Building.

Bill 20-795 would amend section 7 of the Homeless Services Reform Act of 2005 ('Act') to require the identification of a public space suitable for a playground for children at DC General Hospital. Bill 20-767 would amend the Homeless Services Reform Act of 2005 to establish a definition for the term "private room" and to clarify homeless families' rights to access shelter services.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191 by May 6, 2014. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their written testimony to the hearing. Witnesses representing an organization should limit their testimony to five minutes; individual witnesses will have three minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Human Services, 1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004, no later than 5:30 p.m., July 10, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC HEARING

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

COUNCILMEMBER TOMMY WELLS, CHAIRPERSON

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

ANNOUNCES A PUBLIC HEARING ON

BILL 20-803, the “HUMAN RIGHTS AMENDMENT ACT OF 2014”

and

**Bill 20-321, the “HUMAN RIGHTS ACT NOTICE REQUIREMENT AMENDMENT
ACT OF 2013”**

Thursday, June 26, 2014, 2 p.m.

Room 120

John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, D.C. 20004

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announces a public hearing on June 26, 2014, beginning at 2 p.m. in Room 120 of the John A. Wilson Building. The purpose of this public hearing is to receive testimony on Bills 20-803 and 20-321.

Bill 20-803 would require the Director of the Office of Human Rights (OHR) have a demonstrated background in human rights law; require OHR’s annual report to include information on investigations and public hearings initiated by the Office; and repeal the exemption allowing religiously-affiliated educational institutions to discriminate based on sexual orientation.

Bill 20-321 would clarify that the notice requirement for claims against the District does not apply to claims alleging violations of the Human Rights Act.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Tuesday, July 8, 2014. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes. For those unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 p.m. on Monday, July 21, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at ngoines@dccouncil.us

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE**

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

and

**COUNCILMEMBER KENYAN MCDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCE A JOINT PUBLIC HEARING

on

Bill 20-805, District of Columbia Soccer Stadium Development Act of 2014

on

**Thursday, June 26, 2014
9:30 a.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson, Councilmember Jack Evans, and Councilmember Kenyan McDuffie announce a joint public hearing of the Committee of the Whole, Committee on Finance and Revenue, and Committee on Government Operations on Bill 20-805, the "District of Columbia Soccer Stadium Act of 2014." The public hearing will be held Thursday, June 26, 2014, at 9:30 a.m. in the Council Chamber of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 20-805 is to approve the exchange agreement for the real property in Lot 13, Square 607 (proposed stadium site) and Lot 844, Square 204 (Reeves Building), to authorize the Mayor to assemble the soccer stadium site in Southwest including through the use of eminent domain, to approve the ground lease for the site with the DC United soccer team, to approve the development agreement for the construction of a new soccer stadium, to authorize various actions including street and alley closings, environmental remediation, and certain expenditures of funds, to authorize an underground or airspace lease; to amend the law to abate from gross sales tax charges for admission to public events at the site and charges for certain other food, drink, and tangible personal property, and to provide a real property and possessory interest tax abatement for the site, and to exempt the transfer of the site from deed recordation and transfer taxes.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Jessica Jacobs, Legislative Counsel, at jjacobs@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Tuesday, June 24, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 24, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of Bill 20-805 can be obtained through the Legislative Services Division of the Secretary of the Council's office or at <http://lims.dccouncil.us/>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, July 10, 2014.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

**PR 20-785, Board of Trustees of the University of the District of Columbia Jim W. Dyke Jr.
Confirmation Resolution of 2014;**

&

**PR 20-786, Board of Trustees of the University of the District of Columbia Reginald Felton
Confirmation Resolution of 2014;**

&

**PR 20-787, Board of Trustees of the University of the District of Columbia Rev. Kendrick E. Curry
Confirmation Resolution of 2014;**

on

**Wednesday, June 25, 2014
10:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of the Whole on PR 20-785, Board of Trustees of the University of the District of Columbia Jim W. Dyke Jr. Confirmation Resolution of 2014, PR 20-786, Board of Trustees of the University of the District of Columbia Reginald Felton Confirmation Resolution of 2014, and PR 20-787, Board of Trustees of the University of the District of Columbia Rev. Kendrick E. Curry Confirmation Resolution of 2014. The hearing will be held at 10:00 a.m. on Wednesday, June 25, 2014 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of PRs 20-785, 20-786, and 20-787 is to confirm for re-appointment the nominations of Jim W. Dyke Jr., Reginald Felton, and Rev. Kendrick E. Curry to the Board of Trustees of the University of the District of Columbia for terms that expire May 15, 2019. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of these nominees for the Board.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or email Taneka Miller, Legislative Counsel, at tmiller@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, June 23, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Monday, June 23, 2014 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of PRs 20-785, 20-786, and 20-787 can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on June 30, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

The Move DC Draft Plan

Friday, June 27, 2014
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, June 27, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District Department of Transportation's draft MoveDC multimodal transportation plan. A copy of the plan is available online at <http://www.wemovedc.org/>. The roundtable will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 11, 2014

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

REVISED

COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

ANNOUNCES A PUBLIC ROUNDTABLE ON

PR 20-694, THE “DISTRICT OF COLUMBIA COMMISSION ON HUMAN RIGHTS DAVID
SCRUGGS CONFIRMATION RESOLUTION OF 2014”

PR 20-695, THE “DISTRICT OF COLUMBIA COMMISSION ON HUMAN RIGHTS
MOTOKO AIZAWA CONFIRMATION RESOLUTION OF 2014”

PR 20-773, THE “DISTRICT OF COLUMBIA COMMISSION ON HUMAN RIGHTS
MICHELLE MCLEOD CONFIRMATION RESOLUTION OF 2014”

PR 20-774, THE “DISTRICT OF COLUMBIA COMMISSION ON HUMAN RIGHTS MR.
ALI MUHAMMAD CONFIRMATION RESOLUTION OF 2014”

PR 20-775, THE “DISTRICT OF COLUMBIA COMMISSION ON HUMAN RIGHTS DR.
ALBERTO FIGUEROA – GARCIA CONFIRMATION RESOLUTION OF 2014”

AND

PR 20-491, THE “DOMESTIC VIOLENCE FATALITY REVIEW BOARD DIANNE M.
HAMPTON CONFIRMATION RESOLUTION OF 2014”

Thursday, June 26, 2014, 11 a.m.
Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable on Thursday, June 26, 2014 beginning at 11 a.m. in Room 500 of the John A. Wilson Building. The purpose of this hearing is to receive public comment on the Mayor’s nominations to the District of Columbia Commission on Human Rights and Domestic Violence Fatality Review Board. *This notice is to reflect change from room number 500 to 120.*

PR 20-694, The “District of Columbia Commission on Human Rights David Scruggs Confirmation Resolution of 2014” would confirm the reappointment of David Scruggs for a two-year term to end December 31, 2016.

PR 20-695, The “District of Columbia Commission on Human Rights Motoko Aizawa Confirmation Resolution of 2014” would confirm the reappointment of Motoko Aizawa for a two-year term to end December 31, 2016.

PR 20-773, The “District of Columbia Commission on Human Rights Michelle McLeod Confirmation Resolution of 2014” would confirm the appointment of Michelle McLeod for a two-year term to end December 31, 2016.

PR 20-774, The “District of Columbia Commission on Human Rights Ali Muhammad Confirmation Resolution of 2014” would confirm the appointment of Michelle McLeod for a two-year term to end December 31, 2016.

PR 20-775, The “District of Columbia Commission on Human Rights Dr. Alberto Figueroa-Garcia Confirmation Resolution of 2014” would confirm the appointment of Dr. Alberto Figueroa-Garcia for a two-year term to end December 31, 2016.

PR 20-491, The “Domestic Violence Fatality Review Board Dianne M. Hampton Confirmation Resolution of 2014” would confirm the reappointment of Dianne M. Hampton for a term to end July 20, 2016.

The Committee invites the public to testify. Those who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Tuesday, June 24, 2014. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups. Witnesses should bring 15 copies of their testimony. Those unable to testify at the public hearing are encouraged to submit written statements for the official record. Written statements should be submitted by 5 p.m. on July 9, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at ngoines@dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC ROUNDTABLE

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

**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR20-784, the “Chief Administrative Law Judge of the Office of Administrative Hearings
Wanda R. Tucker Confirmation Resolution of 2014”**

**Wednesday, June 18, 2014, 2 p.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable on Wednesday, June 18, 2014 beginning at 2 p.m. in Room 412 of the John A. Wilson Building. The purpose of this roundtable is to receive public comment on Proposed Resolution 20-784.

PR 20-784, the “Chief Administrative Law Judge of the Office of Administrative Hearings Wanda R. Tucker Confirmation Resolution of 2014” would confirm the appointment of Wanda R. Tucker to serve as Chief Administrative Law Judge for a term of six years.

The Committee invites the public to testify. Those who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Monday, June 16, 2014. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups. Witnesses should bring 15 copies of their testimony. Those unable to testify at the public hearing are encouraged to submit written statements for the official record. Written statements should be submitted by 5 p.m. on June 27, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at ngoines@dccouncil.us.

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

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 20-0793, the “University of Georgia Foundation Revenue Bonds Project Approval Resolution of 2014”

PR 20-816, the “Next Step Public Charter School, Inc. Revenue Bonds Project Approval Resolution of 2014”

PR 20-817, the “Children’s Defense Fund Revenue Bonds Project Approval Resolution of 2014”

Thursday, June 12, 2014

10:15 a.m.

**Room 120 - John A. Wilson Building
1350 Pennsylvania Avenue, NW; Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Thursday, June 12, 2014 at 10:15 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 20-0793, the “University of Georgia Foundation Revenue Bonds Project Approval Resolution of 2014” will authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$13 million to refinance the acquisition and renovation cost of the facility. The project is located at 608 Massachusetts Ave., N.E., in ward 6.

PR 20-816, the “Next Step Public Charter School, Inc., Revenue Bonds Project Approval Resolution of 2014” will authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$8.2 million to refinance their school project. The project is located at 3047 15th Street, N.W., in Ward 1.

PR 20-817, the “Children’s Defense Fund Revenue Bonds Project Approval Resolution of 2014” will authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$12 million to finance or refinance all of the costs incurred by Children’s Defense Fund, in connection with the financing of 25 E Street, N.W., Washington D.C. The project is located in Ward 6.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Brian McClure, Legislative Assistant at (202) 724-8058 or bmcclure@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Wednesday, June 11, 2014. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to bmcclure@dccouncil.us or mailed to: Council of the District of Columbia; 1350 Pennsylvania Ave., N.W.; Suite 114; Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE**

on

PR 20-795, Compensation Agreement between the District of Columbia Office of the Attorney General and the American Federation of Government Employees, Local 1403, AFL-CIO (Compensation Unit 33) Emergency Approval Resolution of 2014 &

PR 20-797, Compensation Collective Bargaining Agreement between the Government of the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Fire Fighters (Compensation Unit 4) Emergency Approval Resolution of 2014

on

**Tuesday, June 10, 2014
1:00 p.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public roundtable of the Committee of the Whole on **PR 20-795**, the “Compensation Agreement between the District of Columbia Office of the Attorney General and the American Federation of Government Employees, Local 1403, AFL-CIO (Compensation Unit 33) Emergency Approval Resolution of 2014” and **PR 20-797**, the “Compensation Collective Bargaining Agreement between the Government of the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Fire Fighters (Compensation Unit 4) Emergency Approval Resolution of 2014.” The roundtable will be held at 1:00 p.m. on Tuesday, June 10, 2014 in Room 412 of the John A. Wilson Building.

The stated purpose of **PR 20-795** is to approve the negotiated collective bargaining agreement submitted by the Mayor for employees in Compensation Unit 33, which comprises attorneys in the Office of the Attorney General, for a period which ends September 30, 2017. The stated purpose of **PR 20-797** is to approve the collective bargaining agreement submitted by the Mayor for employees in Compensation Unit 4, which comprises fire fighters in the Fire and Emergency Medical Services Department, which ends September 30, 2014.

Those who wish to testify should contact Ms. Jessica Jacobs, Legislative Counsel, at (202) 724-8196, or via e-mail at jjacobs@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, June 6, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 6, 2014 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of the PRs can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, June 23, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-752, “Fiscal Year 2014 Revised Budget Request Temporary Adjustment Act of 2014”, was adopted on first reading on May 28, 2014. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur June 17, 2014.

B20-817, “Heat Wave Safety Temporary Amendment Act of 2014” was adopted on first reading on June 3, 2014. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur June 24, 2014.

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. 20-190: Request to reprogram \$4,107,453 of capital funds budget authority and allotment within the department of Parks and Recreation (DPR) was filed in the Office of the Secretary on May 28, 2014. This reprogramming is needed by the Department of General Services (DGS) to complete the construction of the new recreation center, playground, pool, and outdoor amenities at Ridge Road Recreation Center, to be operated by DPR when completed.

RECEIVED: 14 day review begins May 29, 2014

Reprog. 20-191: Request to reprogram \$1,061,366 of Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on May 28, 2014. This reprogramming is needed to properly align the master project budgets to correspond to DDOT's planned obligations for the current fiscal year's and future year's spending.

RECEIVED: 14 day review begins May 29, 2014

Reprog. 20-192: Request to reprogram \$2,500,000 of Fiscal Year 2014 Local funds budget authority within the Fire and Emergency Medical Services Department (FEMS) was filed in the Office of the Secretary on May 28, 2014. This reprogramming is needed to address critical repairs, contracts, and certifications in the Field Infrastructure activity (Fleet Maintenance), and to support operational needs of FEMS for the remainder of the fiscal year.

RECEIVED: 14 day review begins May 29, 2014

Reprog. 20-193: Request to reprogram \$1,282,721 of Fiscal Year 2014 Local funds budget authority from the Department of General Services (DGS) to the Emergency and Contingency Reserve Fund (ECRF) was filed in the Office of the Secretary on May 28, 2014. This reprogramming is needed to replenish the ECRF for allocations that were made from the funds.

RECEIVED: 14 day review begins May 29, 2014

Reprog. 20-194: Request to reprogram \$2,590,000 of Capital funds budget authority and allotment within the Department of Youth Rehabilitation Services (DYRS), implemented by the Department of General Services (DGS) was filed in the Office of the Secretary. This reprogramming is needed because the current description of the project's scope of work does not qualify as an eligible expenditure of capital budget.

RECEIVED: 14 day review begins May 29, 2014

Reprog. 20-195: Request to reprogram \$750,000 of Capital funds budget authority and allotment from the Office of the Deputy Mayor for Planning and Economic Development (DMPED) to the Department of Parks and Recreation (DPR) was filed in the Office of Secretary on May 29, 2014. This reprogramming is necessary to support the costs of remediating soil erosion at Kalorama Park, located at 1875 Columbia Road, NW.

RECEIVED: 14 day review begins May 30, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 6, 2014
Petition Date: July 21, 2014
Roll Call Hearing Date: August 4, 2014
Protest Hearing Date: September 24, 2014

License No.: ABRA-095362
Licensee: 7TH Hill Restaurant Inc.
Trade Name: 7th Pizza
License Class: Retailer's Class "C" Restaurant
Address: 4885 MacArthur Blvd., NW
Contact: Paul Pascal: 202-544-2200

WARD 3 ANC 3D SMD 3D05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on September 24, 2014 at 4:30 pm.

NATURE OF OPERATION

To prepare and sell pizza and prepared pizzeria food products
Recorded music, Sidewalk Café with #25 seats, total Occupancy Load #85

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

SIDEWALK CAFÉ HOURS OF OPERATION

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

SIDEWALK CAFÉ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE CONSUMPTION

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

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JUNE 11, 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**

Protest Hearing (Status)	9:30 AM
Case # 14-PRO-00033; Acott Ventures, LLC, t/a Shadow Room, 2131 K Street NW, License #75871, Retailer CN, ANC 2A	
Petition to Terminate the Settlement Agreement	
Show Cause Hearing (Status)	9:30 AM
Case # 14-AUD-00010; Miriam's Café, LLC, t/a Miriam's Cafeteria, 3931 14th Street NW, License #75536, Retailer CR, ANC 4C	
Failed to Maintain Books and Records	
Show Cause Hearing (Status) Case # 13-CMP-00258	9:30 AM
Café Europa, Inc., t/a Panache, 1725 De Sales Street NW, License #60754 Retailer CR, ANC 2B	
No ABC Manager on Duty	
Show Cause Hearing (Status)	9:30 AM
Case # 14-CMP-00004; Burger 1931, LLC, t/a Black & Orange, 1931 14th Street NW, License #88273, Retailer CR, ANC 1B	
Failed to File Quarterly Statements (3rd Quarter 2013)	
Show Cause Hearing (Status)	9:30 AM
Case # 13-AUD-00080; Lamaree, Inc., t/a Aroma Indian Restaurant, 1919 I Street NW, License #1847, Retailer CR, ANC 2B	
Failed to File Quarterly Statements (2nd Quarter 2013)	
Show Cause Hearing (Status)	9:30 AM
Case # 13-AUD-00034; Lamaree, Inc., t/a Aroma Indian Restaurant, 1919 I Street NW, License #1847, Retailer CR, ANC 2B	
Violation of Settlement Agreement	
Show Cause Hearing (Status)	9:30 AM
Case # 13-CMP-00570; Abal, LLC, t/a Cher Cher Ethiopian Restaurant & Mart, 1334 9th Street NW, License #90311, Retailer CR, ANC 2F	
Substantial Change without Boards Approval (Increase in Occupancy)	

Board's Calendar

June 11, 2014

Show Cause Hearing (Status) 9:30 AM

Case # 14-CC-00008; Joel Mireles Castillo, t/a Dulcinea Bar & Grill, 2618 Georgia Ave NW, License #88870, Retailer CR, ANC 1B

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing* 10:00 AM

Case # 13-CMP-00542; Panda Bear, LLC, t/a Hot N Juicy Crawfish, 2651 Connecticut Ave NW, License #86226, Retailer CR, ANC 3C

Failed to File Quarterly Statements (1st Quarter 2013)

Show Cause Hearing* 11:00 AM

Case # 14-251-00018; Meseret Ali & Yonas Chere, t/a Merkato Ethiopian Restaurant, 1909 9th Street NW, License #89019, Retailer CR, ANC 1B

Operating After Legal Hours

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing* 1:30 PM

Case # 13-PRO-00173; Caribbean Vibes, Inc., t/a Club Timehri, 2439 18th Street NW, License #77730, Retailer CT, ANC 1C

Application to Renew the License

Protest Hearing* 4:30 PM

Case # 14-PRO-00008; Kiel, LLC, t/a MOVA, 2204 14th Street NW, License #87030, Retailer CT, ANC 1B

Application to Renew the License-(Re-Placard)

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: June 6, 2014
Petition Date: July 21, 2014
Hearing Date: August 4 2014
Protest Hearing Date: September 24, 2014

License No.: ABRA-095445
Licensee: JBG/33 New York Hotel, LLC
Trade Name: Hyatt Place Washington DC/ US Capitol
License Class: Retailer's Class "C" Hotel
Address: 33 New York Avenue, NE
Contact: Andrew Kline 202-686-7600

WARD 6

ANC 6C

SMD 6C06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for September 24, 2014 at 1:30 pm.

NATURE OF OPERATION

Hotel serving breakfast, sandwiches, pizza, appetizers, and other grab and go type food. No entertainment, dancing or nude performances.

HOURS OF OPERATION

Sunday through Saturday: 24 Hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8 am – 2 am; Friday and Saturday 8 am -3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
6/6/2014

Notice is hereby given that:

License Number: ABRA-093095

License Class/Type: C Tavern

Applicant: CHAM RESTAURANT GRO

Trade Name: NEW TOWN KITCHEN AND LOUNGE

ANC: 1B

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

1336 U ST NW, WASHINGTON, DC 20009

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

7/21/2014

HEARING WILL BE HELD ON

8/4/2014

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

ENDORSEMENTS: Dancing, Entertainment, Summer Garden

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

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	10 am - 2 am	10 am - 2 am
Monday:	10 am - 2 am	10 am - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am
Thursday:	10 am - 2 am	10 am - 2 am
Friday:	10 am - 3 am	10 am - 3 am
Saturday:	10 am - 3 am	10 am - 3 am

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING

FY 2015 Project Priority List

The District Department of Environment (DDOE) invites the public to present its comments at a public hearing on the fiscal year (FY) 2015 Project Priority List (PPL) for the District of Columbia's Construction Grants Program. The PPL identifies and ranks projects eligible to receive Federal and DC funds to construct or improve wastewater treatment facilities and other related infrastructures for FY 2015 and in future years. DDOE will hold a hearing on July 8, 2014.

The draft PPL document can be downloaded at the following website address <http://www.ddoe.dc.gov> under the 'Regulation & Law' tab in the 'Public Notices & Hearings' section. A hard copy may also be obtained from the DDOE offices at 1200 First Street, NE, Washington, DC 20002 (5th floor). Please call David Wooden at 202-741-5267 or email david.wooden2@dc.gov to arrange for pick-up.

DATE: Tuesday, July 8, 2014
TIME: 6:00 p.m.
PLACE: District Department of the Environment
1200 First Street, NE, Washington, DC 20002
5th Floor
New York Avenue Metro Stop

Persons who wish to testify are requested to furnish in writing, their names, addresses, telephone numbers, and the organization they represent, if any, to the attention of David Wooden (david.wooden2@dc.gov) or to the address below, by 12:00 p.m. on Thursday, July 3, 2014.

District Department of the Environment
Attn: David Wooden
Stormwater Management Division
1200 First Street, NE, 5th Floor
Washington, DC 20002

Other persons present at the hearing who wish to be heard, may testify if there is time after those on the witness list have been called and heard. Persons are urged to submit duplicate copies of their written statements. All presentations shall be limited to five minutes. The hearing will end earlier if all persons wishing to make comments have been heard. Persons may submit written testimony by mail to the address above. Such written testimony is to be clearly marked "PPL Public Hearing 2015," and received no later than 4:00 p.m. on Wednesday, July 9, 2014. DDOE will consider all comments received in its final decision.

For additional information, call David Wooden 202-741-5267.

DEPARTMENT OF HEALTH

NOTICE OF PUBLIC HEARING

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 public hearing to receive public comment on the following issues:

1. Whether to recommend to the Mayor and the Council to increase the quantity of medical cannabis a patient may receive in a 30 day period, not to exceed four (4) ounces, as necessary to constitute an adequate supply for qualified patients; and
2. Whether to recommend to the Mayor and the Council to allow qualifying patients and caregivers to cultivate medical marijuana in the District of Columbia through the process commonly known as "home growing."

Please note that the Subcommittee cannot change the law. The purpose of this hearing is only intended to provide information to the Subcommittee for the purpose of making recommendations to the Mayor and the Council.

The public hearing will be held:

Wednesday June 25, 2014, 5:30 p.m. to 8:00 p.m.
Office of Zoning
District of Columbia Government
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Any person that wishes to testify or present information in support of or in opposition to either of the topics set forth in this notice, may sign up by emailing his/her name and contact information to doh.mmp@dc.gov before 4:30 p.m. on Monday, June 23, 2014. Any person, who has not signed up by Monday, June 23, 2014, may still testify at the end of the hearing, time permitting. Witnesses should limit their testimony to five (5) minutes; less time may be allowed if there are a large number of witnesses. Witnesses are encouraged to submit seven (7) copies of written testimony at the time of the hearing.

Any person may also submit written comment to the Intergovernmental Subcommittee regarding the subject of this notice along with any documentation he/she would like the Subcommittee to

consider. Written comment may be submitted beginning Monday, June 9, 2014 until the conclusion of the public hearing on June 25, 2014.

Questions regarding this Notice should be e-mailed to doh.mmp@dc.gov with “MMP-HEARING Question” in the subject line. Please monitor the Department’s Medical Marijuana website at <http://doh.dc.gov/mmp> for questions/responses and other information. Phone inquiries will not be accepted.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

NOTICE OF PUBLIC HEARING

**Public Hearing to Undertake a Review of the Taxicab Rate Structure
JUNE 20, 2014
10:00 A.M.**

The DC Taxicab Commission (DCTC) has scheduled a Public Hearing at 10:00 am on Friday, June 20, 2014 at 441 4th Street, NW in the Old Council Chambers to undertake a review of the taxicab rate structure.

DCTC will use a protocol that will divide the hearing into two parts for those who intend to testify:

The first part of the hearing will consist of speakers on behalf of an association or advocacy group that represents vehicle owners and operators; a company or companies; or a company that is planning to begin operating in the District. These speakers may wish to appear together or with their leadership or legal representatives. Participants during this first part will be allowed up to thirty (30) minutes to present and must provide DCTC with ten (10) paper copies of their presentation delivered to DCTC's Executive Office by Wednesday, June 18, 2014 at 4:00pm. It should also be noted that the Commission members may elect to ask questions during this first phase.

Please be advised that if a legal representative, officer, or individual from an association, organization or company testifies during the first part of the hearing, then others from the same association, organization or company will NOT be allowed to testify in the second part of the hearing. The second part of the hearing will be reserved for the general public only. These participants will have five (5) minutes to present. Although it is not required, participants are urged to submit their presentations in writing in advance of the hearing. Please register with Juanda Mixon at 202-645-6018 extension 4 no later than Wednesday, June 18, 2014, by 3:30 pm.

The Commission may create panels for both groups. All participants are reminded that this is an issue of material importance to the public vehicle for hire industry. Therefore, when making suggestions as to what should be added or deleted to the proposed rulemakings, participants should cite the specific section of any current taxicab rate rule that is a concern, and provide a suggestion for alternative language, if appropriate. It is important to be clear and specific with presentations given the importance of taxicab rates to drivers, owners, and the riding public.

The taxicab rate rules which are relevant to the Commission's review appear in Title 31 of the D.C. Municipal Regulations, (including subsections 801 (Passenger Rates and Charges), and 804 (Snow Emergency Fares)), and in the Commission's proposed rulemakings amending Chapter 8 (published in the *D.C. Register* on May 9, 2014, at 61 DCR 4737).

The Public Hearing will take place at the following time and location:

FRIDAY, JUNE 20, 2014

10:00 am

OLD COUNCIL CHAMBERS

441 4TH Street, N.W., Washington, DC 20001

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2012 Repl.)), hereby gives notice of corrections to the Notices of Final Rulemaking issued by the Department of Consumer and Regulatory Affairs (DCRA) and published in the *D.C. Register* on March 28, 2014, Part 2, at 61 DCR 2782-3047 and 61 DCR 3063-3455, as amended by Notices of Emergency Rulemaking and Proposed Rulemaking published in the *D.C. Register* on May 9, 2014 at 61 DCR 4760-4775.

The rulemakings adopt the *District of Columbia Construction Codes Supplement of 2013*, Title 12 of the District of Columbia Municipal Regulations (DCMR).

District of Columbia Building Code Supplement of 2013, 12 DCMR Subtitle A

In Appendix N, Section N101.5a, replace the reference to “10A DCMR Chapter 25” with “10C DCMR Chapter 25” to read as follows:

N101.5a Signs on Historic Property. Signs on historic property shall comply with the requirements of ~~40A~~ 10C DCMR Chapter 25.

This Errata Notice’s correction to the final rulemaking published in the *D.C. Register* on March 28, 2014, as amended by Notices of Emergency Rulemaking and Proposed Rulemaking published in the *D.C. Register* on May 9, 2014, is non-substantive in nature and does not alter the intent, application, or purpose of the rules. The rules are effective upon the original publication date of March 28, 2014.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 4902 of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2012 Repl. & 2013 Supp.)) and Mayor’s Order 2007-63(#1), dated March 8, 2007, hereby gives notice of his intent to amend Title 25 (Food Operations and Community Hygiene Facilities), Subtitle F (Tanning Facility Regulations), of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 15 (Schedule of Fees and Services).

On February 21, 2014, the Notice of Proposed Rulemaking was published in the *D.C. Register* at 61 DCR 001474. The Department of Health did not receive any comments and no changes were made to the proposed rules. These rules were adopted by the Director on January 15, 2014, and will take effect immediately upon publication of this notice in the *D.C. Register*.

Title 25-F DCMR (Tanning Facility Regulations) is amended to add a new Chapter 15 (Schedule of Fees and Services), Section 1500 (Schedule of Fees and Services), to read as follows:

1500 SCHEDULE OF FEES AND SERVICES

1500.1 The following fees are applicable to Tanning Facilities and include plan reviews, inspections, and license applications.

<u>Description of Services:</u>	<u>Fees:</u>
Initial Facility License Application (2-year licensing period begins October 1 st to September 30 th)	\$ 500.00
Renewal Facility License Application (2-year licensing period begins October 1 st to September 30 th)	\$ 500.00
Change of Ownership Fee	\$ 500.00
Late Fee Renewal	\$ 25.00
Duplicate License Fee	\$ 15.00

1500.2 The following fees are applicable to Tanning Service Providers’ Registration:

<u>Description of Services:</u>	<u>Fees:</u>
New Registration	\$ 250.00

(2-year licensing period begins October 1 st to September 30 th) Renewal Registration	\$ 250.00
(2-year licensing period begins October 1 st to September 30 th) Late Fee Registration	\$ 25.00
Duplicate Registration	\$ 15.00

1500.3 The following fees are applicable to Tanning Facility Manager’s Identification Cards:

<u>Description of Services:</u>	<u>Fees:</u>
New District-Issued Tanning Facility Manager’s Identification Card (Valid for a 2-year period)	\$ 35.00
Renewal of District-Issued Tanning Facility Manager’s Identification Card (Valid for a 2-year period)	\$ 35.00
Duplicate Tanning Facility Manager’s Identification Card	\$ 15.00

1500.4 All fees shall be paid by certified check, money order, business check, or personal check made payable to the “District of Columbia Treasurer.”

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 3**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its final rulemaking action taken in the above-captioned proceeding.² On May 30, 2014, the Commission released Order No. 17502, approving Washington Gas Light Company's (WGL or the Company) Rights-of-Way Surcharge Update ("Surcharge Update").³

2. On March 25, 2014, pursuant to D.C. Official Code Section 10-1141.06,⁴ WGL filed a Surcharge Update for the Rights-of-Way (ROW) Current Factor.⁵ The ROW Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the tariff filing, WGL sets forth the process used to recover from its customers the ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3
Section 22
3rd Revised Page 56

3. According to its tariff, WGL's surcharge rate for the ROW Current Factor would become effective commencing with the April 2014 billing cycle.⁶ WGL's Surcharge Update

¹ D.C. Official Code § 2-505 (2001 ed.) and D.C. Official Code § 34-802 (2001 ed.).

² 61 DCR 4180 (April 25, 2014). On May 16, 2014, the Commission announced a change in the nomenclature used to give public notice of its processing of applications for tariff changes from "Notice of Proposed Rulemaking" and "Notice of Final Rulemaking" to "Notice of Proposed Tariff" and "Notice of Approved Tariff," respectively. 61 DCR 5150 (May 16, 2014). The Commission is using the prior nomenclature for this matter because the prior nomenclature has been used since the commencement of the proceeding.

³ *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3*, (GT00-2) Rights-of-Way Current Factor Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed March 25, 2014.

⁴ D.C. Official Code § 10-1141.06 (2001 ed.) states that, "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁵ *GT00-2*, Surcharge Update at 1.

⁶ *Id.*

shows that the ROW Current Factor is 0.0317. When the ROW Current Factor is combined with the ROW Reconciliation Factor of (0.0051) for the prior period, it yields a net factor of 0.0266.⁷ Based on our review of the Surcharge Update, the Commission finds that WGL's calculations for the ROW Current Factor and the Surcharge Update comply with General Services Tariff, P.S.C. No. 3, Section 22, 3rd Revised Page No. 56.

4. A Notice of Proposed Rulemaking (NOPR) regarding WGL's Surcharge Filing was published in the *D.C. Register* on April 11, 2014.⁸ In the NOPR, the Commission stated that WGL has a statutory right to implement its filed surcharges however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rate, WGL could be subject to reconciliation of the surcharge. No comments were filed in response to the NOPR and the Commission is satisfied that the surcharge proposed by WGL complies with D.C. Code §10-1141.06. Consequently, the Commission approved WGL's Surcharge Update by Order No. 17502.

⁷ *Id.*; See also Order No. 17252, rel. September 29, 2013, where the Commission approved the Reconciliation Factor.

⁸ 61 DCR 3844-3845 (April 11, 2014).

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 627; D.C. Official Code § 47-2837) (2012 Repl.), and D.C. Official Code §§ 47-2851.03a(h) and 47-2851.20 (2012 Repl.), hereby gives notice of the intent to adopt the following amendments to Chapters 9 (Pawnbrokers) and 10 (Secondhand Dealers and Junk Dealers) of Title 16 (Consumers, Commercial Practices, & Civil Infractions) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The proposed rulemaking amends the pawnbroker and secondhand dealer business license rules to require that pawnbrokers, secondhand dealers, and junk dealers use an Internet-based recordkeeping system and provide notice to the Metropolitan Police Department on individuals selling multiple units of the same type of electronic and other consumer goods.

The proposed changes are intended to simplify the recordkeeping requirements for licensees and to implement safeguard provisions to deter the resale of stolen electronic consumer items.

Title 16, CONSUMERS, COMMERCIAL PRACTICES, & CIVIL INFRACTIONS, of the District of Columbia Municipal Regulations is amended as follows:

Chapter 9, PAWNBROKERS, is amended as follows:

Section 905 (Pawn Record Ledger) is amended to read as follows:

905 PAWN RECORD LEDGER

- 905.1 Each licensee shall use an Internet-based recordkeeping system approved by the Director to maintain a pawn record ledger and shall make a copy of the government-issued identification provided by the seller of each transaction.
- 905.2 Each transaction shall be entered in the approved Internet-based recordkeeping system at the time of the transaction and according to the data entry requirements of the online system.
- 905.3 [RESERVED].
- 905.4 Each entry in the approved Internet-based recordkeeping system shall contain the following information:
- (a) The number of pawnticket;

- (b) Date of each transaction;
- (c) A description and digital photograph of the article pledged;
- (d) The amount loaned;
- (e) The name and address of the pledgor, as listed on a government-issued identification;
- (f) A description of the pledgor, as required in D.C. Official Code § 47-2884.11 (2012 Repl.);
- (g) The date redeemed;
- (h) If unredeemed, the date and disposition at auction; and
- (i) The amount collected by redemption or auction of each pledge.

Section 908 (Cooperation with Police Investigations) is amended by adding new Subsections 908.6 and 908.7 to read as follows:

908.6 Each licensee shall notify the Metropolitan Police Department’s Pawn Unit of any person who, within the previous two (2) months, has sold or is seeking to sell three (3) or more units of the following types of electronic consumer goods:

- (a) Cameras, cell phones, computers, laptops, or any other type of portable electronic communications device; or
- (b) Televisions or personal entertainment devices such as Playstation, Xbox, Wii, or similar products.

908.7 The Chief of Police may issue a notice to any licensee advising the licensee that specific individuals have been pawning, selling, or seeking to pawn or sell multiple units of electronic consumer goods to other pawnbrokers, secondhand dealers, or auctioneers either in the District or surrounding jurisdictions.

Section 911 (Dangerous Weapons) is amended to read as follows:

911 FIREARMS

911.1 No licensee shall accept a firearm (as defined by D.C. Official Code § 22-4501(2A) (2012 Repl.)) as a pledge in a pawnbroker transaction.

911.2 [RESERVED]

911.3 [RESERVED]

A new Section 914 (Transactions Involving Minors) is added to read as follows:

914 TRANSACTIONS INVOLVING MINORS

914.1 No licensee shall purchase or receive any article of secondhand personal property from a minor unless the minor's parent or legal guardian is physically present during the transaction, consents in writing to the transaction, and presents the identification required in this chapter.

Chapter 10, SECONDHAND DEALERS AND JUNK DEALERS, is amended as follows:

Section 1001 (Books and Records) is amended as follows:

Subsection 1001.1 is amended to read as follows:

1001.1 Each licensee shall use an Internet-based recordkeeping system approved by the Director to record an accurate account of each transaction in the course of the business (except as to the purchase of rags, bones, old iron, and paper by junk dealers) and shall make a copy of the government-issued identification provided by the seller of each transaction.

Subsection 1001.2 is amended to read as follows:

1001.2 Each transaction shall be entered in the approved Internet-based recordkeeping system at the time of the transaction and according to the data entry requirements of the online system.

Subsection 1001.4 is amended to read as follows:

1001.4 The account of each transaction shall set forth the following:

- (a) An accurate and complete description of the goods, article, or thing purchased or received on account of money paid for it, giving all numbers, marks, monograms, trademarks, and manufacturer's names, and any other marks of identification appearing on the item at the time of receiving the item and a digital photograph of the item.
- (b) The name, residence, race, sex, and date of birth of the person selling or delivering the item, as listed on a government-issued identification;
- (c) The terms and conditions of the purchase, or receipt of the item;
- (d) The place and date of the transaction;
- (e) [RESERVED]; and

- (f) All other facts and circumstances respecting the purchase or receipt.

Subsection 1001.6 is amended to read as follows:

1001.6 The dealer shall legibly write in English on the tag, the date of purchase or receipt of the article and a number corresponding with the property entered into the approved Internet-based recordkeeping system.

Section 1002 (Dealers Receiving Jewelry or Precious Metals) is amended as follows:

Subsection 1002.1 is amended to read as follows:

1002.1 In addition to the requirements of § 1001, a dealer purchasing or otherwise acquiring any article of jewelry or other article composed of or manufactured in whole or in significant part of a precious metal, including gold, silver, or platinum or derivatives or alloys of gold, silver, or platinum shall do the following:

- (a) Require and inspect two (2) types of identification from the seller or person delivering the property, one (1) of which must be a government-issued identification that displays a photograph of the person;
- (b) Record in the dealer’s account of the transaction all pertinent information, including the person’s date of birth, license number, social security number, height, weight, hair color, and eye color, to the extent contained in the identification provided by the seller or person delivering the property; and
- (c) Pay for the articles only by check, the number and account of which are to be recorded in the dealer’s book.

Subsection 1002.3 is amended to read as follows:

1002.3 Except as provided in § 1002.4, no dealer shall sell, dispose of in any manner, melt, vulcanize, or otherwise change or destroy the identity of any article of secondhand personal property purchased or taken in the course of this business until after the expiration of thirty (30) calendar days from the time at which report has been made to the Chief of Police of the purchase or receipt of the property.

Section 1003 (Other Restrictions and Requirements) is amended as follows:

Subsection 1003.5 is amended to read as follows:

1003.5 A Class C secondhand dealer operating to any extent on a consignment basis must submit an annual report to the Director which verifies the consignment purchase conditions.

Subsection 1003.6 is amended to read as follows:

1003.6 A Class C secondhand dealer which is a charitable, nonprofit organization, as defined in § 501(c)(3) of the Internal Revenue Code of 1954, shall submit an annual report to the Director which verifies that status.

Subsection 1003.7 is amended to read as follows:

1003.7 Each licensee shall secure the name and address of the person purchasing or otherwise acquiring any of the following items:

- (a) [RESERVED];
- (b) Cameras, cell phones, computers, laptops, or any other type of portable electronic communications device;
- (c) [RESERVED];
- (d) Furs;
- (e) Household appliances;
- (f) Jewelry, or other items composed of or manufactured in whole or in significant part of a precious metal, as defined in § 1002.1;
- (g) Musical instruments;
- (h) Office machines and equipment;
- (i) Televisions or personal entertainment devices such as Playstation, Xbox, Wii, or similar products;
- (j) Watches; and
- (k) Any item other than those listed in this subsection, having a retail sales value of one hundred dollars (\$100) or more.

Section 1004 (Reports to Police) is amended as follows:**Subsection 1004.1 is amended to read as follows:**

1004.1 Each junk dealer, Class A, and Class B dealer in secondhand personal property shall, at the time of each transaction, enter into the approved Internet-based recordkeeping system the information required under §§ 1001, 1002, and 1003.

Section 1005 (Cooperation with Police Investigations) is amended by adding new Subsections 1005.3 and 1005.4 to read as follows:

- 1005.3 Each licensee shall notify the Metropolitan Police Department's Pawn Unit of any person who, within the previous two (2) months, has sold or is seeking to see three (3) or more units of the following types of electronic consumer goods:
- (a) Cameras, cell phones, computers, laptops, or any other type of portable electronic communications device; or
 - (b) Televisions or personal entertainment devices such as PlayStation, Xbox, Wii, or similar products.
- 1005.4 The Chief of Police may issue a notice to any licensee advising the licensee that specific individuals have been pawning, selling, or seeking to pawn or sell multiple units of electronic consumer goods to other pawnbrokers, secondhand dealers, or auctioneers either in the District or surrounding jurisdictions.

Section 1008 (Class B Dealer Requirements and Restrictions) is amended as follows:

Subsection 1008.2 is amended to read as follows:

- 1008.2 Each Class B secondhand dealer shall use an Internet-based recordkeeping system approved by the Director to record each transaction involving used personal property setting forth the following:
- (a) An accurate and complete description of the goods, article, or thing received in trade or in part payment for other merchandise and a digital photograph of each item;
 - (b) The date of receipt;
 - (c) The name and address of the person from whom acquired, as listed on a government-issued identification; and
 - (d) The name and address of the person, corporation, or firm which ultimately purchases or receives the property from the dealer.

Subsection 1008.3 is amended to read as follows:

- 1008.3 Whenever any secondhand personal property so acquired is to be sold at retail, is to be sent out of the District of Columbia, or is to be retained by the licensee for the licensee's own use, the licensee shall, not less than thirty (30) days prior to selling the property, removing it from the District of Columbia, or using the property for personal purposes, deliver to the Chief of Police, on blank forms prescribed by the Mayors, a legible and correct transcript from the record required

under this section relating to the property to be sold at retail, removed from the District of Columbia, or retained for use by the licensee.

Subsection 1008.4 is amended to read as follows:

1008.4 All used personal property covered by this section shall be kept separate and distinct from other merchandise, and its character or identify shall not be changed or destroyed until after the expiration of thirty (30) days from the time the required report has been made to the Chief of Police.

All persons desiring to comment on these proposed regulations should submit comments in writing to Matt Orlins, Legislative and Public Affairs Officer, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, 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 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 DEPARTMENT OF THE ENVIRONMENT

NOTICE OF SECOND PROPOSED RULEMAKING**Control of Hazardous Air Pollutants (HAPs)**

The Director of the District Department of the Environment, pursuant to the authority set forth in Sections 5 and 6(b) of the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985, as amended (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 and 8-101.06(b) (2012 Repl.)); Section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4) (2012 Repl.)); the Human and Environmental Health Protection Act of 2010, effective March 31, 2011 (D.C. Law 18-336; D.C. Official Code §§ 8-108.01, *et seq.* (2012 Repl.)); Mayor's Order 98-44, dated April 10, 1998; Mayor's Order 2006-61, dated June 14, 2006; and Mayor's Order 2011-153, dated September 7, 2011, hereby gives notice of the intent to add Chapter 14 (Air Toxics and Hazardous Air Pollutants), to Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR), following a thirty (30) day public comment period. Further, these rules shall not become effective until approved by the Council of the District of Columbia, or forty-five (45) days after submission to the Council, not including Saturdays, Sundays, legal holidays, and days of Council recess, if the Council has not disapproved these rules.

Summary of the Proposed Rulemaking

On March 16, 2012, the Department proposed rules to adopt by reference ten (10) federal standards for hazardous air pollutants (HAP) for the following source categories: Perchloroethylene Dry Cleaning Facilities, Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, Halogenated Solvent Cleaning, Publicly Owned Treatment Works, Stationary Reciprocating Internal Combustion Engines, Hospital and Other Ethylene Oxide Sterilizers, Gasoline Dispensing Facilities, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, Area Source Plating and Polishing Operations, and the Printing and Publishing Industry, published at 59 DCR 2167 (March 16, 2012). The rules proposed to replace the previous National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements in 20 DCMR § 717 (where older versions of some of these regulations had previously been adopted by reference) and the District's own requirements for HAPs in other sections of 20 DCMR, Chapter 7. The rulemaking also included an eventual phase-out of perchloroethylene in dry cleaning operations, pursuant to the Human and Environmental Health Protection Act of 2010. *See* D.C. Official Code § 8-108.03 (2013 Supp.).

The Department is now re-proposing this rulemaking because the federal Environmental Protection Agency (EPA) has updated two of the federal rules for sources categories: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, and Stationary Reciprocating Internal Combustion Engines (RICE). Therefore, the Department is updating the rulemaking to include the most current version of the federal rules. EPA amended the standards for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks to lower the limits on allowable hexavalent chromium emissions by thirty percent (30%) to fifty percent (50%). *See* 77 Fed. Reg. 58220 (September 19, 2012). The Department is adopting the updated

standards in order to incorporate these changes. EPA amended the standards for RICE to expand the number of hours that emergency generators can participate in emergency demand response and peak shaving programs, allow fifty (50) hours of non-emergency operation for situations such as storm avoidance, update testing requirements for formaldehyde, and clarify certain provisions regarding rural use generators. *See* 78 Fed. Reg. 6674 (January 30, 2013). The Department is adopting the current RICE standards in order to incorporate the updated testing provisions and citations, and the allowance for fifty (50) hours of non-emergency operation; however, as in the original proposed rulemaking, the Department is not incorporating the provisions of the federal rule that allow emergency generators to participate in emergency demand response or peak shaving programs. Comments that were received on the standards for Stationary Reciprocating Internal Combustion Engines during the last comment period will be addressed in detail as a part of the comment period for the current rulemaking and do not need to be resubmitted. However, the Department is also planning to promulgate a more comprehensive regulation to address generator use in the District, and has determined that this is the more appropriate mechanism for addressing demand response participation (and its related effects on ozone) than the current rulemaking, which is only intended to address the emission of HAPs. For more information, please see the original proposed rulemaking at 59 DCR 2167 (March 16, 2012).

The Department is also proposing to adopt the federal area source and major source NESHAP for Industrial, Commercial, and Institutional Boilers, 40 C.F.R. part 63, Subpart JJJJJJ (40 C.F.R. §§ 63.11193 – 11237 and Tables 1-8 of Subpart JJJJJJ) and 40 C.F.R. part 63, subpart DDDDDD (40 C.F.R. §§ 63.7480 – 63.7575, tables 1-10 to Subpart DDDDDD, and Appendix A to Subpart DDDDDD). The Department did not propose to adopt this NESHAP in the original proposed rule because it was under reconsideration by EPA. *See* 59 DCR 2167, 2168 (March 16, 2012). Amendments to the NESHAP took effect on February 17, 2013. *See* 78 Fed. Reg. 7488 (February 17, 2013). Hydrogen chloride emissions represent the predominant HAP emitted by industrial boilers, with lesser amounts of hydrogen fluoride and metals (arsenic, cadmium, chromium, mercury, manganese, nickel, and lead) also emitted. *See* 68 Fed. Reg. 1660, 1664 (January 13, 2003). Exposure to these HAPs is associated with a variety of adverse health effects, including chronic health disorders (*e.g.*, irritation of the lung, skin, and mucus membranes, effects on the central nervous system, and damage to the kidneys), and acute health disorders (*e.g.*, lung irritation and congestion, alimentary effects such as nausea and vomiting, and effects on the kidney and central nervous system). *Id.* Two of the HAPs have been classified as human carcinogens and three as probable human carcinogens. *Id.*

In addition, the Department is proposing to adopt all of the federal standards as amended. The Department will publish a Notice in the *D.C. Register* each year that there are amendments to the federal rules that it decides to incorporate. The Notice will state that the Department has reviewed the changes to the federal rule and that it plans to adopt these changes into Chapter 14. If the Department does not publish such a Notice, the amendments will not be incorporated and the most recent version of the rulemaking that was adopted will be enforceable.

Title 20 (Environment) of the DCMR, Chapter 14 is added to read as follows:

CHAPTER 14 AIR TOXICS AND HAZARDOUS AIR POLLUTANTS

- 1400 Emission Standards for Hazardous Air Pollutants for Source Categories**
- 1401 Perchloroethylene Air Emission Standards for Dry Cleaning Facilities**
- 1402 Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks**
- 1403 Emission Standards for Halogenated Solvent Cleaning**
- 1404 Emission Standards for the Printing and Publishing Industry**
- 1405 Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works**
- 1406 Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines**
- 1407 Emission Standards for Hospital and Other Ethylene Oxide Sterilizers**
- 1408 Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities**
- 1409 Emission Standards for Hazardous Air Pollutants for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources**
- 1410 Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers**
- 1411 Emission Standards for Hazardous Air Pollutants for Area Source Plating and Polishing Operations**

1400 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1400.1 The requirements of 40 C.F.R. part 63, subparts A, B, C, D, E, and appendix A (Test Methods) (40 C.F.R. §§ 63.1 – 63.99), as amended, together with the terms used and defined, are hereby adopted by reference for the purpose of implementing the National Emission Standards for Hazardous Air Pollutants (NESHAP) for source categories pursuant to the requirements of Section 112 of the Clean Air Act, 42 U.S.C. § 7412, except that the word “Administrator” as used in the C.F.R. sections shall be taken to mean “Director of the District Department of the Environment.”

1401 EMISSION STANDARDS FOR PERCHLOROETHYLENE AIR DRY CLEANING FACILITIES

1401.1 After January 1, 2014, no person shall install a machine designed to use perchloroethylene as a cleaning agent for clothes or other fabrics.

1401.2 After January 1, 2029, no person shall use perchloroethylene as a cleaning agent for clothes or other fabrics.

1401.3 Except as controlled by Subsections 1401.1 and 1401.2, the requirements of 40 C.F.R. part 63, subpart M (40 C.F.R. §§ 63.320 – 63.326), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1401.4 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart M, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1402 EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS

1402.1 The requirements of 40 C.F.R. part 63, subpart N (40 C.F.R. §§ 63.340 – 63.348 and table 1 to subpart N of part 63), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment”.

1402.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart N, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1403 EMISSION STANDARDS FOR HALOGENATED SOLVENT CLEANING

1403.1 The requirements of 40 C.F.R. part 63, subpart T (40 C.F.R. §§ 63.460 – 63.471, appendix A to subpart T of part 63, and appendix B to subpart T of part 63), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1403.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart T, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1404 EMISSION STANDARDS FOR THE PRINTING AND PUBLISHING INDUSTRY

1404.1 The requirements of 40 C.F.R. part 63, subpart KK (40 C.F.R. §§ 63.820 – 63.839, table 1 to subpart KK of part 63, and appendix A to subpart KK of part 63), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1404.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart KK, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1405 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR PUBLICLY OWNED TREATMENT WORKS

1405.1 The requirements of 40 C.F.R. part 63, subpart VVV (40 C.F.R. §§ 63.1580 – 63.1595.), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1405.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart VVV, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1406 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

1406.1 The requirements of 40 C.F.R. 63, subpart ZZZZ (40 C.F.R. §§ 63.6580 – 63.6635 and 63.6645 – 63.6675, tables 1a-1b, tables 2a-2d and, tables 3-8 to subpart ZZZZ of part 63), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.” In addition, emergency stationary RICE shall not be permitted to participate in demand response or peak shaving programs pursuant to Subsection 1406.2.

1406.2 The requirements of 40 C.F.R. § 63.6640, as amended, together with the terms used and defined, are hereby adopted by reference, except that:

- (a) The following language shall not be adopted from 40 C.F.R. § 63.6640(f): “emergency demand response,”;

- (b) The language from 40 C.F.R. §§ 63.6640(f)(2)(ii) shall not be adopted;
- (c) The following language shall not be adopted from 40 C.F.R. § 63.6640(f)(3): “and emergency demand response”;
- (d) The following language from 63.6640(f)(4) shall not be adopted: “and emergency demand response” and “Except as provided in paragraphs 4(f)(i) and 4(f)(ii) of this section,” ;
- (e) The language from 40 C.F.R. §§ 63.6640(f)(4)(i)-(ii) shall not be adopted; and
- (f) The word “Administrator” as used in the C.F.R. sections shall be taken to mean “Director of the District Department of the Environment.”

1406.3 Any violation of any of the individual requirements of 40 C.F.R. 63, subpart ZZZZ or Subsections 1406.1 through 1406.2 of this chapter, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1407 EMISSION STANDARDS FOR HOSPITAL AND OTHER ETHYLENE OXIDE STERILIZERS

1407.1 The requirements of 40 C.F.R. part 63, subpart O (40 C.F.R. §§ 63.360 – 63.368), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1407.2 The requirements of 40 C.F.R. part 63, subpart WWWW (40 C.F.R. §§ 63.10382 – 63.10448, and table 1 to subpart WWWW of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment”.

1407.3 Any violation of any of the individual requirements of 40 C.F.R. part 63, subparts O or WWWW, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1408 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR GASOLINE DISPENSING FACILITIES

1408.1 The requirements of 40 C.F.R. part 63, subpart CCCCC (40 C.F.R. §§ 63.11110 – 63.11132, tables 1-3 to subpart CCCCC of part 63), as amended, together with

the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1408.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart CCCCCC, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1409 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR PAINT STRIPPING AND MISCELLANEOUS SURFACE COATING OPERATIONS AT AREA SOURCES

1409.1 The requirements of 40 C.F.R. part 63, subpart HHHHHH (40 C.F.R. §§ 63.11169 – 63.11178, and table 1 to subpart HHHHHH of part 63), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1409.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart HHHHHH, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1410 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

1410.1 The requirements of 40 C.F.R. part 63, subpart JJJJJJ (40 C.F.R. §§ 63.11193 – 63.11237, and tables 1-8 to subpart JJJJJJ of part 63), as amended, and 40 C.F.R. part 63, subpart DDDDD (40 C.F.R. §§ 63.7480 – 63.7575, tables 1-10 to subpart DDDDD, and appendix A to subpart DDDDD), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”

1410.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart JJJJJJ and 40 C.F.R. part 63, subpart DDDDD, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

1411 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR AREA SOURCE PLATING AND POLISHING OPERATIONS

- 1411.1 The requirements of 40 C.F.R. part 63, subpart WWWW (40 C.F.R. §§ 63.11504 – 63.11513, and table 1 to subpart WWWW of part 63), as amended, together with the terms used and defined, are hereby adopted by reference, except that the word “Administrator” as used in the C.F.R. section shall be taken to mean “Director of the District Department of the Environment.”
- 1411.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart WWWW, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

Public Participation

The Director gives notice of the start of a thirty- (30) day public comment period for this proposed rulemaking, as required by D.C. Official Code § 8-411(a) (2013 Repl.). Comments on these proposed rules must be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Ms. Olivia Achuko, District Department of the Environment, Air Quality Division, 1200 First Street, NE, 5th Floor, Washington, D.C. 20002 or sent electronically to olivia.achuko@dc.gov. Ms. Achuko may also be contacted at (202) 535-2997. Comments received during the previous public comment period will be considered for this comment period and do not need to be resubmitted. Copies of the proposed rule are available for public review during normal business hours at the offices of the District Department of the Environment or on-line at <http://ddoe.dc.gov>.

The Department’s policy is that public comments, whether mailed, delivered, submitted electronically on computer disks or in paper, will be made available for public viewing on its website as the Department addresses them and without change, unless the comment contains copyrighted material, confidential business information, or other information whose disclosure is restricted by statute. When the Department identifies a comment containing copyrighted material, it will provide a reference to that material on the website. The copyrighted material will be available in hard copy to the public.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2013 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to adopt a new Section 989, entitled “Long Term Care Services and Supports Assessment Process” of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the DCMR.

These proposed rules establish standards governing the assessment process for the level of need for beneficiaries who receive Long Term Care Services and Supports (LTCSS), with the exception of Intermediate Care Facilities for Individuals with Intellectual and Developmental Disabilities (ICF/IDD) services, and Home and Community-based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

LTCSS provide beneficiaries with crucial services including assistance with basic tasks of everyday life. These include those services provided in institutional/facility based settings, and supports and services provided in the community and/or in a person’s home.

LTCSS are designed to assist beneficiaries with a range of services and supports over an extended period of time. These rules: (1) establish standards for the implementation of a standardized tool for assessing a person’s needs for LTCSS; and (2) establish numerical scores pertaining to the level of need necessary to establish eligibility for a range of LTCSS.

The Director also gives notice of the intent to take final rulemaking action to adopt this proposed rule not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

A new Section 989 (Long Term Care Services and Supports Assessment Process) is added to Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the DCMR to read as follows:

989 LONG TERM CARE SERVICES AND SUPPORTS ASSESSMENT PROCESS

989.1 The purpose of this section is to establish the Department of Health Care Finance (DHCF) standards governing the Medicaid assessment process for Long Term Care Services and Supports (LTCSS) and to establish numerical scores pertaining to the level of need necessary to establish eligibility for a range of LTCSS.

989.2 LTCSS are designed to assist beneficiaries with a range of services and supports including assistance with basic tasks of everyday life over an extended period of

time. These include, but are not limited to, the elderly and physical disabilities home and community-based waiver (EPD Waiver), Personal Care Assistance (PCA) services, nursing home services, Adult Day Health Program (ADHP) services under the home and community-based state plan benefit, and other non-IDD LTCSS.

- 989.3 A person who is seeking Medicaid LTCSS for the first time shall submit his or her application for services to DHCF or its designated agent.
- 989.4 DHCF or its designated agent shall conduct the initial face-to-face assessment following the receipt of a request for an assessment for LTCSS. An initial request for an assessment or a subsequent request based upon a change in acuity level, or at the time of reassessment, may be made by a person, the person's representative or a provider.
- 989.5 DHCF or its designated agent shall be responsible for conducting a face-to-face assessment of each person using a standardized needs-based assessment tool to determine his/her need for LTCSS. The assessment shall:
- (a) Confirm and document the person's functional limitations, behavioral and medical support needs;
 - (b) Be developed in consultation with the person and his/her representative and/or support team;
 - (c) Document the person's unmet need for services taking into account the contribution of informal supports and other non-Medicaid resources in meeting his/her need for assistance; and
 - (d) Determine the person's level of need for LTCSS.
- 989.6 Based upon the results of the face-to-face assessment conducted in accordance with Subsection 989.5, DHCF or its authorized agent shall issue to the person an assessment determination that specifies his/her level of need for LTCSS.
- 989.7 The face-to-face assessment using the standardized assessment tool to determine each person's level of need for LTCSS shall result in a total numerical score which includes three (3) separate scores pertaining to his/her assessed cognitive/behavioral, functional, and skilled care needs.
- 989.8 The total numerical score consists of a value between zero to thirty one (0-31); which may include a score of up to twenty three (23) on the functional assessment, a score of up to five (5) on the skilled needs assessment, and a score of up to three (3) on the cognitive behavioral assessment.
- 989.9 The total numerical scores indicating a person's need for LTCSS are as follows:

- (a) four (4) or higher for personal care aid services;
- (b) four (4) or five (5) for adult day health acuity level 1 services;
- (c) six (6) or higher for adult day health acuity level 2 services; and
- (d) nine (9) or higher for nursing home, EPD Waiver, or other programs/services that require a nursing home level of care.

- 989.10 A person shall only be deemed to have a level of need for PCA under Subsection 989.9, if his/her functional score without medication management is four (4) or higher.
- 989.11 Based upon the total scores, DHCF or its designated agent shall issue to the person a notice of the results of the LTCSS service assessment that specifies his/her level of need for a range of LTCSS for which the person is eligible.
- 989.12 The person shall have the right to choose a provider based upon the level of need and the ability of the provider to safely care for him/her in the least restrictive setting.
- 989.13 DHCF or its designated agent shall conduct a reassessment at least every one hundred and eighty (180) days, or upon significant change in the person's condition for the receipt of PCA services. For all other LTCSS, a reassessment shall be conducted at least once every twelve (12) months or upon significant change in the person's condition.
- 989.14 If the person meets the level of need as determined by a numerical score affiliated with each long-term care service in accordance with Subsection 989.9, and chooses to participate in a long-term care program, DHCF or its authorized agent shall refer the person to the long-term care service provider of his/her choice.
- 989.15 DHCF or its authorized agent shall maintain the completed standardized assessment tool and documentation reflecting that the person was given a free choice of providers from a list of qualified providers.
- 989.16 If the person has not made a choice, or needs further assistance, DHCF or its authorized agent shall refer the person to the Aging and Disability Resource Center for additional assistance and options counseling.
- 989.17 If based upon the assessment or reassessment conducted pursuant to this section, a person is found to be ineligible for LTCSS, DHCF or its agent shall issue a Beneficiary Denial or Change of Services Letter informing the person of his or her right to appeal the denial, reduction or termination of services in accordance with federal and District law and regulations.

989.99 DEFINITIONS

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

Beneficiary - A person deemed eligible to receive Medicaid services.

Person - An applicant who submits a service assessment request to DHCF and/or its designated agent to determine his/her level of need for long-term care services and supports.

Acuity level - The intensity of services required for a Medicaid beneficiary wherein those with a high acuity level require more care and those with lower acuity level require less care.

Face-to-face assessment - An assessment that is conducted in-person by a registered nurse to determine an applicant's need for long-term care services.

Provider - the individual, organization, or corporation, public or private, that provides long-term care services and seeks reimbursement for providing those services under the Medicaid program.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D., Interim Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, Washington DC 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with Title XX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-610.51 *et seq.* (2013 Supp.)), hereby gives notice of the intent to adopt amendments to Chapter 10, "Executive Service," of Subtitle B of Title 6, "Government Personnel," of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Upon adoption, these rules will amend Chapter 10, "Executive Service," 6-B DCMR, in its entirety, previously published at 28 DCR 1325 (March 27, 1981), and amended at 31 DCR 6494 (October 21, 1984); 32 DCR 2372 (April 26, 1985) (Public Notice); 47 DCR 6224 (August 4, 2000); 50 DCR 4254 (May 30, 2003); 50 DCR 6707 (August 15, 2003); 50 DCR 11078 (December 26, 2003); and 51 DCR 9017 (September 17, 2004).

D.C. PERSONNEL REGULATIONS

Chapter 10 (Executive Service) of Subtitle B, Title 6 (Government Personnel) of the District of Columbia Municipal Regulations is amended to read as follows:

1000 EXECUTIVE SERVICE

- 1000.1 The Executive Service is established within the District government to ensure that each subordinate agency head is of the highest quality, is responsible for the effective and efficient management of subordinate agencies, and is responsive to the needs of the citizens and the goals of the District of Columbia government.
- 1000.2 Appointments to Executive Service positions shall be made by the Mayor as provided by §§ 1051 through 1063 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-610.51 *et seq.*) (2012 Repl.).
- 1000.3 Employees appointed to the Executive Service shall serve at the pleasure of the Mayor, except as otherwise provided for by statute.
- 1000.4 The provisions of this chapter shall apply to employees appointed to the Executive Service by the Mayor, including individuals appointed to serve as Chief of Police of the Metropolitan Police Department, Fire Chief of the Fire and Emergency Medical Services Department, and Chancellor of the District of Columbia Public Schools, except as otherwise provided for by statute.
- 1000.5 Employment in the Executive Service shall comply with the Immigration Reform and Control Act of 1986, as amended (Pub. L. 99-603, 100 Stat. 3359), which

requires that employers hire only citizens and nationals of the United States and aliens authorized to work, and verify the identity and employment eligibility of all employees hired after November 6, 1986.

- 1000.6 Except in the case of an individual who meets the following criteria, any person who accepts an appointment or is hired to fill a position in the Executive Service on or after October 1, 2002 shall become a domiciliary of the District of Columbia within one hundred eighty (180) days of the effective date of appointment and shall maintain District of Columbia domicile for the duration of appointment:
- (a) Any person who was an employee of the District of Columbia government on December 31, 1979, and who is still employed by the District of Columbia government without having had a break in service of one (1) workday or more since that date; or
 - (b) Pursuant to the provisions of § 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (Pub.L. 98-621; 98 Stat. 3376; 24 U.S.C. § 225e(b)), any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987, and who has not had a break in service since that date.
- 1000.7 Except as provided in Subsections 1000.6(a) and (b) of this section, any employee in the Executive Service who was hired prior to October 1, 2002, and who was required to be or become a bona fide resident of the District of Columbia within one hundred eighty (180) days of appointment and maintain such residency for the duration of appointment or forfeit employment, shall continue to be bound by the residency requirement that was in effect before October 1, 2002.
- 1000.8 Failure to become a domiciliary of the District of Columbia within the required period of time and to maintain District of Columbia domicile pursuant to this section shall result in forfeiture of employment.
- 1000.9 Notwithstanding the provisions of Subsections 1000.6 through 1000.8 of this section, a person nominated to serve in an acting or interim capacity in the Executive Service shall not become subject to the domicile requirement until after confirmation by the Council and promulgation of a Mayor's Order or a personnel action appointing him or her to the Executive Service position. Specifically, the person shall become a domiciliary of the District of Columbia within one hundred eighty (180) days from the date specified in the Mayor's Order as the date of appointment, or from the effective date of the personnel action processed after Council confirmation to appoint him or her to the position, whichever action occurs first.
- 1000.10 The Director of the D.C. Department of Human Resources (Director of the DCHR) shall inform each employee subject to the provisions of Subsection 1000.9 of this section, in writing, of the exact date by which he or she shall meet the domicile requirement.

1001 EXECUTIVE SERVICE PAY PLAN

- 1001.1 The Executive Service Pay Schedule (“DX Schedule”) is divided into five (5) pay levels and is the basic pay schedule for positions in the Executive Service.
- 1001.2 The Director of the DCHR shall provide relevant criteria for consideration by the Mayor in designating the appropriate pay level within the DX Schedule for each position in the Executive Service. Criteria shall include, but not be limited to, the following:
- (a) Agency budget characteristics;
 - (b) Agency workforce characteristics;
 - (c) Complexity of agency mission and functions; and
 - (d) Desired qualifications for, or the impact of the person on, the position.
- 1001.3 A person appointed to a position in the Executive Service shall be appointed at the pay level on the DX Schedule designated for that position, and shall receive a salary set at any amount within the salary range that the Mayor determines to be appropriate.
- 1001.4 Any individual appointed to the position of Chief of Police of the Metropolitan Police Department, Fire Chief of the Fire and Emergency Medical Services Department, Chief Medical Examiner of the Office of the Chief Medical Examiner, or Chancellor of the District of Columbia Public Schools after February 24, 2012, shall be subject to compensation within the limits of the DX Schedule.
- 1001.5 Any individual appointed to the position of Director, Department of Forensic Science after June 19, 2013, shall be subject to compensation within the limits of the DX Schedule.
- 1001.6 The Mayor, at his or her sole discretion, may change the salary of any person holding an appointment in the Executive Service at any time to any other salary within the salary range for the level occupied.
- 1001.7 The salary of an Executive Service employee who is temporarily assigned to a position at a higher or lower level in the DX Schedule shall be set, at the discretion of the Mayor, at any salary within the salary range of the level to which the employee is temporarily assigned or at a salary within the salary range of the level of the employee’s regular Executive Service position.
- 1001.8 A person paid from the DX Schedule shall not be entitled to premium pay.
- 1001.9 A person holding an appointment in the Executive Service on the effective date of this section shall continue to be paid his or her existing salary until the Mayor effects

a personnel action establishing a salary within the salary range for the designated level of the position on the DX Schedule.

- 1001.10 The Director of the DCHR shall publish procedures to implement this section, including the level designated by the Mayor for each Executive Service position.

1002 SUBSEQUENT APPOINTMENTS

- 1002.1 Except as provided in Subsection 1002.2 of this section, no person holding a position in the Executive Service may be appointed to a position in the Career, Educational, or Management Supervisory Service for at least one (1) year immediately following his or her separation from the Executive Service.

- 1002.2 Upon termination from the Executive Service, a person with Career, Educational, or Management Supervisory Service status may retreat, at the discretion of the Mayor, within three (3) months, to a vacant position for which he or she is qualified.

1003 PRE-EMPLOYMENT TRAVEL AND RELOCATION EXPENSES AND TEMPORARY HOUSING ALLOWANCE

- 1003.1 An agency may pay an individual reasonable travel expenses, up to a maximum of five thousand dollars (\$5,000), incurred incidental to pre-employment interviews held for the purpose of ascertaining his or her qualifications for a position in the Executive Service.

- 1003.2 An agency may pay reasonable relocation expenses for the individual and his or her immediate family when the individual is selected for or appointed to a position in the Executive Service, if that relocation is to the District of Columbia from outside the Greater Washington Metropolitan Area.

- 1003.3 In the case of an individual eligible for reasonable relocation expenses pursuant to Subsection 1003.2 of this section, an agency may pay a reasonable temporary housing allowance for a period not to exceed sixty (60) days for the individual and his or her immediate family.

- 1003.4 Payment of expenses under Subsections 1003.2 and 1003.3 of this section may only be made after the selectee or appointee signs a notarized agreement to remain in the District government service for twelve (12) months after his or her appointment, unless separated for reasons beyond his or her control that are acceptable to the Mayor.

- 1003.5 Any expense incurred for which reimbursement is sought pursuant to this section must be supported by a valid receipt or invoice, the original of which must be submitted with the request for reimbursement.

- 1003.6 If an individual violates an agreement under Subsection 1003.4 of this section, the money paid by the District government for expenses shall be a debt due to the District government and shall be recoverable by set-off, in accordance with Chapter 29 of these regulations, against accrued pay or any other amount due the individual.

1004 EMPLOYMENT CONTRACT

- 1004.1 Pursuant to § 1064 of the CMPA (D.C. Official Code § 1-610.64) (2012 Supp.), the Mayor shall not enter into an employment contract with a subordinate agency head that contains terms and conditions of employment that are inconsistent with existing laws.
- 1004.2 If the Mayor enters into an employment contract with a subordinate agency head, the employment contract shall be posted on the DCHR's website within thirty (30) days of signing. The posting of the contract is subject to relevant exemptions pursuant to D.C. Official Code § 2-534 (2012 Repl.) and required disclosures pursuant to D.C. Official Code § 2-536 (2012 Repl.).
- 1004.3 An employment contract, if any, with a subordinate agency head shall be submitted to the Council with the transmittal of the nomination of the subordinate agency head.

1005 PERFORMANCE CONTRACT

- 1005.1 The Mayor shall set performance expectations and goals for each subordinate agency head in a written annual performance contract. The performance contract shall outline agency-specific and operational goals, with a corresponding timeline for accomplishment of each goal. Both the Mayor and the subordinate agency head shall sign the annual performance contract.
- 1005.2 Each subordinate agency head shall be evaluated on an annual basis on the achievement of the performance expectations and goals in the performance contract for that year.
- 1005.3 The performance rating period for each subordinate agency head shall be from the beginning of each fiscal year to the end of the fiscal year.

1006 PERFORMANCE INCENTIVES

- 1006.1 Pursuant to § 1057 of the CMPA (D.C. Official Code § 1-610.57) (2012. Repl.), the Mayor may authorize performance incentives for exceptional service by a subordinate agency head.
- 1006.2 A performance incentive may be paid only once in a fiscal year, and only when the agency head is subject to an annual performance contract that clearly identifies measurable goals and outcomes and the agency head has exceeded contractual expectations in the year for which the incentive is to be paid.
- 1006.3 The amount of a performance incentive shall be determined by the Mayor and shall not exceed ten percent (10%) of the employee's rate of basic pay in any year.
- 1006.4 A performance incentive pursuant to this section shall be approved as specified in Subsection 1006.6 of this section.

- 1006.5 A performance incentive granted under this section shall not be considered base pay for any purpose, and shall be subject to the withholdings of federal, District of Columbia, and State income taxes, and social security taxes, if applicable. The amount of a performance incentive shall not be adjusted upward to cover these taxes.
- 1006.6 Performance incentives pursuant to this section shall be approved in accordance with procedures established by the Director of the DCHR. The procedures shall provide for the following approval authorities, which may be further limited by written instruction from the Mayor when deemed to be in the best interests of the District government:
- (a) The Mayor may approve performance incentives exceeding two thousand dollars (\$2,000) for subordinate agency heads (not including the Director of the DCHR) as specified in Subsection 1006.6(c) of this section.
 - (b) The Mayor may grant a performance incentive to the Director of the DCHR after review and recommendation by the City Administrator.
 - (c) To advise the Mayor in reviewing and recommending performance incentives for subordinate agency heads (excluding the Director of the DCHR), the Mayor shall appoint a committee comprised of all Deputy Mayors, the Mayor's Chief of Staff, the City Administrator, and the Director of the DCHR (or his or her designee). The committee shall meet at least once every year to discuss annual performance incentives for subordinate agency heads.

1007 ADDITIONAL INCOME ALLOWANCE FOR MEDICAL OFFICERS

- 1007.1 Pursuant to § 1056 of the CMPA (D.C. Official Code § 1-610.56) (2012 Repl.), at the discretion of the Mayor, a subordinate agency head who is required to hold a medical degree and who enters into a service agreement, may be paid an additional income allowance of up to fifteen percent (15%) of the maximum rate of pay for the level held.

1008 SEPARATION PAY

- 1008.1 Pursuant to § 1058 of the CMPA (D.C. Official Code § 1-610.58) (2012 Repl.), at the discretion of the Mayor and subject to the provisions of this section, a subordinate agency head may receive separation pay of up to twelve (12) weeks upon separation from District government service, provided that the agency head has been employed by the District government in the position from which separating for at least one (1) year prior to separation. Any separation pay granted to a subordinate agency head who has been employed by the District government for less than one (1) year prior to separation shall not exceed four (4) weeks of his or her basic pay.

- 1008.2 The number of weeks of separation pay authorized pursuant to this section shall not exceed the number of weeks between the individual's separation and the individual's appointment to another position in the District government.
- 1008.3 Separation pay, if authorized pursuant to Subsection 1008.1 of this section, shall be provided at the time of separation from the District government as a lump-sum, one-time payment, subject only to the withholdings of federal, District of Columbia, and State income taxes, and social security taxes, if applicable.
- 1008.4 Separation pay shall not be payable to any individual who:
- (a) Accepts an appointment to another position in the District government without a break in service; or
 - (b) Is eligible to receive an annuity under any retirement program for employees of the District government, excluding the District retirement program under § 2605 of the CMPA (D.C. Official Code § 1-626.05) (2012 Repl.).
- 1008.5 An individual who receives separation pay pursuant to this section, and who is subsequently appointed to any position in the District government during the period of weeks represented by that payment, shall be required to repay the amount of separation pay attributable to the period covered by such appointment. The pro-rated amount to be repaid shall be based on the entire amount of the separation pay, including all deductions for taxes, etc., and shall be paid to the agency that made the separation payment.

1009 UNIVERSAL LEAVE

- 1009.1 An employee appointed on or after January 2, 1999 without a break in service from another position in the District government to serve in an acting or interim capacity in an Executive Service position shall not become subject to the provisions of this section until confirmation by the Council and promulgation of the Mayor's Order appointing him or her to the Executive Service position, whereupon applicability of this section shall become effective as of the date specified by Mayor's Order as the effective date of that appointment.
- 1009.2 Each Executive Service employee shall have a universal leave account.
- 1009.3 On the first pay period of the leave year, each individual shall have his or her universal leave account credited with two-hundred eight (208) hours of universal leave.
- 1009.4 Except as provided in Subsection 1009.5 of this section, each full biweekly pay period represents eight (8) hours of accrued universal leave.
- 1009.5 Each Executive Service employee appointed after the first pay period of the leave year shall have his or her leave account credited with universal leave on a pro rata basis.

- 1009.6 An Executive Service employee who initially enters on duty on any workday of a biweekly pay period shall receive credit for the entire biweekly pay period for purpose of crediting universal leave.
- 1009.7 Universal leave provided by this chapter shall be used on days on which an Executive Service employee would otherwise work and receive pay and shall be exclusive of official holidays and non-workdays established by statute or administrative order.
- 1009.8 There shall be no charge to universal leave for absences of less than two (2) hours.
- 1009.9 An Executive Service employee may carry over not more than forty (40) hours of unused universal leave for use in succeeding years. All other unused leave shall be forfeited at the end of the leave year.
- 1009.10 Upon separation, an Executive Service employee shall be paid for any universal leave remaining to his or her credit (less a pro-rated amount representing the portion of the universal leave that would be creditable for the remainder of the year).
- 1009.11 Payment for leave upon separation from the Executive Service as provided in Subsection 1009.10 of this section shall be at the employee's rate of pay at the time of separation.
- 1009.12 Except as provided in Subsection 1009.14 of this section, each employee who was in the Executive Service on or before January 2, 1999 shall have his or her accrued annual leave balance, up to a maximum of two hundred forty (240) hours, transferred to an annual leave escrow account for use at the discretion of the employee until exhausted.
- 1009.13 The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to Subsection 1009.12 of this section, payable at the rate of pay in effect on the last day of the last pay period of the 1998 leave year.
- 1009.14 Each employee appointed without a break in service to a position in the Executive Service from another position in the District government on or after October 21, 1998 shall have his or her accrued annual leave balance, up to a maximum of two hundred forty (240) hours, transferred to an annual leave escrow account for use at the discretion of the employee until exhausted.
- 1009.15 The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to Subsection 1009.14 of this section, payable at the rate of pay in effect immediately before his or her appointment to the Executive Service.
- 1009.16 Upon separation, an Executive Service employee shall be paid for any annual leave remaining in the annual leave escrow account.
- 1009.17 Sick leave credit of an Executive Service employee that was accrued under § 1203(j) of the CMPA (D.C. Official Code § 1-612.03(j)) (2012 Repl.) shall be held in a sick

leave escrow account and may be used at the discretion of the employee until exhausted.

1009.18 Any balance remaining in a sick leave escrow account at the time of retirement of an Executive Service employee under the U.S. Civil Service Retirement System (Chapter 83 of Title 5 of the U.S. Code) or the Police and Fire Retirement System (D.C. Official Code §§ 5-701 *et seq.* (2001)) shall be available for use as additional service credit under the provisions of the applicable retirement system.

1009.19 When an employee elects to use leave from either the annual leave escrow account or the sick leave escrow account, such usage shall only be charged for absences of more than two (2) hours.

1010 RETIREMENT BENEFITS

1010.1 An employee first hired after September 30, 1987, may elect to participate in the District's defined contribution plan or may elect to have the funds that would otherwise be contributed by the District under the defined contribution plan directed to another 401(a) retirement plan.

1011 LIFE INSURANCE BENEFITS

1011.1 In addition to life insurance coverage provided in Chapter 22 of these regulations, Executive Service employees may receive additional coverage not to exceed twice the rate of the employee's basic pay. The cost of this coverage shall be at the District government's expense.

1012 DISABILITY INCOME PROTECTION PROGRAM [RESERVED]

1099 DEFINITIONS

1099.1 When used in this chapter, the following terms shall have the meaning ascribed:

Executive Service – except as modified by Subsection 1009.1 for purposes of Subsection 1009 of this chapter, any subordinate agency head position under the administrative control of the Mayor, to which the Mayor is authorized to appoint executives in accordance with §§ 1051 through 1063 of the CMPA (D.C. Official Code §§ 1-610.51 *et seq.*) (2012 Repl.).

Greater Washington Metropolitan Area – the Consolidated Metropolitan Statistical Area which includes Washington, D.C. (the “Washington-Baltimore, DC-MD-VA-WV CMSA”), as defined by the Office of Management and Budget on December 1, 2009, and which consists of the following:

- (a) The Baltimore, MD Primary Metropolitan Statistical Area (“PMSA”), consisting of Anne Arundel County, Baltimore County, Carroll County, Harford County, Howard County, Queen Anne's County, and Baltimore city;

- (b) The Hagerstown, MD PMSA, consisting of Washington County; and
- (c) The Washington, DC-MD-VA-WV PMSA, consisting of the District of Columbia; Calvert County, MD; Charles County, MD; Frederick County, MD; Montgomery County, MD; Prince George's County, MD; Arlington County, VA; Clarke County, VA; Culpeper County, VA; Fairfax County, VA; Fauquier County, VA; King George County, VA; Loudoun County, VA; Prince William County, VA; Spotsylvania County, VA; Stafford County, VA; Warren County, VA; Alexandria city, VA; Fairfax city VA; Falls Church city, VA; Fredericksburg city, VA; Manassas city, VA; Manassas Park city, VA; Berkeley County, WV; and Jefferson County, WV.

Performance contract – an agreement between an agency head and the Mayor or the City Administrator that may be entered into and that clearly identifies measurable goals and outcomes.

Pre-employment travel expenses – expenses allowed for an individual pursuant to Subsection 1003.1 of this chapter, which may include such items as hotel accommodations, travel (commercial carrier, privately owned vehicle, *etc.*), and a per diem allowance.

Relocation expenses – expenses allowed for an individual and his or her immediate family pursuant to Subsection 1003.2 of this chapter, which may include such items as transportation of family, transportation of household goods and expenses related thereto, temporary storage expenses, relocation services company, property management services, and a per diem allowance.

Subordinate agency – any agency under the direct administrative control of the Mayor, including, but not limited to, the agencies listed in § 301(q) of the CMPA (D.C. Official Code § 1-603.01(17)) (2012 Repl.).

Temporary housing allowance – subsistence expenses incurred by an individual and his or her immediate family while occupying lodging obtained for the purpose of temporary occupancy when authorized pursuant to Subsection 1003.3 of this chapter.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Interim Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 330S, Washington, D.C. 20001, or via email at justin.zimmerman@dc.gov. Additional copies of these proposed regulations are available at the above address.

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the “Fiscal Year 2014 Budget Support Act of 2013”, effective December 24, 2013 (D.C. Law 20-0061; 60 DCR 12472 (September 6, 2013)), hereby gives notice of the adoption, on an emergency basis, of a new Chapter 57 entitled “Mental Health Community Residence Facility Per Diem”, of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The Department of Behavioral Health licenses Mental Health Community Residence Facilities pursuant to Title 22-B DCMR Chapter 38. Mental Health Community Residence Facilities (MHCRFs) are defined as “publicly or privately owned community residence facility . . . that houses individuals eighteen (18) or older: (a) With a primary diagnosis of mental illness; and (b) who require twenty-four hour (24 hr.) on site supervision, personal assistance, lodging and meals.” Independent MHCRFs are those facilities that do not have a contract with the Department to provide heightened levels of care. Currently, over 440 individuals with serious mental illness reside in 67 independent MHCRFs licensed by the Department. As part of their licensing requirements, independent MHCRFs play a critical role in caring for its residents and helping them live in the least restrictive community environment. The availability of this resource is also important in providing community living arrangements for those individuals leaving nursing homes and psychiatric hospitalizations.

Independent MHCRFs have broad responsibilities the Chapter 38 licensing rules, including: providing supervised care by qualified staff whenever residents are present in the facility; providing three nutritious meals a day; safely maintaining currently prescribed resident medications and supervising residents in taking medications; meeting special dietary needs; assisting residents with Activities of Daily Living such as helping a resident get dressed, go up and down stairs, and wash clothing; and coordinating care with the resident’s Core Services Agency and other healthcare providers. In addition, independent MHCRFs must meet housing and fire code requirements and maintain insurance coverage.

With the rise in personnel, housing and other costs in the District of Columbia, many MHCRF operators are experiencing financial hardship in continuing to serve this needy population. Presently, the independent MHCRF operators’ sole source of income is the rent money received from the residents themselves, an amount that is capped under the law. The rental amount that a resident pays to the MHCRF, which derives from the resident’s Social Security Insurance (SSI) and Optional State Supplement (OSP), is currently \$1,206.00 per month per resident. This amount is not sufficient to fully support this network that is subject to robust licensing and regulatory requirements. As a result, the Department has determined that emergency rulemaking is necessary to provide immediate financial support to its independent MHCRF network to preserve the health, welfare, and safety of those residents with serious mental illness.

The emergency rule establishes a locally-funded per diem to be paid to all independent MHCRFs licensed by the Department. To be eligible for the per diem, an MHCRF shall be required to enter into a contract with the Department. The per diem will be paid per resident and invoiced to the Department every 30 days by the MHCRF operators. The per diem is subject to availability of funds.

The emergency rulemaking was adopted on April 7, 2014, and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days, expiring August 5, 2014, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Title 22-A (Mental Health) of the District of Columbia Municipal Regulations is amended by adding a new Chapter 57 to read as follows:

CHAPTER 57 INDEPENDENT MENTAL HEALTH COMMUNITY RESIDENCE FACILITY PER DIEM

5700 PURPOSE

5700.1 This chapter establishes the reimbursement rate for the Independent Mental Health Community Residence Facility (MHCRF) Per Diem for the care and support of individuals with serious mental illness residing in these facilities. Establishment of this locally-funded per diem will allow the Department of Behavioral Health (the Department) to support the MHCRF network and ensure the continued availability of this critical housing resource.

5700.2 Nothing in this chapter grants to an independent MHCRF operator the right to reimbursement for costs of MHCRF services. Eligibility for reimbursement for supportive services is determined solely by the contract between the Department and the independent MHCRF operator and is subject to the availability of appropriated funds.

5701 REIMBURSEMENT RATE

5701.1 The Independent MHCRF Per Diem rate is as set forth below:

SERVICE	RATE	UNIT
Independent MHCRF Per Diem	\$ 23.00	Daily

5702 ELIGIBILITY

Only a licensed independent MHCRF operator who has entered into a contract with the Department will be eligible for reimbursement under this chapter. An MHCRF shall not be eligible to receive a per diem under this chapter if the

MHCRF is receiving District of Columbia contract or grant funds under a separate program.

5703 SUBMISSION OF CLAIM; PAYMENT OF INVOICE

5703.1 The licensed independent MHCRF operator shall submit all per diem claims under the contract by invoice, pursuant to this chapter and the terms of the contract.

5703.2 The licensed independent MHCRF operator shall submit appropriate documentation to support all claims under its contract with the Department.

5703.3 The Department will reimburse a licensed independent MHCRF operator for a claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of the contract between the Department and the licensed independent MHCRF operator, subject to the availability of appropriated funds.

5703.4 No independent MHCRF operator shall submit claims in excess of its contract with the Department.

5704 AUDITS

5704.1 A licensed independent MHCRF operator shall, upon the request of the Department, cooperate in any audit or investigation concerning the Independent MHCRF Per Diem program.

5799 DEFINITIONS

5799.1 When used in this chapter, the following terms shall have the meaning ascribed:

Mental Health Community Residence Facility (MHCRF) - a publicly or privately owned residence licensed in accordance with 22-B DCMR Chapter 38, that houses individuals, eighteen (18) or older, with a principal diagnosis of mental illness and who require twenty-four hour (24 hr.) on-site supervision, personal assistance, lodging, and meals and who are not in the custody of the District of Columbia Department of Corrections.

Independent Mental Health Community Residence Facility (MHCRF) Operator - an individual or entity that is licensed to operate an MHCRF and who has contracted with the Department for a per diem pursuant to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Suzanne Fenzel, Deputy Director, Office of Strategic Planning, Policy and Evaluation, Department of Behavioral Health, at 64 New York

Ave., NE, 3rd Floor, Washington, D.C. 20002, or e-mailed to Suzanne.Fenzel@dc.gov. Copies of the proposed rules may be obtained from dmh.dc.gov or from the Department of Behavioral Health at the address above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-116
May 20, 2014

SUBJECT: Appointment – District of Columbia Water and Sewer Authority Board of Directors


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 204(a)(3)(B) 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(a)(3)(B) (2012 Repl.), it is hereby **ORDERED** that:

1. **BONNIE KIRKLAND** is appointed, as the alternate Board member for principal Board member Timothy Firestine, representing Montgomery County, Maryland, to the District of Columbia Water and Sewer Authority Board of Directors, replacing Kathleen Boucher, pursuant to the recommendation of Isiah Leggett, Montgomery County Executive, dated May 2, 2014, to complete the remainder of an unexpired term to end May 31, 2016 or until a successor is appointed.
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 2014-117
May 20, 2014

SUBJECT: Appointment -- Interim Inspector General


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 208(a)(1) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986, D.C. Law 6-85, D.C. Official Code § 1-301.115a(a)(1) (2012 Repl.), it is hereby **ORDERED** that:

1. **BLANCHE L. BRUCE, ESQ.** is appointed Interim Inspector General and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2009-71, dated May 8, 2009.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 19, 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 2014-118
May 20, 2014

SUBJECT: Reappointments – Board of Review for Anti-Deficiency Violations

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.), in accordance with the District Anti-Deficiency Act of 2002, effective April 4, 2003, D.C. Law 14-285, D.C. Official Code § 47-355.07 (2012 Repl.), and pursuant to Mayor's Order 2003-156, dated November 7, 2003, it is hereby **ORDERED** that:

1. **ERIC GOULET** is reappointed as a member of the Board of Review for Anti-Deficiency Violations ("Board"), representing the Mayor's Office of Budget and Finance. He shall serve in that capacity at the pleasure of the Mayor during his tenure at his position, for a term to end three years from the effective date of this Order.
2. **BARRY KREISWIRTH** is reappointed as a member of the Board, representing the District Department of Transportation. He shall serve in that capacity at the pleasure of the Mayor during his tenure at his position, for a term to end three years from the effective date of this Order.
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

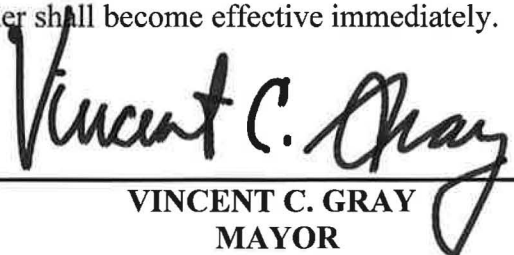
Mayor's Order 2014-119
May 22, 2014

SUBJECT: Appointment – Acting Chief Administrative Law Judge for the Office of Administrative Hearings

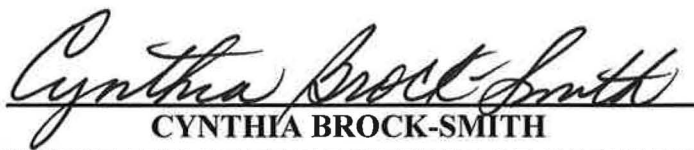
ORIGINATING AGENCY: Office of the Mayor

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, 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 5(b) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, D.C. Law 14-76, D.C. Official Code § 2-1831.02(b) (2012 Repl.), it is hereby **ORDERED** that:

1. **WANDA R. TUCKER** is appointed as Acting Chief Administrative Law Judge of the Office of Administrative Hearings and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-031, dated February 7, 2014.
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 2014-120
May 27, 2014

SUBJECT: Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to Real Property Located at 965 Florida Avenue, N.W., in Washington, D.C., Known for Tax and Assessment Purposes as Square 2873, Lot 1102 (the "Property")

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.); section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 *et seq.* (2012 Repl. and 2013 Supp.); section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, as amended, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2012 Repl. and 2013 Supp.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development or use of the Property, and to take all actions necessary or useful for or incidental to the solicitation and disposition or lease of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, easements, right of entry agreements, covenants, and/or other associated documents.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. Mayor's Order 2014-46, effective February 28, 2014 is rescinded.

4. EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to November 15, 2012.



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 2014-121
May 27, 2014

SUBJECT: Appointment – District of Columbia Education Licensure 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 4 of the Education Licensure Commission Act of 1976, effective April 6, 1977, D.C. Law 1-104, D.C. Official Code § 38-1304(b) (2012 Repl.), it is hereby **ORDERED** that:

1. **MARY DILWORTH** is appointed as a member of the District of Columbia Education Licensure Commission, replacing Teresa C. Richardson, for a term to end August 15, 2016.
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 2014-122
May 27, 2014

SUBJECT: Appointments – Child Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 4-1371.04 (2012 Repl.), it is hereby **ORDERED** that:

1. The following persons are appointed to the Child Fatality Review Committee (“Review Committee”) as representative members, who are knowledgeable in child development, maternal and child health, child abuse and neglect, prevention, intervention, and treatment or research, designated from federal or judicial agencies to the Review Committee for terms to end upon termination of their tenure with the federal or judicial agency designating their availability, or at the pleasure of the federal or judicial agency designating their availability:

HONORABLE CAROL A. DALTON, representing the Superior Court of the District of Columbia;

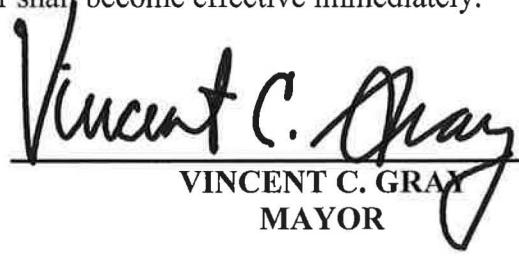
HONORABLE HIRAM E. PUIG-LUGO, representing the Superior Court of the District of Columbia;

TERRI ODOM, representing the Superior Court of the District of Columbia Family Court Social Services Division;


LAWRENCE WEAVER, representing the Superior Court of the District of Columbia Family Court Social Services Division; and

CYNTHIA G. WRIGHT, representing the United States Attorney's Office for the District of Columbia.

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 2014-123
May 27, 2014

SUBJECT: Delegation of Authority Pursuant to D.C. Law 18-289, the "Wildlife Protection Act of 2010"


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act of 1973, as amended, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) (2012 Repl.), and pursuant to section 12 of the Wildlife Protection Act of 2010 ("Act"), effective March 8, 2011, D.C. Law 18-289, D.C. Official Code § 8-2211 (2012 Repl.), it is hereby **ORDERED** that:

1. The Director of the District Department of the Environment is delegated the Mayor's authority to implement and enforce the Act, including authority to license individuals performing wildlife control activities, create qualifications and conditions for licensure, set restrictions on the capture, handling, and transport of wildlife, set restrictions on euthanasia of wildlife, establish control requirements for specified species, require the compilation of service records and annual reporting, create standards for suspension of licensure, and establish fees for licensure.
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 2014-124
May 27, 2014

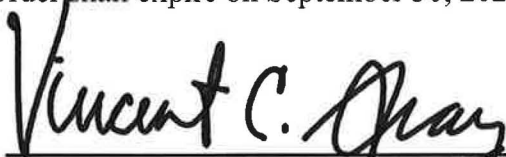
SUBJECT: Delegation of Authority to the Director of the Department of Parks and Recreation to make grants to organizations consistent with the Mayor's planning authority.

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(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) (2012 Repl.), and pursuant to section 2212 of the Planning Grant-making Act of 2010, effective Sept. 24, 2010, D.C. Law 18-223, D.C. Official Code § 1-328.02 (2012 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of Parks and Recreation is delegated the authority to make one or more grants to organizations that enter into grant agreements with the Department of Parks and Recreation consistent with the Mayor's planning authority under section 423 of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.23 (2012 Repl.), subject to available appropriations, and subject to provisions of D.C. Official Code § 47-368.06 (2012 Repl.).
2. The Director may not further delegate this authority to subordinates under his jurisdiction.
3. This Order supersedes Mayor's Order 2012-233, dated December 28, 2012, and all other previous Mayor's Orders to the extent of any inconsistency.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.

5. EXPIRATION DATE: This Order shall expire on September 30, 2020.



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 2014-125
May 27, 2014

SUBJECT: Reappointment and Appointments – Juvenile Justice Advisory Group


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 the Juvenile Justice and Delinquency Prevention Act of 1974, approved September 7, 1974, 88 Stat. 1119, Pub. L. 93-415, 42 U.S.C. § 5633(a)(3) (2013), and Mayor's Order 2009-13, dated February 9, 2009, it is hereby **ORDERED** that:

1. **RAM Y. UPPULURI** is reappointed, as a representative of private non-profit organizations, to the Juvenile Justice Advisory Group ("JJAG"), and shall serve for a term to end September 15, 2015.
2. **PENELOPE SPAIN** is appointed, as a representative of private non-profit organizations, to the JJAG, and shall serve for a term to end September 15, 2015.
3. **ANDREA ALLEN** is appointed, as a representative of District of Columbia Public Schools, to the JJAG, and shall serve for a term to end September 15, 2015.
4. **SHYRA GREGORY** is appointed, as a representative of District of Columbia Public Schools, to the JJAG, and shall serve for a term to end September 15, 2015.
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 2014-126
May 28, 2014

SUBJECT: Reappointment – Board of Veterinary Examiners for the District of Columbia

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 6 of the Veterinary Practice Act of 1982, effective March 9, 1983, D.C. Law 4-171, D.C. Official Code § 3-505 (2012 Repl.), it is hereby **ORDERED** that:

1. **DR. ARUNA NOON KAMPANI**, who was nominated by the Mayor on March 6, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0691 on May 12, 2014, is reappointed to the Board of Veterinary Examiners for the District of Columbia, as a licensed veterinarian member, for a term to end April 16, 2017.
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 2014-127
May 28, 2014

SUBJECT: Delegation of Authority - Grant Making Authority to the Chancellor of the District of Columbia Public Schools

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), Title I of the Public Education Reform Amendment Act of 2007, effective June 12, 2007, D.C. Law 17-9, D.C. Official Code § 38-171 *et seq.* (2012 Repl.), and pursuant to section 1402(a) of the Fiscal Year 2003 Budget Support Act of 2002, effective October 1, 2002, D.C. Law 14-190, D.C. Official Code § 2-1553(a) (2012 Repl.) ("Budget Support Act"), it is hereby **ORDERED** that:

1. The Chancellor of the District of Columbia Public Schools ("Chancellor") is delegated the authority vested in the Mayor, in the Budget Support Act, to make grants to the D.C. Children and Youth Investment Trust Corporation ("Youth Investment Trust") for purposes of supporting and/or expanding student programming until September 30, 2015 from grant funds available to the Chancellor's office, upon the Chancellor's determination that the Youth Investment Trust constitutes a single, non-service provider, non-profit organization that meets the qualifications prescribed in the Budget Support Act.
2. The Mayor hereby delegates to the Chancellor authority to take such further action as necessary to implement this Order.

3. This Order supersedes all previous Mayors' Orders to the extent of any inconsistency.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-128
May 29, 2014

SUBJECT: Re-Appointments – Commission on Asian and Pacific Islander
Community Development

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Repl.)), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1374 (2012 Repl.)), which established the Commission on Asian and Pacific Islander Community Development (“Commission”), it is hereby **ORDERED** that:

1. **SAPNA D. PANDYA**, who was nominated by the Mayor on March 13, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved on May 12, 2014 pursuant to Proposed Resolution 20-0701, is re-appointed as a public voting member of the Commission, for a term to end April 17, 2017.
2. **DANA BURGESS**, who was nominated by the Mayor on March 13, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved on May 12, 2014 pursuant to Proposed Resolution 20-0700, is re-appointed as a public voting member of the Commission, for a term to end April 17, 2017.
3. **SIMONE E. JACOBSON**, who was nominated by the Mayor on March 13, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved on May 12, 2014 pursuant to Proposed Resolution 20-0699, is re-appointed as a public voting member of the Commission, for a term to end April 17, 2017.
4. **AJAY K. OJHA**, who was nominated by the Mayor on March 13, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved on May 12, 2014 pursuant to Proposed Resolution 20-0698, is re-appointed as a public voting member of the Commission, for a term to end April 17, 2017.

- 5. **LAURA SHIN**, who was nominated by the Mayor on March 13, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved on May 12, 2014 pursuant to Proposed Resolution 20-0697, is re-appointed as a public voting member of the Commission, for a term to end April 17, 2016.
- 6. **NICHOLAS C. LEPHAM**, who was nominated by the Mayor on March 13, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved on May 12, 2014 pursuant to Proposed Resolution 20-0696, is re-appointed as a public voting member of the Commission, for a term to end April 17, 2016.
- 7. **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 2014-129
May 29, 2014

SUBJECT: Appointment - Commission on Asian and Pacific Islander Community
Development


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Repl.)), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1374 (2012 Repl.)), which established the Commission on Asian and Pacific Islander Community Development ("Commission") it is hereby **ORDERED** that:

1. **ADA L. LOO** is appointed as Chairperson of the Commission and shall serve in that capacity 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

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JUNE 11, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On June 11, 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-00049 Jubilee Market, 2316 4TH ST NE Retailer B Retail - Grocery, License#: ABRA-074162

2. Case#14-CC-00059 Mac Market & Deli, 5185 MACARTHUR BLVD NW Retailer A Retail - Liquor Store, License#: ABRA-072037

3. Case#14-CC-00058 Dixie Liquors, 3429 M ST NW Retailer A Retail - Liquor Store, License#: ABRA-077295

4. Case#14-251-00090 Sign of the Whale, 1825 M ST NW Retailer C Tavern, License#: ABRA-085120

5. Case#14-PRO-00008 Mova, 2204 14TH ST NW Retailer C Tavern, License#: ABRA-087030

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JUNE 11, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Request to store invoices off site dated June 2, 2014 from Aaron Silverman, Manager of Rose's Luxury. *Rose's Luxury*, 717 8th Street SE, Retailer CR, Lic#: 09884.

2. Review of Settlement Agreement dated May 27, 2014 between Lemo Group, LLC and ANC 4A. *WAPA Cafe*, 6230 Georgia Avenue NW, Retailer CR, Lic#: 94602.

3. Review of Settlement Agreement dated May 14, 2014 between Syd's Liquor and ANC 5C. *Syd's Liquors*, 2325 Georgia Avenue NE, Retailer A, Lic#: 26574.

4. Review of two (2) 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**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JUNE 11, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Letter of Request to extend retailer license in Safekeeping since January 2013. ANC 4D. SMD 4D01. No Outstanding Fines/Citations. No pending Enforcement matters. *Karen A. Abbott (formerly G-Spot)*, 5413 Georgia Avenue NW, Retailer CR, License No. 011228.

2. Review application for Entertainment Endorsement. ANC 4C. SMD 4C10. No Outstanding Fines/Citations. No pending Enforcement matters. No Settlement Agreement. *LaJoya Steakhouse*, 201 Upshur Street NW, Retailer CR, License No. 093124.

3. Review application for Entertainment Endorsement. ANC 2B. SMD 2B06. No Outstanding Fines/Citations. No pending Enforcement matters. No Settlement Agreement. *Cities*, 919 19th Street NW, Retailer CR, License No. 086319.

4. Review request to add Endorsement for new Summer Garden. ANC 6A. SMD 6A02. No Outstanding Fines/Citations. No pending Enforcement matters. No Conflict with Settlement Agreement. *Smith Commons*, 1245 H Street NE, Retailer CR, License No. 084598.

5. Review application request for new Sidewalk Café Endorsement. ANC 1B. SMD 1B01. No Outstanding Fines/Citations. No pending Enforcement matters. No Settlement Agreement. *Right Proper Brewing Company*, 624 T Street NW, Retailer CT w/ Brew Pub Endorsement, License No. 092357.

Board's Agenda –June 11, 2014 - Page 2

6. Review Change of Hours application. ANC 6E. SMD 6E01. No Outstanding Fines/Citations. No pending Enforcement matters. No Settlement Agreement. *Mandalay*, 1501 9th Street NW, Retailer CR, License No. 092421.
-

7. Review Change of Hours application for Operations Only. *Approved Hours of Operation*: Sunday-Thursday 11:30am to 2am. Friday and Saturday 11:30am to 3:00am. *Proposed Hours of Operation*: Sunday-Thursday 11:30am to 4:00am. Friday-Saturday 11:30am to 5:00am. *Music & Arts Club/Tropicalia*, 2001 14th Street NW, Retailer CN, License No. 083264.
-

8. Review Change of Hours application to add Sunday hours only. *Approved Hours of Operation and Sales (Sunday Only)*: Closed. *Proposed Hours of Operation and Sales*: Sunday 9:00am to 10:00pm. ANC 7F. SMD 7F01. No Outstanding Fines/Citations. No pending Enforcement matters. No Settlement Agreement. *Malcolm Liquors*, 3845 Minnesota Avenue NE, Retailer A, License No. 094779.
-

***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.**

CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY
REQUEST FOR PROPOSALS

The Cesar Chavez Public Charter for Public Policy Schools solicits proposals for the installation of LCD projectors in classrooms and other areas of the building.

More information will be provided upon request to itbids@chavezschools.org

Email questions to itbids@chavezschools.org with the subject line as “LCD Projectors for Chavez Schools”.

Proposals are due not later than: June 13, 2014; 12:00pm

CHILD AND FAMILY SERVICES AGENCY
DISTRICT OF COLUMBIA CITIZENS REVIEW PANEL

NOTICE OF PUBLIC MEETING

The District of Columbia Citizens Review Panel will be holding a meeting on Tuesday, June 3, 2014 at 6:30 p.m. The meeting will be held in Martin Luther King Jr. Memorial Library, Room A-3. Below is the agenda for this meeting.

For additional information, please contact Meron Meshesha at (202) 544-3144 or cpfs@centerchildprotection.org

June 3, 2014 Meeting of the DC Citizen Review Panel

Time: 6:30-9:00 PM

Day: Tuesday

Place: Martin Luther King Jr. Memorial Library, 901 G St NW, Washington, DC 20001, Room A-3

PROPOSED AGENDA

- 6:30 PM Welcome/Introductions: *Damon King, Chairperson*
- 6:35 PM Review and Approve: March 4, 2014 Minutes
- 6:45 PM Review and Approve Agenda
- 6:50 PM Chairperson's Report: *Damon King*
- Welcome & brief review of CRP activities since last quarterly meeting
 - Update regarding candidates for appointment by the DC Council
 - Update re DC Budget Process & CFSA's Budget
- 7:05 PM Treasurer's Report: *Rick Bardach*
- 7:15 PM Update from CRP Task Force on Youth Aging Out of Foster Care: *Rick Bardach*
- 7:30 PM Update from CRP Task Force on the Medical Needs of Foster Youth: *Elaine Farley*
- 7:40 PM Guest Presentation: CFSA's Title IV-E Waiver
Debra, Porchia-Usher
Deputy Director, Child and Family Services Agency

- 8:10 PM Q & A from the Panel Members
- 8:30 PM Facilitator Report: *Joyce N. Thomas*
- 8:45 PM Open Discussion and Input from CRP members on new Business
- 9:00 PM Adjournment

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

Meeting Agenda

**June 12, 2014
11:00 A.M.**

1. Call to Order – 11:00 a.m.
2. Members Present
3. Staff Present
4. Executive Session (Closed to the Public)
5. Comments from the Public
6. Review of Correspondence
7. Draft Minutes, May 8, 2014
8. New Business
9. Old Business
10. Adjourn

11. Next Scheduled Board Meeting – July 3, 2014 at 11:00 a.m.

DEMOCRACY PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Services/Management Services**

Democracy Prep PCS is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on June 6, 2014 by submitting a request to the email address below:

DPCongressHeights_Ops@democracyprep.org

Proposals will be accepted at 3100 Martin Luther King Jr. Ave, SE, Washington, DC 20032 on July 7, 2014, not later than 2 p.m.

All bids not addressing all areas as outlined in the RFP will not be considered.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

**GRANTS FOR THE
Wetland Conservation Policy and Registry**

The District Department of the Environment (“DDOE”) is seeking eligible entities to provide an update to the District’s 1997 Wetland Conservation Plan. The existing plan includes an inventory and assessment of the District’s wetlands; protection mechanisms of the District Government, neighboring state governments, and the federal government; and strategy and implementation plans. The project shall include written updates to the plan; a comprehensive inventory with ground truthing of District wetlands, including maps and photos of wetlands at appropriate scales; the production of geospatial data and geodatabases of the information gathered; and the creation of a District wetland registry.

Beginning 06/06/2014, 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 WetlandsWQD.Grants@dc.gov with “Request copy of RFA 2014-1404-WQD” 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 Rebecca Diehl at (202) 535-2648 and mention this RFA by name); or

Write DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Request copy of RFA Wetland CPR #1404” on the outside of the letter.

The deadline for application submissions is 7/8/2014, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be emailed to WetlandsWQD.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 9/30/2016.

Available Funding: The total amount available for this RFA is approximately \$200,000.00. 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 WetlandsWQD.Grants@dc.gov.

Filename: wetland registry nofa.docx

Template name and revision date: NOFA template for register 6/2/2014 4:08 PM

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 air quality permits (#6804 and #6805) to the United States Postal Service to operate two 10.0 MMBtu per hour dual fuel (natural gas and No. 2 fuel oil) fired boilers at the United States Postal Service Headquarters facility located at 475 L'Enfant Plaza Southwest, Washington, DC, 20260. The contact person for the facility is Stephen Hurley, Manager of Facility Services at (202) 268-2091.

Emissions:

Maximum emissions from both units operating 24 hours per day for 365 days per year are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total)	2.11
Sulfur Dioxide (SO ₂)	4.54
Nitrogen Oxides (NO _x)	12.78
Volatile Organic Compounds (VOC)	0.46
Carbon Monoxide (CO)	7.01

The proposed overall emission limits for each boiler are as follows:

- a. Each of the two identical 10.0 million BTU per hour Cleaver Brooks dual-fueled boilers shall not emit pollutants in excess of those rates specified in the following table [20 DCMR 201]:

Boiler Emission Limits		
Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (#2 Fuel Oil) (lb/hr)
Carbon Monoxide (CO)	0.80	0.365
Oxides of Nitrogen (NO _x)	0.950	1.46
Total Particulate Matter (PM Total)*	0.070	0.240
Sulfur Dioxide (SO ₂)	0.005	0.52

*PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boilers, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve

(12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- d. Total suspended particulate matter (TSP) emissions from each of the boilers shall not exceed 0.102 pound per million BTU. [20 DCMR 600.1]

The permit applications and supporting documentation, along with the draft permits 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 permits and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after July 7, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

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Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Particulate Matter (PM) (Total) ¹	0.01
Sulfur Oxides (SO _x)	<0.01
Nitrogen Oxides (NO _x)	0.13
Volatile Organic Compounds (VOC)	0.12
Carbon Monoxide (CO)	8.11

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4233(d) and Subpart JJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NO_x + HC	CO
10	387

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are 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.

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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

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For more information, please contact Stephen S. Ours at (202) 535-1747.

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 air quality permit #6854 to New Cingular Wireless PCS, LLC dba AT&T Mobility (the Permittee) to construct and operate an 80 kW (108 HP) natural gas fired emergency generator set at 2303 14th Street NW, Washington, DC 20008. The contact person for the facility is Barbara Walden at (925)327-2532.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.01
Sulfur Oxides (SO _x)	<0.01
Nitrogen Oxides (NO _x)	0.13
Volatile Organic Compounds (VOC)	0.12
Carbon Monoxide (CO)	8.11

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4233(d) and Subpart JJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NO_x + HC	CO
10	387

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after July 7, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

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 air quality permit #6855 to New Cingular Wireless PCS, LLC dba AT&T Mobility (the Permittee) to construct and operate an 80 kW (108 HP) natural gas fired emergency generator set at 2001 S Street NW, Washington, DC 20009. The contact person for the facility is Barbara Walden at (925)327-2532.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.01
Sulfur Oxides (SOx)	<0.01
Nitrogen Oxides (NOx)	0.13
Volatile Organic Compounds (VOC)	0.12
Carbon Monoxide (CO)	8.11

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4233(d) and Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after July 7, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

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 air quality permits (Nos. 6892 through 6900) to United States Department of State to construct and operate nine 6.0 MMBtu per hour natural gas fired boilers at the United States Department of State headquarters, Harry S. Truman Building, located at 2201 C Street NW, Washington, DC, 20520. The contact person for the facility is Janice Smith, Director, Facilities Management Services, at (202) 647-5610.

Emissions:

Maximum emissions from the nine units, in combination, operating 24 hours per day for 365 days per year, are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Particulate Matter (PM) (Total)	2.52
Sulfur Dioxide (SO ₂)	0.20
Nitrogen Oxides (NO _x)	12.17
Volatile Organic Compounds (VOC)	1.82
Carbon Monoxide (CO)	27.85

The proposed overall emission limits for the boilers are as follows:

- a. Each of the nine (9) identical 6.0 million BTU per hour Fulton natural gas-fired boilers, shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Boiler Emission Limits	
Pollutant	Short-Term Limit (lb/hr)
Carbon Monoxide (CO)	0.494
Oxides of Nitrogen (NO _x)	0.216
Total Particulate Matter (PM Total)	0.0447
Sulfur Dioxide (SO ₂)	0.00353

*PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boiler, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes

in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- d. Total suspended particulate matter (TSP) emissions from each of the boilers shall not exceed 0.13 pound per million BTU. [20 DCMR 600.1]

The permit applications and supporting documentation, along with the draft permits 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:

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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 July 7, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF INTENT TO RENEW A HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITY PERMIT

Naval Research Laboratory

Notice is hereby given that, pursuant to 40 C.F.R. Part 264, and D.C. Official Code § 8-1303, the Hazardous Materials Branch (HMB) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, D.C., intends to renew a Hazardous Waste Treatment, Storage, and Disposal Facilities (Permit No. DCS00100) for the Naval Research Laboratory located at 4555 Overlook Avenue S.W., Washington, D.C. 20375. The contact person for the Naval Research Laboratory is David R. Smith.

The permit application and supporting documentation, along with the draft permit are available for public inspection at HMB 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 Mary Begin at tsdfnrlpermit@dc.gov.

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 hazardous waste management issues in dispute and any facts underscoring those hazardous waste management issues. All relevant comments will be considered in renewing the final permit.

Comments on the renewal of the permit should be addressed to:

Mary Begin
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
tsdfnrlpermit@dc.gov

A public hearing on the permit renewal will be held on June 25, 2014 at the above address at 5:00 PM. **No written comments emailed, postmarked or otherwise communicated after June 27, 2014 will be accepted.**

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR PROPOSAL**

Friendship Public Charter School is advertising the opportunity to bid on the delivery of Paper and Disposable Products to school sites for the 2014-2015 school year, with a possible extension of two (2) one year renewals in support of the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal program requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. An electronic copy of the full Request for Proposal may be requested by contacting JBASHAM@FRIENDSHIPSCHOOLS.ORG. Proposals will be accepted at 120 Q Street, NE, Washington, DC 20002 on June 27, 2014, not later than 5 p.m.

All bids not addressing all areas as outlined in the RFP will not be considered.

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be at 1100 15th Street, NW, Suite 800 Washington, DC 20001 on **Wednesday, June 11, 2014 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 730 902 752.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
HIV/AIDS, HEPATITIS, STD, & TB ADMINISTRATION**

NOTICE OF FUNDING AVAILABILITY

**RFA# HAHSTA HSG062014
FY2014 HIV Housing Assistance Programs**

The Government of the District of Columbia, Department of Health HIV/AIDS, Hepatitis, STD, & TB Administration (HAHSTA) is soliciting applications from qualified applicants to provide Single Point of Entry services and Single Point of Payment services to indigent persons who are HIV-infected and their families.

In FY2014, approximately \$6,400,000 in Housing Opportunity for Persons with AIDS (HOPWA) funds from the U.S. Department of Housing and Urban Development (HUD) and approximately \$200,000 from the District of Columbia FY2015 locally appropriated funds are expected to be available. Up to \$500,000 will be available for 1 award to provide Single Point of Entry Housing Services and up to \$6,100,000 will be available for 1 award to provide Single Point of Payment Client-Based Subsidies.

Successful applicants will serve as the Single Point of Entry and/or the Single Point of Payment provider for the Tenant-Based Rental Assistance (TBRA) program and the Short-Term Rental, Mortgage and Utility (STRMU) program supported by HOPWA and the local housing assistance program ("Bridges Fund").

FY2014 grant awards are projected to begin October 1, 2014 and end September 30, 2015, with two options years. The awards and the amounts of each award are contingent upon availability of funding. Options years are contingent upon successful implementation and available funding.

The following entities are eligible to apply for grant funds under this RFA: not-for-profit providers operating as housing programs. All awards will be made to organizations located in and providing services within the District of Columbia.

The release date for RFA# HAHSTA HSG062014 is Friday, June 20, 2014. The District of Columbia, Department of Health, HIV/AIDS, Hepatitis, STD & TB Administration will have the complete RFA available for pick up at 899 North Capitol Street, NE, 4th Floor and on the internet at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> **Friday, June 20, 2014.**

The Request for Application (RFA) submission deadline is 5:00 PM Monday, July 21, 2014. The Pre-Application conference will be held in the District of Columbia at 899 North Capitol, NE, 4th floor Conference Room, Washington, DC 20002, on **June 25, 2014, from 10:00 AM to 12:00 Noon.** **Note: This is a government building and all parties must have government issued identification in order to access the building.**

If you have any questions, please contact Kimberly Green via email at Kimberly.green@dc.gov or by telephone at (202) 671-4900.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION**

NOTICE OF FUNDING AVAILABILITY

**Request for Applications (RFA) # CHA_SBHC062014
School Based Health Center**

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from qualified not-for-profit organizations located and licensed to conduct business within the District of Columbia to improve access to care for high school students in grades 9-12 by operating an existing school-based health center. The overall goal is to help address the primary and urgent care needs of students in the school that will house the school-based health center. This includes assuring appropriate confidentiality and coordination of care, making referrals for specialty care, and serving as a model medical home.

The school-based health center will be approximately 2,500 square feet and will include practice space for the school nurse. There will be one award for up to \$337,500.00 in locally appropriated funds available for this grant. Projected award date: September 1, 2014.

The release date for RFA# CHA_SBHC062014 is Friday, June 20, 2014. The RFA will be posted on the Office of Partnership and Grant Services website under the DC Grants Clearinghouse at www.opgs.dc.gov on **Friday, June 20, 2014**.

The Request for Application (RFA) submission deadline is 4:45 pm Thursday, July 17, 2014.

The **Pre-Application Conference** will be held in the District of Columbia at 899 North Capitol Street, NE, 3rd Floor Conference Room, Washington, DC 20002, **on Thursday, June 26, 2013, from 10:00am – 12:30pm.**

If you have any questions please contact Luigi Buitrago via e-mail luigi.buitrago@dc.gov or by phone at (202) 442-9154.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS BOARD RETREAT MEETING

EMERGENCY MEETING

June 6, 2014 – 6:00pm
June 7, 2014 – 9:00am
815 Florida Avenue, NW
Washington, DC 20001

JUNE 6, 2014 AGENDA

- I. Call to order and verification of quorum.
- II. Vote to close meeting to discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees or officials (D.C. Code §2-575(b)(10)).

- III. Re-open meeting.
- IV. Other Business.
- V. Adjournment.

JUNE 7, 2014 AGENDA

- I. Call to order and verification of quorum.
- II. Vote to close meeting to discuss the training and development of Agency Board Members.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss the training and development of Agency Board Members (D.C. Code §2-575(b)(12)).

- III. Re-open meeting.
- IV. Discussion: Executive Director search qualifications.
- V. Discussion: Building assessment.
- VI. Discussion: Public Finance – scoring criteria.
- VII. Vote to close meeting to discuss an Agency legal matter.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements; provided that, upon request, the public body may decide to waive the privilege. An open meeting would adversely affect the attorney-client privilege of the Agency. (D.C. Code §2-575(b)(4)(A)).

- VIII. Other Business.
- IX. Adjournment.

**PAUL PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS (RFP)**

Paul Public Charter School seeks bids for:

Classroom, computer room and cafeteria furniture for the newly renovated main building and Paul Public Charter School.; For a copy of the full RFP and associated exhibits interested firms should contact James McDowell at jmcdowell@paulcharter.org or 202-378-2269.

Bids must be received by 12:00 PM, Monday, June 23rd to the following location:

Paul Public Charter School
ATTN: James McDowell
5800 8th St NW
Washington, DC 20011

**PAUL PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS (RFP)**

Paul Public Charter School seeks bids for: IT, AV, Security Services

As part of its facilities expansion plan Paul Public Charter School is requesting proposals from qualified firms to provide IT, paging, security and A/V installation services for the renovation and addition project. The project will include but not be limited to general office/classroom functions, computer lab, and other program support space for a middle school and high school program.

For a copy of the full RFP and associated exhibits interested firms should contact James McDowell at jmcdowell@paulcharter.org or 202-378-2269.

Bids must be received by 12:00 PM, Monday, June 23rd to the following location:

Paul Public Charter School
ATTN: James McDowell
5800 8th St NW
Washington, DC 20011

**DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT
OFFICE OF THE WORKFORCE INVESTMENT COUNCIL**

NOTICE OF FUNDS AVAILABILITY

DC Workforce Intermediary – Construction Pre-Apprenticeship and Support Services

The DC Workforce Investment Council (WIC) is soliciting applications for performance-based grants to provide workforce services that support District residents in gaining access to and retaining apprenticeship and other career opportunities in the construction sector; as well as ensuring construction businesses have access to a pipeline of skilled workers.

The organizations receiving grants under this Request for Applications (RFA) will be responsible for providing services under one of two program models: (1) pre-apprenticeship training for at least 50 jobseekers that incorporates federally endorsed curricula and credentials and prepares participants for career opportunities in the construction sector; and (2) support services for at least 50 and up to 100 jobseekers participating in construction workforce efforts supported through the District, assisting them with employment barriers both during training and after placement in apprenticeship or other employment. Grantees will work in partnership with DOES' planned Center for Construction Careers, which will be housed in the DC American Job Center – Southeast in Ward 8, and will provide intake, tracking, and placement services to assist construction employers in identifying skilled workers.

In addition, funded providers will be responsible for participating in quarterly meetings of the Construction Industry Advisory Committee - a WIC convened group consisting of representatives from employers, labor unions, industry associations, and DOES that help guide the efforts of grantee(s) under this solicitation; and working to incorporate the Committee's feedback to improve program services and partnerships.

Funds must be used solely for the purposes noted above and further specified in this solicitation's forthcoming RFA, and will not be disbursed until grantee(s) achieve required performance outcomes.

Eligibility: Organizations, or multiple organizations in partnership, that are eligible to apply for this grant include public or private organizations with demonstrated effectiveness in providing the requested services and meeting the employment needs of the target population.

Additionally, to be eligible to receive funds under this solicitation, an organization must be current on all taxes and liabilities owed to the District, or have a plan to resolve such taxes and liabilities that is satisfactory to the grantor.

Length of Award: Grant awards will be for one (1) year, with an option for up to four (4) renewal years depending on grantee performance and at the sole discretion of the WIC.

Available Funding: The amount available for this award is up to \$225,000.00 per grantee for up to two grants; \$450,000 in total. Funding for this award is contingent on continued fiscal year

2015 District budget appropriations and their approval by Congress; as well as availability of funds. This notice does not commit the WIC to make a full, or partial, award.

Anticipated Number of Awards: The WIC anticipates making up to two (2) awards under this RFA and funding a maximum of one grant per each of the two program models: (1) pre-apprenticeship training and (2) support services. Applicants may propose to deliver services under only one of these two models, and may only submit one application to provide services under this solicitation.

Selection Criteria: Each application determined to be responsive will be evaluated by a team of reviewers that will evaluate and score applications based on a 100 point scale. Applicants will be scored on their program design (40 points), organizational capacity and staffing (15 points), past performance (20 points), proposed performance outcomes and budget (15 points), and data collection and evaluation (10 points). After scoring and ranking all responsive applications, the review team will recommend up to two (2) applicants for funding and present their findings to the WIC Executive Committee, which will make the final award decision. Any person, including any member of the Executive Committee, with a potential conflict of interest will be recused from participating in the selection process.

The WIC shall have the right to request clarifications and modifications during its review. The award shall be subject, but not limited, to an applicant's ability to attain performance outcomes, site control of an appropriate program facility, and timely completion of grant agreement negotiations.

Application Process: The RFA will be released on Friday, June 20, 2014. The RFA will be posted on the District's Grant Clearinghouse Website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>. All applications must be submitted online by following the links and instructions posted to this website.

An information meeting on the RFA will be held on July 9, 2014 at 3 p.m. at the Department of Employment Services Community Room, located at 4058 Minnesota Avenue NE, Washington, DC 20019. Attendance is strongly encouraged.

For additional information, contact LaToyia Hampton, Grants Manager of the Office of the Deputy Mayor for Planning and Economic Development, at Latoyia.hampton@dc.gov.

The deadline for submission is Wednesday, July 23, 2014 at 4:00 PM EST.

Final determination of grant awards will be made by Friday, August 22, 2014.

Public Access Corporation of the District of Columbia**NOTICE OF PUBLIC MEETING**

The Public Access Corporation of DC (DCTV) will be holding its Annual Membership meeting on Thursday, June 5, 2014 at 7:00 p.m. The meeting will be held in Studio A at 901 Newton Street NE Washington, D.C. 20017. Below is the draft agenda for this meeting. A final agenda will be posted to DCTV's website at www.dctv.org

Annual Meeting, Volunteer Recognition & "Your DC"
PUBLIC ACCESS CORPORATION OF THE DISTRICT OF COLUMBIA

DRAFT AGENDA

Thursday, June 5, 2014

<i>6:00 to 7:00 p.m.</i>	<i>Reception</i>
<i>7:00 to 7:30 p.m.</i>	<i>Meeting</i>
<i>7:30 to 8:30 p.m.</i>	<i>Awards & Screening</i>

Annual Meeting of the Associate Members

1. Introductory Remarks

Nantz Rickard, President and CEO

2. Convene Annual Meeting

Kojo Nnamdi, Chair, Board of Directors

3. Chair's Report

Presented by Kojo Nnamdi, Chair, Board of Directors

4. Finance Committee Report

FY13 Audited Financial Statement

Presented by Pedro Alfonso, Vice Chair/Treasurer, Board of Directors

5. Nominating Committee Report

Election of June, 2014 presented by Kwame Holman,
Member, Nominating Committee, Board of Directors

6. "Your" DC" Video Competition Screening & Awards

Hosted by Kojo Nnamdi, Chair, Board of Directors

PUBLIC ACCESS CORPORATION OF THE DISTRICT OF COLUMBIA**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the Public Access Corporation of DC (DCTV) will be holding a meeting on Thursday, June 5, 2014 at 6:30 p.m. The meeting will be held on the 3rd Floor Training Room at 901 Newton Street NE Washington, D.C. 20017. Below is the draft agenda for this meeting. A final agenda will be posted to DCTV's website at www.dctv.org

**DRAFT AGENDA
Thursday, June 5, 2014****6:30 to 6:55 p.m.**

Brooks Mansion, 901 Newton Street, NE, Youth Training Institute

- 1. Call to Order**
- * **2. Approval of Minutes**
May 22, 2014 Regular Meeting
- 3. Chair's Report** (Nnamdi)
- 4. President's Report** (Rickard)
- * **5. Finance Committee Report** (Alfonso)
- 6. Nominating Committee Report** (Lightfoot)
- 7. 25th Anniversary Report** (Lightfoot)
- * **8. New Business**
Training Fees Proposal

Discussion of Hiring Auditor

Charge Audit Committee
- 9. Old Business**
None
- * **10. Adjournment**

[*= Item requiring vote]

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

TT00-5, IN THE MATTER OF VERIZON WASHINGTON DC, INC.'S PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201

1. The Public Service Commission of the District of Columbia (Commission) pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ hereby gives notice of its intent to act upon the Rights-of-Way (ROW) Use Fee Compliance Filing for 2014 of Verizon Washington, DC Inc. (Verizon DC or Verizon or the Company)² in the above-captioned matter in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. On July 31, 2013, Verizon DC filed a ROW Surcharge Rider;³ notifying the Commission of the Company's intent to implement the updated surcharge for non-Centrex and Centrex lines as of August 1, 2013.⁴ The ROW Surcharge Rider is the means by which Verizon DC recovers from its customers, in accordance with D.C. Code § 10-1141.06 the lease payments that Verizon DC makes to the District of Columbia for use of the public ROW.⁵ The Surcharge Update was accompanied by data and analysis that Verizon DC believed supports the filing. In our review of the Surcharge Update, we noted a significant increase in the ROW Surcharge proposed for non-Centrex lines (i.e. an increase of \$1.26, from \$2.97 to \$4.23, which was an overall increase of 43%). Additionally the accompanying data and analysis did not contain an explanation for this significant increase.

3. On September 6, 2013, the Commission issued Order No. 17237 directing Verizon DC to provide an explanation for the increase and file an amended Surcharge Update.⁶

¹ D.C. Code § 2-505 (2001) and D.C. Code § 34-802 (2001).

² *TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C.-D.C. No. 201 (TT00-5)*, Verizon Washington, DC Inc.'s Rights-of-Way (ROW) Use Fee Compliance Filing for 2014, filed May 12, 2014 ("ROW Compliance Filing").

³ *TT00-5*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Kathy L. Buckley, Vice President for State Government Affairs – Mid-Atlantic Region, RE: TT00-5 DC Rights-of-Way Use Fee Compliance Filing for July 2013 Updated Effective August 2013 ("Surcharge Update"), filed July 31, 2013.

⁴ *TT00-5*, Surcharge Update at 1.

⁵ D.C. Code, § 10-1141.06 (2001), states that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁶ *TT00-5*, Order No. 17237, at ¶ 6, rel. September 6, 2013.

On September 16, 2013, Verizon DC responded to Order No. 17237 and filed an amended Surcharge Update.⁷ However, upon review of Verizon DC's Response, the Commission had additional questions which required further explanation.

4. On December 5, 2013, the Commission issued Order No. 17315 wherein the Commission directed Verizon to explain, among other things, why Verizon DC was increasing its facilities for its regulated customers, with attendant increased ROW costs, while simultaneously experiencing a reduction in lines, as well as provide or state what portion of its facilities were needed solely to support its regulated customers from whom it is seeking payment through the ROW Surcharge and what portion was needed to support its unregulated customers.⁸

5. On January 27, 2014, Verizon submitted its initial response to Order No. 17315.⁹ In its response, Verizon DC indicated that it was initiating a review of its facilities and how they relate to the Department of Public Welfare's (DPW) regulations for ROW assessments and indicated the study was targeted for completion by April 1, 2014. Verizon committed to reporting its findings to the Commission at the conclusion of the study.

6. On April 1, 2014, Verizon DC filed a supplemental response to Order No. 17315.¹⁰ In its Supplemental Response, Verizon provided the Commission with revised estimated payment figures that reflect the actual payments the Company has made since its surcharge tariff filing, including the methodology Verizon DC proposes to use for the calculation of fees paid on April 1, 2014.¹¹ To be more specific, Verizon stated that each quarter it completes a DPW issued form, which requires the Company to detail its inventory of facilities located within the public ROW (total footage of cable) and a good faith estimate of the public ROW occupied (the linear feet of cable), and paid the required ROW fee based on the reported linear feet estimate.¹² Verizon alleged that with the advent of the deployment of its Fiber-To-

⁷ *TT00-5*, Verizon Washington, DC Inc.'s Response to Order No. 17237, filed September 16, 2013 ("Verizon's Response").

⁸ *TT00-5*, Order No. 17315, rel. December 5, 2013.

⁹ *TT00-5*, Verizon Washington, DC Inc.'s Response to Order No. 17315, filed January 27, 2014; *See also*, Order No. 17333 rel. December 26, 2013 and Order No. 17360 rel. January 24, 2014, wherein the Commission granted Verizon DC's Motions for Extension of Time to Respond to Commission Order No. 17315, filed December 13, 2013 and December 30, 2013, respectively.

¹⁰ *TT00-5*, Verizon Washington, DC Inc.'s Supplemental Response to Paragraph 9 of Order No. 17315, filed April 1, 2014 ("Verizon's Supplemental Response").

¹¹ *TT00-5*, Verizon's Supplemental Response at 3-6.

¹² *TT00-5*, Verizon's Supplemental Response at 3.

The-Premises (“FTTP”) network, the total feet of fiber cable reported to DPW increased beginning in 2010.¹³ Verizon declared that the fiber deployed as part of the FTTP build was lashed to the existing copper cable using existing cable routes, but the Company had not changed its method to calculate its good faith estimate of linear feet of cable occupying the ROW. Verizon adds that because the fiber occupied the same space as the existing copper facilities, new ROW was unnecessary.¹⁴ Moreover, Verizon asserts that the majority of conduit deployed as part of the FTTP build did not require a new ROW, but shared existing space with copper-based facilities.¹⁵ Based on the effect of the FTTP build, Verizon believes that it should have revised its methodology for estimating the linear feet of fiber cable and conduit space in 2010 to reflect only the portion of fiber placed in the “green field” areas that required new ROW.¹⁶

7. In light of these circumstances, Verizon stated that it has proposed to DPW to revise the Company’s methodology going forward.¹⁷ According to Verizon, on April 1, 2014, the Company filed its first quarterly report with DPW based on the revised methodology for reporting fiber cables and conduits, included the current information regarding for structures housing transmission facilities, and explained the reasons for the change in methodology.¹⁸ Verizon alleges that it has requested a meeting with DPW to discuss the change in its methodology as well as to address the amount it overpaid to DPW since August 2009.¹⁹ Verizon DC hopes that DPW will agree with the Company’s assessment of the circumstances and agree that the next rental payment should be reduced to reflect the overpayment of ROW fees since August 2009. Verizon declares that the resulting credits will accrue to the benefit of Verizon customers in the calculation of future ROW Surcharge filings.²⁰ Finally, Verizon’s Supplemental Response provided that the ROW Surcharge for non-Centrex lines will decrease by one cent from the amount given in the July 31, 2013, Surcharge Filing from \$4.23 to \$4.22, and sought Commission approval of the reduction of the ROW Surcharge fee for non-Centrex lines.²¹

¹³ *TT00-5*, Verizon’s Supplemental Response at 3.

¹⁴ *TT00-5*, Verizon’s Supplemental Response at 3.

¹⁵ *TT00-5*, Verizon’s Supplemental Response at 3.

¹⁶ *TT00-5*, Verizon’s Supplemental Response at 3.

¹⁷ *TT00-5*, Verizon’s Supplemental Response at 4.

¹⁸ *TT00-5*, Verizon’s Supplemental Response at 4.

¹⁹ *TT00-5*, Verizon’s Supplemental Response at 4, footnote 11.

²⁰ *TT00-5*, Verizon’s Supplemental Response at 4, footnote 11.

²¹ *TT00-5*, Verizon’s Supplemental Response at 6.

8. On April 30, 2014, the Commission issued Order No. 17476 wherein we declared that a Supplemental Response is not the appropriate vehicle for approval of the reduction of the ROW Surcharge fee for non-Centrex lines as requested by Verizon nor is it the Commission's responsibility to modify Verizon's Surcharge Filing.²² We added that the proper instrument for such a request was an amended and updated ROW Surcharge Update with the appropriate supporting documentation that shows the amended Rights-of-Way Surcharge Cost Support for the modified rate that is being requested and an amended Summary of Rights-of-Way Payments and Receipts.²³ Thus, we directed Verizon DC to file an amended Surcharge Update setting forth the revised calculations for the ROW Surcharge rates that are now being requested.²⁴

9. On May 12, 2014, Verizon filed its ROW Compliance Filing for 2014 in response to Order No. 17476,²⁵ and in accordance with D.C. Code § 10-1141.06.²⁶ The ROW Compliance Filing describes the process Verizon DC uses to recover from its customers the D.C. Public ROW fees it pays to the District of Columbia Government. Moreover, Verizon's ROW Compliance Filing contains the most recent calculations and updated rates for the Company's ROW Surcharges, in accordance with the following tariff page:²⁷

GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201
Section 1A
Original Page 2

10. In the ROW Compliance Filing, Verizon compares the current ROW Surcharges and the updated ROW Surcharges for the ROW Surcharge Rider.²⁸ Specifically, the ROW Compliance Filing indicates that the ROW Surcharge Rider will decrease by \$0.27, from \$4.22 to the updated rate of \$3.95, for Non-Centrex lines and decrease by \$0.04, from \$0.53 to the updated rate of \$0.49 for Centrex lines.²⁹ According to Verizon, the current Non-Centrex rate is based on Verizon's May 12, 2014, Amended Surcharge Update for 2013, which will be effective

²² TT00-5, Order No. 17476, rel. April 30, 2014.

²³ TT00-5, Order No. 17476, at ¶ 5, rel. April 30, 2014.

²⁴ TT00-5, Order No. 17476, at ¶ 6, rel. April 30, 2014.

²⁵ TT00-5, ROW Compliance Filing.

²⁶ See D.C. Code, § 10-1141.06 (2001).

²⁷ TT00-5, ROW Compliance Filing at 2.

²⁸ TT00-5, ROW Compliance Filing at 2.

²⁹ TT00-5, ROW Compliance Filing at 2.

June 1, 2014.³⁰ The Centrex Line rate of \$0.53 is based on Verizon's July 31, 2013, Surcharge Compliance Filing, which was effective August 1, 2013.³¹

11. Verizon states that the decrease in the 2014 true-up rates is a result of the forecasted decrease in this year's payments by Verizon to the Department of Public Works, as a result of a change in methodology discussed in its March 27, 2014 letter to the District Department of Transportation (DDOT), which was attached to Verizon DC's April 1, 2014 Supplemental Response to Commission Order No. 17315.³² The Company adds that the 2014 true-up also reflects a 10% forecasted loss in assessed lines during the coming year, based on the loss experienced in past years.³³ Verizon declares that in the event that its payments to DDOT during this coming year (July 2014 - June 2015) vary enough from its forecast to result in a material difference to the surcharge amounts requested in this 2014 Surcharge Update, Verizon will file an update prior to the 2015 annual true-up.³⁴

12. According to the ROW Compliance Filing, Verizon seeks to implement the updated surcharge rates on August 1, 2014, in order to maintain the timing of past annual true-up filings for the ROW Surcharge Rider.³⁵ To that end, Verizon is submitting the ROW Compliance Filing more than two months in advance of the requested effective date and requests that the Commission implement an expedited review of the filing.³⁶ Verizon asserts that expedited review of the ROW Compliance Filing would allow the Commission to issue an order approving this filing prior to August 1, 2014, and allow the Company to maintain its annual true-up in accordance with its tariff.³⁷ Verizon DC notes that it has a statutory right to implement its filed surcharges; however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge, Verizon DC acknowledges that it would be subject to reconciliation of the surcharges.

³⁰ *TT00-5*, ROW Compliance Filing at 2, footnote 5.

³¹ *TT00-5*, ROW Compliance Filing at 2, footnote 5.

³² *TT00-5*, ROW Compliance Filing at 3 citing Verizon's Supplemental Response, DDOT Letter, filed April 1, 2014.

³³ *TT00-5*, ROW Compliance Filing at 3.

³⁴ *TT00-5*, ROW Compliance Filing at 3.

³⁵ *TT00-5*, ROW Compliance Filing at 2.

³⁶ *TT00-5*, ROW Compliance Filing at 2.

³⁷ *TT00-5*, ROW Compliance Filing at 2 citing General Regulations Tariff P.S.C. – D.C. No. 201, Section 1A, Page 2, which notes that the true up of the ROW Surcharge will be adjusted each July.

13. The General Regulations Tariff and the proposed revisions are on file with the Commission and may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday or on the Commission's website at www.dcpsc.org. Copies of the tariff are also available upon request, at a per-page reproduction cost.

14. Verizon has requested expedited review of the ROW Compliance Filing. Thus, in accordance Chapter 35 of Title 15 of the District of Columbia Municipal Regulations (DCMR),³⁸ all persons interested in commenting on the proposed tariff may submit written comments and reply comments not later than thirty (30) and forty (40) days, respectively, after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. After the comment period has expired, the Commission will take final action on the ROW Compliance Filing.

³⁸

15 D.C.M.R. § 3501 (2000).

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 July 1, 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 June 5, 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.

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

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Adeeso	Starlette	STV INC 1400 I Street, NW, Suite 1100	20005
Aitken	Miles	The UPS Store 5614 Connecticut Avenue, NW	20015
Albuquerque	Carmen Sotero	Ameritravel LLC 3607 14th Street, NW	20010
Allard	Julie L.	Zuckerman Spaeder, LLP 1800 M Street, NW, Suite 1000	20036
Alston	Sherry Y.	Children's National Health System 111 Michigan Avenue, NW	20010
Ambrose	William Todd	Pepper Hamilton LLP 600 14th Street, NW	20005
Asanchev	Nadia	Georgetown University Law Center 600 New Jersey Avenue, NW	20001
Azucena	Lia	Law Office of Bou and Bou 1629 K Street, NW	20006
Baker	David	Treasury Department Federal Credit Union 1300 Pennsylvania Avenue, NW	20004
Becerra	George	WRC-TV 4001 Nebraska Avenue, NW	20016
Bertola	Marta	The Phoenix Real Estate 2, LLC 6328 Eastern Avenue, NE	20011
Biggins	Kelly	Klein Horning LLP 1275 K Street, NW, Suite 1200	20005
Bradley	Mackenzie	Family Research Council 801 G Street, NW	20001
Brown	Barbara A.	Department of Public Works 2000 14th Street, NW, 6th Floor	20009
Bryan	Paul B.	PNC Bank 1201 Wisconsin Avenue, NW	20007

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Buie	Ferline M.	Teamsters Union Local 922 2120 Bladensburg Road, Suite 102	20018
Bursten	Lee	Planet Depos LLC 1100 Connecticut Avenue, NW, Suite 900	20036
Burutsa	Takunda R.	United Negro College Fund, Inc. 1805 7th Street, NW	20001
Butler	Karen L.	Kelley Drye & Warren LLP 3050 K Street, NW, Suite 400	20007
Butler	Shelley	Buchanan Ingersoll & Rooney, PC 1700 K Street, NW, Suite 300	20006
Caldwell	Richard Denton	Rosenau, LLP 1304 Rhode Island Avenue, NW	20005
Carlucci	Dawn J.	Cadwalader, Wickersham & Taft, LLP 700 6th Street, NW	20001
Carmichael	Donna C.	Well, Gotshal & Manges LLP 1300 Eye Street, NW, Suite 900	20005
Carver	Annette D.	Self (Dual) 726 Somerset Place, NW	20011
Charles	Deborah	Catholic Charities of the Archdiocese of Washington 1018 Monroe Street, NE	20017
Cheung	Kathy C.	Y & C International LTD 506 I Street, NW, Suite 1	20001
Chichester	Melba	Center for Constitutional Litigation 777 6th Street, NW, Suite 520	20001
Coffer	Robin M.	Self 638 Jefferson Street, NE	20011
Coile	Bonnie B.	Schwartz & Associates PLLC 1010 Wisconsin Avenue, NW, Suite 540	20007

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Coldsnow	Alan E.	Self 1435 Chaplin Street, NW, Apt. 306	20009
Cole	Robin A.	Tiber Island Cooperative Homes, Inc. 429 N Street, SW	20024
Coleman	Aubrey A.	American Hotel & Lodging Association 1201 New York Avenue, NW, Suite 600	20005
Combs	Brian	The UPS Store 5614 Connecticut Avenue, NW	20015
Contee	Beverly Smith	American Federation of State, County & Municipal Employees, AFL-CIO 1101 17th Street, NW	20036
Contreras	Alejandro	BB&T Bank 3101 14th Street, NW	20010
Coughlin	Thomas A.	Laws Offices of Thomas A. Coughlin 1776 K Street, NW, Suite 700	20006
DeCosta	Gloria J.	Medical Faculty Associates 2120 L Street, NW, Suite 610	20037
Dhungana	Sushma	Network for Good 1140 Connecticut Avenue, NW	20036
Dunphy	Natalya	Stewart Title Group 11 Dupont Circle, NW, Suite 750	20036
Elberry	Ashraf A.	Self 4904 Georgia Avenue, NW	20011
Epps	Shirley	Self 1327 Emerson Street, NW, #203	20011
Evans	Arnita Bonner	Office of Unified Communications 2720 Martin Luther King, Jr. Avenue, SE	20032
Fields	Denese Patrick	Pepper Hamilton LLP 600 14th Street, NW	20005

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Fowler-Robinson	Myrie Miller	Mt. Zion Baptist Church 5101-14th Street, NW	20011
Gaskin	Gail A.	Pepper Hamilton LLP 600 14th Street, NW	20005
Gomes	Philomina	EagleBank 1044 Wisconsin Avenue, NW	20007
Green	Allison	Accolade Partners 1850 M Street, NW, Suite 1060	20036
Grimes	Renee M.	Pepper Hamilton, LLP 600 14th Street, NW	20005
Harris	Katherine J.	Beveridge & Diamond, P.C. 1350 I Street, NW, Suite 700	20005
Harrison	Daniel W.	Self 1421- 22nd Street, SE	20020
Hasan	Sara Jaffari	Wells Fargo Bank, N.A. 1700 Pennsylvania Avenue, NW	20006
Heyer	Elizabeth A.	U.S. Small Business Administration 409 Third Street, SW	20416
Hughes	Elizabeth	Hughes & Bentzen, PLLC 1100 Connecticut Avenue, NW	20036
Ingram	Pamela D.	Brickfield, Burchette, Ritts & Stone, P.C. 1025 Thomas Jefferson Street, NW, Suite 800 West	20007
Jenkins	Nichelle	Self 1334 Kennedy Street, NW	20011
Johnson	Catherine M.	Brown Rudnick, LLP 601 13th street, NW, Suite 600	20005
Jura	Desirae S.	Henderson Legal Services 1015 15th Street, NW, Suite 525	20005

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Kave	Mary K.	Blake Real Estate, Inc. 1150 Connecticut Avenue, NW, Suite 801	20036
Klossner	Kendra	Marshfield Associates 21 Dupont Circle, NW, Suite 500	20036
Lavan	Deanne	Robert J. Haggerty, Esq. 5229 Nebraska Avenue, NW	20015
Laws	Shannon R.	Avenue Settlement Corporation 2401 Pennsylvania Avenue, NW, Suite H	20037
Lee	Kia A.	PNC Bank 1201 Wisconsin Avenue, NW	20007
Lee	Yong Joo	Small Family Office 2700 Calvert Street, NW, #114	20008
Lindsey	Vanesha	District of Columbia Housing Authority 1133 North Capitol Street, NE	20002
Linthicum	LaCiane F.	Apple Tree Early Learning PCS 330 21st Street, NE	20002
Linton	Donna L.	Olender Reporting 1100 Connecticut Avenue, NW, Suite 810	20036
Little	Juele	Hughes Hubbard & Reed 1775 I Street, NW	20006
Lopez	Christopher D.	Thurgood Marshall College Fund 901 F Street, NW, Suite 300	20004
Luper	Kaitlyn	WC Smith 1100 New Jersey Avenue, SE, Suite 1000	20003
Martinez	Nellie	Drinker Biddle & Reath, LLP 1500 K Street, NW	20005
Mata	Iris N.	Layc YouthBuild Public Charter School 3014 14th Street, NW	20009

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Matirne	Scott D.	U.S. Navy Memorial Foundation 701 Pennsylvania Avenue, NW, Suite 123	20004
McCoy	Lawanda	District of Columbia Housing Authority 1133 North Capitol Street, NE	20002
McRae	Detra T.	Pepper Hamilton LLP 600 14th Street, NW	20005
Mendoza	Fabiola A.	Elite Document Services LLC 1325 G Street, NW, Suite 500	20005
Miller	Nicole D.	Brinton Woods 2131 O Street, NW	20037
Morris	Marlene F.	Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Muhammad	Jennifer B.	District of Columbia National Guard 2001 East Capitol Street, SE	20003
Nazer	Farah	Bank of America 4301 49th Street, NW	20016
Oomwrow	Ann	American Red Cross 2025 E Street, NW	20006
Perrey	Mark H.	Central Armature Works, Inc 1200 3rd Street, NE	20002
Perry	Dawn Higgins	Economists Incorporated 2121 K Street, NW, Suite 1100	20037
Peters	Paula	Office of the Attorney General, Commercial Division 441 4th Street, NW, Suite 1010South	20001
Pieper	Donna C.	Venable LLP 575 7th Street, NW	20004
Pleze-Hunter	Linda M.	Blackboard Inc. 650 Massachusetts Avenue, NW	20001

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Ramirez	Jennifer Chavez	TD Bank 605 14th Street, NW	20005
Recabo	Grace L.	Goodwin Procter LLP 901 New York Avenue, NW, 9th Floor East	20001
Reyes	Marisol	Wells Fargo Bank, N.A. 3325 14th Street, NW	20010
Reyna	Jane	Waste Management 701 Pennsylvania Avenue, NW, Suite 590	20004
Rodriguez	Rosa D.	Kriegsfield Corporation 415 Butternut Street, NW, Suite #T-1	20012
Scott	Randolph	US Senate Federal Credit Union 118 Hart Senate Office Bldg.	20510
Sherrill	Nancy G.	Delbe Real Estate Company, Inc 5125 MacArthur Boulevard, NW, Suite 430	20016
Shukla	Suresh Kumar	Pentagon Federal Credit Union 1000 Independence Avenue, SW	20585
Simonson	Shatara	Wells Fargo Bank 1901 7th Street, NW	20001
Smith	Petra	Modus Health, LLC 1101 30th Street, NW	20007
Spears	Andrew Cullen	Starwood Capital Group 1255 23rd Street, NW, Suite 675	20037
Springs	Patricia Jenkins	CHV Tenants Associations, Inc 2900 14th Street, NW, Suite A	20009
Stanback	Berlinda D.	District of Columbia Government Board of Elections 441 4th Street, NW, Suite 250	20001
Strong	Joi Monique	SunTrust Bank 624 H Street, NW	20001

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Summers	Mark Joseph	Self 2516 Burns Street, SE, Suite 205	20020
Swadek	Sami A.	Urgent Passport and Visa Services 1050 17th Street, NW	20036
Thoman	Theresa D.	American Gas Association 400 North Capitol Street, NW	20001
Thomas	Dorothy M.	Self 2827 Newton Street, NE	20018
Trapp	Arielle	Price Benowitz, LLP 409 7th Street, NW, Suite 200	20004
Viana	Susan S.	Cancer Support Community 1050 17th Street, NW, Suite 500	20036
Villamizar	Natalia	My Visa DC 1701 Pennsylvania Avenue, NW, Suite 300	20001
Vivas	Melissa Y.	Self 1933 Capitol Avenue, NE	20002
Warner	Jennifer L.	Edmund J. Flynn Company 5100 Wisconsin Avenue, NW, Suite 514	20016
Watson	Matthew S.	Self (Dual) 2301 N Street, NW, Suite 603	20037
Wheatley	Gabrielle	Tahzoo LLC 3128 M Street, NW	20007
Whiteside	Michael	Metropolitan Police Department 6001 Georgia Avenue, NW	20011
Wilkerson	Stephanie J.	Brown, Williams, Moorhead & Quinn, Inc. 1155 15th Street, NW, Suite 400	20005
Wolff	Meaghan	International Brotherhood of Teamsters 25 Louisiana Avenue, NW	20001

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Zakir	Homa	Pentagon Federal Credit Union 1000 Independence Avenue, SW	20585
Zelenty	Maureen	Pillsbury Winthrop Shaw Pittman LLP 2300 N Street, NW	20037

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**NOTICE OF PUBLIC MEETING**

The D.C. Sentencing and Criminal Code Revision Commission meeting scheduled for June 17, 2014, has been rescheduled to Tuesday, June 10, 2014. The meeting will be held at One Judiciary Square, 441 Fourth St., N.W. Suite 430S, Washington, D.C. at 5:00pm.

Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or Mia.Hebb@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, June 11, 2014 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6018 (ext. 4) no later than 3:30 pm on June 10, 2014. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for **all** non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

DEPARTMENT OF TRANSPORTATION

POLICY, PLANNING AND SUSTAINABILITY ADMINISTRATION
TRANSPORTATION ALTERNATIVES PROGRAM (TAP)

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2015 Grant to Eligible Project Sponsors

The Policy, Planning and Sustainability Administration (PPSA) within the District of Columbia (District) Department of Transportation (DDOT) is soliciting applications from eligible entities to fund non-traditional transportation projects that serve to expand travel choice, strengthen the local economy, improve quality of life, and protect the environment. Under federal guidance issued by the Federal Highway Administration, the following entities are eligible to apply: local government agencies, regional transportation authorities, transit agencies, natural resource or public land agencies, school districts and local education agencies, tribal governments, and any other local governmental entity with oversight of transportation or recreational trails.

The program provides funding for projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, environmental mitigation, recreational trail program projects, and safe routes to school projects.

DDOT and the Metropolitan Washington Council of Governments (MWCOG) are conducting a joint call for FY 2015 Transportation Alternatives applications. Information about evaluation criteria, selection process, and funding availability is included in the Request for Application (RFA), which will be released on Monday, June 2, 2014.

An electronic version of the RFA will be published on DDOT's website, and additional information may be obtained by contacting Stephen Hurst at (202) 671-4580, or by email at stephen.hurst@dc.gov.

The deadline for submission is Friday, August 1, 2014 at 5:00 p.m.

UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, June 10, 2014 at 6:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call
- II. Approval of Minutes – April 29, 2014
- III. Report of the Chairperson
- IV. Report of the President
- V. Committee Reports
 - a. Executive – Dr. Crider
 - b. Committee of the Whole – Dr. Crider
 - c. Academic Affairs – Dr. Curry
 - i. Resolution : 2014 Faculty Reduction in Force
 - ii. Resolution: Intellectual Property Policy
 - d. Budget and Finance – Mr. Felton
 - i. Resolution: Notice of Proposed Rulemaking to Chapter 7, Updating Tuition Structure for Community College, Flagship and Graduate Students
 - ii. Resolution: Reprogramming of Funds (Funding Swap)
 - e. Audit, Administration and Governance – Mr. Shelton
 - f. Student Affairs – General Schwartz
 - i. Resolution: Election Procedures - Student Member of the Board of Trustees
 - g. Community College – Mr. Dyke
 - h. Facilities – Mr. Bell
- VI. Unfinished Business
- VII. New Business
- VIII. Closing Remarks

Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Friday, June 13, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dewater.com.

DRAFT AGENDA

- | | | |
|----|------------------------------------------------------------------------------------------------|-----------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | Union Presidents | |
| 3. | Other Business | |
| 4. | Executive Session – To discuss personnel matters pursuant to D.C. Official Code § 2-575(b)(10) | Committee Chairperson |
| 5. | Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18640 of Barry S. Jackson pursuant to 11 DCMR § 3104.1 for a special exception under § 223 of the Zoning Regulations to allow a two-story rear addition and a two-story garage addition to a row dwelling not meeting the zoning requirements for lot occupancy under § 403.2 or rear yard requirements under § 404.1 in the R-4 District at 761 10th Street, S.E. (Square 950, Lot 94).

HEARING DATE: October 29, 2013
DECISION DATE: December 17, 2013

DECISION AND ORDER

This self-certified application was submitted on July 29, 2013 by Barry S. Jackson (the “Applicant”), the owner of the property that is the subject of the application. The application requests a special exception under § 223 of the Zoning Regulations to allow construction of a two-story rear addition and a two-story garage addition to a row dwelling not meeting the zoning requirements for lot occupancy under § 403.2 or rear yard requirements under § 404.1 in the R-4 District at 761 10th Street, S.E. (Square 950, Lot 94) (the “Subject Property”). Following a public hearing, the Board voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated July 30, 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 6; Advisory Neighborhood Commission (“ANC”) 6B, the ANC in which the subject property is located; and Single Member District/ANC 6B04. Pursuant to § 3113.13, the Office of Zoning mailed letters on August 22, 2013 providing notice of the hearing to the Applicant, ANC 6B, and the owners of all property within 200 feet of the subject property. Notice of hearing was published in the *D.C. Register* on August 23, 2013 (60 DCR 12214).

Party Status. The Applicant and ANC 6B were automatically parties to this proceeding.

Applicant’s Case. The Applicant provided evidence and testimony describing the proposed addition and asserted that the application satisfied the requirements for special exception relief. The Applicant also presented a sun study to display the potential impact of the additions on neighboring properties. (Exhibit 29.) After considering the concerns of adjacent property owners and ANC 6B, the Applicant made revisions to the proposed addition as shown in plans dated October 14, 2013 (Exhibit 27) and as further amended in the Applicant’s submission dated December 10, 2013, which included an updated sun study. (Exhibit 35.)

BZA APPLICATION NO. 18640**PAGE NO. 2**

OP Report. By memorandum dated October 22, 2013, the Office of Planning recommended approval of the application. OP concluded that the proposed additions would not have undue impacts on neighboring properties and that the Applicant met all the requirements for special exception relief. (Exhibit 31.)

DDOT Report. By memorandum dated September 19, 2013, the District Department of Transportation indicated no objection to granting the relief requested. (Exhibit 22.)

ANC Report. By letter dated October 17, 2013, ANC 6B indicated that it discussed the application at its properly noticed meeting on October 8, 2013. With a quorum present, the ANC voted 9-0-1 in support of the requested relief, provided that the Applicant set back the rear addition by 30 inches, raise the east facing windows of the garage addition, and reposition the garage addition's staircase away from northern the property line. The ANC explained that the requested revisions would address the privacy concerns of neighboring property owners. (Exhibit 30.)

Persons in opposition. Adjacent property owners, Yuan Liu of 757 10th Street, S.E. and Nancy Kronstat of 755 10th Street, S.E., filed a letter in opposition expressing their concerns about a loss of light, air and privacy resulting from the proposed additions. (Exhibit 23.) Both persons in opposition also gave testimony during the hearing, focusing on their concerns about the proposed addition blocking air and light at the rear of their properties.

Persons in support. The owners of 753 10th Street, S.E. filed a letter in support of the application. (Exhibit 25.) A property owner in the Capitol Hill neighborhood also filed a letter in support. (Exhibit 24.)

FINDINGS OF FACT

1. The property is located at the west side of the street at 761 10th Street, S.E. between G Street and I Street (Square 950, Lot 94). The Subject Property is an irregularly shaped lot, with the northern portion of the rear yard extending approximately 20 feet further west than the southern portion.
2. The Subject Property is improved with a one-family, two-story row dwelling and a rear detached one-story garage. The dwelling consists of two row dwellings that have been consolidated into one structure.
3. The Subject Property is zoned R-4 and located within the Capitol Hill Historic District.
4. The existing lot coverage is 1967.9 square feet, which is 53.1% of the total lot occupancy. The maximum lot occupancy allowed in the R-4 District is 60% by matter of right (11 DCMR § 403.2) and 70% by special exception. (11 DCMR § 223.3.)

BZA APPLICATION NO. 18640**PAGE NO. 3**

5. The Subject Property has a rear yard measuring 31.1 feet at its narrowest and 51.1 feet at its widest.
6. The adjacent properties include a two-story flat to the north and a two-story semi-detached dwelling to the south. The Subject Property abuts a public alley to the west. The rear yard of a garden apartment building is located across the public alley to the west.
7. The Applicant proposed to construct a two-story addition to the rear of the dwelling (the rear addition) with a cellar and a roof deck. The Applicant also proposed to replace the existing one-story detached garage with a two story addition (the garage addition).
8. The rear addition would be 23 feet tall, generally aligning with the height of the existing structure. The addition would expand about 20 feet into the rear yard and would span the width of the lot. The addition would abut the dwelling at 755-757 10th Street on the second floor, but would extend no further west than that structure. The south side of the second floor addition would have a roof deck, accessible by roof hatch.
9. The garage addition would measure 20 feet in height and accommodate two cars on the ground level with a fully conditioned second floor, including a bathroom and kitchenette. The garage addition would be connected to the existing dwelling with a covered walkway, measuring 30 feet wide and eight feet tall. The walkway would span the southern edge of the property.
10. The second story of the garage addition would be accessible by a staircase leading to French doors, facing east. Additionally, there would be two windows on the east side of the garage with sill heights over five feet.
11. The proposed additions would be visible from the public alley to the west and slightly visible through the open court to the south.
12. The proposed additions would be constructed of high quality, historically appropriate materials. The materials and massing of the additions would be in keeping with the general scale and aesthetic of the block.
13. The dwelling would remain a one-family dwelling. Both one-family dwellings and flats are permitted in the R-4 District. (11 DCMR § 330.1.)
14. After hearing the concerns of the residents to the north and ANC 6B, the Applicant created revised plans dated October 14, 2013. The revised design raised the east-facing windows of the garage addition and repositioned the garage addition's staircase away from northern the property line, as requested in ANC 6B's written report.

BZA APPLICATION NO. 18640**PAGE NO. 4**

15. In light of continued concerns from adjacent property owners, the Applicant revised the design a second time and detailed the changes in a submission dated December 10, 2013. The revisions included setting back the rear addition so that the wall would be flush with the adjacent structure to the north. The Applicant also removed several features from the original plan, including a balcony on the second story of the rear addition and a spiral staircase with access to the rear addition's roof deck. Finally, the Applicant also lowered the proposed height of the garage addition from 26 feet to 20 feet.
16. The Applicant's submission dated December 10, 2013 included a sun study, analyzing the impact of the proposed revisions on the property to the north. The study showed that the proposed additions, when compared to the existing structures, will have minimal impact on the availability of sunlight to neighboring properties.
17. The proposed additions would increase the lot occupancy to 70%, the maximum allowable by special exception in the R-4 District. (11 DCMR § 223.3.)
18. The proposed additions would decrease the depth of the rear yard by 20 feet. The resulting rear yard would measure 30.6 feet at its widest point and, for the northern portion of the Subject Property, no rear yard would be provided. Structures in the R-4 District are required to have a rear yard with a minimum depth of 20 feet. (11 DCMR § 404.1.)
19. 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 R-4 District is the stabilization of remaining one-family dwellings. (11 DCMR § 330.2.) The R-4 District is not an apartment house district as contemplated under the General Residence (R-5) District, since the conversion of existing structures is controlled by a minimum lot area per family requirement. (11 DCMR § 330.3.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief under § 223 of the Zoning Regulations to allow construction of a two-story rear addition and a two-story garage addition to a row dwelling not meeting the zoning requirements for lot occupancy under § 403.2 or rear yard requirements under § 404.1 in the R-4 District at 761 10th Street, S.E. (Square 950, Lot 94). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR § 3104.1.)

BZA APPLICATION NO. 18640**PAGE NO. 5**

Because the proposed additions does not meet the zoning requirements for lot occupancy under § 403.2 or rear yard requirements under § 404.1, the Applicant must satisfy the requirements of § 223 to be granted special exception relief.

Pursuant to § 223, an addition to a one-family dwelling may be permitted as a special exception, despite not meeting certain zoning requirements, subject to the enumerated conditions. These conditions include that the addition must not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. Specifically, the light and air available to neighboring properties must not be unduly affected (§ 223.2(a)), the privacy of use and enjoyment of neighboring properties must not be unduly compromised (§ 223.2(b)), and the addition, together with the original building, as viewed from the street, alley, or other public way, must not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage (§ 223.2(c)). Additionally, the lot occupancy of all new and existing structures on the lot must not exceed 70% in the R-4 District. (§ 223.3).

Based on the findings of fact, the Board concludes that the request for special exception relief satisfies the requirements of § 223. The Board credits the testimony of the Applicant and OP in finding that the proposed additions will not unduly affect the light or air available to neighboring properties. Though some shadows will be cast onto the neighboring patio and balcony areas to the north, the Board finds that these affects do not amount to an undue impact. The effects of the additions on access to light will be relatively minor when compared to existing conditions, as demonstrated by the sun studies submitted by the Applicant.

Based on the findings of fact, the Board also finds that the proposed additions will not compromise the privacy or the enjoyment of use of neighboring properties. The Applicant has addressed concerns about privacy by making certain revisions to the plans as requested by ANC 6B, such as raising the windows on the second story of the garage addition and repositioning the garage addition's staircase farther away from the property line. The revisions adequately ensure that the additions will not detract from the privacy or enjoyment of use experienced by neighboring property owners.

The Board finds that the proposed additions will not visually intrude on the character, scale, or pattern of the neighboring houses. The additions will be visible from the public alley to the west and may be slightly visible through the side yard to the south and will be constructed of high quality materials that are appropriate to maintain the character of the neighborhood. Finally, the proposed lot occupancy for the project will be 70%, which is the maximum permitted in the R-4 District by § 223.3. Accordingly, the Board finds that the Applicant has met the burden of proof for the requirements in § 223.

Further, the Board concludes that the proposed additions will be in harmony with the general intent and purpose of the Zoning Regulations and will not adversely affect the use of neighboring properties, as required by § 3104.1. The Board finds that the proposed additions will be in harmony with the zoning plan. The row dwelling will continue to be used as a one-family

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dwelling and, as the Zoning Regulations indicate, the “primary purpose of the R-4 District is the stabilization of remaining one-family dwellings.” (11 DCMR § 330.2.) The Board also finds that the additions will not adversely affect the use of neighboring properties, for the reasons discussed in the context of the § 223 requirements. Therefore, the Board concludes that the proposed additions meet the requirements for special exception relief under § 3104.1.

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.)) In this case, as discussed above, the Board concurs with OP’s recommendation to approve the application.

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) (2012 Repl.)).) In this case, ANC 6B voted in support of the requested relief, provided that the Applicant make several revisions to the plans to address concerns about air, light and privacy raised by neighbors. The Applicant subsequently incorporated all of the changes requested by the ANC, as shown in revised plans dated October 14, 2013 and in the Applicant’s submission dated December 10, 2013. Therefore, the Board’s decision to approve the application, as revised, is consistent with ANC 6B’s recommendation to the support special exception relief.

Based on these findings of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with regard to the request for special exception relief under § 223 to allow construction of a two-story rear addition and a two-story garage addition to a row dwelling not meeting the zoning requirements for lot occupancy under § 403.2 or rear yard requirements under § 404.1 in the R-4 District at 761 10th Street, S.E. (Square 950, Lot 94). Accordingly, it is **ORDERED** that the application is **GRANTED, SUBJECT to** Exhibit 9 (Plans) as revised by Exhibit 27 (Revised Plans).

VOTE: 3-0-2 (Lloyd J. Jordan and S. Kathryn Allen to Approve; Marcie I. Cohen to Approve (by absentee ballot); Jeffrey L. Hinkle not participating, not voting; 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 27, 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.

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR 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. 18760 of Channel Square Housing LLC, pursuant to 11 DCMR § 3103.2, for a variance from use provisions to allow an office use under § 320.3 in the R-3 District at premises (portion of the first floor) 1412 4th Street, S.W. (Square 547, Lot 24).¹

HEARING DATE: May 20, 2014

DECISION DATE: May 20, 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 (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6D, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 6D, which is automatically a party to this application. ANC 6D submitted a report dated May 17, 2014, indicating that at a regularly scheduled, properly noticed meeting on May 12, 2014, with a quorum present, the ANC voted 6-0-1 in support of the application. (Exhibit 31.) The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 29.) The District Department of Transportation ("DDOT") submitted a report raising no objection to the approval of the application. (Exhibit 28.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the use provisions in § 320.3. 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 in seeking the variance relief 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 an undue 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.

¹ The Applicant amended the application to "office use" instead of the originally advertised "nonprofit office" and the caption has been revised accordingly. (Exhibit 27.)

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Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, Peter G. May, Marnique Y. Heath, and Jeffrey L. Hinkle, to APPROVE; S. Kathryn Allen, not present or voting.)

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 21, 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.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-42A**

**Z.C. Case No. 06-42A
Trinity Washington University
(Further Processing Application and Modification to an Approved Campus Plan)
March 24, 2014**

This case is an application by Trinity Washington University (the “University” or “Trinity” or “Applicant”) requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210 for the further processing of its Trinity Academic Center and Modification of the approved 2006 Campus Plan and special exception relief from the requirements of § 2116.4. In accordance with § 3035.4 of the Zoning Regulations, this case was heard and decided by the Zoning Commission for the District of Columbia (the “Commission”) using the rules of the D.C. Board of Zoning Adjustment at 11 DCMR §§ 3100 *et seq.* For the reasons stated below, the Commission hereby approves the application, subject to conditions.

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

FINDINGS OF FACT

Applications, Parties, and Hearing

1. Trinity is located in Northeast Washington, D.C. in Square 3548, Lot 2 and Parcels 120/33 and 120/34. It is approximately 1,171,600 square feet in size (“Property”) and is located in the R-5-A Zone District as well as the Diplomatic Overlay. (Exhibit [“Ex.”] 3.)
2. Trinity previously had a Campus Plan approved in 2006 in Z.C. Order No. 06-42. It was approved for a period of 10 years and is modified pursuant to this Order. (Ex. 3.)
3. The University submitted an application on January 22, 2014, requesting special exception (further processing) approval of its proposed Academic Center and for modifications of the approved campus plan to account for the difference in the density of the Academic Center, to demolish the Science Building, and to incorporate a new circulation pattern on campus. (Ex. 3)
4. Notice of the public hearing was published in the *D.C. Register* on February 7, 2014 and was mailed to Advisory Neighborhood Commission (“ANC”) 5E and to owners of all property within 200 feet of the Property.
5. The public hearing on the application was conducted on March 24, 2014. The hearing was conducted in accordance with the provisions of 11 DCMR §§ 3022 and 3117.
6. In addition to the Applicant, ANC 5E was automatically a party in this proceeding. The ANC submitted a resolution in support of the application. (Ex. 8.)

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7. The University was granted 35 minutes to present its application. The University presented evidence and testimony from Patricia McGuire, President of the University, Eric Kern with EYP Architecture & Engineering, and Jami Milanovich with Wells & Associates.
8. The District Department of Transportation (“DDOT”) submitted a report dated March 11, 2014, in support of the application with conditions. (Ex. 9.)
9. The Office of Planning (“OP”) submitted a report dated March 17, 2014, in support of the application with conditions. (Ex. 10.)
10. Both OP and DDOT offered testimony in support of the application at the public hearing.
11. The Commission heard testimony and received evidence in support of the application from Debbie Smith-Steiner, Single Member District Representative for 5E01.
12. The Commission closed the record at the end of the public hearing and took final action to approve the further processing application and Campus Plan modification in Z.C. Case No. 06-42A, subject to conditions.

Trinity Washington University

13. Trinity College was founded in 1897 by the Sisters of Notre Dame de Namur as a liberal arts college for women. In 2004, the school became known as Trinity Washington University. Today, Trinity educates more District residents than any other private university in the world. (Ex. 3.)
14. Trinity is surrounded by residential and institutional uses. To the south of the campus, immediately across Franklin Street from the proposed Academic Center, is Franklin Commons, a residential apartment building. Residential uses are generally located to the west and east of the campus and a religious institutional use is located to the north of the campus. (Ex. 3.)
15. The existing gross floor area of the campus is 574,007 square feet, which equates to a floor area ratio (“FAR”) of 0.49. The Campus Plan approved a maximum FAR of 0.72. The modified Campus Plan will result in a campus gross floor area of 609,232 square feet or 0.52 FAR and the modified maximum FAR will become 0.64. (Ex. 3, 3A, 10.)
16. The new Trinity Academic Center is proposed for the southwest corner of the campus, along Franklin Street and east of Michigan Avenue. (Ex. 3, 3A,)
17. The campus is located in the Institutional land use category on the Future Land Use Map and Generalized Policy Map of the District of Columbia Comprehensive Plan. (Ex. 3.)

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Trinity Academic Center

18. The Trinity Academic Center is proposed for the southwest corner of the campus, along Franklin Street and east of Michigan Avenue. It will be an 80,000 square-foot LEED-certified building housing 21 new academic classrooms, eight science laboratories and four laboratories for Nursing and Health Professions. The total project cost is \$40 million including construction and soft costs. (Ex. 3, 3A).
19. The new Trinity Academic Center is a response to growth, diversification of academic programs, and the need for instructional facility modernization consistent with Trinity's strategic plan as detailed in the 2006 Master Plan submission. The new building replaces a 42,000-square-foot science building that will be demolished as part of the project. (Ex. 3.)
20. The new Trinity Academic Center will ensure Trinity's ability to provide high quality academic programs for generations of students to come throughout the 21st Century. Trinity has chosen to build an integrated academic center, meaning it will include laboratories for the sciences and nursing alongside classrooms for all disciplines.
21. Trinity's primary academic facilities at present are:
 - *Main Hall*: 225,000 square feet, constructed from 1898 to 1910, with little modernization since that time save for occasional upgrades in some plumbing and electrical capacity. The building houses 19 classrooms, all faculty and administrative offices, a convent, and some student residential rooms.
 - *Science Building*: 42,000 square feet, constructed from 1939 to 1941, never renovated and now slated for demolition.
 - *Library*: 39,000 square feet, constructed 1961-1963, never renovated. While the Master Plan targets the library for replacement, that will occur in a future building project, not in the present project. (Ex. 3.)
22. Among other things, development of the Trinity Academic Center will provide greater flexibility to address the need for renovations in Main Hall. While Trinity anticipates continuing to use most of the classroom stock in Main Hall, with some modest refurbishment, over time some of the classrooms can be taken out of service for more serious renovation and repurposing as part of a future building master plan. (Ex. 3.)
23. Facing Main Hall on the south side, the new Trinity Academic Center will echo the grand facade of that important building while incorporating entirely new ideas about teaching and learning in its interior instructional spaces, including:

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- *20 Classrooms:* Size, technological capacity, and layout flexibility are the immediately obvious changes in the classrooms in the new academic center. At present, most of Trinity's classrooms can hold only 20-25 students in somewhat rigid arrangements, and the use of technology is often difficult. All of the classroom furniture in the new building will be flexible, and the rooms will have capacities of 24-36-48 depending on the furniture arrangement. Additionally, for the first time Trinity will have two lecture halls with seating for 72 students each, not large by major university standards but appropriately sized for the kinds of presentations and larger collaborative spaces the faculty desire.
 - *Eight Science Laboratories:* Two Anatomy and Physiology laboratories to support Trinity's burgeoning health professions enrollments, one general Biology and one general science laboratory, two Chemistry and two Advanced Science laboratories, with enough prep space to support the needs of the faculty and students.
 - *Four Nursing and Health Professions Labs:* Two Nursing Skills labs, one Health Assessment Lab and one General Health classroom that can be converted to a lab, with space also designated for a Simulation Lab between the two Nursing Skills labs, and space for clinical simulation for health professions and clinical mental health counseling as well.
 - *18 Faculty Offices* to accommodate faculty in the sciences and some of the health professions, and some meeting spaces as well.
 - *Student lounge and study spaces* located throughout the building will make the space welcoming and comfortable for students between classes and for informal interaction with faculty and peers. (Ex. 3.)
24. In order to effectuate the new program, the project requires further processing approval for the construction of the Trinity Academic Center, which was approved in concept as a part of the 2006 Campus Plan. The Academic Center will be located to the east of the library along the primary drive on the campus and in the general vicinity of the footprint approved in the 2006 Campus Plan. While the 2006 Campus Plan anticipated a building approximately 180,000 square feet in size, the proposed Center will be approximately 80,000 square feet. (Ex. 3.)
25. The program also requires a modification of the 2006 Campus Plan to account for the difference in the density of the Academic Center, to demolish the Science Building and to incorporate a new circulation pattern on campus. (Ex. 3.)
26. The new Trinity Academic Center will replace the existing science building. In the inventory Trinity submitted to the Historic Preservation Office in 2008, as required by

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Condition No. 10 of Z.C. Order No. 06-42, it stated that demolition was a distinct possibility for the science building. A 2010 evaluation of the possibility of renovating the existing science building revealed such substantial deficiencies that the structure could not be practically renovated for academic or other institutional purposes.

27. Trinity concluded it was more feasible to simply construct a new building rather than outfit an older building to serve the modern educational needs of the University. Razing the Science building also provides Trinity with the flexibility to reorganize its campus circulation and create a more efficient and effective method of navigating the campus. (Ex. 3).
28. The demolition of the Science building will allow a more direct route to the point of egress on Franklin Street. There is currently no direct link to the eastern gate on Franklin Street; however, the proposed modifications will provide that link. (Ex. 3.)
29. Trinity is proposing a new circulation pattern for the campus in connection with the Academic Center. The loop in front of Main Hall is proposed to be changed from clockwise flow to counterclockwise flow. This will enable direct access to the proposed Academic Center and offer a direct route through campus. This loop will connect with the Franklin Street loop just to the east of the Academic Center. The one-way operation of the roadway will prevent excess cut-through traffic, fostering a safer and more pedestrian-friendly atmosphere. (Ex. 3.)

Special Exception Requirements

30. As required by 11 DCMR § 210.2, the University demonstrated that the proposed uses and developments will be located so as not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts. Specifically, the Academic Center has been designed and located so as to minimize noise and visual impacts on neighboring properties. The building is located along the southern edge of the campus and is set back over 22 feet from Franklin Street. Its entrance is interior to the campus buffering most of the activity associated with the Center from neighboring properties.
31. The building will utilize metal halide pole mounted site lights throughout the landscaping associated with the Academic Center. The lights will be placed so as not to disturb surrounding properties and will be thoughtfully and strategically located around the Academic Center to illuminate walkways, parking, and plantings and to provide security. (Ex. 3, 3A.)
32. The proposed Academic Center will not have any adverse impacts on traffic circulation or parking on campus or the adjacent community. The Academic Center will relocate the Nursing and Science programs from the Main Hall and Science Building, respectively.

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- Because the Center will house existing programs, there will be little, if any, additional traffic generated by the new building. (Ex. 3, 3G.)
33. Trinity is proposing a new circulation pattern for the campus in connection with the new construction, as noted above. (Ex. 3, 3G).
 34. The University's transportation study included with its application and prepared by the University's traffic expert concluded that the Academic Center and related Campus Plan modifications will have negligible adverse impacts on traffic and parking in the area surrounding the University, if any.
 35. The University will continue to encourage the use of public transportation through the use of a pre-tax payroll deduction for public transportation costs and it will continue the operation of its shuttle between the Metrorail station and Campus.
 36. The University's traffic engineering expert testified that the Academic Center will not generate significant changes to nearby roadway volumes, operations, or geometries, so its impact on traffic will be minimal.
 37. The Academic Center will displace 40 parking spaces; however, approximately 31 additional spaces will be dispersed throughout the campus, resulting in a net loss of approximately nine spaces on campus. The Campus Plan requires that a minimum of 376 spaces be located on campus; the University will maintain that minimum on campus by providing approximately 421 spaces. Given that there will be only a modest reduction in on-site parking, the University does not anticipate any adverse parking conditions arising from the new building. (Ex. 3, 3G.)
 38. The Academic Center will not create any adverse impacts related to the number of students and staff coming to the site. The project is relocating existing programs and does not create new programs nor enlarge either the student or faculty and staff populations beyond what was anticipated in the 2006 Campus Plan. (*Id.*)
 39. The 2006 Campus Plan anticipated a student enrollment of 3,000 students; Trinity currently has an enrollment of approximately 2,500 students. The University is not proposing to increase the anticipated enrollment levels. Similarly, Trinity is not proposing to increase its faculty and staff beyond the levels anticipated in the 2006 Campus Plan. The Campus Plan anticipated 220 full-time faculty and staff members and approximately 250 part-time faculty members. Despite the new facility space, Trinity does not anticipate a need for additional faculty or staff at this time. (Ex. 3.)
 40. The proposed development of the Academic Center will not create any other adverse impacts or other objectionable conditions on nearby properties. The entrance of the building will be located on the interior of the campus, buffering the bulk of building activity (ingress and egress) from neighboring properties. The vehicular traffic accessing

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the rear of the building is consistent with the existing use of the property, which is a surface parking lot. Finally, Trinity is not proposing to increase its student or employee populations beyond what it anticipated in the 2006 Campus Plan, thus there will be no additional traffic or parking demand generated by this project. (Ex. 3.)

41. Subsection 210.3 requires that the development proposed under a Campus Plan not exceed the gross floor area prescribed for the R-5-B Zone District (1.8 FAR). Z.C. Order No. 06-42 imposes a maximum cap on FAR at 0.72. The proposed modifications to the Campus Plan reduce the maximum FAR from 0.72 to 0.64. Upon completion of the Academic Center, the FAR of the campus will be 0.52, which is well within the permitted FAR. (Ex. 3.)
42. The Commission approved a Campus Plan for Trinity for 2006-2016, which included a site plan for the entire campus, as required by 11 DCMR § 210.4. The University is modifying the approved campus plan to account for the smaller density of the Academic Center, the newly proposed circulation, and the demolition of the Science building. (Ex. 3.)
43. The University is not proposing an interim use of the land (see § 210.5). (Ex. 3.)
44. The University is not proposing to move a major new building off-campus. (See § 210.6.) (Ex. 3.)
45. Pursuant to § 210.7, the proposed development must be in compliance with the policies of the District elements of the Comprehensive Plan. The campus is designated for institutional use on the District of Columbia's Land Use Map. College and University uses are consistent with this designation. Further, further processing application and modifications to the Campus Plan carry out many important policies of the Comprehensive Plan pertaining to institutional growth, use of open space, coordination with the community, and corporate citizenship. (Ex. 3.)
46. The Applicant is also seeking a special exception pursuant to § 2116.5 to permit some of the parking spaces in the parking lot in the area between a building line and a lot line abutting the street, which would otherwise be disallowed by § 2116.4.
47. Pursuant to § 2116.5, the Commission must find that it is not practical to locate the spaces as allowed because of:
 - (a) Unusual topography, grades, shape, size, or dimensions of the lot;
 - (b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
 - (c) Traffic hazards caused by unusual street grades; or

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- (d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

The Commission finds that the location of parking spaces off of the circular drive results in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

48. The 13-space parking lot is located in the front of the library building and is accessed from the south side of the circular drive, which is the point of ingress and egress from Michigan Avenue, N.E. The parking lot is landscaped so that trees line the edge of the lot that is closest to Michigan Avenue.
49. The parking lot in this location was proposed in response to the University's need to close nearby Lot 9 in order to construct the new Academic Center. Placing the new lot in this location will allow for the spaces to serve the Library, Main Hall, and Academic Center.
50. The proposed circulation plan changes the flow of traffic on the circular drive to a counter-clockwise pattern. Vehicles would access the new parking lot by making a right turn off of the circular drive and would exit the parking lot by making a right on to the circular drive, as well.

District Department of Transportation

51. DDOT submitted a report dated March 11, 2014, in support of the application, with conditions. DDOT noted that while it did not oppose the project, it did have concerns with providing two full-access points along Franklin Street as well as with the University's use of public space. (Ex. 9.)
52. The University testified at the hearing that it was not proposing two full-access points along Franklin. Rather, while there are two curbcuts on Franklin Street, both of which will remain, the University was proposing to use the westernmost curbcut for egress during special events and the easternmost curbcut for egress only on a daily basis. (*Id.*)
53. DDOT was amenable to the clarification proposed by the University and no longer objected to the points of access along Franklin Street.
54. DDOT also expressed concern that a portion of the proposed drive aisle and several parking spaces were in the public space. DDOT noted that this would be inconsistent with its public space policies and that it expected the Applicant to modify its plans to move these facilities within public space. If the Applicant did not do so, DDOT predicted that a request for a public space permit would be denied.

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55. Trinity revised its site plan to eliminate new parking in public space (existing parking in public space would remain) and to reduce the encroachment of the drive aisle to five feet. (Ex. 12.)

Office of Planning

56. By report dated March 18, 2014, and by testimony at the public hearing, OP recommended, with conditions, approval of the further processing application and modification of the Campus Plan. OP reviewed the application under the standards for special exception approval for a campus plan and a further processing application under § 210 as well as the general standards for special exception approval under § 3104. OP concluded that the University satisfied the burden of proof but conditioned its recommendation for approval on the following conditions:

- Approval is granted by DDOT for the portion of the roadway and parking areas located within public space, as depicted in the site plan. If approval is denied by DDOT then the applicant would require a modification to the submitted site plan.
- Further, any approval granted by the Commission would not imply a determination on the historic attributes of the existing science building, which is proposed for demolition by the applicant. (Ex. 10.)

57. As to the first proposed condition, the Applicant revised its plans to eliminate the proposed new parking spaces in public space and reduce the incursion of the drive aisle. Obviously, if the Public Committee rejects the Applicant's request to allow the drive aisle in public space, no building permit can be issued until the Commission approves a modification to the plans. *See* 11 DCMR § 3125.8 (“An applicant shall be required to carry out the construction, renovation, or alteration only in accordance with the plans approved by the [Commission], unless the Commission] orders otherwise.”). However, the Commission does grant the Applicant the flexibility to make minor refinements to the plans in response to the recommendation of DDOT.

58. The second condition is an accurate statement, but does not need to be made a condition. The science building is presently not a designated landmark. Should it become so, its demolition would require certain findings be made by the Mayor's Agent for Historic Preservation pursuant to D.C. Official Code § 6-1104. Nothing in this order is intended to influence the Mayor's Agent in making those determinations.

ANC 5E

59. ANC 5E voted at its regularly scheduled, duly publicized meeting on November 19, 2013, and the ANC's report indicated that it unanimously supported the construction of the Academic Center and the modifications to the Campus Plan. (Ex. 8.)

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60. Single Member District Commissioner, Debbie Smith-Steiner, testified at the public hearing in support of the project, specifically noting the extensive community outreach undertaken by the University.
61. Commissioner Smith-Steiner also commended the University on the work it did to promote higher education for lower income students.

CONCLUSIONS OF LAW

The Applicant requested special exception approval, pursuant to 11 DCMR §§ 210, 3035, and 3104, of a further processing application and a modification of the 2006 Campus Plan. The Applicant also seeks special exception relief from the requirements of 11 DCMR § 2116.4 to locate parking spaces in the area between the building line and lot line abutting the street. The Commission is authorized under the aforementioned provisions to grant a special exception when, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. (D.C. Official Code § 6-641.07(g)(2)(2012 Repl.), 11 DCMR § 3104.1. The Commission may make such a determination when it “rationally flows from findings of fact supported by substantial evidence in the record as a whole.” *Georgetown Residents Alliance v. D.C. Bd. of Zoning Adj.*, 802 A.2d 359, 363 (D.C. 2002). A special exception to allow use as a college or university in a residential zone district may be granted subject to the provisions contained in § 210, including that the university use must be “located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions,” and that maximum bulk requirements may be increased for specific buildings, subject to restrictions based on the total bulk of all buildings and structures on the campus. (11 DCMR §§ 210.2 – 210.9.)

Based on the above Findings of Fact, the Commission concludes that the University has satisfied the burden of proof for special exception approval of the Academic Center and related Campus Plan amendments in accordance with § 210. The Academic Center and the new circulation pattern are not likely to become objectionable because of noise, traffic, number of students, or other objectionable impacts. The application is not inconsistent with the Comprehensive Plan and advances many of the policies of the Comprehensive Plan. The University has made reasonable accommodations in its program to address the concerns of the Historic Preservation Office and DDOT. Nevertheless, in response to agency comments, this approval will include flexibility to continue to work with Public Space and the Historic Preservation Office.

Based on the above Findings of Fact, the Commission concludes that the Academic Center is not likely to become objectionable because of noise. The building is sufficiently buffered from neighboring residential uses and the University it is relocating existing programs so the building will not generate any additional noise. The building faces inward on the campus, and away from neighboring uses, further buffering any noise that may result from use of the building.

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Nevertheless, the building will not create a significant level of noise so as to affect negatively neighboring properties. Based on the above Findings of Fact, the Commission concludes that the Academic Center and new circulation are not likely to become objectionable because of traffic and parking. The University's Transportation Report complied with both DDOT and industry standards in concluding that the Academic Center and new circulation will not adversely affect the traffic and parking conditions in the vicinity of the Campus. The Transportation Report presented adequate data, made justifiable assumptions and predictions, and examined a sufficient number of streets and intersections to legitimately conclude that the program will not create objectionable impacts from traffic and parking. DDOT's report and testimony corroborated the Transportation Report's conclusions. The Commission credits the testimony of DDOT at the public hearing that the agency is generally supportive of the Academic Center, provided that it works with Public Space in addressing the use of public space for the access drive aisle. The Commission finds that approval of the application will not create conditions objectionable to neighboring property because of parking. The Commission finds that the 2006 Campus Plan required a minimum of 376 spaces be maintained on campus and that Trinity will comply with that condition.

Based on the above Findings of Fact, the Commission concludes that the Academic Center and new campus circulation is not likely to become objectionable because of the number of students. The Commission notes that the University does not have an enrollment cap and its growth has been as the University anticipated in the 2006 Campus Plan.

Based on the above Findings of Fact, the Commission concludes that the Academic Center and related Campus Plan amendments are not likely to become objectionable because of other objectionable impacts, such as the number of faculty/staff, on-campus housing, or off-campus student behavior. The project incorporates designs, policies, and procedures that will create conditions such that potential other objectionable impacts are not likely to occur.

Based on the above Findings of Fact, the Commission concludes that the University engaged and responded to the neighboring community with respect to the Academic Center such that it is not likely to become objectionable due to noise, traffic, number of students or objectionable impacts. This is reflected in the ANC's unanimous support of the application and the fact that there was no opposition reflected in the record.

The Commission recognizes that its responsibility is to determine whether "a reasonable accommodation has been made between the University and the neighbors which does not interfere with the legitimate interests of the latter" or the legally protected interests of the former. *Glenbrook Rd.*, 605 A.2d at 25. In finding that the Academic Center and related Campus Plan modifications herein are not likely to become objectionable due to noise, traffic, number of students or other objectionable conditions, the Commission followed the standard of review stated above.

For the reasons discussed above, the Commission concludes that that approving the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and

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Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, as required by § 3104.1. Accordingly, the Commission finds that the Applicant has met its burden of proof for a special exception under §§ 210 and 3104.1.

Based on the above Findings of Fact, the Commission concludes that the Applicant has also satisfied the burden of proof for special exception relief from § 2116.4 to locate parking spaces between the building line and the lot line abutting the street. Special exception relief from this requirement is authorized by § 2116.5. In order to grant a special exception pursuant to § 2116.5, the Commission must find that it is not practical to locate the spaces in a non-restricted area of a lot for one the following reasons:

- (a) Unusual topography, grades, shape, size, or dimensions of the lot;
- (b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
- (c) Traffic hazards caused by unusual street grades; or
- (d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

Accordingly, the Commission finds that the location of parking spaces off of the circular drive meets the requirements of paragraph (d), as it results in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties. The parking lot, located in the front of the library building, is accessed from the south side of the circular drive, which is the point of ingress and egress from Michigan Avenue, N.E. The proposed circulation plan changes the flow of traffic on the circular drive to a counter-clockwise pattern. Vehicles would access the new parking lot by making a right turn off of the circular drive and would exit the parking lot by making a right turn on to the circular drive, as well. Based on the new circulation pattern, the location of the parking lot on the south of the circular drive allows for less traffic congestion on the drive and allows for safer ingress and egress from Michigan Avenue. Further, the parking lot in this location was proposed in response to the University's need to close nearby Lot 9 in order to construct the new Academic Center. Placing the new lot in this location will allow for the spaces to serve the Library, Main Hall, and Academic Center. Therefore, the location of parking spaces in this area will prevent students and visitors seeking to park near these buildings from using street parking in the neighborhood. By providing additional parking in this location, the Applicant will cause less adverse impacts on neighboring properties. The Commission concludes that the Applicant has satisfied the criteria of § 2116.5.

Pursuant to § 3104.1, the Commission also concludes that the Applicant has demonstrated that the location of the proposed parking spaces is in harmony with the general purpose and intent of

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the Zoning Regulations. Further, the Commission finds that the location of these parking spaces will not adversely affect the surrounding neighborhood, as the project has been designed and located so as to minimize noise and visual impacts on neighboring properties.

The Commission accorded the recommendation of OP the “great weight” to which it was entitled pursuant to D.C. Official Code § 6-623.04 (2012 Repl.). In this case, OP recommended approval of the requested relief, subject to two conditions. First, approval must be granted by DDOT for the portion of the roadway and parking areas located within public space, as depicted in the site plan. If approval is denied by DDOT then the Applicant would require a modification to the submitted site plan. Second, any approval granted by the Commission would not imply a determination on the historic attributes of the existing science building, which is proposed for demolition by the Applicant. As discussed in this Order, the Commission concurred with the recommendation of OP to grant the University’s application. However, for the reasons stated in findings of fact 57 and 58, the Commission determined that that first condition should be modified to account for the flexibility granted the Applicant to make minor refinements in response to DDOT recommendations and that the second condition, though accurate, need not be stated as a condition.

The Commission accorded the letter in support from ANC 5E the “great weight” to which it is entitled pursuant to D.C. Official Code § 1-309.10(d) (2012 Repl.). In doing so, the Commission fully credited the unique vantage point that the ANC holds with respect to the impact of the proposed project on the ANCs’ constituents. The Commission further concludes that the University has taken strides to engage the community and gather its feedback.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of Z.C. Case No. 06-42A, and Orders that Conditions Numbers 2 through 34 of Z.C. Order No. 06-42 be modified as follows with deleted text show in strikethrough and new text shown in bold and underlined font:

2. The total existing and proposed gross floor area for the campus shall be no more than ~~1,171,600~~ **609,232 .64** square feet.
3. The total floor area ratio for the campus shall be a maximum of ~~72~~ **0.64**.
4. There shall be a minimum of ~~376~~ **421** parking spaces located on the campus.

The approval of this application is subject to the following conditions:

1. The Applicant shall have the flexibility to refine the site plan as it continues to work with the District Department of Transportation with respect to its use of public space along Franklin Street. Such flexibility shall include removal of parking spaces from public space and the narrowing and shifting of the drive aisle

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in response to conversations with DDOT and the Public Space Committee. If the Public Space Committee denies the application or if the process results in changes to the site plan that are more substantial than minor refinements, the Applicant is required to seek a modification to its proposed site plan.

2. The Applicant shall continue discussions with the Historic Preservation Office regarding the demolition of the Science building.

VOTE: 4-0-1 (Robert E. Miller, Marcie I. Cohen, Anthony J. Hood, and Michael G Turnbull to approve; Peter G. May not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this Order.

FINAL DATE OF ORDER: June 5, 2014

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

**Z.C. Case No. 14-08
(Portner Place, LLC – Consolidated PUD and Related Map Amendment
@ Square 204, Lot 208)
May 27, 2014**

THIS CASE IS OF INTEREST TO ANC 1B

On May 23, 2014, the Office of Zoning received an application from Portner Place, LLC (the “Applicant”) for approval of a consolidated PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 208 in Square 204 in Northwest Washington, D.C. (Ward 1), which is located at 1441-1449 U Street, N.W. The property is currently zoned R-5-B. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to R-5-D and CR.

The Applicant proposes to demolish the existing 48-unit Section 8 housing project (Portner Place Apartments) and replace it with a mixed-use, multi-family residential building with ground floor retail. The residences will be located in two separate wings: Wing A, fronting on V Street, will be split-zoned R-5-D and CR, and it will consist of 96 units all affordable at the 60% area median income (“AMI”) level; Wing B, fronting on U Street, will be zoned CR, and it will consist of approximately 270 market-rate units and ground-floor retail.. The project will contain approximately 137 parking spaces in a below-grade parking garage accessed from V Street.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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